3 Citizens and subjects

'Natural subjects'

Historians have long taken to heart the assertion of the anonymous 'apologist' of Elizabethan London that it was 'besides the purpose, to dispute, whether the estate of the government here be a *Democracy*, or *Aristocracy*'. Affixed by John Stow to the end of his *Survey of London*, the 'Apology' explained that in 'respect of the whole Realm, London is but a citizen and no city, a subject and no free estate'. Like any other city, London was 'no place endowed, with any distinct or absolute power'.[1] Lacking sovereignty, it was 'governed by the same law, that the Rest of the Realm is'; sent burgesses to Parliament 'as every poor Borough does'; and, 'in the persons of the Citizens', it was 'friendly interlaced, and knit in league with the rest of the realm'. As 'merchants, handicrafts men and labourers', citizens were 'by birth . . . for the most part a mixture of all countries [counties]'. Moreover, at 'their ending of life and conversation' they more often than not returned whence they came. Far from being a distinct class or estate, citizens were 'a part of the commons', their city commonwealth 'a member of the commonalty': no matter their liberties and privileges, they remained 'natural subjects' like everyone else.[2] For all its defensiveness, however, the apology begs as many questions as it answers. Why was it that politics in London should be described as democratic or aristocratic in the first place? Was the apparent possibility of civic democracy and aristocracy an attribute of the corporate system more generally? If so, how did it inform the national political consciousness of citizens: 'subjects' occupying a central position among England's commons? And why were the commons 'natural subjects' in relation to parliament and law rather than the crown?

The previous chapter described the emergence of a corporate system of city commonwealths in England during the sixteenth and seventeenth centuries. Having outlined its geography and chronology, this chapter considers the

[1] 'A discourse of the names and first causes of the institution of cities' in John Stow, *A survey of London* (1603), pp. 557–8. The author is probably James Dalton. See Harris Sacks, *Widening gate*, p. 8.
[2] 'A discourse of the names', pp. 558–9.

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ideologies that drove and legitimated its formation. As might be expected in a society undergoing the ferment of Renaissance, Reformation, and also a major expansion of its legal system, these ideas and interests were many, varied, and not always complementary. To this mix can be added the medieval legacies of corporatism and common weal; the pressures, from 1603, of an Anglo-Scottish monarchy; the complex relationship with Ireland; and colonial expansion across the Atlantic. This was a volatile melting pot by any standards, one that could only become hotter after 1642. The corporate system was central to these ideas and processes in a way that might appear surprising given its lack of historiographical recognition. Certainly when compared to the great traditions of European urbanity, English citizenship can appear unremarkable. Great Yarmouth, Stamford, Cambridge, Ludlow, or even provincial capitals like Newcastle-upon-Tyne or York hardly seem comparable to the Italian city-states, the great provincial capitals of France and Spain, the Swiss city-republics, or the free cities of the Holy Roman Empire. However, as the 'apologist' suggests, the defining feature of English urbanity was not the creation of discrete entities claiming sovereignty in their own right. Rather it was its systemic insinuation within both local and national culture: its presence in the politics of nation and empire and its role as a crucible in which these politics were experienced, and sometimes resisted, locally.[3]

Urban citizenship during the period has traditionally been described as 'oligarchic', amounting to 'the possession and exercise of power by a few individuals either directly, as a consequence of holding important political offices, or indirectly, as a consequence of controlling recruitment of officeholders and influencing their decisions'.[4] The formation of the corporate system has likewise been styled the 'rise of oligarchy': a process of political integration that was also central to the provincial ascendancy of the gentry, their 'invasion' of parliament, and the 'consolidating of the realm' by the crown.[5] More recently, social historians have regarded the same developments as integral to the formation of the early modern 'state'.[6] However, the paradigm of oligarchy has proved problematic in important respects. It elides the ideological conflicts that increasingly characterised the corporate system during the later sixteenth and seventeenth centuries; the practical extent of civic participation beyond the

[3] See Harris Sacks, *Widening gate*, pp. 9–11.

[4] John T. Evans, 'The decline of oligarchy in seventeenth-century Norwich', *JBS*, 14, 1974, p. 47. See also John T. Evans, *Seventeenth-century Norwich: politics, religion, and government, 1620–1690* (Oxford, 1979), ch. 2. In arguing for the decline of oligarchy in Norwich, Evans regards it as prevalent everywhere else.

[5] J. E. Neale, *The Elizabethan House of Commons* (London, 1949), ch. 7; G. R. Elton, *The Tudor constitution: documents and commentary*, 2nd edition (Cambridge, 1995), pp. 32–4, 248–9; Williams, *The later Tudors*, pp. 182–4.

[6] Michael J. Braddick, 'State formation and social change in early modern England: a problem stated and approaches suggested', *Social History*, 16, 1991, pp. 1–17 and *State formation in early modern England c.1550–1700* (Cambridge, 2000), pp. 17–20.

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aldermanic bench; and claims of autonomous community made by civic elites and freemen alike.[7] It also denudes the morality that saturated the politics of the period: the sense that it was not so much the form of government as its ability to serve and defend 'the public good' of the city commonwealth that most concerned freemen and their households.[8] The conflation of civic and rural elites into a single class of 'gentry' – or what G. R. Elton terms 'the dominant section of the community' – likewise neglects the ways in which urban freemen distinguished themselves from unenfranchised inhabitants in general, and the pretensions and encroachments of local 'gentility' in particular.[9] Finally, an overtly sociological concept of the 'state' can also obscure more than it reveals. Functionally, the dependence of metropolitan authority on a range of semi-autonomous and local 'body politics' hardly reflects a remorseless centralisation of power: on the contrary, a process like incorporation 'reinforced local communities' even as it placed them within larger political contexts.[10] As importantly, the fact that metropolitan authority was itself a composite of institutional interests and ideological positions suggests a much more differentiated and potentially divisive political culture than an abstract concern with 'power' allows.[11] As Michael J. Braddick has argued, this need not necessarily preclude the existence of an early modern state so long as it is recognised that it was locally situated and appropriated for purposes not necessarily intended by its metropolitan custodians.[12] Even as subtle a formulation as this can elide, however, the contrasting ways in which political legitimacy was formulated and practised, not least by freemen, burgesses, and citizens themselves. It is with this ideological richness at the national and local level that this chapter is concerned. Just as urban citizenship was much more complex than the label 'oligarchy' suggests, so there was more than one way to act as a 'natural subject'.

*Res*publica, *civitas*, and state

A founding text of English humanism was Thomas More's *Utopia*, which he wrote in 1516 as a citizen and legal officer of London about to enter royal service. Its achievement was to imagine the existing civic institutions of late medieval England as a reformed and perfected commonwealth.[13] Conjoined

[7] Ann Hughes, 'Religion and society in Stratford-upon-Avon, 1619–1638', *Midland History*, 1994, p. 59; Archer, 'Politics and government', pp. 241–6; Barry, 'Bourgeois collectivism?', pp. 84–112.
[8] Tittler, *Reformation and the towns in England*, p. 183.
[9] Elton, *Tudor constitution*, p. 249.
[10] Patrick Collinson, *De Republica Anglorum; or history with the politics put back* (Cambridge, 1990), pp. 17–18.
[11] Braddick, *State formation*, p. 20. [12] Ibid., pp. 26–7, 45–6.
[13] Thomas More, *Utopia*, ed. George M. Logan and Robert M. Adams (Cambridge, 1998), pp. xiv, 112–32; J. A. Guy, *The public career of Thomas More* (Brighton, 1980), pp. 6–7.

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into an incredibly ordered corporate system, the cities of Utopia were 'all spacious and magnificent, identical in language, customs, institutions and laws'.[14] There was no prince of Utopia, no private property, and all inhabitants were city dwellers with public responsibility for both their cities and the kingdom. The citizens of each city elected their own civic head through a mediated system based, as in city commonwealths, on the household.[15] Elected citizens formed distinct and accountable representative bodies, their government guaranteeing the happy and pleasurable life: 'good and honest pleasure' that is best achieved by living virtuously, or 'according to nature'.[16] In accordance with these Aristotelian dictates, in Utopia the public service of private citizens is a fundamental virtue. Indeed, one of the only acts of conspicuous display was for Utopians to 'set up in the marketplace statues of distinguished men who have served their country well'. This was meant to 'spur on citizens to emulate the glory of their ancestors' and 'incite them to virtue by public honours'.[17]

It was this spirit of a reformed commonwealth that Francis Bacon definitively rejected in his own utopia, *New Atlantis*, written on his fall from power in 1621.[18] As Bacon described it, the key concept of social and political organisation was the monarchical state.[19] Governors were neither the products of household republicanism nor necessarily motivated by virtue. Rather they were salaried 'sufficient of the state for his service' and accepted no extra reward for their duties.[20] Patriarchs and king replaced citizens and elected representatives as the key protagonists of government.[21] Urban inhabitants were economic subjects rather than publicly minded citizens.[22] Finally, political activism and authority, the 'very eye of the kingdom', was based in 'an Order or Society which we call Salomon's House', dedicated to 'the knowledge of Causes, and secret motions of things; and the Enlarging of the bounds of Human Empire, to the effecting of all things possible'.[23] As governors of the 'lanthorn of this kingdom', its Fathers were treated with a reverence afforded monarchs by inhabitants and narrator alike, presiding over a fantastic conglomeration of 'natural' and 'artificial' resources available for the good of the populace.[24] Nature was no longer a code of behaviour so much as the most vital of human resources: one utilised by an intellectual elite, under the authority of the state, for the common good. It was successful inventors rather than virtuous citizens for whom 'we erect a statue' in Bensalem: a conception of science that also extended to government and law.[25]

[14] More, *Utopia*, p. 43. [15] Ibid., pp. 48–9. [16] Ibid., p. 69. [17] Ibid., p. 84.
[18] *Francis Bacon: a critical edition of the major works*, ed. Brian Vickers (Oxford, 1996), pp. 457–91.
[19] Bacon, 'New Atlantis', in Vickers, ed., *Francis Bacon*, p. 785n.
[20] Ibid., pp. 459, 461. [21] Ibid., p. 473. [22] Ibid., pp. 475–8.
[23] Ibid., pp. 464, 471, 480. [24] Ibid., pp. 480–7.
[25] Ibid., p. 487; Julian Martin, *Francis Bacon, the state, and the reform of natural philosophy* (Cambridge, 1992).

