

Mercantilism Reimagined

*Political Economy in Early
Modern Britain and Its Empire*

Edited by Philip J. Stern
and
Carl Wennerlind

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**CORPORATIONS
HUMANISM AND ELIZABETHAN
POLITICAL ECONOMY**

Henry S. Turner

Classically, the notion of mercantilism as an economic policy and practice is inseparable from three ways of characterizing what we think of as the "political" domain in early modern Europe, which I will define initially as the ideas, institutions, and practices that concern enduring collective organization on a large scale. First, early modern ideas about political belonging are marked by the emergence of *national* concepts and self-identifications. These national concepts are secured through cultural representations across many forms and genres; they tend to be strongly marked geographically and include notions of dynasty, lineage, linguistic heritage, and a shared cultural history.¹ Second, the sixteenth century is often characterized as the moment when a *state* concept first emerges as a legally authorized sovereign power or as an administrative network of offices and authority associated with larger processes of secularization and modernization.² More recently, attention has turned to a third political category, which extends the analysis of political units to an international scale: *empire*, including composite political entities (states or monarchies) that extend over many different territorial and administrative units.³

Of course, the "mercantilism" of Eli Hecksher or the "mercantile system" of Adam Smith was not merely, or even primarily, a political theory but rather a theory of political *economy*, a set of ideas and policies for economic regulation undertaken by governments to secure treasure and a favorable balance of trade in the context of an international sphere populated by other nation-states. Historians of economic thought have tended to regard the debates over the decline of English trade in the 1620s and 1630s among Thomas Mun, Edward Misselden, and Gerald Malynes as the first statements of a modern theory of political economy; in the sixteenth century, the outlines of a fully elaborated, field-specific, and technical discourse about economic mechanisms are less easy to discern.⁴ However, if we characterize political economy not as a set of theories about state-sponsored economic policy or national market mechanisms

but as a bundle of competing ways to think more broadly about the problem of value—its definition and equivalencies across varying situations—then it becomes possible to identify the sixteenth century, rather than the seventeenth or eighteenth, as a crucial moment of transformation in the way that “economic” and “political” ideas came to be redefined in relation to one another.⁵ Approaching the problem in this way also shows how important humanist ideas were to this process of redefinition, across a wide variety of discourses and genres of writing, even though scholarship rarely associates European humanism with the advent of modern political economy. And it suggests, perhaps most importantly, that our categories for thinking about political power in the early modern period are often much too narrow.

So how did sixteenth-century writers define their “political” and “economic” problems, as well as the relationship between them? What traditions of thought did they draw upon, and to what historical circumstances were they responding when they turned to these traditions and began to modify them? In what follows, I aim to provide some answers to these questions by turning to a very old institution that was repurposed in the middle of the sixteenth century in order to experiment with new modes of economic activity and new forms of group association, at different scales: the institution of the corporation. The Church, universities, guilds, towns, cities, religious confraternities, joint-stock companies: all were corporations, and all enjoyed rights and freedoms that sometimes exceeded the authority of the state that putatively authorized them. Because the corporation was (and remains) a legal person, its capacities were both singular and collective at the same time; similarly, corporations organized collective rather than individual action, whether this action is understood in political, economic, or technological terms. As an entity that was more than the sum of its individual members, a corporation was one, but it was also many: an artificial person made up of many natural people. It depended on abstract categories that could extend over many particulars, and on instruments of representation—vocabularies, modes of documentation, tokens of membership and authority—that could unify its many parts. It required a broad spectrum of formal techniques in order to gather itself and persist: rhetorical modes of address, persistent images that could justify action, methods of description and communication, narrative structures that organized its accounts of itself.⁶ My main examples in the brief genealogy of humanism and political economy that follows come from the writings of the jurist and statesman Sir Thomas Smith (1513–77) and the geographer and historian Richard Hakluyt the younger (1552–1616). My goal is to show how important the institution of the corporation was to Elizabethans such as Smith and Hakluyt as they attempted to reconcile several competing systems of value with one another, as they sought to expand the categories of their political thought, and as they invented new practical forms with which to intervene in a pluralist international world of commerce and rule.

From the very origins of political philosophy, it was impossible to distinguish absolutely between “ethical” and “political” concepts: as every humanist knew, the purpose of the *polis* was to foster virtue, which was in turn a defining characteristic of the citizen as a member of the political community. The place of economic activity in this ethico-political sphere was clear: Aristotle defined economic activity in ethical terms—for medieval and early modern thinkers alike, the *Nicomachean Ethics* was a long-standing authority on economic and not simply moral problems—and he understood it as part of the household (*oikos*), through which it became necessary by extension to the larger political community of virtue. Because the merchant’s activity does not take virtue as its end, however, he is excluded from the “political” relation properly speaking: in the *Politics*, Aristotle states unequivocally that “in the most nobly constituted state, and the one that possesses men that are absolutely just . . . the citizens must not live a mechanic or a mercantile life (for such a life is ignoble and inimical to virtue).”⁷ Trade concerned with the “good life” is natural, so long as it is not measured in bodily enjoyments (1.3.19) and so long as it procured “those goods, capable of accumulation, which are necessary for life and useful for the community of the city or household” (1.3.8). Since necessary goods are by definition limited (1.3.9), the household form of wealth is “natural” (1.3.17) and could include the exchange of objects when used for themselves. In contrast, sheer “wealth-getting” is unnatural because unlimited and pursued “by means of a certain acquired skill or art” (1.3.10); it employs money as a conventional measure and has as its end wealth, for which there can be no limit (1.3.13–18). For this reason Aristotle condemns interest and usury in arguments that are well known to medieval and early modern historians.

Because sixteenth-century humanists took for granted the basic ethical and political origins of classical discussions of commerce, men who wished to enter into trading ventures—counselors, statesmen, members of the Privy Council, and other wealthy members of Elizabethan society—found that some of their most cherished classical authorities either disdained merchants and money making as a public activity or circumscribed that activity by linking it to the magnanimity that formed the distinctive public virtue of the wealthy.⁸ How did they respond? In the first place, they made great rhetorical efforts to promote the collective benefits of profit making over narrow individual interest, and they strongly emphasized the virtuous qualities of the men who undertook trading ventures. David Harris Sacks has shown how debates over monopolies throughout the sixteenth century turned on the distinction between “public good” and “private gain”;⁹ the accounts of travel and trade collected by Hakluyt repeatedly stress the heroic and even chivalric qualities of the men chosen to lead commercial expeditions.¹⁰ Merchants themselves, meanwhile, increasingly sought to claim the status and political power to which they felt their wealth and bequests entitled them.¹¹

Literary works furnish many examples of how humanist and commercial ideas often sat uneasily with one another at the turn of the seventeenth century. Merchants and mercantile values form an important topic in the drama of the period, both as figures of admiration and as objects of satire. Aaron Kitch has recently shown how poets such as Edmund Spenser and Christopher Marlowe integrated economic metaphors and themes into their work: to defend, cautiously, merchants and the prudential pursuit of wealth in the service of the Elizabethan state, and to refashion classical models so that they might serve an Elizabethan poetic project pulled between a Horatian and a commercial notion of "profit."¹² Shakespeare's sonnets famous employ economic terms to refigure traditional sonnet conceits; on a larger scale, his *The Merchant of Venice* (1596) vividly demonstrates the conceptual and emotional complexities of juxtaposing an economy of love and friendship with an economy of coin and credit. By submitting the *qualitas* of flesh to the *quantitas* of measurement, *The Merchant of Venice* provokes difficult questions about the laws necessary to regulate relationships among people and about the values that justify this regulation. For all these reasons, the play is simultaneously "economic," "ethical," and "political" in its imagination: it invites its audience to contemplate the impossibility, and yet the necessity, of calculating the relationship between the one and the many, or between the individual and the collective; to decide how the "common good" is to be defined, and how the common good of a community is to be reconciled with the rights and claims of singular members.¹³ Earlier in the century, Sir Thomas More's *Utopia* had posed similar problems, albeit in a different mode and with very different results; More's detailed treatment of contemporary economic and legal problems, and his striking vision of a political community founded on common property and the equitable distribution of resources, was often reprinted and captured the imagination of subsequent generations of writers who sought to understand the nature of the "commonwealth."

