

Introduction

Theorizing State Agents

0.1 Sovereignty, State Agents, and Practices of Governance

One of the most influential definitions of the state is Max Weber's formulation from a century ago: "a state is that human community which (successfully) lays claim to the monopoly of legitimate physical violence within a certain territory."¹ Weber's statement has retained such an abiding legacy that its component features are often taken for granted, something that occurs more generally when approaching a concept as abstract, capacious, and ubiquitous as *the state*. But Weber does not presume the existence of the state in its modern form, and instead emphasizes that it is always an effect of a process of construction, a "human community" that gains recognition as possessing statehood only through progressively assuming a monopoly over the legitimate exercise of power. The unsettledness of Weber's model is reflected in revisions he made to this formula elsewhere in his writings. Later in the same essay, "Politics as a Vocation," he offers a variation that clarifies the coercive preconditions for the state's internal consolidation of power: only after having "expropriated" the functions of other estates and institutional bodies can the state "put itself, in the person of its highest embodiment in their place."² Weber charts the transition from practices of governance to the theoretical framework of sovereignty, from the institutional mechanisms and personnel through which the state operates to the overriding power of the sovereign who authorizes these functions. However, offsetting the seemingly fixed nature of the state, the Weberian premise of the state's monopoly over power recognizes that this authority must be continuously challenged in order for it to assert its legitimacy.³ As Anthony Giddens notes, the state's monopoly is, after all, only "more or less successful" in Weber's phrasing.⁴

¹ Max Weber, "The Profession and Vocation of Politics," in *Weber: Political Writings*, ed. Peter Lassman and Ronald Speirs (Cambridge: Cambridge University Press, 1994), 310–11.

² As Weber clarifies, "the modern state is an institutional association of rule which has successfully established the monopoly of physical violence as a means of rule within a territory" after having "expropriated" the functions of estates who previously held these powers ("Profession," 316).

³ For a similar point, see John Hoffman, *Beyond the State: An Introductory Critique* (London: Polity, 1995), 65.

⁴ Anthony Giddens, *The Nation-State and Violence: Volume Two of A Contemporary Critique of Historical Materialism* (Berkeley: University of California Press, 1985), 120–1.

In his monumental work *Economy and Society*, Weber offers an altogether different version of his definition of the state: “A compulsory political organization with continuous operations will be called a ‘state’ insofar as its administrative staff successfully upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order.”⁵ This formulation presents a more coercive model of the state, which is “compulsory,” to the exclusion of any competing affiliations, and maintains its monopoly through the “enforcement” of its sovereignty. The most important distinction, however, is that the state’s power is achieved through its “administrative staff.” The agents of the state, not the sovereign, provide the means for maintaining state authority, and the state’s monopoly over the legitimate uses of violence is ensured through delegating to its agents the exercise of forms of coercion. Weber recognized that a central tension in the formation of the state entailed a struggle for control of the “means of administration” between rulers and other institutions and associations, not only professional groups such as lawyers, clerics, and merchants,⁶ but also, more pertinently, the state’s own agents, many of whom were drawn from these classes. Nonetheless, as Jens Bartelson points out, Weber and his followers were unable to see that the state “was knowable only in terms of the actions that constitute it,” and that there was consequently a “divide between the idea of the state and its institutions.”⁷ Moreover, the state’s monopoly over power could be maintained against its own agents. When delegating authority, conflicts inevitably emerged regarding the degree of agency allocated to state representatives, a problem that was compounded in an extraterritorial setting, where the state’s control over its agents was further attenuated.

The early modern period represented a crucial stage in the history of state formation, and was instrumental in the development of many foundational features of the modern state, including administrative bureaucracies within state territories as well as a diplomatic system regulating interstate relations.⁸ Yet even as increasingly formalized practices of governance created the groundwork for the modern state in its administrative operations, the conceptual equivalents to the state were not the same as subsequent modern definitions. Early modern political thinkers, such as Francisco de Vitoria, Alberico Gentili, and Hugo Grotius, did not refer to *states* but instead surveyed a broader range of political communities, a

⁵ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich, 2 vols. (Berkeley: University of California Press, 1978), 1: 54.

⁶ Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997), 8. For the relevant section in Weber, see *Economy and Society*, 2:1010–64 and 2:1085–90.

⁷ Jens Bartelson, *The Critique of the State* (Cambridge: Cambridge University Press, 2001), 31.

⁸ The classic text on the organization of the sixteenth-century English state is Geoffrey Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge: Cambridge University Press, 1953). On the concurrent development of the English diplomatic system, see especially Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy: Its Evolution, Theory and Administration* (London and New York: Routledge, 1995).

distinction stemming from a natural law tradition that, as Hedley Bull notes, “treated individual men, rather than the groupings of them as states, as the ultimate bearers of rights and duties.”⁹ Looking at the etymological development of the *state* in the early modern period, one finds that the term was not an abstract concept but rather grounded in personalized relations of governance, and was not tied solely to an increasingly absolutist monarchy but instead encompassed a range of legislative bodies possessing authority.¹⁰ The rise of a recognizably modern form of the state was not the inevitable result of political change in the period but was instead achieved at the expense of competing models of political association. As Quentin Skinner argues, “By the beginning of the seventeenth century, the concept of the state—its nature, its powers, its right to command obedience—had come to be regarded as the most important object of analysis in European political thought.”¹¹

Skinner’s comment speaks to how the early modern period continues to frame our critical approaches to the state. These legacies are reflected in the ways that later discussions often reproduce the models of sovereignty inherited from this period. In this opening section of the Introduction, I will return to some canonical texts of early modern political theory, particularly the work of Jean Bodin, and explore how their theorization of sovereignty was interconnected with a reflection on the agents and practices of governance. The following section will consider state formation in relation to the emergence of the public sphere, and analyze the ways that state agents contributed to early modern publics through their writings. The latter part of the Introduction will examine the extraterritorial histories of the state: the state and the law of nations were mutually constituted in this period, and were similarly predicated by the exclusion of nonstate agents and stateless subjects. This section will look at the conceptual impasse that resulted from efforts to theorize the place of religio-political exiles in many influential statements on the law of nations, with particular attention to the writings of the Catholic exile

⁹ Hedley Bull, *An Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977), 29. For an extended analysis of the politics of natural law discourses, see Brian Lockett, *Law and Empire in English Renaissance Literature* (Cambridge: Cambridge University Press, 2006).

¹⁰ Early modern definitions of the *state* include “a legislative assembly in which the various estates of the body politic are represented,” as with the Dutch States General (21.a); “a person of high rank, status, or importance” (22.a); “a ruling body of nobles” (22.b); “the governing body of a town” (23.b); “a commonwealth or polity” (III), including “the condition of prosperity, order, and settled government belonging to such a community” (24). The dominant modern sense entailing sovereignty, “supreme civil rule and government” (26.a), is found as early as the sixteenth century but is not the prevailing definition used in this period. See *Oxford English Dictionary* (“state”), 3rd edition (2012). For a related point, see Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press, 1995), 93, 112.

¹¹ Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978), 2:349. Maurizio Viroli elaborates on this transition in *From Politics to Reason of State: The Acquisition and Transformation of the Language of Politics 1250–1600* (Cambridge: Cambridge University Press, 1992).

William Cardinal Allen. The Introduction is distinct in content and method from the subsequent chapters, outlined in the final section, which offer more historically grounded and literary case studies relating to the groups of extraterritorial agents analyzed in this study: travelers, soldiers, and diplomats.

In approaching early modern state formation through the framework of the writings of English state agents serving overseas, *Agents Beyond the State* focuses on the *practices* of the state rather than its theoretical underpinnings. Indeed, the emergence of a discourse of sovereignty and corollary alignment of this political ideology with the nation-state is a product of the early modern period. Theories of sovereignty, in other words, derived from practices of statecraft and gained a currency by abstracting the imputed characteristics of the state from the complex forms of political agency through which early modern states necessarily operated. As Philip Abrams has argued, although the early modern state “comes into being . . . within political practice,” through the theorization of sovereignty it “acquires an overt symbolic identity progressively divorced from practice.”¹² Timothy Mitchell extends this argument, noting that the state is neither a structure nor a pregiven set of institutions but rather “a powerful, metaphysical effect of practices that make such structures appear to exist.”¹³ The construction of sovereignty is effected through an elision of the practices of governance, particularly in terms of the central role of the state’s agents and representatives. But, as Mitchell adds, in the dynamic interplay of the state and its agents, “Political subjects and their modes of resistance are formed as much within the organizational terrain we call the state, rather than in some wholly exterior social space.”¹⁴

One of the defining features of the early modern state’s organizational terrain was its need for information from its agents stationed abroad, and the practices of early modern governance took shape through a “paper state” and its constituent procedures of writing.¹⁵ My own approach from the vantage point of literary and cultural studies concentrates on the *writing* of the early modern state, analyzing the forms of writing, modes of agency, and literary and professional lives of the state’s extraterritorial representatives. Chapter 1 analyzes the compositional protocols elaborated for the circulation of intelligence reports and traces how they developed into more recognizable forms of travel writing. Chapter 2 discusses the textual circulation of news from England’s informal, mercenary participation in the Dutch Revolt, exploring how the military revolution that professionalized war also led to the professionalization of literary writing, as seen with George

¹² Philip Abrams, “Notes on the Difficulty of Studying the State,” *Journal of Historical Sociology* 1 (1989): 82.

¹³ Timothy Mitchell, “The Limits of the State: Beyond State Theories and their Critics,” *American Political Science Review* 85 (1991): 94.

¹⁴ Mitchell, “The Limits of the State,” 93.

¹⁵ This oft-cited phrasing derives from Peter Burke, *A Social History of Knowledge: From Gutenberg to Diderot* (2000; Cambridge: Polity Press, 2013), 119.

Gascoigne and other military writers. Chapter 3’s analysis of the career of Sir Henry Wotton focuses on the importance of the diplomatic letter as a model for the sociable and affective dimensions of state writing. The figures discussed in this study were among the earliest professional writers in early modern England, and possessed dual careers as state agents and literary writers. As Fynes Moryson, Gascoigne, Wotton, and others entered the realm of print and addressed a reading public, they transformed models of the state in the process, rendering its administration and theoretical preconditions as subject matter for public debate and analysis. As will be discussed later in the Introduction, the literary writings of early modern state agents are an integral component to the emergence of the public sphere and its defining characteristic of a transnational traffic in news and letters.¹⁶

A number of important critical studies have reoriented discussions of the early modern state to concentrate on practices of administration as well as the personnel responsible for governance. As Bradin Cormack has argued, the administrative practices of the state reveal how sovereignty was an effect of a “more mundane process of administrative distribution and management.”¹⁷ The most sustained analysis of state formation in early modern England has been provided by historians such as Steve Hindle and Michael Braddick. As Hindle points out, the early modern state “is not to be viewed exclusively as a set of institutions” but rather as “a network of power relations.”¹⁸ He productively reframes discussion from a static sense of “government as an institution or as an event” to a more nuanced and contextualized approach to “governance as a process.”¹⁹ Noting that early modern England was not a bureaucratic state, Braddick emphasizes in his work that any institutional history is also a “history of individuals.”²⁰ In the micropolitics of local governance, Braddick adds, “there was much more to the agency of the state than the monarchical will.”²¹ Mark Goldie therefore terms as an “unacknowledged republic” the number of individuals holding offices and participating in governance at the local level in early modern England.²² In his

¹⁶ See Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. Thomas Burger (1962; Cambridge, MA: MIT Press, 1989), 15.

¹⁷ Bradin Cormack, *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509–1625* (Chicago: University of Chicago Press, 2007), 9.

¹⁸ Steve Hindle, *The State and Social Change in Early Modern England, 1550–1640* (2000; New York: Palgrave Macmillan, 2002), 19. Philip Corrigan and Derek Sayer offer a broader survey of English state formation and capitalist development in *The Great Arch: English State Formation as Cultural Revolution* (Oxford: Basil Blackwell, 1985).

¹⁹ Hindle, *The State and Social Change*, 23.

²⁰ Michael Braddick, *State Formation in Early Modern England, c.1550–1700* (Cambridge: Cambridge University Press, 2000), 27. On early modern definitions of office and office-holding, see Conal Condren, *Argument and Authority in Early Modern England: The Presupposition of Oaths and Offices* (Cambridge: Cambridge University Press, 2006).

²¹ Braddick, *State Formation*, 24.

²² Mark Goldie, “The Unacknowledged Republic: Officeholding in Early Modern England,” in *The Politics of the Excluded, c.1500–1850*, ed. Tim Harris (Basingstoke: Palgrave, 2001), 153–94.

influential essay on the “monarchical republic” of the Elizabethan period, Patrick Collinson similarly highlights the “measure of self-direction” and “independent detachment” of the state’s counselors and agents.²³ As we see with Collinson’s analysis and the subsequent responses it generated, the complex practices of governance, particularly in terms of its distributed and delegated operations, defy any easy translation to readily available categories such as monarchical sovereignty or republicanism.²⁴ This study expands on this influential critical tradition, and focuses on the extraterritorial contexts that are often bracketed off from discussions of early modern state formation.²⁵ As Elizabeth Mancke has shown, the demands of administering commercial and diplomatic relations in regions throughout Europe and around the globe provided an impetus for the organization and centralization of the institutions of government; taken in these terms, foreign affairs served a key role in a process of state formation.²⁶

In contrast to Weber’s emphasis on the territorial history of the state, *Agents Beyond the State* examines the practices of governance and service through which the early modern state extended its jurisdictional authority abroad. The state’s administrative purview traversed interconnected national and global contexts, and political agency was not confined to sovereigns, particularly in extraterritorial settings in which the state was constituted by the agents who represented its authority beyond the nation’s territorial boundaries.²⁷ As will be discussed further in a later section of the Introduction, my analysis separates the history of the state from national culture in order to emphasize the transnational contexts that contributed to the formation of the early modern state. In its extension beyond the boundaries of the realm, state power was characterized not by its monopolization or centralized forms of authority but rather its more diffuse circulation among a variety of agents, including those bearing a more tenuous connection to legitimate state institutions. As Janice E. Thomson has shown in her analysis of the extraterritorial histories of early modern state formation, the emergence of the states system depended on “the ‘disarming’ of nonstate transnational activities” such as privateering and mercenarism.²⁸ Drawing on Thomson’s argument, this

²³ Patrick Collinson, “The Monarchical Republic of Queen Elizabeth I” (1987), in *Elizabethan Essays* (London: The Hambledon Press, 1994), 36, 42.