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Thomas More's *Utopia* and Francis Bacon's *New Atlantis* sit at opposite ends of English humanism. While this is clearly true chronologically, it is also the case conceptually. While the former imagined a perfectly reformed commonwealth resting on the public virtue and energy of its citizens, the latter painted an equally reformed kingdom of subjects sustained by the ingenuity and wit of its governors. What More and Bacon shared was the humanist conviction that political authority should derive from the aptitudes, skills, and reason of the person rather than lineage: it was virtue and education rather than birth and blood that legitimated one man's power over another. However, in the utopias they sketch the social location of meritorious aristocracy is very different. Bacon invoked the restrictive assumptions of Henrician writers like Sir Richard Morison and Sir Thomas Eliot, who argued that it was 'most necessary in a common wealth [that] those that are the worse sort, to be content, that the wiser rule and govern them'.[26] Courtiers and gentry should earn rather inherit power because 'True nobility is never, but where virtue is'.[27] Authority rewarded 'good education'; 'senators' ruled because they were 'wisest'; and 'making laws . . . settling matters of religion . . . [and] discussing . . . what means a realm may best be kept in wealthiness [sic]' was out of bounds to any 'that utterly lack not discretion'.[28] As a result, the commonalty were effectively excluded from public life because, by definition, they lacked the requisite virtues and 'fitness' to govern.[29] In contrast, More anticipated the more encompassing vision of Elizabethan writers like Sir Thomas Smith and the educationalist Richard Mulcaster.[30] Master of the School of Merchant Taylors, Mulcaster argued that, given the right educational opportunities, any person with the requisite 'disposition', 'wit', and 'towardness' should and could participate in the public interest. He expected the educated to 'serve in public function' and 'turn their learning to public use'.[31] Below the *principal* magistrate of a commonwealth – 'Emperors, Kings, and whatsoever Prince of absolute sovereignty' – were the *subaltern* magistrates of England. These were men 'ruling other yet are subject to other, as in a Monarchy all the mean and inferior magistrates, and generally as in any estate those officers be, which be accountable for their doings'. Subalterns were crucial to the commonwealth: 'their places and functions concern every particular sinew, every particular vein, every particular artery, nay every small fillet, and finest string or strip in the whole body of any common weal'.[32] Moreover, it was the middle groups of society that were best placed to see the public places filled. As he explained, 'The middle sort of parents that neither welter in too much wealth, nor wrestle with too much want, seem fittest of all, if the children's

[26] Sir Richard Morison, *A remedy for sedition* (1536), A2v. [27] Ibid., B4. [28] Ibid., A3.
[29] Ibid., B2v–B3.
[30] Richards, *Rhetoric and courtliness*, pp. 83–6; Cathy Shrank, *Writing the nation in Reformation England* (Oxford, 2004), ch. 4.
[31] Richard Mulcaster, *The first part of the elementaries* (1582), p. 12. [32] Ibid., pp. 13–14.

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capacity be answerable to their parents state and quality . . . to bring forth that student, which must serve his country best.'[33] Indeed, the public schooling of the relatively poor promised, in a way that the private tuition of the rich could not, to 'commend the common'. This was because 'the common education in the middle of common mediocrity brings up such wits to such excellence, as serve in all degrees, yea even next to the highest'.[34]

Distinctions within the English humanist tradition were replicated in the legal theory of Bacon and his great rival at the Jacobean court, the common lawyer Sir Edward Coke. As first statesman and latterly critic of the regime, Coke has been shown to be the formulator of what Alan Cromartie has described as common-law *res*publicanism, presenting common law as a 'universal science' by which the good of the commonwealth was reasoned, debated, and enacted.[35] One inference of this *res*publican position, that became increasingly popular from the 1620s, was that kingship was merely one aspect of, and ultimately subservient to, the practice of commonwealth as it was constituted by common law and parliament.[36] Another was that, no matter their privileged status, burgesses and citizens enjoyed magisterial and parliamentary authority only insofar as the common law and its practitioners, the common lawyers, allowed. In this way, common lawyers consolidated their position as arbitrators of the precedents, customs, and statutes that constituted the full edifice of legitimate social and political practice. They also demonstrated a reverence for 'custom' – and the possibility of reform through its adaptation rather than obliteration – that also characterised Mulcaster's educational doctrines. As Mulcaster put it, 'if there be any hope to procure liking in such a thing as custom is to rule, it must needs come by following, and not by forcing'.[37] The history of reform showed that 'enforcing to the contrary, or altering too far is almost desperate, if not altogether, because it hath always missed, with loss of labour where it offered service'.[38]

In contrast, Bacon outlined a process of wholesale reform indebted to Roman rather than customary law.[39] Rather than the organic assimilation of precedent and custom into artificial reason, he envisaged select and elite 'committees' of royally appointed lawyers sifting through the flotsam of parliamentary statutes,

[33] Richard Mulcaster, *Positions concerning the training up of children* (1581), p. 140.
[34] Ibid., p. 188.
[35] Alan Cromartie, 'The constitutionalist revolution: the transformation of political culture in early Stuart England', *P&P*, 163, May 1999, p. 88.
[36] Ibid., pp. 100, 107.
[37] Ibid. For alternative models see Cathy Shrank, 'Rhetorical constructions of a national community: the role of the King's English in mid-Tudor writing', in Shepard and Withington, *Communities in early modern England*, pp. 180–98.
[38] Mulcaster, *Elementarie*, p. 227; Richards, *Rhetoric and courtliness*, p. 86; Martin Elsky, *Authorising words: speech, writing and print in the English Renaissance* (Ithaca NY, 1989), p. 46.
[39] Martin, *Francis Bacon*, p. 124.

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ancient royal records, and law reports that currently constituted 'the law' in order to create orderly, consistent, logical, and regulated 'digests'.[40] These digests, based on reason and 'wit', would form the basis of legal practice and judgement, making a 'code explicitly modelled on that of the Romans'.[41] The creation of a regular and written body of law by royally appointed experts was accompanied by the insistence that 'royal service would become independent of local status and interests', whereby all 'men who served the king would serve him alone'.[42] This was as true for constables and jurors as it was for justices of the peace and circuit judges, whom Bacon styled 'the Planets of the Kingdom' because of their revolving role within the geographical parameters of the state.[43] Public office was not intended to give 'persons . . . countenance or reputation in the place where they live, but for the King's service sake only'.[44] Finally, Bacon called for the legal profession to be reformed into an elite vocation in which success would depend on the ability to invoke not Coke's *Reports* but the *Digests* that would form the official code of Bacon's *regulae juris*.

The intensification and bureaucratisation of Jacobean magistracy, well studied by social historians, was one manifestation of this attitude to governance.[45] The 1635 edition of Michael Dalton's *The country justice* likewise suggests the impact of Bacon's ideas. Designed primarily for justices of the peace, the text explained the mechanics of an increasingly complex administrative system. However, it began with a eulogy to the common law as 'ancient' and embodying 'the laws of God and Nature . . . whereby this Realm was governed many hundred years before the Conquest'. Echoing Coke, Dalton explained that 'to that purpose, at the Common Law (long before Justices of the Peace were made) there were sundry persons to whose the maintenance of this Peace was recommended'. Such men 'with their other offices had (and still yet have) the conversation of the peace annexed to their charges, as a thing incident to and inseparable from the said offices'.[46] There was 'no humane law within the circuit of the whole world, by infinite degrees, so apt and profitable for the honourable, peaceable, and prosperous government of this kingdom'. Even so, 'at this day the conservators of the peace are held to be out of use; and that their authority for the keeping of the peace, is now only by virtue of the kings commission of the Peace, ordaining them to be Justices of the Peace'. This was a change that Dalton directly attributed to Bacon.[47] Excepted from it were, however, those Justices created by letters patent under the Great Seal of England: most notably 'Mayors, and chief Officers in divers corporate Towns'. As Dalton explained, 'if the king grants to a . . . head Officer of a City or corporate Town, and to their

[40] Ibid., pp. 119–20. [41] Ibid., p. 128. [42] Ibid., p. 121. [43] Ibid., p. 113.
[44] Ibid., pp. 122–3.
[45] Wrightson, 'The politics of the parish', p. 27; Steve Hindle, *The state and social change in early modern England, c.1540–1640* (Basingstoke, 2000).
[46] Michael Dalton, *The country justice*, 5th edition (1635), p. 1. [47] Ibid., p. 2.

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successors, to be Justices of Peace in their City or Town', then that power was 'not revocable at the Kings pleasure, as a Commission of the Peace is'.[48] As a Venetian visitor observed in 1557, 'In matters of justice' England was not 'like other kingdoms and Christian provinces, governed by civil and imperial laws, but by municipalities, almost like a republic'.[49] In particular, London was 'governed by about twenty-five aldermen, who have ultimate power, without the king nor his ministers being able to intervene'.[50]

It was from within this ideological tradition that Richard Butcher, town clerk of seventeenth-century Stamford, described 'Cities or Towns Corporate as . . . small County Palatinates within themselves'. No matter Baconian reformism, they enshrined the concept that 'for the better Government of such Places' it was best 'to have Magistrates of their own Members' who 'for their more ample authority, and Peculiar Rule to make Laws, Constitutions and Ordinances, to bind themselves and every member within their Jurisdiction'.[51] In this they at once embodied the concept of legal *res*publica and gave it a civic twist. As Butcher explained, burgesses had 'a Power within themselves in their Common Hall assembled, to make Laws as peculiar and proper Rules for their better Government, the said Assembly being a little court of Parliament'. Indeed, 'if it be lawful for me to compare small Things with great, or like a cosmographer, to frame a Model of the great world in one small skin of parchment, for in this small Model is a Representation of the highest and greatest Government'. As political 'microcosms', the courts and councils of England's corporate bodies replicated the mix of commons, lords, and monarch enshrined in parliament, serving as local embodiments of England's 'ancient constitution'. The mayor 'as the chief Magistrate represents the Person of the King' and the 'burgesses sitting round about him as so many Peers of the Upper House'. Moreover, the 'Capital Burgesses which we here call the Twenty Four being *senatores minorum gentium*, are the Representative Body of the whole Town'; the Recorder is the Speaker; and the town clerk 'the Register or Clerk of the same'.[52] Possessed with unusual powers of legal deliberation and representation, citizens were also the guardians and guarantors of local justice. The Dubliner Richard Stanihurst identified a similar sense of civic commonwealth within the Irish Pale. Citizens in Waterford were 'very heedy in all their public affairs, slow in determining of matters of weight, loving to look ere they leap. In choosing their magistrate, they respect not only his riches but also they weigh his experience.

[48] Ibid., pp. 10–11.
[49] Eugenio Alberi (ed.), 'Relazioni dInghilterra di Giovanni Micheli', in *Relazioni degli Amabasciatori Veneti al Senato*, series 1, vol. II (Firenze, 1840), pp. 291–380. Translated by Cathy Shrank.
[50] Ibid., p. 295.
[51] Richard Butcher, *The survey and antiquity of the town of Stamford in the county of Lincoln* (1717), pp. 19–21.
[52] Ibid., p. 23.

