

STATE FORMATION IN  
EARLY MODERN ENGLAND  
*c.* 1550–1700

MICHAEL J. BRADDICK



PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE  
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS  
The Edinburgh Building, Cambridge CB2 2RU, UK <http://www.cup.cam.ac.uk>  
40 West 20th Street, New York, NY 10011-4211, USA <http://www.cup.org>  
10 Stamford Road, Oakleigh, Melbourne 3166, Australia  
Ruiz de Alarcón 13, 28014 Madrid, Spain

© Cambridge University Press 2000

This book is in copyright. Subject to statutory exception  
and to the provisions of relevant collective licensing agreements,  
no reproduction of any part may take place without  
the written permission of Cambridge University Press.

First published 2000

Printed in the United Kingdom at the University Press, Cambridge

Typeface 11/12 $\frac{1}{2}$  Baskerville [vN]

*A catalogue record for this book is available from the British Library*

*Library of Congress cataloguing in publication data*

Braddick, M.J. (Michael J.), 1962–  
State formation in early modern England, c. 1550–1700/Michael J. Braddick.  
p. cm.

Includes bibliographical references.

ISBN 0 521 78346 1 (hb) – ISBN 0 521 78955 9 (pbk.)

1. Great Britain – Politics and government – 17th century. 2. Great Britain – Politics and  
government – 1558–1603. I. Title.

JN191.B73 2000  
320.941'09'031 – dc21 00-023623

ISBN 0 521 78346 1 hardback  
ISBN 0 521 78955 9 paperback

## *Contents*

<i>Acknowledgements</i>	<i>page</i> vii
<i>Abbreviations and conventions</i>	ix
GENERAL INTRODUCTION	1
PART I STATE FORMATION IN EARLY MODERN ENGLAND	
Introduction	9
1 The embodiment of the state	11
2 The uses of political power in early modern England	47
Conclusion	96
PART II THE PATRIARCHAL STATE	
Introduction	101
3 Social order: poverty, dearth and disease	103
4 The courts and social order	136
Conclusion	172
PART III THE FISCAL-MILITARY STATE	
Introduction	177
5 The state and military mobilisation	180
6 The financing of the state	233
Conclusion	281

## PART IV THE CONFSSIONAL STATE

Introduction	287
7 The claims of the confessional state: local realities	291
Conclusion	334

## PART V THE DYNASTIC STATE

Introduction	337
8 Elite formation and state formation in England, Wales and Scotland	340
9 London's provinces: state formation in the English-speaking Atlantic world	379
Conclusion	420

CONCLUSION: actions without design, patterns without blueprints	427
---	-----

<i>Index</i>	438
--------------	-----

## CHAPTER I

### *The embodiment of the state*

The State is a dream . . . a symbol of nothing at all, an emptiness, a mind without a body, a game played with clouds in the sky. But States make war, don't they, and imprison people?<sup>1</sup>

Although, or perhaps because, the state has not been at the centre of discussions of seventeenth-century English history there is a great variety of views about its nature, uses and development. Many of these accounts rest on contradictory (and usually unstated) definitions of the state. This chapter therefore sets out a definition of the state which allows us to reconcile these competing accounts and to place in context the importance of the seventeenth century to the development of the English state. In doing so, however, it takes issue to some extent with the definitions of the state which seem to inform these varying accounts of its development. The state is not defined here in terms of its form, or a particular set of functions, but in terms of the kind of power that it represents. Having defined the state as a general category, the network of offices which comprised the state in early modern England will be described.

#### DEFINITIONS OF THE STATE

Arguments are shaped by their premises, and this is particularly true of discussions of the state about the definition of which there is little agreement. Sabine's rather gloomy conclusion reflects these difficulties:

the word commonly denotes no class of objects that can be identified exactly, and for the same reason it signifies no list of attributes that bears the sanction of common usage. The word must be defined more or less arbitrarily to meet the

<sup>1</sup> J. Le Carré, *Call for the Dead* (London, 1995), 28.

exigencies of the system of jurisprudence or political philosophy in which it occurs.<sup>2</sup>

Certainly, the varying accounts of the development of the early modern English state outlined in the general introduction are only partly matters of empirical disagreement – clearly many of these authors are discussing quite different aspects of the state or are working with quite different ideas of what the state is.

An argument mounted by Mann exemplifies one strand of writing about the early modern state. He defined the state as ‘a centralized, differentiated set of institutions enjoying a monopoly of the means of legitimate violence over a territorially demarcated area’. This led him to examine the functions of the ‘state at Westminster’, the coordinating centre of the “‘ultimate” authority over violence employed within England/Britain’.<sup>3</sup> While acknowledging that this was only a partial account of the pre-modern state, he none the less proceeded to examine the functions performed by ‘*this* state’, through an analysis of exchequer revenue totals. He found that exchequer revenues consistently increased in periods of warfare, and concluded that ‘the functions of the state appear overwhelmingly military and overwhelmingly international rather than domestic’.<sup>4</sup> Only in the more recent past has state spending reflected a concern with welfare and social order.

There is, however, a problem of circularity here. One of the principal functions of the exchequer was to raise and administer war revenues, and so it is unsurprising to learn that the level of this activity increased in wartime – the specification of a particular institutional form has also in this case specified the functional purposes revealed. Moreover, not all government activities were paid for in cash, not all money was circulated through the centre and, in the absence of a bureaucracy, not all the functions of the state at Westminster cost money. Indeed, the arbitration of disputes was an onerous task, and something from which governments secured significant prestige. It was not, however, a charge on government coffers. In fact, the role of the exchequer itself increased in this respect from about 1590 onwards, with the rapid expansion of its equity jurisdiction, but this is not reflected in the accounts.

Mann’s concern, and perhaps the underlying definition of the state, is

<sup>2</sup> G. H. Sabine, ‘State’, in E. R. A. Seligman (ed.), *The Encyclopaedia of the Social Sciences* (New York, 1934), vol. XIV, 328–32, at p. 328.

<sup>3</sup> M. Mann, ‘State and society, 1130–1815: an analysis of English state finances’, in M. Zeitlin (ed.), *Political Power and Social Theory*, vol. I (1980), 165–208, quotation at p. 166. Much of the material and argument was incorporated into his book, *The Sources of Social Power*, I, *A History of Power from the Beginning to AD 1760* (Cambridge, 1986).

