


ORIGINAL MANUSCRIPT

## “Paper Oathes”: Trust, Treaty, and the Road to Regicide in England, 1642–49

William White 

University of Hertfordshire, United Kingdom

Email: [w.white@herts.ac.uk](mailto:w.white@herts.ac.uk)

(Received 11 September 2024; revised 17 January 2025; accepted 3 March 2025)

### Abstract

This article revisits and attempts to explain the failure of settlement in England between the outbreak of civil war in late 1642 and the execution of Charles I in January 1649. It argues that doubts about the process—and not just the proposed terms—of settlement worked against the possibility of an accommodation in the 1640s. An influential parliamentary faction regarded negotiated treaties as inherently problematic instruments of peacemaking, which were unable to provide adequate security against the possibility of future abrogation and vengeance on the part of the king. While widespread anxieties about royal dissimulation were partly a product of the “statist” paradigms of political analysis that had become firmly established across Europe by the mid-seventeenth century, specific events in England during the 1640s served to reinforce and accentuate them. Moreover, as the decade progressed there was an increasing tendency to see duplicity, dissimulation, and vengefulness as inseparable features of monarchy, and thus a negotiated peace between prince and people after civil war as an impossibility. Ultimately, these concerns formed an integral, if often overlooked, justification for the regicide.

From the earliest stages of the English civil wars, Charles I and Parliament were engaged in near-constant negotiations about a peace settlement. A succession of set-piece treaties took place at Oxford (1643), Uxbridge (1645), and Newport (1648), in-between which observers struggled to keep up with the dizzying sequence of “Petitions, Propositions, Messages, Answers, Declarations, Remonstrances, and Protestations [that] have passed, to beget a right understanding betweene the King and his Parliament.”<sup>1</sup> At other moments, moderates at Oxford and Westminster opened back channels away from the public gaze and conducted less formal talks in secret.<sup>2</sup> Yet in each case the outcome was failure to find a workable basis for peace, the resumption of armed conflict, and eventually regicide.

While the narrative outline of these various negotiations and the specific constitutional and religious proposals tabled each time are familiar to historians of the period, the underlying reasons why compromise and accommodation proved so elusive are less clear.<sup>3</sup> Charles I himself has traditionally shouldered much of the responsibility. Historians have pointed to

<sup>1</sup> *Mercurius pacificus, or, Vox turturis* (London, 1644), 14.

<sup>2</sup> David L. Smith, *Constitutional Royalism and the Search for Settlement, c. 1640–1649* (Cambridge, 1994); William White, “Making Peace in the English Civil Wars,” *Historical Research* 96, no. 271 (2023): 34–46.

<sup>3</sup> David Underdown, *Pride’s Purge: Politics in the Puritan Revolution* (Oxford, 1971); Robert Ashton, *Counter-Revolution: The Second Civil War and its Origins* (Yale, 1994), ch. 1; Smith, *Constitutional Royalism*. On the religious proposals specifically, see Anthony Milton, *England’s Second Reformation: The Battle for the Church of England, 1624–1662* (Cambridge, 2021).

the temperament of a stubborn king, never a shrewd judge of political realities and possessed of a “deep-rooted unwillingness to compromise,” who was prone to overplay his hand and misjudge the strength of his position; or, more favorably, the steadfastness of a king whose determination to preserve inviolate both his conscience and regal honor made flexibility on central political and religious questions improbable.<sup>4</sup> Hence abolishing episcopacy or abandoning leading Royalist “delinquents” to punishment proved persistent sticking points for Charles after 1642. Meanwhile, the disintegration of unity among parliamentarians during the mid-1640s left a loose and fractious coalition unable itself to agree on the parameters of a settlement, further encouraging royal intransigence.<sup>5</sup>

This article explores how doubts about the process—and not just the proposed terms—of settlement worked against the possibility of an accommodation in the 1640s. Jurists and statesmen across early modern Europe regularly dissected the problems associated with making peace through treaties, many of which would remain relevant into the modern period. How exactly could sovereign rulers be bound by the terms of any agreement to which they signed up? What mechanisms could prevent abrogation in the near or distant future? Were there religious or ethnic groups with whom treaties could never be entertained? How far could rulers or subjects trust a monarch with whom they negotiated?<sup>6</sup> These questions, of course, were still more pressing in relation to civil wars.

While treaties concluded after international conflicts tend to leave actors with the military capabilities to defend themselves, negotiated resolutions to intrastate wars necessitate demobilization and disarmament by one or both sides. Scholars of conflict resolution have seen this as a principal reason why civil wars so rarely end through negotiation: “the non-trivial risk of betrayal, combined with the enormous costs of being cheated, inhibits groups from gambling on a settlement.”<sup>7</sup> Establishing trust between enemies is a formidable challenge. Recent literature on religious peace in early modern Europe has also presented the provision of adequate “security” to all sides as a necessary condition for the medium- or long-term success of treaties between warring confessional communities.<sup>8</sup> Royal peace edicts during the French Wars of Religion, for example, consistently tried to “allay the fears and insecurities” of the Protestant Huguenot minority by providing them with *places de sûreté*: fortified urban strongholds that could be used as refuges in the event that religious violence flared up again in the future.<sup>9</sup>

From the outset of the English civil wars, a considerable and influential parliamentary faction doubted the very possibility of ever securing settlement by means of a negotiated treaty with Charles I. To these “war-party” members of Parliament (MPs) and activists,

<sup>4</sup> Smith, *Constitutional Royalism*, 114; Ashton, *Counter-Revolution*, 12, 20; Austin Woolrych, *Soldiers and Statesmen: The General Council of the Army and its Debates, 1647–1648* (Oxford, 1987); Conrad Russell, *The Causes of the English Civil War* (Oxford, 1990), 198–99, 207, 208, 210; Kevin Sharpe, “Private Conscience and Public Duty in the Writings of Charles I,” *Historical Journal* 40, no. 3 (1997): 643–65.

<sup>5</sup> David Como, *Radical Parliamentarians and the English Civil War* (Oxford, 2018); David Scott, “Party Politics in the Long Parliament, 1640–8,” in *Revolutionary England, c. 1630–c. 1660*, ed. George Southcombe and Grant Tapsell (Routledge, 2017), 32–54; Richard Cust, *Charles I: A Political Life* (Longman, 2005), 420–22, 431–33.

<sup>6</sup> Randall Lesaffer, “Alberico Gentili’s *ius post bellum* and Early Modern Peace Treaties,” in *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of Empire*, ed. Benedict Kingsbury and Benjamin Straumann (Oxford, 2010), 210–40; Peter Schroder, *Trust in Early Modern International Political Thought, 1598–1713* (Cambridge, 2017), 185–88; Samuel Zeitlin, “Francis Bacon on Peace and the 1604 Treaty of London,” *History of Political Thought* 41, no. 3 (2020): 487–504; David Armitage, “Treaties in Danger? Contemporary Crises of International Order in Historical Perspective,” *Ricerche di Storia Politica* 24, no. 2 (June 2021): 141–55; Saliha Belmessous, ed., *Empire by Treaty: Negotiating European Expansion, 1600–1900* (Oxford, 2015).

<sup>7</sup> A. B. Downes, “The Problem with Negotiated Settlements to Ethnic Civil Wars,” *Security Studies* 13, no. 4 (2004): 230–79, at 236; Barbara F. Walter and Jack Snyder, eds., *Civil Wars, Insecurity, and Intervention* (Columbia, 1999).

<sup>8</sup> Wayne P. Te Brake, *Religious War and Religious Peace in Early Modern Europe* (Cambridge, 2017); Erik Stewart, “Maintaining the Common Peace: Security and the Religious Peace of 1578 during the Dutch Revolt,” *Journal of Early Modern Christianity* 8, no. 2 (2021): 223–50.

<sup>9</sup> Te Brake, *Religious War*, 135–36, 168.

treaties were insufficiently watertight and offered inadequate security against royal capriciousness. Opponents of accommodation drew attention to the potential loopholes that would be available to a king or his successors for abrogation in the years that followed a royal restoration. Whatever promises Charles I made around the negotiating table—to uphold particular constitutional or religious reforms, for example, or to pardon and offer indemnity to his enemies—could all too easily be reversed at a later date, leaving those who had taken up arms against the king living once again under arbitrary rule and now also exposed to royal vengeance. In this respect, then, the precise articles of a prospective treaty mattered less for the failure of settlement in the 1640s than the absence of a basic trust among parliamentarians that these would actually be upheld.

At the beginning of the civil wars, parliamentary aversion to a negotiated peace was fueled by perceptions of the Caroline court and its style of governance, which led many to conclude that treaty-breaking was not only possible but inevitable. The toxic admixture of popery, Machiavellianism, and reason-of-state thinking, which by 1642 was adjudged to predominate in royal counsels, naturally encouraged fears about duplicity and deception in negotiation. However, the case against a treaty was also subject to ideological escalation over the course of the 1640s, with two particular moments helping to accentuate the parliamentary belief that treaties were both futile and dangerous. The first of these was the Treaty of Oxford and its aftermath in the spring of 1643. Captured Royalist correspondence and, more damagingly, the uncovering of Waller's Plot to seize London were interpreted by parliamentarians as proof positive that, for Royalists, negotiation would only ever be an exercise in dissimulation: a smokescreen calculated to improve the king's military position and ensnare his enemies. The second pivotal moment was Charles I's imprisonment at the hands of Parliament after the First Civil War. This was widely believed to provide the king with a plausible justification for reneging on any treaty negotiated while under constraint. He would invoke the commonplace legal maxim that agreements made under threat of force or fear did not have to be honored.

Moreover, it is striking that, as the decade progressed, anti-treaty literature became ever more anti-monarchical in its tenor and implications. Dissimulation came to form part of an argument not just against a negotiated settlement but against any vision of England's political future that included the king. As early as the Treaty of Uxbridge in 1645, there is evidence that some were beginning to reconsider the root cause of disingenuousness at the royal court. The problem was no longer simply the untrustworthiness of the king's evil popish counsellors, nor even Charles I's own deviousness. Rather, both dissimulation and vengeance were increasingly construed as inseparable features of monarchy. Surveying biblical, classical, and recent European history, anti-treaty writers reached unsettling conclusions about the possibility of a people ever reconciling with their prince after civil war. This pessimism can be traced forward to the New Model Army's famous *Remonstrance* of November 1648 and the petitions that called for the king's trial around the same time. The association between monarchy and duplicity, and the consequent impossibility of protecting Parliament's loyal supporters against future revenge under a monarchical settlement, thus ultimately formed part of the justification for regicide.