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And therefore they elect for their mayor neither a rich man that is young nor an old man that is poor.' Citizens of Cork were entirely civil in their ordering of 'domestic and public affairs'.[53] Henry Manship, burgess of Great Yarmouth, likewise developed an intensely humanist portrayal of civic life. He argued that laws were 'the very mind, soul and council of the city' and stressed that 'neither can such laws benefit a commonwealth, except there be a magistrate to put life into them'. For Manship as for Cicero, 'a magistrate is a speaking law' and a city's elected 'senators' the subalterns 'of the State in general' and 'the town in particular'.[54] Indeed, the public capacities of burgesses in Great Yarmouth made them comparable to the generations of Spartan manhood in their 'courageous attempts for their country', their buildings and public works veritably Venetian in fostering 'the common good'.[55]

Common lawyers recognised the customary basis and public efficacy of citizenship while subordinating it to their authority and counsel. As Sir Thomas Widdrington put it, 'The justice, by which the people of this land is governed, is [vested] in the king, and other subordinates under him.' However, 'the king, as Sir John Fortesque observes, "sits not in judgement himself"'. Rather 'the streams of justice are carried to the people by the great courts of Westminster' and 'these, as to their several capacities, have an universal influence on all parts and people of the nation'. Cities and boroughs were, in turn, concentrations of 'some less rivulets of justice for smaller matters'.[56] In 1659 William Sheppard anticipated Widdrington by systematically reducing English *civitas* to the sovereign authority of common law, a move that was necessary if only because the civic twist that citizens gave their respublicanism could be sharp indeed.[57]

The idea of *civitas* was developed most spectacularly by the city 'comic-poets' of London from the 1580s, most obviously in their productions of the Lord Mayor's Pageant. An appropriation of the triumphs of the Roman Republic, these processions reached an aesthetic and ideological plateau in the 1610s, most notably in the work of Thomas Middleton.[58] The most popular of the London playwrights, Middleton was also a Calvinist, humanist, common lawyer, and, by the 1620s, not only the chief ideologue of the City but also its official and salaried chronicler.[59] In the greatest of his city comedies, *A chaste maid in Cheapside* (1613), he satirised the hypocrisies, errors, and vices

[53] Colm Lennon, *The life of Richard Stanihurst the Dubliner, 1547–1618* (Blackrock, 1981), p. 84.
[54] Manship, *History of Great Yarmouth*, pp. 191, 54. [55] Ibid., pp. 16, 26.
[56] Sir Thomas Widdrington, *Analecta Eboracensia. Some remains of the ancient city of York collected by a citizen of York*, ed. C. Caine (London, 1897), p. 78.
[57] William Sheppard, *Of corporations, fraternities, and guilds* (1659).
[58] Manley, *Literature and culture*, pp. 276–93.
[59] Sarah Jane Steen, *Ambrosia in an earthen vessel: three centuries of audience and reader response to the works of Thomas Middleton* (New York, 1993), p. 38; Heller, *Penitent brothers*, p. 27.

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that characterised the enfranchised households at the heart of the ancient city of London. In his Lord Mayor's Pageant for the Company of Grocers, written and performed the same year, he suggested the means of their reformation: namely the indigenous and autonomous practice of civic governance.[60] Culminating in the same Cheapside setting, the pageant outlined the role of civic governance amidst a civil society beset by the opportunities and problems of commerce and empire.[61] As represented by Middleton, citizenship reflected and embodied the virtue, industry, merit, civility, and obligations of its citizens: it made and depended upon them just as they made and depended upon it.[62] The role of civic governors was to ensure prosperity, eliminate the 'Error' that had seeped into neighbourhoods like Cheapside, institutionalise virtue, and propagate Protestantism, education, hospitals, and civility wherever trade and commerce were conducted.[63] Personal and public industry, like personal and public profit, went hand in hand. However, it did so not simply under the tutelage of common lawyers, or, indeed, the sovereignty of the monarch, but at the discretion and authority of citizens themselves.[64]

Ben Jonson, Middleton's contemporary and pre-eminent poet at the Jacobean court between 1612 and 1625, was less convinced. In 1614, the year after Middleton's combination of play and pageant, he remorselessly ridiculed the public conceits of the citizenry in *Bartholomew Fair*.[65] He did so as a poet who regarded Francis Bacon as the culmination of over a century of brilliant English humanists: the man 'who hath filled up all numbers, and performed that in our tongue which may be compared or preferred either to insolent Greece or haughty Rome'.[66] Operating within the genre of city satire, Jonson was equally effective as Bacon in circumventing the public conceits of citizens. *Bartholomew Fair* brought London to the stage through the microcosm of the Fair. Its Prologue welcomed 'Your Majesty' to 'Such a place, such men, such language, and such ware . . . the petulant ways / Yourself have known, and have been vexed with long'. By these he meant not only the bawds and criminals inhabiting the Fair but also the series of ostensibly civil characters visiting it. These included Littlewit the Court Proctor and his wife; the Banbury baker

[60] Thomas Middleton, *A chaste maid in Cheapside*, ed. Alan Brissenden (London, 1968); Thomas Middleton, *The triumphs of truth* (1616).

[61] David M. Bergeron, 'Middleton's moral landscape: *A chaste maid in Cheapside* and *The triumphs of truth*', in *'Accompaninge the players': essays celebrating Thomas Middleton, 1580–1980* (NewYork, 1980), pp. 133–45.

[62] Middleton, *Triumphs of truth*, p. 2; see also Thomas Middleton, *Honourable entertainments, composed for the service of this noble city* (1621), p. 2.

[63] Middleton, *Triumphs of truth*, p. 6. [64] Ibid., p. 9.

[65] The play was first published in 1631. Ben Jonson, *Bartholomew Fair*, ed. G. R. Hibberd (London, 1977).

[66] Ben Jonson, 'Discoveries', in Ian Donaldson, ed. *Ben Jonson: the Oxford authors* (Oxford, 1985) p. 54.

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and preacher, Zeal-of-the-Land Busy; Coke, the country gentlemen infatuated with but also unsuited to the metropolis; and a gaggle of parasitic and predatory gallants. However, foremost among them was Adam Overdo, the Cicero-quoting citizen-magistrate who believes that 'a wise man, and who is ever so great a part of the commonwealth in himself, for no particular disaster ought to abandon a public good' (3.3.24). Overdo plans with 'my political brain' to disguise himself and walk the Fair 'as the careful magistrate ought, for the good of the republic of the Fair, and the weeding out of enormity'. In the process, he identifies and aims to rescue a 'proper young man from his debauched company', saving him for 'a State-course' and 'commonwealth's man' (3.5.1–9). In fact, his quarry already has a 'place and calling' as a hardened and accomplished criminal. The mistake is precipitous. For all his rhetoric, Overdo proves wholly incapable of administering justice, and in the face of the implacable Fair and his own incompetence undergoes a series of humiliating reversals that only serve to reveal his lack of wisdom and discretion. By the end of the play he has lost even his eloquence: rather than presiding, as comedic magistrates did, over the play's resolution, he is shamed to silence as Quarlous, the leading gallant and urbane wit of the ensemble, proves himself to be the real master of proceedings (5.6). The opportunistic, sceptical, and pragmatic Quarlous has none of the commonwealth platitudes or attachments of Overdo: however, it is the urbane gentility and wit of the former, rather than the empty rhetoric of the latter, that is best suited to the demands of a properly constituted monarchical state.

This was certainly the conclusion reached by Jonson's royal patron. Given James' status as 'the most writerly of British monarchs' it was no secret that James took the role of the Renaissance prince seriously, placing his public responsibilities and requisite virtues over and above the essentially private and economic estates of his subjects.[67] It was also apparent that, in the first decade of his imperial reign, this philosophy had received several slaps in the face. The new monarch was frustrated in his ambitions to unify Scotland and England as a legal and 'naturalised' entity; opposed in his subjugation and 'civilisation' of Ireland; and restricted in England in the use of a prerogative power of which he was publicly and painfully protective. In each instance, parliaments, common lawyers, and burgesses proved an impediment to royal policy. It is perhaps unsurprising, therefore, that two years after the first performance of *Bartholomew Fair*, James expounded for the Court of Star Chamber a political sensibility that, while reflective of his humanistic upbringing under George Buchanan, also looked to the dominant legal and literary figures of his

[67] *King James VI and I: selected writings*, ed. Neil Rhodes, Jennifer Richards, and Joseph Marshall (Aldershot, 2003), p. 1; Roger Mason, *Kingship and the commonweal: political thought in Renaissance and Reformation Scotland* (East Linton, 1998), pp. 240–1.

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court: Bacon and Jonson.[68] In what can be taken as a template for a reformed monarchical state, James contrasted the 'Sophistry or strains of wit' that characterised the 'interpretations' of common lawyers with 'my common sense and reason, and true Logic'.[69] He compared England to Denmark, the birthplace of his wife, in which 'the State is governed only by a written law'; where 'there is no Advocate or Proctor admitted to plead'; where questions and answers 'are plain' and 'the very Law-book itself is their only Judge'. He ruminated that 'happy were all Kingdoms if they could be so: But here, curious wits, various conceits, different actions, and varieties of examples breed questions in Law.' The problem was clear enough. 'For though the Common Law be a mystery and skill best known unto your selves, yet if your interpretation be such, as other men which have Logic and common sense understand not the reason, I will never trust such an Interpretation.'[70]

As tellingly, James explained that circuit judges were not only dispensers of justice but also the eyes and ears of the state. In particular, they were to make account of magistrates 'and report their service to me at your return'. As he put it, 'I esteem the service done me by a good justice of Peace, three hundred miles, yea six hundred miles out of my sight, as well as the service done me in my presence.'[71] Indeed, 'good Justices are careful to attend the service of the King and country, for thanks only of the king, and love of their country'.[72] In reality, however, a number of factors impeded the practice of this royal justice-in-absence, not least the quality of person upon which the monarch depended. 'Bad justices' included 'idle Slowbellies, that abide always at home . . . [more] like ladies than men' as well as the sort that 'go seldom to the Kings service, but when it is to help some of their kindred or alliance'. James described 'busy-bodies, that will have men dance after their pipe, and follow their greatness', who must be taught 'the country is ordained to obey and follow GOD and the King, and not them'. And he attested to 'Another sort of Gentlemen of great worth in their own conceit, and cannot be content with the present form of Government, but must have a kind of liberty in the people'. These magistrates 'in every cause that concerns Prerogative, give a snatch against Monarchy, through their Puritanical itching after Popularity'. Moreover, 'some of them have showed themselves too bold of late in the lower-house of Parliament'.[73] In an ideal state, the days of Adam Overdo were clearly numbered.

The final nail in the public coffin of citizens was that they were essentially private and economic subjects: estates amalgamated under the public and remedial gaze of their prince.[74] Writing before his succession to the English throne,

[68] James I, 'A speach in the Starre-Chamber', in *The workes of the most high and mightie Prince, James* (1616), pp. 549–69.
[69] Ibid., p. 556. [70] Ibid. [71] Ibid., p. 562–4. [72] Ibid., p. 564. [73] Ibid.
[74] James I, *A counter-blaste to tobacco* (1604), Preface.

