

SIR HENRY VANE, 1613-1662:

AMERICA'S FIRST REVOLUTIONARY



**Libertarian
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It was the 14th of June, 1662. Tower Hill in London was set up for an execution. The axeman was present, his axe freshly sharpened. A large crowd was gathered to watch. Vendors went about with trays of food and drink. There was a cheerful buzz of conversation, as gossip was exchanged, deals were struck, and bets laid. Suddenly, the condemned man appeared and mounted the scaffold. The crowd fell silent. As was his customary right, he began his dying speech, in which he might repent or explain and justify his actions. But on this day the authorities had withdrawn that right. As he began to speak, there was a sound of trumpets and drums from the guard. He stopped and began again. A second time, his voice was drowned — and a third. At last, he gave up the effort and handed a paper to his friends for later publication. He laid his head on the block. With a single stroke, it was cut off. The axeman held it aloft, crying out in a great voice, “Behold

the head of a traitor!” So died Sir Henry Vane, America’s first revolutionary.

He was born, in 1613, into the English landed gentry. His father held high office at the court of King James I, and was fast augmenting the already considerable wealth he had gained by marriage and inheritance. Young Henry was both clever and moderately handsome. Adding to these his family connections, he had the very fairest prospects before him. His father was rising high. Henry might rise still further — perhaps even into the upper reaches of the peerage. Then, at age 15, he was assailed by religious doubts that were to set his life into a new and unexpected course.

It was during the preceding reign of Elizabeth I that the English Reformation had been accomplished. Directed from above, though, rather than below, it had not gone so

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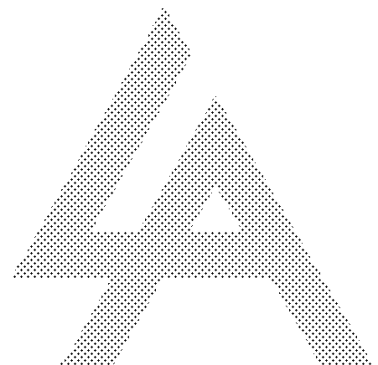
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FOR LIFE, LIBERTY AND PROPERTY



far as elsewhere. While its link with Rome was severed, and its creed rewritten, the church still had bishops and elaborate ceremonies and other reminders of the Catholic past. In place of the Pope, the Crown now stood at its head. It maintained all its old monopolistic claim on the people's faith. This arrangement had on the whole united the nation. Most Catholics had felt able to remain with the state church. Only a small minority at the other extreme had wanted a full reform along the lines suggested by Luther and Calvin.

But, small as it was, this minority could not be ignored. Concentrated in the towns, among the mercantile classes, the Dissenters had a significant voice in Parliament. Since it was to this body that the government had to apply when it needed money, they could seek to frustrate its wishes so long as it frustrated theirs. Under Elizabeth, disputes had generally ended in compromise. Under James and his son Charles—monarchs far less popular and less able—a regular opposition began to form. It was feared that any money given to these kings would be spent on a pro-Catholic foreign policy.

It also was feared that they were conspiring against the liberties of the people. This wasn't entirely untrue. For more than a century, the government had been setting aside the old common law protections of life and property just as it pleased. There had been lawyers ready to protest. But they found no public support. What now was so different was that rights were increasingly violated simply to enforce religious conformity.

Added to this, the theological doctrines of the Reformation were turning political. It was believed that a church ought to be nothing more than a voluntary union for the worship of God, and its ministers accountable to the ordinary members. It was an obvious extension to think also of government as a contract between rulers and ruled. By themselves, the common lawyers had been of little account. Allied with the Dissenters, they made a formidable opposition.

Therefore, when Henry Vane began to insist on taking the sacrament standing instead of kneeling, and to talk about the "inner light of conscience," he was setting himself apart from the English establishment. He made no effort to hide his views. Instead of the richly colored clothes worn by other young men of his class, he dressed plainly in black. He shunned all the pleasures then fashionable at court, preferring to sit with his Bible and to read the great Protestant theologians. He even was unable to study at Oxford because of his refusal to take the required oaths of allegiance to the king and church.

