Conflicts and Loyalties: the Parliaments of Elizabeth I

R.E. Foster

R. E. Foster surveys the changing interpretations and introduces the key facts.

Introduction

‘During the time of the Tudors, especially in the reigns of Henry VIII and Elizabeth, the power of parliament had been much lessened.’ So wrote H. E. Marshall in Our Island Story, a child’s history of Britain which first appeared in 1905. Her comments reflected an historical orthodoxy that purported to identify a Tudor despotism. By the time her book was reprinted in 1953, however, this interpretation had been overthrown. The chief exponent of the new orthodoxy was Sir John Neale. For Neale, the reign of Elizabeth was one in which the House of Commons contested with the crown for political supremacy. The vanguard of this unprecedented parliamentary opposition was provided by a group of some 43 puritan MPs whom he named the ‘choir’. Elizabeth’s acumen averted catastrophe, he argued, but within two generations of her death the crown-parliament battles became a full blown civil war.

Yet by the late 1980s Neale’s views were as discredited as those of the Tudor despot school he had demolished. The main catalyst was provided by scholars who challenged the idea of parliament’s centrality in causing the civil war. A re-examination of Elizabeth’s parliaments was a natural corollary. The lead in this ‘revisionism’ was taken by a former Neale pupil, Professor Sir Geoffrey Elton. I can well remember sitting amongst an audience of sixth-formers and undergraduates whilst he lambasted what he saw as the inappropriateness of the evolutionary metaphor as applied to an institution such as parliament. In his written works he insisted that parliaments should be seen as they were, not interpreted to fit into some larger unfolding story of constitutional advance. Neale’s ‘choir’ was exposed as a fiction. Far from being an independent, organised opposition, at least 12 of its number were actually closely connected to members of the Queen’s privy council and were attempting to carry out its bidding. Parliament, Elton concluded, was a mostly tame and cooperative junior partner in the Tudor governmental process.

The revisionists’ views have not gone unchallenged, not least by some of Elton’s own former pupils such as John Guy; and some of Neale’s, most notably Patrick Collinson. Where, then, does the history of Elizabethan parliaments currently stand?

The When and Why

Parliament, in the modern sense as a permanent body, has existed only since the late seventeenth century. In Elizabethan England there were parliaments (plural). They were infrequent. In 1509-1603 there were 43 years during which parliaments were not called at all, and 26 of these occurred during Elizabeth’s reign. When parliaments did meet, moreover, they were short-lived. The ten parliaments (thirteen sessions) of her reign lasted only 126 weeks in total, or 5.5 per cent of her long reign. If length of
sitting is the criterion by which we judge parliament’s importance, we could only conclude that, compared to the late medieval period (there were only 42 years in 1327-1485 when parliament was not summoned), the institution was in decline.

This prompts the obvious question of why parliaments met at all. Partly it was convention: parliaments were traditionally held at the start of a reign. Law-making was also a recognised function. In this respect parliament’s importance was growing before Elizabeth’s accession, for Henry VIII had turned to it as an ally in his reformation of the 1530s. Less obviously, parliament was a point of contact between monarch and ruled, providing a platform from which to explain royal policies and also an opportunity for the political nation to make its views known to the crown.

Above all else, as inflation and land sales eroded the crown’s income from the royal estate, parliaments were necessary as a source of revenue. By convention, parliament endorsed the crown’s right to collect customs duties for life at the start of each reign. Since the mid-14th century it had also been recognised that the Commons took the lead in sanctioning the collection of subsidies for extraordinary purposes, usually the waging of war. It was only in the 1572 parliament that a subsidy was not requested.

Elizabeth’s reign did mark something of a departure in the use of subsidies. Her councillors increasingly argued that the threat of war, as opposed to its actuality, justified requests for one. Novel as this was, this did not provoke resistance on constitutional grounds. Disquiet was expressed rather in the form of grumbling about the sums requested. This was understandable: ten subsidies were voted between 1593 and 1601 compared to the nine in over three decades previously. But parliament never used the threat of withholding subsidies as a bargaining counter. They were granted loyally, if somewhat begrudgingly.

Elizabeth was hardly fond of parliaments. She was only partly telling the truth when she said that she desired short sessions for the ease of Members. But this does not mean that there was serious conflict between her and those who wanted longer and more frequent parliaments. Infrequent parliaments reflected stability; there were 28 sessions in the turbulent 30 years before she ascended the throne. Sir Thomas Smith was speaking from experience when he wrote rhetorically in 1569: ‘What can a commonwealth desire more than peace, liberty, quietness, little taking of base money, few parliaments?’