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James understood Scottish burgesses to be 'composed of two sorts of men; Merchants and Crafts-men'. He observed that 'the Merchants think the whole commonwealth ordained for making them up; and accounting it their lawful gain and trade, to enrich themselves upon the loss of all the rest of the people, they transport from us things necessary'. Similarly, 'the Crafts-men think, we should be content with their work, how bad and dear whatsoever it be'.[75] In England this self-interest was even more apparent, not least in their resistance to integration with Scotland. He was aware, for example, that 'some may think this Union [with Scotland] will bring prejudice to some Towns and Corporations within England' and conceded that, as a result, 'a Merchant or two of Bristol, or Yarmouth, may have an hundred pounds less in his pack'. However, 'if the Empire gain, and become greater, it is no matter: You see one Corporation is ever against another, and no private Company can be set up, but with some loss to another.'[76] Applying theories of 'civic greatness' and 'reason of state' to England's transformed monarchical circumstances, Bacon was not slow to corroborate citizens as essentially economic persons with no aptitude for or claim on the public business of running an empire.[77] He told the 1607 Parliament that 'this kingdom of England, having Scotland united, Ireland reduced, the sea provinces of the Low Countries contracted, and shipping maintained, is one of the greatest monarchies, in forces truly esteemed, that hath been in the world'.[78] While merchants were the '*vena porta*' of empire, ensuring fiscal nourishment for all its limbs, they had little to do with 'the true greatness of kingdoms and estates' or the 'sinews of state'.[79] On the contrary, with their lack of 'military disposition', resistance to the 'naturalisation of strangers', and concern only for 'present gain', it was not merchants but 'gentry and noblemen' that were 'fit for empire' both at home and in the running of plantations abroad.[80] That England had now mutated from the 'little model of a man's body [into] the great frame of kingdoms and commonwealths' made the division of commercial and public labour all the more necessary. Changed circumstances made it 'in the power of princes or estates to add amplitude and greatness to their kingdoms . . . for by introducing such ordinances, constitutions, and customs' – or indeed monopolies and patents – 'they may sow greatness to their posterity and succession'.[81] In *The Alchemist*, Jonson dramatised the same conclusions. If the shopkeeper Drugger and merchant Mammon demonstrated anything, it was that all citizens

[75] James I, 'Basilikon Doron', in *Works*, pp. 163–4.
[76] 'A speach to both the Houses of Parliament . . . 1607', in *Works*, p. 519.
[77] Markku Peltonen, 'Political philosophy', in Markku Peltonen, ed., *The Cambridge companion to Bacon* (Cambridge, 1996), p. 288; Peltonen, *Classical humanism*, pp. 194, 227–8.
[78] Cited in Martin, *Francis Bacon*, p. 133.
[79] Francis Bacon, 'Of empire', in Vickers, ed., *Francis Bacon*, p. 379.
[80] Ibid., pp. 400, 409.
[81] Francis Bacon, 'Of the true greatness of kingdoms and estates', in Vickers, ed., *Francis Bacon*, p. 403.

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were really good for – or, indeed, really wanted – was the material profits of commerce and trade.[82]

It was precisely such principles that characterised the Jacobean incorporation of Ulster. Not only were its corporations envisaged as straightforward tools of imperial expansion and colonisation. The complicity of those, many of them Londoners, backing the project suggested an attitude more in keeping with 'the joint-stock company' rather than city commonwealth.[83] However, the Jacobean incorporation of Ireland was not limited to plantations. James also confronted the Anglo-Irish inhabitants of Ireland's 'ancient' cities and boroughs: participants in a corporate system that cherished respublican and civic traditions every bit as powerful as those in England. The incorporation of Dublin in 1549 had, for example, confirmed for the predominantly Catholic citizens their customary powers and privileges while establishing a contract of mutually beneficial trust with the Edwardian regime.[84] Across the 'staple towns' and beyond, Irish citizens and burgesses regarded themselves as the guardians of local and national public interest and bastions of precisely the kind of legal, 'civil', and commercial culture being planted in the north. Their wholesale incorporation by James was perceived, in contrast, as a discontinuity with the Elizabethan past: a form of constitutional ransom by which civic privileges were retained on the understanding that citizens and burgesses would accommodate royal policy over custom revenue. Failure to comply would lead to proceedings of *quo warranto* and the potential rescinding of all civic privileges: a threat that could easily be extended to other controversies, such as the implementation of penal laws against papists.[85] Against this context, the Ulster corporations were recognised as a crude strategy to pack the Irish parliament and prompted a powerful statement of civic and respublican sentiment. As a 1612 remonstrance against the 'new creation of Boroughs' put it, there was a 'fearful suspicion the project of erecting so many corporations, in places that can scantly pass the rank of the poorest villages in the poorest country in Christendom' aimed at only one thing. This was that, 'by the voices of a few, selected for the purpose under the name of burgess extreme penal laws should be imposed upon your subjects here contrary to the natures, customs, and dispositions of them all'. For Anglo-Irish citizens, it was clear that 'these new corporations (not being the thousand part of the kingdom, considering their quantity and quality) should

[82] Ben Jonson, *The alchemist* (1612). See below, ch. 6.
[83] BL, Add MSS 12497, f. 235, 'The Lord Treasurer to the Lord Mayor of London', 30 October 1609; T. W. Moody, *The Londonderry plantation, 1609–41: the City of London and the plantation in Ulster* (Belfast, 1939), p. 83.
[84] Colm Lennon, *The Lords of Dublin in the age of reformation* (Dublin, 1989), ch. 2.
[85] 'Letter of King James I for a new grant of charters to the ancient corporations of Ireland, March 1609', printed in Gale, *An inquiry*, p. l.

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[not] make laws to bind the rest of the subjects against their own will and consent'.[86]

Religious differences aside, and as the musings of the Catholic Stanihurst also suggest, it was a *res*publican response entirely consistent with the values and expectations of burgesses and citizens across the Irish Sea. Manipulating the traditional distinction between 'public' and 'private' bills, James had long observed that parliament, as the 'Kings great council', was 'no place then for particular men to utter there their private conceits'. Neither was it 'a convenient place for private men under the colour of general Laws to propose nothing but their own particular gain, either to the hurt of their private neighbours, or to the hurt of the whole State in general'.[87] That parliament was a forum for the local or private needs of towns was an accepted facet of parliamentary process, which was nothing if not a concerted system of lobbying and clientage. This did not prevent private bills becoming public policy or parliament serving as a conduit for the public angst of English Protestants. The 'Instructions for the citizens in parliament', for example, devised in January 1621 by citizens of York, combined local economic concerns with a heightened *res*publican sensibility. The majority of instructions demanded co-operation with other corporations to procure legislation that would protect their interests against London wholesalers, customs and impositions, and merchants who 'live in clothing towns'. They also sought an act to 'have our River made navigable' and for the county to help foot the cost. At the same time, their representatives – a lawyer and a merchant – urged patience and co-operation, as they were busy with many concerns 'tending to the public and the good of the commonwealth'. Indeed 'the reason in the slow proceedings of private things' was that 'so many public grievances and Nuisances of the commonwealth are afoot'. They urged the citizens to provide subsidies if only because 'foreign Princes have insulted and grown insolent of this kingdom and State' and presume 'difference . . . betwixt the king and his subjects'. Money would 'take away these evil Rumours abroad and insolent humours at home', not least the 'ill opinion' of 'papists'. It would also allow 'us to inquire and search out the ferrets and maladies of the commonwealth'. The ferret-in-chief was Bacon; and the session saw Coke orchestrate the public destruction of James' leading statesman as a monopolist.[88]

By the second decade of the seventeenth century freemen, burgesses, and citizens operated in a national political culture that was triangular in nature. As participants of *res*publica, they were closely associated with law, parliament, and the authority of professional practitioners and representatives. As enfranchised

[86] 'Remonstrances of the ancient peers of Ireland to King James I against his new creation of boroughs, November 1612', in Gale, *An inquiry*, pp. ci–ciii.
[87] James I, 'A Speach in the Parliament House, as neere the very words as could be gathered at the instant', in *Works*, pp. 507–8.
[88] YCA B36, ff. 209, 207, 210–12; Withington, 'Two renaissances', p. 257.

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inhabitants of 'civic palatinates', and practitioners of *civitas*, they could regard themselves as citizens with customary, extenuated and semi-autonomous powers of public deliberation and implementation. And as privileged functionaries of the crown, they were meant to ensure that the rational will of the sovereign was enacted locally. These contrasting positions were not necessarily contradictory, and historians have stressed the aptitude with which citizens, either as formal representatives of their communities or particular factions, could exploit all three in practice.[89] Nor were they unprecedented. Humanism had always had its more authoritarian practitioners; grants of charter traditionally functioned as acts of royal will; and William Cecil was by no means shy of bringing the full weight of sovereign authority to bear on civic office-holders when the need arose.[90] The very use of the word 'state' to describe sovereign power began, after all, in the final decade of Elizabeth's reign.[91] This should not obscure the sharper enunciation of the Jacobean monarchy or the equally strident – and not necessarily concordant – claims of common lawyers and citizens. Although articulated within the same humanist and reformatory language, by the seventeenth century these contrasting positions meant that the 'natural subject' was an unstable and sometimes contested identity. Nor did it allow for any simple dichotomy between governors and the governed. This complexity was only heightened by the local practice of city commonwealth: local political cultures that, in their crystallisation of Aristotelian categories and assumptions, formed yet another source of public agency and identity.

Aristocrats, democrats, and the public good

Aristotelian notions of democracy, aristocracy, and the public good were 'introduced decisively into England by mid-sixteenth-century humanists'.[92] Especially prominent in this respect was Sir Thomas Smith's account of *De Republica Anglorum*: a text that Michael Mendle describes as 'a gospel for all people'.[93] Smith simplified the complicated gradation of constitutional forms developed by Aristotle to a bare outline in which the 'good and just' governments of *monarchy* (king), *aristocracy* ('governing of the best men'), and *democracy* ('commonwealth by the general name') were juxtaposed against their 'evil and unjust' forms. These included government by tyrant (*tyranny*),

[89] David Harris Sacks, 'The corporate town and the English state: Bristol's "little businesses" 1625–1641', in Barry, *The Tudor and Stuart town*, pp. 297–333.
[90] BL, Add MSS 35, 831, f. 308, 'Lord Treasurer to the Mayor of Hull', 27 October 1583; Slack, *From reformation to improvement*, pp. 54–5.
[91] John Guy, *Tudor England* (Oxford, 1988), p. 352.
[92] Michael Mendle, *Dangerous positions. Mixed government, the Estates of the Realm, and the making of the answer to the XIX propositions* (Alabama, 1985), p. 3.
[93] Sir Thomas Smith, *De Republica Anglorum*; Mendle, *Dangerous positions*, p. 56.

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by the 'usurping of a few gentlemen, or a few of the richer or stronger sort' (*oligarchy*), or the 'usurping of the popular or rascal and viler sort because they be more in number' (*popular*).[94] Smith also noted the unlikelihood of finding any commonwealth 'absolutely and sincerely made of any of them above named, but always mixed with another'.[95] Appropriated to describe the national polity, the categories of monarchy, aristocracy, and democracy could have nestled more or less snugly alongside the traditional language of 'estates' of bishops, lords, and commons. That they did not was, as Mendle has shown, in large part because of their appropriation by Scottish and English Presbyterians: under James, it became treasonous to imply that the Bishops were no longer an estate.[96] What Mendle fails to note is that, by linking the language of the One, the Few and the Many (and variations on that theme) so firmly with the concept of commonwealth, Smith also made those concepts pertinent for smaller corporate 'body politics'. As Henry Manship subsequently observed of Great Yarmouth, 'Every commonweal, as saith Aristotle (the prince of philosophers) is a company, and every company is ordained to some good, and most chiefly to obtain the most principal and most excellent good of others.'[97] Moreover, it was not simply Aristotelian notions of aristocracy and democracy but also the imperatives of public good and moral judgement that were disseminated across the corporate system. In this sense, the adoption of Aristotelian categories by urban freemen was an attribute of the fluid and localised ways in which 'commonwealth' was used in England, allowing freemen to act as aristocrats and democrats while simultaneously participating, as 'natural subjects' and 'part of the commons', in *res*publica and state.

