1

Independence, the English Revolution and the New Model Army: Equality, Social Justice and Political Legitimacy

The spring and summer of 1647 remain among the most climactic moments in British history, and the most bedeviled by the history of independency. Having defeated the King in the English Civil War, Parliament's New Model Army came to believe that it exercised legitimate political authority in its own right. Seizing control, it proceeded to purge Parliament of those members who threatened to disband the army and compromise its war aims by sympathizing with the king. This dramatic political intervention marks a revolutionary turning point in most narratives, escalating with the trial and execution of Charles I in 1649. But historians are less agreed in explaining the exact causes behind the army's radical actions. And despite the prominence of religious independents in the New Model, there is even less clarity on their precise role in shaping the revolutionary politics of the army.[1]

The creation of the New Model Army in 1645 has long been associated with the war party in Parliament and the religious radicalism of the independents. Designed to purge the army of its conservative leadership, the New Model was animated by revolutionary ideology from its inception. It swiftly secured Parliament's military victory over the King's troops and was visibly marked by religious independence in its leadership. Yet, Mark Kishlansky has argued that in reality, the New Model was an amalgamation of several existing armies and retained many of the conventional features of previous armies.[2] But despite the diversity of its constituency, the political radicalism and dominant role played by religious independents seemed obvious to contemporaries. For Richard Baxter, the independents were "the soul of the Army" in its early

---

[1] David Underdown, *Pride's Purge: Politics in the Puritan Revolution* (Oxford: Oxford University Press, 1971).

[2] Mark Kishlansky, *The Rise of the New Model Army* (Cambridge: Cambridge University Press, 1979), ch 2.

formation.[3] Less hostile contemporaries were equally "describing [it] as 'the Independent army'" the year of its creation.[4] For Charles Firth, within two years of its formation "this Independent minority obtained by degrees complete control of the army."[5] Arguing that "agreement in politics accompanied agreement in religion" he further claimed that "the progress of independency meant that spread of democratic principles, for 'Church-democracy' led by a natural sequence to 'State-democracy'".[6]

Historians have since tested these assertions and exposed deep flaws with the thesis that radical religious independency directly spread to civil polity. [7] Some MPs who embraced political independence were in fact religious presbyterians. Not all religious independents approved of the army's revolutionary interventions. The army itself became increasingly divided in proposing an alternative constitutional settlement between 1647 and 1649. Nor should contemporary claims be taken at face value. Presbyterian polemicists strategically sought to assign all blame for revolutionary politics to religious radicals in order to discredit independency and the New Model Army. The army itself denied that its aim was to advance an independent church polity to replace a presbyterian settlement.[8]

The general tendency has been to abandon the usefulness of religious independence in explaining the events which took place between the King's military defeat and execution. For Kishlansky, the "Army's politicization derived from two interrelated sources: the soldiers'

---

[3] C. H. Firth, *Cromwell's Army* (London: Methuen, 1902), p 316
[4] Ian Gentles, *The New Model Army* (Oxford: Oxford University Press, 1992), p 140.
[5] Firth, *Cromwell's Army,* p 317.
[6] Firth, *Cromwell's Army,* p 348.
[7] eg. Underdown, *Pride's Purge*, Blair Worden, *The Rump Parliament, 1648-53* (Cambridge: Cambridge University Press, 1977).
[8] *A declaration of the engagements* (London, 1647), p. 23, hereafter cited as *Book of declarations*. Anne Laurence, *Parliamentary Army Chaplains, 1642-1651* (Woodbridge: Boydell and Brewer, 1990), p. 85.

material grievances and Parliament's peremptory rejection of their right to petition."[9] There was

no radical ideology in the New Model which was behind these practical concerns. It was instead

the combination of these two factors which generated radical ideology and new political agency:

> By generalizing its specific grievances into an ideology, the Army transformed its role in the political process. The petitions for redress of material complaints and even the insistence upon the vindication of the Army's honour were at first circumscribed within its military experience. The gradual awareness that settlement of these issues provided no guarantees for the future changed both the purpose and emphasis of the Army's concerns.[10]

Austin Woolrych and Ian Gentles leave more room for radical political views which remained

latent until provoked by the threat of disbandment and failure of Parliament to redress its

grievances.[11] But the standard sequence of events remains the same. The army's material

grievances were followed by more generalized claims to political freedom.[12]

This essay offers an alternative to the reigning narrative by putting things in the reverse

order. It reads the army's material grievances and understanding of justice as expressions of the

soldiers' general concept of independent freedom. Their immediate concern for the right to

petition, for instance, was couched in the language of non-arbitrary domination and interference

to be "freely left to the benefit of laws…without interference."[13] Furthermore, Ian Gentles and

Rachel Foxley have found the army and its Leveler allies petitioning for their religious, political

and material concerns in strongly analogous ways no sooner than in late 1647 in their

---

[9] Kishlansky, *The Rise of the New Model Army*, p 180.

