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TUDOR GOVERNMENT: THE POINTS OF CONTACT*

I. PARLIAMENT

It is one of the functions of government to preserve in contentment and balance that society which it rules. Some of the tasks involved in that general purpose are familiar enough. Government exists to maintain peace in the nation – to prevent disturbance, punish crime, and generally ensure that people can lead their lives without threats from others. Government must therefore provide the means for resolving disputes peacefully: it must administer justice and be seen to do so. In addition, since no society can ever stand absolutely still, government is charged with the task of reviewing existing relationships – relationships of rights, duties, burdens and privileges – with an eye to supplying reform, that is, changes designed to keep the general balance and contentment from deteriorating. Most discussions of problems of government revolve around these points. Analysis has concerned itself with the machinery available for discharging these tasks, and assessment has concentrated on establishing the degree of success obtained.

However, there is more to it than this. It has long been realized that the so-called realities of government involve further the social structure of the body governed. Government, we know, cannot work unless it obtains obedience and (preferably) consent from the governed and that recognition has led to a good deal of work on the power structure among the governed and its integration into the exercise of power relinquished to the ruler. With respect to the Tudor century, for instance, we have learned something about the way in which power and rule devolved outwards from a monarchy which, however hard it tried to centralize management, still depended greatly on the co-operation of the so-called rulers of the countryside, and we have increasingly come to

* [Presidential addresses to the Royal Historical Society: *TRHS*, 5th ser. 24 (1974), 183–200; 25 (1975), 195–211; 26 (1976), 211–28.]

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understand the degree to which the necessary tasks of government continued to be discharged at decentralized points – in local courts and through the often spontaneous action of lesser organs of rule. The vital role of magnates, gentry and municipal oligarchies has of late been much emphasized, to a point where mistakenly low assessments of the power of the centre have unhappily become current. Arising out of this, questions have been asked about the means which help to tie peripheral authority to central; some of the lines of communication among rival interests have been traced; some patronage systems have been analysed. True, we have had rather more calls for this kind of study than performances, and such examples of revealing importance as have appeared have tended to restrict themselves territorially, to concentrate on the land market, and to go easy on the politics; but then, in the conditions set by sixteenth-century evidence, such things as political attitudes (thought, feeling and programmes), or the role and significance of patronage (the pool of favours and advantages on the one hand, the search for them on the other) are more readily apprehended in general terms than documented in working detail.[1] At any rate, we now know that Tudor government depended not only on the activities of rulers both central and local, and on the management of the machinery available, but also on the organization and rivalries of patronage systems constructed around local, familial and political foci which everywhere penetrated the visible politics of the day.

One matter, however, it seems to me, has received little attention: or rather, one particular type of question has not been asked; and since I think that that question (and if possible the answers to it) may bring us a little nearer to understanding why Tudor government remained pretty stable through a difficult century, while instability and collapse attended upon the government of the early Stuarts, it is a question I should like to look at here. Stability is the product of moderate contentment: it is preserved if the operations of government are thought to conduce to order and justice, and if they succeed in taking account of the claims to power entertained by inferior authorities. This last point has, as I have said, been largely seen in terms of local rule and ties of patronage; one element in the system is missing. We know what people wanted and can trace the contacts that put them in the way of getting it, but we have not asked whether the machinery existed to transform ambition and favour

[1] An interesting attempt to analyse attitudes in the north has just appeared: M. E. James, 'The concept of order and the Northern Rising of 1569', *PP* 60 (1973), 49 ff.

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into achievement. To be stable, 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. The question I want to ask is really very simple: did Tudor government contain within its formal structure conventional means for the satisfaction of such people? Did it provide known and accessible instruments which enabled positive interests, demands and ambitions on the part of the politically powerful to achieve their ends? Alternatively, did the politically powerful discover in the machinery of government such means of self-satisfaction? The question is simple, but the answers, to be reasonably complete, would be very complex indeed, involving, for instance, a full study of all office-holders. All I can hope to do in this and succeeding lectures it to draw attention to unstudied problems, or perhaps to a new way of looking at problems studied often enough before, and to offer some preliminary suggestions. I also hope that others may feel encouraged to pursue these issues further.

