Part I

'A GREAT CRISIS IN POLITICS'

We now come to a great crisis in politics, the discovery of the popish
plot . . .

W. Kennett, *A Complete History of England* (1706), iii. 364.

I may aforehand prophesy, that, unless th[e historian's] Pen had Eyes
and Ears at work in the very time when the Plot was fragrant, it is
impossible, out of the Rubbish in Print, to shew the character of the Age,
and what witchcraft prevailed over the understandings of the many.

R. North, *Examen* (1740), p. 187.

He that would give a Punctual and Particular Account of all the Narra-
tives, Discourses, Tryals, Executions, Speeches, Votes, Accusations,
Examinations, Commitments, Tumultuous Elections, Petitions, Ryots,
Libels, and Seditious Attempts of all Sorts, during the said time, must
write a History more Voluminous than Fox or Hollinshead.

A Compendious View of the late Tumults and Troubles (1685), preface.

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Introduction

AN EXCLUSION CRISIS?

In October 1678 the Cavalier Parliament began investigating revelations made by Titus Oates of a Popish Plot to assassinate the King. The Plot inflamed long-standing fears of popery and had ominous implications for the duke of York, whose conversion to catholicism had been widely suspected since his refusal to comply with the Test Act of 1673. Oates did not directly implicate James in the Plot itself, but he did accuse Edward Coleman, the duke's former secretary, whose papers proved to contain treasonable letters to Louis XIV's confessor about catholic designs in England. The vulnerability of James's position was clear. Charles dissolved the Cavalier Parliament on 24 January 1679 and called a new one, but before Parliament sat on 6 March, the duke had been forced into temporary exile. A bill to exclude James from the succession to the throne was introduced in the Commons on 15 May and passed a second reading six days later, though the session was prorogued before it could proceed any further. When Parliament met again on 21 October 1680 a similar bill reached the Lords where, on 15 November, it was decisively rejected; and a third exclusion bill was read in the short-lived Parliament held in Oxford in March 1681. Exclusion bills thus linked all three new Parliaments of the period.

The years 1678–81 were also seen by contemporaries as a time of crisis,[1] when the nation drifted slowly towards violent unrest. Throughout the period disorder appeared to be imminent. In January 1679 a rabble gathered daily outside Newgate to inquire about the fate of three convicted priests, 'to the putting some in fear of an outrage'.[2] The following month Sir James Hayes reported that he was 'very much afray'd of great troubles at hand'.[3] In May 1679 one observer reported that England was 'on the very brink of

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[1] For use of the term see *The Countries Vindication* (1679), p. 4; *HMC Ormonde*, iv. 244; Bod., MS Rawl. C.727, f. 56, Sir Leoline Jenkins to Gabriel Sylvius, 20 July 1680; BL, Add. 32,681, f. 12, Jenkins to Henry Sidney, 20 July 1680.
[2] *CSPD 1679–80*, p. 21.
[3] NLS, MS 7008, f. 189, Hayes to earl of Tweeddale, 17 February 1678/9.

confusion',[4] and when a rebellion actually erupted in Scotland the following month, the knock-on effect south of the border was dreaded.[5] At the end of the summer disorder was again expected after the King fell seriously ill.[6] 'Never was a civil war feared more than now', wrote one anxious observer.[7] In December 1679 it was feared that the people would 'not be quiet long'.[8] In March 1680 rumours circulated that London's apprentices intended to rise in arms, whilst in July renewed political agitation prompted a parliamentary clerk to predict that trouble might soon break out.[9] By November Sir William Temple could see nothing to prevent the nation 'falling into violent and popular tumults' if Parliament ended without an agreement with the King.[10] In February 1681 Algernon Sidney, who had surely witnessed much unrest in his lifetime, remarked that he had never seen 'men's minds more heated than at present', and a few months later Sir William Coventry remarked that 'all things worked for bringing ruin'.[11] Looking back over the period, Roger North could 'not remember at any time, a more hared and giddy temper of the people'.[12] Prognostications of chaos and civil war had been voiced through-out the 1660s and 1670s; but never so continuously, nor from so many different quarters, nor perhaps so desperately, as between 1678 and 1681. Even if fears of disorder were greatly exaggerated, the years 1678–81 witnessed an unrest that made the likelihood of civil war at least seem possible. In the words of one contemporary historian, the period was 'the most deplorable time that was ever seen in England'.[13]