[10] Kishlansky, Ideology and Politics in the Parliamentary Armies, 1645-9' in *Reactions to the English Civil War, 1642-49* (London: Macmillan, 1982), p 171.

[11] Austin Woolrych, *Soldiers and Statesmen: The General Council of the Army and its Debates, 1647-1648* (Oxford: Oxford University Press, 1987), ch 2. Ian Gentles, 'The New Model Army and the Constitutional Crisis of the Late 1640s' in ed. Michael Mendle, *The Putney Debates of 1647* (Cambridge: Cambridge University Press, 2001), pp 140-141.

[12] Kishlansky, 'Ideology and Politics', p 167.

[13] *Book of declarations*, p 45.

Agreements of the People. Even in Kishlansky's general argument for the conservative nature of the Parliamentary armies, the concern for freedom not only concerned arbitrary interference itself, but independence, or what Philip Pettit refers to as non-domination. Non-dominating freedom requires more than the absence of arbitrary interference, insisting on the free status of individuals which guards against the possibility of any such interference. It is to "enjoy the absence of interference by arbitrary powers, not just in the actual world, but in the range of possible worlds" taking into account the contingencies, undominated choices, self-censorship or other limitations which arise out of a state of dependence.[14]

Given these analogous arguments for religious, political and social justice, this essay takes a lateral approach to the subject. Instead of treating religious independence as a strictly religious belief, or as an uncompromising devotion to congregational polity, it argues that the independents held a commitment to an essential view of liberty as non-domination and the absence of arbitrary interference. This is not to deny the authenticity of religion and commitment to a particular ecclesiology among the religious independents. Neither is it to suggest a single constitutional alternative that corresponded with independence. Nor is this to maintain the army held a fully articulated view of liberty which remained unchanged over the course of the seventeenth century. Instead, it is an attempt to explain how religious independents applied the notion of non-dominating freedom more generally to its social and political contexts, even as they continued to develop those views. Independence as a concept could vary widely in its application even as the essential view of freedom as non-domination remained a constant. This enabled ecclesiastical independents to unite a broad coalition, including those who were not necessarily committed to congregational polity.

---

[14] Philip Pettit, *Republicanism: A theory of freedom and government* (Oxford: Oxford University Press, 1997), pp 21-27).

This essay first explores how the idea of non-domination occupied a central place in independent ideology from its inception, and how ecclesiastical independent thought was closely attached to notions of equity and equality. This enabled independents to defend the use of force without necessarily contradicting this understanding of liberty. It then turns to how independence applied to social justice. Drawing from the printed defenses of the army's actions by independent divines as well as the collective statements made by the army itself, it explores how the notion of non-domination shaped the soldiers' particular grievances and drove their material demands. Finally, it considers how independence also informed notions of political justice and provided an alternative basis for political legitimacy. This enabled apologists for the army to move beyond previous justifications for revolutionary politics based on natural law and resistance theory. By rooting their interpretation specifically in the New Testament, independent divines advanced a broader argument for social contract which provided a theoretical basis for the creation of self-authenticating society. All this helps explain the longstanding question of how the notion of freedom as non-domination moved outside of the elite canon of republican thinkers traditionally representative of this freedom.

.

Freedom, necessity and equality

To remove independent freedom from the circumstances of its creation would be to misunderstand the nature of its development in early modern England. For the notion of freedom as independence emerged and became most forceful under peculiar circumstances in the seventeenth century which made its radical actions a necessity. The centrality of necessity appears in the earliest debates which gave rise to "independence" as a party label against the

establishment of Henry Jacob's new congregation in 1616. In these exchanges their heaviest charge of schism came down to Jacob's departure from the Church of England 'of necessity'. When pressed by his critics, Jacob argued that to be 'constant members of a universal church using government' was to 'transgress the 2d commandment of ye decalog.'[15] Jacob therefore introduced the doctrine of necessity in erecting his own independent congregation. For it was a spiritual necessity to avoid the sin of idolatry. There had of course been a long history of appeals to the second commandment to argue for spiritual preservation and to justify radical action.[16] But the move that Jacob made was crucial, because he joined it with a particular notion of liberty as non-domination and applied all this to the New Testament, thereby popularizing the concept of independence beyond the elite circle of republican thinkers most representative of this freedom in the mid-seventeenth century.[17]

