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DANBY'S MEASURES

*A Study in the Management of Parliament**

A discussion will be offered here of a single event in English history, namely the phenomenon known as the management of parliament orchestrated by the Earl of Danby¹ in the context of Restoration England. In relation to this, I will pose two questions. Firstly, what did that phenomenon involve? Secondly, what import would it assume in the context of Restoration England? In addition I will also ask the possible significance this phenomenon may assume in the history of parliamentarism.

As to why this phenomenon should merit attention it may be said that in his efforts at the management of parliament Danby resorted to methods which in a more sophisticated form were to play a major role during Walpole's long ascendancy as Prime Minister of Britain in the years 1721-1742. This period of rule has been known to posterity mainly as an exceptionally arbitrary regime by reason of

* An earlier version of this article was presented in December 2002 at the conference *Democracy and the Modi of Voting*, University of Jyväskylä, Finland. For comments I thank especially professor Hubertus Buchstein and professor Kari Palonen. I would also like to thank the anonymous referee as well as Kauko Pietilä and Tarja Seppä for their comments on my article. For language correction I thank Robert MacGilleon.

Walpole's use of corruption in the form of offices, pensions and other favours as means of control.² In this perspective Danby may be said to assume the role of predecessor to this exceptionally arbitrary mode of government.³

There is, however, a further aspect involved. It may namely be said that Walpole's period in power assumes special importance as regards the history of the parliamentary mode of using state power. If that mode of government is not only seen to consist in specific ways of organising the use of state power but is also understood to bear testimony to the very *political* nature of that exercise, then Walpole's ascendancy assumes a specific burden: it may be seen to constitute the first practical emanation of that very political mode of using state power.⁴ If this line of approach is adopted then Danby's measures may also assume an additional import: in one way or another they may also possess some significance for parliamentarism in its political aspect, referring i.e. to such ideas which highlight, among other things, the very man-made nature of human institutions in the way *Locke* defines it in his doctrine of political power in the *Second Treatise*.⁵

The plan of the present paper is the following: in the coming section I will briefly describe Danby's main measures in the management of parliament. I will then move on to outline the contours of the context in relation to which an assessment of his policies will be undertaken here. In this part of the study the bulk of the article addresses different understandings of monarchy in the context of Restoration England. In the final chapter I will propose several meanings attributable to Danby's measures, some of them also pinpointing to the direction in which his measures may possibly assume some significance in the history of parliamentarism in its political aspect.

Danby's Measures: the Management of Parliament

The public career of the Earl of Danby covers a long period of time in English history, breaking up roughly into two distinct periods. The first of these covers Restoration England, while the second is

related to events associated with the Glorious Revolution. Danby's actions are here under consideration only as regards the first-mentioned era;⁶ he appears as one of Charles II's prime ministers⁷ during the years 1673-1678, and here a further limitation is made: in focus in this chapter are only the major methods used in his efforts to maintain control of parliament.

By the notion 'management of parliament' reference is made to a phenomenon of great importance as regards the exercise of state power in the context of seventeenth-century England; what is involved is an effort to control the power potential of the English Parliament. This Danby aspired to accomplish during his ascendancy by creating an "artificial co-operation of Crown and Parliament".⁸ Means instrumental to this purpose comprised secret service money, loaves and fishes of office, and pensions allocated to members of Parliament sympathetic to government policies.⁹ As Morrill has emphasised, it was not a question of buying consciences of members but simply of the buying of their attendance in sessions of Parliament and their readiness to vote in a manner propitious to the wishes of the government.¹⁰

Other methods were also used to Danby's purpose. In the constituencies he aspired to secure a more solid power base for his rule by remodelling recalcitrant town corporations and their franchises.¹¹ To the purpose were also the government's efforts more directly to exercise influence in by-elections to the prolonged Cavalier Parliament from 1661-1679.¹² Recalcitrant members of Parliament or men of otherwise notable position were also influenced on a more personal level: offices not given for life¹³ were in some cases returned whereas persons sympathetic to the government were rewarded to the chagrin of those left without.