When we think about the social organization of the sixteenth century from this point of view – when we ask ourselves whether the system of government provided obvious organization points at which the purposes of rulers and ruled (Crown and 'political nation') came into the sort of contact which could prove fruitful to the ambitions of those not yet part of the central government – we are first, and obviously, driven to look at Parliament. Parliament, after all, was thought of as the image of the nation in common political action, where, to quote Thomas Smith's familiar words once again, in the making of law the whole realm participates because 'every Englishman is intended to be there present, either in person or by procuration and attorney'.[2] The political reality of this concept needs no further discussion – or should I say that it ought to need none, though there are still some respected scholars who have their doubts about it. And yet the evidence has been accumulating, and continues to accumulate, that the sixteenth century had a clear understanding of the notion of legislative sovereignty – of the supreme power to make laws in all respects that touch the body politic; that it unquestioningly vested that power in the mixed entity called Parliament – king, Lords and Commons jointly; and that it was right to treat the operations of that mixed body as politically genuine rather than prejudged, constrained or merely formal. It seems to me that memories of royal claims in the fourteenth and fifteenth centuries, or of the more

[2] *De Republica Anglorum*, ed. L. Alston (Cambridge, 1906), 48–9.

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explicit monarchic doctrines which appeared in the seventeenth, combine with misleading interpretations of the high executive authority vested in Tudor monarchs to call in doubt the reality of what Smith, and many others, regarded as the fundamental commonplace of the English constitution. One man who attended upon that constitution for half a century was quite clear on the point, and since Lord Burghley's opinion has not been often cited it may be worth producing here. He held

> that their Lordships of the Upper House . . . are one member of the Parliament; and also that the Knights, Citizens and Burgesses of this House representing the whole Commons of this Realm are also another Member of the same Parliament; and her Majesty the Head; and that of these three Estates doth consist the whole Body of the Parliament able to make laws.[3]

In addition, he was quoted later as not knowing what the English Parliament could not do in the way of lawmaking. Full legislative supremacy vested in the image of the nation and politically active there: that was the basis of Tudor government. True, the full doctrine was of recent standing; in the Reformation Parliament, members of both Houses were still troubled to know whether the legislative authority of Parliament extended to the government and order of the Church, a severe limitation.[4] The years of that assembly, however, settled the matter and completed the institutional and doctrinal claims of Parliament. I repeat all this only because we are still told at intervals that institutionally Tudor Parliaments were nothing new and politically they marked a decline. The evidence will not support this double scepticism: it points to a novel recognition of the doctrine and an increased political vigour.

As the sovereign maker of laws, Parliament thus stood ideologically central to the problem of political stability; it was potentially at least useful to all who had purposes to serve, whether those purposes were national, sectional or personal, so long as they required innovation and change. On Parliament converged of necessity all ambitions to maintain or to reform the system: it was the chief organ for absorbing and satisfying the demands made upon stability in government. Even rebels regarded it in this light: the Pilgrims of Grace, for instance, while they might denounce alleged recent practices of packing and influencing,

[3] Simonds D'Ewes, *The Journals of all the Parliaments during the Reign of Queen Elizabeth* (1682), 350 (said in 1585).
[4] *Reform and Renewal*, 67; and above, no. 22.

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nevertheless called for a Parliament after the old and uncorrupted sort to bring peace in the realm.[5] Yet surely to anyone raised in the traditions of English parliamentary scholarship there is something odd about the notion that the institution should be treated as an instrument of stability. Our historians have traditionally concentrated on conflict and have studied all meetings of Parliament with an eye to dispute and opposition. Sir John Neale, to take a very relevant case, found the main theme of his history of *Elizabeth I and her Parliaments* in the accumulation of unremitting political differences. The impression he leaves is that meetings of the Elizabethan Parliament were notable mainly because they set the stage for collisions between rulers and ruled and gave dissent an opportunity to disrupt the secret ways of government and policy. If James I came to think of Parliaments as like to cats that grow cursed with age or complained that his predecessors had saddled him with this tiresome burr under the tail of the body politic, it was certainly not because he distrusted stability and saw in Parliament a means for creating such political stability as might grow from participation in affairs or from the satisfaction of ambitions. It could be argued that parliamentary conflict only demonstrated the existence of disagreements which the airing they got there might even help to resolve. Parliaments might be regarded as useful safety-valves in the engine of government. However, this is a sophistical rather than a sophisticated point: months of quarrelsome debate, so far from removing the poison of disagreement, tend to increase enmity and 'polarization'. There is really no sign that in the sixteenth century disputes in either House helped to allay conflict, and from the 1590s the history of Parliament is one of increasing criticism, increasing exasperation, increasing failure to restore stability. In any case, even if Parliaments had helped to release troublesome vapours, they would still not have been serving as means for satisfying legitimate aspirations on the part of the governing nation, the role for which I am trying to cast them. So long as historians of Parliament devote themselves to the description of political disputes and rival assertions of authority, they are bound to see in Parliament not a means towards stability but an instrument of real or potential opposition.