<sup>4</sup> Mann, ‘State and society’, p. 196.

similar to that of the historiography of 'state building' in early modern Europe. Under the impact of inflation, escalating military costs and heightened international tensions, the finances of early modern governments were put under severe strain. In response to this they were forced to seek new powers to tax and to raise troops and to create new bureaucratic institutions capable of dealing with these administrative demands.<sup>5</sup> The historiography of seventeenth-century England has been little affected by this concept of state building driven by war (the 'military revolution') except in the negative sense, that the failure of state building under Elizabeth and the early Stuarts is seen as a component in the collapse of the political system in 1640–2. There was, it has been said, a 'functional breakdown' in the seventeenth-century state and, according to most historians of the period, the real problem in this respect lay in the localities. Local elites refused to assess adequate amounts of taxation or to implement militia measures with the necessary efficiency, preferring to act as good neighbours rather than as effective representatives of the national governmental interest. To this one could add the failure of government in the pursuit of religious uniformity, another policy issue of central importance that foundered, to some extent, on the problems of local enforcement.<sup>6</sup>

Clearly the role of local officeholders is crucial to an understanding of the seventeenth-century English state but by concentrating on the differentiated institutions at Westminster, this important dimension of early modern government is obscured. However, although most historians are sensitive to the functioning of local government, the state is still frequently associated with 'the centre' and its functions are presumed to be those of the centre. This gives rise to considerable emphasis on warfare, at the expense of consideration of the domestic and internal pressures driving the development of the state. Some such definition, for

<sup>5</sup> G. Parker, *The Military Revolution: Military Innovation and the Rise of the West, 1500–1800* (Cambridge, 1996); C. Tilly, *Coercion, Capital and European States, AD 990–1992* (Oxford, 1992); T. Ertman, *Birth of Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge, 1997); B. M. Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton, 1992). For applications to the English case see J. Brewer, *The Sinews of Power: War, Money and the English State, 1688–1783* (London, 1989); M. Duffy, 'The Foundations of British Naval Power', in Duffy (ed.), *The Military Revolution and the State*, Exeter Studies in History, no. 1 (Exeter, 1980), 49–85.

<sup>6</sup> This approach can be found in the work of Conrad Russell, for example. See, most recently, his *The Causes of the English Civil War* (Oxford, 1990). Russell prefers other terms, such as 'kingdom', 'monarchy' or 'political system': for example, 'the breakdown of a financial and political system in the face of inflation and the rising cost of war', *Causes*, p. 213. Cogswell provides a corrective about the potential impact of military reform prior to 1640: T. Cogswell, *Home Divisions: Aristocracy, the State and Provincial Conflict* (Manchester, 1998). For religion see Russell, *Causes*, ch. 4; below, ch. 7.

example, seems to inform Sharpe's view that 'the best starting point in attempting to understand the nature of the European state in this period is to regard it as a vast machine designed essentially to raise money and finance warfare'.<sup>7</sup> In essence, a particular institutional form is specified for the state – centralised differentiated institutions enjoying a monopoly of the means of legitimate violence – and the functions and development of those institutions are then investigated.

This raises the problem, of course, of the relationship between these institutions and others which also exercised political power. This problem is noted by Mann: 'centralized institutions which we intuitively recognize as "states" in feudalism . . . sometimes did *not* possess a monopoly of the means of legitimate violence (either of judicial or military force)', instead, they shared their powers with other institutions – church, manor and borough.<sup>8</sup> The problem here seems to be the identification of the state as the institutions at the 'centre' – there is an elision here of 'centralized' and 'centrally located'. Clearly, though, the institutions of a centralised state are not all centrally located. By the same token, the institutions of local government can, in principle at least, be component parts of a centralised state. In another context, Mann argued that pre-modern states had a 'penumbra' of poorly defined institutions through which they sought to realise their ends.<sup>9</sup> An alternative is to think of the state as a network of agents which embraces this 'penumbra'. These local institutions were coordinated from the centre, but were not located there – they were (weakly) centralised, but they were not centrally located. In this view, state power is not something 'central', but rather something that is extensive.

Accounts which associate the state with centrally located, differentiated institutions tend to concentrate on the fiscal and military functions of the state. In the sixteenth and early seventeenth centuries this leads to an emphasis on weakness, while accounts relying on another definition of the state are radically different, painting a picture of an active and increasingly intrusive state apparatus. This alternative view of the state

<sup>7</sup> J. A. Sharpe, *Early Modern England: A Social History 1550–1760* (London, 1987), 101.

<sup>8</sup> Mann, 'State and society', p. 166.

<sup>9</sup> In his paper at the Anglo-American Conference of Historians, 1990. Goldstone suggests a different solution to this difficulty: he 'follows Weber and Mann in ascribing to [early modern] states the centralized national rule-making and rule-enforcing authority, but . . . differs [from them] in recognizing that the state shares political space with other actors and authorities'. Following from this it is possible to argue that the 'monopoly of legitimate force . . . is a false characterization of early modern states, which existed in tension with semiautonomous sources of legitimate authority at the regional level or among groups subject to religious law': J. A. Goldstone, *Revolution and Rebellion in the Early Modern World* (Berkeley, 1991), 5 n.



in the historiography of early modern England is based on a far more elastic definition of the state, which seems similar to that used in some anthropological studies. An influential theme in writing on political anthropology is a typology of rule, which places the state at one end of a spectrum, distinct from such other means of regulating social life as the tribe, lineage or warrior band. The state is viewed as a recent phenomenon in human societies, distinguished by the continuous public power above ruler and ruled, in which authority is divorced from the personality of the leader. Krader, for example, defines the state as 'a non-primitive form of government. Unlike primitive forms of government the agencies of government by the state are usually explicit, complex, and formal.' It is associated with large and stratified populations, and provides a means of integration and coordination.<sup>10</sup> From this rather different point of departure some strikingly different conclusions flow. Such typologies might, for example, emphasise law rather than warfare as a significant feature of states.<sup>11</sup> The state is not defined here in terms of very specific institutional forms, but its function is central to the definition. Again, then, the question of what the state does is to some extent foreclosed by the definition of the state – the functions of the state are not the subject of the inquiry but among its premises. For example, in controversies over 'hydraulic civilisation' or the relationship between the origins of the state and of social stratification, the function of the state is central to its definition. In the first case, the state is seen as a response to the needs of agriculture based on irrigation, and so it is a regulatory and coordinating institution. In the latter, the state emerges to protect property and social order in settled agricultural societies of a particular level of complexity. In these views the state is defined partly institutionally, but these institutions are not separated from their functional purposes – the state is both an institutional and functional form.<sup>12</sup>

In current social histories of England between 1550 and 1640 (which owe much to village studies informed by anthropological methods) the state is portrayed as something altogether more active and effective than in the accounts of fiscal-military state building. In Wrightson's view, for example, 'it is surely beyond serious contention that the "increase in

<sup>10</sup> L. Krader, *Formation of the State* (Englewood-Cliffs, 1968), 13.