Necessity was also at the heart of the New Model Army's justification for its radical political interventions in 1647. The language of political necessity, or the safety of the people, "salus populi", appears repeatedly in its justification for acting against Parliament. The army insisted that it was "necessitated" to resist disbandment on May 29, 1647. This necessity followed from the standard argument that the use of extraordinary means could be justified for self-preservation and the protection of public safety.[18] In their solemn engagement, the army argued exactly along these lines that "a natural body…may lawfully seek its own preservation…[and] that every member in the Nation ought to preserve the Nation as much as in

---

[15] TCD MS 141, p. 437.

[16] Eric Nelson has drawn attention to one such strand of rabbinic commentary which interpreted the election of monarchy as a form of idolatry by its rejection of divine kingship. Nelson, *The Hebrew Republic* (Cambridge: Cambridge University Press, 2010), ch 1.

[17] Polly Ha, *English Presbyterianism, 1590-1640* (Palo Alto: Stanford University Press, 2011), pp. 114-18.

[18] Jerry Tobey, 'Political "Necessity" as a Principle of English Political Thought: 1640-1653' Unpublished PhD Dissertation (Brandeis University, 1963).

him lyes…Salus populi suprema lex."[19] Historians have long acknowledged that "to the army

the rule of salus populi or political necessity was the sovereign canon of English politics

sanctioning every citizen or group of citizens apart from their credentials in positive law or

tradition."[20]

But despite the prominence of spiritual and political "necessity", it is quite revealing that

Henry Jacob's critics coined and deliberately highlighted "independence" as a core principle in

his polity. Jacob's vision of the church was unlike Elizabethan separatists who altogether

renounced the Church of England as a false church. It was also unlike the "Jewish Leviticall

Church". Instead, Jacob defined the church in the New Testament in non-dominating terms as "a

free congregation independent". According to Jacob, "the Church of Corinth, and of Antioch,

and of Thessalonica...were so many proper, and distinct Churches in those times, and

independent one of another." Jacob's definition of the church was therefore predicated on a

particular view of freedom which guarded it from the possibility of arbitrary interference. It was

on this basis that he took issue with the authority of synods and councils, since such bodies could

at any point dominate over the wishes of particular congregations.[21]

Religious independents in the mid-seventeenth century used the same essential definition

of freedom as Henry Jacob. But they went further. Extending this definition beyond

ecclesiastical liberty, they used it to justify the army's radical political interventions. Their

commentary on the nature of the army's actions provides a unique point of entry into popular

notions of political liberty which is often overlooked. The leading independent and chaplain to

the New Model, Hugh Peters, claimed that it was the soldiers' responsibility to teach the people

about liberty as early as 1645. This commitment to liberty in principle was already evident well

---

[19] Tobey, 'Political Necessity', p 145.
[20] Tobey, 'Political Necessity', pp 151-2.
[21] TCD MS 141, p 30.

before the end of the first English Civil War and provocation by the presbyterians. Peters

justified the army as a defender of liberty in his *Last Report of the English Wars*, writing about

such liberty in terms of freedom from external domination. Hence, protection against foreign

invasion and the possibility of external domination was a priority.[22] John Goodwin drew an even

more explicit definition of liberty as freedom from domination when defending the army after its

purge of Parliament. For the English people "always lived not only free from oppression but

from the fear of it also."[23] Stressing the possibility of oppression as an infringement on liberty,

as opposed to the physical act of interference or coercion alone, Goodwin could have hardly put

the definition of independent freedom better.

But while the case for necessity might justify the need to take radical measures, how

could independent freedom be consistent with the army's resort to the use of force?

Independents asserted that freedom consisted in the absence of domination. But this was not

necessarily to deny all forms of interference and coercion. Functional necessity, for instance,

required that some degree of coercion be used to enforce law and justice.[24] The crucial point was

for any use of force to be non-arbitrary, equitable, and equally applicable to all subjects.[25]

Equity was of course a pliable concept which held a wide currency in early modern England.[26]

Yet ecclesiastical independents embedded it into their ideology, drawing a close relationship

between this concept and non-arbitrary government, which paralleled some of the most radical

---

[22] *Mr. Peter's Last Report of the English Wars* (London, 1646), p 6, 8-9.