The extraordinary political events that took place between the Popish Plot and the dissolution of the 1681 Oxford Parliament have consequently been described by modern historians as the 'Exclusion Crisis'.[14] I have generally avoided that term, not on grounds of dogma or a belief that it should never be used, but because I want in the following pages to shift the emphasis away from an interpretation of the controversy as one generated by, and revolving around, the single issue of exclusion, and because the label incorrectly implies that the crisis was merely a parliamentary one, centering on one piece of legislation. The 'exclusion crisis' is a well-known short-hand title, but, for

[4] *HMC Ormonde*, v. 104.
[5] Bod., MS Carte 232, f.44, earl of Longford to earl of Arran, 5 July 1679.
[6] *Sidney Letters*, p. 97.
[7] Bucks. RO, Verney mss, M11/33, Cary Gardiner to Sir Ralph Verney, 15 September 1679.
[8] BL, Trumbull mss, 60, R. Trumbull to W.Trumbull, 1 December 1679.
[9] *HMC Lords 1678–88*, p. 156.
[10] Van Prinsterer, *Archives*, v. 447.
[11] *Sidney Letters*, p. 60 (Hollis dates the letter 3 February 1678/9, but it refers to 1681); BL, Longleat mss, M/904, reel ix, vol. xvi, f. 328, Coventry to Sir Thomas Thynne, 24 May 1681.
[12] North, *Examen*, p. 504.
[13] R. Halstead, *Succinct Genealogies* (1685), p. 433.
[14] The nearest contemporary use of the phrase is Anthony Hammond's retrospective entry in his diary for 1679, which reads 'Bill of Exclusion, the great & epidemical Controversy then depending' (Bod., MS Rawl.A.245, f. 44).

reasons that will become apparent, it is best reserved for the brief period between the rejection of the bill in the House of Lords in November 1680 and the dissolution of the Oxford Parliament in March 1681. When the slogan is used, it should be remembered that it does not do justice to the depth and complexity of what was the critical period in Charles II's reign, when politics and opinion were in crisis.

For a long time the 'attempted revolution', as the crisis has also been called,[15] has been overshadowed by the successful revolutions of 1640–60 and 1688–9, and received relatively little attention from historians. Only recently has the period come under greater and more penetrating study as historians have questioned whether or not the exclusion bill was the central or most important feature of these years, and even whether contemporaries were justified in regarding it as a crisis. In order to ask the question 'was there an exclusion crisis?' we therefore need to review the historical debate which has forced this question on to the agenda.

INTERPRETING THE PERIOD

Recent interest in the period has centred on the development of political parties, and of the Whig party in particular. Such an approach is not new. As early as 1740, in what became the classic delineation of the Tory perspective of the crisis, Roger North in his *Examen* argued that by 1673 there existed a Country party of well-meaning but politically naive men, and a group of 'desperadoes' of old republicans and 'malcontents'. They were led, he suggested, by the earl of Shaftesbury, whose motives ranged from a desire for a commonwealth, an ambition to manage affairs himself, and a sheer wish for 'experiment'. To achieve his aims, North claimed, Shaftesbury developed a powerful propaganda machine and party organisation, which worked hand in hand with dissenters from the Church of England. 'So united and so uniformly did they move and act, as if one single soul animated the whole', that the party temporarily dominated politics; but, North gleefully pointed out, after a period of irresolution, the Court outwitted its opponents, with the result that far from destroying the monarchy, the crisis encouraged 'a second Restauration' of royal power. Although North admitted that he wrote from a partisan point of view, modern historians have, with some refinements and modifications, largely followed the outline he gave of a tightly organised and thrusting opposition to the King.

Acceptance of North's interpretation has been made easier because the alternative Whig analysis shares his stress on the crisis as a turning point in the formation of parties. Thus William Cowper, son of the earl of Shaftesbury's political associate Sir William Cowper and himself a Whig, argued (even

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[15] F.S. Ronalds, *The Attempted Whig Revolution of 1678–81* (Urbana, 1974).

before North published) that parties had their origin 'about the time the Bill of Exclusion was set on foot in the reign of King Charles II', and came into being for two reasons: the Court's persecution of protestant dissenters, and the exclusion bill.[16] Cowper's account differs from North's mainly in the priority he assigned to the role of principle as the cohesive force behind opposition to the Court. Concern for religion and a sincere belief that Parliament had the power to alter the succession were thus far more important than factious ambition, hatred of the church, or a desire to see the restoration of a commonwealth.