### Trust, Reason of State, and Machiavellianism

The outbreak of civil war in England in late 1642 was accompanied by an immediate groundswell of popular pressure for a peace treaty to be made between king and Parliament. The first set of formal negotiations for accommodation came only a matter of months after the fighting had started. Inconclusive battles at Edgehill and Turnham Green in the autumn of 1642 were accompanied by fervent protests and petitions for peace, particularly in London. In early December, an angry crowd demanding peace engaged in a violent demonstration at a Common Council meeting at the Guildhall, while Parliament received a number of petitions calling on it to make overtures of accommodation to the

king.<sup>10</sup> This external pressure, coupled with the fact that many “peace-party” MPs and peers were themselves already intent on negotiating, led Parliament to begin drawing up propositions to send to the king at Oxford on 13 December.<sup>11</sup> On 1 February 1643, these were put to Charles I in person by the parliamentary commissioners, including the Earl of Northumberland and Bulstrode Whitelocke, thereby formally initiating what would become known as the Treaty of Oxford.<sup>12</sup>

However, the civil war’s opening treaty negotiations were from the outset constrained by pervasive parliamentary fears about duplicity and dissimulation governing the political conduct of Charles I and those around him. These anxieties were a response to the entrenchment of reason-of-state paradigms, which held that any action of a ruler was justifiable if it promoted the stability of the state. From the late sixteenth century onward, across Europe, reason of state provided the central heuristic principles by which the actions of princes and parliaments were understood.<sup>13</sup> A revival of interest in the Roman historian Tacitus, whose works radiated a deep cynicism about the conduct of political rulers and exposed the unedifying realities of “statecraft,” was integral to this process. In England in the 1590s, Tacitus served as an intellectual lodestar for the Earl of Essex’s circle, as it became disenchanted with the perceived corruptions and tyrannical pretensions of the Elizabethan court.<sup>14</sup> However, Noah Millstone has shown that over the course of the early Stuart decades a wider public grew increasingly accustomed to analyzing high politics through a “statist” lens, and to detecting politic behavior in less rarefied institutional settings. Observers well beyond Parliament or the court adopted “a way of seeing grounded in suspicion, the prevalence of deceit, and the conviction that things were not as they seemed.”<sup>15</sup> This method of interpreting politics in turn had implications for the ways and extent to which political events were discussed since—as Noel Malcolm points out—“it both suggested that they needed to be deciphered and supplied some simple rules for their decipherment.”<sup>16</sup>

More importantly, reason-of-state thinking helped to engender skepticism about the very possibility of negotiating a peace treaty that would ever be sufficiently binding on a prince. Giovanni Botero, in his widely read and translated *The Reason of State* (1589), had argued that “it should be taken for certain that in the decision[s] made by princes interest will always override every other argument; and therefore he who treats with princes should put no trust in friendship, kinship, treaty nor any other tie which has no basis in interest.”<sup>17</sup> Recognizing the difficulties this posed for international diplomacy, other reason-of-state authors tried to suggest that breaking treaties was either bad strategy or somehow still ethically beyond the pale. Cardinal Richelieu, in his *Testament Politique*, argued that upholding treaties was essential for the preservation of a ruler’s reputation, while Justus Lipsius distinguished between three degrees of deceit—light, middle, and great—according to their distance from virtue. Although acts in the first two categories were to be endorsed or at

<sup>10</sup> Ian Gentles, “Parliamentary Politics and the Politics of the Street: The London Peace Campaigns of 1642–3,” *Parliamentary History* 26, no. 2 (2007): 139–59; White, “Making Peace.”

<sup>11</sup> *Journal of the House of Lords*, vol. 5, 1642–1643 (London, 1767–1830), 488, 491, 503, *British History Online*: <https://www.british-history.ac.uk/lords-jrnl/vol5>; Harley MS 164, fol. 270v, British Library (hereafter BL).

<sup>12</sup> For Whitelocke’s account of the negotiations, see Bulstrode Whitelocke, *Memorials of the English affairs* (London, 1682), 64–65.

<sup>13</sup> Richard Tuck, *Philosophy and Government, 1572–1651* (Cambridge, 1992), ch. 3.

<sup>14</sup> Alexandra Gajda, “Tacitus and Political Thought in Early Modern Europe, c.1530–c.1640,” in *The Cambridge Companion to Tacitus*, ed. A. J. Woodman (Cambridge, 2009), 253–68.

<sup>15</sup> Noah Millstone, “Seeing Like a Statesman in Early Stuart England,” *Past & Present* 223, no. 1 (2014): 77–127, at 78; Noah Millstone, “The Politic History of Early Stuart Parliaments,” in *Writing the History of Parliament in Tudor and Early Stuart England*, ed. Alexandra Gajda and Paul Cavill (Manchester, 2018), 172–93. See also the essays on England in Barry Coward and Julian Swan, eds., *Conspiracies and Conspiracy Theory in Early Modern Europe: From the Waldensians to the French Revolution* (Ashgate, 2004).

<sup>16</sup> Noel Malcolm, *Reason of State and the Thirty Years’ War: An Unknown Translation by Thomas Hobbes* (Clarendon, 2007), 93.

<sup>17</sup> Giovanni Botero, *The Reason of State*, trans. P. J. Waley and D. P. Waley (Yale, 1956), 41.

least tolerated, Lipsius unequivocally condemned all “great” instances of deceit—which included the breaking of treaties.<sup>18</sup> Other thinkers, however, simply advised rulers against seeking peace by way of treaty. Francis Bacon opposed the 1604 Treaty of London on the grounds that leagues and treaties could be too easily abrogated, and the only secure way of establishing peace was by ensuring the military weakness or incapacity of potential opponents.<sup>19</sup> Writing at the other end of the seventeenth century, the diplomat Samuel Moreland warned that “sovereign Princes and States ... are govern’d wholly by political maxims” and thus “when anything runs counter to their main Ends and designes, all Treaties, Leagues and Confederacys are found to be as weak and easily broken as Sampson’s cords.” A prudent ruler would therefore take seriously the need for intelligence-gathering, which enabled them “to know what cards are in their neighbours hands, that so they may play their own to the best advantage.”<sup>20</sup>

Nor had Machiavelli, of course, done a great deal to promote trust in the words or promises of rulers. The Florentine famously encouraged princes to become well-versed in the arts of dissimulation, able to imitate the cunning of a fox. Lying to subjects, allies, and enemies was a necessary strategy for preserving power and protecting interest.<sup>21</sup> The notorious eighteenth chapter of *The Prince* (1513) affirmed that the contemporary rulers who “have done great things are those who have set little store by keeping their word” and “have got the better of those who have relied on being trustworthy.” This, again, presented difficulties for those who might seek to bind princes by peace treaties. Because “a prudent ruler cannot keep his word,” Machiavelli acknowledged, it was possible to point to “countless modern examples” of the “many peace treaties and promises that have been rendered null and void by the faithlessness of rulers.” A skillful prince, however, would learn to conceal this faithlessness through dissimulation.<sup>22</sup> The potential for Machiavellianism to exert a destabilizing effect on peace processes across early modern Europe was remarked on by contemporaries. As Alberto Clerici has shown, in the immediate aftermath of the Pacification of Ghent in 1576 some moderate Dutch Catholics felt compelled to refute the claims about promise-breaking contained in *The Prince* and to “defend the binding nature of promises made even with rebels and heretics.”<sup>23</sup>

Machiavelli’s ideas—or at least a crude caricature of them—helped initiate something of a moral panic in Tudor and early Stuart England, where devilish “Machiavel” figures paraded on the stage and polemical adversaries took to abusing one another as “subtill Machevillians.”<sup>24</sup> Most importantly, however, Charles I’s actions during the first decade-and-a-half of his reign furnished some of his opponents with a dossier of evidence that the politic style of princely conduct was in vogue at the Caroline court.<sup>25</sup> It is surely no coincidence that the first English edition of *The Prince* was published by Edward Dacres in 1640. Well before then, there had been concerns that evil counselors—if not actually Charles I himself—had imbibed Machiavellian or statist principles and that this explained the apparent drift after 1625 toward absolute monarchy, the enlargement of the royal prerogative, and the subjugation of Parliament.<sup>26</sup> The army plots of 1641, meanwhile, seemed to

<sup>18</sup> Malcolm, *Reason of State*, 101, 104.

<sup>19</sup> Zeitlin, “Francis Bacon.”

<sup>20</sup> BL Add. MS 47133, fol. 13r, BL.

<sup>21</sup> Perez Zagorin, *Ways of Lying: Dissimulation, Persecution, and Conformity in Early Modern Europe* (Harvard, 1990), 6.

<sup>22</sup> Nicolo Machiavelli, *The Prince*, ed. Quentin Skinner and Russell Price (Cambridge, 1988), 61–62.

<sup>23</sup> Alberto Clerici, “Trust, Heresy and Rebellion: Reactions to Machiavelli in the Early Dutch Revolt (1572–1587),” in *Trust and Happiness in European Political Thought*, ed. Laszlo Kontler and Mark Somos (Brill, 2017), 257–80, at 270.

<sup>24</sup> Felix Raab, *The English Face of Machiavelli: A Changing Interpretation, 1500–1700* (Routledge, 1964), 77–78.

<sup>25</sup> As Richard Cust points out, Charles I himself saw “policy” and “prudence” as indispensable elements of kingship: Cust, *Charles I*, 17–19.