Among the most significant of these writers is the humanist, jurist, and statesman Sir Thomas Smith, whose work often responds directly to More's *Utopia* and who illustrates especially clearly how sixteenth-century humanists might accommodate economic transactions and the mercantilist logic surrounding them to the ethical and political categories they had inherited. Educated at Queen's College, Cambridge, where he was named King's Scholar and University Orator, Smith traveled to Padua to study civil law before returning to Cambridge to become a leading English authority on Greek, a Doctor and Regius Professor of Civil Law, and vice-chancellor of the university. He was twice elected to Parliament (1547, 1553), made Provost of Eton and Dean of Carlisle Cathedral, appointed Secretary to Edward VI (1548–49) and later to Elizabeth I (1572–73), and twice served as Elizabeth's ambassador to France (1562–66; 1571–72).¹⁴ Smith was widely regarded as one of the most learned men of his age, the "flower of the University of Cambridge" (in the words of his student, the geographer Richard Eden)

where he lectured in natural philosophy, encouraged the study of practical mathematics, and wrote Latin treatises on the spelling of English and the correct pronunciation of Greek.¹⁵ Smith owned one of the great manor houses of the period, Hill Hall at Theydon Mount, which he rebuilt several times in the latest Italian architectural styles, and he accumulated an impressive library of nearly four hundred titles across the fields of theology, philosophy, civil law, history, grammar, rhetoric, dialectic, poetry, drama, medicine, alchemy, astrology, geography, and mathematics.¹⁶

Today Smith is remembered for having written two of the most penetrating analyses of the Tudor "commonwealth," *A Discourse of this Commonweal of England* (ca. 1549, pub. 1581), often described as an early statement of a modern theory of political economy, and *De Republica Anglorum* (1565, pub. 1583), an important contemporary description of England's legal and political organization.¹⁷ *A Discourse* advanced sophisticated arguments about debasement, price mechanisms, and the internationalization of commerce by means of a literary form long-favored by humanist writers: an imaginary dialogue conducted among a Knight, a Doctor, a Merchant, a Husbandman, and a Capper, each representing a distinct estate in English life. Smith draws often on the moral philosophy of Cicero to forge a new understanding of economic and political relationships organized around a notion of common profit and private property.¹⁸ Whereas Aristotle had subordinated economic questions to ethical ones and accorded little space to economic ideas or economic practices in political life, Smith views the two domains as homologous to one another: touching everything and everyone, economy becomes more than simply a means of achieving political coherence but provokes a reimagining of the political relation itself as one that is rooted in many small market transactions and structured around an opposition between domestic and foreign trade. In the view of all characters, the concept of profit assumes a moral value that should extend as widely as possible. In an exchange with the Doctor over enclosures, the Knight poses the problem most sharply as a conflict between "one," "all" and "some," which leads him to the following political arithmetic:

Every man is a member of the Commonweal, and that that is profitable to one may be profitable to another if he would exercise the same feat. Therefore that that is profitable to one and so to another may be profitable to all and so to the whole Commonweal. As a great mass of treasure consists of many pence and one penny added to another and so to the third and fourth and so further makes up the great sum so does each man added to another make up the whole body of a Commonweal.¹⁹

But the Doctor counters with another maxim: "[T]hey may not purchase themselves profit by that that may be hurtful to others" (51). Theft profits the individual person but is obviously not a benefit to the Commonwealth, he points out (52). Nothing prevents

"all" from doing what "some" are observed to do; "some" inevitably extends into "all" without restriction, but this "all" is simply an aggregate of individuals, a plurality that competes within itself with no regard for genuine political unity. Instead, the Doctor proposes the "Commonweal" as the larger entity that must be preserved through such "ordinances" as are "profitable to the most number and do hurt but to the fewest," "as that politic Senator Tully says" (116). Like the Knight, in other words, the Doctor grounds his analysis of the commonwealth in a profit principle—"every man naturally will follow that wherein he sees profit, and therefore men will the gladder occupy husbandry" (60)—but he tends to favor economic mechanisms, rather than laws, as a means of reforming the Commonweal. "Some things in a Commonweal must be forced with pains and some by rewards allured" he concludes, again citing Cicero as his authority (59). His analysis (a model for modern neoliberalism) imagines a political world in which the individual has no need for intermediate level organizations but requires only the principle of "free vent and sale" (60).

Smith's account of English economic life in the *Discourse* is notable, too, however, for the way in which it downplays and even views with suspicion the types of incorporated guilds and companies that in turn provided the structure for local political organization in Smith's period.²⁰ The Doctor of the *Discourse* openly attributes the decay of towns in part to the excessive control enjoyed by incorporated guilds, arguing instead for a patent system modeled on that of Venice, in which individual expertise is protected rather than corporately organized craft knowledge (124). In fact, the Doctor inverts the conventional opposition between private and public, contrasting the common good of the "public weal" to what he describes as the "private liberties and privileges" (125) enjoyed by the incorporated craft guilds, which stand between the individual and the community of the realm and inhibit the flourishing of the latter.

There is some historical irony in the fact that Smith would draw directly on corporatist ideas and legal structures in later life. But the Doctor's arguments are also typical of the way sixteenth-century writers sought to fit Greek and Roman concepts of large-scale political community into long-standing forms of association that had a more pronounced corporate dimension. Smith's *De Republica Anglorum* blends corporatist and individualistic ideas of community together, distinguishing the unity of the commonwealth from more temporary collections of persons in a definition that directly recalls that of Cicero in his *Republic*:

[A] society or common doing of a multitude of free men collected together and united by common accord and convenauntes among themselves . . . for properly an host of men is not called a common wealth but abusively, because they are collected but for a time and for a fact: which done, ech divideth himselfe from others as they were before.²¹

Here Smith remains close to Roman notions of political community as founded on individual agreements, a proto-theory of social contract. But we soon find him invoking corporate images to describe this unity, using *populus*, for instance, in a corporate sense ("the people I call that which the word *populus* doth signifie, the whole body and the three estates of the common wealth" [16]), and his account of sovereignty in king and parliament makes elaborate use of corporate images and of the logic of corporate personhood: a principle of unity through representation, repetition, and substitution, the formal abstraction of parts into wholes, and the delegation of voice—the vocative condition of a collective person that wishes to speak as such.

Smith also draws much more explicitly on the categories of Aristotelian political philosophy in the *De Republica Anglorum* than he had in the earlier *Discourse*, and for this reason the treatise provides a particularly clear view of how Aristotelian arguments about constitutional forms could be received through corporatist concepts, a phenomenon that is more widely visible as the sixteenth century draws to a close. The anonymous 1598 English translation of Louis Le Roy's French edition of Aristotle's *Politics*, for instance, renders the classical notion of *koinonion* (today usually translated as "partnership") as "fellowship," "corporation," and, most commonly, as "company," all terms with distinct and long-standing economic as well as social and political meanings.²² In the words of the "Argument or Contents of the First Book of Government":

Forasmuch therefore as the dutie of him that dealeth with matters of State, is to treat of ciuill Societie and to seeke out the causes thereof, from Nature, Aristotle purposing to write thereof, sheweth first of all from whence this societie proceedeth, wherein it consisteth, and to what end it is ordained, beginning at the first and simplest partes thereof, that is to wit, the companie of man and wife, master and seruant, father and children: of which companie a household is compacted. Afterward by increasing many households into a street or hamlet, and many streets into a Citie, Corporation, or Commonweale: he sheweth he same to haue a naturall constitution, and to be the most perfect companie, and the end thereof to be of the best sort, as which comprehendeth all the other endes, and whereunto they be all referred. Then forasmuch as no companie can maintaine themselves without goods, he treateth of the manner of getting them, seruing to the maintenance as well of houshold as of Common-weale, of which manners of getting he setteth downe diuers sorts both natural and artificiall: among the which he utterly discommendeth interest and vsurie.²³

The entire first chapter employs similar phrasing: "euery Citie or Commonweal is a companie, and euery company is ordained to some good" (1); "Euery companie is ordained for some good; and euery Common-weale is a companie: therefore euery

Common-weale is ordained for some good" (1); "A companie, societie, or fellowship, is a knitting of many persons together in consent, tending to some good" (2); the "City" or "ciuill societie" is "a multitude of people of vnlike sorts . . . as rich and poore, free and bond, gentlemen and commoners, learned and vnlearned, handicrafts men and labourers, obeyers and commanders, communicating their Artes, trades, misteries, and exercises one to another in one place, to the end to liue the better and to haue the more sufficiencie" (2).