<sup>11</sup> See, for example, S. Roberts, *Order and Dispute* (London, 1979).

<sup>12</sup> The literature here is extensive. See, among others, R. Cohen and E. R. Service (eds.), *Origins of the State: the Anthropology of Political Evolution* (Philadelphia, 1978) and H. J. M. Claessen and P. Skalnik (eds.), *The Early State* (The Hague, 1978). For a recent account of Welsh state formation informed by this literature, see R. A. Jones, 'Problems with medieval local administration – the case of the *maenor* and the *maenol*', *Journal of Historical Geography*, 24 (1998), 135–46.

governance” under Elizabeth and the early Stuarts enhanced the “infrastructural strength” and effective presence of the early modern state in the localities.<sup>13</sup> The emphasis here is not so much on institutional change as on increased functional efficiency and competence. Again, the key figures are local elites, but in this context they appear to have been increasingly active and effective. In this respect the state was responding to domestic rather than international pressures.

Before 1640, fiscal-military failure provides a contrast with the effectiveness of social regulation. Both depended, ultimately, on local officeholders, who were responding to different demands with contrasting effects. Rather than accept that one set of functions represent the activities of the ‘state’ and that the other did not, the approach adopted here is to seek a definition of the state which embraces local officeholders. Even though these offices were not centrally located or modern in form, they embodied political power which was coordinated from a single centre. From this starting point, their role in the functioning of the state can be more easily embraced. But more importantly, by expanding the definition of the state in this way, a wider range of functions is revealed, and an account of the state emerges which is much less concerned with the ‘centre’. Initiatives relating to the use of these offices arose both in the localities and at the centre, in relation to both domestic and international needs, and could reflect either ideological or material interests. If, then, we broaden the institutional definition of the state to include local officeholders, we are struck by a contrast in the period before 1640 between the failure of the state in some functions and its success in others, a contrast not revealed by a concentration either on the institutions of government located at the centre or on a narrower range of functions of government. The crucial question, therefore, is whether these local officers can be said to have been agents of the state.

#### A MIND WITHOUT A BODY: THE STATE AND POLITICAL POWER

Weber, whose name is often invoked in discussions of the state, argued that the essence of the state is the control of political power. What distinguishes the state from other organisations is the distinctive kind of power that it represents, not any particular functional purpose or institutional form.

Sociologically, the state cannot be defined in terms of its ends. There is hardly any task that some political association has not taken in hand, and there is no

<sup>13</sup> K. Wrightson and D. Levine, *Poverty and Piety in an English Village: Terling, 1525–1700*, 2nd edn (Oxford, 1995), 201.

task that one could say has always been exclusive and peculiar to those associations which are designated as political ones: today the state, or historically, those associations which have been the predecessors of the modern state. Ultimately, one can define the modern state sociologically only in terms of the specific *means* peculiar to it, as to every political association, namely, the use of physical force . . . Of course, force is certainly not the normal or the only means of the state – nobody says that – but force is a means specific to the state.<sup>14</sup>

An agent of state authority has access to a distinctive kind of power and it is that which distinguishes him or (rarely in our period) her from other individuals. Local officeholders exercised political power and were part of a territorially bounded, centrally coordinated network of such offices. These offices were not bureaucratic in form but the whole network is, it will be argued, recognisable as a kind of state. This definition is defensible both in terms of modern sociological theory and also later sixteenth-century usage. An obvious implication is that the issue of the precise form and function of the state is left open – what form state power assumed and to what ends it was directed are matters of inquiry rather than of initial definition.

In what sense, then, did local officeholders exercise political power? Or, to put it another way, what distinguished the power exercised by a constable (say) from the power of a landlord or a father, given that one man might have been all three? Firstly, political power resides in offices, not persons. In practice, particular personal attributes are usually necessary to hold office, but the authoritative power depends on holding the office and not on the possession of particular attributes – when an individual loses office s/he loses the power that goes with it. The power exercised by an officeholder is a collective resource, embodied in, but not deriving from, the individual.

Secondly, offices are defined in terms of specific functions and territories.<sup>15</sup> It is not possible to define political power in relation to any particular function, but it is possible to say that it is always functionally limited and territorially bounded.<sup>16</sup> Constables, fathers and landlords all had legitimate powers, but those of a father were exercised over

<sup>14</sup> M. Weber, 'Politics as a vocation', reprinted in H. H. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology* (London, 1991), 77–128, quotation at pp. 77–8. See also G. Poggi, *The State: Its Nature, Development and Prospects* (Oxford, 1990), 14.

<sup>15</sup> See also Giddens' discussion of the control of 'allocative resources': A. Giddens, *The Nation-State and Violence* (Oxford, 1985), ch. 1.

<sup>16</sup> For territory as an intrinsic feature of the state, see Weber, 'Politics as a vocation', esp. p. 78. For an interesting case study, developing some of the implications of this, see Jones, 'Maenor and maenol'. For a stimulating discussion of the relationship between authority over people and over territory, see P. Seed, 'Taking possession and reading texts: establishing the authority of overseas empires', *William and Mary Quarterly*, 3rd series, 49 (1992), 183–209.

relations, and a landlord had power over those in a contractual relationship with him. The constable, by contrast, had power over all the inhabitants of a territory, in relation to particular functions – unlike a father or landlord, he exercised a kind of power that had specified territorial and functional bounds. The nature of those territorial and functional bounds can vary considerably, but the fact that the scope of an office is defined in this way distinguishes the power of offices from other kinds of power. It was the definition of those bounds that gave definition to the office and within those limits the officeholder's power was backed by the threat of legitimate force.