One must also see parliament in the broader perspective of the Tudor regime. Students too often equate parliament with government. It was Elizabeth who governed with the advice of her council. There was no collective responsibility in the modern sense. Councillors were appointed by, and answerable to, her. Parliament was not necessary to the survival of her government; nor did it have any say in the choice of the Queen’s advisers. Impeachment, which had been significant in the 14th century, lapsed from 1450 and did not reoccur until 1621. Parliaments met at her behest and for as long as she wished. They were useful for passing laws, but Elizabeth happily proceeded between parliaments by means of proclamations. At least 382 were issued during her reign.

Tudor England was a one party state. Parliaments, to use a modern analogy, were rather like its party conference. They were gatherings of loyalists, who though
occasionally querulous, tended to rally behind the leadership. Any chances of a Tudor despotism being established, however, were negated by the fact that Elizabeth’s wishes could only be executed by an amateur and unpaid system of local government consisting of gentlemen acting as justices of the peace. In this overall structure, parliaments played a secondary because irregular and impermanent part.

The Who and Where

Parliament met at Westminster Palace: the Lords in the parliament house, the Commons in St. Stephen’s Chapel. The latter meeting place had been acquired less than a decade before Elizabeth’s accession, in succession to the chapter house of Westminster Abbey. This fact of the Lords being longer established has been cited by revisionists as evidence of the continuing importance of the upper house. As the manoeuvrings over the church settlement in 1559 demonstrated (see History Review, no. 54), they were not always prepared simply to do the royal bidding, but their propensity to independence can easily be exaggerated.

Before the 1530s members of the Lords had numbered roughly 100. The end of the monasteries, however, saw the removal of the senior abbots, bringing the number down to about 75. Roughly a third of this number consisted of the archbishops and bishops. Since all but one of the Marian bishops were deprived in 1559, Elizabeth was able to effect wholesale replacements. She never got the same opportunity with the lay peers, whose numbers fluctuated between 55 and 62, but they became very much her Lords for she created ten new titles and restored eight old ones. Perhaps two-thirds of the Lords in her later parliaments, therefore, owed their seat there directly to her. With religious soul-mates such as Archbishop Whitgift, and political confidantes such as Burghley giving the lead, there was no real prospect that the House would prove difficult to manage.

The manageability of the Commons has also struck recent historians as its salient characteristic. Its presiding officer, the Speaker, though elected each parliament by the House itself, was invariably a crown nominee. Around him sat a handful of privy councillor MPs. The indefatigable William Cecil sat there before 1571. On his elevation to the Lords he continued to exercise influence over the House by use of ‘men of business’, Members who effectively acted as his eyes and ears and of whom Thomas Norton is the best documented example. Members of the government were also able to influence the composition of the House to some extent. In the 1601 parliament, Burghley’s son, Robert Cecil, controlled up to 31 MPs, including six who were either his secretaries or servants. Key figures such as the Cecils inevitably had an advantage over ordinary MPs, two-thirds of whom sat in only one parliament and fewer than ten per cent of whom were regular speakers. Perhaps the lack of opportunity to contribute accounts for the ongoing problem of poor attendance. In the 1601 parliament, one of the more excitable of the reign, the average attendance was only 44 per cent.

This information is a valuable corrective to the notion that the Commons was an independent body. That said, it was changing in Elizabeth’s reign, perhaps becoming less malleable as the Lords became more so. Quantitatively, the House grew from 398 Members in 1558 to 460 by 1603, and the larger an assembly the less controllable it is likely to be. Qualitatively, the educational standard amongst MPs was rising too. In
the parliament of 1563 roughly a third of the members had either attended university or one of the inns of court; by 1593 the corresponding figure was 54 per cent. Even prominent men of business, supposedly clients of councillors, had their own minds. In 1581 Thomas Norton got himself sent to the Tower for his comments against the proposed Anjou marriage - hardly the place to be of much service to his patron Burghley!

Moreover, even if roughly a fifth of members did owe their return to patrons, the patrons were not always of one mind: the excitability of the 1590s parliaments was partly the result of the rivalry between Robert Cecil and the Earl of Essex overspilling into the Commons. In the later parliaments too, it does seem as if there was a contest of sorts to determine the representation for about half of the 90 county seats. In these, as in others, Professor Collinson has suggested that puritans may have collaborated in an attempt to return sympathetic members. This made for a House that was sometimes more than a lamb, if not yet a lion.