A YOUNG DISSENTER ABROAD

Embarrassed, his father procured him a diplomatic appointment in Vienna, where he might come to his senses. He returned a more polished gentleman, his French much improved, but in faith unshaken. In 1635, aged 22, Henry Vane resolved to leave England forever and settle in one of the American colonies. There he would be free to worship according to his own opinions. He arrived in Boston on the 6th of October.

The settlements around Massachusetts Bay were only six years old. Founded by John Winthrop, a wealthy Dis-

senter, their charter differed from those of the other colonies: they were not obliged to have their head office in London, where the government could keep watch on their doings. By carrying the charter with him across the Atlantic, Winthrop was securing almost absolute independence. He took advantage of this to set up his own Protestant utopia, with an elected government and separation of church and state. He referred his fellow settlers to Matthew 5:14: "Ye are the light of the world. A city that is set on a hill cannot be hid." They were to be special in the eyes of God—an example to all other people.

The settlements flourished. The first seven ships were followed by others, as thousands and tens of thousands of Englishmen fled persecution and poverty at home for life in the New World. When Vane arrived, Boston was already a busy trading port.

Perhaps its citizens hadn't yet lost their regard for birth and English connections. Perhaps they were good judges of ability. Whatever the case, they welcomed him with open arms as "a young gentleman of excellent parts" who had abandoned his prospects at court "to enjoy the ordinances of Christ in their purity." Within a few weeks, he was appointed to a board of legal arbitrators. A few months later, he was made a freeman of the colony, with full voting rights. Almost immediately after, he became Governor of Massachusetts, in charge of defense and all other external matters as well as of the administration.

A CLEARER VISION

It was now, between settling disputes with the other colonies and with the local Indians, that Vane completed his political and religious education. In England, he had been confined to books and, where they left off, to his own groping speculations. Whenever he had looked up, he was back in a country with a church and state that, in spite of a few changes at the Reformation, seemed to reach back into the mists of time. It was hard to imagine anything different. In Boston, he was at the head of a virtual republic. What he had once seen dimly, he now saw clearly. Yet, while his thoughts had been carried forward to where most of his contemporaries would have stopped, his own journey had only been accelerated. His destination lay somewhat beyond the practice of the most enlightened American colony.

The Dissenters had two complaints against the English government. It maintained a church that they abhorred, and it persecuted them. But this didn't make them into secular libertarians. Their own settlements were in many respects as intolerant and conformist as Stuart England. Religious freedom meant the right to belong to an approved Dissenting church and to no other. The freedom of these churches from state control meant their right to enter politics and have their own views enacted into law.

There was no hypocrisy in this. Whatever ought to be the case, we know that freedom has two meanings. Following John Locke, most classical liberals and conservatives confine its meaning to the right of men and women "to order their actions, and dispose of their possessions and persons as they think fit." In the early 17th century, almost everyone took the wider view now associated with Rousseau and the other anti-libertarian philosophers. For them, it also included freedom from domination by one's own baser na-

ture. Accordingly, it was thought a proper function of a free government to foster virtue and put down vice. By this definition, the colonial governments were not, as they saw it, denying freedom when they excluded Roman Catholics and made laws against adultery.

For Vane, freedom took on something like its more restricted meaning. In America, he could abandon the notion, then prevailing among all parties in England, that rights were simply things inherited from the past, and had — and required — no other justification than constitutional precedent. Instead, he adopted a fully contractual theory of government. For him:

All just executive power [arises] from the free will and gift of the people, [who might] either keep the power in themselves or give up their subjection into the hands and will of another, if they judge that thereby they shall better answer the end of government, to wit, the welfare and safety of the whole.

Of course, looking at these words through Lockean spectacles, we might read into them greater restraint on state power than Vane intended. Our reading is justified, though, by his views on religion. Government, he believed, was under no circumstances to interfere in matters of belief:

Magistracy is not to intrude itself into the office and proper concerns of Christ's inward government and rule in the Conscience, but it is to content itself with the outward man.

This rule applied not merely — as it did for Milton and even in some degree for Locke — to Protestants, but also to Roman Catholics and non-Christians. Almost alone in his age, Vane believed in universal toleration.