<sup>26</sup> Geoff Baldwin, “Reason of State and English Parliaments, 1610–1642,” *History of Political Thought* 25, no. 4 (2004): 620–41, at 624. Noah Millstone, “Evil Counsel: *The Propositions to Bridle the Impertinency of Parliament* and the Critique of Caroline Government in the Late 1620s,” *Journal of British Studies* 50, no. 4 (2011): 813–39.



confirm the Caroline predilection for “plots [and] conspiracies.”<sup>27</sup> After the Earl of Strafford’s execution in May of that year, several writers would claim that the supposed chief architect of Caroline absolutism had himself been a faithful student of Machiavelli.<sup>28</sup> The same charge was laid against William Laud, the archbishop of Canterbury, for his part in the religious innovations of the Personal Rule, during which Charles ruled without recourse to Parliament. “He that intends to expresse a dishonest man,” wrote the merchant-philosopher James Boevey in November 1642, “cals him a Machiavillain, when he might as justly say *Straffordian* or a *Cantabirian*.”<sup>29</sup>

Finally, the problem of establishing sufficient trust for genuine negotiation in the 1640s was compounded by the assumption, widespread among parliamentarians by 1642, that Charles I had come under the sway of a coterie of popish advisors—his wife foremost among them. It was an article of faith in post-Reformation England that Catholics were practiced liars whose stock in trade as they strove to destroy Protestantism and proselytize for the Pope was secret plotting. Alexandra Walsham has traced the anxieties that developed in Elizabethan England over the disingenuousness of Church Papists, who hid their true beliefs under the guise of outward conformity to the Church of England’s rites and ceremonies.<sup>30</sup>

Meanwhile, the first Jesuits to arrive in England in the 1580s quickly developed stratagems for concealing their identity and intentions, and those of the Catholic laity, from heretic authorities: equivocation and mental reservation. Jesuit theologians realized, “could become important tools in their already well-furnished arsenal of dissimulation.”<sup>31</sup> This was one of the reasons why English Protestants routinely accused Jesuits of having been influenced by Machiavelli.<sup>32</sup> More broadly, anti-Jesuit polemic in this period assumed that the Society of Jesus’s religiosity was a pretense, with wealth and political power the real ambitions of its members.<sup>33</sup> One writer explained in 1652 how, throughout the reign of the late Charles I, Catholic “spiders” had “twisted their webs” and “by secret devices, and treacherous machinations, insinuate[ed] false doctrines into the peoples ears.” Oaths and treaties were redundant in the face of such disingenuousness: Catholics would always “dispenc[e] with all obligations to serve their ends.”<sup>34</sup>

English polemicists did not require any invitation to recite the litany of historical examples—drawn both from the recent English and European past—that made clear the folly of ever trusting Catholics.<sup>35</sup> After the breakdown of the Treaty of Oxford in the spring of 1643, William Prynne reprinted an extended extract from Edward Grimstone’s *Generall historie of the Netherlands*, a 1608 translation of Jean-François Le Petit. This detailed Don Juan of Austria’s secret plot to renew war on Dutch Protestants, “notwithstanding that he had sol[e]mnly sworn” as governor of the Spanish Netherlands to observe the Pacification of Ghent.<sup>36</sup> However, one historical event had especial significance in the search for settlement in England the 1640s: the St. Bartholomew’s Day Massacre of 1572. Catholics had murdered thousands of Protestants after leading Huguenot nobles were invited to Paris to witness a

<sup>27</sup> Samuel R. Gardiner, *The Constitutional Documents of the Puritan Revolution*, 3rd ed. (Clarendon, 1906), 156; Conrad Russell, “The First Army Plot of 1641,” *Transactions of the Royal Historical Society*, fifth series, 38 (1988): 85–106.

<sup>28</sup> J. F. Merritt, “The Historical Reputation of Thomas Wentworth,” in *The Political World of Thomas Wentworth, Earl of Strafford, 1621–1641*, ed. J. F. Merritt (Cambridge, 1996), 1–23, at 5.

<sup>29</sup> [James Boevey], *The atheisticall politician or A briefe discourse concerning Ni. Machiavell* ([London], 1642), 1.

<sup>30</sup> Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England* (Boydell Press, 1993).

<sup>31</sup> Stefania Tutino, “Jesuit Accommodation, Dissimulation, Mental Reservation,” in *The Oxford Handbook of the Jesuits*, ed. Ines G. Županov (Oxford, 2017), 216–40, at 230.

<sup>32</sup> Johann Sommerville, “The ‘New Art of Lying’: Equivocation, Mental Reservation, and Casuistry,” in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge, 1988), 159–84, at 181; Raab, *The English Face*, 107.

<sup>33</sup> Harro Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, 1540–1630* (Cambridge, 2004), 85.

<sup>34</sup> E. Lee, *Legenda lignea with an answer to Mr. Birchleys moderator* (London, 1652), 10, 13, 84–85.

<sup>35</sup> Lee, *Legenda*, 85.

<sup>36</sup> William Prynne, *The soveraigne power of parliaments ... together with an appendix* (London, 1643), “An Appendix,” 181.

marriage between Marguerite de Valois and Henry of Navarre, which was supposed to usher in reconciliation between the warring religious factions. According to some English parliamentarians seventy years later, the lesson to be drawn from the episode was clear: Catholics were liable to use “Treaties, Leagues, Oathes, [and] Marriages” as “nets and snares to deceive Trust.”<sup>37</sup>

### The Treaty of Oxford, 1643

When it came to the first formal negotiations of the First Civil War in early 1643 therefore, a set of interconnected assumptions about Caroline court politics preconditioned the king’s opponents to detect, and to try and guard against, duplicity and dissimulation. However, some at Westminster had more reason than others to resist a hasty accommodation with Royalists. Opposing the peace process was a powerful faction, led in the Commons by John Pym and Lord Saye and Sele in the Lords. Many of this “junto,” as Edward Hyde termed them, had plotted with Scottish Covenanters in the summer of 1640 to bring down Charles I’s government and as a result feared royal revenge in the future. To protect themselves from this possibility, they ultimately “needed a settlement that reduced the king to little more than a cipher”: one that stripped him of control of the militia and transferred his personal powers to a reconstituted Privy Council that the junto’s own leaders hoped to control.<sup>38</sup> However, concerns about the potential scope of royal revenge were shared by MPs and activists well beyond this handful of actual plotters. Moreover, it was the means, as much as the terms, of settlement that were of vital importance to this parliamentary war party. It was believed that any settlement would have to be unilaterally imposed on Charles at the point of a sword after Parliament had achieved outright military victory over Royalist forces: only this could prevent Parliament’s leaders and supporters from relying on the uncertain promises of a prince for the continued preservation of their lives and estates.<sup>39</sup> Explaining his skepticism about the forthcoming Oxford talks in early 1643, the MP Cornelius Holland insisted that “we desire a peace but such a peace as wee may be sure to enioye.”<sup>40</sup>

During parliamentary debates over the Treaty of Oxford, therefore, Pym and the junto set out to ensure that the proposals offered to the king were so demanding that the peace party’s strategy of accommodation had no chance of succeeding, while at the same time waging an anti-treaty propaganda campaign through the press.<sup>41</sup> The exchanges in the Commons in early 1643 demonstrate a sensitivity to the dangers of trying to achieve peace through a treaty and, in particular, the difficulty of closing off loopholes that might be used as the basis for abrogation in the future. One of the issues debated most intensively was whether disbandment of the two armies should precede the formal opening of talks or whether Parliament should only agree to a cessation of hostilities until an agreement was reached. It was those war-party members like Pym who pushed most forcibly for disbandment prior to a treaty, seemingly confident that Charles I would never agree, and the negotiating process could thus be scuppered before it had begun. Sir Simonds D’Ewes and other peace-party MPs, conversely, thought the insistence on disbandment was “preposterous” and would be (as Pym and others no doubt intended) “of hard digestion at court.”<sup>42</sup> However, the diarist Walter Yonge recorded an unnamed MP offering a slightly different rationale for mutual disbanding: if armies remained on foot during negotiations, it would

<sup>37</sup> Francois Hotman, *A patterne of Popish peace* (London, 1644), sig. A2r.

<sup>38</sup> John Adamson, *The Noble Revolt: The Overthrow of Charles I* (Weidenfeld & Nicolson, 2007), 45–50, 88; Scott, “Party Politics,” 35; *The peaceable militia* (London, 1648), 1; *Mercurius Aulicus*, 9–16 April 1643, 190.

<sup>39</sup> White, “Making Peace”; Scott, *Politics and War*, 90.

<sup>40</sup> Harley MS 164, fol. 152r, BL.

<sup>41</sup> Scott, “Party Politics,” 40; J. Sears McGee, *An Industrious Mind: The Worlds of Sir Simonds D’Ewes* (Stanford, 2015), 388–89; William White, “Parliament, Print and the Politics of Disinformation, 1642–3,” *Historical Research* 92, no. 258 (2019): 720–36.

<sup>42</sup> Scott, “Party Politics,” 40–41.

open up the possibility of the king later claiming to have had concessions extracted from him by force, in an effort to invalidate the treaty. If Parliament disbanded in advance of negotiations, on the other hand, “his maiestie will be freed from the imputation of granting any thing by force which may trench upon his honor and weaken any thing that may be graunted.”<sup>43</sup> We can already sense here significant anxiety about how a treaty with the (or potentially any) king could ever be made sufficiently safe and secure, as well as the more specific concern—which would become of critical importance later in the 1640s—that coercion might provide Charles I with a pretext for reneging on his promises.

Although negotiations ultimately proceeded without disbandment, they quickly stalled and Parliament recalled its commissioners to Westminster on 14 April.<sup>44</sup> Nonetheless, events thereafter ensured that for the rest of the decade the Treaty of Oxford would be held up as a cautionary tale against even entering into talks with the king, let alone having confidence in the security of any final agreement. There was a predictable determination from both parties to avoid taking responsibility for the failure of the treaty, and a competition to shape the public narrative of the talks quickly ensued. Parliament was eager to demonstrate that Royalist participation in the negotiations of early 1643 had always been disingenuous and soon found ostensibly powerful corroborating evidence. At the beginning of May, it commissioned the printing of two letters sent from Sir John Brooks to the courtier Sir William Killigrew and intercepted at Coventry that contained “his advice how the King should proceed in the Treaty.” Brooks’s counsel had included a warning that if the king failed to punish Parliament’s leaders, “I verily believe you will quickly see another war again.”<sup>45</sup> A preface penned by a parliamentarian supporter explained that these letters allowed the “good people of this Kingdom” to “clearly discern by whose and what Counsellors His Majesty is swayed, and is and hath of late bin seduced.”<sup>46</sup> They were proof that the politic counselors around the king were secretly plotting a spree of revenge on parliamentarians once a treaty had been agreed, despite Charles’s public professions to the contrary.<sup>47</sup> “No pardon” would actually ever be “given to the Lords and others, that have taken up Arms,” and in each county an “inquisition” would be set up to ensure “that none of them may escape that are rich, and have good Estates.”<sup>48</sup> Royalist advisors like Brooks, then, were merely “pretenders to peace,” hiding their true vengeful designs behind a façade of reasonableness.<sup>49</sup>

More damaging still for Charles I was Parliament’s decision the following week to open up to public view a collection of letters he had sent to his wife Henrietta Maria during the Treaty of Oxford, in a move that anticipated the more notorious publication of *The king’s cabinet opened* after the battle of Naseby in 1645.<sup>50</sup> The editor of *The proceedings in the late treaty of peace* contrasted Parliament’s authentic yearning “after a happy peace” with the crafty rhetoric and insincerity of the king, who still refused “really to act what he hath so often verbally professed.”<sup>51</sup> Counselors at Oxford had from the outset sought to provoke Parliament, by stipulating that its commissioners would need to be granted safe conduct before they could have an audience with the king. Charles I’s various proclamations once the treaty was underway, in which he had referred to the Lords and Commons as “Traitors and Rebels,” were further evidence of the determination of “that Malignant and Popish party” at Oxford to goad Parliament into breaking off negotiations. Worse than this, however, the private letters confirmed that the treaty had been negotiated in bad faith all along, a

<sup>43</sup> Harley MS 164, fol. 153v, BL.