Is this preoccupation justified – a preoccupation which (as Neale did) skates over things done by agreement, or even comes to believe that agreement could only be the result of pressure from above, subservience

[5] *LP* xi, 1182(2), 1244, 1246.

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from below?[6] Did people at the time share this view? It is necessary to enquire what those concerned wanted from Parliament and why they wanted it at all. In Parliament the nation (according to contemporary experts) met to deal with its affairs. This does suggest that in the first place harmony rather than dispute was intended, and that a prevalence of opposition and conflict should be treated as a sign that the necessary stability was in danger. The monarch's purposes are reasonably clear. Mostly they called Parliament to get money: Elizabeth was the first ruler of England who let not a single session pass without obtaining supply.[7] They also wanted laws, especially in the revolutionary years between 1532 and 1559 when every session witnessed a full-scale government programme of legislation. Arguably, the Crown had less of an interest thereafter in parliamentary assemblies because, anxious now to hold a line rather than promote reform, it felt less need for continuous further legislation. As is well known, meetings grew much rarer in the second half of the century, though government legislation certainly did not come to an end in 1559. The demands of the struggle with Catholicism saw to that, and even reform, though less intense, did not terminate; not even Elizabeth could make time stand still. However, these practical needs of cash and laws do not fully explain the attitude of Tudor governments to Parliament, at least not after 1529 when all possibility ceased of ruling without the meetings of the estates. Parliaments were wanted because there the great affairs of the nation could be considered, debated and advertised: Parliament was a part of the machinery of government available to active rulers.

In its earlier days, the idea of the image of the body politic called into existence to produce the active co-operation of all its members, was the property of the Crown, even if a century later it became the weapon of an opposition. The conviction behind the royal summons was, for instance, expressed in the circular which instructed sheriffs about their duties in the elections of May 1536. Evidently it was thought desirable to offer some explanation why only a few weeks after the long Reformation Parliament had at last gone home it should be necessary to burden the country again with a Parliament.

Such matters [the king was made to say] of most high importance have chanced as for the preservation of our honour, the establishment of our succession in the

[6] Cf. J. Hurstfield's argument that in the sixteenth century consent only hid constraint: *TRHS*, 4th ser. 17 (1967), 99 ff.

[7] [Wrong: no supply was asked for in 1572.]

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Crown of this our realm . . . have been to us and to all the lords of our Council thought necessary to be discussed and determined in our high court of Parliament to be assembled for that purpose.[8]

These delicate phrases hide the miserable business of the palace revolution which destroyed the Boleyns, and thus far the calling of Parliament seemed necessitated only by the 1534 Act of Succession, now out of date and in need of replacement. But the letter went on to explain that the business was urgent and involved both the public weal and the personal security of the monarch; a matter of high policy, very personal to the king, was described as truly the concern of the nation assembled in Parliament. As practice proved, this was more than rhetoric: Henry VIII, at least, and Thomas Cromwell treated Parliament as though they believed in this stabilizing function. We need to remember the positive note struck – the ringing assertion that public affairs of real import were the business of Parliament and justified the calling of an unexpectedly sudden one.

Henrician Parliaments unquestionably concerned themselves with affairs of state, and not necessarily only at the Crown's behest; they were freely given information on diplomatic negotiations, like those with France in 1532 which pleased both Houses;[9] in the Cromwell era, as also in the difficult years of Edward VI and Mary, no one attempted to deny (as Elizabeth was to do on occasion) that Parliaments, and indeed the House of Commons, had an active part to play in the high politics of the nation. And even Elizabeth readily conceded a political function to her Parliaments, provided she was allowed to turn the tap off when it suited her. Compelled to use Parliament for the imposition of taxes and the making of laws, Tudor monarchs also thought it necessary and desirable to involve the potentially powerful and potentially difficult in the affairs of the realm by offering the occasions of debate, discussion and support which Parliament represented. For most of the century, so far as we can judge, government certainly saw in Parliament a means of preserving stability and adjusting balances. And despite the occasions of 'conflict' (often no more than a proper exchange of views and arguments), the outcome usually produced consensus and contentment, thus justifying the theory behind the practice.

