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III

PARLIAMENT

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(A)
STUDYING THE HISTORY OF PARLIAMENT*

There are, of course, good reasons for the amount of attention which historians have given to the English Parliament. So much has been written about it, one way or another, that the uninitiate might suppose the subject exhausted; and for some time a good deal of the labour available has been directed into other channels. Nevertheless, the magnetic field of parliamentary studies continues to operate, so much so that even historians looking at social structure or economic reform keep returning helplessly to the small number of people who made up that institution. The central position of Parliament in all English history is virtually axiomatic, and like all axioms it ought to be more often questioned than it is; but whatever one may think of that point, so long as historians will devote themselves to Parliament it is desirable that their labours should now and again be put under the lens. Several major and many lesser works have appeared in the last twenty-five years; two major 'projects' are in hand; it is not improper to enquire whether all that energy is being put to the best possible uses.

There is no need to do more than mention the achievements of recent years; they are familiar to all concerned. Nearly every century of parliamentary history has had its devotees. Sir Goronwy Edwards and J. S. Roskell have enlarged our knowledge of the late-medieval Commons; a fairly solid orthodoxy has been established which returns the lower House almost to the central position assigned to it by Stubbs but recognizes the influential weight of the Lords as well.[1] Though I remain less than perfectly convinced that everything that mattered about Parliament was clearly present before the battle of Bosworth, I agree that the representative institution experienced in medieval

* [*British Studies Monitor*, ii. 1 (1971), 4–14. This paper called forth an attack from Professor J. H. Hexter, to which I replied in 21 (B) below: ibid. iii. 1. 16–22.]

[1] J. G. Edwards, *The Commons in Medieval English Parliaments* (1958); J. S. Roskell, *The Commons in the Parliament of 1422* (Manchester, 1954); *The Commons and Their Speakers in English Parliaments, 1376–1523* (Manchester, 1965); 'Perspectives in Parliamentary History,' *Bulletin of the John Rylands Library*, 46 (1963–4), 448–75.

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England a unique political and social development; I would only continue to maintain that what happened under Henry VIII amounted to a further transformation into the 'modern' institution – the consolidation of a self-consciously sovereign legislature.[1] The early-Tudor period has so far yielded only one book on Parliament, but this, especially because of the attention it gives to the often neglected House of Lords, is notable.[2] The reign of Elizabeth, on the other hand, the stamping ground of Sir John Neale, stands out as one of the major areas of parliamentary research.[3] Curiously enough, the century in which Parliament at last really became the obvious centre of politics has produced hardly any specifically parliamentary studies of weight, perhaps just because Parliament is bound to come into every treatment of seventeenth-century politics.[4] One Parliament has received specific study;[5] some attempts have been made to unravel the inner history of the Commons during the Interregnum;[6] biographical analysis has twice been applied to the Long Parliament.[7] Things change with a bang after 1689 when a whole series of solid works following in the wake of Namier's revolution (sometimes obediently and sometimes rebelliously) wrestle with the reality of political behaviour in those now regular sittings at Westminster. From this point the history of Parliament becomes (so far as historians are concerned) increasingly the history of parties, a story continued in the 'new manner' into the nineteenth century.[8] A lesser, but no less significant, chord has been