²⁴ See John F. McDiarmid, ed., *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson* (Aldershot and Burlington, VT: Ashgate, 2007).

²⁵ Although Collinson never explicitly addresses the issue, it is significant that his examples of agents operating without the monarch’s explicit directives occur in extraterritorial contexts, including Leicester in his role as deputy and quasi-sovereign English authority in the Low Countries (“Monarchical Republic,” 41).

²⁶ Elizabeth Mancke, “Empire and State,” in *The British Atlantic World, 1500–1800*, ed. David Armitage and Michael J. Braddick (New York: Palgrave Macmillan, 2009), 195.

²⁷ For an extended analysis of the history of territoriality, see especially Stuart Elden, *The Birth of Territory* (Chicago: University of Chicago Press, 2013) and *Shakespearean Territories* (Chicago: University of Chicago Press, 2018).

²⁸ Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994), 4. For a recent

study details more fully how such *nonstate* activities were in fact integral to the extension of English jurisdiction abroad. In contexts such as England’s participation in the Dutch Revolt, the forms of delegated authority and commercial leasing of military labor show a political landscape that defies any strict demarcation of state-sponsored versus nonstate activities.

The writings of state agents challenge some of the generic frameworks and critical models that have traditionally been used to analyze early modern sovereignty. As intelligencers, mercenaries, diplomats, and other figures represented state authority abroad, sovereignty was far from indivisible in its character or decisionist in its intent. As Christopher Warren has argued, in the early modern period *genre* was not merely a literary category but also the conceptual framework for imagining political models of association for *gentes* (peoples, nations).²⁹ Earlier critical studies have often seen tragedy as the generic template through which the absolutist monarchy’s model of sovereignty was deconsecrated and challenged by emergent publics. For Franco Moretti, the tragic flaw of sovereignty derives from the contradictions inherent in its image as a self-originating and self-determining authority that delimits political action to the decision of the sovereign.³⁰ The idea of sovereignty as founded on a state of exception, a suspension of constitutional restraints in times of emergency, has become a dominant critical model for analyzing sovereignty in recent years. As initially formulated by the early twentieth-century jurist Carl Schmitt, the defining attribute of sovereignty is seen as this power to exempt itself from the laws that seemingly constitute it: “the authority to suspend valid law . . . is . . . the actual mark of sovereignty.”³¹ Later in this section I will return to the concept of the state of exception, and show how Bodin and Machiavelli formulate complex and surprisingly critical assessments of emergency powers and extra-legal authority. As Glenn Burgess has emphasized, the term “absolutism” is generally applied too freely in characterizing early modern defenses of monarchical authority, and situating Bodin alongside

discussion of nonstate agents in early modern culture, see Laurie Ellinghausen, *Pirates, Traitors, and Apostates: Renegade Identities in Early Modern English Writing* (Toronto: University of Toronto Press, 2018).

²⁹ Christopher Warren, *Literature and the Law of Nations, 1580–1680* (Oxford: Oxford University Press, 2015), 3.

³⁰ Franco Moretti, “The Great Eclipse: Tragic Form and the Deconsecration of Sovereignty,” in *Signs Taken for Wonders: On the Sociology of Literary Forms* (London: Verso, 2005), 42–3. Among recent discussions of sovereignty and tragedy, see Philip Lorenz, *The Tears of Sovereignty: Perspectives of Power in Renaissance Drama* (New York: Fordham University Press, 2013) and Chenxi Tang, *Imagining World Order: Literature and International Law in Early Modern Europe, 1500–1800* (Ithaca: Cornell University Press, 2018), 107–13.

³¹ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (1922; Cambridge: MIT Press, 1985), 9. Giorgio Agamben analyzes this paradigm in *State of Exception*, trans. Kevin Attell (2003; Chicago: University of Chicago Press, 2005).

contemporary Huguenot resistance theorists will illustrate how there were few proponents of such strict interpretations of sovereignty.³²

As an alternative to analyzing early modern sovereignty in terms of tragedy or state of emergency, one instead sees that it necessarily operated through the delegated agency of its representatives. Such processes are, in fact, integral to preserving sovereign authority. As Paul de Man observed, “The declaration of the ‘permanence’ of the State would thus greatly hasten its dissolution.”³³ Sovereignty ultimately resists its intended closure, and its promises must always remain unfulfilled. Sovereignty, as Jacques Derrida so aptly put it, is *stupid*: in presenting itself as the basis of all authority, it will necessarily—if not tragically—break down.³⁴ As Étienne de la Boétie commented in *Discours de la servitude volontaire ou le Contr’un* (1576), published the same year as Jean Bodin’s defence of sovereignty, “Stupidity in a tyrant always renders him incapable of benevolent action”; the antithesis of tyrannical sovereignty, for la Boétie, is embodied in friendship, and a politics of sociability that will characterize many examples of the practices of governance in this study.³⁵ “Sovereignty,” Harold Laski adds, “has necessarily to be distributed in order that the purposes of men may be achieved.”³⁶ Sovereignty is therefore always bound to its embodiment in the form of the state. As Geoffrey Bennington notes, although sovereigns may justify their authority through theoretical models emphasizing the unitary, self-originating, and indissoluble qualities of sovereignty,³⁷ these must necessarily be given a local habitation and a name in the form of the state’s representative agents.

Ambassadors are, in the words of the early modern political theorist Hugo Grotius, “by a Sort of Fiction, taken for the very Persons whom they represent.”³⁸ The jurist Alberico Gentili reaches a similar conclusion regarding the effects of diplomatic representation on sovereign authority: “For if he who represents a prince is a subject of the sovereign to whom he is accredited, the prince himself is a

³² Glenn Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven and London: Yale University Press, 1996), 18. For an overview, see J.P. Sommerville, “Absolutism and Royalism,” in *The Cambridge History of Political Thought 1450–1700*, ed. James Henderson Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991), 347–73.

³³ Paul de Man, *Allegories of Reading: Figural Language in Rousseau, Nietzsche, Rilke, and Proust* (New Haven: Yale University Press, 1979), 266.

³⁴ Jacques Derrida, *The Beast & the Sovereign, Volume I*, trans. Geoffrey Bennington (Chicago: University of Chicago Press, 2009).

³⁵ Étienne de la Boétie, *Discours de la servitude volontaire ou le Contr’un* (1576), published as *The Politics of Obedience: The Discourse of Voluntary Servitude*, trans. Harry Kurz (London: Black Rose Books, 1997), 83.

³⁶ Harold Laski, *Authority in the Modern State* (New Haven: Yale University Press, 1919), 177.

³⁷ Geoffrey Bennington, “Sovereign Stupidity and Autoimmunity,” in Pheng Cheah and Suzanne Guerlac, eds., *Derrida and the Time of the Political* (Durham: Duke University Press, 2009), 99.

³⁸ Hugo Grotius, *De jure belli ac pacis libri tres* (1625), trans. as *The Rights of War and Peace*, 3 vols., ed. Richard Tuck (Indianapolis: Liberty Fund, 2005), Bk II, Chap XVIII, IV, 912. For a related discussion of delegation and diplomacy, see Timothy Hampton, *Fictions of Embassy: Literature and Diplomacy in Early Modern Europe* (Ithaca: Cornell University Press, 2009), 163–8.

subject in the person of his representative.”³⁹ Sovereignty is made manifest through its figurative forms, and is therefore an effect of its representation: the ambassador not only serves as another person of the sovereign, repeating his or her authority, but also performs sovereignty itself, only as a result of which an absent monarchical body can be conjectured as the originating cause of sovereignty. As Bartelson deftly puts it, “sovereignty is not an attribute of something whose existence is prior to or independent of sovereignty; rather, it is the concept of sovereignty itself which supplies this indivisibility and unity.”⁴⁰

In an extraterritorial setting, such as that of diplomatic encounters, the constitution of sovereignty is accomplished through the agential power of the state’s representatives. As in Grotius’s comment, we see that ambassadors may assume their distinctive role in representing sovereignty only once they are situated *beyond* the jurisdictional boundaries of the realm. John Donne represented this process of delegation in his verse letter “To Sir Henry Wotton, at his going Ambassador to Venice”:

After those reverend papers, whose soul is
Our good and great King’s loved hand and feared name,
By which to you he derives much of his,
And (how he may) makes you almost the same,

A taper of his torch, a copy writ
From his original, and a fair beam
Of the same warm and dazzling sun, though it
Must in another sphere his virtue stream⁴¹

In Donne’s poem the delegation of sovereign authority inherent in diplomatic accreditation is a textual process, one mediated through the letters of credential and textual correspondence that enables sovereignty to be extended “in another sphere” beyond the territorial nation. But sovereignty is in fact constituted as an effect of this delegation, and derived through the agency of the state’s representatives, a process of reproduction that makes the sovereign and his agents “almost the same.” In this dynamic relationship of agency and representation, the sovereign is a belated, constructed figure, one who intervenes, as Giorgio Agamben argues, “in order to confer legal validity on the act of a subject who cannot

³⁹ Alberico Gentili, *De Legationibus Libri Tres* [1585], trans. Gordon J. Laing (New York: Oceana Publications, 1964), lxx.51. As Gentili notes in this section, an additional complication to the process of diplomatic representation arises when foreign nationals serve as ambassadors.

⁴⁰ Bartelson, *Genealogy of Sovereignty*, 28.

⁴¹ John Donne, “To Sir Henry Wotton, at his going ambassador to Venice,” in *The Complete English Poems*, ed. A.J. Smith (London: Penguin, 1971), ll. 1–8, 216.

independently bring a valid act into being.⁴² Thus, even though Donne's poem shows the representative agent as the subject of state power and recognizes the underlying fictionality of sovereignty, it nonetheless reflects an inability to conceptualize political agency without reference to an authorizing sovereign.

A key component to early modern formulations of the state was a developing sense of the central place of the *agent* in practices of governance. Significantly, the *OED* locates in sixteenth-century England the earliest examples defining an agent as "a person who acts as a substitute for another; one who undertakes negotiations or transactions on behalf of a superior, employer, or principal; a deputy, steward, representative; (in early use) an ambassador, emissary."⁴³ As we see with these meanings, the role of the agent is distinct from a modern sense of agency: the agent is defined not by autonomy or freedom of action but instead by a relational identity, serving on behalf of or as a substitute for a sovereign, authorizing authority. However, like in Donne's poem on Wotton, the early modern definition of agent carries with it the potential forms of agency that a state's overseas representatives may assume: as Giddens notes, in similarly turning back to the genealogy of the term, an agent implies power, capability, and ability to produce effects.⁴⁴ A relevant critical model in this regard is Bruno Latour's framework of Actor-Network-Theory, which emphasizes that mediators—including the traveling informants, military agents, and diplomats analyzed in this study—do not merely serve an instrumental or subordinate role but instead "transform, translate, distort, and modify the meaning or the elements they are supposed to carry."⁴⁵ As a result, the figuration of state authority experiences an "agential drift," to draw on Julian Yates's insightful phrasing, in which political agency is "a dispersed or distributive process" rather than a property—like sovereignty—that is intrinsically possessed.⁴⁶

This study expands on important interdisciplinary criticism that has analyzed the complex workings of agency among a state's representatives in the constitution of state power. One of the earliest works to address these issues was Ralph Miliband's *The State in Capitalist Society* (1969). For Miliband, state power resides in the personnel of the state, and the interpersonal networks of a "state elite" rising to power through governmental service.⁴⁷ Miliband's model was critiqued by Nicos Poulantzas for its focus on individual subjects rather than the underlying

⁴² Agamben, *State of Exception*, 76.

⁴³ "Agent," *Oxford English Dictionary*, 3rd edition (2012).

⁴⁴ Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Oxford: Polity, 1984), 9.

⁴⁵ Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005), 39.

⁴⁶ Julian Yates, "Towards a Theory of Agentive Drift; Or, A Particular Fondness for Oranges circa 1597," *parallax* 8 (2002): 48.