It was not, of course, merely boroughs and cities but also universities, companies, hospitals, parishes, and households that conformed to Smith's definition of commonwealth as 'a society or common doing of a multitude of free men collected together and united by a common accord and covenants among themselves'.[98] What made incorporated cities and boroughs distinctive was the scale and scope of their civic resources; their relative autonomy; and, somewhat paradoxically, their 'interlacing' of locality, province, and nation. Indeed, because the corporate system was so constitutive of the polity – forming an increasing proportion of the parliamentary franchise and ensuring the public peace locally – it followed that civic politics had a direct bearing on the national public presence enjoyed by the commons. While civic aristocracy (or oligarchy) restricted this presence socially, so civic democracy (or populism) was likely to broaden participatory boundaries. From the mid-sixteenth century, a general feature of the incorporating process was the promulgation of aristocracy as the preferred form

[94] Smith, *De Republica Anglorum*, p. 3.
[95] Ibid., p. 5.
[96] Mendle, *Dangerous positions*, pp. 3–4.
[97] Manship, *History of Great Yarmouth*, p. 190.
[98] Smith, *De Republica Anglorum*, p. 10; Sheppard, *Of corporations*, pp. 2–7.

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of civic governance. Whether as the middling-sort subalterns of Mulcaster, the state-bound functionaries of Bacon, or even the virtuous citizens of Middleton, those freemen entrusted with powers of governance and representation were ideally drawn from the 'better sort' of their communities. This preference was closely related to the appropriation and dissemination of Ciceronian notions of civility in the later sixteenth century – a process considered in more detail in subsequent chapters, and which exacerbated the perennial correlation between civic office-holding, wealth, and status.[99] As the London citizen and draper William Scott explained, 'Senators ought to be rich for these reasons.' 'Wealth is a pledge of their care of the Commonwealth: it is likely, he that hath done well for himself, will know how to do well for the public good.' It 'being gotten, their minds may with more diligence intend the public affairs'. And, finally, 'In Ruling, there must be power and command, which a poor man cannot have, all the world despises him . . . to have a poor governor is a great plague.'[100] The effect of Ciceronian humanism was to load, in turn, material differences with intellectual and moral freight: as Keith Wrightson has shown, for the 'better sort' in general, new learning was part and parcel of new wealth.[101] That is not to argue, however, that the virtues demanded of civic aristocracy were perceived as a simple function of economic virility. Governance came with duties and responsibilities that not only became more technical over the period, but were also framed in moral terms. The anonymous and democratically minded author of the play *Woodstock* presented ignorant and oligarchic bailiffs willingly and unquestioningly complying with the corrupt and ridiculous edicts of Richard II, signing and sealing blank taxation lists and arresting both residents and visitors to Dunstable for whistling treasonously. In this way, functionaries of a tyrannous monarch became local tyrants, so jeopardising the legitimate place and voice of the commons in the polity.[102] Ostensible proponents of civic aristocracy such as Thomas Middleton likewise questioned the ability of uneducated provincial burgesses to wield authority appropriately. In *The mayor of Queenborough*, London's chronicler satirised at once the petty factional squabbling that attended civic elections and the consequences of ignorant burgesses – in this instance, a journeyman tanner – wielding too much public power.[103]

[99] Richards, *Rhetoric and courtliness*, p. 2; Jenny Kermode, *Medieval merchants: York, Beverley and Hull in the later middle-ages* (Cambridge, 1998), ch. 2; Perry Gauci, *The politics of trade: the overseas merchant in state and society, 1660–1720* (Oxford, 2001), ch. 2; David Eastwood, *Government and community in the English provinces, 1700–1870* (Basingstoke, 1997), pp. 17–18, 119.

[100] William Scott, *An essay on drapery: or, the complete citizen* (1635), p. 116.

[101] Wrightson, *English society*, pp. 191–9.

[102] *Thomas of Woodstock, or, Richard the Second, part one*/*Anon*, ed., Peter Corbin and Douglas Sedge (Manchester, 2002).

[103] Thomas Middleton, *Hengist, King of Kent; or the Mayor of Queenborough* (Washington, 1938).

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The introduction of common councils and aldermanic benches as the predominant, and often more restrictive, form of civic governance was the most obvious manifestation of incorporated aristocracy. The problem facing its proponents was that constitutional adaptation usually required both the rewriting of civic constitutions and, in order to justify this, the reinterpretation of the customs, grants, and charters from which communities were held to derive their political legitimacy. The institution of self-selected conciliar bodies possessed of unprecedented and potentially unaccountable powers aggravated, in turn, democratic itches that by the end of the sixteenth century burgesses were only too willing to scratch. Certainly Nathaniel Bacon, in his mid-seventeenth-century annals of Ipswich, could 'not understand' how the common council sanctioned by the Elizabethan charter 'can consist with the charters formerly granted, which fix the legislative power upon the great court, nor with the ancient customs of the Town'.[104] Similar unease characterised the Shropshire borough of Ludlow at precisely the moment when London's apologist was deflecting charges of aristocratic and democratic conceits. Disputes over Ludlow's constitutional and material resources had simmered since at least the absorption, by the corporation, of the wealthy Palmers' Guild in 1551.[105] The Guild held extensive lands in both town and county, maintained a grammar school, and performed charitable works, all of which were jeopardised by the Dissolution. Its preservation by Edwardian patent was, therefore, a political success for the burgesses that significantly enhanced the common wealth of the borough as well as the public responsibilities of its governors. It also raised the problem of how and by whom these additional public resources were to be used. By the 1590s, civic opinion had crystallised into contrasting aristocratic and democratic positions. These mapped fairly snugly onto the rift that had developed between the town's common councillors and other burgesses: what the Recorder described as 'certain controversies between the Bailiffs, Twelve and Twenty Five councillors . . . on the one party and the burgesses . . . on the other party'.[106]

Thanks to an important essay by Penry Williams, Ludlow has long been regarded as a quintessential example of the 'rise of oligarchy'.[107] However, a full contextualisation of its politics demonstrates not so much the inexorable quality of oligarchy so much as the democratic and aristocratic tensions that characterised the corporate system as a whole.[108] Ludlow's 'aristocrats' were

[104] Nathaniel Bacon, *The annalls of Ipswich. The lawes, customes, and government of the same*, ed. William H. Richardson (1884), p. iv.
[105] SA, Q63, p. 52; Faraday, *Ludlow*, p. 91.
[106] SA, LB2/1/16, f. 40.
[107] Williams, 'Government and politics', pp. 282–94; Tittler, *Reformation and the towns*, pp. 189, 193, 195, 204.
[108] Williams, 'Government and politics', p. 291; Lamburn, 'Politics and religion', p. 71; Tittler, *Reformation and the towns*, ch. 9.

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grouped around a network of 'kin and allies' descending from Walter Rogers and William Langford, the last two wardens of the Palmers' Guild. John Crowther led the democratic opposition from within the common council, co-ordinating with weaver John Bradford among the burgesses and Philip Bradford in the borough court.[109] The conflict reached a head when the ruling 'party' successfully purchased a new charter of incorporation in 1598 from Sir Edward Coke, so negating a pending *quo warranto* brought against their government by John Bradford.[110] John Crowther explained to the Court of Exchequer that 'there was never motion made to the Twelve and Twenty Five Persons called counsellors in any public assembly or upon any summons before the said charter was procured as usually they have done for matters of less importance'. This secrecy and misappropriation of the common seal merely reflected the fact that 'the new charter was procured for no other end [than] to maintain the covetous desires and greedy revenge of the defendants'.[111] As John Bradford put it, the 'last charter was fraudulently and in deceit of her Majesty's true intent and meaning procured' by 'plotters and devisers'.[112]

The aristocrats defended their position with a particular interpretation of borough history. It was claimed that the ancient government of the borough, long before the grants and charters of the fifteenth and sixteenth centuries, had been by the 'better, wiser, and worthier sort called the common council of the said town and representing all the rest of the burgesses'. Once incorporated, the commonalty by 'common decree and consent amongst themselves' had signalled this 'ancient usage' as their preferred form of government. As a result, the customary arrangement by which the 'Twelve and Twenty Five of the ablest wisest and worthiest of the burgesses should represent and supply the room of all the rest of the burgesses and commons of the said corporation' continued into the incorporated era. The thirty-seven 'best' burgesses had authority to elect annually the two bailiffs (equivalent of mayor); to elect other civic office-holders; to 'get and let' the town lands; and to 'determine all other affairs concerning the estate of the town'. The charter also confirmed their power to 'supply the room and place' of any member of the common council who, for whatever reason, vacated his office, so ensuring control over entry into civic governance. Finally, the aristocrats argued that 'the Twelve and Twenty Five, being of the most discreet and worthiest burgesses' were also 'the chief heads of the commonalty . . . representing the estate and body of all the said burgesses'.[113] Alderman Richard Benson spelt out the implications of this to the Court of Exchequer in 1598. He had heard his fellow aldermen 'say that

[109] Faraday, *Ludlow*, p. 37; TNA Probate 91/99 (c.1600), will of Philip Bradford.
[110] Williams, 'Government and politics', p. 287; Faraday, *Ludlow*, pp. 35–7.
[111] TNA, E134/39 and 440 Elizabeth/Mich. 37, deposition of John Crowther.
[112] SA, LB7/768; TNA, E134/39 and 440 Elizabeth/Mich. 37, item 89. [113] SA, LB7/773b.

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their [legal] counsel had said down in writing' that, on the basis of ancient prescription, the 'charter granted by King Edward VI and Queen Elizabeth did give unto them [the common council] only And to none other'. It followed that 'all lands privileges and commodities of the said Town rested in them only'; that the 'residue of burgesses' were 'plebs'; and that 'martial law' was the best means of ending contention.[114]

Philip Bradford conceded that civic association had long been restricted 'for avoiding of troublesome assemblies'. Indeed, 'they might so have done still had not the [ruling faction] alleged to the XII and XXV and their successors all the lands liberties and privileges mentioned and granted in the charter of Edward IV given to the Burgesses'.[115] However, weaver John Bradford told a more democratic account of Ludlow's history and customs that contradicted the aristocratic narrative at almost every turn. Bradford described an era before civic record in which the lord of the town or his steward selected twelve of the chief burgesses to govern their neighbours. The grant of Richard, Duke of York, confirmed the rule of the Twelve and an additional Twenty Five but also specified they were not to meddle with the office of Lord Steward, the granting of lands and collecting rents, nor any of the powers 'belonging to the King's Constable'. These powers directly devolved to the 'burgesses of themselves and amongst themselves' with the charter of Edward IV, manorial lordship transmuting into burghal democracy without the insertion of conciliar mediation. For all the claims of the aristocrats, it was clear that the Twelve and Twenty Five were to have 'no more power than the rest of the burgesses' over elections or lands 'nor to exclude the rest of the burgesses from their free elections'. Thereafter there was no evidence of any general consent that the Twelve and Twenty Five 'should represent and supply the room of all the rest of the burgesses and commonalty of the said corporation'. There was no proof that burgesses had agreed that elections should not proceed 'in any large or ample manner as the whole body of the said town and corporation'. And 'the true meaning of the charter' was clearly not that the Twelve and Twenty Five should select their own replacements. These claims, including the aggrandising tag of 'common council', were recent innovations that the ruling faction was now seeking to legitimate with a new and secret charter of incorporation. As Bradford explained, previous governors 'had greater regard to their oaths And the benefit of the whole corporation than the now Twelve and Twenty-Five termed counsellors have'. As far as the democrats were concerned, the 'common soul' of the community could not be privately owned no matter how 'better' one neighbour was than another.[116]

[114] TNA, E134/39 and 440 Elizabeth/Mich. 37, depositions of Richard Benson.
[115] Ibid., deposition of Philip Bradford. [116] SA, LB7/768.