[1] Cf. below, no. 22.
[2] S. E. Lehmberg, *The Reformation Parliament* (Cambridge, 1970).
[3] J. E. Neale, *The Elizabethan House of Commons* (1949); *Elizabeth I and Her Parliaments*, 2 vols. (1953, 1957).
[4] P. Zagorin, *The Court and the Country* (1970) deals really with neither court nor country but with the behaviour of groups in Parliament. But it does not mean to be parliamentary history.
[5] T. L. Moir, *The Addled Parliament of 1614* (Oxford, 1958).
[6] E.g. articles by Lotte Glow (Mrs Mulligan) in *Journal of Modern History*, 36 (1964), 373–97; *EHR* 80 (1965), 289–313; *HJ* 8 (1965), 1–15; *BIHR* 38 (1965), 48–70; *Journal of British Studies*, 5 (November 1965), 31–52; *HJ* 12 (1969), 3–22. Also, H. R. Trevor-Roper, 'The Fast Sermons in the Long Parliament' and 'Oliver Cromwell and His Parliaments' in *Religion, the Reformation, and Social Change* (London, 1967).
[7] D. Brunton and D. H. Pennington, *The Members of the Long Parliament* (1954); Mary F. Keeler, *The Long Parliament, 1640–1641* (Philadelphia, 1954).
[8] E.g. Denis Rubini, *Court and Country, 1688–1702* (1968); Robert Walcott, *English Politics in the Early Eighteenth Century* (Oxford, 1956); Geoffrey S. Holmes, *British Politics in the Age of Anne* (1967); John Owen, *The Rise of the Pelhams* (1957); John Brooke, *The Chatham Administration* (1956); Bernard Donoughue, *British Politics and the American Revolution* (1964); Ian R. Christie, *The End of North's Ministry* (1958); J. Cannon, *The Fox–North Coalition* (Cambridge, 1969); L. G. Mitchell, *Charles James Fox and the Disintegration of the Whig Party* (1971); Norman Gash, *Politics in the Age of*

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struck by students of the franchise and of elections.[1] By themselves stand, so far unfinished, W. O. Aydelotte's quantifying researches into the 1840s.[2]

So much – too briefly – for the past; what of the present and the future? There are at the moment two major enterprises in hand which belong entirely to this one historical theme: the History of Parliament Trust in London and the project at Yale to publish unprinted seventeenth-century parliamentary diaries. Both are organized, both rely on co-operative labours, both deserve credit as well as respectful criticism.

The History of Parliament Trust is the child of Sir Lewis Namier's old age. It was planned to produce a complete biographical dictionary of all persons ever elected to sit in the House of Commons; and although it now seems that the resistance to this approach among specialists on the nineteenth century will succeed in removing that area from the operation, the scheme still runs from Edward I to George III, a fairly awesome undertaking. Though some parts of this timespan remain unallocated, others are well advanced. One sector has reached the term of its gestation: the three volumes in which Namier and John Brooke cover the years 1754–90;[3] and the preceding section from 1715 (in Romney Sedgwick's charge) has just appeared. The Elizabethan volumes, naturally handed over to Neale, await their editor's introduction: the biographies appear to be completed. S. T. Bindoff has for some time been at work on the years 1485–1558, and the biographies accumulate. Roskell is sorting things from 1377 to the end of the Middle Ages, and Basil Duke Henning (loosely connected with the Trust) is taking care of the Restoration period. The Trust has existed for over twenty years; many young people's time has been absorbed by its detailed labours; results have certainly been slow in coming, but the prospects now look quite bright.

Has it all been worth it? In itself, of course, all new information is always welcome, and the staff of the Trust have worked diligently and

Peel (1953); H. J. Hanham, *Elections and Party Management* (1959). For more bibliographical details on this and other work, see my *Modern Historians on British History, 1485–1945* (1970), under index-entries 'Parliament' and 'Party'.

[1] E.g. J. H. Plumb, 'The Growth of the Electorate of England from 1600 to 1715,' *Past and Present*, 45 (1969), 90–116; John R. Vincent, *Poll Books: How the Victorians Voted* (Cambridge, 1967); Henry Pelling, *The Second Geography of British Elections, 1885–1910* (1967).

[2] Of his many articles, see esp. 'Voting Patterns in the House of Commons in the 1840s,' *Comparative Studies in Society and History*, 5 (1962–3), 134–63, and 'Parties and Issues in Early-Victorian England,' *Journal of British Studies*, 5 (May 1966), 95–114.

[3] 1964.