What, then, of those who came when called? We know at present far too little about the Lords, though work is in progress.[10] That people

[8] BL, Harl. MS 283, fo. 256 (*LP* x, 815).

[9] *LP* v, 1518.

[10] Especially in the hands of Dr Michael Graves.

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sought election to the Commons in the reign of Elizabeth has been sufficiently proved by Neale: I need only point to his evidence of new boroughs created by the demand for seats, or of contested elections as demonstrating the desire of rival local individuals and factions to get to the place of power and influence.[11] But similar things evidently happened in the reign of Henry VIII, too. Some of the newly enfranchised boroughs may well have anticipated the sort of purposes well vouched for in the daughter's reign, though most of the new seats were certainly added by Crown policy. Tournai, Calais, Wales and Chester owed the bestowal of the franchise to the king's desire to centralize the realm and demonstrate its unity in the visible image of the body politic. However, there are sufficient signs that individuals strove actively, and against other individuals, to get elected: the 'secret labours' made in 1534 when a by-election fell due in Warwickshire, the riotous disputes accompanying the shire election for Shropshire in 1536, the uncalled-for ambitions in Norfolk in 1539 of Sir Edmund Knyvet who managed to affront both Cromwell and the duke of Norfolk, the troublesome intervention in 1542 of one Richard Devereux at the first ever election for Carmarthenshire.[12] The beginnings of a systematic use of influence on elections which marked the Parliaments of 1536 and 1539 themselves testify to ambitions to enter the Commons, and the familiar story of the clumsy interference in Kent by Edward's Privy Council in 1547 brings out the real involvement in parliamentary affairs of both gentry and freeholders.[13] There is no reason to doubt that throughout the century the theoretical attachment to the representative institution was matched by a widespread desire to share in its operations. And it would be very rash to suppose that behind this desire was only some mildly pompous wish to enhance one's standing in the eyes of one's fellows. The people who sought election may well be presumed to have wanted to use their place for identifiable ends.

What, then, did people want from Parliament? We may assume, without question, that they were not seeking taxation, though it needs to be pointed out that from 1534 onwards Parliaments came to terms with the fact that peace-time taxation had come to stay.[14] I am not suggesting that the Tudor Commons embraced taxes with the self-sacrificing masochism displayed by twentieth-century Parliaments;

[11] J. E. Neale, *The Elizabethan House of Commons* (1948), esp. chs. ii–vii.
[12] *LP* vii, 1178; x, 1063; xiv (i), 672, 706, 800, 808; xvii, 48.
[13] *APC* ii, 516, 518. [14] Cf. below, no. 37.

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but I would suggest that they did not either automatically regard all taxation with the bigoted irresponsibility too readily ascribed to them by some historians. They knew as well as we do that government needed to be financed, and when persuaded that the purposes of government were sound they proved far less difficult about granting money than one might suppose. The only Parliament of the century which made really serious trouble about supply was that of 1523, a Parliament which deliberately expressed its grave disquiet about Wolsey's policies. Nor was taxation seen as a bargaining counter: apart from the session of 1566, when fears for the succession produced a real conflict, no Parliament seems ever to have attempted to use supply for the extraction of political concessions, and on that occasion no one doubted that the money grant itself was justified. Tudor Parliaments voted supply soberly and responsibly, and it should be recognized once again that the principle and practice of taxation by consent made a very real contribution to the political stability of the system. We know what happened in the next generation, as soon as serious attempts were made to tax without consent.

Still, it was not the prospect of taking money out of constituents' pockets that lured men into service in the House. Some, of course, did want to pursue political ends. Some men, well aware of the platform which Parliament provided, wished to use it to promote policies or hinder those they thought were likely to be promoted by others. This is as true of the group supporting Catherine of Aragon who organized opposition in the Reformation Parliament,[15] as it is of the 'puritan choir' of 1563 or the brothers Wentworth. But these men, seeking legitimate conflict, clearly formed a small minority of the members of the House. The main part of those who looked beyond the personal gratification and local repute which election to Parliament might bring with it seem to have had one of two ends in view: the obtaining of legislation for themselves or for groups or individuals with whom they were connected, and personal advancement. In other words, to them Parliament offered just that opportunity of fulfilling particular ambitions which are required in an instrument of political stability.

If so far I may well have seemed to be digging over well-tilled ground, I have now to confess that for the rest of this paper I can do little more than suggest lines of enquiry. That all sorts of people – indivi-

[15] Above, no. 8.

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