In each case, we may assume that, as synonyms or species of "commonwealth," terms such as "companie," "fellowship," and "corporation" are used generically to describe any enduring form of association organized for a shared purpose. In a recent and sensitive analysis of these key terms, Phil Withington points out that "company" had perhaps the broadest set of meanings, ranging from formally incorporated bodies to loosely organized groups to even more attenuated networks of relationship.²⁴ But the final sentence in the passage I have just quoted aligns collective political association closely with economic life, suggesting that, as in Smith's earlier *Discourse*, it was difficult for sixteenth-century writers to make a firm distinction between "political" and "economic" concepts—a simple point, perhaps, but one that scholarship in the history of political thought has only recently begun to consider closely. One consequence is that notions of "political economy" would be much older and more complex in their determination that we usually acknowledge; at the turn of the seventeenth century, at least, the phrase "political economy" might suddenly seem less an anachronism than a tautology.

Equally significant is the term "society," which Smith and the anonymous translator of the *Politics* both understand in two somewhat different senses simultaneously: as a type of circumscribed political unit that was equivalent to entities like the "company," the "fellowship," or the "corporation," and as the larger, immanent domain in which these more restricted entities were located. *Societas* was a common and long-standing term to describe groups of persons of all kinds, and especially large-scale groups organized under law and justice; in the work of Cicero and Augustine, for instance, *societas* captured many of the meanings that a term like *polis* also expressed. In Roman law, however, the *societas* could also designate a more restricted group or partnership formed for commercial purposes, one that was sometimes distinguished from other corporate associations such as the *universitas* or the *collegium* (the latter often marked by the fact of living and eating together) and in other moments compared to them.²⁵ Smith's use of "society" and "civil society" throughout *De Republica Anglorum* reflects an amalgamated Greek and Roman meaning, since he follows Aristotle's derivation of the political community from the family and household but also uses "society" in the restricted sense of partnership, at several scales.²⁶ The term "society" thus introduces a flexibility of scale into Smith's arguments: when he defines

the "common wealth" as "a society or common doing of a multitude of free men collected together and united by common accord and conuenauntes among themselves," or when he writes of "societie ciuill" later in chapter 10, he has effectively appropriated the restricted and more distinctively corporatist notion of "society" that he found in civil law and used it to describe large-scale political entities. Like the *De Republica Anglorum* as a whole, Smith's concept of "society" combines an individualistic Roman meaning with a more strongly corporatist notion of unity, one that is understood to be ontologically distinct from the sum of its parts. "Society," then, is simply another name for the corporate unity that "common wealth" also describes, and both are always and everywhere "political" because subject to rule, legal administration, and the determination of justice.

If Smith's corporate notion of society in the *De Republica Anglorum* can be traced in part to his intellectual training as a civil lawyer, it found practical application in two joint-stock companies that Smith formed in the 1570s, at least one of them ushered through the process of formal, legal incorporation by Smith himself. The "Society of the New Art," as Smith named it, sought to capitalize upon the promises of an alchemist named William Medley, who approached Smith in 1571 with the claim that he could transmute iron into copper. Smith, who had a long-standing interest in alchemy, astrology, and other practical arts, and had himself conducted chemical experiments in his home distilleries, enlisted William Cecil (Lord Burghley and Elizabeth's Secretary of State), the Earl of Leicester, and the colonist and knight-adventurer Sir Humphrey Gilbert in a joint project.²⁷ By December 1572, Cecil having been named Lord Treasurer and Smith himself having been appointed Secretary of State, Smith soon obtained a first grant of incorporation for the society, which named him "Governor" for life. The Society would be "one body politic and corporate forever," with a common seal, the power to purchase land, sue and be sued, assemble, keep courts, make rules for the "good government" of all workmen, and exclusive right to "fine try out alter change reduce turn and transmute iron ore and every thing that doth or may come or proceed of iron or iron ore into any kind of copper" (22), as well as to use any necessary "device or devices whatsoever," to exchange, sell, and ship their product anywhere "at their wills and pleasures," excluding to known enemies.²⁸

The Society of the New Art soon foundered upon Smith's departure on embassy to France. But in January 1575, Smith secured a second grant, writing to Cecil (Lord Burghley) that

yesternight by candlelight I got the patent of the societie signed, and I make all the haste I can to have it passe the signit, & prvie seale, and so to the great seale. Now I pray yr L. to confer with my L. of *Leicester* how to procede to the perfitt begynnyn-
ing of the work in the maner of a societie. It hath long enough lien in suspennce

& no profite comm of it but charges & expenses to me & others. And yr LL. lacked both the profite & honor, which I trust shall rise upon it.²⁹

Smith urged Cecil to appoint one or two men who could keep the Society's books and report back to them on its weekly earnings, as well as to imitate other similar societies in order to draw up

som good statutes & ordres . . . of such as be necessary, & without which a societie can not well stand. For I am in mynd that in this corporacion & societie, wherein is so fewe, & they for your ii partes nobler men, & of honor, & for our part, I trust, men of discrecion, the fewer statutes & well kept, the better.³⁰

The new corporate society would be defined through a minimal statutory structure; Smith seems to trust entirely in (and hopes to profit from) the moral quality of the persons who constitute it. But after further investment and more stalling from Medley, the venture collapsed for good; Smith had lost a considerable amount of money and died two years later, and Medley soon washed up in debtor's prison.

In every respect, the venture had been a total failure. But Smith had every reason to expect success, since the Crown had been pursuing a policy of fostering industrial invention and investment via letters patent since the 1550s, much the way Smith's own Doctor Pandotheus had recommended in *A Discourse*.³¹ The Society of the Mineral and Battery Works and the Society of Mines Royal both incorporated only four years before Smith's Society for the New Art, and they drew investment from some of the most powerful statesmen of the period: Cecil, the Earl of Leicester, even the queen herself. In fact, the mining ventures were so exclusive that Smith himself did *not* participate, a fact that may have driven him to seek his own incorporated society in 1572. From the point of view of the Crown, the incorporated societies were important instruments of Royal prerogative, especially where the Crown sought to extend its authority over territories or substances, like precious metals, where its authority might be subject to question. But by delegating its power, the Crown had also effectively created subsidiary agencies that began to enjoy an independent jurisdictional freedom and authority, in principle operating under Royal permission but in practice conducting activities that the Crown itself was incapable of pursuing on its own. These ancestors of modern venture capital and private equity funds were important actors in the formation of a new "political economy": all are explicitly named as "bodies politic" as well as "bodies corporate" in their charters, and as such all operated as small-scale group organizations subject to their own laws, courts, and a government of their own making: they are specialized zones of jurisdiction in which technical knowledge or expertise, instruments and substances, persons, and systems of value were bundled together and translated into an enduring form. Smith's

society, after all, is the Society for the New Art, the English and Latin equivalent for the Greek *technē*: the Society is "political" *because* it is technical or technological.