⁴⁷ Ralph Miliband, *The State in Capitalist Society: An Analysis of the Western System of Power* (New York: Basic Books, 1969), 49.

social forces at work in the emergence of the nation-state in an economy of capitalist modernity.⁴⁸ Nonetheless, Bob Jessop has linked Poulantzas's structural approach with the concerns of agency central to Miliband's project, emphasizing that the state's powers "are activated through the agency of definite political forces in specific conjunctures," and that even under structural constraints, state actors are able to "transform social structures."⁴⁹ As Colin Wight adds, "If the state has agency it can only be accessed through the agency of individuals."⁵⁰ Giddens similarly acknowledges that state power is formed through a dispersal of authority among multiple actors rather than on a hierarchical concentration and unity of power.⁵¹ Even Schmitt, one of the most influential theorists of sovereignty, stresses that abstractions such as sovereignty and absolutism "are incomprehensible if one does not know *concretely* . . . who is to be affected, combated, refuted, or negated by such terms."⁵² We will see throughout this study that the workings of sovereign authority are necessarily more diffuse when refracted through the agential power and interests of the state's representatives. In discussing the intersubjective networks through which state power operated, this study grounds its analysis of extraterritorial service in material histories of writing practices, labor, domesticity, and emerging capitalist economies. Following the recommendation of Pierre Bourdieu, this material history of state practices considers the "system of agents who produce them as well [as] . . . the space of positions they occupy."⁵³

The central place of the early modern period in broader histories of sovereignty and state formation is a common thread running through the work of many of the most influential political theorists of the past century, from Max Weber, Carl Schmitt, Hannah Arendt, and Ernst Kantorowicz to Jürgen Habermas, Michel Foucault, Jacques Derrida, Antonio Negri, Étienne Balibar, and Giorgio Agamben, among others.⁵⁴ The recurring emphasis on the *formation* of the modern state in the period reflects the extent to which histories of the state often rely on narrative frameworks of origin, emergence, and transition. But too often ignored are the

⁴⁸ Nicos Poulantzas, *Political Power and Social Classes* (London: Verso, 1978).

⁴⁹ Bob Jessop, *State Power: A Strategic-Relational Approach* (Cambridge: Polity, 2007), 37, 42.

⁵⁰ Colin Wight, *Agents, Structures and International Relations: Politics as Ontology* (Cambridge: Cambridge University Press, 2006), 189.

⁵¹ Giddens, *Nation-State and Violence*, esp. 8–13.

⁵² Carl Schmitt, *The Concept of the Political*, ed. George Schwab (1932; Chicago: University of Chicago Press, 1996), 31.

⁵³ Pierre Bourdieu, "Rethinking the State: Genesis and Structure of the Bureaucratic Field," in George Steinmetz, ed., *State/Culture: State-Formation After the Cultural Turn* (Ithaca: Cornell University Press, 1999), 71. Recent sources that consider practices of statecraft and the agency of extraterritorial representatives include E. Natalie Rothman, *Brokering Empire: Trans-Imperial Subjects Between Venice and Istanbul* (Ithaca: Cornell University Press, 2012); Daniel Riches, *Protestant Cosmopolitanism and Diplomatic Culture: Brandenburg-Swedish Relations in the Seventeenth Century* (Leiden: Brill, 2013); and Diego Pirillo, *The Refugee-Diplomat: Venice, England, and the Reformation* (Ithaca: Cornell University Press, 2018).

⁵⁴ For an expanded discussion of twentieth-century readings of early modern political theory, see Victoria Kahn, *The Future of Illusion: Political Theology and Early Modern Texts* (Chicago: University of Chicago Press, 2014).

multiple, divergent theoretical frames through which the modern state can be conceptualized. As Kathleen Davis points out in *Periodization and Sovereignty*, in an argument that builds on the work of Dipesh Chakrabarty and other postcolonial scholars, the resurgent critical interest in the history of sovereignty risks reinscribing narratives of colonial modernity, with colonialism and slavery serving as the implicit templates and insidious preconditions for the advent of the modern.⁵⁵ *Agents Beyond the State* similarly traces the indebtedness of European state formation to the legacies of colonialism, particularly in the final section of Chapter 3, which discusses the concept of the lines of amity separating the European states system from colonial spheres “beyond the line.” Especially pertinent to this study is a related critical oversight: the extent to which histories of sovereignty and state formation are generally analyzed solely in reference to the territorial state. As a result, we assume that the history of the state is confined to the nation, thereby eliding the historical impact of extraterritorial contexts, from the complex position of diplomacy, and the elusive status of international law, to the varied forms of agency, travel, and service that pervade the early modern period and intersected with emerging forms of global commerce.

As Davis cogently argues, new and innovative theorizations of sovereignty became dominant in the early modern period through a marginalization of rival narratives of political history: absolutist political theories were able to consign customary legal practices or competing political affiliations to the past, as residues of a feudal age superseded by the administrative modernity of the absolutist state.⁵⁶ As later thinkers looked back to the early modern period, this process was reproduced through an exclusive focus on the absolutist state, an approach that naturalized this political model as the norm and consigned constitutionalist alternatives to a medieval past.⁵⁷ These interpretations lost sight of the historical, cultural, and political conditions that led to this particular formulation of sovereignty, and thereby situated a partial, contested object at the center of their analyses. As the pluralist and Marxist theorist Harold Laski observed a century ago, “[w]e must ceaselessly remember that the monistic theory of the state was born in an age of crisis and that each period of its revivification has synchronized with some momentous event which has signaled a change in the distribution of political power.”⁵⁸ This monistic form of sovereignty, a product of historical crisis,

⁵⁵ For the classic statement of this argument, see Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press, 2000).

⁵⁶ Kathleen Davis, *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time* (Philadelphia: University of Pennsylvania Press, 2008).

⁵⁷ Martin van Gelderen, “The State and its Rivals in Early-Modern Europe,” in Quentin Skinner and Bo Strath, eds., *States and Citizens: History, Theory, Prospects* (Cambridge: Cambridge University Press, 2003), 92. Stephen Deng emphasizes the continued legacies of medieval constitutionalism in the early modern period in *Coinage and State Formation in Early Modern England* (New York: Palgrave Macmillan, 2011), esp. 33–9.

⁵⁸ Harold Laski, “The Pluralistic State,” *The Foundations of Sovereignty and Other Essays* (New York: Harcourt, 1921), 233. Henry S. Turner draws on Laski and other pluralist thinkers in his

gains its power precisely through its capacities for abstraction, its ability to circulate without reference to the preconditions that enabled its construction.

It is therefore productive to historicize the concept of sovereignty itself and return to the specific contexts in which it was formulated and initially gained currency. A particularly important text in this process is Jean Bodin’s monumental work *Les six livres de la République* [*Six Books of the Commonwealth*] (1576).⁵⁹ Bodin’s innovativeness stemmed from how he transformed the idea of sovereignty through his emphasis on its intrinsic marks of unity, indivisibility, and indestructibility. Prior to Bodin’s formulation, the concept of sovereignty was applied far more broadly: it was a term primarily used for describing higher ranking authorities rather than a more abstract principle denoting absolute or exclusive power.⁶⁰ Sovereignty was therefore a relational term, not a designation of essence. Moreover, it was a characteristic associated with office and function, one that applied not only to individuals but also more generally to associations or organizational bodies. Sovereignty was therefore a contested space: a contingent, provisional designation conferred as a means for negotiating overlapping, potentially competing obligations to a variety of political bodies and relations, from those of kinship, alliance, and service, to corporate, civic, and professional affiliations, as well as the transnational loyalties and enmities of confessional identities.

The critical afterlife of the concept of the state of exception is a prime example of how subsequent discussions of the history of sovereignty have overlooked the contexts in which it was initially constructed. When Carl Schmitt formulated this concept in the political climate of Weimar Germany, he significantly cited Bodin as his source.⁶¹ However, as Étienne Balibar pointed out, for Bodin the state of exception was *itself* an exception, not an abiding mechanism of sovereign power.⁶² Despite the fact that this paradigm is often attributed to Bodin, when he refers to the emergency powers of the sovereign in *Six Books* he offers only a provisional and conditional endorsement of such measures: while he concedes that “It is true

fascinating discussion of the genealogy of the corporation in early modern England: see *The Corporate Commonwealth: Pluralism and Political Fictions in England, 1516–1651* (Chicago: University of Chicago Press, 2016).

⁵⁹ Jean Bodin, *Six Books of the Commonwealth*, ed. M.J. Tooley (Oxford: Blackwell, 1955). Unless noted otherwise, references to Bodin are from this edition. Due to the complex textual history of this work, other editions have been used for particular passages. Bodin initially published his text in French in 1576, then issued a revised Latin version in 1586; Richard Knolles’s 1606 English translation collated these two texts. The two modern editions, by Tooley and Julian Franklin, offer abbreviated versions of the text. For discussion, see Elden, *The Birth of Territory*, 261–2.

⁶⁰ Andreas Osiander, *Before the State: Systemic Political Change in the West from the Greeks to the French Revolution* (Oxford: Oxford University Press, 2007), 431. As Giddens adds, before Bodin transformed the idea of sovereignty, the term was used not only to refer to high-ranking individuals but also to the “characteristics of organizations themselves” (Giddens, *Nation-State and Violence*, 94).

⁶¹ Schmitt, *Political Theology*, 8.

⁶² Étienne Balibar, *We, The People of Europe? Reflections on Transnational Citizenship* (Princeton: Princeton University Press, 2004), 142.

that for making peace at Rome, the Senate very often acted without going to the people," at the same time Bodin stresses "that the Senate, and very often the people, authorized their actions and ratified the treaties after they were made, and if they were disadvantageous to the public paid no regard to them."⁶³ Other early modern political theorists shared Bodin's reservations about extra-legal emergency powers. For Machiavelli, Roman precedent stipulated that "the dictator was named for a fixed period and not in perpetuity, and only to deal with the problem that caused him to be appointed."⁶⁴ Moreover, in an earlier text, *Methodus ad facilem historiarum cognitionem* (1566), Bodin had argued that the power of the French crown was mitigated by other authorities such as provincial assemblies.⁶⁵

The tentativeness, complexities, and contradictions of Bodin's political framework reveal how the concept of sovereignty emerging from his work did not arrive in a coherent, realized form; rather, as Steven DeCaroli notes, "sovereignty is presented for the first time as a question, a concept in need of a theory."⁶⁶ In perhaps the best-known and most widely cited section of *Six Books*, "The True Attributes of Sovereignty," Bodin in fact begins by remarking on the lack of classical antecedents for absolutist models of sovereignty. Noting the relatively brief consideration devoted to the topic by Aristotle, he dismisses this precedent for focusing solely on the administrative components of governance and restricting the three parts of a commonwealth to "the taking and giving of counsel, for appointing to office[,] and assigning to each citizen his duties, for the administration of justice."⁶⁷ Significantly, the classical tradition that must be superseded by the modernity of absolutist sovereignty is an administrative model that places greatest emphasis on the functions of the *agents* of governance: counsel, office-holding, and justice. In his later survey "Of the Different Kinds of Commonwealth," Bodin argues against mixed forms of government, declaring that since sovereignty must remain indivisible such forms "could never exist or even be clearly imagined."⁶⁸ Bodin's argument reveals the parameters of the political imagination, and he concludes the section by conceding the underlying fictionality of his monistic construction of sovereignty. As Andrew Hadfield points out, Bodin's reference to the state as *res publica* recognized "that there was no natural form of government, merely a variety of types that could be

⁶³ Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, trans. Julian H. Franklin (Cambridge: Cambridge University Press, 1992), I.10.61.

⁶⁴ Niccolò Machiavelli, *Discourses on Livy*, ed. Julia Conaway Bondanella and Peter Bondanella (Oxford: Oxford University Press, 1997), I.34.94.

⁶⁵ Julian H. Franklin, *Jean Bodin and the Rise of Absolutist Theory* (Cambridge: Cambridge University Press, 1973), 23.

⁶⁶ Steven DeCaroli, "Boundary Stones: Giorgio Agamben and the Field of Sovereignty," in *Giorgio Agamben: Sovereignty and Life*, ed. Matthew Calarco and Steven DeCaroli (Stanford: Stanford University Press, 2007), 43.

⁶⁷ Bodin, *Six Books*, I.10.41.

⁶⁸ Bodin, *Six Books*, II.1.55.

classified."⁶⁹ His model of sovereignty is ultimately an artifice used to give form to the complex workings of governance. In practice, he acknowledges, a principality "is nothing but an aristocracy or a democracy which has a single person as president or premier of the republic."⁷⁰ A prince, in this stunning admission, is not qualitatively distinct but merely a first among equals.

As Quentin Skinner has noted, Bodin presented his monistic model of sovereignty in response to Huguenot resistance theory, which had marshalled its arguments to defend their community's political representation in legislative bodies.⁷¹ Therefore, rather than analyzing Bodin in isolation, as an inaugural text in a discourse on sovereignty, it is necessary to situate his argument as a conservative response to more radical alternatives. One particularly relevant aspect of this strand of resistance theory is that it conferred the right to resist unlawful authority to officers of government. In Theodore Beza's *De jure magistratum* [The Right of Magistrates] (1574), office holders (lesser magistrates) are obligated by oath to fulfill their duties, and therefore freed from obedience and "entitled to resist" any sovereign authority who impinges on their obligations to uphold their office.⁷² Constitutional and legislative bodies similarly have the power to depose sovereigns who have violated the limits and conditions of their authority.⁷³ Beza's argument was expanded in Philippe du Plessis Mornay's *Vindiciae, Contra Tyrannos* (1579), which concluded that "it is lawful either for all or at least for many of the officers of the kingdom to restrain a tyrant. Indeed, not only lawful, but their office makes it incumbent on them."⁷⁴ Writing a generation later, the German theorist Johannes Althusius drew on the Dutch Revolt as a model for an association of regional and lower-ranking officials who opposed unlawful authority, in this case the Spanish vice-regal court.⁷⁵ Such collective resistance embodied Althusius's alternative model of politics as "the

⁶⁹ Andrew Hadfield, *Shakespeare and Renaissance Politics* (London and New York: Bloomsbury, 2004), 160.

⁷⁰ Bodin, *Six Books*, II.1.56.

⁷¹ Skinner, *The Foundations of Modern Political Thought*, 2:284–301; also see Donald R. Kelley, *The Beginning of Ideology: Consciousness and Society in the French Reformation* (Cambridge: Cambridge University Press, 1981), 309 and Mack P. Holt, *The French Wars of Religion, 1562–1629* (Cambridge: Cambridge University Press, 1995), 98–120.