Thirdly, therefore, the threat of legitimate force is also an important feature of political power. Force is not the usual means by which the state acts, but it is particular to the state. It is also significant that Weber defined the state in terms of the *legitimate* use of force.<sup>17</sup> States do not have monopolies of force, even of legitimate force, however. Individuals such as parents, for example, can exert force generally recognised to be legitimate. But the state is the ultimate arbiter of what *constitutes* legitimate force within its territory and as a consequence its own ultimate sanction is force. It is the combination of these features – territoriality, functional definition and the ultimate threat of legitimate force – that distinguishes political power. One man acting as a constable was playing a different social role, and had access to a different kind of power, than the same man acting as a father or as a landlord.

Local officeholders exercised a distinctively political power – it was territorially and functionally specific, and within those bounds it was backed up by legitimate force. Collectively, these offices constituted a 'state' in the sense that they were part of a territorially bounded and coordinated network, which was exclusive of the authority of rival political organisations within those limits. They were all legitimated with reference to, and coordinated by, a single centre and constituted, collectively, a single political organisation. The crucial issue, here, is that the state is not being defined in terms of form – for example, bureaucracy or centrally located institutions – or in terms of particular functions – making war or keeping the peace, for example. It is defined instead by the kind of power that is distinctive to it. The forms assumed by this power, and the uses to which it was put, are the object of the enquiry, rather than part of the definition of its terms.

<sup>17</sup> 'The state is a human community that (successfully) claims *the monopoly of the legitimate use of physical force* within a given territory': Weber, 'Politics as a vocation', p. 78 (emphasis in the original). Legitimate force is not simply force, *per se*. This is, therefore, a distinct position from that taken by Poggi: Poggi, *State*, esp. pp. 4–6.

There was a state in England in 1550 in the sense that there was a network of offices wielding political power derived from a coordinating centre by formal means – commission, charter or specific command (warrant). The network was exclusive of other political powers within particular territorial bounds under the Tudor crown, and it makes sense to analyse this network as a whole. The authority of all these bodies derived from a centre – it was an integrated and weakly centralised network – but they were not centrally located. What is usually taken to be a Weberian definition of the state, in terms of centralised, differentiated institutions, is here considered an ideal-type of the *modern* state – a theoretical construct against which to compare observed social realities. Divergences from this ideal-type can reveal what was not modern about the early modern state, for example that it was only a partially differentiated and weakly coordinated state. As a coordinated network of territorially bounded offices exercising political power it is, none the less, recognisable to us as a kind of state.<sup>18</sup>

This rather abstract view is justifiable in terms of twentieth-century social theory, but also in terms of early modern understanding, for it was in this period, it has been persuasively argued, that such a notion took shape in European thought.<sup>19</sup> The English-speaking world was not immune to this development.

It is striking that, whereas in 1500 the word ‘state’ had possessed no political meaning in English beyond the ‘state or condition’ of the prince or the kingdom, by the second half of Elizabeth’s reign it was used to signify the ‘state’ in the modern sense. In the reigns of Henry VII and Henry VIII politicians had spoken only of ‘country’, ‘people’, ‘kingdom’, and ‘realm’, but by the 1590s they began to conceptualize the ‘state’.<sup>20</sup>

<sup>18</sup> For differentiation see Poggi, *State*, pp. 20–1. It would be possible to argue that this network was not a state, but some other kind of political association. In the passage cited above, pp. 16–17, Weber is distinguishing between the modern state and the forms of political association that preceded it. I am suggesting here that the subject of this study is the early modern state – a political association resembling the ideal-type of the modern state but diverging from it. Readers offended by the term ‘state’ in this context might substitute the phrase ‘territorially bounded and coordinated network of agents exercising political power’. In that case this study might be glossed as a discussion of the rise of the state from among a collection of other political institutions – in effect, a narrative of the emergence of the state as a distinctive form of political association. In a sense this is not a matter of crucial importance because the story being told here would be essentially the same – in order to understand the rise of the state it would be necessary to understand the functioning and weaknesses of the forms of political association that preceded its emergence.

<sup>19</sup> Q. Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge, 1976). For the comparison with Weber, see esp. I, pp. ix–x.

<sup>20</sup> J. Guy, *Tudor England* (Oxford, 1988), 352. The emergence of the term in England is discussed *ibid.*, ch. 13. A broadly similar case is made for England by Skinner, *Foundations*, II, esp. pp. 356–8.

The term appears in a recognisably modern sense with some frequency in privy council correspondence of the 1590s<sup>21</sup> and royal proclamations of the 1620s used it with some familiarity. So, for example, in proclaiming against public discussion of foreign affairs in 1620, James I condemned 'lavish and licentious speech in matters of state'.<sup>22</sup> In 1625, in justifying the assumption of direct responsibility for the government of Virginia, in place of the Virginia Company, Charles I proclaimed that 'the Government of the Colonie of Virginia shall immediately depend upon Our Selfe and not to be committed to any Companie or Corporation, to whom it may be proper to trust matters of Trade and Commerce, but cannot be fit or safe to communicate the ordering of State-affaires be they of never so meane consequence'.<sup>23</sup> The sphere of action which is being studied here can be defined as activities and matters of state, and that definition would have been comprehensible to increasing numbers of contemporaries.

#### EMBODIMENTS OF THE STATE: POLITICAL OFFICES IN EARLY MODERN ENGLAND

The state, as a general category, is defined by the kind of power that it exercises, rather than the specific uses made of that power or the institutional forms through which it is expressed – it is, in a general sense, a mind without a body. The state is embodied in political offices whose form and purpose vary between states and over time. The particular institutional forms of these agencies and uses made of this power in any particular context are an open question, rather than part of the definition of the state itself. What is to be explained is not the rise or growth of 'the' state, but the changing forms of state power – for example, the development of the 'modern' or, perhaps, the 'post-modern' state. Although we are primarily interested in the functions of the state, we have not made a particular set of functions part of our definition of the state itself. Instead, the issue of how a 'mind without a body' was embodied in early modern England is a matter of empirical enquiry.

<sup>21</sup> For examples, see below, pp. 29 n.43, 56, 288, 321. Q. Skinner, 'The state', in T. Ball, J. Farr and R. L. Hanson (eds.), *Political Innovation and Conceptual Change* (Cambridge, 1989), 90–131.