<sup>44</sup> *Lords Journal*, V: 719; *Journal of the House of Commons*, vol. 3, 1643–1644 (London, 1802), 44, *British History Online*: <https://www.british-history.ac.uk/commons-jrnl/vol3>.

<sup>45</sup> *A declaration of the Commons assembled in Parliament, upon two letters sent by Sir John Brooks* (London, 1643), 7.

<sup>46</sup> *A declaration ... upon two letters*, 3–4.

<sup>47</sup> See, for example, *The true copie of His Maiesties gracious pardon* ([London], 1643).

<sup>48</sup> *A declaration ... upon two letters*, 4–5.

<sup>49</sup> *A declaration ... upon two letters*, 6.

<sup>50</sup> Michelle White, *Henrietta Maria and the English Civil Wars* (Taylor and Francis, 2006).

<sup>51</sup> *The proceedings in the late treaty of peace* ([London], 1643), 77.



diversion designed to help the Royalists improve their military position. In early March, Charles had written to Henrietta Maria that the “distractions of the rebels are such that so many fine designs are laid open to us we know not which first to undertake.” One of these was apparently Prince Rupert’s abortive raid on Bristol while peace talks were still ongoing.<sup>52</sup> The fact that the letter was partially in cipher did little to alleviate the sense of conspiracy, and the phrase “fine designs” would be repeatedly quoted back in parliamentary anti-treaty literature in the coming months and years.<sup>53</sup>

These letters were evidently disconcerting enough for Charles to issue a direct reply in June, printed at Oxford, York, and Shrewsbury.<sup>54</sup> The pressing need to counter accusations of dissimulation and project an image of transparency persuaded the king to put aside his long-standing reservations about popular intrusion on the *arcana imperii* and publish a detailed narrative of the negotiations. This painted the Westminster Parliament as having been corrupted by a self-seeking minority engaged in a “Conspiracy ... against the present established Government both Ecclesiasticall and Civill.” The ambition of these men meant that they looked “upon Peace like a Monster” and would use negotiation only as one of “their Stalking-Horses.” While feigning commitment to reconciliation publicly, they had employed a range of underhand tricks—such as provocatively nominating Lord Saye as a commissioner—to “hinder both the beginning, continuance and renewing of the Treaty.”<sup>55</sup> In *Eikon Basilike*, the martyred Charles I retrospectively attributed the failure to reach a settlement with Parliament during the First Civil War to the destructive machinations of those who “had little to enjoy in peace, or to lose in war” and thus “studied to render the very name of peace odious and suspected.”<sup>56</sup> Fears about dissimulation were thus equally integral to the Royalist interpretation of negotiations, and both sides were quick to weaponize the language of conspiracy in their bids to mobilize public support.

Crucially, the parliamentary charge that the king’s engagement with the peace process had been calculated to dupe his opponents for military advantage would soon draw additional force from developments within London. At the end of May 1643, John Pym made a dramatic announcement to the Commons, unmasking a conspiracy for an armed rising of London citizens who intended to deliver the capital to Charles I. The ringleaders were allegedly the moderate MP Edmund Waller, his brother-in-law and former MP Nathaniel Tomkins, and Richard Chaloner, a wealthy linen draper. Tomkins and Chaloner were executed on Fetter Lane in July 1643, while Waller managed to escape with his life and went into exile for the next nine years. Historians have tended to see Waller’s Plot, as it became known, as having immediate significance for the factional maneuvering taking place at Westminster, helping Pym’s war party to seize back the initiative and cow more moderate voices into silence.<sup>57</sup> Soon after its discovery, Parliament imposed the Vow and Covenant, both on its members and on London citizens, which bound the “people together to participate in thwarting royalist treachery and winning God’s favour.”<sup>58</sup> “This,” argues Jordan Downs, “without question was the single most important aspect of Waller’s plot.”<sup>59</sup>

However, the incident was also significant for the prospect of a negotiated settlement in the longer term. Waller had been one of the parliamentary commissioners sent to negotiate

<sup>52</sup> *Proceedings in the late treaty of peace*, 101–02; Mary Anne Everett Green, ed., *The Letters of Queen Henrietta Maria, Including her Private Correspondence with Charles I* (R. Bentley, 1857), 174–75.

<sup>53</sup> See below and Samuel R. Gardiner, *History of the Great Civil War, 1642–1649, Volume I: 1642–1644* (Longmans, Green, and Co., 1893), 99.

<sup>54</sup> *His Majesties declaration to all his loving subjects in answer to a declaration of the Lords and Commons upon the proceedings of the late Treaty of Peace* ([Oxford], 1643).

<sup>55</sup> *His Majesties declaration ... upon ... the late Treaty*, 2, 9, 11, 18, 46.

<sup>56</sup> Philip Knachel, ed., *Eikon Basilike* (Cornell, 1966), 115.

<sup>57</sup> For an overview of this historiography, see Jordan S. Downs, *Civil War London: Mobilizing for Parliament, 1641–45* (Manchester, 2021), 183.

<sup>58</sup> Andrew Hopper, *Turncoats and Renegades: Changing Sides during the English Civil War* (Oxford, 2012), 124.

<sup>59</sup> Downs, *Civil War London*, 183.

the Treaty of Oxford and the suspicion was that the Royalists had used the distraction of those peace talks to put plans in place for the covert capture of London.<sup>60</sup> As Pym was careful to stress in his initial speech to Parliament, “pretences” of accommodation had been an integral part of the conspiracy. It had been “agitated and promoted by those that were sent from the King, and seemed to be messengers of peace.” By this Pym meant individuals, like Alexander Hampden, who had been appointed by the king ostensibly to carry messages regarding peace to Westminster and who were believed to have used this as camouflage to convey “directions, encouragements, and Councils unto their Partie in London.”<sup>61</sup> Peace overtures had thus been definitively identified as another weapon in the Machiavellian arsenal of the Royalist party, one that would be used to ensnare parliamentarians and wreak “blood and violence” on the kingdom.<sup>62</sup> This was a critical development in the broader history of settlement. It was not only that trusting the king to adhere to the terms of a treaty might be imprudent: the Treaty of Oxford and its aftermath taught that the very act of negotiating itself posed still more immediate dangers to the parliamentary war effort.

Memories of Waller’s Plot continued to constrain the politics of settlement well beyond the summer of 1643, with sections of Parliament’s support internalizing Pym’s warnings about the risks of accommodation and wheeling them out in opposition to subsequent treaties. “What Treaty was there ever with [Royalists],” asked one pamphlet in July 1648, as Parliament prepared for the Newport negotiations, “that was not accompanied with some treacherous Plot?” The author pointed out that the king’s “unexpected approach” at Brentford in November 1642 had been preceded with offers of accommodation, while “a Treaty ushered in the bloody Plot of Tomkins and Challoner.”<sup>63</sup>

### Oxford to Uxbridge

While these experiences of abortive negotiation strengthened the war party, there remained throughout the 1640s a significant group of parliamentary peers, MPs, and supporters who were either much less convinced of Charles I’s insincerity or more open to the idea that it could be factored into a secure settlement. When Simonds D’Ewes gave a speech in December 1642 urging the Commons to send propositions to Oxford, he reassured his fellow MPs that the king would “sincerely and plainly treaty with us.” If D’Ewes is to be believed, this oration was met with shouts of “well moved, well moved” by many on the benches.<sup>64</sup> D’Ewes, importantly, did not think that papist counsellors had infiltrated the court to the extent made out by his more militant opponents in the House, and in the summer of 1643 he continued to claim that “honour, justice, and piety” underpinned Charles I’s negotiating stance. The Suffolk MP also seems to have put considerable faith in the mediatory powers of the Earl of Essex. When Essex wrote to Parliament advocating renewed peace talks in July 1643, D’Ewes spoke in favor, pointing to historical instances where civil wars had been successfully concluded by the intervention of those “who commanded the militia in chief.”<sup>65</sup>

Others associated with the peace party, apparently much more anxious that the king might renege on a peace deal, began to explore means of formulating and administering a treaty to offset this possibility. In early July 1642, Henry Parker had articulated a forthright

<sup>60</sup> Charles reportedly told Waller in front of his fellow commissioners during the Treaty of Oxford, “though you are last, yett you are not the worst, not the least in my favour”—afterward interpreted by Bulstrode Whitelocke as evidence of the plot: BL Add. MS 37343, Whitelocke’s *Annals* Vol. III, fol. 263v, BL.

<sup>61</sup> A brief narrative of the late treacherous and horrid designe (London, 1643), 3.

<sup>62</sup> John Pym, *A discovery of the great plot for the utter ruine of the city of London* (London, 1643), n.p., “John Pym Esquire his Speech.”

<sup>63</sup> All worthy commanders, officers, souldiers, citizens and inhabitants of London, and places adjoyning ([London], 1648), n.p. See also *Mercurius cambro-Britannus, the Brittish mercury*, 6–13 January 1644, n.p.; John Vicars, *The danger of treaties with popish-spirits* (London, 1645), 7; D. M. Wolfe, ed., *Complete Prose Works of John Milton*, 8 vols. (Yale, 1953–82), III: 423 (hereafter CPW).

<sup>64</sup> McGee, *An Industrious Mind*, 388.