⁷² Theodore Beza, *The Right of Magistrates*, in *Constitutionalism and Resistance in the Sixteenth Century: Three Treatises by Hotman, Beza, & Mornay*, ed. Julian H. Franklin (New York: Pegasus, 1969), 111–12.

⁷³ Beza, *The Right of Magistrates*, 114. For analysis, see Robert M. Kingdon, "Calvinism and Resistance Theory, 1550–1580," in *The Cambridge History of Political Thought 1450–1700*, ed. Burns and Goldie, 208–14.

⁷⁴ Philippe du Plessis Mornay, *Vindiciae, Contra Tyrannos*, ed. George Garnett (Cambridge: Cambridge University Press, 1994), 158. On the response to Huguenot resistance theory in early modern England, see Lisa Ferraro Parmelee, *Good News from Fraunce: French Anti-League Propaganda in Late Elizabethan England* (Rochester: University of Rochester Press, 1996), 75–95.

⁷⁵ Johannes Althusius, *Politica* (1603), ed. Frederick S. Carney (1964; Indianapolis: Liberty Fund, 1995), 194.

art of associating (*consociandi*) men for the purpose of establishing, cultivating, and conserving social life among them."⁷⁶

Juxtaposing Bodin with his contemporaries reveals the distinctive histories that emerge when one draws attention to contexts of governance, administration, and state formation rather than focusing solely on theoretical models of sovereignty. Perhaps the most significant example of an overly selective reading of early modern political thought is provided by the contemporary Italian political philosopher Giorgio Agamben. In *Homo Sacer*, which remains his most influential work, Agamben significantly cites only two figures from the early modern period: Bodin, whom he describes as "the most perceptive modern theorist of sovereignty," and Hobbes, whose view of an originary, ahistorical state of nature in many ways resembles Agamben's own analysis.⁷⁷ Although I am singling out Agamben, his exclusive attention to Bodin and Hobbes is something one finds in other recent critical discussions of sovereignty as well. Even Derrida—in a dialogue with Habermas on the effects of 9/11 on contemporary philosophy—qualifies his endorsement of a tradition of shared or limited sovereignty by still subscribing to the notion that, "[a]s Bodin, Hobbes, and others have pointed out, sovereignty has to be and must remain indivisible."⁷⁸

Instead of placing *Leviathan* at the center of a discussion of early modern sovereignty, Hobbes is more aptly seen, as Foucault once put it, as chief of the "false paternities" of modern political thought.⁷⁹ One effect of Hobbes's influence is that the state is often analyzed in reference to models of sovereignty rather than in the context of the material histories of the state. As Srinivas Aravamudan argued, Foucault's own sustained discussion of early modern sovereignty provides a materialist counterhistory to offset the legacies of Hobbes.⁸⁰ In his analysis of what he terms governmentality, Foucault focuses on the multiple registers in which an art of government circulated in the early modern period: "The state is inseparable from the set of practices by which the state actually became a way of governing, a way of doing things, and a way too of relating to government."⁸¹ The state was not merely a vehicle for subjecting a populace; it was also a "principle of intelligibility" that "entered into the reflected practice of people" and in fact served

⁷⁶ Althusius, *Politica* 17. Van Gelderen discusses Althusius as a response to Bodin in "The State and its Rivals," 86–9.

⁷⁷ For Agamben's comments on Hobbes, see *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), 106–9 and 125.

⁷⁸ Jacques Derrida and Jürgen Habermas, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*, ed. Giovanni Borradori (Chicago: University of Chicago Press, 2003), 131.

⁷⁹ Michel Foucault, "Society Must Be Defended": *Lectures at the Collège De France, 1975–76*, ed. Mauro Bertani and Alessandro Fontana (New York: Picador, 2003), 270.

⁸⁰ See Srinivas Aravamudan, "The Unity of the Representer": Reading *Leviathan* Against the Grain," *South Atlantic Quarterly* 104 (2005): 631–53.

⁸¹ Michel Foucault, *Security, Territory, Population: Lectures at the Collège De France, 1977–78*, ed. Michel Senellart (New York: Palgrave Macmillan, 2007), 277.

as the "only real space for political struggle."⁸² Foucault's analysis of the literature of reason of state in the early modern period provides a dynamic alternative to Hobbes, whose emphasis on the irreversible nature of the transfer of sovereignty to representative political bodies forges a tradition that presents the state as a monolithic and abstract entity which cannot be contested or reimagined.⁸³

Given the abiding influence of Machiavelli on subsequent eras of Italian thinkers, his absence in the work of Agamben is a perplexing omission. It is therefore useful to return to the ways that Machiavelli himself addressed the origins of sovereignty in his analysis of the beginnings of political systems. As Louis Althusser suggests in *Machiavelli and Us*, the Prince is offered as a way to sidestep the impossibility of absolute origins, providing a figure for imagining the creation of political order out of nothing.⁸⁴ But Machiavelli is concerned less with origins than he is with the future, and the potential duration and durability of any form of the state. Regardless of how a state begins, the more pressing matter is how it is maintained. For Machiavelli, it is preserved not through an essential, immovable, and absolute model of sovereignty, one that necessarily coheres to the solitary, unifying figure of the Prince. On the contrary, the state endures because of its foundation, with sovereign authority transferred from the Prince to the people in the form of laws. The exhortation for national unity that concludes *The Prince*, for instance, is premised not only on a liberating sovereign leader but also sustained through "new laws and new practices."⁸⁵ Machiavelli's praise of the contemporary French *parlement*, which restrains the nobles while protecting the people, is expanded in his analysis of the tension between senate and plebeians to which he attributes the "perfection" of the Roman republic, characterized by "its laws and institutions for the benefit of civic liberty."⁸⁶ What defines this statist form is its mutability and protean character, subject not only to fortune and historical finitude but also to a constant, innovative reconstitution through the concrete influence of competing classes.⁸⁷

⁸² Foucault, *Security*, 286, 276; latter quote from Foucault, "'Omnes et Singulatim': Toward a Critique of Political Reason," in *Essential Works of Foucault, Volume 3: Power*, ed. James D. Faubion (New York: The New Press, 2000), 221.

⁸³ The key section in *Leviathan* is "Of the Rights of Sovereigns by Institution," which disallows subjects from the right to "cast off monarchy," "be freed from . . . subjection," or reclaim the ability to transfer their rights to another sovereign authority (I.XVIII.115–16). Hobbes allows for subjects to be "absolved of their obedience to their sovereign" when that authority is no longer "able to protect them," but does not elaborate on the actions that subjects would be warranted to take in these instances (*Leviathan*, I.XXI.147; ed. J.C.A. Gaskin [Oxford: Oxford University Press, 1996]).

⁸⁴ See Louis Althusser, *Machiavelli and Us*, trans. Gregory Elliott (London: Verso, 1999), 57.

⁸⁵ Niccolò Machiavelli, *The Prince*, ed. Quentin Skinner and Russell Price (Cambridge: Cambridge University Press, 1988), XXVI.89.

⁸⁶ Machiavelli, *The Prince*, XIX.66; *Discourses on Livy*, I.2.27 and I.4.29–31.

⁸⁷ Machiavelli describes the inevitable mutation of political forms in *Discourses on Livy*: "all human affairs are in constant motion and cannot be fixed" (I.6.37); for similar comments on the cyclical decay of political forms, see I.2.26. In *The Prince*, he emphasizes the mitigating force of popular will, as a result of which "a ruler is always obliged to co-exist with the same people" (IX.35). For analysis, see

Machiavelli's model gestures toward the heuristic advantages of locating critical frameworks outside of a monistic model of sovereignty to describe the dynamism of early modern politics—in *practice* as well as theory. In distinction from Agamben, the realm of the political is not constituted on the basis of primeval forces of exclusion, violence, and abandonment but is rather shaped, to draw on the insights of Bradin Cormack, through the ongoing administrative and jurisdictional operations we associate with the modern state.⁸⁸ In many respects, my reading bears witness to the continued relevance of J.G.A. Pocock's analysis of the transnational republican tradition that he sees Machiavelli inaugurating through his emphasis on the precariousness of civil institutions.⁸⁹ In drawing on this framework, however, this study will focus on the practices of governance, particularly its forms of writing and agency, rather than a singular and linear intellectual history. This model of the state, in other words, is not a pregiven entity, a mode of modernity always already in place. It is neither isolated to the bureaucratic functions of normative judgment and administrative operations nor monopolized by sovereign bodies. As Graham Hammill has argued, early modern sovereignty was a fluid, multivalent discourse, one that served as a mode of constitutive power enabling the creation of new models of political community.⁹⁰ As we see with Machiavelli, the formation of the state in the early modern period was an agonistic process in which innovative theoretical reflections were inextricably bound up with practices of political agency, and with historical preconditions—but also possibilities of transformation—that still shape our historical present. The state, the commonwealth, the *res publica*—literally, the public *thing*—then, as now, is worth fighting over.⁹¹

0.2 The State and Public Sphere

Early modern state formation is seldom analyzed in reference to the concurrent emergence of a variety of publics in the early modern period.⁹² The seemingly

Antonio Negri, *Insurgencies: Constituent Power and the Modern State* (Minneapolis: University of Minnesota Press, 1999), 28, 37.

⁸⁸ See Cormack, *A Power to Do Justice*, *passim*.

⁸⁹ J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975).

⁹⁰ Graham Hammill, *The Mosaic Constitution: Political Theology from Machiavelli to Milton* (Chicago: University of Chicago Press, 2012).

⁹¹ Relevant to this point are Chantal Mouffe's model of "agonistic pluralism" and Bruno Latour's call for an "object-oriented democracy": see Mouffe, *The Democratic Paradox* (London: Verso, 2005) and Latour and Peter Weibel, eds., *Making Things Public: Atmospheres of Democracy* (Cambridge, MA: MIT Press, 2005).

⁹² An important recent exception is Andrés Kiséry's *Hamlet's Moment*, which analyzes early modern English drama as a "channel for the dissemination of knowledge about professional work, and about the business of politics in particular, to a broad and socially inclusive public" (*Hamlet's*

antithetical nature of these political forms derives from the oppositional framework set out in Jürgen Habermas's classic study, *The Structural Transformation of the Public Sphere*. Habermas initially describes "state servants" as the prototypical "public persons" of the early modern period.⁹³ But as he charts the increasing separation of civil society from state power, and thereby restates modern liberalism's characteristic separation of private and public spheres, the state drops out of his analysis: state agents lose a separate identity as they are subsumed alongside other professional, bourgeois subjects within civil society, while the state itself takes on an abstracted, bureaucratic identity as it is reduced to the component spheres of "public authority" such as the "police" and "court."⁹⁴ As Habermas traces the development of a public sphere from late seventeenth-century England onwards, he insists that this space of civil society could take shape and flourish only after it had situated itself beyond the jurisdiction of the state: the social equality of the public sphere is described as possible only "outside the state," in a space in which the "laws of the state" were suspended.⁹⁵ As he charts the social position of the public sphere, situating it between the private realm of the family on the one hand and the "sphere of public authority" of state and court on the other, he nonetheless draws a sharp, untraversed boundary separating the public sphere from the state. "The state" remains an abstraction located outside the public sphere, serving as an oppositional force that is invoked solely in order for the public to define itself against its power.

But the strict demarcation of the public sphere from the state in Habermas's analysis of the public sphere at its eighteenth-century zenith is complicated by the genealogy he offers in earlier historical sections of his study. Working backwards chronologically through Habermas's analysis, one finds that he in fact emphasizes the mutually constitutive relation of the public sphere and the state: "Civil society came into existence as the corollary of a depersonalized state authority," he argues.⁹⁶ The affective bonds linking private individuals together in terms of shared economic interests and through a rational debate on political matters were predicated by their "exclusion from the sphere of the state apparatus";

Moment: Drama and Political Knowledge in Early Modern England [Oxford: Oxford University Press, 2016], 2).

⁹³ Habermas, *Structural Transformation*, 11. Among the many valuable critical reappraisals of Habermas's study, see Craig Calhoun, ed., *Habermas and the Public Sphere* (Cambridge, MA: MIT Press, 1993); Mike Hill and Walter Montag, eds., *Masses, Classes, and the Public Sphere* (London and New York: Verso, 2000); Michael Warner, *Publics and Counterpublics* (New York: Zone Books, 2002); Brownen Wilson and Paul Yachnin, eds., *Making Publics in Early Modern Europe: People, Things, Forms of Knowledge* (New York: Routledge, 2009); Kiséry, *Hamlet's Moment*.

⁹⁴ Habermas situates the "Public sphere in the political realm" in an interstitial space between civil society (comprised of market relations and the domestic family) and the state (constituted by the court and "the police") (*Structural Transformation*, 30).

⁹⁵ Habermas, *Structural Transformation*, 35, 36.