[23] John Goodwin, *Right and might well met* (London, 1648)*,* p 1.

[24] Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997), pp 25-26.

[25] Ethan Shagan, *The rule of moderation* (Cambridge: Cambridge University Press, 2011); Polly Ha, 'Religious Toleration and Ecclesiastical Independence in Revolutionary Britain, Bermuda and the Bahamas' in *Church History* 84:4 (December 2015): 1-18.

[26] Mark Fortier, *The Culture of equity in early modern England* (Aldershot: Ashgate, 2005), pp. 19-23.

iterations of these concepts later in the mid-seventeenth century.[27] Henry Jacob identified equity

as an essential part of ecclesiastical freedom specific to the New Testament in contrast to the

Old. He argued "the Jewish sinagogues dependant o[n] that…constant Consistory at

Jerusalem…in equity agreeth not with the lawfull government of the Christian Congregations

erected by Christ and his spirit in his apostles."[28]

John Goodwin later couched his defense of the army's refusal to disband in terms of its

"equity" and necessity in restraining the arbitrary rule of parliament. In contrast to the factional

interest of parliament which undermined liberty, the army's actions were based on "equity",

"justness", "reason" and were therefore "blameless."[29] Goodwin went further in arguing for the

primacy of equity above all positive law. In defending the army, he claimed "the Lawes of nature

and of common equity, are the foundation of all Lawes."[30] So long as extreme measures were

executed with equity, they could be used to protect liberty and were not necessarily antithetical

to the principle of independence.

But independent liberty extended beyond equitable and lawful actions alone. Anticipating

mid-seventeenth century republican writers such as Harrington, ecclesiastical independents based

their understanding of freedom more fundamentally on a related and overlapping idea: their

status as free and equal agents.[31] Jacob compared the "equalitie as betwixt distinct and separate

churches" with the independence and "parity in eminencie and power betwixt the several Kings

and Kingdomes of Europe".[32] Goodwin advanced an argument where equality held primacy even

---

[27] Fortier, *Culture of equity*, p. 159.

[28] TCD MS 140.3, f. 123v.

[29] John Goodwin, *The army harmlesse: or, A dispassionat and sober discussion…wherein the equity and unblamableness of the said proceedings are demonstratively asserted* (London, 1647), pp 1, 15-17, 24.

[30] Goodwin, *Right and might*, p 34.

[31] Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998), chs 1-2.

[32] Henry Jacob, *To the right High and mightie Prince, James* (Middelburg, 1609), p. 19.

above lawful constitutions. Supposing a hypothetical situation where a ruling synod "could bee thought lawfull", he concluded that "neverthelesse it is not equall" and it was therefore incompatible with liberty.[33] Building on these earlier arguments, religious independents in the Atlantic cited Goodwin and held equality among individuals to be supreme in the founding of a new colony in the Bahamas. Granted a charter in the summer of 1647, just as the army was organizing itself into a political body, their colony guaranteed "equal distribution of justice, and respect to all persons, without faction or distinction."[34] Critics in England called out independent chaplains in the army for seeking equality as their ultimate aim. Dell and Saltmarsh allegedly "press[ed] hard to have the law of Love and Liberty observed, that there may be an equality."[35]

It was thus no coincidence that the army's declarations themselves reflected these principles as a priority. The army's collective statements emphasized the concern that all individuals, however humble, be protected equally against domination and arbitrary rule before the law. In the *Second Apology of the Soldiers to their Officers*, the army immediately followed its list of specific grievances with the demand that "the liberty of the subject may be no longer enslaved, but that justice and judgment may be dealt to the meanest subject of this land according to old law."[36] The close relationship between independent liberty, equality and justice likewise appeared in the army's *Remonstrance* which included a long list of complaints against Parliament's injustice. Here the army directly followed its grievances with Parliament's oppression, arbitrariness and tyranny.[37] Moving between the language of justice and liberty, the army articulated its demands for justice by stressing the equal status of all citizens and using the

---

[33] TCD MS 140.3, f. 154r.

[34] Fulmer Mood, 'A Broadside Advertising Eleuthera and the Bahama Islands London, 1647' The Colonial Society of Massachusetts, *Publications*, XXXII (1937), 81-82.