<sup>65</sup> McGee, *An Industrious Mind*, 389, 397–98.

defense of parliamentary sovereignty in his *Observations upon some of his Majesties Late Answers and Expresses*. This would prove to be one of the most important unofficial expressions of the parliamentary cause and a focal point for the attacks of Royalist polemicists. By the autumn of the following year, Parker's concern had shifted slightly, as signified by the publication in October 1643 of *The oath of pacification*. This short pamphlet needs to be read in the context of Parker's close relationship with the Earl of Essex, who, despite having been appointed captain-general of Parliament's armies in July 1642, had quickly emerged as a leading advocate of negotiating with the king. As well as serving as Essex's secretary, Parker also acted as an unofficial spokesman "for the dove-ish tendencies of his employer" during the latter half of 1643.<sup>66</sup>

*The oath of pacification* thus sheds light not only on how a prominent parliamentary propagandist but leading figures in the peace party as well were responding to the problem of dissimulation. Parker presented his pamphlet as one that would help "set an end to the present Miseries and Broyles of this discomposed, almost ship-wrackt state." However, despite the title-page's allusion to Virgil ("the Medowes have carous'd enough in bloud"), Parker was not in entirely irenic mood. He criticized the king's declaration of 30 July 1643, issued after the Royalist triumph at Roundway Down, for having offered a pardon only to those who would transfer their allegiances immediately to his party. This, Parker argued, was to make "treacherous combination with the Papists against the Parliament" the "price" of pardon. Thankfully Essex's victories soon after, at Gloucester and Newbury, and the impending entrance of Scottish troops in the north meant that Parliament's supporters had no need to accept such an injurious bargain.<sup>67</sup>

Nonetheless, Parker was still prepared to ruminate on how "a faire way of Accommodation" might be possible.<sup>68</sup> For him, the central question was how Charles's opponents could trust that he would honor the terms of a settlement. Although the king had made a great many promises since the beginning of his troubles with Parliament, Parker noted that these had not been phrased or communicated in a manner that would satisfy skeptics. He thus took it upon himself "to demonstrate wherein the Kings Oathes have beene hitherto short, and of little securance, and how they may yet bee compleated, and made satisfying."<sup>69</sup> This was partly about tying Charles more firmly to some of the most important pillars of the parliamentary program: rather than his vague and "generall professions of maintaining of Law, and doing justice," he would need to hand over power in these matters to the "supream Iudicatory of the Kingdome." At the same time, the king would promise to exclude all Catholics, foreigners, and women from his counsels. But Parker also added passages to the proposed oath and conditions for the process by which it was administered that he hoped would close off any loopholes and negate the possibility of subsequent backtracking by the king or his advisors. Tellingly, Charles would disavow "all guile, equivocation, or mentall reservation" while taking the oath and would ask God to "blot out his royall Unction upon me" if he ever failed to uphold it. Parker also stipulated that the oath would need to be sworn in a suitably "reverent place" and confirmed with the taking of the "blessed Sacrament." That the oath should be administered publicly in this way—in a "solemne and sanctimonious manner"—was essential for Parker, since "paper Oathes, as they are mingled with other matters in Declarations" would hold little weight for the "Phlebeians."<sup>70</sup>

Although Parker's suggestion was never taken up, proposals for an oath that, if worded and administered carefully, might offer a way to remove mistrust as an obstacle to

<sup>66</sup> Jason Peacey, *Politicians and Pamphleteers: Propaganda during the English Civil Wars* (Routledge, 2004), 115.

<sup>67</sup> [Henry Parker], *The oath of pacification* (London, 1643), 2; *His Majesties Declaration To all His Loving Subjects. After His Victories over The Lord Fairfax in the North* (Oxford, 1643).

<sup>68</sup> Parker, *The oath*, 2.

<sup>69</sup> Parker, *The oath*, 3.

<sup>70</sup> Parker, *The oath*, 5–6.

settlement would recur throughout the rest of the decade.<sup>71</sup> By no means everybody, however, saw in oaths a viable antidote to dissimulation. In late 1643 the war-party activist John Saltmarsh published a swift riposte condemning Parker's pamphlet. While Parker had ties to peace-party leaders, Saltmarsh was closely associated with Henry Marten, one of the most fiery opponents of peace negotiations in the Commons.<sup>72</sup> The problem with an oath, Saltmarsh contended, was that princes would never fear divine retribution because they had been "exalted into the divine notion of Gods" themselves, "so their Favourites make them beleieve that their politicall deitie can secure them." Moreover, despite Parker's best attempts to make the oath watertight, Saltmarsh believed there would inevitably be "some State Casuist at hand ... who can heale [the king's] distempers with many a blandishment and evasion."<sup>73</sup>

Saltmarsh conceded that in bygone ages oaths may well have proved an adequate means of binding princes. However, in contrast to "the simplicity and faith of those ages," the "Machiavillisme of later times have made a Maxime in the science of Politickes, how to overwit their owne obligations, and have made it one part of the perfection of a Statist, to be too wise for engagements." Rather than politic behavior being something that cut across different kinds of political institutions and actors, Saltmarsh saw it as "calculated meerly for the Meridian of Princes, [it] will fit no lower condition."<sup>74</sup> Could a settlement with the king—whether negotiated or dictated—ever be safe, in these circumstances? There is evidence that both Saltmarsh and Marten had already come to the conclusion that it could not. In August 1643, the former had been accused of drawing up manuscript propositions that considered "how the King and his Children might be destroyed, and the house of Here[ford] or Harfs might be entitle to the Crowne."<sup>75</sup> Marten was briefly imprisoned for defending Saltmarsh in the Commons.<sup>76</sup>

Saltmarsh's response to Parker thus shows clearly how reason-of-state thinking helped to disrupt and problematize the process of negotiation during the 1640s. But it also points to the ways in which arguments about the danger of making peace with princes could lead some to flagrantly anti-monarchical rhetoric and latently regicidal conclusions. This would become more common as the First Civil War progressed. During the Treaty of Oxford, Royalist dissimulation was mostly blamed on "the popish Jesuited faction" at court. Edward Bowles had referred to the king as "a great yet but one person," who acted merely "according to the misinformation of evill counsels about him."<sup>77</sup> The negotiations that began at Uxbridge in January 1645, however, were accompanied by more incendiary warnings from Bowles's fellow Presbyterian clergymen against "seeming Agreements and Treaties of peace" that stressed the historic tendency of "Kings to break their Covenants."<sup>78</sup>

The precise configurations, and the relative strength, of the peace and war parties at Westminster had been shifting since the Oxford talks. Where many English Presbyterians had been committed to total victory over the king during the first winter of the civil wars, subsequent fears around the development of social and political radicalism meant that by late 1644 some were beginning to soften their stance. At the same time, the parliamentarian peace party, led by Denzil Holles and the Earl of Essex, was bolstered further by a new alliance with the Scots.<sup>79</sup> The efforts to negotiate with Charles I again at Uxbridge, and

<sup>71</sup> See, for example, Richard Farrar, *Peace and safety for the whole kingdom* (London, 1648), 8–13; Sir Francis Nethersole, *A project for an equitable and lasting peace* ([London], 1648), 16–17; and William Prynne, *A plain, short and probable expedient to settle the present distractions of both kingdomes* ([London], 1647).

<sup>72</sup> Peacey, *Politicians*, 115–16.

<sup>73</sup> John Saltmarsh, *A peace but no pacification* (London, 1643), n.p.

<sup>74</sup> Saltmarsh, *A peace*, n.p.

<sup>75</sup> Como, *Radical Parliamentarians*, 176–77.

<sup>76</sup> Harley MS 165, fol. 180v, BL.

<sup>77</sup> [Edward Bowles], *Plaine English* ([London], 1643), 7, 11.

<sup>78</sup> Christopher Love, *Englands distemper* (London, 1645), 4–5.

<sup>79</sup> Como, *Radical Parliamentarians*, 294–95.

to ensure that pro-accommodation messages were emanating from the press in the lead up, were symptomatic of this newfound strength.<sup>80</sup> Nonetheless, not all Presbyterians were for turning: the London clergy in particular mounted a vociferous campaign against the treaty, no doubt with the encouragement of war-party MPs.<sup>81</sup>

It was at this moment, for instance, that the Presbyterian polemicist John Vicars published *The danger of treaties with popish-spirits*, a short pamphlet that purported to demonstrate to Parliament through a wealth of historical examples that it could not “trust in the vows and protestations” of “popishly-affected princes for peace and reconciliation with their Protestant subjects.” This carried with it the implication that Charles I himself, and not just his “Machiavilianly principled Courtiers,” was tainted with popery—a move that immediately rendered the dilemma of peace with Royalists greater still.<sup>82</sup> The pamphlet shows again how destructive the Treaty of Oxford episode had been for parliamentary trust in the peace process, with the author recalling how “fine designs” and “pretended Treaties” had nearly left “Bristol ... betray’d.”<sup>83</sup> However, the argument Vicars developed in the pamphlet was in fact even more provocative. It was not just *this* prince, Charles I, or those with popish inclinations who could not be trusted: Vicars claimed that there were good reasons for never placing trust in *any* prince. Not only the “brevity and shortness of their lives” but also “the inconstancy of their words and promises” made trusting monarchs essentially impossible.<sup>84</sup> In framing volatility and capriciousness as inherent to monarchy, Vicars was echoing an argument made in support of popular government by Machiavelli in the fifty-eighth chapter of the *Discourses*. Inverting received wisdom about the turbulent multitude, Machiavelli claimed that in princes “we find a degree of inconstancy and changeability in behaviour such as is never found in the masses” and thus that alliances made with republics were more trustworthy than those with single rulers. The rule of princes was inevitably less deliberative and more susceptible to the vagaries of “their passions” than popular government.<sup>85</sup>

Vicars supported his pessimistic conclusions with an unusual reading of the Old Testament story of David and Absalom, so often invoked by early modern Englishmen as a warning against political sedition.<sup>86</sup> He related how, after Absalom’s insurrection had been defeated, one of the rebel generals, Amasa, was invited by David to become his military commander as a gesture of reconciliation. However, Joab, one of David’s own “famous war-worthies,” “under shew and semblance of pretended love and peacefull embracements, [did] most treacherously murder” Amasa. Peace thus made possible what David and Joab could not have accomplished “in open hostility”: the assassination of political enemies.<sup>87</sup> Vicars was warning parliamentarians that a negotiated settlement would inevitably leave them without any protection from royal vengeance in the future, whether at the hands of Charles I or his successors. Nor would the passage of time lessen the “malice and malignity” of princes. As Virgil had said of Juno, “*Manet alta mente reposita, Invidia Principum*”—“the envy of the prince remains deeply stored in the mind.”<sup>88</sup>

Vicars also found support for his position in the more recent history of European wars. After all, Charles IX of France had organized the “base and bloody massacre at Paris” on St. Bartholomew’s Day under “a colour of love and reconciliation to that most famous

<sup>80</sup> Jason Peacey, “The Struggle for *Mercurius Britannicus*: Factional Politics and the Parliamentary Press,” *Huntington Library Quarterly* 68, no. 3 (2005): 517–43.

<sup>81</sup> Elliot Vernon, *London Presbyterians and the British Revolutions, 1638–64* (Manchester, 2021), 109–10.

<sup>82</sup> Vicars, *The danger*, 8.

<sup>83</sup> Vicars, *The danger*, 7.