But the Society of the New Art did not exhaust Smith's involvement with incorporated ventures. For in 1572 he was also obtaining letters patent granting him and his son Thomas approximately 360,000 acres in the territory of Ards, a peninsula in northeast Ulster.³² Surviving documents in Smith's hand make evident that he was projecting an entire commonwealth in miniature: the venture was a personal attempt to put into practice the arguments of *A Discourse of this Commonweal* and *De Republica Anglorum*.³³ Smith imagined nothing less than a quasi-autonomous polity, composed out of war and into law, and taking the form of a community organized into parishes with schools and courts, a central city named Elizabetha, and protected by watchtowers (and by racial laws that prohibited native Irish from buying land, holding office, or serving on juries). Smith's original commission had granted him and Thomas the right "to execute martial law" and

. . . power to enter the great and little Ardes with an army, and expelling all rebels and seditious persons, to possess and inhabit the same; to govern the soldiers and inhabitants; to determine all civil causes except pleas of land, and punish all criminals except traitors and coiners; and to assemble the inhabitants for defence of the country.³⁴

As D. B. Quinn first pointed out, the novelty of the Smiths' project lay in the joint-stock structure of its financing, which was applied here for the first time to a colonializing venture; Quinn has also shown how important the example of Roman colonial policy was to Smith, calling his plans for the Irish venture "the first known academic discussion of colonization by an Englishman for whom the classics provided a living parallel and inspiration."³⁵ As an amalgam of classical models, contemporary commonwealth ideology, martial law, and joint-stock organization, Smith's venture suggests how important the "corporation," the "plantation," the "company," and the "colony" (itself a Roman idea) had become by the 1570s, and how they could be used as extensions of (and perhaps even as replacements for) older political units such as the "realm," the *res publica*, the *civitas* or *polis*, or the "household."³⁶ Smith's own project was in fact only one in a sequence of ventures in the Ulster region organized in a corporate fashion: a proposal by William Piers and Henry Sidney for an incorporated "body politique" that would exercise martial law to "plante fowr thousand inhabitants of her naturall subiectes in that Northe cuntrey," in 1565;³⁷ a proposal for a corporation to colonize Munster by Sir Warham St. Leger, in 1569;³⁸ a subsequent proposal by Piers to fortify and colonize Ards in 1578, again through "a company that will beginne this enterprise and joyne togyther as a bodye pollytyque."³⁹

Since the pioneering work of D. B. Quinn and Nicholas Canny, among others, the Elizabethan colonizing projects in Ireland have been recognized as a training ground for similar ventures in the New World, although the role played by incorporated societies and companies, specifically, in a transatlantic system of "political economy" has only begun to receive close attention.⁴⁰ This influence is especially evident in the new joint-stock corporations that emerged in the mid-sixteenth century: we may view the incorporation charters for the Russia Company (1555), the East India Company (1600), or the Virginia Company (1609) as proto-constitutions that create autonomous persons in law, with rights that are at once those of a collective and an individual nature, enjoying their own courts, civil and military authority, organizational hierarchies, regulations, and trading privileges. As economic instruments, these incorporated ventures differed from the older medieval regulated companies in several important respects. Under the structure of a regulated company, members traded with their own capital investment and were obliged to follow the rules of the company, which generally sought to protect monopolistic privileges; the joint-stock company, in contrast, "itself traded as a body," in the words of T. S. Willan, and "was designed, not for laying down general rules for the conduct of trade by members individually, but for actually conducting trade on behalf of the company as a whole."⁴¹ As legal persons, trading ventures had the right to purchase, alienate, and bequeath property, especially over generations, to bring suits in law and to be sued in turn by other parties. As a consequence, incorporated ventures were more enduring than non-incorporated partnerships: they could accumulate capital more effectively and use it more flexibly, and they offered limited protections for individual members from the debts of the association when ventures turned bad.⁴²

But the organizational and conceptual problems posed by the international joint-stock trading corporations should be understood not simply as problems of economic management but as political problems of the type that were debated in both classical and humanist writing, including in republican thought: the nature of a community of equals ruled by all members rather than by a monarch; the prudence, temperance, fortitude, and justice of the exemplary merchant adventurer and his active pursuit of wealth on behalf of the common good; the need for specific technologies of representation and governance to regulate the relationship between the individual member and the larger group, including laws or rules and tokens of membership (the quantitative system of the "share" as a mark of belonging); the need to regulate the common good at the expense of individual action and gain.⁴³

This "political economy" of the incorporated joint-stock companies—a phrase, again, that we may take in its most literal sense—is especially evident in Richard Hakluyt's massive *The Principal Navigations, Voyages, Traffics, and Discoveries of the English Nation* (1589; 1598–1600), for which Hakluyt drew extensively on documents furnished

by the corporations themselves.⁴⁴ Sebastian Cabot's 1553 ordinances for the new Russia Company, for instance, includes provisions that

all wares, and commodities trucked, bought or given to the companie . . . to be wel ordered, packed, and conserved *in one masse* entirely, and not to be broken or altered . . . the whole companie also to have that which by right unto them appertaineth, and no embezelment shall be used, but the truth of the whole voyage to bee opened, *to the common wealth and benefite of the whole companie, and mysterie* . . .

. . . Item, no particular person, to hinder or prejudicate *the common stocke of the company*, in sale or preferment of *his own proper wares*, and things, and no particular emergent or purchase to be employed *to any serverall profite*, until the *common stocke of the companie* shall be furnished and no person to hinder the *common benefite* in such purchases or contingents, as shal fortune to any one of them, *by his owne proper policie, industrie, or chance* . . . but every person to be bounden in such case, and upon such occasion, by order, and direction, as the generall capitaine, and the Councell shall establish and determine, to whose order and discretion the same is left: *for that of things uncertaine, no certaine rules may or can be given.*⁴⁵

If achieving the proper balance between "private gain" and "common good" was one of the most important points of debate in sixteenth-century discussions about economic regulation, as Sacks has argued, then achieving this balance was one of the *raisons d'être* of the corporate form, in which the "common stock" and the "mass" provides a conceptual template for thinking about problems of aggregation, multitude, and other group or collective formations. The corporation also provided a durable mode of organization in which the merchant's "adventure" and "enterprise"—his risk-taking speculation, his investments, his accounting projections, his attempt to capitalize on chance and on time—intersected with a long tradition of prudential or calculative reasoning that derived from Aristotle and Cicero and that was fundamental to many areas of Renaissance political thought. It included problems such as the nature of maintaining justice in the public community, drawing the distinction between private and common property, the upholding of contracts and obligations, the calculation of relative value among heterogeneous objects, and the nature of deliberation and decision-making when the outcome of action remains unknown—the skill of "seeing into the future" that Cicero describes as so necessary to the statesmen who would rule other men.⁴⁶

Hakluyt himself was well informed in the traditions of classical political thought. We know that he had read Aristotle's *Politics* closely, redacting it into a summary or "Analysis" complete with *quaestio*-like propositions, counterpositions, and proofs in September 1583, after two years of lecturing on the *Politics* to bachelors and masters at Christ Church in his capacity as Censor of the college.⁴⁷ Hakluyt presented the "Analysis"

to Elizabeth herself on October 5, 1584, during a visit to England from Paris, where he was serving as chaplain to the English ambassador; a second copy of the "Analysis," dated 1588 and in Hakluyt's hand, was probably used as a practical working text for Hakluyt and the students who attended his lectures on the *Politics* at Oxford.⁴⁸ By its nature, the analysis offers little that is strikingly original in the way of Hakluyt's own political philosophy. But it nevertheless provides clear evidence that Hakluyt's efforts in publishing, translating, and editing accounts of foreign travel were undertaken with a detailed knowledge of Aristotelian political categories, including a discussion of mercantile activity that was, at best, rendered in ambiguous terms. It was easy enough, after all, to present trading ventures as engaged the procurement of commodities that were necessary to the "common wealth."⁴⁹ Certainly Hakluyt's own prefatory comments in his printed books and several surviving manuscript "pamphlets" on foreign planting demonstrate that he had a firm grasp of the geopolitical implications of foreign trade, which he regarded as essential to the economic well-being of the realm and to the military dominance of England over Spain. The longest and most important of these, the "Discourse on Western Planting," Hakluyt presented to Elizabeth along with his "Analysis" of the *Politics*; the treatise, a brief in support of exploratory projects to North America by Sir Walter Raleigh and Christopher Carleill (Walsingham's stepson), is a comprehensive blueprint for English plantation efforts in the New World.⁵⁰ A pamphlet on "the commodity of the taking of the straight of Magellanus" (ca. 1579–80) even envisions the possibility of a quasi-independent colony; a separate digest of the same document recommends the project in Machiavellian-like terms as a way to "so depryve all the inlandes of the kingdome of Sp[ain] of vittell that the multitude shalbe redie to starve or sh[ou]ld fall to rebellion, into the secret and importance whereof fewe man hav entered into the consideration."⁵¹ The preface to his *Divers Voyages* (1582), dedicated to Sir Philip Sidney, compares the English planters to "Bees . . . led out by their Captaines to swarme abroad" and recommends "deducting" the poor out of the realm, emptying the prisons, and sending them to the New World; Hakluyt compares the project to the Portuguese colonies in Brazil, "where they have nine baronies or lordships, and thirty engennies or suger milles, two or three hundred slaves belonging to eche myll, with a Judge and other officers, and a Church: so that every mill is as it were a little commonwealth; and that the country was first planted by such men as for small offences were saved from the rope."⁵²

