

Chapter 2

Government and Law

Stuart governments had little understanding of these structural changes and less ability to influence them. The resources of Stuart government fell far short of those required to carry out the ambitions and expectations which most people had of their king and which kings had of themselves.

Financial Resources

The financial and bureaucratic resources at the disposal of rulers remained limited. James I inherited an income of £350,000 a year. By the later 1630s this had risen to £1,000,000 a year and by the 1650s to £2,000,000 a year. This is a notable increase. It meant that, throughout the seventeenth century, the Stuarts could finance their activities in peacetime. As the century wore on, revenues from Crown lands and Crown feudal and prerogative right fell away to be an insignificant part of royal revenues. The ordinary revenues of the Crown became predominantly those derived from taxing trade: customs duties on the movement of goods into and out of the country and excise duties, a sales tax on basic consumer goods (above all beer). Only during the Civil Wars and interregnum (when a majority of State revenues came from property taxes) did direct taxation play a major part in the budget. Over the period 1603–40 and 1660–89, less than 8 per cent of all royal revenues came from direct taxation – certainly less than in the

fourteenth or sixteenth centuries. This, in part, reflects landowner domination of the tax-granting House of Commons; but it also reflects an administrative arthritis that hindered improvements in the efficiency and equity of tax distribution.

The buoyancy of trade, especially after 1630, was the greatest single cause of the steady growth in royal income – well ahead of inflation – that made Stuart monarchy at almost every point the least indebted in Europe. Both James I and Charles II suffered from fiscal incontinence, buying the loyalty and favour of their servants with a rashness that often went beyond what was necessary. However, the problems of the Stuarts can fairly be laid at Elizabeth's door. All over Europe in the sixteenth and seventeenth centuries, princes used the threat of invasion by tyrannical and/or heretical foreigners to create new forms of taxation, which were usually made permanent when the invasion scare had receded or was repulsed. William III was to make just such a transformation in the 1690s when England was under siege from the absolutist Louis XIV and the bigoted James II. Since the Stuarts never faced a realistic threat of invasion, they never had a good excuse to insist on unpalatable fiscal innovations. Elizabeth I had a perfect opportunity in the Armada years but she was too old, too conservatively advised, and too preoccupied even to attempt it. Instead she paid for the war by selling land. Although this did not make James I's and Charles I's position as difficult as was once thought, it did have one major consequence: it deprived the king of security against loans.

The Stuarts, then, whenever they put their mind to it, had an adequate income and a balanced budget. Almost alone amongst the rulers of the day they never went bankrupt, and only once, in 1670, had to defer payment of interest on loans. But they never had enough money to wage successful war. Since, throughout the century up to 1689, no one ever threatened to invade or declare war on England, this was not as serious as it sounds. England waged war on Spain (1624–30, 1655–60), on France (1627–30), and on the Netherlands (1651–4, 1665–7, 1672–4),

but always as the aggressor. It cannot be said that these wars achieved the objectives of those who advocated them, but none was lost in the sense that concessions were made on the status quo ante. While rivalries in the colonial spheres (South Asia, Africa, and North, Central, and South America) were intensifying, no territories were ceded and expansion continued steadily. There was a growing recognition of the futility of major armed interventions on the Continent, which led to gradual increases in the proportion of resources devoted to the navy, while all Continental countries found that the costs of land warfare hindered the development of their navies. By 1689 the British navy was the equal of the Dutch and the French, and the wars of the next 25 years were to make it the dominant navy in Europe. For a country which could not afford an active foreign policy, England's standing in the world had improved remarkably during the century.

The Army

The monarchy lacked coercive power: there was no standing army or organized police force. Even the guards regiments which protected the king and performed ceremonial functions around him were a Restoration creation. In the period 1603–40 the number of fighting men upon whom the king could call in an emergency could be counted in scores rather than in thousands. After 1660 there were probably about 3,000 armed men on permanent duty in England and rather more in Ireland and Tangiers (which had come to Charles II as a rather troublesome part of the dowry of his Portuguese wife). There were then also several thousand Englishmen regimented and in permanent service with the Dutch and with the Portuguese armies who could be recalled in emergency. But there was no military presence in England, and apart from pulling up illegal tobacco crops in the West Country and occasionally rounding up religious dissidents, the army was not visible until James II's reign.

It had not been so, of course, in the aftermath of the Civil War. At the

height of the conflict, in 1643–4, there were probably 150,000 men in arms: one in eight of the adult male population. By the late 1640s, this had fallen to 25,000. The number rose to 45,000 in the wars waged against the youthful Charles II and the Scots (1650–1), and then fell to remain at between 10,000 and 14,000 for the rest of the decade (although between 15,000 and 40,000 more were serving at any particular moment in Scotland and Ireland). The troops in England were widely dispersed into garrisons. London had a very visible military presence, since 3,000 or so troops were kept in very public places (including St Paul's Cathedral, the nave of which became a barracks). Everywhere troops could be found meddling in local administration and local politics (and perhaps above all in local churches, for garrisons very often protected and nurtured radical, separatist meeting-houses). The army was at once the sole guarantor of minority republican governments, and a source of grievance which hindered long-term acceptance of the regicide and revolution by the population at large.

Throughout the rest of the century, then, the first line of defence against invasion and insurrection was not a standing army but the militia: half-trained, modestly equipped, often chaotically organized local defence forces mustered and led by local gentry families appointed by the Crown but not subservient to it. They saw active service or fired shots in anger only as part of the war effort in 1642–5.