⁹⁶ Habermas, *Structural Transformation*, 19.

even as early as the mid-sixteenth century, the term *private* “meant as much as ‘not holding public office or official position.’”⁹⁷ Habermas additionally traces the conceptual separation of an administrative class within the state from the court of the monarch: the term *public*, he points out, “referred to the state that in the meantime had developed, under absolutism, into an entity having an objective existence over against the person of the ruler.”⁹⁸ One therefore finds two competing models of the public: in a later part of the early modern period, the more recognizable version of private individuals gathered together in spaces such as taverns and coffee houses, engaged in literary production as well as political debate. But the emergence of this more familiar manifestation of the public sphere obscures recognition of another public within the administration of governance, a context that Habermas in fact describes as the prototypical public of the early modern period: “the servants of the state were . . . public persons.”⁹⁹

One of the concerns of *Agents Beyond the State* is to examine the elusive place occupied by the state and its agents in critical models of an early modern public sphere. I will be focusing on three modes of extraterritorial service—travel and intelligence gathering, military service, and diplomacy—in order to explore the porous boundaries of what is encompassed within a history of the state. State agents navigated between overlapping spaces and mutually constitutive relations of governance and civil society: the state’s networks of intelligence gathering, for instance, outlined the compositional procedures that laid the groundwork for emergent genres of travel writing, while these travel narratives themselves addressed distinct publics and settings of textual production, from the marketplace of print to the manuscript circulation of literary coteries. Additionally, the extraterritorial setting of these forms of service shows that the early modern public sphere did not limit its concerns to national politics and was therefore not demarcated as a space separate from international contexts. We will see this in Chapter 2’s discussion of the military writer Sir John Smythe, who entered a public sphere of print to offer a critique of the effects of the commercial economy of extraterritorial warfare on the traditional hierarchies of agrarian England. These contexts serve to complicate two conventional assumptions about the place of the state in the Habermasian model of the public sphere: that the state is territorially-bound and primarily concerned with domestic (national) politics, and that the extra-political space of civil society necessarily transcends the strictly demarcated boundaries of the bureaucratic state. This study will draw on the classic model of the public sphere in order to address not only early modern state formation but

⁹⁷ Habermas, *Structural Transformation*, 11.

⁹⁸ Habermas, *Structural Transformation*, 11. As Habermas adds, this emerging public came to be seen as “‘state-related’” because the state itself “no longer referred to the representative ‘court’ of a person endowed with authority but instead to the functioning of an apparatus with regulated spheres of jurisdiction” (18).

⁹⁹ Habermas, *Structural Transformation*, 11.

more especially the intersection of extraterritorial service with the social, textual, and political domains of a variety of early modern publics.

Another central concern of this book is examining the history of domesticity, and the effects of state formation and overseas service on models of the household, family, and private sphere. Many of this study’s central texts—from paternalistic travel advice literature and the domestic entertainment of a military family to the workings of the ambassadorial household—offer a domestic setting, in the sense of familial or household spaces, for imagining the entrance of state servants into public life and the ambit of sovereign authority. The Habermasian public sphere is predicated by a constitutive division of public and private spheres, and assumes that the progressive emergence of the public took place by leaving behind the limits of the domestic. Nonetheless, for Habermas, the public sphere could take shape only through modeling itself on the private sphere it superseded, drawing on the “audience-oriented subjectivity” of the household while ultimately transcending the private, local concerns of the domestic sphere.¹⁰⁰ As a result, the public sphere reproduced the affective relations of the intimate spheres of family and household in order to replace them, thereby creating a fantasy of a political space occupied solely by men. Feminist critiques of Habermas have rightly emphasized how the classic definition of the public sphere fails to address the gendered divisions intrinsic to this critical framework.¹⁰¹

The writings and careers of the early modern state agents surveyed in this study complicate this traditional imagination of separate spheres. As will be discussed in the first chapter, the state’s control over the flow of information from travelers and other intelligence agents was established through a paternalistic mode of governmentality that extended familial relations to the context of state service. Chapter 2 explores the impact of foreign service on models of domesticity and the household, analyzing the cultural production relating to two military families, the Sidneys and the Norrises. The final chapter examines the ambassadorial household of Sir Henry Wotton, looking at the affective relations of diplomats with their colleagues and members of their staff. The extraterritorial context of the embassy enabled the creation of alternative networks of affiliation between Wotton and his ambassadorial “family,” which, while resembling the audience-oriented subjectivity of the Habermasian public sphere, also drew on languages of service and mentorship for imagining public forms of community that did fully cohere to either the territorial state or its domestic analogue, the family.

As demonstrated by Wotton, the identity of the ambassador and other state officials was not a primarily bureaucratic role. The term *bureaucracy* was itself the

¹⁰⁰ Habermas, *Structural Transformation*, 28.

¹⁰¹ Among other examples, see Nancy Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” in Bruce Robbins, ed., *The Phantom Public Sphere* (Minneapolis: University of Minnesota Press, 1993), 1–32.

product of a later age: initially coined in 1765, it entered general usage only in the early nineteenth century.¹⁰² In other words, when Weber formulated his bureaucratic framework of the state, one that presumed the existence of a stable, hierarchical, and professionalized institution managed by trained, credentialed civil servants, he grounded his analysis on a model that was a very recent innovation. However, even Weber acknowledged the social and affective dimensions of political service: among his types of social action he listed not only the instrumentally rational, value-rational, and traditional, in keeping with a bureaucratic model, but also the “affectual,” which is “determined by the actor’s specific affects and feeling states.”¹⁰³ In analyzing the pre-bureaucratic social environments of early modern state agents, this study focuses on the importance of what Julia Adams has described as “the historically specific role of affect for early modern elite political actors.”¹⁰⁴

In early modern England, the position of the state in relation to civil society was not that of a bureaucratic domain of public authority separate from and at odds with the public sphere. On the contrary, the agents of the early modern state themselves constituted a form of civil society, one that not only flourished in extraterritorial settings but also served as a social force that transformed state authority by rendering it as an object of public analysis and political reflection. Recognizing this space for political agency challenges the assumed separation of public and private spheres implicit in many definitions of the state. As Marxist critics have long argued, the separation of economic and political practices into the respective domains of civil society and state functions to legitimate not only liberalism’s fantasies of an individualistic and somehow autonomous economic sphere but also a view of the state that abstracts it from economic production and relegates it to a “purely political” status.¹⁰⁵ In addition, drawing on Peter Lake and Steve Pincus’s formulation of a “post-Reformation public sphere,” we see that the workings of early modern publics are not tied to a particular chronological framework, whether in connection to the emergence of a recognizable form of the newspaper (ca. 1620s and following), the English Revolution, or the

¹⁰² Martin Van Creveld, *Rise and Decline of the State* (Cambridge: Cambridge University Press, 1999), 137. As enumerated in the *OED*, the term “bureaucracy,” deriving from the French “bureaucratie” (ca. 1759), first entered the English language in its various senses as “Government by officials; a system of government or (in later use) administration by a hierarchy of professional administrators following clearly defined procedures in a routine and organized manner” (1815); “A state, institution, organization, etc., which is governed or run by bureaucrats” (1843); and the pejorative reference to “The people employed in such a system, considered collectively” (1818) (“bureaucracy,” *Oxford English Dictionary*, 3rd edition [2013]).

¹⁰³ Weber, *Economy and Society*, 1:25.

¹⁰⁴ Julia Adams, “Culture in Rational-Choice Theories of State-Formation,” in Steinmetz, ed., *State/Culture*, 114.

¹⁰⁵ My discussion is indebted to Justin Rosenberg, *The Empire of Civil Society: A Critique of the Realist Theory of International Relations* (London and New York: Verso, 1994), 127–8. A related point is made by Ellen Meiksins Wood in *The Pristine Culture of Capitalism: A Historical Essay on Old Regimes and Modern States* (London and New York: Verso, 1991).

coffee-house culture of the Restoration.¹⁰⁶ Analyzing practices of governance alongside models of the public sphere enables us to recognize the dynamic and contested political landscape of early modern England in which competing spheres of public authority vied for legitimacy. As Foucault appealed, “We have to study power outside the model of Leviathan, outside the field delineated by juridical sovereignty and the institution of the State.”¹⁰⁷

0.3 Stateless Persons and Nonstate Agents in the Law of Nations

The demarcation of international relations from the territorial history of the state is one of the most significant legacies of early modern state formation. As Anthony Giddens has argued, the principle of state sovereignty imposes an imputed boundary separating the internal and external histories of the state. As the state assumes full sovereignty within its territories, it necessarily brackets off extraterritorial contexts as the foreign domains of imperial and colonial relations.¹⁰⁸ As will be discussed further in the final chapter’s section on the concept of the lines of amity, the anarchic definition of colonial spaces was an innovation of the early modern period and, as Justin Rosenberg comments, a feature “characteristic . . . of capitalist modernity.”¹⁰⁹ In the premodern era, by contrast, there was an “absence of distinction between domestic and international politics,” as Saskia Sassen has noted.¹¹⁰ Hendrik Spruyt elaborates on this point, noting that in the medieval period “it is impossible to distinguish the acts conducting ‘international’ relations, operating under anarchy, from those conducting ‘domestic’ politics, operating under some hierarchy.”¹¹¹ Ken MacMillan therefore distinguishes between sovereignty (*imperium*) and possession (*dominium*) in order to emphasize the ways that state authority intrinsically extended beyond the territorial boundaries of the nation: monarchs “with *imperium* were recognized as having both *internal* and *external* sovereignty.”¹¹²

The complexities inherent in the extraterritorial operations of English governance are reflected in many of the examples found throughout this study, from the

¹⁰⁶ See Peter Lake and Steve Pincus, “Rethinking the Public Sphere in Early Modern England,” *Journal of British Studies* 45 (2006): 270–92. Also see Lake and Pincus, eds., *The Politics of the Public Sphere in Early Modern England* (Manchester: Manchester University Press, 2007).

¹⁰⁷ Foucault, “Society Must Be Defended,” 34.

¹⁰⁸ Giddens, *Nation-State and Violence*, 170, 281.

¹⁰⁹ Rosenberg, *Empire of Civil Society*, 123.

¹¹⁰ Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006), 40.

¹¹¹ Hendrik Spruyt, *The Sovereign State and its Competitors* (Princeton: Princeton University Press, 1994), 12.

¹¹² Ken MacMillan, *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576–1640* (Cambridge: Cambridge University Press, 2006), 24.

Dutch cautionary towns ceded to the English in exchange for their military involvement in the Dutch Revolt to the commercial terms in which England leased military labor to the Dutch States General following the Treaty of Nonsuch (1585). The porousness of the boundaries of English jurisdiction in these contexts is markedly distinct from a modern framework that conventionally emphasizes the territorial character of state authority. In other instances, the extraterritorial extension of state power was a matter of controversy, as will be shown with the English government's attempted forced repatriation of Catholic exiles following the Gunpowder Plot along with corollary efforts to limit the mobility of English subjects seeking employment abroad in a transnational economy of military and maritime labor. The significance of a territorial basis to state authority is most evident in those cases involving the actual crossing of the realm's jurisdictional boundaries. The English state retained direct control over travel through licenses issued by the Privy Council that limited the duration and itineraries of journeys, and regulations over travel particularly focused on surveilling the movement of Catholic subjects and exiles. Rather than functioning as an abstract principle undergirding state authority, territoriality manifested itself through the enforcement of border checks and control over the mobility of subjects, as will be seen with the apprehension of Fynes Moryson at Dover on his return from his travels as well as the extradition of Father William Baldwin, captured while crossing a checkpoint in Germany that was held by English expeditionary forces. In these examples, the interrelated workings of territoriality and extraterritoriality are most apparent in the administrative practices through which the English state's authority was exercised over individual subjects.

The boundaries distinguishing the *territorial* versus *extraterritorial* domains of governance are appropriately ambiguous throughout this period due to the fact that these concepts were themselves undergoing a process of definition and had not yet arrived at their modern, more recognizable forms. As Stuart Elden has recently shown, territoriality possessed a range of evolving meanings: it could entail, for instance, a sense of jurisdiction or dominion over "territories," a term encompassing adjoining regions as well as non-contiguous and often overseas possessions, spaces that would be deemed "extraterritorial" in the modern framework of the territorial state.¹¹³ In surveying early modern precursors to the territorial nation, Benedict Anderson similarly emphasized the distinctly non-territorial boundaries of early modern dynastic realms and composite monarchies, "where borders were porous and indistinct, and sovereignties faded imperceptively into one another."¹¹⁴ Especially central to this study is the category of the *extraterritorial*, a term that emphasizes the significance of forms of travel, service,

¹¹³ Elden, *Shakespearean Territories*, 76.

¹¹⁴ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983; London: Verso, 2006), 19.

and governance beyond the territorial state,¹¹⁵ and is used instead of more general variations, such as "foreign" or "overseas," because it more precisely represents the jurisdictional specificities and anomalies of the means by which English state power was extended abroad in distinct settings such as the embassy, military garrison, or privateering voyage, as well as through networks of individual travelers and informants. The extraterritorial does not imply a formalized sense of "extraterritoriality," however, and it is important to remember that the legal codification of this principle became fully established only in the nineteenth century. Significantly, the earliest use of the term extraterritoriality was made by Hugo Grotius. In the passage cited earlier, in which he referred to the ambassador representing sovereignty "by a Sort of Fiction," Grotius emphasized a related process of representation, with diplomats retaining legal rights as if still situated in their native state and outside the territories of their host culture, "so may they by the same kind of Fiction be imagined to be out of the Territories [*extra territorium*] of the *Potentate*, to whom they are sent."¹¹⁶

Contrary to the marginal role often allotted to extraterritorial histories of the state, in the early modern period the emergence of the nation-state as the normative model of a political community was interconnected with a corollary process in which an international states system was elaborated through theorizations of the law of nations. Giddens has emphasized that the subsequent development of international institutions in the modern era served to enshrine the nation-state as the sole political actor in a global system.¹¹⁷ In the early modern period, in lieu of such formal mechanisms, this process was conducted at a theoretical level through codifications of the law of nations. What links these distinct historical contexts is that in each period state sovereignty was defined as a result of efforts to create a states system regulating relations among political bodies. Jens Bartelson, Hedley Bull, and others have explored a reverse dynamic, examining how an international states system emerged in the early modern period as an effect of internal state formation. As Bartelson adds, it is "the categorical distinction between the domestic and the international that conditions the possibility of statehood" and that "makes modern politics modern."¹¹⁸ Following this approach, one can see that a states system was itself a product of the emergence of the early modern nation-state and the theories of sovereignty that underwrote its consolidation. Part of this process also entailed a bracketing off of extraterritorial

¹¹⁵ For discussion, see E.R. Adair, *The Extraterritoriality of Ambassadors in the Sixteenth and Seventeenth Centuries* (London: Longmans, 1929) and Maïa Pal, "Early Modern Extraterritoriality, Diplomacy, and the Transition to Capitalism," in *The Extraterritoriality of Law: History, Theory, Politics*, ed. Daniel S. Margolies et al. (New York: Routledge, 2019), 69–86.