[35] Leo Solt, *Saints in Arms* (Palo Alto: Stanford University Press, 1959), p. 8.

[36] A.S.P. Woodhouse, *Puritanism and Liberty* (Chicago: University of Chicago Press, 1951), p 398.

[37] *Book of declarations*, p 60.

language of non-dominating freedom. It even fused the two concepts together, insisting on "just freedom." Again, it is crucial to point out that the army insisted this justice extend equally 'to the meanest subject.' The concerns for social justice and equality are most often identified with the influence of the Levellers, who were still in close touch with Goodwin's congregation by the summer of 1647. But the army's demands for justice were closely related to their other claims to freedom and equality, which were at the heart of independent ideology from its emergence in the early seventeenth century.

Independence and social justice

Despite the prominence of independents in the New Model, standard readings of the army tend to reduce the soldiers' concerns in 1647 down to practical grievances that were isolated or at first removed from later more generalized claims to liberty.[38] But it is worth revisiting the army's collective statements. Were the practical grievances and demands for equality in the army's declarations necessarily detached from larger claims to liberty? The basic idea of freedom as non-domination was already entrenched in independent identity from its earliest emergence. Given the close relationship between liberty, justice, and equality, there is no reason to suppose that the general notion of freedom as non-domination was absent from the soldiers' particular grievances. Indeed, non-dominating freedom runs throughout the most material of the army's concerns.

Payment of arrears ranked high on its list and appeared in virtually all of the army's public statements. Lack of pay was a frequent cause for mutiny in the provincial armies which

---

[38] Kishlansky, *The Rise of the New Model Army*, p 180. Kishlansky, Ideology and Politics in the Parliamentary Armies, 1645-9'.

deepened hostility between the army and the people.[39] But the New Model was highly

centralized and better paid than most other contemporary armies. In the four months before it

became politicized in March 1647, it was 'paid punctually' and by February 1647, it was only a

few weeks' back pay.[40] Why did arrears of pay become such a point of contention in 1647?

Early on in the army's protestations, freedom was seen as a driving force behind these material

concerns. Thus, as early as March 1647, some soldiers claimed that "they valued their liberties

'ten thousand times more than all our Arrears'".[41] That arrears of pay served as a platform for

wider argument for liberty and justice appears in the June declaration drawn by the Northern

Association, which had come under Fairfax's commission and now shared the same command as

the New Model. Referring to their payment as "just dues", they declared that they demanded

"better supply of us for the future, whereby wee may be enabled to discharge our Quarters."[42]

The New Model and Northern Association further explained their wish to be free from reliance

upon the good will of others, "so we may not for necessary food be beholding to the Parliaments

friends."[43] For such material dependence conflicted on a basic level with the idea of freedom as

independence.

Closely related to arrears of pay, and equally pressing among the army's demands, was

indemnity. The army was concerned to be granted legal immunity for wartime acts such as the

seizure of goods or livestock. Here the soldiers' material grievances were again related to a

particular view of freedom which extended beyond their particular suits and sentences. The lack

of indemnity essentially placed the soldiers at the mercy of others. Yet, as some soldiers made

plain, those who ruled over their cases were often their pronounced enemies: "After our

---

[39] J.S. Morrill, 'Mutiny and Discontent in thye English Provincial Armies 1645-1647', *Past & Present* 56 (1972)
[40] Gentles, *The New Model Army* p 48-52, ibid, 'Army and Constitutional Crisis,' p 140.
[41] Ibid., p 140; Kishlansky, *The rise of the New Model Army*, p. 198.
[42] *A Declaration and Representation from the Forces of the Northerne Associations* (London, 1647).
[43] *A Declaration and Representation*. See also *Book of declarations*.

disbanding we have no security to free us from the inveterate malic not of private but of public enemies who gladly would have sheathed their swords in our bowels."[44] Soldiers were already being sued for debt and indicted for acts done out of the necessity and extremity of war. Parliament's attempt to placate them through an ordinance on 21 May 1647 was unsatisfactory, because it only granted indemnity upon proof of parliamentary warrant for all acts under suit. They complained that the requirement for proof of parliamentary warrant might be impossible to furnish.[45] That the poorest soldier in the provincial armies ought to be equally protected also became a point of contention, raising complaints against the prohibitive costs of traveling to and lodging in London.[46] Some discontents made practical suggestions to rectify this inequality and injustice. But what the army overwhelmingly desired was an ordinance, or act of oblivion, "a blanket ordinance…concerning 'all things done by soldiers in the war'".[47] In other words, they wished to be assured of their security from the possibility of indictment.