There was no police force at all. Few crimes were 'investigated' by the authorities. Criminal trials resulted from accusations and evidence brought by victims or aggrieved parties to the attention of the justices of the peace. Arrests were made by village constables (ordinary farmers or craftsmen taking their turn for a year) or by sheriffs (gentlemen also taking their turn) who did have a small paid staff of bailiffs. Riots and more widespread disorders could only be dealt with by the militia or by a 'posse comitatus', a gathering of freeholders specially recruited for the occasion by the sheriff.



3. Execution of the Gunpowder Plotters. The penalty exacted for treason – hanging, disembowelling, and quartering – is powerfully represented

Bureaucratic Resources

The Crown had little coercive power; it also had little bureaucratic muscle. The total number of paid public officials in the 1630s was under 2,000, half of them effectively private domestic servants of the king (cooks, stable boys, etc.). The 'civil service' which governed England, or at any rate was paid to govern England, numbered less than 1,000. Most remarkable was the smallness of the clerical staff servicing the courts of law and the Privy Council. The volume of information at the fingertips of decision-makers was clearly restricted by the lack of fact-gatherers and the lack of filing cabinets for early retrieval of the information which was available. In the course of the seventeenth century there was a modest expansion of the civil service with significant improvements in naval administration and in the finance departments (with the emergence of the Treasury as a body capable of establishing departmental budgets and fiscal priorities). Two invaluable by-products of the Civil War itself were the introduction of arabic numerals instead of Roman ones in official accounts and of the printed questionnaire. Although the Privy Council trebled in size in the period 1603-40 and doubled again under Charles II, there was a steady decrease in efficiency, and the introduction of subcommittees of the Council for foreign affairs, trade, the colonies, etc. did not improve on Elizabethan levels of efficiency.

Government in seventeenth-century England was by consent. By this we usually mean government by and through Parliament. But, more important, it meant government by and through unpaid, voluntary officials throughout England. County government was in the hands of 3,000 or so prominent gentry in the early seventeenth century, 5,000 or so in the late seventeenth century. They were chosen by the Crown, but that freedom of choice was effectively limited in each county to a choice of 50 or so of the top 80 families by wealth and reputation. In practice all but heads of gentry families who were too young, too old, too mad, or too Catholic were appointed. In the 200 or so corporate boroughs, power lay with corporations of 12-100 men. In most boroughs these

men constituted a self-perpetuating oligarchy; in a large minority, election was on a wider franchise. Only in the 1680s was any serious attempt made to challenge the prescriptive rights of rural and urban elites to exercise power.

Local Elites

The significance of the government's dependence on the voluntary support of local elites cannot be overestimated. They controlled the assessment and collection of taxation; the maintenance, training, and deployment of the militia; the implementation of social and economic legislation; the trial of most criminals; and, increasingly, the enforcement of religious uniformity. Their autonomy and authority was actually greater in the Restoration period than in the pre-war period (the Restoration settlement was a triumph for the country gentry rather than for king or Parliament). The art of governing in the seventeenth century was the art of persuading those who ruled in town and country that there was a close coincidence of interest between themselves and the Crown. For most of the time, this coincidence of interest was recognized. Crown and gentry shared a common political vocabulary; they shared the same conception of society; they shared the same anxieties about the fragility of order and stability. This constrained them to obey the Crown even when it went against the grain. As one gentleman put it to a friend who complained about having to collect possibly illegal taxes in 1625: 'we must not give an example of disobedience to those beneath us'. Local elites were also engaged in endless local disputes, rivalries, and conflicts of interest. These might involve questions of procedure or honour; the distribution of taxation or rates; or promotion to local offices; or the desirability of laying out money to improve highways or rivers. In all these cases the Crown and the Privy Council were the obvious arbitrator. All local governors needed royal support to sustain their local influence. None could expect to receive that support if he did not co-operate with the Crown most of the time. The art of government was to keep all local governors on a

treadmill of endeavour. In the period 1603–40 most governors did their duty even when they were alarmed or dismayed at what was asked of them; after 1660 the terrible memories of the Civil War had the same effect. Only when Charles I in 1641 and James II in 1687 calculatingly abandoned the bargain with those groups with the bulk of the land, wealth, and power did that coincidence of interest dissolve.

In maintaining that coincidence of outlook we should not underestimate the strength of royal control of those institutions which moulded belief and opinion. The Crown's control of schools and universities, of pulpits, of the press was never complete, and it may have declined with time. But most teachers, preachers, and writers, most of the time, upheld royal authority and sustained established social and religious views. This is perhaps most clearly seen in the speed with which the ideas of Archbishop Laud and his clique (which, as we shall see, sought to revolutionize the Church of England) were disseminated at Oxford and Cambridge, through carefully planted dons, to a whole generation of undergraduates. Equally the strength of divine-right theories of monarchy was far greater in the 1680s amongst the graduate clergy than in the population at large, again as a result of the Crown's control over key appointments in the universities. At the Restoration, the earl of Clarendon told Parliament that Cromwell's failure to regulate schoolmasters and tutors was a principal reason why Anglicanism had thrived in the 1650s and emerged fully clad with the return of the king: he pledged the government to ensure the political loyalty and religious orthodoxy of all who set up as teachers, and there is evidence that this was more effectively done in the late seventeenth century than at any other time. Even after 1689, when the rights of religious assembly were conceded to Dissenters, they were denied the right to open or run their own schools or academies.