¹¹⁶ Grotius, *De jure belli ac pacis libri tres*, Bk II, Chap XVIII, IV, 912.

¹¹⁷ Giddens, *Nation-State and Violence*, 263–4.

¹¹⁸ Bartelson, *The Critique of the State*, 161. For similar comments, see Bartelson, *Genealogy of Sovereignty*, 23 and Bull, *An Anarchical Society*, 8.

contexts from national culture, which thereby provided an impetus for the formation of the early modern state.

Questions of periodization have been central to discussions of the law of nations in the early modern period. It is generally recognized that the term “international law” is itself anachronistic to the period, and the first reference to this phrasing derives from the end of the eighteenth century.¹¹⁹ A number of important critical studies have challenged a related chronology that had ascribed the formalization of a modern states system to the Peace of Westphalia (1648). The terms of these treaties, Benno Teschke has shown, intended to preserve a dynastic status quo rather than enshrine a new framework of territorial nation-states.¹²⁰ More recently, Stuart Elden has argued that while the treaties did emphasize the primacy of German states’ internal territorial jurisdiction, these powers did not entail “some absolute notion of sovereignty.”¹²¹ This historical reappraisal has revealed the extent to which early modern frameworks of the law of nations and a states system are distinct from their later, more recognizably modern forms.¹²² Especially pertinent to this study is attention to how the law of nations was challenged to accommodate varieties of delegated power and licensed agency that are anomalous if not unimaginable in the subsequent history of the modern state. The extraterritorial extension of state sovereignty often occurred informally, illicitly, and out of necessity. It was accomplished through the agency of not only the state’s own credentialed representatives but also figures bearing a more complex relation to the state, such as those supplying military labor or political intelligence, who might be more accurately seen as nonstate agents or stateless persons. As Janice E. Thomson notes, the danger of such agents stemmed from the fact that “nonstate violence was often turned against the state itself.”¹²³ The histories of state formation that hinge on the emergence of the post-Westphalian territorial state do not fully take into account extraterritorial

¹¹⁹ Bull, *An Anarchical Society*, 36. The OED’s first citation of “international law” is from Jeremy Bentham, ca. 1789 (*Oxford English Dictionary*, 3rd edition [2015]). The formulation found in early modern texts, by contrast, is that of the law of nations (*jus gentium*), deriving from Roman law. For further discussion, see Chapter 3, “Lines of Amity,” below.

¹²⁰ Benno Teschke, *The Myth of 1648: Class, Geopolitics, and the Making of International Relations* (London: Verso, 2003), 244. Among critiques of the emphasis placed on the Peace of Westphalia in the history of International Relations, also see Andreas Osiander, “Sovereignty, International Relations and the Westphalian Myth,” *International Organization* 55 (2001): 251–87. Stéphane Beulac analyzes the texts of the 1648 Münster and Osnabrück treaties in *The Power of Language in the Making of International Law* (Leiden: Nijhoff, 2004), 67–97.

¹²¹ Elden, *The Birth of Territory*, 313.

¹²² Annabel Brett, for instance, describes the era immediately prior to Westphalia as an “interim” period between medieval and modern models of the state (“Scholastic political thought and the modern concept of the state,” in Annabel Brett and James Tully, eds., *Rethinking the Foundations of Modern Political Thought* [Cambridge: Cambridge University Press, 2006], 147).

¹²³ Thomson, *Mercenaries, Pirates and Sovereigns*, 6.

contexts, where practices such as privateering and mercenary service remained widespread until the nineteenth century.¹²⁴

A good example of the porous boundaries distinguishing state from nonstate activities in the early modern period is provided in the work of Hugo Grotius. One of Grotius’s innovations is that he attempted to present the law of nations as deriving from the customary practices of states.¹²⁵ However, this project was also influenced by his own position in relation to nonstate political entities: one of his early works, *Mare Liberum* (1609), a central defense of free maritime commerce, was commissioned by his employer, the Dutch East India Company (VOC), to defend the seizure of a Portuguese vessel, the *Santa Catarina*, in 1603.¹²⁶ In Grotius’s model of free trade, the efforts of the Portuguese to bar the VOC from trading in the East Indies violated the laws of nature mandating free maritime access and trade, and in defense of this right even a private, nonstate agent such as a corporation could have recourse to the laws of war to justify extraterritorial violence and the seizure of prize.¹²⁷ Grotius’s defense of free trade points to the flexibility of the law of nations, which in this case is used to legitimate private war by non-state actors, and attests to the complex forms of political agency that were exercised in the spheres beyond the jurisdiction of the territorial state.

Even as early modern works of political theory constructed the states system through its theoretical elaboration and practical codification, they presumed that they were merely systematizing what already existed in a stable and recognizable form. In *Leviathan*, for example, Hobbes dismissed any consideration of the law of nations, about which “I need not say any thing in this place,” since the topic was “comprehended” in the rules governing individual sovereign bodies.¹²⁸ The extraterritorial histories of the state were similarly elided in other influential formulations of state power. In *Discourses on Livy*, Machiavelli’s analysis does not fully address the extent to which the mutability of the Roman republic was an effect of its foreign entanglements, with cultural expansion necessarily precipitating a cycle

¹²⁴ Thomson, *Mercenaries, Pirates and Sovereigns*, 11.

¹²⁵ F.H. Hinsley, *Sovereignty* (1966; Cambridge: Cambridge University Press, 1986), 188.

¹²⁶ Hugo Grotius, *The Free Sea*, ed. David Armitage (Indianapolis: Liberty Fund, 2004). For analysis, see Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999), 79–94; Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010), 131–7; Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge: Cambridge University Press, 2002); Hedley Bull, Benedict Kingsbury, and Adam Roberts, eds., *Hugo Grotius and International Relations* (Oxford: Clarendon Press, 1990).

¹²⁷ Bull, *An Anarchical Society*, 30. Among discussions of the early modern corporation, see Turner, *The Corporate Commonwealth*; Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford: Oxford University Press, 2011); William Pettigrew and David Veevers, eds., *The Corporation as a Protagonist in Global History, c.1550–1750* (Leiden: Brill, 2018).

¹²⁸ Hobbes, *Leviathan*, II.30.235. On the transnational contexts of Hobbes, see David Armitage, *Foundations of Modern International Thought* (Cambridge: Cambridge University Press, 2013), 59–74; on Hobbes and international law, see Warren, *Literature and the Law of Nations*, 127–59.

of cultural decay.¹²⁹ Bodin asserted that sovereigns were no more subject to the law of nations than their own edicts, and could ignore international law if they deemed it unjust.¹³⁰ But if the law of nations was merely national law writ large, how does one account for subjects—such as political exiles—who were denied the protections of either home or host nation? As Gentili conceded, “As regards exiles, . . . the question whether they cease to be citizens is a subject of debate among our authorities,” one that, in fact, remained unsettled throughout the period.¹³¹

The religio-political exile was the prototypical stateless person of the early modern period. In an era of state formation that increasingly limited political agency to the sovereign nation-state and its official representatives, such figures remained a conceptual impasse in early modern political theory and international law. In his *De Jure Belli* (1588, rev. 1598), for instance, Gentili exempted exiles and political dissidents from his analysis: “Such rebels cannot be discussed in a few words; but I am not treating that subject, which belongs to civil law.”¹³² Although Gentili placed exiles under the jurisdiction of their home nations, there was nonetheless a recognition of the ways that exile complicated the legal status of such subjects. Jean Hotman, French Huguenot diplomat and exile, therefore described exiles and other rebels as “devided subjects.”¹³³ However, even a resistance theorist like Theodore Beza, a Huguenot exile in the Calvinist community of Geneva, barred private persons from taking action against a tyrant, and proposed instead either obedience or voluntary exile.¹³⁴ As these examples show, the most influential works outlining an emerging states system were unable to theorize the place of exiles, which is especially ironic since many of these texts were written by exiles: Gentili spent his career as Regius Professor of Civil Law at Oxford while also serving as a consultant for the English as well as Spanish governments; Jean Hotman, briefly Gentili’s colleague at Oxford, served under Leicester in the Low Countries as well as in the English embassy in France; Grotius wrote *De Jure Belli ac Pacis* while in exile and in the service of the Swedish diplomatic corps in Paris; Hobbes in fact composed *Leviathan* in Paris, where he resided from 1630–37 and again in exile from 1640 until shortly after the text’s publication in 1651.¹³⁵

¹²⁹ Machiavelli, *Discourses on Livy*, 1.6.37–8.

¹³⁰ Bodin, *Six Books*, 1.8.36.

¹³¹ Gentili, *De Legationibus Libri Tres*, II.x.85.

¹³² Alberico Gentili, *De Jure Belli Libri Tres*, trans. John C. Rolfe (New York: Oceana Publications, 1964), III.viii.321. Among recent overviews of Gentili’s works, see Benedict Kingsbury and Benjamin Straumann, eds., *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of Empire* (Oxford: Oxford University Press, 2010) and Ursula Vollerthun, *The Idea of International Society: Erasmus, Vitoria, Gentili and Grotius* (Cambridge: Cambridge University Press, 2017), 106–44.

¹³³ Jean Hotman, *The Ambassador* (1603), 17.

¹³⁴ Beza, *The Right of Magistrates*, 108.

¹³⁵ Diego Pirillo expands on the role of exiles in the history of diplomacy in *The Refugee-Diplomat*, focusing on the links between England and diasporic Italian Protestant intellectuals. James Loxley examines the effects of exile on Hobbes’s political thought in “Not sure of safety”: Hobbes and Exile,” in *Literatures of Exile in the English Revolution and its Aftermath, 1640–1690*, ed. Philip Major (Farnham and Burlington, VT: Ashgate, 2010), 133–51.

The most extensive analysis of the implications of exile is offered by William Cardinal Allen, the nominal head of the expatriate English Catholic community and founder of the seminaries at Douai and Rome. Although Christopher Highley has drawn valuable attention to the contributions of Catholic writers to emerging models of English national identity, there has not been a comparable appraisal of the relation of English Catholic writers to theorizations of the law of nations.¹³⁶ Allen’s own argument reflects the difficulties in representing exile and, like Gentili, he defines the position of the Catholic exile community primarily in terms of its contested status under English law.¹³⁷ His text *An apologie and true declaration of the institution and endeours of the two English Colleges* (1581) was written in response to the series of anti-Catholic proclamations, issued beginning in 1580, which will be discussed later in this section. Allen disavows loyalty to “publike authoritie” and “affection” to nation from geographic location.¹³⁸ In his terms, exile enables dissent, not treason: “we are not fugitiues,” he declares, emphasizing that seminarians did not flee arrest in England or depart out of political protest but left only to preserve matters of conscience relating to religion.¹³⁹ In addition, given the recurring changes of state religion in recent English history, he anticipates an imminent Catholic restoration, after which time the clergy trained in the English Colleges would provide a necessary service to the state.¹⁴⁰ Allen dislodges theological debate from its association with political subversion, challenging Anglican officials to “a disputation” and calling for the free circulation of prohibited Catholic texts.¹⁴¹

¹³⁶ Christopher Highley, *Catholics Writing the Nation in Early Modern Britain and Ireland* (Oxford and New York: Oxford University Press, 2008). Highley offers a comprehensive survey of the writings of Catholic exiles on the Continent: see especially 80–117 and 154–9.

¹³⁷ In contrast to his colleague Robert Persons, whose works often describe the cultural effects of travel on the Catholic exile community, Allen consistently defines English identity in reference to law and political allegiance. For discussion, see my essay “The English Colleges and the English Nation: Allen, Persons, Verstegan, and Diasporic Nationalism,” in *Catholic Culture in Early Modern England*, ed. Ronald Corthell, Frances Dolan, Christopher Highley, and Arthur Marotti (Notre Dame: University of Notre Dame Press, 2007), 236–60. For an overview of Persons’s writings, see Victor Houlston, *Catholic Resistance in Elizabethan England: Robert Persons’s Jesuit Polemic, 1580–1610* (Aldershot and Burlington, VT: Ashgate, 2007).

¹³⁸ William Allen, *An apologie and true declaration of the institution and endeours of the two English Colleges* (Mounts [Rheims], 1581), A5v.

¹³⁹ Allen, *An apologie and true declaration*, B4v. On the question of Catholic loyalism in the early modern period, see especially Peter Holmes, *Resistance and Compromise: The Political Thought of the Elizabethan Catholics* (Cambridge: Cambridge University Press, 1982) and Arnold Pritchard, *Catholic Loyalism in Elizabethan England* (Chapel Hill: University of North Carolina Press, 1979).

¹⁴⁰ Allen, *An apologie*, C4v.

¹⁴¹ Allen, *An apologie*, 11v, H2v. The call for public debate was a recurring feature of the English mission: on this issue, see Thomas S. McCoog, SJ, “Playing the Champion: The Role of Disputation in the Jesuit Mission,” in McCoog, ed., *The Reckoned Expense: Edmund Campion and the Early English Jesuits* (Woodbridge: The Boydell Press, 1996), 119–39, as well as Peter Lake and Michael Questier, “Puritans, Papists, and the ‘Public Sphere’ in Early Modern England: The Edmund Campion Affair in Context,” *The Journal of Modern History* 72 (2000): 587–627.