<sup>22</sup> Quoted in T. Cogswell, *The Blessed Revolution: English Politics and the Coming of War, 1621–1624* (Cambridge, 1989), 20.

<sup>23</sup> Quoted in R. M. Bliss, *Revolution and Empire: English Politics and the American Colonies in the Seventeenth Century* (Manchester, 1990), 19–20. Of course, companies continued to exercise governmental functions long after 1625: see below, ch. 9.

The state is embodied in offices, and differences between states over time and between places are differences in the forms of office. It is argued here that there are three dimensions of the 'form' of an office or institution – its functional purpose, its territorial competence, and the characteristic ways in which it is legitimated. The first two points, about territorial and functional definition of offices, require little elaboration, of course. Less familiar is the claim that forms of legitimation shape offices. For example, in a modern bureaucracy, impersonal norms distance the individual from his or her exercise of office – bureaucrats have no personal control over their actions, they are simply implementing the rules or 'doing their job'. A civil servant implementing such rules is acting in a role, which makes clear the distance between the individual and their office – bureaucratic legitimation requires from individuals particular performances and languages of justification. Early modern magistrates, acting as fathers of their country, explained and justified their actions with reference to different values, and in order to appear credible had to act in different ways. The languages and performances which legitimated their actions, therefore, gave to their offices a distinctive form. Legitimacy is not simply about the formal limits of office, but also about appropriate behaviour and comportment on the part of officeholders – the expression and legitimation of political power has a cultural and intellectual dimension. Early modern officeholders generally used different languages to legitimate their activities and this gave their offices a distinctive 'form', quite different from the rational, differentiated bureaucracies of modern states. But they were, none the less, exercising political power.<sup>24</sup>

Some of these abstract arguments can be illustrated with reference to the central offices of the early modern state, and this serves also to introduce the empirical discussion which follows in the rest of the book. At the centre of the early modern state were offices which conferred legal validity on administrative action. They legitimated decisions and crucial to this was the depersonalisation of authority and the taking of counsel. Kings could not make law by their will alone, and were expected to act in the light of advice. The English monarchy was limited (but also enabled) by formal procedures which gave legal validity to particular kinds of action, and by adherence to less formal expectations about appropriate behaviour. What separated a tyrant from a monarch was, in part, adherence to the legal forms which the incumbent swore to

<sup>24</sup> The idea of offices as social roles is discussed below, pp. 71–8.

uphold at his or her coronation. The obligation to take advice, 'counsel', was of similarly crucial significance. In all, the crown operated within limits set by legal forms and by more informal expectations about what constituted good government. In practice, royal charisma – the sacred authority of the monarch – was routinely represented in writs of standard form circulating throughout the realm.

One way of glossing a standard theme of seventeenth-century history is by saying that these formal legitimations became more routine and more codified. The debate about the Tudor revolution in government has tended to downplay the suddenness or coherence of the changes in central administration during the 1530s, but at the heart of claims for modernisation was precisely this issue – the formalisation of procedure which had the effect of limiting the impact of the personal wishes of the monarch. Constraints had been imposed earlier, and monarchical caprice continued to be important thereafter, and the emphasis of most accounts is now on more protracted and complex adjustments.<sup>25</sup> None the less, over this period as a whole the formal constraints on the powers of monarchs did increase. Commands might be authenticated by a variety of seals or warrants, and the rules governing these legitimations were complex, the preserve of specialists commanding technical knowledge.<sup>26</sup> The monarchy, as a network of offices, was increasingly powerful, although the personal power of the monarch had been reduced. To this might be added the less familiar example of the development of public borrowing.<sup>27</sup>

Alongside these formal legitimations monarchs were also constrained by less formal conventions, in particular the expectation that they would take counsel: 'Few things, if anything, were more central to medieval political thought than the belief that a good ruler took counsel from a wide variety of sources.'<sup>28</sup> There was a variety of more or less institutional means by which this counsel was offered. The royal court, the privy council and parliament provided, in Elton's famous phrase, 'points of contact' between the Tudor monarchs and their subjects. The court, for example, served to focus political ambition on the person of

<sup>25</sup> G. R. Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge, 1953); C. Coleman and D. Starkey (eds.), *Revolution Reassessed: Revisions in the History of Tudor Government and Administration* (Oxford, 1986); Guy, *Tudor England*, ch. 6.

<sup>26</sup> For discussions of these arrangements see G. R. Elton, *The Tudor Constitution: Documents and Commentary* (Cambridge, 1960), esp. ch. 3; P. Williams, *The Tudor Regime* (Oxford, 1979), ch. 1.

<sup>27</sup> For which see below, ch. 6.

<sup>28</sup> C. Russell, 'The nature of a parliament in early Stuart England', in H. Tomlinson (ed.), *Before the English Civil War: Essays on Early Stuart Politics and Government* (London, 1983), 123–50, 202–6, quotation at p. 129.



the monarch and thereby neutralised alternative power centres. But it also created stability. 'Government . . . cannot work unless it obtains obedience and (preferably) consent from the governed' and 'any system needs to include organized means – public structures – to provide for the ambitions at the centre of affairs of such persons as can, if those ambitions remain unsatisfied, upset that stability'.<sup>29</sup> The court offered place and employment, particularly in the Household, but more importantly gave access to the monarch. Those with influence at court acted as mediators between petitioners and the king and therefore enjoyed power. Among these people alliances formed, seeking to influence decision-making. The result was that Tudor monarchs were 'managed at worst, and manoeuvred at best, by the purposeful groupings of interest that articulated the nation's politics'.<sup>30</sup> The court was thus a means of integrating not just ambition but also opinion into politics.

Two other institutions also served as 'points of contact' in this way – the privy council and parliament. By the late sixteenth century it is reasonable to talk of a privy council in generalised, functional terms, although there is some debate about when such a body had emerged. Like the court, it provided an avenue for ambition and a channel of communication, but it was to a degree open to men of lower social status. Its deliberative and administrative functions were poorly differentiated: on any given day the council might deal with a great variety of issues, from mundane matters of local administration to discussion of foreign policy. It was this pressure of business that prevented effective oversight of the activities of local governors in the 1620s and, probably, earlier.<sup>31</sup> Parliament, of course, offered contact with the broadest spectrum of opinion: 'Parliament, as all agreed, represented the nation', and it was axiomatic in law that the consent of parliament was the consent of the whole realm.<sup>32</sup> But this representation was brought to bear intermit-

<sup>29</sup> G. R. Elton, 'Tudor Government: the points of contact', reprinted in Elton, *Studies in Tudor and Stuart Politics and Government*, vol. III, *Papers and Reviews 1973–1981* (Cambridge, 1983), 3–57, quotations at pp. 2, 4.