<sup>84</sup> Vicars, *The danger*, 2.

<sup>85</sup> Leslie J. Walker, ed., *The Discourses of Niccolo Machiavelli*, 2 vols. (Routledge, 1950), I: 343. A similar point is made by John Milton, *The readie and easy way* (London, 1660), in CPW, VII: 436.

<sup>86</sup> Kevin Killeen, *The Political Bible in Early Modern England* (Cambridge, 2017), 157.

<sup>87</sup> Vicars, *The danger*, 2.

<sup>88</sup> Vicars, *The danger*, 8.



Admirall [Coligny] of France.”<sup>89</sup> The French king, showing “exquisite Machivilian hypocrisie,” had lured the Huguenots in with the “deepest vows and promises of peace and high priviledges and immunities.”<sup>90</sup> Again, Vicars argued, it was not just papists or politic counselors around the king who were untrustworthy: by multiplying biblical, classical, and recent historical examples, he intended to show that all monarchs were disposed to “devilish dissimulation” and “severe revenge.” Even “a very vertuous and holy King” like David could not resist such tactics.<sup>91</sup>

Leaving aside the willingness to impugn Charles I’s credibility so openly, there was a radicalism to Vicars’s position here. If princes could be trusted neither to keep their word nor to forget the wrongs they had suffered, how could parliamentarians ever guarantee the safety of their lives and estates under the king and his successors? Beyond cryptically noting the wisdom of “that old and plain well known rule, *fast bind, fast find*,” Vicars was silent on this question. It is possible he believed that an outright military victory, with a settlement imposed on the king that stripped him of his prerogative powers and put the militia in the hands of Parliament, would be sufficient. However, it is also at least worth noting that in 1652 Vicars published in support of the recent execution of Charles I and, more importantly, that even in early 1645 there were others willing to contemplate this most radical of solutions.<sup>92</sup>

Christopher Love, one of the chaplains to the parliamentary commissioners at Uxbridge, preached a sermon on the opening day of the talks, in which he warned against “peace with Papists,” who “hold that no faith is to be held with Protestants.” More controversially, Love called for “the guilt of blood” to be “expiated and avenged” before any peace was struck, which some contemporaries at least interpreted as a call for Charles I’s capital punishment.<sup>93</sup> Although Love was briefly imprisoned by Parliament for the sermon, the justification he produced in a subsequent printed edition was not only unapologetic but in some ways an escalation. Where the sermon itself had gestured vaguely to papist “enemies” as untrustworthy, the printed preface excavated a raft of biblical examples to evidence “the perfidiousness of Princes.” The Book of Daniel warned of King Antiochus IV, who “through his Policy” would “cause craft to prosper” and “by Peace ... destroy many.”<sup>94</sup> Although Love neglected to spell out its full significance, the choice was telling: Antiochus had been overthrown and driven out of Judea by Mattathias and his son during the Maccabean Revolt that began in 167 BCE. The king later returned with an army, determined to avenge the “disgrace” he had suffered (2 Macc. 9:4), before God finally struck him down with an incurable plague: only through death could the royal lust for vengeance be stilled. Saul, too, had been unable to control his passions, plotting to vent his “implacable rage” against David even while “he did pretend peace.” “Put not your trust in Princes,” Love thus concluded, quoting Psalm 146.<sup>95</sup> Where the Geneva Bible had glossed this passage as a spiritual injunction to give God rather than man “the whole praise,” Love interpreted it as practical political advice regarding a specific form of government.<sup>96</sup>

As the scandalized reaction to Love’s sermon shows, antimonarchical sentiments were still dangerous to express publicly. In his commonplace book around this time, however, John Milton made overt the regicidal logic at which Love had only hinted obliquely. Throughout the 1640s, Milton compiled a series of quotations and historical precedents

<sup>89</sup> Vicars, *The danger*, 2.

<sup>90</sup> Vicars, *The danger*, 3.

<sup>91</sup> Vicars, *The danger*, 1–2, 4.

<sup>92</sup> John Vicars, *A brief review of the most material Parliamentary proceedings of this present Parliament, and their armies* (London, 1652).

<sup>93</sup> Love, *Englands distemper*, 37; C. H. Firth, ed., *The Memoirs of Edmund Ludlow* (Clarendon, 1894), I: 118; John Price, *Clerico-classicum* (London, 1649), 31–32; Peacey, *Politicians*, 260. Although cf. Vernon, *London Presbyterians*, 109.

<sup>94</sup> Love, *Englands distemper*, 5–7.

<sup>95</sup> Love, *Englands distemper*, 6.

<sup>96</sup> John Milton, *Political Writings*, ed. Martin Dzelzainis (Cambridge, 1992), 34 n.

under the heading “The Tyrant.” After listing those examples—like the reign of Richard II—which supported the legitimacy of rising up against and deposing a tyrannical ruler, he inserted a new subheading in the margins: “Whether it is permissible to kill him.” One of the Latin entries underneath, made some time between 1644 and 1647, observes that “Kings, stripped of their power by their subjects, or reduced in power, are later reconciled by no reinstatement, not even by the taking of an oath of allegiance.” Milton here cited a passage in *Historiarum sui temporis*, a work by the *politique* French historian Jacques Auguste de Thou, which contained instances from recent European history.<sup>97</sup> As we will see, these examples would find their way into Milton’s famous public defense of the regicide in early 1649.

In the meantime, political developments after Uxbridge only served to exacerbate further parliamentary misgivings about reaching a settlement through a treaty. For one thing, the conclusion of the First Civil War and the imminent prospect of demobilization crystallized concerns around indemnity: as reports of Parliament’s soldiers and officers being prosecuted at the hands of conservative magistrates began to be publicized, Cavalier retribution was no longer merely a theoretical possibility.<sup>98</sup> Moreover, commentators on both sides worried that Parliament’s decision at the end of the war to take Charles I into its custody had made a negotiated peace far more unlikely. The king’s captivity provided him not only with additional incentive to seek revenge on his captors after being restored but with the legal and moral basis for reneging on the promises he had made to regain his throne. Charles would be able to claim that he had not been at liberty to negotiate freely and had been coerced into making concessions, at which point his former opponents would be without any practical means of holding him to the agreement. “Not being free from Force, he cannot be so free in what he grants, as to render it obliging when granted,” summarized one observer.<sup>99</sup> This gestured to a widely held—though occasionally contested—position among early modern casuists, lawyers, and political theorists.<sup>100</sup> In Book III of his *Discourses*, Machiavelli had argued that “it is not shameful to fail to keep a promise which you have been forced to make.”<sup>101</sup> Later in the seventeenth century, John Locke would consider “whether Promises extorted by Force, without Right, can be thought Consent, and how far they bind” and quickly conclude that “they bind not at all.”<sup>102</sup> An anomaly here, as so often, was Thomas Hobbes, who insisted that covenants made through the threat of physical harm were still freely entered into and as such had to be honored. Should I promise money to a thief who threatened my life, argued Hobbes, “I am bound to pay it.” Likewise, “if a weaker Prince, make a disadvantageous peace with a stronger, for feare; he is bound to keep it.”<sup>103</sup>

These arguments about the non-binding status of coerced promises were actually enlisted by Royalist and Presbyterian advocates of a “personal treaty” in the later 1640s. In 1647, the judge Clement Spelman called for a treaty to be negotiated with the king in Parliament and not—as had been the case hitherto—through commissioners.<sup>104</sup> In practical terms, talks conducted in person would expedite the process, in contrast to the back-and-forth nature of “Commissionary treaties” that invariably made them drawn-out, “tedious” affairs. More significantly, “all concessions and grants made by the King while at distance from the Parliament” would be, in Spelman’s opinion, “voyd and null in Law, as Acts obtained by

<sup>97</sup> CPW, I: 457; BL, Add MS 36354, 185, BL.

<sup>98</sup> Robert Ashton, “The Problem of Indemnity, 1647–8,” in *Politics and People in Revolutionary England: Essays in Honour of Ivan Roots*, ed. Colin Jones et al. (Blackwell, 1986), 117–40.

<sup>99</sup> Marchamont Nedham, *A plea for the king* ([London], 1648), 11.

<sup>100</sup> Keith Thomas, “Cases of Conscience in Seventeenth-Century England,” in *Public Duty and Private Conscience in Seventeenth-Century England*, ed. John Morrill et al. (Clarendon, 1992), 29–56, at 48; Lesaffer, “Alberico Gentili’s *ius post bellum*,” 227–28.

<sup>101</sup> *The Discourses of Niccolo Machiavelli*, I: 574.

<sup>102</sup> John Locke, *The Two Treatises of Government*, ed. Peter Laslett (Cambridge, 1960), 392.

<sup>103</sup> Thomas Hobbes, *Leviathan*, ed. Noel Malcolm, 3 vols. (Oxford, 2012), II: 212.

<sup>104</sup> On the popular clamor for a personal treaty, see Ashton, *Counter-Revolution*, 141–48.

force and durance.” Spelman pointed out that this was of particular relevance for those, like the New Model Army, who were anxious to secure indemnity for acts perpetrated during the civil war. Regardless of the king’s own willingness to grant a pardon, local judges—who “must judge according to Law, not the intents of the King and Houses”—would be forced to conclude that the indemnifying provisions of a non-personal treaty had no legal standing. Only bringing the king to London to negotiate, then, could “render a wished safety to the Subject.”<sup>105</sup>

Spelman’s basic mistake, however, was in assuming that his target audience trusted Charles to negotiate in good faith and to adhere to the agreements he had made with Parliament, regardless of whether they were reached in person or through commissioners. James Taswell objected to any personal treaty on the now-familiar grounds that “all those specious pretences coyned by the Malignant party, in order to make a peace” over the last six years had been “cloakes to cover their designe.” A personal treaty would merely give the king’s “head-long accomplices” yet another opportunity either to enact “unexpected violence” on Parliament or whisk “his Majesty out of this Kingdome.” The Royalists, as ever, had “unseen designe[s].”<sup>106</sup> Furthermore, Spelman had been writing before the outbreak of the Second Civil War, which would deal a further seismic blow to Charles I’s credibility: in December 1647, despite his captivity, he had secretly made a pact with the Scots to establish Presbyterianism in England for three years in exchange for military support. In response, Parliament voted a few weeks later to “make no further addresses or application to the king.”<sup>107</sup> However, this resolution lasted only a matter of months and, having won a series of decisive victories in the Second Civil War, Parliament prepared to enter into another round of negotiations with Charles I, this time at Newport on the Isle of Wight, which began on 15 September 1648.