Allen even forges a strategic alliance with nonconformists and other opponents of the Oath of Supremacy, offering these groups refuge in the English Colleges.¹⁴² Defending a right of conscience, Allen limits the power of the state to political matters: as he concludes, “there can be no iurisdiction ouer English mens soules.”¹⁴³ In his *Defense of English Catholics*, written three years later, Allen would turn to Protestant writers for support, although with the sly intent of showing that resistance theory was not unique to Catholic authors following the Papal Bull against Elizabeth.¹⁴⁴ Despite these ecumenical gestures, his *Defense* nonetheless contradicts his support for religious toleration in his earlier text. He defends the persecution of heresy in general, including the execution of Protestants in the reign of Mary Tudor, but attempts to exclude English missionary priests on legalistic grounds by arguing that the Elizabethan state itself had since rescinded the laws “to put any man to death for his faith.”¹⁴⁵ Discussions of Allen have noted that his published texts, which often emphasize loyalty to the Elizabethan regime and an engagement with publics across a confessional divide, are contradicted by private statements in his correspondence, which show an active support for foreign invasion and the restoration of Catholicism in England by force.¹⁴⁶ One sees a hardening of Allen’s position over the course of the 1580s, which reflects the changing political climate that followed the English state’s violent suppression of the English Mission. Allen was the figure directly responsible for recruiting Catholic priests to the Mission, and witnessed the effects of the government’s response, with 116 of the 471 priests sent to England executed by the end of Elizabeth’s reign.¹⁴⁷ The outbreak of hostilities between England and Spain, including the English interventions in the Low Countries that will be analyzed in Chapter 2, had a direct impact on Allen as well, forcing him to relocate

¹⁴² Allen, *An apologie*, C7. For discussion of the Oath of Supremacy, see Andrew Hadfield, *Lying in Early Modern English Culture: From the Oath of Supremacy to the Oath of Allegiance* (Oxford: Oxford University Press, 2017), esp. 37–68.

¹⁴³ Allen, *An apologie*, F4.

¹⁴⁴ William Allen, *A True, Sincere, and Modest Defense of English Catholics*, ed. Robert M. Kingdon (Ithaca: Cornell University Press, 1965), 134–46. Susannah Brietz Monta discusses Allen’s debate with Burghley in this text in “Rendering Unto Caesar: The Rhetorics of Divided Loyalties in Tudor England,” in *Martyrdom and Terrorism: Pre-Modern to Contemporary Perspectives* (Oxford: Oxford University Press, 2014), 59–86.

¹⁴⁵ Allen, *Defense*, 94. As Duffy reminds us, Allen’s support of the Spanish Armada similarly did not envisage religious toleration but instead the suppression of Protestant heresy following a Catholic victory (Eamon Duffy, “William, Cardinal Allen (1532–1594),” *Recusant History* 22 [1995]: 280); also see M.E. Williams, “William Allen: The Sixteenth-Century Spanish Connection,” *Recusant History* 22 (1994): 123–40.

¹⁴⁶ Brian Lockey, *Early Modern Catholics, Royalists, and Cosmopolitans: English Transnationalism and the Christian Commonwealth* (Burlington, VT: Ashgate, 2016), 50. Accounts of Allen’s career have given competing estimates as to when Allen began to advocate the deposition of Elizabeth, whether 1583, 1576, or even as early as 1572: for these respective dates, see Thomas Francis Knox, ed., *The Letters and Memorials of William Cardinal Allen* (1882; Ridgewood, NJ: Gregg Press, 1965), xliii; Martin Haile, *An Elizabethan Cardinal: William Allen* (London: Pitman, 1914), 238; Duffy, “William, Cardinal Allen”: 266.

¹⁴⁷ Duffy, “William, Cardinal Allen”: 278.

the English College from Douai in the Spanish Netherlands to Rheims from 1578–93.¹⁴⁸

Allen’s shifting position is also indicative of his failure to separate theological issues from the political sphere. The conventional view of Allen is that of a doctrinal traditionalist who was limited to a pastoral and bureaucratic role in the exile community.¹⁴⁹ One historical account even memorably characterized him as a “mild, scholarly, rather dull man; more fit for the university than for international politics.”¹⁵⁰ Allen in fact gave strict directives that barred seminarians from discussing politics in the English Colleges.¹⁵¹ Contrary to this official position, however, even an earlier text like the *Apologie* reflects his active engagement with contemporary politics, from his defense of a liberty of conscience to his advocacy of an open national forum for theological debate. In addition, by publishing his texts from the setting of the English seminaries, Allen placed the English Colleges in a distinctly modern position. Allen extends to the diasporic context of exile some of the characteristics of a Habermasian public sphere: the traffic in news and published texts, the public use of reason, the transposing of a familial, audience-oriented subjectivity to a masculinist domain of civil society, all of which are predicated by a distance from the state and public authority. The modernity of his position is additionally reflected in the ways that it emerged from the context of exile, thereby exemplifying what Giddens has described as a form of “action from a distance.”¹⁵² As Allen himself implored, “oportere meliora tempora non expectare sed facere” [we cannot wait for better times; we must act now.]¹⁵³

A key component to Allen’s argument is his defense of the right of refuge, and he hearkens back to a model of transnational justice and citizenship that was increasingly rendered obsolete as the nation-state began to occupy the position of exclusive actor in an international states system. As Hannah Arendt has argued,

¹⁴⁸ Allen defended William Stanley’s defection to Spanish forces in *The copie of a letter vwritten by M. Doctor Allen: concerning the yeelding vp of the citie of Dauentrie vnto his Catholike Maiestie, by Sir VVilliam Stanley knight* (Antwerp, 1587). Even many English Catholics objected to Allen’s argument in this text (Thomas O. Hanley, “A Note on Cardinal Allen’s Political Thought,” *Catholic Historical Review* 45 [1959]: 332.) Allen’s inability to account for the continued loyalism of Catholics in England is similarly reflected in his defense of the Spanish Armada, which assumed that a general uprising of Catholics would occur in support of the invasion: see *An admonition to the nobility and people of England and Ireland concerning the present vvarres made for the execution of his Holines sentence, by the highe and mightie Kinge Catholike of Spaine. By the Cardinal of Englande* (Antwerp, 1588).

¹⁴⁹ For such views of Allen, see J.C.H. Aveling, *The Handle and the Axe: The Catholic Recusants in England from Reformation to Emancipation* (London: Blond & Briggs, 1976), 54 and John Bossy, *The English Catholic Community 1570–1850* (New York: Oxford University Press, 1976), 26. For a full discussion of Allen’s career and writings, see Duffy, “William, Cardinal Allen,” revised in *Reformation Divided: Catholics, Protestants and the Conversion of England* (London: Bloomsbury, 2017), 132–67.

¹⁵⁰ A.L. Rowse, *The England of Elizabeth* (1950; Madison: University of Wisconsin Press, 2003), 514.

¹⁵¹ Haile, *An Elizabethan Cardinal*, 146.

¹⁵² For a related discussion, see Anthony Giddens, *The Consequences of Modernity* (Stanford: Stanford University Press, 1990), 21–9, 55–78.

¹⁵³ *Letters and Memorials of William Cardinal Allen*, 367.

the right of asylum is the most fundamental and longest-standing obligation underlying the law of nations, one that extends from classical defenses of hospitality to the medieval principle of "*quidquid est in territorio est etiam de territorio*." Arendt invoked this tradition in her analysis of the population of stateless persons displaced from nation-states of origin and yet denied the right of refuge elsewhere. These dislocations stemmed from a transformed model of citizenship, one no longer grounded as "an instrument of the law" but instead on an imputed ethnic basis as "an instrument of the nation."¹⁵⁴ The process that Arendt traced in reference to twentieth-century totalitarianism had precedents in the early modern period. The right of sanctuary, a vested tradition throughout the medieval period, was banned under Henry VIII. Rights of asylum were prohibited by James I in 1623.¹⁵⁵ In opposition to these developments, Allen's defense of English Catholic exiles defines English identity on the basis of deterritorialized principles of law and justice, forms of community not contingent on the standard markers of nationhood such as unconditional submission to the state, geographic residence, or ethnic origin.

In his defense of the right of refuge, Allen counters the framework of the nation with the cosmopolitan model of the open city.¹⁵⁶ Allen calls attention to the long history of English transcultural links with the Continent, especially Rome, noting the historical precedents in which the English have availed themselves of the right of refuge "in such like cases of distresse."¹⁵⁷ In describing an "English Roman life," Allen emphasizes less the distinctiveness of English expatriate culture than Rome's traditional role as the exemplary site of sanctuary: Rome, he observes, has always served as "the citie of refuge and recourse of al Christians out of al Nations."¹⁵⁸ The right of refuge offers a universalist framework for law as social justice, one

¹⁵⁴ Hannah Arendt, *The Origins of Totalitarianism* (1951; New York: Harcourt, Brace & World, 1966), 280, 275.

¹⁵⁵ The banning of asylum and sanctuary in the Jacobean period was intended to curtail the use of embassy chapels as gathering places for recusants, an issue that came to a head with the collapse of the chapel at the French embassy in London during a crowded mass (Benjamin J. Kaplan, "Diplomacy and Domestic Devotion: Embassy Chapels and the Toleration of Religious Dissent in Early Modern Europe," *Journal of Early Modern History* 6 [2002]: 354).

¹⁵⁶ Jacques Derrida examines the historical implications of the city of refuge in his essay "On Cosmopolitanism": see *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (London and New York: Routledge, 2001), 1–24.

¹⁵⁷ Allen, *Apologie*, B8v.

¹⁵⁸ Allen, *Apologie*, C1. In an example of the waning influence of the open city model, the anonymous text *The State of Christendom* (ca. 1594–95) comments that "I know that God ordained cities of Refuge, whereunto it was lawful for Innocents and men wrongly oppressed, to fly for safety; and yet even over such strangers it cannot be amiss to have a watchful eye, as well as to Cherish them" (*The state of Christendom, or, A most exact and curious discovery of many secret passages and hidden mysteries of the times* [1657], 125). The text, first published in 1657 as the work of Sir Henry Wotton, has been more recently attributed to Anthony Bacon, a fellow member of the secretariat under the Earl of Essex and similarly responsible for sending intelligence reports to his employer during this period. For discussion, see Alexandra Gajda, "The State of Christendom: History, Political Thought and the Essex Circle," *Historical Research* 81 (2008): 423–46.

that Allen sets in opposition to the nationalist agenda of recent anti-Catholic legislation.

The English Mission had prompted the English state to issue a series of anti-Catholic proclamations beginning in 1580.¹⁵⁹ Significantly, the first proclamation differentiated the general population of English exiles from those participating directly in plots against the English state.¹⁶⁰ A subsequent proclamation in 1581 was intended to reclaim loyal Catholic exiles by demanding their return from the Continent.¹⁶¹ One key stipulation called for families and guardians to provide authorities with the names of any family members living abroad, and to recall them home within the space of four months. While attempting to organize the national community as an aggregate of loyal households, this effort established a census-like surveillance over Catholic families, with unspecified penalties for those who did not voluntarily come forward to be identified. The ultimate failure of these efforts is reflected in the fact that these ultimatums had to be repeated in a third proclamation the following year. Composed in the wake of Edmund Campion's execution, this edict testifies to the increasingly hardline position adopted by the English state. Unlike earlier legislation, it collapsed distinctions and deemed all Catholic exiles as "traitors."¹⁶²

The English state's increasingly draconian stance toward Catholic exiles was in keeping with the positions outlined in the most influential contemporary statements on sovereignty and the law of nations. Bodin, for example, allowed for granting asylum to exiles only in limited circumstances, but stressed that this protection should always remain conditional and never be extended to pensions and active support. More significantly, for Bodin the rights of exiles remained subordinate to national law; if a nation demanded the extradition of exiled subjects, the host nation must necessarily repatriate them.¹⁶³ Gentili extended Bodin's argument in *De Legationibus libri tres* (1585). Even a subject who had become naturalized in his host culture, Gentili asserted, cannot resist the efforts of his birth nation to reassert its "rights over him."¹⁶⁴ In fact, exile itself is recast as a

¹⁵⁹ On the contexts of the Mission, see Alexandra Walsham, "'This Newe Army of Satan': The Jesuit Mission and the Formation of Public Opinion in Elizabethan England," in *Catholic Reformation in Protestant Britain* (Farnham: Ashgate, 2014), 315–40 and Robert E. Scully, SJ, *Into the Lion's Den: The Jesuit Mission in Elizabethan England and Wales, 1580–1603* (St. Louis: Institute of Jesuit Sources, 2011).

¹⁶⁰ "Supressing Invasion Rumors," 15 July 1580, in Paul L. Hughes and James F. Larkin, eds., *Tudor Royal Proclamations, Volume II: The Later Tudors (1553–1587)* (New Haven and London: Yale University Press, 1969), 469.

¹⁶¹ "Ordering Return of Seminarians, Arrest of Jesuits," 10 January 1581, in Hughes and Larkin, *Tudor Royal Proclamations*, 482.

¹⁶² "Declaring Jesuits and Non-Returning Seminarians Traitors," 1 April 1582, in Hughes and Larkin, *Tudor Royal Proclamations*, 488–91. This classification was legally codified by the "Act against Jesuits and Seminary priests" (27 Eliz. I, c.2) (1585).

¹⁶³ Jean Bodin, *Six Bookes of a Commonweale*, trans. Richard Knolles (1606), V.6.617–18.