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widely in many archives that might otherwise have remained untouched. Not only a body of fact but a satisfactory body of skilled techniques has been built up, despite the rapid turnover among assistants, of whom only one or two have given really prolonged service. True, one hears at times of errors and deficiencies in the files, but that is in the nature of things when so much is taken in hand. More seriously, it looks as though the work has been done with such single-mindedness that matters not directly relevant to the enterprise have been ignored, including even details of parliamentary history and procedure not bearing immediately on the questions of elections, patronage, and members. This constitutes a distressing missing of opportunities, for those scattered searches will not be repeated soon. The main doubt, however, must attach to the larger purposes of the scheme. What is really being learned about the history of the Commons (History of *Parliament* Trust being something of a misnomer) from that patchwork of biographies? Any final judgment must clearly await a larger body of published work; it is hard to know the answer when all one has to go on is the sector which had already been so thoroughly 'namierized' that surprises or new insights could hardly have been expected. The same problem afflicts the other well-advanced section, the age of Elizabeth, since Neale's massive work rests on precisely the sort of analysis which the Trust has been doing again, perhaps rather more solidly and extensively.

If Namier was the father of this biographical factory, the Yale diaries project acknowledges the paternity of Wallace Notestein. So far nothing has appeared, but one may express a hope that the work will improve on that produced by Notestein himself. One looks for rather more rigorous scholarship in the description of the manuscripts printed, the exposition of material included or omitted, and the ordering of highly confusing particles than went, for instance, to the seven large and frustrating volumes in which Notestein and Frances Relf collected the diaries of the 1621 Parliament. The new editors need to remember that their task (to make all recourse to the originals superfluous) involves a good deal more than putting together an adequate text and identifying names and events, but a good deal less than writing parliamentary history. The project – which has made marked progress on the Parliament of 1628 – will, one hopes, remember that its proper purpose is to make historical evidence not only accessible but also manageable and comprehensible, but that the exploitation of that evidence should be left to other historians or at least other occasions.

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However, rather more is at stake than the quality of these labours on biographies and diaries. The very fact that both schemes took their inspiration from eminent scholars now dead sounds a note of warning. These are the methods pioneered in an earlier generation. The point does not abate their usefulness but it does suggest that fundamental questions might be asked about the supposition that parliamentary studies are best pursued in these ways. As a matter of fact, the Namier method has been showing very clear signs of diminishing returns. Not every age has proved equally amenable to those techniques, and scholars' desire to know what went on in Parliament has once again been shouldering aside a preoccupation with the kind of men who sat there. In view of the deficiencies of official parliamentary records before the nineteenth century, additional information from possibly progressively less distinguished private notes will always have its uses, though it is a little disconcerting to find how often treasured manuscripts merely repeat what has long been available in the much underrated *Parliamentary History*. At any rate, I feel quite strongly that these established methods are no longer enough and, moreover, that they will fail to satisfy because they evade the asking of some highly pertinent questions. They do so because they are still dominated by a traditional and very partial view of the nature of the institution which they study.

Historians of Parliament have almost always concerned themselves with politics; they have treated the assembly as a political arena in which political conflicts were fought out and major political changes carried through. Before the age of Walpole, historians of Parliament have almost always (unconsciously) confined themselves to one theme – the battles between Crown and 'nation'; thereafter, they almost exclusively regard Parliament as the meeting ground of parties. This is obvious among the historians of the seventeenth century and later, but it is also true of Neale's narrative volumes, with their interest concentrated on 'conflict', and dominates both the descriptions and the debates of medievalists who are forever trying to do curious things like 'measuring' the power of the Commons. Historians still effectively live under the signs embodied in the titles of Pollard's famous *Evolution of Parliament* and Notestein's even more famous *Winning of the Initiative by the House of Commons*, titles which urge us to seek nothing but the 'growth' of the Commons' independence and political ascendancy, in a constant struggle against the power of the Crown. Yet quite a few question marks must stand against this whiggish conviction, not least

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the last hundred years during which the institution's lack of political initiative and control has become a commonplace of the commentators.[1] Parliamentary history has traditionally been treated as though all that mattered was the ambition of elected representatives to limit the power of the executive, a tradition the more strongly maintained because of the considerable influence that American scholars, who perhaps cannot be expected to know better, have exercised in this field. Now of course I do not deny that one side of that history is rightly seen in that light, but I gravely doubt whether it deserves to be treated as the sole, or even as the main, aspect.