A DEFEAT FOR TOLERATION

It was his acting on this belief that brought his American career to an end. Mrs. Anne Hutchinson had announced that she possessed an inner light from the Holy Spirit, and that only those preachers named by her shared in the new truth. This was seen by many as blasphemy, and a prosecution was begun. Vane tried to defend her. But he could rally only a minority to the cause of toleration and civil liberty. He lost the 1637 gubernatorial election, and his opponents gradually excluded him and his party from further influence in the colony. On August 3, bowing with regret to the inevitable, he set sail for England.

Yet, while he left under the disapproval of those in power, he harbored no resentment. Throughout the rest of his life, he took a friendly interest in Massachusetts, defending its interests in general, and in particular encouraging the party of toleration.

Home again, he made a show of outward conformity. All that his father's influence could do was now done in his behalf. He was given a post in the administration. In 1639, he entered Parliament as a government placeman. Shortly thereafter, he was knighted. In July 1640 he married, and his wife's portion made him a wealthy man. He seemed, according to one observer, "to be much reformed in his extravagances," and "a man well satisfied and composed to the government."

THE ENGLISH CIVIL WAR

Had English politics continued their placid way, he might indeed have settled down, hoping now and again to smuggle a little humanity into the administration. But, in September 1640, English politics took a wholly new course, and Vane was compelled to choose finally between what was expected of him and what he felt to be his duty.

Tired of its complaints and obstruction, Charles I had dissolved Parliament in 1620 and spent the next decade raising taxes and legislating on his own authority. His means weren't always illegal. But the scale on which he used them was unprecedented, and his autocratic style of government raised widespread desire for constitutional reform. At last, an emergency placed him in need of so much money that he had to call a Parliament. The taxes were promised, but the price was reform. Although Charles consented to all that was initially proposed, his repeated bad faith led the opposition into demanding more than its moderate wing thought it proper for him to grant. The national consensus fell apart, and two parties of equal weight took its place — one standing with the king for what already had been achieved, the other wanting still further reforms. Opinion on both sides hardened, until the country drifted into civil war — the king against Parliament.

Vane chose without hesitation. Rejecting office and any further hope of royal favor, he sat from the first among the extreme radicals in Parliament. He took part in the impeachment of the king's more unpopular ministers. He spoke and voted for the abolition of bishops and the complete reform of the English church. When hostilities began, his natural ability and his American experience earned him a leading role on the Parliamentary side. He was one of the commissioners sent north in 1643 to negotiate an alliance with the Scottish revolutionaries — Scotland then being an independent country, though having the same king as England. In the following year, he proposed and helped to organize a provisional government in both kingdoms. He sat on the Parliamentary board of admiralty. He handled the often delicate relations between Parliament and its army.

No matter what the work required of him, he was sufficient for it. "He was," wrote one admirer, "usually so engaged for the public in the house [of Commons] and several committees from early in the morning to very late at night, that he had scarce any leisure to eat his bread, converse with his nearest relations, or at all mind his family affairs."

"He was," wrote one of his enemies, "all in any business where others were joined with him." He was, moreover, entirely free from corruption.

But, as the Parliamentary cause gradually triumphed, his own ascendancy declined. By the end of the civil war, in 1649, Vane remained influential, but had little executive power.

The reason for this was disenchantment with the course of revolution. The 1640s had seen the bloodiest war ever fought on English soil and, in percentage terms, the bloodiest ever fought by Englishmen. Nearly 85,000 men were killed in the fighting. Another 100,000 died of wounds or associated diseases. Another 117,000 were taken prisoner. All this in a population of little more than five million. There had been the usual horrors — rapes,

plundering, massacres of civilians. And what had been bought with so much blood and suffering?

Vane had hoped from the beginning for a golden age of liberty. He discovered only later that his colleagues had something else in mind. As in America, the majority of Dissenters cared for no other freedom of conscience than their own. With only a shift of its objects and beneficiaries, religious persecution was to continue as before. As for civil liberty, royal despotism was simply to be replaced by that of one party. In 1648, Parliament had been purged of its remaining moderates, and the most fanatical and intolerant school of Dissenters now formed the majority.