These grievances may well have been addressed. But the army's fate was tied up in the struggle between presbyterian and independent factions to control parliament. Determined to crush the strength of the war party and its independent allies in the New Model, the leading Presbyterians Denzil Holles and Sir Philip Stapleton moved to conscript New Model regiments to reconquer Ireland replace the army's independent command with presbyterian leadership, and disband the rest of the army. This set in motion the well-rehearsed series of events leading to the army's explosion into politics and the subsequent domination of the independents. Refusing to disband without redress of its grievances, the New Model petitioned against their impressment. Outraged by the army's audacity in questioning parliamentary command, Holles waited for

---

[44] Gentles, *New Model Army,* p 121.
[45] Robert Ashton, 'The Problem of Indemnity, 1647-1648' in eds. Colin Jones, Malyn Newitt and Stephen Roberts, *Politics and People in Revolutionary England* (Oxford: Oxford University Press, 1986), p 120.
[46] Ashton, 'The Problem of Indemnity', Gentles, *New Model Army*, ch. 5.
[47] Ashton, 'The Problem of Indemnity', pp.120-1.

Independent MPs to retire late in the day before pushing through the House a 'Declaration of Dislike' which deemed the petitioners 'enemies of the state'. This provocation was followed by the army's election of its own representatives and organization into a political force in its own right.

Yet even here in the controversy over Irish impressment, the terms on which the soldiers expressed their grievances remained the same. For the freedom to settle and move according to one's will, without compulsion, is a basic liberty that naturally follows from freedom from domination.[48] The New Model soldiers likewise defended this freedom in resisting impressment, reminding Parliament that "those who have voluntarily served in these wars, and left their parents, trades and livelihoods…without any compulsion, ingaged of their own accord."[49] It is especially revealing that many in the New Model initially sympathized with the Irish campaign. It was the threat of impressment, and replacement of independent leadership with authoritarian command by a presbyterian, which provoked widespread hostility. They expressed the blatant contradiction of such impressment with their essential understanding of liberty objecting that "after all their free and unwearied labours [they should] be now forced and compelled to go out of this Kingdome."[50] Even more explicitly, they argued that the move to disband and impress the army was "but a mere cloake for some who seek to become Masters and degenerate into tyrants."[51]

Payment of arrears, indemnity and impressment were the chief demands made by the army. They undoubtedly arose out of the soldiers' military experience, were practical in nature

---

[48] Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), p 103.
[49] *The Petition and Vindication of the Officers of the Armie under His Excellencie Sir Thomas Fairfax*, (London, April 1647), unpaginated.
[50] Ibid.
[51] *Book of declarations*, p 8.

and affronted the army's honor. But they were nonetheless tied to a particular notion of freedom which presupposed their equal status and required that the soldiers not be held at the mercy of others who would dominate over free soldiers as "masters". The army collectively insisted that even "the meanest" soldiers receive equal treatment and receive protection against arbitrary domination. It was careful to guard not only against coercion itself, but the possibility of oppression by those upon whom the army would depend. All of the material and practical grievances in the army's official statements were expressed in terms of more general statements about liberty, which formed the soldiers' larger platform and animated them politically. It is to this next question of whether independent freedom had any implications for the army's understanding of political legitimacy and the justification for its own political interventions that we must next turn.

Associational freedom and political legitimacy

        To skeptics, the army's grievances were all tactically deployed to avoid disbandment. But such grievances pertaining to equal treatment under the law, or social justice, were never far removed from notions of political justice or institutional legitimacy. For instance, the two ran together in the army's Solemn Engagement of 5 June, which was essentially a military covenant to disband only when the army's terms had been met. The Engagement began by rehearsing its concerns for "due and necessary concernments as soldiers."[52] It specified the terms on which the army would agree to disband, including the guarantee of its freedom and "security" against the "like oppression, injury, or abuse, as …hath been attempted and put upon us while an army." But the Engagement also drew a direct link between these terms and the guarantee of security by the ruling out of faction in parliament. It called for the displacement of those who "in these past

---

[52] Woodhouse, *Puritanism and liberty,* p 401.

proceedings against the Army so far prevailed to abuse the Parliament and us to endanger the kingdom."[53]