### The Treaty of Newport and the Regicide, 1648–49

The momentous sequence of events that followed over that autumn need not be retold in great detail here. The New Model Army, with the support of its Independent allies in Parliament, forcibly broke off the negotiations, purged Parliament of pro-treaty MPs, and began preparations to put the king on trial.<sup>108</sup> The army’s opposition to the Newport treaty and support for a trial has often been explained with reference to the Second Civil War, which finally persuaded soldiers that “so long as Charles remained alive, at the centre of royalist hopes, so long would wars continue and lives be lost.”<sup>109</sup> At the same time, since Charles was now spoken of as “a man of blood,” assuaging the providential wrath of God would require the expiation of blood guilt through his capital punishment.<sup>110</sup> The Windsor Prayer Meeting at the end of April 1648, in which members of the New Model Army pledged “to call Charles Stuart, that man of blood, to an account for that blood he had shed,” has been seen as a pivotal staging post on the road to regicide.<sup>111</sup>

However, it is noticeable that the army’s public statements on the matter also reflect extensively on the inadequacy of treaties as ligatures with which to bind kings. In November 1648, the *Remonstrance*, which was the fullest statement of the New Model’s reasons for breaking off the Newport treaty, made the problem of force a central plank of its case.<sup>112</sup> Henry Ireton, the

<sup>105</sup> Clement Spelman, *Reasons why we should admit the King to a personall treaty in Parliament* ([London], 1647), 7.

<sup>106</sup> James Taswell, *Ten necessary quæries touching the personall treatie* (London, 1648), 7.

<sup>107</sup> Gardiner, *Constitutional Documents*, 356; Ashton, *Counter-Revolution*, 39–40.

<sup>108</sup> For the basic narrative, see Underdown, *Pride’s Purge*.

<sup>109</sup> Patricia Crawford, “Charles Stuart, that Man of Blood,” *Journal of British Studies* 16, no. 2 (1977): 41–61, at 43; Clive Holmes, *Why was Charles I Executed?* (Bloomsbury, 2006), 118–19.

<sup>110</sup> See also Clive Holmes, “The Trial and Execution of Charles I,” *Historical Journal* 53, no. 2 (2010): 289–316.

<sup>111</sup> Crawford, “Charles Stuart,” 54.

<sup>112</sup> On the *Remonstrance*, see Clive Holmes, “The Remonstrance of the Army and the Execution of Charles I,” *History* 104, no. 362 (2019): 585–605.

principal author of the document, wondered how anybody could possibly imagine that the “bonds of new Concessions and Agreements (with what ever assurances that are but verball or literall)” could “hold” the king “when an advantage to gain what he sought, or recover what he lost, does offer it self.”<sup>113</sup> The *Remonstrance* then moved to consider the loopholes through which Charles would try to wriggle out of honoring the treaty’s terms. One trick might be to rely on the “Court Maxime” that it was simply impossible for a king of England to give away certain constitutional or ecclesiastical powers. But the most plausible justification for “non-obligation” would be to plead coercion. A recent declaration by the Prince of Wales, in which he referred to his father pointedly as being under “such circumstances of restraint [as] are not usuall in the case of most private persons,” apparently showed the initial groundwork for this strategy being put in place.<sup>114</sup> Ireton himself even conceded that the argument from force was compelling, and would be well received “by intelligent spectators of this and neighbour Nations, and by ages to come.”<sup>115</sup> Parliament’s decision to allow Charles his chaplains and commissioners at Newport would easily be dismissed as “a Mock-liberty” intended “to set him up in a colourable posture to Treat” and could not disguise the naked threat of force that continued to linger just outside the negotiating room.<sup>116</sup> The irony that it was the very people who had insisted Charles negotiate in conditions of imprisonment who were now complaining that force rendered “the Treaty in vaine” was not lost on Royalist observers.<sup>117</sup>

More generally, the *Remonstrance* warned the Long Parliament that princes, “given up” as they were “to that self-interest of will and power,” would always deem it necessary to “prosecute revenge against all eminent opposers.” For corroboration, Parliament could look not only at the behavior of princes in all “Ages or Nations” but at the more immediate history of Charles’s reign: the “petty revenges” he had taken against “Patriots” like Sir John Eliot before the Personal Rule, for example, or the attempted arrest of the Five Members thereafter.<sup>118</sup> Those advocates of the Newport treaty in Parliament were thus advised to think carefully about “what mercies might be expected from him and his Partie, if he ever ... gain the advantage over you.”<sup>119</sup> Parliament’s supporters, the *Remonstrance* was insisting, could never expect safety and security under the king or “his Heires or Successors.”<sup>120</sup> Even a puppet king restored at the point of a sword would continually plot and scheme to avenge himself and magnify his power—as attested by Charles I’s 1647 covenant with the Scots while imprisoned.

The folly of ever placing trust in, or seeking safety under, a monarch against whom one had made war was likewise stressed in the petitions against the Newport treaty produced by several New Model Army regiments during the autumn of 1648.<sup>121</sup> As well as warning against ignoring the determinations of providence and alluding to the need for expiation of blood guilt, a remonstrance from the murdered Thomas Rainsborough’s regiment presented to Lord General Fairfax in November insisted that Parliament would only ever gain Charles’s “dissembled assent” for the enjoyment of their liberties. “Armies can subdue powers but not change minds,” the soldiers pointed out, “and we long ere this [would have] been slaves,

<sup>113</sup> A remonstrance of his excellency Thomas Lord Fairfax ... Presented to the Commons assembled in Parliament (London, 1648), 30.

<sup>114</sup> A remonstrance, 32–33; His Highnesse the Prince of VVales His answer to the Earle of Warwicks summons: sent by Major Humphry Bosvvell, the 22. of September 1648 ([London], 1648), 1.

<sup>115</sup> A remonstrance, 34.

<sup>116</sup> A remonstrance, 34.

<sup>117</sup> Nedham, A plea, 11.

<sup>118</sup> A remonstrance, 30–31.

<sup>119</sup> A remonstrance, 31.

<sup>120</sup> A remonstrance, 32.

<sup>121</sup> On these petitions, see Norah Carlin, *Regicide or Revolution? What Petitioners Wanted, September 1648–February 1649* (Breviary Stuff Publications, 2020).

if we dared to have trusted sacred protestations.”<sup>122</sup> A petition to Fairfax later that month from soldiers garrisoned at Newcastle claimed that, while previously it had been possible to blame evil counsellors, it was now beyond doubt that the king personally bore responsibility for his disingenuous strategies, which he had continued to devise even in “total seclusion.” The king’s “specious pretences” of negotiation were only to enable “the laying of a new design to bring about his former wicked intentions,” as the fact that the Prince of Wales continued in arms made abundantly clear.<sup>123</sup>

The famous Leveller petition to Parliament on 11 September 1648, meanwhile, had been more explicit that the problem was not simply with Charles I but with the institution of monarchy itself. The petitioners shared Ireton’s prediction that the king would renege on the terms of the Newport treaty by pleading force and reminded MPs that there had “never yet been any Treaty” with “the king and his party ... but was accompanied with some underhand-dealing.” But the petition also urged the Commons to consider how kings had historically behaved “upon lesse provocations” than those to which Charles had been subjected. Regardless of any “tyes of Reconciliations” to which they may have superficially assented, kings always found a way to effect “the destruction of all those that had provoked and opposed them.”<sup>124</sup>

The pseudonymous author Verity Victor, writing the following month, was more meticulous in amassing historical examples on this point. William the Conqueror, for instance, was decried for having altered the laws and customs of England after he had solemnly sworn to maintain them, thereby setting a precedent for “perfidiousness and false dealing” that his “whole progeny” would follow.<sup>125</sup> More recently, Victor explained, when the people of Naples had agitated for “publicke liberties,” the “perfidious King of Spain” had at first seemed to grant their demands, along with a general pardon. However, as “soon as he had by these means recovered the chief Holds, and regained his power, [he] put multitudes of the principal men of Naples, that had been most active and zealous for the people, and publicke liberties, to death.”<sup>126</sup> For Victor these “late and fresh examples of Princes and great men, their perjury, perfidiousness, and false dealing with the common people” allowed “all the world [to] see, as in a glass, the incertainty and instability of building and depending on such mens Oaths, Vows, Promises, Contracts, and Articles.”<sup>127</sup> In a defense of the army’s actions published in early January 1649, “Eleutherius Philodemius” marshaled instances supplied by William Prynne and George Buchanan of monarchs “so false and perfidious” that they had to be put to death by their subjects after civil wars. Quoting Bodin, Philodemius argued that a ruler who “hath esaped [sic] the hands of such as had conspired against him ... becomes mad and furious like a wild beast, that sees his own blood.”<sup>128</sup>

The anti-treaty arguments articulated by Saltmarsh, Love, and Vicars earlier in the 1640s—the impossibility of trusting the promises of princes; their indefatigability in seeking revenge—were thus here being incorporated into much more explicitly regicidal, even republican, texts. The printed response of the House of Commons to the 11 September petition underlines this, while also showing the outlook of those in Parliament still hoping for a negotiated settlement. The Commons accused the petitioners of suggesting that “Christians could never forget offences, nor wise Princes pardon, nor prefer what’s best for their people, which is Peace, but seeke private revenge before publique good.” The petitioners were resisting a “Treaty [and] Peace with the King, because you have offended Him.” While the Levellers

<sup>122</sup> *A remonstrance or declaration of the Army: presented to the House of Commons on Munday Novemb. 20. 1648* (London, [1648]), 6.

<sup>123</sup> *Two petitions presented to his Excellency the Lord Fairfax* (London, 1648), 4.

<sup>124</sup> *The humble petition of thousands wel-affected persons inhabiting the City of London, Westminster, the borough of Southwark, hamlets and places adjacent* ([London, 1648]).

<sup>125</sup> Verity Victor, *The royal project: or A clear discovery of his Majesties design in the present treaty* ([London], 1648), 3.

<sup>126</sup> Victor, *Royal project*, 13.

<sup>127</sup> Victor, *Royal project*, 3.