Given the agreement about the rise of parties, the modern historical debate has, until recently, focused on the novelty of 1679–81 as the turning point in their emergence, and on the date at which parties became recognisable. To understand this debate, however, it is necessary to examine interpretations of the 1660s and 1670s in order to assess earlier political developments.

One strongly argued body of opinion suggests that parties emerged in stages during the whole Restoration period. This view was most eloquently stated by Andrew Browning, who argued that the rise of parties in the reign of Charles II was an inevitable consequence of the increase in the power and prestige of Parliament during the civil wars and Commonwealth. He identified three Court parties under the administrations of Clarendon, Arlington–Clifford–Williamson, and Danby, seeing in Shaftesbury the leader of a fourth, opposition, party.[17] The most serious challenge to this view has come from historians of the Cavalier Parliament. Dennis Witcombe's study of the Parliament up to the rise of Danby, 'demolished the idea, so attractive and convenient, of a neat two-party system. In place of disciplined "Court" and "Country" parties logically and inevitably opposed to one another, he presents a picture of complicated groupings, shifting allegiances and confused motives.'[18] The most recent historian of the early years of the Restoration, Paul Seaward, has likewise warned against seeing anything very new in the parliamentary management of these years, regarding the organisation of Bennet (later earl of Arlington) and Clifford as essentially faction driven.[19]

Browning's model has therefore been modified by a number of historians who have sought to push forward the date for the emergence of parties. In his thesis of 1923, Esmond De Beer advanced the idea that it was only during

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[16] J. Lord Campbell, *Lives of the Lord Chancellors* (1846), iv. 421–2.
[17] A. Browning, 'Parties and Party Organisation in the Reign of Charles II', *TRHS*, xxx (1948), 21–36.
[18] D.T. Witcombe, *Charles II and the Cavalier House of Commons 1663–1674* (Manchester, 1966), foreword by B.D. Henning, who nevertheless employed a Court–Opposition dichotomy when analysing the behaviour of MPs in the *History of Parliament* volumes covering the Cavalier Parliament.
[19] P. Seaward, *The Cavalier Parliament and the Reconstruction of the Old Regime 1661–7* (Cambridge, 1989), pp. 79, 99.

Danby's administration that parties first became organised and established
on a permanent basis. In response to this Court initiative, De Beer argued,
Shaftesbury tried to consolidate the opposition to Danby's management into
a power strong enough to force Parliamentary control on the King, though
the disparate nature of his support made this possible only for so long as the
Court was aimless.[20] Until 1677, de Beer suggested, this struggle took place
within the two Houses of Parliament; thereafter, however, there was a
profound change to the type of conflict between Parliament and the King that
had characterised the earlier part of the century. After the Popish Plot all
semblance of a party conflict disappeared, and the exclusionist Whigs
appeared as a faction.[21]

An alternative to De Beer's thesis argues the almost opposite point of view
mainly because it examines the Court's critics rather than its supporters. This
rival analysis, which has been the most widely accepted, suggests that,
although there was increasing opposition to the Court in the 1670s, it was still
largely factional, and personal in character; parties had not yet formed, and
needed the impetus provided by the Popish Plot to develop around the issue of
exclusion. David Ogg therefore concludes that the exclusion crisis witnessed
the birth of the modern party system.[22] Although stressing that provincialism
still counted for much in political life, he saw 1678–81 as a period in which
national politics predominated, and observed that 'it was the simple choice of
exclusion or a popish successor that crystallised amorphous masses of preju-
dice, instinct, and misgiving into the clear-cut forms of political party'.[23]

In *The First Whigs* James Jones gives the clearest and fullest expression of
this line of thought. His work, which remains the standard text for the study
of the period, seeks to deny that Walcott's analysis of early eighteenth-
century politics, which had focused on family connections and interest
groups, had relevance for the period 1678–81, and argues that the upheaval
after 1678 cannot be explained in terms of mere personalities or factions;
instead, opponents of the Court became 'a coherent and highly organised
body which can properly be described as a party'.[24] Regarding it as a political
rather than a religious crisis, Jones argues that the party formed itself round
the single issue of exclusion, and placed itself under the leadership of the earl
of Shaftesbury, who used an unprecedented degree of party management and
organisation. Jones admits, however, that this effort was entirely geared to

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[20] E.S. de Beer, 'The Development of Parties during the Ministry of Danby' (London MA thesis,
1923), chapter 1. K. Feiling, *History of the Tory Party* (Oxford, 1924), p. 165 argues along a
similar line.