Holding non-dominating freedom to be supreme, independents writing in defense of the army reasoned that parliamentary rule which was dominated by faction was functionally illegitimate and self-discrediting. Thus, when the army proceeded to purge parliament of all perceived factious members, Goodwin justified this intervention by pointing to "the factious carriage of things in this present Parliament."[54] He went further by arguing that "a Parliament that is unusefull and unserviceable for Parliamentary ends, is no more a Parliament, then a dead man, is a man; or a Virgin deflowered, a Virgin."[55] This argument for functional illegitimacy was later echoed by Cromwell in his dissolution of parliament on the grounds that it was "no parliament", but instead dominated by faction and personal interest.[56]

In one sense, independents were not saying anything new in so justifying the army's political interventions. They essentially appealed to natural law, insisting on necessity and the circumstances of its extremity. They also grounded the army's revolutionary actions in social contract, arguing that parliament had failed to fulfill its agreement with the people. Yet independents advanced these arguments in a particular way that extended them further. They grounded the reasonable nature of man and social contract specifically in the New Testament, making a distinct break from Old Testament contractarian arguments for resistance. The early emergence of ecclesiastical independence is again helpful for pointing out this novelty. According to Jacob's contemporaries, the freedom in his independent ecclesiology did far more

---

[53] Ibid., p 402.
[54] Goodwin, *Right and might*, p 11.
[55] Goodwin, *Right and might,* p 28.
[56] For a recent discussion of Cromwell's dissolution of the Rump Parliament see Clive Holmes, *Why was Charles I Executed?* (London: Bloomsbury, 2006), ch 6.

than assert the autonomy of individual congregations from the authority of synods and national assemblies. They alleged that Jacob introduced a division between the two testaments in order to advance an alternative understanding of individual liberty.[57]

Individual judgement was not only grounded in nature for Jacob, but specifically endowed by Christ to believers. While independents claimed that Christ authorized man (and in some cases even women) to exercise religious and political agency, they also advanced another idea of contract which moved beyond that put forward by their predecessors.[58] During the Middle Ages, biblical and Roman sources combined in the writings of St. Thomas Aquinas to advance a theory of contract between the people and their rulers. Drawing on King David's covenant with the people of God, the doctrine of popular sovereignty in Roman law, and the right to resist tyrannical rule in Aristotle's politics, Acquinas left a legacy of conditional obedience. This medieval inheritance remained clerical in its early modern expressions when used by Calvinists and Roman Catholics who sought to justify their resistance against rulers to secure their religious toleration.[59]

But independents began to move beyond the idea of contract between rulers and subjects to advance a wider argument for social contract, the freedom to associate and collectively exercise legitimate authority- a theory of contract which became prominent in the eighteenth century. Jacob's insistence on the freedom of individual choice was closely related to his argument for the freedom of association. Since ecclesiastical legitimacy was derived from the free consent of individuals, they had the right to gather together a new ecclesiastical society.

---

[57] See Ha, *English Presbyterianism*, pp. 53-57.
[58] For the freedom of women to choose their church membership and speak in independent congregations see see Polly Ha, 'The Freedom of Association and Ecclesiastical Independence, c. 1640-1660' in *Church Life in Seventeenth-Century England: Pastors, Congregations, and the Experience of Dissent*, eds. Anne Page, Michael Davies and Joel Halcomb, (Oxford: Oxford University Press, *in press*).
[59] *Social Contract*, ed. E. Barker (Oxford: Oxford University Press, 1972), p. xiii.

Independent freedom was therefore not simply a tactical priority to justify the erection of Jacob's own congregation. Nor was it simply to rehearse arguments based on natural law and necessity. Ecclesiastical independence encompassed the freedom to establish new self-authenticating society which could act legitimately. Although the voluntary association of believers through covenants had a longer tradition among English separatists, for independents it was attached to a particular view of freedom as non-domination which was specifically granted to individuals under the gospel by Christ.[60]

Did religious independents apply this notion of institutional legitimacy to the New Model Army and its constitution as a political body? The army chaplain and independent divine, John Saltmarsh, insisted that the soldiers deliberated freely and came to their own conclusions in a manner which was entirely consistent with independent freedom. Just as the army officers made it plain that the soldiers' grievances came from themselves, Saltmarsh stressed that the soldiers acted freely on behalf of the people without coercion, manipulation or threat. "For the souldiery are acted by their own Principles; They a[s] an Army understand themselves."[61] John Goodwin was one of the most vocal defendants of resistance to parliament's attempt to disband the army. He also drew a direct analogy between ecclesiastical and political agency, reasoning that if Christ endowed individual with the ability and right to judge spiritual matters which are the weightiest, then surely he has granted them the ability to judge political matters which are subordinate.