These methods already provoked the contemporaries to react with severe criticism.¹⁴ A telling testimony to this effect are the articles of impeachment against Danby.¹⁵ They in fact number six, but only two of them need be taken into account here. The first would only seem to reiterate the viewpoints set out above.¹⁶ Article II, in contrast, conveys a description of Danby's exercise of state power and culminates in the shocking conclusion that

he hath traitorously endeavoured to subvert the ancient and well-established form of government in this kingdom, and instead thereof to introduce an arbitrary and tyrannical way of government (...).¹⁷

Danby's methods did thus indeed provoke criticism in Restoration England!¹⁸

A Regulated Monarchy

The Restoration period in English history was decisively defined by three closely interlinked experiences. The first was the memory of the Civil War and especially of the Regicide. This latter aspect was of particular importance in its implication that

kings were answerable for their conduct, that they would be disciplined, and that there was within the constitutional structure of the civil society a legitimate, institutional means for calling them to account. In extreme cases, that means included the execution of a king and the abolition of the monarchy itself.¹⁹

It may be said that this memory marked the end of one monarchical culture and practice.²⁰

The second aspect was a testimony to the apparent failure of the republican experiment.²¹ As Morrill writes, it had caused Englishmen to lose faith in paper constitutions and overmighty parliaments.²² Morrill also notes that the assumption that to increase the power of both Houses of Parliament would be the proper way to "restrain untrustworthy kings" was shaken by parliamentary tyranny.²³ In the context of these two experiences the third aspect, at the dawn of Restoration, was more than apparent: the insecurity of the foreseeable future as to how Englishmen would successfully govern themselves without again succumbing to the horrors of tyranny. It was in the midst of these experiences that the monarchy was restored in England in the years 1660-1662.

The Restoration Settlement comprised three elements: the repeal of all legislation of 1641-42 but that assented to by Charles I, the enactment of new legislation and the undertakings given in the Dec-

laration of Breda.²⁴ As regards the first aspect two exceptions were made: the statute excluding bishops from the House of Lords and the Triennial Act were repealed.²⁵ The reform legislation of 1641-42 was completed²⁶ and otherwise left intact. The new legislation in question was twofold. Firstly, it consisted of laws designed to protect and further strengthen the monarchy.²⁷ Secondly, it included the important statute whereby the command of the armed forces was vested in the king.²⁸ This paucity of new legislation reflected the "unconditional"²⁹ restoration of Charles II.

The restored monarchy did not, however, signify a return to royal absolutism and to this the *Declaration of Breda* is a telling testimony. It opens with the king's solemn appeal, directed to all, for an awakening to a "desire and longing that those wounds which have so many years together been kept bleeding, may be bound up".³⁰ The document further manifests that the king finds it "his duty to declare how much we desire to contribute thereunto".³¹ To the same effect it continues

nor do we desire more to enjoy what is ours, than that all our subjects may enjoy what by law is theirs, by a full and entire administration of justice throughout the land, and by extending our mercy where it is wanted and deserved.³²

These declarations may be found to be no more than noble sentiments, but it may also be asked what would have been more in keeping with the hopes of Englishmen against the background of memories of unlawful actions committed during the preceding two decades than declarations at least pinpointing a direction of security of rights in the future.³³ In this latter perspective the document was also more concrete, and this in a matter of the utmost importance, namely religion. That there prevailed "several opinions in religion" was envisaged as the very product of the "passion and uncharitableness of the times".³⁴ And as regards the future in religious matters it not only declared "a liberty to tender consciences" but expressed the readiness of the Monarch not to solve differences at his own discretion but to be "ready to consent to such an Act of Parliament, as, upon mature deliberation, shall be offered to us, for the full granting that indulgence".³⁵

Note should also be taken of the fact that in the document the king's readiness to consent was not limited to matters of religion.³⁶

In all of these respects, general and more concrete, the *Declaration of Breda* reflects a monarchy far different from that which may best be characterised as absolute. The monarchy it reflects is of the kind the *Answer to the Nineteen Propositions* had conveyed in 1642.³⁷ It was so in the expressed readiness of the Monarch to 'consent' to legislation to be passed by Parliament. Precisely in this respect it conveyed one of the most basic statements of the *Answer*, namely that to the effect that in England the monarch was but one *estate* beside the Lords temporal and the Commons and that they would *share* in the government of England.³⁸

This latter component in the *Answer* advances more fully in two steps: in respect of legislation it establishes that "the laws are jointly made by a king, by a house of peers, and by a House of Commons chosen by the people, all having free votes and particular privileges".³⁹ As regards government it may be found that the document defines it as "entrusted" to the king, but a notable specification is also made here:⁴⁰ it is a question of government "according to these laws", i.e. laws "jointly made" by the King and both Houses of Parliament.⁴¹ To such a monarchy the document attributes an important definition: "regulated monarchy".⁴² It may now be said that it was basically to this kind of *regulated monarchy* that Restoration England made a return at its very inception; the *Declaration of Breda* manifests one of its possible realisations.