Taken as a whole, Hakluyt's scattered statements suggest that, as for Smith, the "corporation," along with the "colony," the "plantation," and the "company," had begun to rival the *civitas* or *polis* in his mind and also in those of his contemporaries as an important unit of political, and not simply economic, organization. The corporation offered an especially powerful way to fill a perceived gap in political concepts, since it provided both an abstract legal category and a practical, flexible bureaucratic form within which to experiment with new models of collective association and mercantile

exchange. Indeed, we may go somewhat farther and propose that sixteenth-century writers found the two primary units of classical political philosophy, household and *polis*, too narrow to capture the variety and forms of political association in which they had begun to participate. If Hakluyt shows us how the merchant becomes a distinctive member of the commonwealth through his prudential intelligence, his fortitude, and his sense of justice, he also shows us how the merchant fulfills his role as citizen only in so far as he pushes beyond the limits of the nation-state as it has traditionally been defined and ventures onto an international or global political horizon. Along with that of Smith, Hakluyt's work suggests how important the corporation was to the emergence of a discourse of political economy in the early modern period, especially in the pluralized domain of legal jurisdictions and rival authorities that was typical of the international sphere.

As the sixteenth century drew to a close, the global aspect of the corporation as a fully political entity is most visible in the establishment of the new American colonies, several of which derived their structure of colonial or "civic" government directly from the corporate structure that characterized the private companies that founded them.⁵³ On April 10, 1606, James I granted to the Virginia Company and to the Plymouth Company all commercial rights to land in the New World between 34° and 45° latitude, while retaining for the Crown the political authority necessary to rule the colonies that the companies established.⁵⁴ The Company's second, formal charter of May 23, 1609 expanded its political powers by naming it "one Body or Commonalty perpetual . . . [with] perpetual Succession and one common Seal to serve for the said Body or Commonalty" (para 3)⁵⁵ and vesting it with many of the legal rights that had traditionally defined the nature of sovereignty, among them the rights to

make, ordain, and establish all Manner of Orders, Laws, Directions, Instructions, Forms and Ceremonies of Government and Magistracy, fit and necessary for and concerning the Government of the said Colony and Plantation . . . (para. 13)

[to] have full and absolute Power and Authority to correct, punish, pardon, govern, and rule all such the Subjects of Us, our Heires, and Successors as shall from Time to Time adventure themselves in any Voyage thither, or that shall at any Time hereafter, inhabit in the Precincts and Territories of the said Colony as aforesaid . . . as well in Cases capital and criminal, as civil, both Marine and other . . . (para. 22)

[with] full Power and Authority, to use and exercise Martial Law in Cases of Rebellion or Mutiny . . . (para. 23)

The Company's third charter of March 12, 1611, went even farther in securing its autonomy as a political, and not merely as a commercial, entity, first naming it again as

“one Body politick, incorporated by the Name of The Treasurer and Company of Adventurers and Planters of the city of London for the first Colony in Virginia” (para 1). The Charter then declared the need for four annual Assemblies that “shall and may have full Power and Authority . . . to elect and chuse discreet Persons . . . and to nominate and appoint such Officers as they shall think fit and requisite, for the Government, managing, ordering, and dispatching of the Affairs of the said Company” (para 8). Ten years later, the Company Counsel itself issued “Ordinances for Virginia” (July 24–August 3, 1621), thereby declaring their intent “to settle such a Form of Government there, as may be to the greatest Benefit and Comfort of the People” (para. 1) and instituting two councils, a “Council of State” and a “General Assembly, wherein . . . all Matters shall be decided, determined, and ordered, by the greater Part of the Voices then present” (para. 2–4). If we leap forward some one hundred and fifty years, we find in the “Constitution or Form of Government, Agreed to and Resolved Upon by the Delegates and Representatives of the Several Counties and Corporations of Virginia” (June 29, 1776), as the colony is still called, the provision that

. . . the legislative and executive powers of the State should be separate and distinct from the judiciary; and [so] that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, *return into that body from which they were originally taken*, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct. (Section 3 [*sic*; for Section 5]; my emphasis)

The corporate body has become the body of a people, who declare themselves “by nature equally free and independent . . . [with] certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety” (Section 1). If this language sounds familiar, it is because we will find it again a week later in the Declaration of Independence of the United States.

Regrettably, I can only gesture toward the ongoing biography of this corporate person, which invites us to reconsider several important concepts in the history of political thought and to sketch the contours of a transatlantic early modernity. What exactly defines the “political” nature of group associations? What resources for its definition will we find *outside* of the conventional canon of political thought as a textual tradition?⁵⁶ How many scales of “political” entity can we identify, how are they organized, and how can they be said to “act”? I conclude this chapter by venturing a

few suggestions for future work, in order to clarify how the corporation might shed light on the definitions, origins, and scale of political groups.

In the first place, the history of the corporation suggests that we should dislodge the “State” from the primary place it occupies in historical and political analysis and begin to redefine it. For the State is only ever one of several jurisdictional entities in a political field; more than this, the State is itself a kind of corporate entity, one that lives in the many persons, instruments, substances, legal formulas, and points of application for legal power that together constitute it. As such, the “State” does not exist in the way that we usually imagine it: it exists in the way that certain fictions exist, as David Run-ciman has provocatively argued; it is a term of convenience to gather together persons, actions, arguments and substances that do not in fact always sit so easily with one another.⁵⁷ Eli Hecksher opens his classic study of mercantilism with a similar point.⁵⁸

What is gained by viewing the State in this way? In the first place, it prevents us from assigning our explanations of political power to a quasi-Hegelian and subjectified concept rather than to the concrete, and much more contingent, people, buildings, things, and technologies that in point of fact sustain political communities and that are used to carry out actions of all kinds in their name, from pen and paper to computers, handcuffs, weaponry, measurements of financial value, and all manner of institutional furniture. In the case of Smith, we see that the participants of an extra-State entity are themselves at the same time agents of the State and its power: the very same ministers who make up the “State” in its material substance are now acting, by means of this very State authority, in an entirely different capacity and in a subsidiary form of association that is endowed with specific rights, privileges, and powers, many of them “political” in nature. The same thing routinely happens today. Where, precisely, is the State in these cases? Like the body of a corporation, the State “itself” is impossible to grasp or point toward—one refers only to the body of another, such that the State is everywhere and nowhere at once. Grasping at thin air, we ignore other forms of collective association that are equally if not more important, and any meaningful judgments about the complex causes or consequences that make up a “political” situation remain difficult if not impossible to make.⁵⁹

Setting aside the concept of the “State,” in contrast, allows for a more flexible and more detailed analysis of how political collectivities are formed and ordered and for more nuanced discussion of the ontology of those essential political substances, force and value. By “ontology” I mean simply the quality of being—especially institutionalized, materialized, concretized, enduring being—that force and systems of value may assume. From one point of view, forms of association such as the corporation may seem to resemble little states and to borrow their rights and powers, even as the so-called State reveals itself to be a species of corporation on a large scale. But from another point of view the corporation reveals to us the pluralistic, fragile, and assembled

nature of *all* political entities; the corporation constantly dissolves into its networks and relays of substances, disperses itself into its collective pronouns, and borrows the mouths and bodies of its natural representatives, without which its artificial personhood would never exist.⁶⁰

Studying these alternative forms of association as enduring bundles of force and value, finally, will require a renewed methodology: a fully mediated empiricism in which concrete singularities are translated into meaningful categories and exemplary instances by actors themselves and then ordered into their accounts of their own institutions and practices.⁶¹ What we call the “political” can be described as the sum total of forces that bind or dissociate chains of association and give them enduring form; the “political” is distinguished by the quanta and the ontological mode of force that is implied in any act of association and by the systems of value that give those associations meaning. Hence the phrase “political economy” suggests that systems of value are as important, if not more so, in the definition of the political than modes of power and legitimate violence: the “political” is that which negotiates among competing systems of value. This is my simple definition, one that I believe Sir Thomas Smith and Richard Hakluyt might have recognized and that remains fundamental to the problem of “reimagining mercantilism.”