Privileges and Prerogatives

In histories of the Commons, much attention has been devoted to what were in reality the rare occasions when some Members raised the general question of their privileges. Two elements stand out: the right of the House to regulate the conduct of its members and free speech. On the first point, there was more consensus than controversy. In Ferrers’ case of 1542 the Commons had shown it could act to prevent the arrest of a Member when the House was in session. In 1571 Elizabeth clearly breached this in ordering William Strickland to stay away for daring to move a Bill proposing reform of the 1559 prayer book. The resulting furore led to the order being countermanded. When Peter Wentworth was sent to the Tower in 1587 she and the council were careful to base their case on Wentworth’s extra-parliamentary activities. Criticism from Members was correspondingly muted.

It was Peter Wentworth too who was foremost in raising the issue of free speech. This was recognised as being essential if the Commons was to deliberate effectively. But it was also clearly understood that the freedom did not encompass incivilities, particularly towards the crown. It was for breach of this rule that the House itself, not Elizabeth, sent Wentworth to the Tower in 1576 following his outburst about two things do great hurt in this place … The one is a rumour that runneth about the House, and this it is ‘Take heed what you do; the Queen’s Majesty liketh not such a matter; whose prefereth it, she will be offended with him’ … The other: sometimes a message is brought into the House, either of commanding or inhibiting, very injurious to the freedom of speech and consultation.

Wentworth nevertheless had a valid point in his protest about royal ‘messages’. Elizabeth was breaking new ground in attempting to prohibit discussion of matters which she regarded as her prerogative. Dr Bennet, MP for York, cautioned that ‘He that will go about to debate her majesty’s prerogative royal must walk warily’. According to Elizabeth, the royal prerogative included her marriage, the succession, foreign policy and religion. Whilst she had a point, the lines were considerably more blurred than she would admit.
Prerogative matters had traditionally included foreign policy, even if in practice parliamentary consent might be required to finance the policy pursued. The other areas she claimed for herself, though, were greyer still. Henry VIII, for example, had used parliament to reinforce his plans for the succession. Religion meanwhile had entered uncharted territory from the 1530s onwards. Parliament had declared – rather than made – Henry VIII Supreme Head of the English church in 1534, but it was parliamentary statute which had enacted the Edwardian Reformation and parliament again which had reversed a whole generation of religious change in Mary’s reign. More obviously still, parliament had been instrumental in creating Elizabeth’s church settlement in 1559. The Act of Supremacy gave her ‘full power and authority … to visit, reform, redress, order, correct and amend all such errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever’. Taken literally, Elizabeth might have argued that this indeed gave her sole right to determine church affairs without parliamentary interference. But if parliament conferred such power, parliament could abrogate it. She thus continued to base her claims to sole jurisdiction over church matters on her prerogative. Here were the germs of a constitutional conflict about the very nature of sovereign power: did it lie with the crown acting alone or on the basis of the crown in parliament?

The Business of Parliaments

The research of the past generation has undoubtedly provided us with a more rounded picture of the work of parliament. Neale’s two volume history touched on only 50 Acts, but in fact there are some 930 bills known to have been introduced, and of these 433 made it to the statute book – on average just over 30 per session. Most began life in the Commons and went through a settled procedure. Some historians have claimed that the Commons was inefficient. In 1593, for example, 73 per cent of the Bills introduced in the Lords were enacted compared with only 30 per cent in the Commons. But it could be that the Commons was an increasingly popular and more logical starting point for legislation and that it was simply overwhelmed by the volume of business proposed. The 1572 parliament, for example, met for approximately 150 hours in total, and half the time was given over to discussing the fate of Mary Stuart and the Duke of Norfolk. Even so, 11 Bills were passed and up to 70 considered. What parliament needed was what the Queen was loath to allow – longer sessions.

A good deal of the significant business discharged in parliaments concerned social and economic questions. Here was an institution responding to ills in an ad hoc fashion. Noteworthy is the 1563 Statute of Artificers, which attempted to legislate on the giving or receiving of excessive wages in the wake of substantial depopulation during the 1550s. The alleged evils of enclosure were also a frequent target for legislation. A more recent but growing concern was poverty: the reign culminated with the great consolidating Poor Law Acts of 1598 and 1601.

The final two parliaments of the reign also concerned themselves with monopolies. These were licences granted by royal prerogative which allowed the recipient to trade in specific goods at prices fixed by them. For Elizabeth, the practice yielded useful revenue but her subjects’ view of monopolists was forcibly expressed by the Member who described them as ‘bloodsuckers of the commonwealth’. In the face of such round condemnation - which again raised the issue of the relationship of statute law to
the royal prerogative - Elizabeth cancelled 12, including those on salt, vinegar and brushes.