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The control of civic memory was one political tactic, the use of pejorative language to describe and undermine the civic credence of opponents another. Just as the democrats exposed the oligarchic propensities of the aristocrats, so the aristocrats emphasised the populist dangers of their opponents. Both sides worked their rhetoric with the help of legal counsel and attorney: not for each other, but for the benefit of Privy Council, Council of the Marches, the House of Commons, and the Court of Exchequer. The aristocrats argued that there was 'no contention' in Ludlow until certain burgesses and inhabitants, 'thirsting after more of the town lands', became 'aggrieved that they [were] not called to some place of government in the town'.[117] John Crowther was a person who 'do know how easy a matter it is to raise a multitude of the inferior sort against the head, when they shall be persuaded rather to be free men and rulers then to be ruled'.[118] John Bradford was likewise styled a 'common barrattor' who, at a common gaol delivery, 'most contemptuously and in derogation of the authority of the said Bailiffs did there publicly speak . . . and persuaded divers other burgesses to do the like disobedience'. Bradford and his 'confederates' were 'backward in matters of religion'; reluctant tax payers; 'men impatient of good rule and government as without any good cause of worthiness seek to intrude themselves in rule and authority'. Bradford was 'wholly given to faction . . . and bring all in common' through the agitation of 'the meaner sort'.[119] His allies were 'certain troublesome and mutinous young persons not fit to govern in any good commonwealth'; 'very light and disordered persons'; 'secret enemies to the poor town'; 'certain ignorant and simple people'.[120] The thought that people of this quality 'shall elect and choose of their governors' – parliamentary representatives included – was not only against the 'ancient government' of the town but also the public good of town and nation.

Nor were the democrats short of rhetorical punch. The reality of civic aristocracy was that 'some of their thirty seven burgesses greedily coveting to enrich themselves with the Lands and Revenues of the said town by drawing into their number their sons and kinsmen and such as they can procure to give voices with them'. As a result, they 'have gotten a great part of the best lands and commodities at small fines and rent and do misspend the Treasures and Revenue of the said town and neglect the public weal of the same'. The democrats belittled the appropriation of the very term 'common council' by the town's ruling 'company', referring to the 'late called common councillors', the 'persons terming themselves common counsellors', the 'supposed common councillors', and the town's 'supposed governors'.[121] They also demonstrated that the ideals and criteria of civic aristocracy were hardly reflected in the actions and intentions of the party that dominated government and representation in

[117] SA, LB7/773a. [118] SA, LB7/736. [119] SA, LB7/765.
[120] SA, LB7/741. [121] TNA, E134/39 and 440 Elizabeth/Mich. 37, item 12, 17; SA, LB7/766.

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the town. Ludlow's governors had infiltrated and monopolised the civic bodies of the town to the extent that their 'private will' and the 'public good' had become synonymous. Councillors had 'no grant or lawful election or calling thereunto' and claimed 'an usurped custom and greedy desire of authority to enrich themselves . . . preferring their own private gain before the common utility'. It was not aristocracy so much as oligarchy that was at work – oligarchy in the morally corrupt and politically tyrannous sense of the term. Government consisted of 'kindred and friends and such other person as are unfit for counsel or service or to bear office but [are] rather chosen . . . to make the defendants by most voices to carry any cause amongst them in question to effect their own wills and purpose'.[122] It was on this basis that 'the Bailiff and common council . . . do set and impose upon . . . the common burgesses and inhabitants in all payment far greater sums then is due to the intent to free themselves'. They 'also abridge . . . all privileges, liberties, and freedoms granted by the said letters patent and divers other wrongs'.[123] As well as expropriating civic land and liberty, the company was accused of fiscal mismanagement and corruption, bribery, the persecution of burgesses through law, and the refusal to implement previously agreed articles designed to 'restrain the insolent and bad practices and wrongs done to the burgesses'.[124] This was not the 'better sort' of Ludlow acting for the public good. It was a selfish and wilful faction that determined 'causes for their own profits and commodities' rather than 'for the good and public wealth of the corporation'; that looked to 'their own private wealth and the wealth of their friends before the common wealth'.[125]

Although the Court of Exchequer confirmed the new charter granted by Lord-Attorney Coke, the Privy Council took the accusations of the democrats seriously enough to place Ludlow's common councillors under close supervision.[126] Moreover, while the eventual departure of John Crowther from the town might suggest the immediate 'triumph of oligarchy', there is every indication that civic dissension – and the principles upon which it rested – remained endemic in the borough.[127] An informal campaign of insult, libel, and gossip against the personal capacities of 'so called common councillors' at once severely damaged the 'good reputation and credit of this corporation' while reiterating the corruption of commonwealth principles that had occurred.[128] Likewise, the fact that, over the course of the later sixteenth and seventeenth centuries, Ludlow underwent more re-incorporations than any other city commonwealth aside from Newcastle-upon-Tyne hardly suggests the remorseless

[122] TNA, E134/39 and 440 Elizabeth/Mich. 37, item 11.
[123] SA, LB7/767.
[124] TNA, E134/39 and 440 Elizabeth/Mich. 37, items, 30–52, 55, 56, 61–71, 83.
[125] TNA, E134/39 and 440 Elizabeth/Mich. 37, items 9, 10. [126] SA, LB7/743; LB1/4.
[127] Williams, 'Politics and government', p. 288. [128] SA, LB2/1/16, f. 42.

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'rise of oligarchy' of historiographical orthodoxy.[129] On the contrary, it points to an intense civic politics in which the imperatives of commonwealth – and its historical antecedents – were routinely and authoritatively asserted and defended.

More intriguingly, the experience of Crowther anticipated that of Oliver Cromwell thirty years later. As in Ludlow, the incorporation of Cromwell's home borough of Huntingdon in 1630 demonstrated the complex networks of clientage and friendship that invariably accompanied a successful 'solicitation'. While tied into the network of the Merchant Taylors Company in London, the burgesses were also backed by the Earl of Manchester and his client Mr Bernard: the lawyer who negotiated the transaction and was rewarded with the place of Recorder in the new charter. Although Cromwell initially supported incorporation, he found his place in the town insupportable after 'disgraceful and unseemly speeches' against the new mayor and recorder.[130] These 'speeches' have been interpreted as 'personal' pique rather than 'political' principle: if there was any ideological motivation, it was religious in nature.[131] In fact, there is every indication that Cromwell struck the same democratic position as Crowther. Cromwell, like Crowther, expressed generally held fears from within the ranks of the civic elite that the new regime would tax the use of the common lands; 'dispose of the inheritance of their town lands . . . without the Burgesses'; and fine 'men that might be poor' for refusing civic office. For his pains he was accused, like Crowther, of seeking 'to gain many of the Burgesses against this new corporation' through 'indirect and unfit' methods. Just how 'causeless and ill-grounded' his complaints were is another matter. Although Manchester assured the Privy Council that 'three constitutions' had been drafted to prevent the 'fears of prejudice', it was noted fifty years later that 'most of the arable land [had] been enclosed' and 'the Burgesses cannot make good title for their common'.[132] Indeed, there is every indication that Cromwell recognised oligarchy when he saw it.[133]

Cromwell was out-manoeuvred politically, alienated religiously, and undermined personally by his 'uncivil' outburst against the new corporation. However, he also distinguished between a civic constitution that served 'all things for the public good and wealth' of the town – including the prevention of 'all oppression and extortion whatsoever touching to the impoverishment of the poorer sort of people' – from one that served merely 'private' interests.[134] Most importantly, by 1640 he had secured his freedom in the still democratic,

[129] Based on Tittler, *Reformation and the towns*, Appendix; Halliday, *Dismembering the body politic*, Appendix.
[130] TNA SP16 176, 34.
[131] John Morrill, 'The making of Oliver Cromwell', in J. S. A. Adamson and J. S. Morrill, eds., *Oliver Cromwell and the English Revolution* (Harlow, 1990), pp. 26–31, 33.
[132] HRO, HB28, f. 106. [133] TNA SP16 176, 34. [134] HRO HB28, f. 4.

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if embattled and divisive, borough of Cambridge.[135] It was on this basis that Cromwell represented Cambridge's burgesses in parliament, at once personifying the ideological complexity and interpenetration of England's civic and national polities and raising important issues about the role played by citizens in the 'contestation between Regal and Parliamentary power' that ensued.[136]

'Consistent with the state or no?'

Civic politics in Elizabethan Ludlow and Caroline Huntingdon was replicated across the corporate system, suggesting that, in terms of both theory and practice, a functional concept of oligarchy needs serious qualification. The same is true of its interpretative bedfellows. Certainly the Aristotelian basis of city commonwealths raises questions about a model of 'localism' that reduces urban politics to a 'conservative and defensive' interaction with national events.[137] It also qualifies the imperative of communal 'unanimity', and the exclusion of 'ideology', that purportedly characterised civic decision-making before 1640.[138] While most citizens would have agreed on the importance of the 'public good', there was clearly much less agreement about how to structure it either locally or nationally. This is not to claim that citizens and freemen 'caused' the civil war or that all city commonwealths were inexorably allied to parliament. It is to suggest that the representational presence of city commonwealths in London between 1640 and 1642 meant that propagandists were required to speak their language. Freemen, burgesses, and citizens formed a crucial audience for the war of words between parliament and king, both as conciliar bodies exercising parliamentary representation and as 'middling sort' recipients of the sudden plethora in pamphlets and other printed texts.[139] In this sense, initial support for the 'parliamentary power' can be traced to, and at least partially explained by, the fact that parliamentary propagandists were more adept at talking in ways which citizens and their representatives could understand.[140] There was a degree of resonance between parliamentary and civic rhetoric that the king only achieved relatively (and fatefully) late in the day. Viewed in these terms, the national 'revival of the idiom of mixed government' in the early 1640s – not to mention the moral imperative of 'the public good' that accompanied

[135] Frederic William Maitland and Mary Bateson, eds., *The charters of the borough of Cambridge* (Cambridge, 1901), p. xi.
[136] Henry Parker, *Observations upon some of his Majesties late answers and expresses* (1642), p. 1.
[137] Howell, 'Neutralism', p. 87. [138] Kishlansky, *Parliamentary selection*, pp. 16, 108.
[139] John Walter, *Understanding popular violence in the English revolution: the Colchester plunderers* (Cambridge, 1999), pp. 289–301; Keith Wrightson, '"Sorts of people" in Tudor and Stuart England', in Barry and Brooks, *Middling sort of people*, pp. 45–6.
[140] For suggestive comments see Ann Hughes, 'The king, parliament and the localities during the English civil war', in Cust and Hughes, *The English civil war*, p. 278.