NOTES

1. See among others Richard Helgerson's pioneering *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: University of Chicago Press, 1992).
2. See, for instance, Michael Braddick, *State Formation in Early Modern England* (Cambridge: Cambridge University Press, 2000); Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1996); Quentin Skinner, “From the State of Princes to the Person of the State” in *Visions of Politics*, 3 vols. (Cambridge: Cambridge University Press, 2002) 2:368–413; Neal Wood, “Cicero and the Political Thought of the Early English Renaissance,” *Modern Language Quarterly* 51, no. 2 (1990): 185–207; and a special section of the *Journal of Historical Sociology* 15, no. 1 (2002) on “When and What was the State?” ed. Steve Hindle, 63–113.
3. Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain, and France ca. 1500–1800* (New Haven, CT: Yale University Press, 1995); David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000); Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge: Cambridge University Press, 2002); Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010); Andrew Fitzmaurice, *Humanism and America: An Intellectual History of English Colonisation 1500–1625* (Cambridge: Cambridge University Press, 2003); Ken MacMillan, *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576–1640* (Cambridge: Cambridge University Press, 2006); Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundation of the British Empire in India* (New York: Oxford University Press, 2011).

4. Mary Poovey, *A History of the Modern Fact: Problems of Knowledge in the Sciences of Wealth and Society* (Chicago: University of Chicago Press, 1998), 66–91, with additional bibliography. For Smith, the “commercial, or mercantile System” was one of two forms of what he called “political economy,” and his sarcastic discussion of Thomas Mun allowed him to clear the way for his new theory of wealth; see Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations*, vol. 1 (1776), in *The Glasgow Edition of the Works and Correspondence of Adam Smith*, 7 vols., ed. R. H. Campbell and A. S. Skinner (Oxford: Oxford University Press, 1976; repr. Indianapolis: Liberty Fund, 1981), 4:428–29, 431–35.
5. Cf. Poovey, *History of the Modern Fact*, esp. 72–74, 130–31.
6. See my further discussion in Henry S. Turner, “Toward an Analysis of the Corporate Ego: The Case of Richard Hakluyt,” *differences* 20, no. 2–3 (2009): 103–47.
7. *Politics* 7.8.2, trans. B. Jowett, in *The Complete Works of Aristotle: The Revised Oxford Translation*, 2 vols., ed. Jonathan Barnes (Princeton, NJ: Princeton University Press, 1984) 2:1986–2129.
8. I am indebted to David Harris Sacks, “The Greed of Judas,” *Journal of Medieval and Early Modern Studies* 28, no. 2 (1998): 263–307 and the works cited in the notes below: see also Arthur B. Ferguson, *The Articulate Citizen and The English Renaissance* (Durham, NC: Duke University Press, 1965); Joel Kaye, *Economy and Nature in the Fourteenth Century* (Cambridge: Cambridge University Press, 2000); Richard Grassby, *The Business Community of Seventeenth-Century England* (Cambridge: Cambridge University Press, 1995), esp. 29–52; Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (New York: St. Martin's, 1998); Ceri Sullivan, *The Rhetoric of Credit: Merchants in Early Modern Writing* (Madison, NJ: Fairleigh Dickinson University Press, 2002); Fitzmaurice, *Humanism and America*, esp. chs. 1, 2, and 3.
9. Sacks, “Greed of Judas”; Sacks, “The Countervailing of Benefits: Monopoly, Liberty, and Benevolence in Elizabethan England,” in *The Tudor Monarchy*, ed. John Guy (London: Arnold, 1997), 135–55; Sacks, “Private Profit and Public Good: The Problem of the State in Elizabethan Theory and Practice,” in *Law, Literature, and the Settlement of Regimes*, ed. Gordon J. Schochet (Washington, DC: Folger Shakespeare Library, 1990), 131–42.
10. See Clement Adams's account of the Russia Company's 1553 expedition led by Sir Hugh Willoughby and Richard Chancellor, printed in Richard Hakluyt, *The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation*, 10 vols. (London: J. M. Dent and Sons, Ltd., 1927–28), 1:268–93 (hereafter *PN*), where Willoughby and Chancellor are described in a combination of chivalric and humanist terms; Fitzmaurice, *Humanism and America*, esp. 20–57.
11. Robert Brenner, *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550–1653* (Princeton, NJ: Princeton University Press, 1993); Poovey, *History of the Modern Fact*, 29–91.
12. Aaron Kitch, *Political Economy and the States of Literature in Early Modern England* (Burlington, VT: Ashgate Publishing, 2009), esp. 19–74; see also Valerie Foreman, *Tragicomic Redemptions: Global Economics and the Early Modern Stage* (Philadelphia: University of Pennsylvania Press, 2008), esp. 1–6, 13–16, 96–97, 114–21, 147–56; Jonathan Gil Harris, *Sick Economies: Drama, Mercantilism, and Disease in Shakespeare's England* (Philadelphia: University of Pennsylvania Press, 2004).
13. Eric Spencer, “Taking Excess, Exceeding Account: Aristotle Meets *The Merchant of Venice*,” in *Money and the Age of Shakespeare: Essays in New Economic Criticism*, ed. Linda Woodbridge (New York: Palgrave, 2003), 143–58; Mark Netzloff, “The Lead Casket: Capital, Mercantilism, and *The Merchant of Venice*,” in Woodbridge, *Money and the Age of Shakespeare*, 159–76; Henry S. Turner, “The Problem of the More-Than-One: Friendship, Calculation,