Against what I may call the constitutional historian's preferred purpose, I should like to advocate the administrative historian's questions. Not that I really believe in the virtues of such categorization, but the term may help to explain what I have in mind. From first to last, Parliament has been an instrument of action, a body which *does* things and achieves ends; and these ends have regularly become apparent in the legislation passed. It thus comes as a surprise to find that parliamentary historians regularly ignore the statutes passed,[2] interest in which is, in the main, left to historians of the economy, the Church, and other concerns which in this context are extraneous. No one has systematically used the acts of Parliament – their planning, passage, and achievement – as an instrument for the study of the institution which produced them. A few sixteenth-century historians have made a small beginning by investigating the inner history of some statutes,[3] but they, too, have so far confined themselves to particular occasions only. Neale's three volumes on Elizabethan parliamentary history ignore the better part of the legislation passed or frustrated, confining themselves to what is politically 'significant', and Notestein's seven volumes of diaries attend to a Parliament which succeeded in passing two subsidy acts – no more. This slanting of

[1] A small start has been made for the nineteenth century with studies of governmental control, a hitherto neglected aspect of the same theme: Peter Fraser, 'The Growth of Ministerial Control in the Nineteenth Century House of Commons,' *EHR* 75 (1960), 444–63; Valerie Cromwell, 'The Losing of the Initiative of the House of Commons, 1790–1914,' *TRHS*, 1968, 1–23.

[2] In the Introduction to the Namier and Brooke volumes in the *History of Parliament*, two out of 545 pages attend to legislation.

[3] Articles by Neale on the Elizabethan act of uniformity in *EHR* 45 (1950), 304–32; by S. T. Bindoff on the statute of artificers in *Elizabethan Government and Society*, ed. S. T. Bindoff, J. Hurstfield, and C. H. Williams (1961); by G. R. Elton on the act of appeals (below, no. 24), on the act of proclamations (above, no. 19), and on the treasons act (*Policy and Police*, ch. 6); and by E. W. Ives on the statute of uses in *EHR* 82 (1967), 673–97. Lehmberg (see p. 4, n. 2 above) does study legislation.

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interest seems almost perverse, but so ingrained is the habit of ignoring the making of laws – the chief purpose of parliamentary meetings – that no one to my knowledge has even commented on it.

What would be gained if historians looked at Parliament from the angle of legislative procedure and achievement rather than from the specialized viewpoint of political debate? In the first place, they might come to realize that the normal condition of sessions was agreement, even harmony, and not conflict. Legislation (a vast flow of statutes) always represents the co-operation, however obtained, of all those present. Conflict thus becomes far from normal but rather a symptom of disease, and unresolved conflict becomes a sign of genuine failure on the part of all concerned. This does not mean leaving out the great debates and quarrels; but it does mean placing them properly and understanding their occurrence more correctly. We should hear less about packing and corruption and more about management and political competence, a marked gain in reality. With luck we may even be able to expose for the illusion it is the conviction that only opposition entitles a man to respect. The period of parliamentary history likely to profit most is the early seventeenth century, which badly needs liberating from the bonds of doctrine: it would really be nice to know what actually happened in the Parliaments of James I and Charles I instead of continuing to think in terms of 'constitutional conflicts'.

Secondly, a different set of records will become the object of attack, namely, the records in which the institution itself embodied its work. On the face of it, this seems too obvious a point to make, but most parliamentary historians do not, in fact, study these. They rely on letters and diaries. The *Journals* they regard essentially as providing information on debates. But the *Journals* are, in the first place, records of business done; they are the clerks' record and not the members', and remain so to the present day. This – their basic – character has never yet been systematically exploited. For the years down to about 1550, the Rolls of Parliament similarly provide the record of business and should likewise be used to discover how and by whom business was done. Historians, one hopes, will at last discover the road to the Record Office of the House of Lords where the original acts (the physical product of business) are preserved almost complete from 1497 onwards, and other materials become plentiful from about the middle of the seventeenth century onwards. These pieces of evidence were produced by what was actually done, and they should therefore be

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used to discover what was done in both Houses, how and when and by whom and possibly for what reasons, how days were organized and who profited, all sorts of questions which continuously fail to be asked and which unanswered leave all our understanding of parliamentary history poised in midair.