<sup>30</sup> *Ibid.*, p. 50. For the concept of 'faction' see E. W. Ives, *Faction in Tudor England* (Historical Association Pamphlet, 1979). The importance of faction in the formulation of policy is, of course, controversial.

<sup>31</sup> For the origins of the privy council: J. A. Guy, 'The privy council: revolution or evolution?' in Coleman and Starkey, *Revolution*, 59–85; and D. Starkey, 'Introduction: court history in perspective', in D. Starkey *et al.*, *The English Court from the Wars of the Roses to the Civil War* (London, 1987), 1–24. For the administrative pressures and inefficiencies, see D. Hirst, 'The privy council and the problem of enforcement in the 1620s', *JBS*, 18 (1978), 46–66; B. W. Quintrell, 'Government in perspective: Lancashire and the privy council, 1570–1640', *Transactions of the Historic Society of Lancashire and Cheshire*, 131 (1982 for 1981), 35–62.

<sup>32</sup> Elton, 'Points of contact', p. 22; Russell, 'Nature of a parliament'.

tently. Parliament's powers of legislation and taxation were considerable, but that did not give the Houses control over policy, and that does not appear to have been an ambition of the members, either.<sup>33</sup> None the less, parliament provided a resource for local interest groups – lobbies could secure statutory backing for particular local initiatives.<sup>34</sup>

All this implies, of course, that there was much more to the agency of the state than monarchical will. The apparatus of central government authenticated decisions by delivering them in legal form and at the same time channelled advice, petitions and counsel. The result was government through, rather than by, the monarch and the impetus for political action could come from a variety of sources. Courtiers, councillors and members of parliament, responding to a wider circle of clients and petitioners, raised issues of concern and suggested legitimate means of dealing with them. This was true in the localities too, as officeholders responded to perceived challenges and opportunities with initiatives of their own. The poor law, as we will see, grew out of such local initiatives and is a good illustration of the fact that the development of the state was not a matter of central, still less monarchical will – the poor law of the later sixteenth century were Elizabethan, not Elizabeth's.

As a means of legitimation much of this seems unfamiliar to modern eyes. Counsel mitigated the views and passions of the monarch. It was given on the basis of a sense of representation but what was being represented was, in theory, not a range of opinion.<sup>35</sup> Counsel was intended to be disinterested and those with the power to offer advice laid claim to moral authority, rather than a popular or party mandate. As a consequence, criticism of these people was frequently expressed in these terms, rather than articulating more obviously political objections to details of policy. Courtiers, councillors and members of parliament all filled social roles defined in terms of wider values and expectations and political attacks often took the form of social or moral criticism. Un-

<sup>33</sup> Although these brief remarks are relatively uncontentious, they conceal considerable controversy. For summaries see M. A. R. Graves, *The Tudor Parliaments: Crown, Lords and Commons, 1485–1603* (London, 1985); P. Williams, *The Later Tudors: England 1547–1603* (Oxford, 1995), 135–41.

<sup>34</sup> D. Dean, *Law-Making and Society in Late Elizabethan England: The Parliament of England, 1584–1601* (Cambridge, 1996); I. W. Archer, 'The London lobbies in the later sixteenth century', *HJ*, 31 (1988), 17–44.

<sup>35</sup> J. Guy, 'The rhetoric of counsel in early modern England', in D. Hoak (ed.), *Tudor Political Culture* (Cambridge, 1995), 292–310. Before the later seventeenth century 'opinion' was frequently juxtaposed to 'judgement' and 'truth' – to be governed by opinion was a danger to the commonwealth. See, for example, D. Freist, *Governed by Opinion: Politics, Religion and the Dynamics of Communication in Stuart London 1637–1645* (London, 1997), 1–5.

popular privy councillors were said to be socially unfit for office, rather than politically misguided or ineffective, and subversive comment about monarchs frequently took the form of commentary on their moral qualities. As Henry, 5th earl of Huntingdon, told his household, the issue of household order was central to his capacity to govern:

for makinge the worlde to carry a providente opinion of me in this which in proportion doth nearest resemble the government in publicke offices which men of my rancke are verie often called unto and do most com[m]only happen unto them for as a learned writer sayeth as of molle hils are made mountaines so of divers families are made Cities so of Cities com[m]onwealthes therfore if I faile in the lesse then the which ther can be no greater dishonor it followeth of necessitie I shall never be capable of the greater.<sup>36</sup>

This was not, then, a bureaucratic state – the legitimacy that such people enjoyed was not that of a rational bureaucracy. None the less, some of the offices of state were closer to that model of authority, depending on a close formal specification of their powers and of due process. Legislation and the administration of justice were crucial to early modern government, with the result that law and government were intimately related. ‘Lawyers could expect to be involved in government primarily because government was carried on in legal institutions and according to legal forms . . . public administration was inextricably caught up in the terminology and procedures of the law.’<sup>37</sup> The crown was the fount of justice as well as of patronage and honour, and its will was normally expressed through legal documents. The management of the crown’s resources was carried out by courts of law, particularly the exchequer, and the other great courts were also closely connected with government. Chancery authenticated royal commands with the Great Seal, for example, and Star Chamber originated in the privy council sitting judicially. Executive will was expressed through a complex of offices – the signet, the privy seal and the Great Seal – and alongside them the secretaries of state and the privy council. All these offices gave voice and form to monarchical authority, with varying degrees of formality. In all they formed a kind of bureaucracy, a ‘central machine’,<sup>38</sup> and around this core of London government there developed a range of full-time functionaries, among them professional lawyers.

<sup>36</sup> HEH, HAP Box 14 (18), Henry, fifth earl of Huntingdon, a draft set of instructions to his household regarding behaviour in his absence.

<sup>37</sup> W. R. Prest, *The Rise of the Barristers: A Social History of the English Bar 1590–1640* (Oxford, 1986), 236–7.