The Drive towards Comprehension

In the perspective of the *Declaration of Breda* Charles II was bound to follow a definite line of policy making for *religious and political comprehension*. In relation to the latter aspect, it would also comprise his and his father's former enemies as the *Declaration of Breda* had it:

Let all our loving subjects, how faulty soever, rely upon the word of a King solemnly given by this present declaration, that no crime whatsoever, committed against us or our royal father before the publication of this, shall ever rise in judgement, or be brought, in question, against any

of them, to the least endamagement of them, either in their lives, liberties or estates or (as far forth as lies in our power) so much as to the prejudice of their reputations, by any reproach or term of distinction from the rest of our best subjects.⁴³

Only those would be excluded from indulgence "as shall hereafter be excepted by Parliament".⁴⁴ These statements implied acceptance of the "fact of the Restoration"⁴⁵ as the proper prerequisite for comprehension. Favour, reward and office would be within the reach of almost each and every one regardless of the possible faults or even crimes committed against the Royal cause during the preceding twenty years.

In relation to religion Charles' commitment to comprehension was equally clearly expressed: "no man shall be disquieted or called in question for differences of opinion in matter of religion".⁴⁶ Also in this aspect limits to indulgence were nonetheless clearly set; the *Declaration of Breda* continues with this specification: "which do not disturb the peace of the Kingdom".⁴⁷

To accomplish his chosen policy the monarch was equipped with the efficient powers returned to him in the Restoration; of particular importance was that ministers and officers of state would be of his choosing and that the repeal⁴⁸ of the Triennial Act in 1664 further consolidated his power in that the move "removed any lawful means of ensuring regular elections".⁴⁹ Notwithstanding this he was, as every king would be in a regulated monarchy, dependent on the consent of Parliament. In this perspective the right to choose his ministers and officers of state was but a prerequisite for efficient rule, the practical efficacy of which would prove itself in the varying constellations of power. It was thus no a great surprise that the accomplishment of comprehension proved no easy task.

The king's readiness for comprehension towards his and his father's enemies, however, carried remarkable success. The *Act of Indemnity and Oblivion*⁵⁰ passed by parliament in 1660 restricted the set of men to be excepted from comprehension to a minimum,⁵¹ and likewise important was that a period of three years was launched allowing men implicated, by speech or writing, to reflect on their conduct during the past twenty years.⁵² Equally successfully manifested was Charles' readiness for a political comprehension with

those whose commitment to the Restoration was, if anything, at least involuntary.

It appears from Morrill's analysis, namely, that almost half of the privy councillors in 1660-61 were enemies to Charles I's father; the majority of the civil servants of the 1650s were allowed to retain their offices; the same applied, though to a lesser degree, to positions in the Restoration Army and Navy. Further to the point was that "(a)bout thirty per cent of all JPs had served under the Protectorate; and a further thirty per cent had identified to some extent with the parliamentary cause in the 1640s, while distancing themselves from the Interregnum".⁵³ As regards those with a royalist background it may be said that those who had actively supported the cause of Charles II's father by going into exile did less well in matters of office than those who had stayed at home.⁵⁴ What was manifested e.g. in these respects was twofold in its burden: on the surface they betrayed the fact that the king favoured more his enemies than friends.⁵⁵ A more profound implication, however, was that they bore testimony to political comprehension in the form of the king's readiness to allow a share in power to all accepting the fact of Restoration regardless of their commitments during the two preceding reigns.⁵⁶

In matters of religion differences emerged already before the Restoration settlement. Among Royalists and moderate Parliamentarians there prevailed a general consistency of views: the Church should be established on a model more uniform than what had been the case in the 1650s.⁵⁷ In this context Charles' actions even in the early months of his reign testified to a firm commitment to comprehension in the direction of indulgence. Against this background of different views and the necessity of the consent of Parliament, the religious settlement of the Restoration proved unfavourable to the king's aspirations.