¹⁶⁴ Gentili, *De Legationibus Libri Tres*, II.x.86; for related comments, see Gentili, *De Jure Belli Libri Tres*, I.iv.23.

form of “obstinacy and disobedience” that will “render them liable to punishment.”¹⁶⁵ Gentili’s argument was intended as a response to the Huguenot political theorist François Hotman, whose model of resistance theory had extended diplomatic recognition to rebels and other stateless persons, granting them status as lawful enemies in the law of nations.¹⁶⁶ Jean Hotman expanded on the implications of his father’s argument in his treatise *The Ambassador*: diplomatic rights, such as the promise of safe passage in sending heralds and ambassadors to negotiate with foreign powers, were extended not only to exiles and confessional minorities (“deuded subjects”) but also to “fugitiues, outlaws, or pirates.”¹⁶⁷ This universal application of the law of nations, Hotman added, was not merely strategic, as a way of finding a diplomatic solution to any conflict with rebel groups “in consideration of the Common good”; more significantly, the law of nations must be applied universally, without any exceptions: “the good of the Estate goeth aboue all lawes, and all respects.”¹⁶⁸ Gentili countered these arguments by insisting that exiles were not able to sever their allegiance to their home nations.¹⁶⁹ Even if deprived of the protections of citizenship, they were not granted any compensatory status under the law of nations: “rights,” he concluded, “are not acquired by offenses.”¹⁷⁰ Gentili placed exiles among the category of unlawful enemies, or *hostes humani generis*, denied status under the law of nations.¹⁷¹ As will be discussed further in the middle section of Chapter 3, this classification was later applied to Catholic exiles in the immediate aftermath of the Gunpowder Plot. The English state argued that the unprecedented nature of the Plot freed them from any recognition of Catholic exiles’ rights of refuge or naturalized status in their host nations. Denying that the exiles held any protection under the law of nations, English officials demanded the extradition of leaders of the Catholic exile community.¹⁷²

Over the course of the early modern period, political exiles were relegated to a status as stateless persons if not universal enemies. In addition to François and Jean Hotman, one of the few political theorists to offer a defense of the rights of exiles was Hugo Grotius. When he composed his magnum opus *De Jure Belli ac Pacis* (1625), Grotius was an exile himself, residing in Paris while serving as a diplomat for the Swedish state. His discussion was nonetheless extremely brief, comprising only several paragraphs within his voluminous work. Grotius

¹⁶⁵ Gentili, *De Legationibus Libri Tres*, II.x.86.

¹⁶⁶ Gentili, *De Jure Belli Libri Tres*, II.vii.77, II.viii.80; see François Hotman, *Quaestionem illustrium liber* (Paris, 1573), VII (46–54).

¹⁶⁷ Hotman, *The Ambassador*, 17.

¹⁶⁸ Hotman, *The Ambassador*, 17–17v.

¹⁶⁹ Gentili, *De Legationibus Libri Tres*, II.ix.84.

¹⁷⁰ Gentili, *De Legationibus Libri Tres*, II.vii.78.

¹⁷¹ Among many other considerations of this topic, see Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (Cambridge, MA: MIT Press, 2009).

¹⁷² For discussion, see Chapter 3, “Catholic Exiles and the English State After the Gunpowder Plot,” below.

defended exile by naturalizing the mobility of subjects as a mode of commercial life. A nation’s loss of subjects, he concluded, is offset by the “advantage” of the “Number of Strangers they receive in turn.”¹⁷³ Alluding to Cicero, who deemed an ability to leave the state voluntarily as the “Foundation of Liberty,” Grotius viewed migration solely in relation to an economic freedom enabling the transfer of residence and labor power.¹⁷⁴ Victoria Kahn has emphasized Grotius’s crucial role in articulating an emerging contract theory of government, a model that drew on a Ciceronian tradition in which political communities are grounded on bonds of voluntary association while also adapting itself to the conditions of commercial society and globalized trade.¹⁷⁵

Even though Grotius’s argument served as a defense of possessive individualism, it nonetheless opened up the possibility for a political freedom of agency and critique.¹⁷⁶ He rebutted the inter-state police function of the law of nations advocated by Bodin and Gentili, declaring that “the State has no Right over those whom they have banished” and “Nor has the State any Power over Exiles.”¹⁷⁷ Significantly, this defense of exile was framed not in reference to legal precedent but rather through recourse to literary tradition, and Grotius drew exclusively on literary sources such as Euripides and Isocrates to support his argument, showing how alternatives to a statist imagination were forged through literary templates rather than political frameworks.¹⁷⁸ By contrast, Grotius was critical of the semantic ambiguity he found in the precedents for exile in civil law, which codified transportation or banishment as a form of legal death, despite the fact that exiles “enjoyed their Freedom, and all the Advantages allowed by the Law of Nature and Nations” even if deprived of the rights of citizenship in their home state.¹⁷⁹ In addition, similar to Allen’s invocation of the model of the open city to defend the right of refuge, Grotius situated his defense of exile in terms of political traditions of *amicitia* and hospitality: to entertain exiles, he concluded, is not

¹⁷³ Grotius, *De Jure Belli ac Pacis*, Bk II, Chap V, XXV, 555.

¹⁷⁴ Grotius, *De Jure Belli ac Pacis*, 554.

¹⁷⁵ Victoria Kahn, *Wayward Contracts: The Crisis of Political Obligation in England, 1640–1674* (Princeton: Princeton University Press, 2004), 36–7. However, as Richard Tuck notes, in Cicero one finds a tension between his theorization of a common human society and what he assumes is an inherent inclination to prefer bonds of sociability and friendship within one’s community (*Rights of War and Peace*, 36–7). For further discussion of this point, see the final section of Chapter 3, “Lines of Amity,” below.

¹⁷⁶ See C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Clarendon, 1962).

¹⁷⁷ Grotius, *De Jure Belli ac Pacis*, Bk III, Chap XX, XLI, 1575; Bk II, Chap V, XXV, 555. Hobbes follows Grotius’s precedent in concluding that banished persons are no longer subject to the authority of their former sovereigns, but emphasizes the importance of exiles becoming “subject to all the laws” in their new dominion (*Leviathan*, I.XXI.148).

¹⁷⁸ Warren discusses the interconnections between literary writing and the constructed nature of the law of nations in *Literature and the Law of Nations*, esp. 14–18. Grotius turned to literary writing to reflect on his own position of exile in his tragedy *Sophompaneas* (1635).

¹⁷⁹ Grotius, *De Jure Belli ac Pacis*, Bk II, Chap XVI, IX, 856.

“contrary to Friendship,” and he deemed the right of refuge, “To receive the Banished, a Right common to all Mankind.”¹⁸⁰

As will be discussed at several points in this book, the languages of amity and sociability serve as a recurring frame of reference through which extraterritorial agents conceptualized their social place. Friendship offered a means for defining their social position in lieu of an overarching framework of sovereign authority. We will see this dynamic in examples such as Sir Henry Wotton’s grounding of his diplomatic practice on modes of sociability as well as the informal alliance between Sir Francis Drake and the Cimarrons. At the same time, models of cross-cultural *amicitia* were also predicated by corollary definitions of enmity, and this study will examine the central place of those groups exempted from sociable inclusion in definitions of the law of nations. The types of agents discussed in this study—travelers, soldiers, ambassadors—are juxtaposed with figures representing dangerous forms of agency: intelligencers, mercenaries, pirates and privateers, rebels and political exiles, colonial subjects, and other stateless persons and nonstate agents.

0.4 Outline of Individual Chapters

The opening chapter—“The Information Economy of Early Modern Travel Writing”—examines information exchange as one of the chief ways that the power of the early modern state was extended in extraterritorial settings. England’s relations with European states were mediated through an information economy that depended not only on credential extraterritorial agents but also the illicit labor of individual travelers and other informants. The earliest forms of English travel writing emerged out of this context of the state’s networks of intelligence gathering. As I describe in my opening section, most travel texts from this period were not autobiographical accounts of personal travel but rather advice texts—often written by leading state officials—that outlined procedures for organizing the experience of travel and converting it into narrative form. My discussion shows how travel writing, like intelligence gathering, was concerned with the acquisition and management of information. The protocols of writing elaborated in these texts were particularly driven by an effort to maintain control over the agents and networks through which information was not merely transmitted but also potentially transformed.

After an initial section surveying travel advice texts of the Elizabethan period, the chapter analyzes the influence of this tradition on the practices of writing and narrative forms of the first-person travel accounts that made a belated appearance

¹⁸⁰ Grotius, *De Jure Belli ac Pacis*, Bk III, Chap XX, XLI, 1575, 1576.

in the Jacobean period. The middle section, on Fynes Moryson’s *Itinerary* (1617), examines the forms of “narrative accounting” that structure his text. His travel account not only provides unparalleled insight into the economic underpinnings of travel but also complicates the reduction of travel writing to information exchange, offering instead a calculus of sociability, interiority, and dissimulation that correlates the management of risk with the care of the self. The final section discusses Thomas Coryat’s *Crudities* (1611) as an illustration of the material practices of travel writing. Coryat’s text emphasizes the underlying labor of travel: the embodied nature of composition, the physical and temporal limits of writing, as well as the networks of sociability through which travel knowledge circulates. His text also bears witness to the movement of travel writing from coterie manuscript circulation to a marketplace of print, a transition that reflects the state’s increasing monopoly over the circulation of information.

Chapter 2—“The Mercenary State: English Soldiers in the Dutch Revolt”—discusses the textual production emerging from an extraterritorial context that is often elided in histories of early modern England: the nation’s numerous military interventions on the Continent. Throughout the late Elizabethan period, England’s population was incorporated in an ongoing military mobilization, with English armies maintaining a nearly constant presence on multiple fronts in the Low Countries as well as France and Ireland. Yet even as these conflicts generated numerous texts that disseminated military knowledge to a reading public, England’s foreign wars were nonetheless distanced from civil society: they were not only informal and often covert interventions but were additionally conducted by an increasingly specialized, expatriated class of subjects. Through an analysis of the autobiographical writings of English soldiers, I examine how the conditions of military service enabled them to reflect on their economic position as mercenaries, able to transfer their labor power, as a way of reimagining their ability to assert their agency as political subjects.

The chapter looks at texts written by English military agents themselves, with an extended discussion of George Gascoigne alongside analysis of lesser-known figures such as Sir John Smythe and the Norris family. Gascoigne’s *Spoyle of Antwerpe*, his remarkable account of the destruction of the commercial hub during a mutiny of occupying Spanish forces, illustrates the complexities of extraterritorial violence, showing not only the attenuated control that states held over their delegated agents but also the role of mutinies as a form of labor organization and protest. The latter sections of the chapter examine the effects of extraterritorial military service on models of English domesticity, particularly the material histories of local communities, households, and families. England’s disastrous overseas military interventions in the 1590s prompted an outpouring of textual critique and popular protest against state policy. Using Jonson’s later representation of Penshurst and the Sidney family’s own history of service in the Low Countries as a point of reference, my discussion focuses on an

anonymous domestic entertainment staged during Elizabeth's 1592 progress by the Norris family, one of the most prominent military families in the late Elizabethan period. Whereas Jonson's poem uses the backdrop of overseas service as the inspiration for constructing a persuasive fiction of English domesticity, the Rycote entertainment offers a mournful reckoning of the personal as well as cultural toll of an increasingly militarized society's foreign entanglements.

Chapter 3—"Friends and Enemies in the Global History of Diplomacy"—juxtaposes three episodes in the history of early modern diplomacy: Sir Henry Wotton's tenure as England's ambassador to Venice; the English state's efforts to extradite a group of Catholic exiles in connection to the Gunpowder Plot; and Sir Francis Drake's alliance with the nation of Cimarrons in Panama. In my discussion of Wotton's career and correspondence, I focus on the unique position of the embassy as a space of residence, domestic business, and social and pedagogical conduct. Wotton's writings emphasize the literary and sociable foundations of diplomacy, a view that challenges the traditional model of diplomacy as an administrative process relegated to an instrumental role in formal negotiations between state bodies. His career as an ambassador demonstrates how the extra-territorial extension of state power relied on agents and networks operating outside the state's own declared protocols.

The middle section analyzes how early modern diplomacy was transformed in the aftermath of the Gunpowder Plot. In response to this event, the English state circumvented the law of nations and extended English sovereignty beyond the nation in an effort to extradite several leading Catholic exiles on fabricated charges. In contrast to Wotton's more autonomous model of state service, this episode reflects the extent to which emerging practices of diplomacy and theorizations of the law of nations made political agency coterminous with sovereign state institutions, and thereby excised any legal or conceptual place for the exile, extraterritorial subject, or nonstate agent.

The final section extends this analysis to examine the modes of sociability and definitions of enmity applied to colonial and extra-European regions. An abiding fiction underwriting the history of the law of nations is the idea of the lines of amity, the premise that extraterritorial violence "beyond the line" did not disrupt peaceful relations among European states. Sir Francis Drake's alliance with the Cimarrons complicates the boundaries of the lines of amity, revealing the extent to which nonstate agents, stateless persons, and a range of colonial subjects wield political agency in the unstable domain of the colonies. Colonial rebellion, moreover, provided a framework for imagining the overthrow of sovereign authority. Nonetheless, as seen in Francisco de Vitoria's recuperation of Spanish dominion in *De Indis* as well as in William Davenant's entertainment *The History of Sir Francis Drake*, the lines of amity remained entrenched in the European political imagination through a narrative strategy that relegated colonial history to its own tragic register.

Finally, the Afterword for the study—"The Cosmopolitical Bureau"—turns to the first citation of the term *cosmopolitan*, from James Howell, in order to explore some of the legacies of the early modern period that continue to resonate in our own historical moment. Howell's model of cosmopolitanism is that of a comparative form of political knowledge, one deriving from a position of exile or social displacement that provides a framework for turning a critical gaze back to one's national culture. Howell significantly correlates this critical, cosmopolitan outlook with the distinctive practices of writing that emerge from the "bureau" of state governance.