Such controversies, however, were untypical. About 40 per cent of the Acts passed each session were local in nature or concerned the rights of an individual. Arguments were more likely to arise over the order of business rather than the business itself. The controlling influence of the Speaker and privy council MPs meant that royal business took priority. Thereafter much depended upon the strength of a local lobby - the City of London was an important one, the city having four MPs - or the ability to influence the key figures. The Commons’ Clerk and the Speaker were regular recipients of gifts. Even the crown itself could be brought into play in this legislative game through use of the veto. In most instances when it was exercised - up to 56 of the 66 occasions - Elizabeth was, to use modern parlance, being used as an access point in the system by those who had failed to stop something elsewhere. In 1597 for example, she vetoed a Bill to regulate baize-making in Essex and Suffolk. It is difficult to imagine that any great personal or constitutional issue was at stake.

Conclusions: Reinstating the Politics

There will never be agreement as to the precise role and importance of parliaments in Elizabethan England. The reason is substantially evidential. Private diaries are sparse for much of the reign. One reason why the 1590s seem more heated may be that Hayward Townend MP wrote an account of the last four parliaments. This is a far cry from today’s intensive media coverage of parliamentary affairs.

At present, it can be said that the revisionists have performed an important service in helping us to understand complexities in the workings of parliament whilst giving full attention to areas of its work earlier twentieth-century historians neglected. The danger is that, in so doing, they have downplayed the significance of the political debates which they accused their predecessors of exaggerating. Heated debates do not have to be frequent, let alone the norm, in order to be significant. Perhaps, therefore, it is time to reinstate the politics in the history of Elizabethan parliaments.

Remembering the context in which the parliaments met is vital to this process. To view Elizabeth’s reign as some general golden era is to adopt the judgement of posterity. Those at the head of affairs could be forgiven for thinking that they were living through years of semi-permanent crisis in which great fundamental issues were at stake. All this was faithfully reflected in the parliaments: for example, the church settlement (1559), the Queen’s marriage and the succession (1563-7), religious reform (1571), Mary Stuart (1572, 1586-7), the catholic mission and anti-catholic legislation (1581) and war with Spain (1589, 1593). It was inevitable that such issues generated debate and disagreement.

But what sort of disagreement? Neale spoke of ‘opposition’. That is too strong and loaded a word. I would venture ‘tension’ as a more illuminating term. This tension was sometimes the product of substantial differences, for instance about the desirability or pace of further reform in the church or the use of monopolies. More commonly, though, it was tension born of frustration, particularly over Elizabeth’s failure to act decisively with respect to Mary Stuart or the succession. For her part Elizabeth was mindful of provoking international action against England or of
creating a reversionary interest. There was much to be said for inaction. But in the event of Elizabeth’s untimely death, procrastination might prove fatal for the realm. At stake was the very survival of protestant England. The tension, in other words, was generated by MPs’ strength of loyalty towards the state, not from a desire to share in the government. Peter Wentworth for once did speak for all when he said with respect to the succession that, ‘It importeth more than all the members’ heads and ten thousand more be worth.’

In face of such fears and anxieties, Neale’s conclusion of over half a century ago, that these preoccupations ‘hurried on the growth of the house of commons as a hot-house hastens the growth of a plant’, does not seem so very unreasonable.

**Issues to Debate**

How important a part did parliament play in the government of Tudor England?

What are the pros and cons of comparing Elizabethan parliaments with their modern equivalent?

Why have views on this topic changed so much and aroused such heated debate?

Dr R. E. Foster is Head of History at Hampshire Collegiate School.

**The Parliaments**

1. January-May 1559 (dissolved)
2. 12 January-10 April 1563 (prorogued); 30 September 1566-2 January 1567 (dissolved)
3. 2 April-29 May 1571 (dissolved)
4. 8 May-30 June 1572 (prorogued); 8 February-15 March 1576 (prorogued); 16 January-18 March 1581 (dissolved)
5. 23 November 1584-29 March 1585 (dissolved)
6. 29 October 1586-23 March 1587 (dissolved)
7. 4 February-29 March 1589 (dissolved)
8. 19 February-10 April 1593 (dissolved)
9. 24 October 1597-9 February 1598 (dissolved)
10. 27 October-19 December 1601 (dissolved)

Further reading:

- Christopher Haigh, *Elizabeth I* (Longman, 1988)
- J. E. Neale, *Elizabeth I and Her Parliaments* (Jonathan Cape, 2 vols, 1953-7)