<sup>128</sup> Eleutherius Philodemius, *The armies vindication* ([London], 1649), 27, 34–35.



and the Army believed the restoration of the monarchy and indemnity to be incompatible, pro-treaty MPs were by this point prepared simply to hope that the king's piety and magnanimity would enable him to forgive past wrongs, unable to imagine any other way of resolving the conflict while retaining the monarchical fabric of the English constitution. Faced with the specter of political and religious radicalism, betrayal by the king seemed the less pressing threat. "There must be an end of War," the Commons observed, "and the Kings mercy implored."<sup>129</sup>

After the execution of Charles I had taken place, republican apologists would continue to warn against politic princes, for whom revenge was "*inter arcana imperii*, one of the special mysteries in the cabinet counsels of royalty."<sup>130</sup> In *The tenure of kings and magistrates*, published two weeks after the regicide, John Milton told those Presbyterians now tempted to join forces with Charles II that they should "put no confidence in Princes, whom they have provok'd, lest they be added to the examples of those that miserably have tasted the event." Here, Milton produced the evidence, drawn from de Thou's *Historiarum*, that he had recorded in his commonplace book a few years earlier. After Christian II of Denmark, for example, was "receav'd againe upon new Oaths and conditions," he "broke through them all to his most bloody revenge." The Spanish kings likewise considered it "a constant maxim of State" to enact "perfidious cruelty" on "Subjects that have tak'n Armes and after trusted them"—as attested by the unhappy denouement to the recent Neapolitan revolt.<sup>131</sup> Meanwhile, Marchamont Nedham, recently converted from Royalist to leading republican spokesman, clarified that even those who "little dream of an inquisition for past offenses, as being of the moderate sort of offenders against the regal person and prerogative" had reason to fear the arbitrariness of royal revenge.<sup>132</sup>

At the same time, Milton and Nedham encapsulate slightly different positions on why exactly kings were inevitably drawn both to revenge and dissimulation. Milton had come to regard princes merely as flawed individuals, prone to irrationality and the sway of the passions. He noted in his commonplace book in the mid-1640s that "the life of princes [is] wretched and constantly full of anxiety," and later added an allusion in the same section to Machiavelli's argument that the people as a collective are less inconstant than single rulers.<sup>133</sup> More famously, in *Eikonoklastes* Milton dismissed the idea that "Kings were eminently the best of men" and argued that Charles I "had bin maisterd long agoe by his sense and humour (as the breeding of most Kings hath bin ever sensual and most humour'd)."<sup>134</sup> It was therefore their human weakness—their insufficient reason and virtue—that compelled princes to plot and scheme in search of revenge. The moral laxity and opacity of courts, meanwhile, only accentuated the problem. By contrast, Nedham did not share Milton's deep aversion to "aphorismes" and "reason of state" or his enthusiasm for an alternative politics based on virtue.<sup>135</sup> While acknowledging that revenge was a temptation that no single person (re-) entrusted with power could ever overcome—"so sweet a morsel, that even the best of kings could not refrain it"—Nedham implied that this was simply because it represented a prudent policy for princes inevitably intent on magnifying their power. He noted that, according to Tacitus, "revenge is counted great gain, and prized as the prime jewel of a crown."<sup>136</sup> Both writers, however, could agree that an advantage of republics, in which well-informed citizens were vigilant in defense of their liberty, was that they offered little opportunity for government by "Cabin councils."<sup>137</sup>

<sup>129</sup> *The answer of the Commons, to a petition, in the name of thousands wel-affected persons* ([London], 1648), 12, 14.

<sup>130</sup> Marchamont Nedham, *The Case of the Commonwealth of England, Stated*, ed. Philip A. Knachel (Virginia, 1969), 64–65.

<sup>131</sup> CPW, III: 239–40.

<sup>132</sup> Nedham, *The Case*, 64–65; cf. CPW, VII: 450–53.

<sup>133</sup> CPW, I: 456–57.

<sup>134</sup> CPW, III: 410.

<sup>135</sup> CPW, I: 573; II: 375.

<sup>136</sup> Nedham, *The Case*, 65.

<sup>137</sup> See Rachel Foxley, "Marchamont Nedham and Mystery of State," in *European Contexts for English Republicanism*, ed. Gaby Mahlberg and Dirk Wiemann (Ashgate, 2013), 49–62, at 60; CPW, II: 375–79, 488–89; III: 465.

## Conclusion

The long-running debate over why the civil wars started has absorbed much more scholarly attention than the question of why they proved so difficult to stop, despite repeated elite efforts at negotiation and the widespread distress of contemporaries confronted with an “unnaturall intestine and bloudie Warre.”<sup>138</sup> This article has addressed that conundrum by demonstrating how parliamentary opposition to the very notion of a settlement through negotiation with the king impeded reconciliation. Treaties and “paper Oathes” were from the outset of the fighting identified as problematic instruments of peacemaking in a civil war, unable to provide adequate protection against royal dissimulation, inconstancy, and vengeance. Observers perceived deception as the *modus operandi* of a Caroline court riddled with Machiavellian counselors and papists. This, coupled with actual experience of Royalist “fine designs” during the 1640s, encouraged the conclusion that negotiating, as well as futile, was actively destructive to Parliament’s war effort. “The remembrance of former passages of foule play,” explained *Mercurius Britannicus* in December 1644, “cannot but revive our old-grounded jealousy.”<sup>139</sup>

While the source of dissimulation at court was initially identified by Parliament as those around the king, as time went on some supporters began to pin the blame on the institution of monarchy itself. From the Treaty of Uxbridge onward, those opposed to a negotiated settlement consulted a range of historical texts and found that restored princes, or their successors, had in all ages reneged on promises and avenged themselves on those who had opposed them. If the pre-civil war trend had been increasingly toward seeing reason-of-state as an all-pervasive logic adopted equally by all kinds of polities, institutions, and actors, single rulers by the mid-1640s were instead being portrayed as the principal or even sole practitioners of this “science of Politickes,” and capriciousness as a structural feature of monarchy.<sup>140</sup> This was a significant rhetorical and ideological shift, which could be—and was—incorporated into a wider case for regicide and republic: the restoration of the Stuart monarchy was necessarily incompatible with the restoration of peace after civil war.

This sheds new light on the transition from rebellion to revolution during the 1640s. It bolsters the case made by David Wootton and, more recently, David Como that radical ideas were being articulated by sections of the parliamentary coalition at a much earlier juncture than was once supposed and did not emerge for the first time only in the context of the Second Civil War. This radicalization was not always linear: people could climb down from their more militant ideological positions as political and religious circumstances shifted and come to view trusting the king as the lesser of several evils. Wootton has already noted that as early as 1643 William Prynne was furnishing the reading public with myriad examples of kings deposed by their subjects drawn from English, Scottish, and European history.<sup>141</sup> These included the eleventh-century King Durstus of Scotland, who was killed by his own subjects after his schemes to “counterfeit repentance of his former life” and “in time inflict punishments on his enemies” were exposed.<sup>142</sup> But by 1648, as he recoiled from the prospect of a sectarian anarchy embodied by the New Model Army, Prynne was recommending an oath tendered to Charles I as the only way “to settle the present distractions of both kingdomes.”<sup>143</sup> Christopher Love followed a similar trajectory. Having urged parliamentarians not to put their trust in princes during the Uxbridge negotiations, and holding up the example of King Antiochus, driven out of his kingdom and killed by God to stay his implacable rage, Love would be executed in 1651 for his part in a plot to restore the Stuart

<sup>138</sup> *The humble petition of the inhabitants of the cities and libertie of Westminster* ([London], 1642).

<sup>139</sup> *Mercurius Britannicus*, 62, 16–23 December 1644, 494.

<sup>140</sup> Millstone, “Politic History.”

<sup>141</sup> David Wootton, “From Rebellion to Revolution: The Crisis of the Winter of 1642/3 and the Origins of Civil War Radicalism,” *English Historical Review* 105, no. 416 (1990): 654–69, at 660, 669.

<sup>142</sup> Prynne, *Soveraigne power*, “An Appendix,” 102.

<sup>143</sup> Prynne, *A plain ... expedient*.

monarchy. Two years before, John Milton had expressed surprise that the Presbyterians, whose “Ministers [had] preach’d against” the king “as a reprobate incurable ... and ther[e]fore not to be treated with,” were now voicing opposition to the new Commonwealth. The Presbyterian stance on negotiation before 1648, insisted Milton, had been inherently regicidal, and they could not now “wash off the guiltiness from thir own hands.” It was only “thir hatred of the Army that deliver[e]d them” that could explain their backsliding.<sup>144</sup> This article has suggested that Milton may have had a point.

However, as well as the timing of radicalization, its nature and causes have merited a re-examination. The explanatory weight placed on blood guilt has led some scholars to conclude that the regicide was “driven by religious fanaticism,” which was the “only force [that] could cut through” the English people’s “instinctive reverence towards monarchy.”<sup>145</sup> Yet fear of revenge from a Machiavellian prince was another such force. As well as satisfying calls for the expiation of blood and appeasing the providential fury of the Almighty, Charles I’s execution was intended to provide the New Model Army and its supporters with the security and indemnity they so desperately craved.<sup>146</sup> We need therefore to place the regicide in the context of a mid-seventeenth-century fixation with the politic and not just the providential.

Amid the uncertain search for settlement, the *politique* historians of recent European wars proved indispensable guides. By furnishing English politicians and commentators with a repository of cautionary precedents, their narratives of peacemaking during the French Wars of Religion and the Dutch Revolt had a crucial but hitherto largely unnoticed bearing on negotiations in the 1640s. Hardline parliamentarians found in the pages of writers like Hotman, Le Petit, and de Thou ample justification for skepticism about treaty making. Nor was it only from past European conflicts that political lessons were learned. In April 1648, the same month as the notorious Windsor Prayer Meeting, another event was taking place in a far-off corner of Europe that would, as we have seen, reinforce the argumentative armory of those contemplating king killing. As John Milton and other republican writers learned of the ferocity and duplicity with which the Spanish monarchy had suppressed the Neapolitan Revolt, it confirmed for them the “sanctify’d prudence” of King David’s maxim in the Psalms: “Put not your trust in princes.”<sup>147</sup>

**William White** is Lecturer in History at the University of Hertfordshire. He thanks Alex Beeton, Ann Hughes, George Southcombe, and Matty Leech-Gerrard for helpful comments on an earlier version of this article. He is also very grateful to the journal’s anonymous reviewers for their advice.

<sup>144</sup> CPW, III: 227, 231, 233.

<sup>145</sup> John Morrill, *The Nature of the English Revolution* (Routledge, 1993), 23; David Smith, “The Impact on Government,” in *The Impact of the English Civil War*, ed. John Morrill (Trafalgar Square, 1991), 32–49, at 44.

<sup>146</sup> For the view that regicide represented the accidental outcome of a trial intended initially as an “elaborate form of public negotiation,” see Sean Kelsey, “The Trial of Charles I,” *English Historical Review* 118, no. 477 (2003): 583–616.

<sup>147</sup> CPW, III: 240.