<sup>38</sup> For concise discussions see, Williams, *Tudor Regime*, pp. 39–43; Williams, *Later Tudors*, pp. 141–4.

These formal and impersonal procedures provided agreed and routine means by which to legitimate particular kinds of decisions.

By this period a range of institutions had developed which carried out carefully defined functions, and whose relationships were governed by elaborate and repetitive procedures. Counsel was taken, decisions made and commands issued according to complex (and of course contested) rules. The central courts not only offered justice to the subject but authenticated and executed administrative decisions. In part this served to authenticate commands, or to provide the means to ensure that commands of particular kinds had been made by agreed means, through the proper channels. The receipt and issue of money, for example, was governed by complex rules, interpreted by specialists holding offices that had evolved over a very long period. Royal commands were made, or were delegated, by agreed means and approved under a variety of seals to signify compliance with accepted procedures. To those who oversaw their operation, and to those who were subject to it, these institutions had a life of their own. Legitimacy, and legal form, were intersubjective – they were the outcome of collective agreements, often enshrined in complicated procedural rules, and were not under the control of individuals. It is the growing importance of the impersonal, intersubjective, legitimation and authentication of decision-making that lies at the heart of Elton's claims about the Tudor revolution in government. Whatever the merits of Elton's thesis this essential proposition is sound – that routinisation and bureaucratisation depersonalised political authority. The 'course of the exchequer', for example, was thought to be something, once underway, which could not be diverted by individual effort.<sup>39</sup> The absence of discretion was of crucial importance to the legitimacy of these kinds of office.

In all, the centre of the early modern state was small. The privy council consisted of a dozen or so people, the court a few dozen more, and parliament a few hundred. Many of these people held local office and, particularly members of the House of Commons, would not necessarily have identified themselves as representatives of the centre. Alongside the court, council and parliament, institutions which were to some extent empowered by social prestige, rather than formal rules, were more bureaucratic institutions. The operation of these latter offices

<sup>39</sup> M. J. Braddick, *Parliamentary Taxation in Seventeenth-Century England: Local Administration and Response*, Royal Historical Society, Studies in History, 70 (Woodbridge, 1994), 30–8, 161–2; Braddick, 'Resistance to the royal aid and further supply in Chester, 1664–1672: relations between centre and locality in restoration England', *Northern History*, 33 (1997), 108–36, esp. p. 120.

was in the hands of functionaries of various kinds, representing collectively a kind of proto-bureaucracy. 'Bureaucracy' because there were broad similarities between the means of entry and preferment and in the forms of remuneration between separate institutions. 'Proto'-bureaucracy because these terms were relatively informal. Office was secured through patronage and preferment, remuneration received in fees charged on the subject rather than in the form of a salary paid for service.<sup>40</sup> The size of this proto-bureaucracy was also small. During Elizabeth's reign there were probably fewer than 1,000 officials receiving salaries or fees from the crown, of whom some hundreds were in the localities rather than London.<sup>41</sup>

Although these forms of office are quite alien to modern eyes, they are recognisable as component parts of a kind of state. In describing the actions of these offices, that is, the functioning of the state, we are actually describing decisions and actions taken by particular people. The history of these institutions and offices is therefore the history of individuals, but individuals who were acting as officeholders – their behaviour was constrained by the formal and informal limits of their office played out in a collectively understood social role. The exercise of political power depended on the action of individuals, but these people did not act freely. The state was embodied in individuals who, in exercising an office, laid claim to a distinctively political power and were both empowered and constrained by that claim.

#### THE EMBODIMENT OF THE STATE IN THE LOCALITIES

This book is principally concerned with the impact of the state in English villages and wards. Examination of this level of politics reveals a new set of constraints on government: the formal and informal limits of action imposed on the agents of state authority in the localities. Once an initiative had legal form it became, to an extent, a matter of policy, sanctioned by the executive. This 'governmental will' operated through local officeholders who were, in this sense 'intermediaries', mediating policy in the light of local interests. In addition to mediating governmental will, however, groups in the localities sought legal validity for their own political innovations – there were local initiatives alongside central initiatives. Both kinds of initiative were, of course, mediated and this allowed for further local influence, of a more informal kind. In

<sup>40</sup> G. E. Aylmer, *The King's Servants: The Civil Service of Charles I, 1625–1642* (London, 1961), esp. chs. 2–4. <sup>41</sup> A. G. R. Smith, *The Government of Elizabethan England* (London, 1967), 54.

numerous ways, then, the legitimization of local office affected the ways in which state power was actually used in the localities. In effect, local agents of state authority constantly exercised discretion in implementing their formal powers: there is another level of political decision-making here.

Most government activities were carried out with the cooperation of pre-existing elites through the hierarchy of officeholding. Whereas territorial potentates and great magnates might aspire to positions at court and in council, ambitious village notables aspired to positions at the bottom end of the hierarchy of local officeholding. In addition to this hierarchy of officeholders, however, there were other local agencies, empowered by charter or licence. If decision-making involved participation as a result of more or less formal requirements to take counsel, the execution of policy depended on a variety of intermediaries who were also responding to pressure when they interpreted their duties in the light of local circumstances. Here, again, a notable feature of the system was participation. A corollary of this was that the terms on which participation was forthcoming affected, intimately and crucially, what could be achieved through these intermediaries or, to put it another way, how ordinary people experienced the power of the state.

Much attention has been paid to local officeholding in recent years and there is no need to discuss it in detail here.<sup>42</sup> At the head of the county administration was the lord lieutenant, primarily, but not only, a military office. This office was characteristic of local offices in a number of ways, not least in the fact that it was evolving in this period. As in the case of the account of the institutions of government at the centre, what is offered here is a snapshot of a continually evolving network: a 'static approximation' of the later sixteenth-century state. The lieutenancy had an intermittent existence in the early Tudor period, but after 1549 the office lapsed. The real impetus for the establishment of a lieutenancy in each county came from 1585 onward, in response to the military demands of the Spanish war, the threat of invasion and internal subversion.<sup>43</sup> However, during the 1590s it was

<sup>42</sup> For a good recent summary of the early Stuart position, see M. Kishlansky, *A Monarchy Transformed: Britain 1603–1714* (London, 1996), ch. 2.