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it – was far from 'banal'.[141] On the contrary, it cut to the heart of civic culture as it had been prescribed, developed, and practised over the previous 100 years.

In conclusion, then, it is worth briefly considering the interplay of national and local ideology in the 1640s and 1650s. It is now well known that one point of linguistic convergence was the 'better sort' within particular communities identifying themselves as the 'middling sort' at the national level.[142] Another feature of parliamentary propaganda in the months preceding war was the appropriation of the 'public good' as an antidote to 'private will' and 'interest'. 'The humble petition of the Lords and Commons in Parliament', published in December 1641, noted that the 'Rights and Privileges of Parliament are the Birth-right and Inheritance not only of themselves, but of the whole kingdom'. Their 'preservation' was essential to 'the public peace and prosperity of your Majesty and all your people'.[143] As 'your greatest and most faithful Counsel', Parliament was crucial in 'procuring and confirming such a confidence and unity betwixt your Majesty and your People'.[144] In 'The remonstrance of the state of the kingdom' that followed, the petitioners reiterated how 'The *Commons* in this present Parliament assembled' had worked with a 'zeal to the public good of the Kingdom, and his Majesties Honour and Service': 'the public peace, safety, and happiness of this realm'.[145] They also explained that '*The Root of all this mischief, We find to be a malignant, and pernicious design, of subverting the Fundamental Laws and Principle of Government*'. These included Jesuits, Bishops, and '*such Counsellors and Courtiers as for private ends have engaged themselves to further the interests of some foreign Princes, or States, to the prejudice of his Majesty and the State at home*'.[146] Listing a catalogue of grievances running to over ten pages, the petitioners claimed to have consistently provided 'for the great necessities and other charges of the Commonwealth'.[147] They concluded with the plea that 'his Majesty may have cause to be in love with good counsel and good men' and acknowledge genuine 'endeavours of the public good' and 'common good of the Island'.[148] 'His Majesties answer', while refuting the accusations in the petition and reproving the petitioners for having their Declaration 'already abroad in Print', nevertheless responded in 'a Parliamentary way'. This merely involved reasserting 'the undoubted right of the Crown of

[141] Mendle, *Dangerous positions*, p. 138. [142] Wrightson, '"Sorts of people"', pp. 44–51.
[143] 'The humble petition of the Lords and Commons in Parliament, concerning his Majesties speech of 14 December 1641', in *An exact collection of all remonstrances, declarations, votes, orders, ordinances, proclamations, petitions, messages, answers, and other remarkable passages between the King's most excellent Majesty and his High Court of Parliament* (1643), A.
[144] Ibid., p. 1.
[145] 'The remonstrance of the state of the kingdom' (1641), in *An exact collection*, p. 3.
[146] Ibid., p. 4. [147] Ibid., p. 17. [148] Ibid., p. 21.

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England to call such person to Our Secret Counsels, to public employment, and Our particular service, as We shall think fit'.[149]

Henry Parker's *Observations upon some of his Majesties late answers and expresses*, published at the outbreak of armed hostilities in July 1642, further accentuated the role of parliament as the national embodiment of public good and in an idiom immediately recognisable to publicly minded citizens. Parker noted that political power, whether regal or aristocratic, was 'nothing else amongst Christians but the Factions and agreements of such and such politic corporations'. Far from '*any special ordinance sent from heaven*', power was 'originally inherent in the people, and it is nothing else but that might and vigour which such and such a society of men contains in it self'.[150] Within monarchies, 'that King is most great and glorious, which hath the most and strongest subjects, and not he which tramples upon the most contemptible vassals': rather than 'impoverishing' their people, they should 'magnify themselves by enfranchising their subjects'.[151] More pressingly, 'it were strange if the people in subjecting it self to command, should aim at anything else but its own good in the first and last place'. It followed that the king's 'dignity was erected to preserve the Commonalty, the Commonalty was not created for his service'.[152] The primacy of the 'public weal' was matched only by the primacy of parliaments in serving it: in 'public consultations, the many eyes of so many choice gentlemen out of all parts, see more than fewer'. This was especially so when 'a few shall act for many, the wise shall consult for the simple, the virtue of all shall redound to some, and the prudence of some shall redound to all'.[153] While this 'admirably composed court' encapsulated the public imperatives of civic aristocracy, monarchical courts were almost by definition private domains subject to unregulated will and interest. 'The wisest of our Kings following their own private advise, or being conducted by their own wills, have mistaken their best subjects, for their greatest enemies.' Charles more than any relied 'upon his own private reason, and counsel', defending his 'secret Court-Counsel', his 'own opinions . . . infused by obscure whisperers'. The Venetians well knew that there was no greater 'bondage' than 'that their Princes will dote upon their own wills, and despise public counsels and laws, in respect of their own private opinions'. It was this 'sting of Monarchy' that concerned Parker above all else. If 'Kings be so [inclined] to follow private advise rather than publique, and to prefer that which closes with their natural impotent ambition . . . then they may destroy their best subjects at pleasure, and all Charters and Laws of public safety are void'.[154] Encased in an overarching sense of *res*publica, this was the vision of Henry Manship writ large: the revenge of Adam Overdo indeed.

[149] 'His Majesties answer to the petition', in *An exact collection*, pp. 22, 24.
[150] Parker, *Observations*, p. 1.
[151] Ibid., p. 2. [152] Ibid., p. 3. [153] Ibid., pp. 11, 15. [154] Ibid., p. 30.

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By this time royalist propagandists Viscount Falkland and Sir John Culpepper were busy contesting the rhetorical high ground of the mixed Aristotelian polity.[155] For many royalist commentators the 'nineteen propositions', published by 'both Houses' on 2 June 1642, moved 'beyond making Charles their equal and had made him their inferior'.[156] It was ordered that 'such matters as concern the public, and are proper for the High Court of Parliament . . . may be debated, resolved and transacted only in Parliament, and not elsewhere'. Likewise 'such other matters of State, as are proper for your Majesty's Privy Council, shall be debated and concluded by such of the Nobility, and others, as shall be chosen for that place, by approbation of both Houses'. The person and household of the monarch was placed under public (parliamentary) control; likewise 'the Forts and Castles of this Kingdom'.[157] However, 'His Majesties answer' had lost the air of outraged bemusement that characterised previous ripostes. The propositions threatened rights 'that as for Our subjects sake . . . are vested in Us, so for their sakes, as well for Our own'. The king was 'resolved not to quit them, nor to subvert, (though in a Parliamentary way) the ancient, equal, happy, well-poised and well-enough commended Constitution of the Government of this Kingdom'. Nor would he 'make Our Self of a King of *England* a Duke of Venice, and this of a Kingdom a Republique'. It was not royal counsellors so much as a parliamentary 'cabal' that threatened the 'Balance' of the mixed polity to which the king was committed: a polity that combined the best of monarchy, aristocracy, and democracy. Sir Thomas Smith could have only concurred with the analysis offered. The 'good of Monarchy is the uniting a Nation under one Head to resist invasion from abroad and insurrection at home: The good of Aristocracy is the Conjunction of Counsel in the ablest persons of a State for the public benefit: The good of Democracy is Liberty, and the Courage and Industry which Liberty begets.'[158] It was this that parliament, not the king, now threatened: a mixed constitutionalism that proved attractive to citizens throughout the Revolution and beyond.

Viewed in these terms, it was local commonwealths – cities and boroughs prominent among them – which effectively linked the classical humanism of the mid-sixteenth century to the re-emergence of mixed constitutional rhetoric in the 1640s. However, this was not the only example of civic sensibilities inflecting and impacting upon national discourse. Equally striking was the close relationship between civic democracy and democratic appropriations of the 'ancient constitution'. From the mid-sixteenth century, civic historians had been prone to place the genesis of their towns – and the forms of association that ideally

[155] Mendle, *Dangerous positions*, p. 6. [156] Ibid., p. 11.
[157] 'The humble petition and advice of both Houses of Parliament, with nineteen propositions, and the conclusion sent unto his Majesty 2 June 1642', in *An exact collection*, pp. 307–10.
[158] 'His Majesties answer to the nineteen propositions', in *An exact collection*, p. 320.

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characterised them – long before the arrival of the Normans.[159] Nathaniel Bacon noted that in Ipswich as elsewhere 'it was the wisdom of our predecessors in those older times, having elected a place of habitation in this place commodious for traffic, to join together by mutual consent in a common pose'. They did so in order 'to maintain the common good and benefit of themselves as members of one body and to exclude such as refused to join with them from the common benefit of freedom'.[160] The same principles informed democratic agitation in Ludlow: weaver John Bradford was by no means unusual in using historical interpretation to justify his democratic outlook.[161] The civil war period enabled a radical convergence of local and national conceptions of the 'ancient constitution'.[162] From Ipswich, for example, Nathaniel Bacon extended his historical particularity into a more systematic formulation of England's democratic antecedents. In his *Historical discourse* of 1647 he outlined the 'beautiful composure' of the 'Saxon commonweal'.[163] This was an era of monarchy that resembled 'more of a democracy', a commonwealth 'mutually dependent in every part from the crown to the clown, the Magistrates being all choice men, and the king the choicest of chosen'. Elections based on 'esteem' and 'merit' 'bred love and mutual trust'; the bond of society was justice 'grounded on the wisdom of the Greeks, and Judicials of Moses'; office was sought only for 'honour and admiration'.[164] In this monarchical republic, the 'liberty of Township' was initially a 'liberty of market' derived from 'common right, and not as a corporation made by common charter; but as they are a multitude of people anciently gathered together and united'.[165] It was on this basis that other civic liberties followed, the 'place and people . . . being of such consequence in the public administration'. The last 600 years represented a prolonged jostling between the interests of commons, lords, and monarch in the light of the Norman Conquest. England was at the end of a period in which democratic antecedents had been appropriated but also assimilated and perpetuated by what Butcher termed the 'fencing and hedging' of 'Princes and Policy'.[166]

An alternative and less forgiving reading of the ancient constitution affirmed that original liberties could only be recovered once the 'Norman yoke' was

[159] Manship, *History of Great Yarmouth*, p. 23; Butcher, *Survey and antiquity*, p. 17.
[160] Bacon, *Annalls of Ipswich*, p. v.
[161] HCRO, HD4/2/17, 1611, Joyce Larkin c. William Sherwood; Andy Wood, 'The place of custom in plebeian political culture: England, 1550–1800', *Social History*, 22, 1, January 1997, pp. 47–8.
[162] Wood, 'The politics of custom', p. 47; J. G. A. Pocock, *The ancient constitution and the feudal law: a study of English historical thought in the seventeenth century* (Cambridge, 1987), pp. 42–3, 46–7.
[163] Nathaniel Bacon, *An historical discourse of the uniformity of the government of England* (1647), pp. 112, 111.
[164] Ibid., p. 112. [165] Ibid., p. 82.
[166] Ibid., pp. 113–20, 135, 161–3; Butcher, *Survey and antiquity*, pp. 19–20.