On the one hand, he argued that the army's refusal to disband was a necessity to protect liberty.[62] Alongside this defensive posture, he also advanced the argument that the army had

---

[60] For more on associational freedom in early independent thought see Ha, 'Freedom of Association'.

[61] John Saltmarsh, *A Letter from the Army* (London, 1647), p. 4.

[62] Goodwin, *The army harmlesse,* p 8.

received a general commission to protect liberty by parliament. But since the army ultimately derived its authority from the people, it exercised the right to judge parliament not simply as a private entity, but as a legitimate political body. The army's commission was general and therefore sufficient to overrule the very institution which had called it into being. The soldiers were therefore justified in covenanting in their Solemn Engagement to refuse parliamentary orders to disband. Even without parliamentary sanction, the soldiers believed in their right to associate in protection of their rights and liberty. In their *Book of declarations*, the army cited the example of "our brethren of Scotland, who in the first beginning of these late differences associated in Covenant…having no visible form, either of Parliament or King to countenance them."[63]

But beyond the defense of liberty and the army's right to protect liberty, Goodwin also echoed earlier arguments for the freedom of association and social contract. Just as ecclesiastical independents justified the erection of their own congregations by the voluntary association of its members, Goodwin introduced the same language to defend the army's right to remain standing. For the army had the right to "st[and] fast by their interest of union and power."[64] To assert the army's "interest of union and power" was to move beyond the case for necessity and right to resist and to argue with reference to the army's own political legitimacy. The language of free association was also used by the Northern troops who declared it their right to choose a "free and constant coherence" with the New Model. They collectively elected "to joyne and associate ourselves with the Southern Army."[65] Again, with reference to their own accord, they explained that they "are moved (in our selves)" to combine with the Southern Army in protection of "those

---

[63] *Book of declarations*, p 39.
[64] Goodwin, *The army harmlesse*, p 12.
[65] *A Declaration and Representation from the Forces of the Northerne Associations*, unpaginated.

good, cleere and sound principles, which tendeth to that promotion and protection of justice, and the liberty of the subject."[66]

This is not to suggest that all independents drew a direct analogy between establishing new ecclesiastical society and the creation of self-authenticating political agency. There was no unanimity in the army. Nor was there a direct relationship between independent freedom and a particular constitutional settlement. But by the mid-seventeenth century, some religious independents had begun to apply their understanding of freedom broadly to ecclesiastical, social and political contexts to revolutionary ends. Grounding it specifically in the New Testament, they offered an alternative reading of Scripture to advance bolder claims to the freedom of individual choice and social contract as the basis of political legitimacy. Given Jacob's legacy of independent freedom, it is unsurprising to find members of his church and its offshoots at the very center of the army's politicization: the creation of representatives, transforming the army into a political body and the army's purge of Parliament which shortly led to the King's execution. Edmund Chilldendon was one such member and one of the chief agents behind the creation and election of the army's representative agitators.[67] Another member was none other than Thomas Pride, the same Pride who purged parliament of the presbyterian faction dominating over the army's freedom.

Independent freedom was given religious, political and social expression in Jacob's congregation. It was out of this longer tradition of ecclesiastical independence that key players in the army's radical interventions in 1647 emerged. And it is from this tradition that the political radicalization of the army can be better understood. Departing from the medieval legacy of

---

[66] Ibid. See Ha, 'The Freedom of Association' for a fuller discussion of independents and associational freedom.
[67] Michael Norris, 'Edward Sexby, John Reynolds and Edmund Chillenden: Agitators, 'sectarian grandees' and the relations of the New Model Army with London in the spring of 1647' *Historical Research* 76:191 (February 2003), pp 30-53.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

contract rooted in Roman sources and the Davidic covenant, independents left an early modern

one which advanced the idea of freedom as non-domination, presupposed equality among

individuals, and extended this notion to social justice. They worked out an alternative reading of

ecclesiastical and political agency based on this idea in their reading of the New Testament. By

applying this notion to their reading of the New Testament, independent divines made the

concept of freedom as independence more widely available and more universally applicable. By

extending it to the social and political circumstances of the soldiers, they not only made the

possibility of revolution conceivable, but also justifiable.