<sup>43</sup> G. S. Thomson, *Lords Lieutenants in the Sixteenth Century* (London, 1923). For a convenient summary, see Smith, *Government*, pp. 86–90. His account differs slightly from that of Fletcher, who dates the full emergence of the lieutenancy to the early Stuart period: A. Fletcher, *Reform in the Provinces: The Government of Stuart England* (London, 1986), 282. In the autumn of 1586, in the aftermath of the Babington plot, existing lieutenants were required to undertake searches for Jesuits and priests and it was suggested that they should be appointed in every county: J. Goring and J. Wake (eds.), *Northamptonshire Lieutenancy Papers and other Documents 1580–1614*, Northamptonshire Record Society, 27 (Northampton, 1975), xvii; J. S. Nolan, 'The muster of 1588', *Albion*,

not thought necessary for every county to have a lord lieutenant.<sup>44</sup>

Under Elizabeth all lords lieutenant were peers and some were privy councillors too. A number of lieutenants had charge of more than one county and because of their pre-eminence it was necessary to hand over some of the more routine matters of administration to deputies, particularly in the 1590s. Deputies were appointed by lords lieutenant and numbers varied according to local need. Unlike some of their superiors, however, deputy lieutenants held office in only one county. In addition to its military duties – organising the militia and raising troops for service abroad – the lieutenancy was also an agency for the raising of loans – lieutenants were responsible for the provision of a list of men of substance along with estimates of what they might be required to lend. They also served as monitors of local government, for example, reporting on the conduct of the justices of the peace or the imposition of the penal laws against Catholic recusants. The attraction of the office may not be obvious, but the lords lieutenant commanded an important channel of information between the privy council, which oversaw their activity, and the locality – the compensation for performing unpleasant tasks under the direct supervision of the privy council was that in doing so their local status was confirmed. Their access to the privy council and the weighty nature of their tasks confirmed the status which was the basis for their selection. The lieutenancy is thus characteristic of much Elizabethan local government in several ways. Firstly, service was regarded as a confirmation of standing and a source of further status. Secondly, because this was the case, the social hierarchy and the political hierarchy were very close, a recipe for stability. Further, we will examine later an implication of this for the system as a whole: that if social standing was jeopardised by the execution of an administrative task then that service might not be performed.<sup>45</sup>

23 (1991), 387–407; HEH, HM 30881, fos. 32–6 (1586); *CSPD*, 1581–90, p. 352. They were also to encourage the justices to control false rumours by having a due regard ‘to such as at tymes of faiers, marketts or any other assemblies of people in Inns or Alehouses, shall give out any matter that either directlie or indirectlie maye tend to the disquieting of the state, or ingendring of any misconceipt in the peoples mindes’: HEH, HM 30881, fo. 20v. Certainly, Lambarde thought the lieutenancy a temporary expedient. The extra-ordinary conservator of the peace of Edward III’s reign, ‘as he was endowed with an higher power, so was he not ordinarily appointed, but in the times of great troubles only, much like as the Lieutenants of Shires are now in our days’: W. Lambarde, *Eirenarcha Or of the Office of Iustice of the Peace, in Foure Bookes* (London, 1599), 18. A similar passage appears in earlier editions.

<sup>44</sup> Goring and Wake (eds.), *Northamptonshire*.

<sup>45</sup> For a general view of this tension posed by the duties of the lieutenancy, see V. L. Stater, *Noble Government: The Stuart Lord Lieutenancy and the Transformation of English Politics* (Athens, Ga., 1994), Introduction and ch. 1. For important local studies: A. H. Smith, *County and Court: Government and Politics in Norfolk 1558–1603* (Oxford, 1974); T. G. Barnes, *Somerset 1625–1640: A County’s Government during the ‘Personal Rule’* (Chicago, 1982); Cogswell, *Home Divisions*.

Theoretically superior to the lord lieutenant, but in practice next in line, was the sheriff.<sup>46</sup> This was an office of very ancient origin, and the sheriff was in principle the chief legal representative of the crown in the county. The importance of the office was declining but this did not mean that the labours of the sheriff were any less burdensome. He presided over the monthly court, which increasingly dealt only with small claims, outlawries and the management of elections. Sheriffs also empanelled juries, oversaw the production of defendants and the carrying out of sentences. When royal writs were issued to individuals within the county they were directed through the sheriff and he was responsible for the ancient revenues. He was thus responsible for some onerous judicial and administrative functions, and yet had little executive power. As a result, the shrievalty became unpopular, still more so because the incumbent ended up out of pocket for his pains. Sheriffs had to pay a fine on entry to the office and a fee to settle their account at the exchequer, as well as the salary of the undersheriff and hospitality for visiting dignitaries.<sup>47</sup> The only times when the shrievalty was really attractive was during a parliamentary election, the oversight of which was a responsibility of the sheriff. In these circumstances the sheriffs had considerable power, but for the most part the position was onerous and offered few compensations. In some counties there was such reluctance to serve that among the leading gentry appointment to the shrievalty could be used as a punishment – if a gentleman was chosen for the shrievalty, he could not serve in the more attractive position of justice of the peace. But the shrievalty could also offer a means for aspiring gentry to establish themselves among the county elite.

The backbone of Elizabethan local government was the commission of the peace, and its individuals members, the justices of the peace.<sup>48</sup> Commissions of the peace tended to grow in both size and importance in this period. At the beginning of the Tudor period there were about ten justices per shire, by the middle of Elizabeth's reign about forty or fifty and by the end of the sixteenth century commissions were larger still. Not all the men named to the commissions were active, however, and the increase in size reflected not just the growing pressure of work but also a growing demand for place. Service as a justice was a mark of

<sup>46</sup> For general accounts, see Smith, *Government*, ch. 7; Barnes, *Somerset*, ch. 5. For the civil war period, see J. Mather, 'The civil war sheriff: his person and office', *Albion*, 13 (1981), 242–61.

<sup>47</sup> The president of the Council of the Marches in the later seventeenth century, for example, received a large number of requests for exemption from service: HEH, EL 7079, 7101, 7146, 7172, 7175, 7180, 7197, 7199, 7204–06, 7227, 7236, 7253, 7274–75, 7288.

<sup>48</sup> For general accounts see Smith, *Government*, pp. 90–7; Fletcher, *Reform*, esp. chs. 1, 3.