[21] de Beer, 'Development of Parties', pp. 151, 167–74.

[22] D. Ogg, *England in the Reign of Charles II* (Oxford, 1984 re-issue of 1956 2nd edition),
p. 606.

[23] Ibid., p. 612.

[24] Jones, *The First Whigs* (Oxford, 1961), p. 9.

pushing through exclusion, and did not permanently affect the nature of the political system. He also believes that the first Whigs had not developed an ideological programme. In a subsequent work Jones enlarges his views about the rise of parties. 'There can be no doubt that the first Whigs were a party', he argues, because they possessed 'a clearly defined and accepted group of leaders, headed by Shaftesbury, who made the decisions, pre-arranged the tactics that were to be followed in Parliament and elections, and issued orders and instructions which individual MPs and leaders in the localities accepted.'[25] Much of Jones's analysis has been recently taken up by Richard Ashcraft in his study of Locke and revolutionary politics. Like Jones, Ashcraft sees the first Whigs as 'much more organised and disciplined than a mere alliance established among a few aristocratic leaders and their immediate followers would suggest';[26] unlike Jones, however, he dates the first formal political organisation to the year 1675. In a sense, North's view of a highly organised revolutionary party under the direction of Shaftesbury has come full circle.

A number of difficulties are apparent in Jones's argument. At times he seems to argue that the period witnessed the birth of a two-party system, whilst on other occasions he suggests that it was only the Whigs who developed into a party between 1679 and 1681, an inconsistency which raises questions about the extent to which a party can exist on its own. He also argues for the emergence of parties, even though he admits that there was no stable structure of politics. The cautions made at the start of the book about the fluidity of politics and the fragmentary nature of the opposition are soon forgotten, and he regards the political struggle as mainly confined to Parliament and Whitehall, making it unclear how far the divisions permeated the country as a whole. He argues that issues were what mattered, but believes the ideology of the Whigs to have been largely unformed and incoherent; and he concentrates instead on the pivotal role of exclusion, a measure to deal with a religious as much as a political problem, in a purely secular way. Moreover, his insistence on the crisis revolving around the single concern of exclusion rests on a case that fails to consider some of the other issues at stake.

Uneasiness has been voiced on a number of these scores. John Miller regards the politics of the Restoration as having been shaped by men who were ambitious for office, and by differences of principle, with no clear-cut party divisions; challenges to the King's power were thus *ad hoc* responses to particular events and problems, rather than a systematic campaign.[27]

[25] Jones, *The Revolution of 1688 in England* (1972), p. 39; Jones, 'Parties and Parliament', in *The Restored Monarchy*, ed. Jones (1979), pp. 48–70.
[26] R. Ashcraft, *Revolutionary Politics and Locke's Two Treatises of Government* (Princeton, 1986), pp. 141, 175.
[27] J. Miller, 'Charles II and his Parliaments', *TRHS*, xxxii (1982), 1–24.

Similarly, Kenneth Haley's excellent biography of Shaftesbury, which has provided so much of the detail for students of the period, does not present a straightforward portrait of a party leader: 'Even in the Whig heyday of the Exclusion crisis,' he says, 'it is foolish to talk as though all the Whigs were Shaftesbury's obedient "henchmen".'[28] Sir John Plumb also warns that Shaftesbury and his followers 'never possessed half the coherence of purpose that is often attributed to them'.[29]

A comprehensive revision of the accepted structure of Restoration politics is, however, only now emerging. It is taking place on two main fronts, the religious and the organisational, and has sprung from the idea that 1679–81, or even 1660, was less of a watershed than has previously been thought. In his study of seventeenth-century puritanism, Michael Finlayson has argued that the political and religious outlook that was prevalent in the pre-civil war period persisted after the Restoration. Anti-popery and fear of arbitrary government were the same issues that dominated men's minds before and after the civil war, so that 'what shaped the political consciousness of many who supported the policy of Exclusion was a sense of continuity with generations of post-Reformation protestants'.[30] The idea that the Restoration did not resolve the abiding problems of the seventeenth century is not new; but historians have often not followed through the implications of their own observations. Mark Goldie and others, most notably Tim Harris, have therefore pursued the religious context of Restoration politics, and see it shaping both attitudes and organisation.[31] They have succeeded in placing a new emphasis on the importance of the struggle between dissent and the established church. Indeed, Harris's study of politics under the later Stuarts literally aims to put dissent back into discussions of the period, by suggesting that political divisions were at root religious ones, born out of the failure of the Restoration religious settlement.[32] Whilst admitting that the conflict between episcopacy and dissent must be linked to constitutional issues in order to explain how religious factors generated party politics, he accords religious factors 'primacy of place' in establishing party identity. Yet he does