If this different approach is consciously adopted – if people come to look upon Parliament as a working institution rather than as an arena of political and party conflict – certain consequences can be predicted. Editorial labours will switch from diaries to two neglected sets of materials: treatises on procedure and the *Journals* themselves. A first look at especially the earlier volumes of the *Journals* in manuscript is likely to astonish anyone familiar only with the printed versions, and a really searching look will assuredly produce much valuable new knowledge as well as a good deal of instructive bewilderment. That the only treatise edited in recent years (leaving aside the worth of that edition) should be the so-called *Liverpool Tractate* of the later eighteenth century (ed. C. Strateman, 1937) is a pity: where are the professional editions of Hooker, Lambarde, Hakewill, Elsynge, Scobell which would incorporate important manuscript material and greatly illumine the inner history of both Houses?[1] Until we know the practices governing the conduct of business we cannot understand the business that went on: a point so obvious that one is almost ashamed of making it, were it not for the willingness of so many generations of historians to labour confidently without such knowledge. To cite one example: very often one cannot properly assess the meaning of a debate until one understands what information was available to members, in what form it reached them, and how it was obtained. A start has at least been made on this important problem,[2] but conventional parliamentary historians not only do not do this work themselves but do not even read what more original scholars produce. The lure of conflict, of faction, of social structure proves too strong. Real hopes of finding out the truth rest on studies of procedure.

Procedure, and the men responsible for it, is one of the questions awaiting attention. Pollard showed his sound instincts when in his last years he devoted himself so unreadably to the history of the clerks, and Neale's analysis of procedure in his *Elizabethan House of Commons* is the

[1] Mrs Elizabeth Read Foster is reported to be at work on Elsynge, but there is a lot more to be done besides.

[2] Sheila Lambert, *List of House of Commons Sessional Papers, 1700–1750* (List and Index Society, spec. ser. i, 1968); 'Printing for the House of Commons in the Eighteenth Century,' *Library*, 5th ser., 23 (1968), 25–46.

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most remarkable part of his work. O. C. Williams' *Clerical Organization of the House of Commons* (Oxford, 1954) should not be regarded as exhausting the theme.[1] Happily, there are signs of improvement in the situation for the eighteenth century,[2] but (despite Neale) gaps in our knowledge for the sixteenth are very large, while no one has yet devoted himself seriously to these fundamental questions in the most crucial of all parliamentary ages, the seventeenth century. We do not even know for sure how committees were appointed – by whom, at whose nomination, whether in public or upon lists privately submitted. How can we suppose that we understand the politics of Parliament when we are ignorant of the devices which gave politicians their opportunities?

Another topic which needs much more attention than it has received – and which it will not receive until the change of heart here suggested has taken place – is private bills and private acts. The importance of private bill legislation – or rather, the importance of the use of Parliament by private individuals and interests to arrange their own affairs – has been consistently overlooked; yet the quantity of work involved, the financial outlays, the benefits to clerks and Speakers, and the organization developed for the purpose make private bill matters a major item of parliamentary business. Clearly Parliament mattered (at least to the propertied classes) because people not in politics needed its services as much as king and politicians needed it for their different purposes. In this fact lie unsuspected reasons for the endurance of the institution through all sorts of political troubles: it is worth wondering whether the absence of Parliament in the 1630s was not, perhaps, resented as much because no one could get private acts passed as because of the lapse of 'constitutional government'.

Thus there is a really sizable programme of parliamentary studies waiting to be undertaken, work which neither the standard writings of the past nor the main current enterprises have had in view at all. I am willing to suppose that if this kind of study is really taken in hand the

[1] E.g., Sheila Lambert, 'The Clerks and Records of the House of Commons,' *BIHR*, 43 (1970), 215–31.

[2] Two books are in the press: one which gives a general description of procedure, while another deals with the machinery which produced acts of Parliament. The second also illumines the question of private legislation, on which subject see also the massive but far from exhaustive treatise by O. C. Williams, *The Historical Development of Private Bill Procedure and Standing Orders in the House of Commons*, 2 vols. (1948).

[The two books are now out: P. G. D. Thomas, *The House of Commons in the Eighteenth Century* (Oxford, 1971), and Sheila Lambert, *Bills and Acts: Legislative procedure in eighteenth-century England* (Cambridge, 1971).]

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