- and Political Association in the *Merchant of Venice*," *Shakespeare Quarterly* 57, no. 4 (Winter, 2006): 413–42.
14. On Smith, see Mary Dewar, *Sir Thomas Smith: A Tudor Intellectual in Office* (London: The Athlone Press, 1964); and Ian W. Archer's essay on Smith in the *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, Jan. 2008), <http://www.oxforddnb.com.proxy.libraries.rutgers.edu/view/article/25906>, accessed 29 May 2013 (with convenient further bibliography).
 15. Dewar, *Sir Thomas Smith*, 1–2, citing Eden's preface to his translation from Spanish of Martín Cortez, *The Art of Navigation* (1561).
 16. Paul Drury et. al., *Hill Hall: A Singular House Devised by a Tudor Intellectual*, 2 vols. (London: Society of Antiquaries, 2009). Smith's own inventory of his library is printed by John Strype, *The Life of the Learned Sir Thomas Smith, Kt. D.C.L.* (Oxford: Clarendon Press, 1820; first pub. 1698) as 6 (274–81) and has been partially analyzed by Stephanie Hopkins Hughes (<http://politicworm.com/oxford/oxfords-education/sir-thomas-who/sir-thomas-smiths-library-list-of-1566>).
 17. For the publication history of the *Discourse*, see Dewar, "The Authorship of the 'Discourse of the Commonweal'" *Economic History Review*, n.s. 19, no. 2 (1966): 388–400. Smith wrote several treatises on economic topics; see Dewar, "The Memorandum 'For the Understanding of the Exchange': Its Authorship and Dating," *Economic History Review*, n.s. 17, no. 3 (1954): 475–87. On Smith's "political economy" see Neal Wood, "Cicero and the Political Thought"; Wood, "Foundations of Political Economy: The New Moral Philosophy of Sir Thomas Smith," in *Political Thought and the Tudor Commonwealth: Deep Structure, Discourse, and Disguise*, ed. Paul A. Fideler and T. F. Mayer (New York: Routledge, 1992), 143–72; Wood, *Foundations of Political Economy: Some Early Tudor Views on State and Society* (Berkeley: University of California Press, 1994), 191–235.
 18. Ferguson, *Articulate Citizen*, esp. 287–307 and 355–62, grouping Smith with other "mercantilist" writers of midcentury; see also David Glimp, *Increase and Multiply: Governing Cultural Reproduction in Early Modern England* (Minneapolis: University of Minnesota Press, 2003), 1–11, 16–24, 27–36; Fitzmaurice, *Humanism and America*, 22–25.
 19. *A Discourse of the Commonweal of This Realm of England*, ed. Mary Dewar (Charlottesville: University of Virginia Press for the Folger Shakespeare Library, 1969), 51.
 20. On this aspect of guilds and other corporations, see Antony Black, *Guilds and Civil Society in European Political Thought from the Twelfth Century to the Present* (Ithaca, NY: Cornell University Press, 1984), esp. 3–31, 56–58, 66–75, 76–85, 123–28; Phil Withington, *The Politics of Commonwealth: Citizens and Freemen in Early Modern England* (Cambridge: Cambridge University Press, 2005), 1–15, 16–48, 51–84; Withington, *Society in Early Modern England: The Vernacular Origins of Some Powerful Ideas* (Cambridge: Polity, 2010), esp. 139–41 and 149–51.
 21. *De Republica Anglorum*, ed. L. Alston, with a preface by F. W. Maitland (Cambridge: Cambridge University Press, 1906), 20. Smith's definition is nearly identical to that of Cicero: "a commonwealth [*res publica*] is the property of a people [*populi*]. But a people is not any collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good [*multitudinis iuris consensus et utilitatis communione sociatus*]," *De Re Republica* I.25, LCL, trans. Clinton Walker Keyes (Cambridge, MA: Harvard University Press, 1928); cited by Black, *Guilds and Civil Society* 54, and Wood, "Cicero," 191.
 22. *Aristotles Politiques, or Discourses of Government. Translated out of Greeke into French . . . by Loys Le Roy . . . Translated out of French into English* (London, 1598).
 23. *Aristotles Politiques, Ciii^r*.
 24. Withington, *Society in Early Modern England*, esp. 107, 109, 114–20, 123 (on "company"), and 134–68 (on "commonwealth").
 25. Pierre Michaud-Quantin, *Universitas: expressions du mouvement communautaire dans le Moyen-Age latin* (Paris: Vrin, 1970), 64–69 and 70–75; David Runciman, *Pluralism and the Personality of the State* (Cambridge: Cambridge University Press, 1997), 13–16, 34–37, 48; F. W. Maitland's "Introduction" to his translation of Otto Gierke, *Political Theories of the Middle Age* (Boston: Beacon Press, 1958, repr. San Rafael, CA: Archivum, 2007), xxii–xxiv; Black, *Guilds and Civil Society*, 20, 37, 78, 84–85, 151–52; Withington, *Society in Early Modern England*, 102–33, an excellent recent discussion of the term.
 26. The first "societie" of free people in its "least part thereof must be of two," a "societie of man, and woman" to which "men are so naturally borne," as "the prince of all Philosophers" argues. But the "fashion of government" called "Remp.[ublicam] or politeian" (21) is also a "societie" because it "consisteth onely of freemen" (22); "although of all thinges or lyuing creatures a man doth shew him selfe most politique," Smith continues, "yet can he not well live without the societie and fellowship ciuill" (22). On medieval and early modern notions of civil society, see Black, *Guilds and Civil Society*, 32–43, 76–85, 96–109.
 27. Dewar, *Sir Thomas Smith*, 139, 140, 142, 149–55.
 28. Cecil T. Carr, ed., *Select Charters of Trading Companies A.D. 1530–1707*, Selden Society Publications, vol. 27 (London: Bernard Quaritch, 1913; repr. New York: Burt Franklin, 1970), 20–28; Strype, *Life*, Appendix 7, 282–86, taken from BL Lands. 14/ff. 40–41.
 29. BL Harl. 6991 f.112; Smith to Burghley, January 28, 1574/5.
 30. BL Harl. 6991 f.112; Smith to Burghley, January 28, 1574/5.
 31. William Robert Scott, *The Constitution and Finance of English, Scottish, and Irish Joint-Stock Companies to 1720*, 3 vols. (Cambridge: Cambridge University Press, 1910), 2:383–405 (Mines Royal) and 413–29 (Mineral and Battery Works); William Hyde Price, *The English Patents of Monopoly* (Cambridge, MA: Harvard University Press, 1913), 49–60; Carr's "Introduction" to *Select Charters*, esp. lxi and xciii–civ; M. B. Donald, *Elizabethan Monopolies: The History of the Company of Mineral and Battery Works from 1565 to 1604* (Edinburgh: Oliver and Boyd, 1961); William Rees, *Industry Before the Industrial Revolution*, 2 vols. (Cardiff: University of Wales Press, 1968), 2:367–424; Eric H. Ash, *Power, Knowledge, and Expertise in Elizabethan England* (Baltimore: Johns Hopkins University Press, 2004), 19–54; Deborah Harkness, *The Jewel House: Elizabethan London and the Scientific Revolution* (New Haven, CT: Yale University Press, 2007), 142–80.
 32. D. B. Quinn, "Sir Thomas Smith (1513–1577) and the Beginnings of English Colonial Theory," *Proceedings of the American Philosophical Society* 89, no. 4 (1945): 543–60 (quote on 548); Dewar, *Sir Thomas Smith*, 156–70; Nicholas Canny, *The Elizabethan Conquest of Ireland: A Pattern Established* (New York: Barnes and Noble Books, 1976), 84–88; Hiram Morgan, "The Colonial Venture of Sir Thomas Smith in Ulster, 1571–75," *Historical Journal* 28, no. 2 (1985): 261–78; a recent booklet by Mark Thompson, "Sir Thomas Smith's Forgotten English Colony of the Ards and North Down in 1572," privately printed by the Loughries Historical Society (n.p., [2010]), 1–39 (my thanks to Mr. Thompson for sending me a copy of his booklet); Glimp, *Increase and Multiply*, 15–16; Withington, *Society in Early Modern England*, 202–9; Fitzmaurice, *Humanism and America*, 35–40.
 33. "Offices necessarie in the Colony of the Ards and orders agreed vppon," December 20, 1573 (Essex Record Office D/DSH/01-7) and "Orders set owt by Sr Thomas Smyth knight . . ." December 1, 1573 (ERO D/DSH/01-2).
 34. *The Irish Fiants of the Tudor Sovereigns* (Dublin: Éamonn de Búrca for Edmund Burke Publisher, 1994), 2:275 (nos. 2149 and 2150).