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[28] K.H.D. Haley, *The First Earl of Shaftesbury* (Oxford, 1968), p. 349.
[29] J. Plumb, *The Growth of Political Stability 1675–1725* (1967), p. 51.
[30] M. Finlayson, *Historians, Puritanism and the English Revolution* (1983), p. 152. This argument has been challenged by S. Zwicker, who argues that the exclusion crisis was not 'an example of godly politics after the manner of the 1640s' but 'the conduct of political battle under the open aegis of party' (S. Zwicker, 'Lines of Authority: Politics and Literary Culture in the Restoration', in *The Politics of Discourse*, ed. S. Zwicker and K. Sharpe [California, 1987], pp. 234–5).
[31] *The Politics of Religion in Restoration England*, ed. T. Harris, P. Seaward and M. Goldie (Oxford, 1990); T. Harris, *London Crowds in the Reign of Charles II* (Cambridge, 1987). See also R.L. Greaves, *Radicals and Nonconformists in Britain 1664–1677* (California, 1990), which concludes (p. 244) that 'virtually all dissidents were Protestant nonconformists but the majority of the latter had no real ties to the radicals'.
[32] Harris, *Politics under the Later Stuarts* (1993), pp. 8–9, chapter 4.

not explain why and how the character of the religious dispute was different to the divisions of the earlier seventeenth century, about which historians have been reluctant to talk in terms of parties. If the post-Restoration period mirrored tensions which existed before 1660 and which were unresolved at the King's return, why should we call the divisions of the later period 'parties', but not those of the earlier seventeenth century?

This is exactly the question posed, and answered, by Jonathan Scott. He has argued that the crisis of 1679–81 had more in common with the 1620s, 1630s and 1640s than historians have previously recognised, and that the Restoration was more of a reaction than a settlement, creating a fragile and unstable situation in which the problems of politics and religion that had bedeviled the country between 1625 and 1660 could erupt.[33] He accordingly sees the crisis of 1679–81 partly as a response to the Counter-Reformation, and identifies three underlying causes: fear of popery, fear of arbitrary government and the disruption in England's client relationship with France. Perhaps what is most important about Scott's claims is that, just as the issues were the same for the early and later Stuarts, so the structure of politics remained the same: 'the whole idea of the "exclusion crisis" giving rise to the "whig" and "tory" parties (and so to the political structures of the eighteenth century) is', he suggests, 'another case of the "long eighteenth century" giving premature birth to itself from the depths of a different period'.[34] As an alternative framework, Scott suggests that there were competing factions, and that any cohesion that existed among the 'sides' was ideological rather than organisational.

Scott's views are put forward with flair and enthusiasm, and a number of his lines of enquiry are extremely valuable. Indeed, I shall be endeavouring to enlarge on a number of themes which he highlights. His review of the importance of the exclusion bill and the leadership offered by Shaftesbury, and his emphasis on the importance of ideology, faction and the fears of popery and arbitrary government, including the survival of Parliament, are all extremely important arguments which rightly challenge some of the imbalances of other accounts of the period. His recognition of the rupture of Anglo-French relations as an essential component of the crisis also adds a useful dimension omitted by many other commentators, and his lively and provocative style has reinjected a welcome vigour and vitality into the debates about the period.

[33] J. Scott, 'Radicalism and Restoration', *HJ*, xxxi (1988), p. 458; *Algernon Sidney and the Restoration Crisis 1677–1683* (Cambridge, 1991), passim, but especially pp. 1–49. Ironically, Scott builds on Jones's argument that the Restoration settlement left many problems of the 1640s and 1650s unresolved, and that the balance of power between King, Parliament and the church had still to be worked out after the Restoration (Jones, *The Revolution of 1688*, pp. x, 3).
[34] Scott, 'Radicalism and Restoration', pp. 458, 464; Scott, *Restoration Crisis*, pp. 11–14.