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undone. John Lilburne was quick to observe that the subsequent grants and charters of the corporate system constituted one particular manifestation of Norman tyranny.[167] It was on the same grounds that the freemen of the city of London challenged the exclusive privilege of Liverymen to elect annually the lord mayor and sheriffs in 1650.[168] The 'several Companies and Societies of the City' responded with an account of the evolution of electoral custom, through various acts, grants, and ordinances, since the reign of Edward III. They argued that, while avoiding the 'continual altercations and often disturbances' of the past, the present system had been 'course and custom' for 'near two hundred years together' and constituted, in turn, an 'ancient right'.[169] However, Lilburne's associate John Wildman, representing the freemen, characterised the same process as 'the imposition of the Governors upon a People without their voluntary Election, importing the prevalence of mere Tyranny and Slavery'.[170] Freemen now desired to have 'the Ancient Right of the Citizens of London restored to them'.[171] The contest over rights was reduced to a forensic and laborious reading of past orders and grants: a battle of interpretation, inference, and extrapolation through which substantive differences over the current nature of civic power were articulated. Such tactics served, however, a political ideology that was very much directed at the present. Liverymen were 'Gentlemen' who, although dispersed across the country, nevertheless 'may choose my Lord Mayor and the Sheriffs . . . and yet live not under their power'. In contrast, 'Freemen of this City pay Scot and Lot, and are bound to assist the chief officers of this city'. As the 'aggregate body' of enfranchised households responsible for the daily governance, profit, and perpetuation of their common wealth, representative power was likewise their right, whether directly or through elected intermediaries. It was this that the democratic origins of city commonwealths proved. For Wildman as for John Bradford before him, reclamation of the past was the only guarantee of present and future freedom. And, like John Bradford, Wildman was accused of 'popularity' for his pains.[172]

However, perhaps the most important and surprising development of the revolutionary era was also the most threatening to city commonwealths: the intellectual and, to some extent, functional realisation of an English 'state'. It was a process encapsulated by the fact that the royalist Thomas Hobbes, Bacon's most gifted protégé, published *Leviathan* to legitimate the parliamentary regime.[173] *Leviathan* outlined in mechanistic terms the ideal of abstract, centralised, and undivided sovereignty: an artificial man that was ideally embodied in the person

[167] John Lilburne, 'A remonstrance of many thousand citizens and other freeborn people of England to their own House of Commons', in Andrew Sharp, ed., *The English Levellers* (Cambridge, 1998), pp. 34–5, 45, 46–7.
[168] *London's liberties* (1683), p. 3. [169] Ibid., pp. 2, 6. [170] Ibid., p. 3.
[171] Ibid., pp. 5, 7. [172] Ibid., p. 30. [173] Hobbes, *Leviathan*, p. ix.

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of the monarch, but which was equally realisable in a governing assembly.[174] Within its orbit, corporations were 'body politics', or 'public' entities, purely because they were 'made by authority from the Sovereign Power of the Commonwealth'. Any other kind of association – including communities 'constituted by subjects among themselves' – were by definition 'private'.[175] Although a product of political contract rather than divine will, it was a conception of sovereignty that, in taking the insights of Bacon to their logical conclusion, left as little room for *civitas* as Carolinian notions of monarchy. Its contiguity with the remarkable preamble to the royal charter of incorporation that Archbishop William Laud procured for the burgesses of his home town of Reading in 1638 illustrates the point. Laud proclaimed that 'in every Monarchy the safety of the people depends upon the Crown and all authority is derived from the Prince'. 'Kings for that purpose are placed on the high throne of Majesty that as fathers of the Country they should protect the people committed to them by the King of Kings refresh with the Dew of their benignity.' Burgesses, 'being invested with our authority and animated with our favour will as is meet cause the Arts to be encouraged'. They will also ensure that 'our peace within the same Borough to be kept the depravity of morals to be corrected by the more severe sword of Justice and suitable rewards to be given to the well deserving'.[176] The formulation veered significantly from the assumption of previous charters that conciliar governance, ideally provided through common council, served the 'public utility and advantage of the said burgesses'. It also elided the principles of contract and trust that informed Thomas Cromwell's 'expediency' in 'empowering' the burgesses a century earlier, instead depicting citizenship as a straightforward extension of sovereign power.[177]

If *Leviathan* discounted the legitimating hand of the 'King of Kings', it nevertheless reflected the transformation of the parliamentary position from a *res*publican sense of public good into precisely the kind of state that had been initially resisted. The handmaiden of this transition was the New Model Army. The language of Captain Adam Baines, erstwhile attorney of Leeds, is a case in point. When the Parliamentary Ordinance of 24 November 1642 was 'enacted to engage the public faith of the kingdom', Baines personally raised a troop of seventy, costing £700, 'for which sum the public faith of this Nation is to be engaged'.[178] Seven years later, Baines and his company of soldiers were contemplating 'the gallant proceedings against Charles Stuart' as the final outcome of their 'public service'. Anticipating *Leviathan*, the military 'friends' and 'cousins' of Baines were emphatic that opinions conflicting with theirs were now no longer public but private, and that 'private opinions are more

[174] Quentin Skinner, 'The state', in Ball et al., *Political innovation*, pp. 90–1, 121.
[175] Hobbes, *Leviathan*, pp. 155–63. [176] Fleetwood Pritchard, *Reading charters*, p. 55.
[177] Ibid., p. 10. [178] BL, Add MS 21417, f. 3.

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dangerous than public'. 'Malignants', 'cavaliers', and the 'disaffected' could 'plot privately': however, they were excluded from legitimate public debate.[179] The 'public' credentials of citizens likewise rested less on city commonwealth and more on their partisan affiliations. Thomas Dickenson, merchant and citizen of York, could remind Baines on 5 January 1649 that 'I have put forwards anything for the public good that was ever in my power and never looked upon as a hindrance to the public'. He 'hoped to make it appear at all times when occasion seems that I have laid of much, lost much for the public and got nothing'. Alderman Thoresby of Leeds likewise thanked his erstwhile neighbour for 'your good affection and special care as of the public so of your native country'. For both citizens, however, there was unease about the course 'the public' had taken in putting the sovereign to trial. Dickenson protested too much when he stressed that 'I desire to be looked upon a friend still and considered as others in my place of trust'. Thoresby warned that 'some with us' in the borough 'storm so exceedingly at your proceedings that they cannot confine their passions to private discourse' and that 'fit men' capable of civic governance 'will be something difficult to find'.[180]

Another friend and correspondent, Anthony Devereux, made the widening gap between civic polities and the revolutionary regime explicit. Raising 'some private queries of my own', he wondered 'whether a corporation be consistent with the state or no?' An advantage could be that it 'close all interests as Independents, Presbyterians or honest moderate persons . . . to the commonwealth for peace and unity sake'. Alternatively, it could 'be odious to Independents, Arms men and all honest men'. Government might be entrusted to 'three Justices at large'; but in a 'populous place', would 'equity' be achieved? Finally there was the problem of inhabitants disaffected to the current regime. Irreconcilable aldermen and legal officers could be removed and 'faction and division' ended through the state-sanctioned institution of religious oligarchy. As Devereux put it, 'choose so many for our Interest as burgesses and common councilmen who may out vote the rest upon a cause of necessity, to serve the state, or in election of the mayor'. That said, if the corporation served to have 'all interests joined' then 'they will be as guards one to another' and so 'less danger to the state'.[181] The Yorkshire gentleman and soldier Marmaduke Lord Langdale echoed the same sentiments two years later on his appointment as Lord Lieutenant of the West Riding. However, he did so from the opposite end of the complex spectrum of partisan allegiances that had proliferated over the last twenty years. Having fought against the 'parliamentary power' during the civil war, his conflation of the 'King's interest' with at once the state and his own party of returning Cavalier exiles replicated the position of the soldiers, saints, and republicans he replaced. The position of citizens remained no less

[179] Ibid., f. 24. [180] Ibid., ff. 29, 252. [181] BL, Add MSS 21427, f. 150.

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vulnerable, Langdale complaining to his old royalist compatriot Sir Edward Nicholas, the new Secretary of State, that York like 'all corporations aim at the absolute government amongst themselves which is not for the Kings interest nor for any that serve under him'.[182] This was little different to Hobbes' contention that corporations were 'many lesser Common-wealths in the bowels of a greater'.

The implications of revolution for citizens and subjects were, therefore, extremely complex. Whether classically republican, radically Protestant, militaristic, or even nominally *res*publican, the regimes of the Interregnum were irresistibly drawn to the power and potential of the state. Moreover, in terms of its military and fiscal 'sinews', the organisation of centralised power was more efficient and successful than its Jacobean and Caroline predecessors could ever dream of. This need not have been detrimental to citizens either in terms of the imperial markets and military muscle that *Leviathan* could provide or the close and constructive relationship that the republic and the corporate system often enjoyed. More worrying was the appropriation of the state by religious partisans, and its implications for those notions of *res*publica and *civitas* that had developed over the previous 150 years. Whatever else revolution achieved, it had pushed the triangle of political identities completely out of shape. In this respect, the 'mixed constitution' – and the 'public good' it served – was eminently more palatable to citizens than Leveller democracy or a military state. The proof of the pudding was Restoration itself, citizens playing a full if wary role in the re-establishment of the 'mixed constitution' – an act that, more than anything, marked the triumph of constitutional royalism as outlined in the summer of 1642. However, a more lasting testimony to England's revolutionary legacy was presented by Nicholas Barbon in his *Apology for the builder*, a pamphlet first published in 1685, at the accession of James to the throne, and republished in 1689 after the Williamite invasion.[183] Barbon systematically disavowed the Aristotelian and Ciceronian assumptions upon which urban citizenship was based. Deploying instead the language of political economy, he justified the unregulated growth of the metropolis on the grounds of manufacture, trade, and progress on the one hand and government and empire on the other.[184] Citizenship implied not the morality and governance of place, person, and conversation so much as the liberty of the subject to trade, inhabit, and consume at will. Its benefits, based on the arithmetic of demography and economics, were scientifically demonstrable. Moreover, under the stewardship of 'such a Martial Prince as now reigns' its potential

[182] TNA SP29 36, 13.

[183] Nicholas Barbon, *An apology for the builder: or a discourse shewing the cause and effects of the increase in building* (1685).

[184] Ibid.; Paul Slack, 'Perceptions of the metropolis in seventeenth-century England', in Burke et al., *Civil histories*, pp. 175–8.

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was to make London 'the Metropolis of the World': the centre of 'an Universal Monarchy over the Seas' that was at once more glorious, profitable, and extensive than 'either Caesar's or Alexander's'. Here was, in effect, *New Atlantis* and *Leviathan* writ large: a template of imperial, economic, and political expansion that, after 1688, was rapidly realised by the eighteenth-century 'fiscal military state'.[185]

[185] John Brewer, *The sinews of power: war, money and the English state 1688–1783* (London, 1989).

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