His disenchantment was completed by the trial and execution of the king. Though a radical, Vane was no dogmatic republican. "It is not," he wrote, "the form of the administration as the thing administered, wherein the good or evil of government doth consist."

Now that Charles had been defeated, and was a prisoner, it was best to use him. Never again would he dare to rule in defiance of law. But he could occupy a position that no one else was able to seize for himself. He was like fire — dangerous when out of control, but highly useful when tamed. To depose him would clear the way for every ambitious politician or general.

Vane took no part in the king's trial. Though Parliament unanimously elected him a member of the ruling council, he refused his seat until the oath put to him approving the abolition of the monarchy had been changed for one merely promising obedience to the new government. His time in office he devoted mainly to naval and colonial matters. His interventions in domestic politics were generally unsuccessful. He was in the minority that opposed the establishment of the Presbyterian church to the exclusion of all others. He was again in the minority when he opposed the attempt to make Irish Catholics attend Protestant worship.

In 1654, by which time Oliver Cromwell had established himself as military dictator, Vane retired from active politics, preferring to carry on his opposition by pamphlet. In 1656, after one particularly savage denunciation of how the revolution had been subverted, he was arrested and imprisoned without trial for several months.

On Cromwell's death in 1658, he re-entered Parliament, now arguing for a properly settled constitution. The old king was dead. His son, living in Holland, was unknown and probably untrustworthy. It was time, Vane thought, to found a republic in England. He wanted an elected president and a single-house legislature. He wanted the security of life, liberty, and property to be guaranteed by a formal bill of rights.

But opinion was shifting away from experiments of this kind. England had had four written constitutions in ten years, and now seemed set to descend into chaos, as rival generals canvassed support among their troops to become Cromwell's successor. There was only one credible alternative to renewed dictatorship. During a few weeks in 1660, envoys passed repeatedly between London and Holland. It was proposed and agreed that the monarchy should be restored; that all reforms achieved by May 1641 should be affirmed; that there should be an amnesty for most of the treasons and other illegalities committed since

then. On May 8, 1660, in an attempt to restore stable, legitimate government, Parliament declared Charles II to have been king from the moment of his father's death.

Though innocent of what was now called the "murder" of Charles I, Vane was thought by the authorities too dangerous to be left at liberty. His name went on the list of those who were to be excepted from the amnesty. He was charged with high treason for having compassed the king's death, for subverting the ancient form of government, and for having kept Charles II from the exercise of his regal power. His trial, by modern standards, was grossly unfair — though not unusual for the age. It was normal for defendants to be denied counsel and inspection of the indictment, and for judges to sum up for the prosecution, and for juries to be packed. Vane defended himself with all the ability to be expected of him. But that he would be convicted there was never any doubt.

The regular punishment for high treason involved an excruciating, drawn-out torture. Vane was lucky. He was granted "the mercy of the axe."

It is easy, looking back, to despise Vane — to see him as just another of those fools who pull down one government only to complain that the next is even worse. But we have an advantage over him. We know how and why most revolutions turn rotten. Vane had no such historical experience. For us, the events of the 1640s and '50s are variants of a standard pattern. To him, and to those who shared his hopes, they were quite unexpected disappointments.

It is wrong, moreover, to judge him only by his achievements while alive. Whatever their fate in England, his name and reputation were preserved in America. The citizens of Massachusetts were especially proud to include him among their number. In the 1630s, he had stood among a small and easily defeated minority. Within 150 years, this minority had triumphed. Its leaders were responsible for the clearest and most solid safeguards of civil and religious freedom ever adopted into a constitution. Certainly, they had their debts to the Enlightenment philosophers. But their main inspiration from the first had been the English radicals of the previous century. Along with Locke, Sidney, Pym, Hampden, and a host of others, Vane takes his place behind the Founding Fathers of the American Constitution.

BIBLIOGRAPHICAL NOTE

Vane's life can be found in both the (British) *Dictionary of National Biography* and in the *Dictionary of American Biography*. His trial and execution, together with selections from his writings can be found in volume III of the *State Trials* (London, 1809). Milton's 17th sonnet is addressed to him.