35. Quinn, "Sir Thomas Smith (1513–1577) and the Beginnings," 555 and 547; Armitage, *Ideological Origins*, 47–51; see also Lisa Jardine and Anthony Grafton, "Studied for Action": How Gabriel Harvey Read His Livy," *Past and Present* 129 (1990): 30–78, esp. 40–42, 51–52, 54–59, for their account of a staged debate over Livy's first decade at Hill Hall among Smith, his son Thomas, Humphrey Gilbert (active in several Irish ventures), and Walter Haddon (to whom Smith had first announced *De Republica Anglorum*) in late 1570 or early 1571, undertaken partly as preparation for the Irish venture.
36. "The Latin word (*Colonia*) signifies simply a plantation," Adam Smith would later point out, calling the Roman colonies "at best but a sort of corporation" (*Wealth of Nations* 2, ch. 7, 557–58); Quinn, "Sir Thomas Smith (1513–1577) and the Beginnings," 547, establishes that Sir Thomas Smith had this Roman usage directly in mind.
37. See SP 63/9/83 ff. 179–84 (f. 181^r), as discussed by Canny, *Elizabethan Conquest*, 70–76.
38. Canny, *Elizabethan Conquest*, 79–80.
39. *De L'Isle & Dudley Manuscripts*, 2:87–91 (quote on 88). On Piers, see Nicholas Canny, *Making Ireland British, 1580–1650* (New York: Oxford University Press, 2003), 85–91.
40. Stern, *The Company-State*, esp. 83–99; Withington, *Society in Early Modern England*, esp. 167, 227–31.
41. T. S. Willan, *The Early History of the Russia Company, 1553–1603* (Manchester: Manchester University Press, 1956), 19–21; compare Smith, *Wealth of Nations* 2, book 5, ch. 1.3, 733–34; William S. Holdsworth, *A History of English Law*, 13 vols. (London: Methuen, 1904–52), 4:319, n. 5; 8:206–7; 9:206; John P. Davis, *Corporations: A Study of the Origin and Development of Great Business Combinations and of Their Relation to the Authority of the State*, 2 vols. (New York: Capricorn, 1961; first pub. 1895), 2:153.
42. Scott, *Constitution and Finance*, 1:1–104, esp. 17–21, 44–45, 59–63; and 2:36–54; Eli F. Heckscher, *Mercantilism*, 2 vols., trans. Mendel Shapiro, rev. ed. by E. F. Söderlund (New York: The Macmillan Co., 1955), 1:326–455, esp. 373–92 and 392–410. Hakluyt, PN, 2:284 and 2:46 attests to the importance of the corporate name in cases of debt.
43. The point is made well by Fitzmaurice, *Humanism and America*; see also Davis, *Corporations*, 2:85, 107, 110–11, 156, describing the joint-stock corporations as "institutions of government" and distinguishing them from the older regulated companies on precisely these grounds.
44. Hakluyt maintained personal relationships with company members and conducted a minor industry in the publication of books relevant to English overseas commerce; see Henry S. Turner, "Book, List, Word: Forms of Translation in the Work of Richard Hakluyt," in *Formal Matters: Reading the Materials of English Renaissance Literature*, ed. Allison Deutermann and András Kiséry (Manchester: Manchester University Press, 2013), 202–236.
45. Hakluyt, PN, 1:237 (my emphasis); see also the captain's and master's oaths (1:247).
46. Cicero, *De Officiis*, LCL, trans. Walter Miller (Cambridge, MA: Harvard University Press, 1956) 1.40.142–43, 2.9.33, 1.4.11. Compare John Dee's account of King Edgar's voyage in 973 CE in his *General and rare memorial pertayning to the perfect arte of navigation* (London, 1577), which Hakluyt excerpts (PN, 1:62, 64–65) and in which Dee retrospectively imagines the nation as a commercial entity defined by its miraculous profit, using the language of providence mixed with classical prudence in terms drawn directly from *De officiis*. On Ciceronian and mercantilist arguments in Dee's work, see William Sherman, *John Dee: The Politics of Reading and Writing in the English Renaissance* (Amherst: University of Massachusetts Press, 1995), 131–37, 141–47, 152–62.
47. See Lawrence Ryan, "Richard Hakluyt's Voyage into Aristotle," *Sixteenth Century Journal* 12, no. 3 (1981): 73–84 (quote on 74–75); Quinn, *Hakluyt Handbook*, 1:280; Charles Schmitt, *John Case and Aristotelianism in Renaissance England* (Kingston: McGill-Queen's University Press, 1983), 57–58, n. 164.
48. Ryan, "Richard Hakluyt's Voyage into Aristotle," 74, 76, 79.
49. On the importance of the "Analysis" to the political imagination of the *Discourse*, see Armitage, *Ideologies of Empire*, 72–76.
50. The *Discourse* was composed sometime between July and September 1584 for Walter Raleigh and Walsingham; a letter from Hakluyt to Walsingham in 1585 reminds him of the occasion and mentions both the "Discourse" and the "Analysis" (printed in *The Original Writings and Correspondence of the Two Richard Hakluyts*, 2 vols., ed. E. G. R. Taylor, Hakluyt Society 2nd ser. 76–77 (London: Hakluyt Society, 1935), 2:343–44; see *The Hakluyt Handbook*, 2 vols., ed. D. B. Quinn, Hakluyt Society 2nd ser., 144 and 145 (London: Hakluyt Society, 1974), 1:284–87; and *Discourse of Western Planting*, ed. David B. Quinn and Alison M. Quinn, Hakluyt Society, extra ser., 45 (London: Hakluyt Society, 1993), xvi–xvii, xx–xxi.
51. Taylor, *Original Writings*, 1:139–46 and 163–64 (quote on 143); Quinn, *Hakluyt Handbook*, 1:272.
52. Hakluyt, *Divers Voyages* (London, 1582) ¶1^{r-v}.
53. Davis, *Corporations*, 2:197–98 and 206–8; Withington, *Society in Early Modern England*, 204–7.
54. See Philip L. Barbour, ed., *The Jamestown Voyages Under the First Charter 1606–1609*, 2 vols., Hakluyt Society 2nd ser., 136–37 (Cambridge: Cambridge University Press, 1969), 13–23. The company's formal incorporation appears only as of the second charter (May 23, 1609), but Barbour suggests that the Muscovy Company and East India Company provided models for the first 1606 charter and (following Quinn) describes the venture as a "public joint-stock company" (14–15). Barbour calls Hakluyt "the most prominent" (1:15) of the original four patentees named for the Virginia colony; from 1609 until his death in 1616, Hakluyt owned two shares of £12 10s each in the company, the standard value (Quinn, *Hakluyt Handbook*, 1:324). See also Davis, *Corporations*, 2:160–69.
55. The Avalon Project: Documents in Law, History, and Diplomacy, at the Lillian Goldman Law Library, Yale Law School, Yale University), sourced (<http://www.yale.edu/lawweb/avalon/states/vao2.htm>) from *The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, compiled and edited by Francis Newton Thorpe (Washington, DC: Government Printing Office, 1909), cited by paragraph.
56. See my further comments in Turner, "Toward an Analysis of the Corporate Ego," 133–39.
57. David Runciman, "The Concept of the State: The Sovereignty of a Fiction," in *States and Citizens: History, Theory, Prospects*, ed. Quentin Skinner and Bo Stråth (Cambridge: Cambridge University Press, 2003), 28–38.
58. Heckscher, *Mercantilism*, 1:2: "Mercantilism never existed in the sense that Colbert or Cromwell existed. It is only an instrumental concept which, if aptly chosen, should enable us to understand a particular historical period more clearly than we otherwise might."
59. Nearly a century ago, Harold Laski argued a similar point in a lecture that bears rereading in light of contemporary interest in political theology; see Laski, "The Sovereignty of the State," in *Studies in the Problem of Sovereignty* (New Haven, CT: Yale University Press / London: Oxford University Press, 1917), 1–25; and the essays reprinted in *The Foundations of Sovereignty* (New York: Harcourt, Brace and Co, 1921); see also Glimp, *Increase and Multiply*, esp. xvii–xix.
60. Braddick, *State Formation*, adopts a networked approach to the problem of the "State" that significantly advances our understanding of political power; nevertheless, it is worth

pointing out that if “political power is distinctive in being territorially based, functionally limited and backed by the threat of legitimate physical force” (9), then all three qualities were also characteristic of the power wielded by early modern corporations. See also Withington, *Society in Early Modern England*, 134–68 (esp. 155) and 216–27; Stern, *Company-State*, esp. 3–15, both arguing a similar point.

61. I borrow from the sociologist of science Bruno Latour; see esp. *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005); *Pandora's Hope: Essays on the Reality of Science Studies* (Cambridge, MA: Harvard University Press, 1999), and *Aramis, or the Love of Technology*, trans. Catherine Porter (Cambridge, MA: Harvard University Press, 1996). See my further discussion of these problems in Turner, “Toward an Analysis of the Corporate Ego” and Turner, “Book, List, Word.”

COMPANIES MONOPOLY, SOVEREIGNTY, AND THE EAST INDIES

Philip J. Stern

Joint-stock companies were at the heart of Adam Smith's understanding of the “mercantile system”; unsurprisingly, he appeared to have very little use for them.¹ They were inefficient and ripe for mismanagement, “negligence,” and “profusion.” This was simply, he argued, human nature. Managers of other people's money—such as directors of joint-stocks—would never mind a commonly pooled capital with the same “anxious vigilance” as those in a simple partnership watched their own.² To succeed in the market, most joint-stocks needed an artificial advantage: namely, state backing in the form of monopoly and other prophylaxis against competition. Without this, companies proved time and again ill-equipped to compete with “private” firms in foreign trade.³ Matters became even worse when those mercantile bodies served as political institutions, particularly in the colonial context. Inevitably confusing private gain with public good, such a system was bound to oppress its subjects, the “trading spirit” rendering them “bad sovereigns,” and the “spirit of sovereignty” rendering them “bad traders.” Here Smith was referring to the recent history of that body he imagined exemplified the pinnacle of mercantilist policy: the English East India Company.⁴

In many ways, the history of debates over the English East India Company from its inception in 1600 through to its demise in the mid-nineteenth century was concomitant with the development of British political economy, especially concerning foreign trade.⁵ Not only did many of the controversies themselves surround the Company, but many of the iconic theorists now associated with “mercantilist” thought, from Thomas Mun and Edward Misselden to Josiah Child and Charles Davenant, were deeply connected to it, not only writing on its behalf but working for, investing in, or even for some directly administering its affairs. Similarly, for critics, like Gerard Malynes, core questions of the day—bullionism, balance of trade, monopoly—were as much a question about the nature of trade as they were about the proper institutional forms in