The *Act of Unanimity*⁵⁸ of 1662 imposed a narrow Anglicanism allowing no concessions to the Puritans in matters of worship or episcopacy.⁵⁹ Nonconformist worship was subjected to severe punishments.⁶⁰ Charles' further attempts in the direction of toleration were defeated by the Cavalier Parliament established in the elections of 1661.⁶¹ This took place not only in 1660 and 1662 but subsequently in 1663, in 1668 and in 1672.⁶² This sequence of frustrations of Charles' aspirations proved disastrous not only in matters of

religion but more broadly as well: the king's drive for comprehension collapsed and as a result a new era was launched in the context of the Restoration. Charles' appointment of Danby as his prime minister signalled the king's surrender to 'his (Anglican, T. T.) friends'⁶³.

The Anglican Establishment in Power

In frustrating the monarch's drive for religious comprehension the Cavalier Parliament, dominated by an Anglican lay and spiritual establishment, had achieved a great deal more besides. As Pocock and Schochet write, they secured the Anglican domination of the English state "from top to bottom".⁶⁴ Basically this was a consequence of the implications of the *Corporation Act* (1661) and the *Act of Uniformity* (1662), forming now, in the context emanating from the king's loss of hope of religious comprehension, the religious settlement of Restoration England.

In the very generality of their tone these documents bore witness to aspirations different from those of the *Declaration of Breda*. Whereas that document had deemed the "passion and uncharitableness of the times" to be the very reason for diversity in religious opinions, the *Act of Uniformity* placed sole responsibility on men themselves: diversity in religious opinions was a consequence of men's "following their own sensuality and living without knowledge and due fear of God".⁶⁵ In this spirit the *Act of Uniformity* manifested a drive not for inclusion but exclusion. In the words of the *Declaration of Breda*, it may be said that it reflected a drive towards "disquieting and calling in question of differences in matters of religion".

In the perspective of this change in tone, the nomination in 1673 of Danby as prime minister, signalling the king's final surrender to 'his friends', entailed much indeed. It may be said that in the English state of the 1670s it activated to the full a *mechanism* making for the exclusion implied in the *Corporation Act*. Its composition was three-fold; the first element stipulated that

all persons who upon 24 December, 1661, shall be mayor, aldermen, recorders, bailiffs, town clerks, common councilmen and other person

then bearing any office or offices of magistracy, or places or trusts or other employment relating to or concerning the government of the said respective cities, corporations and boroughs and cinque ports and their members and other port towns, shall at any time before 25 March 1663 (...) take the Oaths of Allegiance and Supremacy (...).⁶⁶

The second aspect of the mechanism made apparent what would happen to those failing to take the said oaths: they should be “removed and displaced of and from the said offices and places respectively (...)”.⁶⁷ The third had the following burden:

And nevertheless be it enacted ... that the said commissioners or any five or more of them shall have full power by virtue of this Act by order and warrant under their hands and seals to displace or remove any of the persons aforesaid from the said respective offices ... if the said commissioners or the major part of them then present shall deem it expedient for the public safety, although such persons have taken and subscribed or be willing to take and subscribe the said oaths and declaration.⁶⁸

This enactment rendered the mechanism extremely efficacious; persons in positions specified in the first component in the mechanism were, in the end, removable from their offices irrespective of their willingness to take the *Oaths of Allegiance and Supremacy*. They were removable if it were deemed “expedient”. In the context of the king’s surrender to ‘his friends’ it made manifest how the ‘mechanism’ provided the Anglican establishment, now firmly in power in government as well as in Parliament, with means freely and aggressively to advance its temporal interests and power.⁶⁹ It accomplished this in making the position of a considerable number of people vulnerable in the extreme.

Especially vulnerable were now those having either kept or risen to their positions as a sign of the king’s now collapsed policy of comprehension. This included all those in office having served the Commonwealth or Protectorate or possessing a position regardless of less telling proofs of personal commitment to the Royalist cause. Both groups of men had now to countenance the fact of the vulnerability of their positions because there was no more comprehension towards their doings or behaviour in the past, present or, for that matter,

foreseeable future. In addition, there was no longer any guarantee of comprehension; after Charles' surrender to 'his friends', the king's policy, conducted by ministers and officials of his choosing, had a different burden. It was now dictated by the Anglican establishment headed by Danby in the government.

In this context little need be said of those who at the dawn of the Restoration had resorted to the possibility to clarify their past, either in speech or writing. By these very acts, if for no other reason, these men had implicated themselves in possible threats to the public safety in the state. A third group of persons, however, must be singled out more carefully. It is a question of men with Anglican attitudes but whose commitment towards the adopted line of policy was, in one way or another, open to suspicion. This was so for two reasons: on the one hand there was an alternative line of policy to the adopted one residing in the memories of attempts at comprehension. However, this alternative was important because, and on the other hand, unity in government had now to be esteemed more than ever before; public safety in the state was now a matter of highest priority in the government's policies, whereas previous to this there had been inconsistencies and irregularities in this respect.⁷⁰

A further dimension to the strength of the mechanism was lent by the king's decision to allow Danby an "exceptional degree of control over the king's patronage".⁷¹ The implication of this was that the vulnerability of positions also reached the highest echelons in the exercise of state power. It would now be faced by every one whom Danby might implicate as a possible threat to public safety in the state. In this respect Danby's measures are well known and have, to some extent, already been mentioned in this article. Some additions may now be made by way of clarification.

The measures in question included the removal from office of those who had served the Commonwealth and Protectorate.⁷² In nominations to local offices the king was urged to prefer those, or their sons, who had personally resorted to arms in support of the Royal cause.⁷³ Favours were concentrated among those whose support to Danby's ascendancy was beyond doubt: his followers and relatives.⁷⁴ Of those whose commitment to the adopted line was suspect, supposed rivals to Danby's ascendancy or those who defied him, were dismissed from their offices.⁷⁵ The habit of 'taking off' vocal critics of government

ceased altogether; in Danby's view men in positions were either supporters to or in opposition to government.⁷⁶

The necessity to secure unity in the government found manifestation especially in the mode of *management of parliament*. Here the repertoire of Danby's actions was broad indeed: it ranged from repeated urges to his supporters to attend the meetings of parliament to the sending of letters to those regarded as sympathetic to the Crown's now prevailing policy as well as to measures imposing greater discipline upon his supporters. Even lists were developed singling out not only those favourable to government but those also who could be persuaded to adopt a line favourable to the government.⁷⁷ On the basis of these lists secret service moneys, under the direction of a confidant to Danby,⁷⁸ were paid to MPs in order to guarantee the success of the government in parliament. It was this distribution of money in addition to the practice of allocating places and pensions which formed the nucleus of Danby's aspirations to the management of parliament.

The Import of Danby's Measures

In the context following upon the king's surrender to 'his friends' Danby's measures making for control of parliament assume a specific burden: consistency. In all essential aspects they manifest, on the one hand, a tendency towards the exclusion of all those not of the same political or religious persuasion; on the other they are conducive to securing and perpetuating the possession of state power solely in the hands of the 'king's friends'. Next we must ask the significance Danby's efforts bear.

To answer this question a plurality of contexts is available. In what follows I will concentrate firstly on the context of Charles II's reign and ask how does it indeed come about that Danby's measures may assume in it the essence of arbitrary government.⁷⁹ In the context of Restoration England this is in no way self-evident. Danby's efforts had as their basis the king's choice of a prime minister, and the policies he conducted were not without the king's approval, however reluctant it may have been.

It may also be said that in Restoration England understanding for Danby's measures naturally prevailed not only in Royalist theories of monarchy but among wider circles of society as some kind of answer to this very question: why, in the end, should comprehension be shown and a share in the exercise of state power be allowed to those whose commitment to the cause of monarchy during the preceding three decades had often proved so questionable.

In this context 'arbitrary government' as the ultimate nature of Danby's measures may be seen to have its origin in a decision made by Charles II in 1660 in an "unprecedentedly powerful position"⁸⁰ but reflecting at the same time the very realities of royal power beyond his own reach: the realities of monarchy in the context brought about by the *Answer to the Nineteen Propositions*. In this document Charles I had declined to subscribe to one theory of monarchy and instead expounded another.⁸¹ In the perspective of the doctrine of *monarchical sovereignty* Danby's measures would only manifest the king's policies conducted by ministers and officers of his choosing beyond *any* questioning by Parliament.⁸² Accordingly the rights of Parliament did not pose a limit on the king's policies nor did "liberties and properties"⁸³ of the subjects impose restrictions.⁸⁴

Otherwise it was in the perspective of the theory accepted in the *Answer* in 1642. The *Answer* had not only exposed the English monarchy as a "mixture" of the three estates or given Parliament a share in the government of England. This latter it had also done in the form which manifested the *equality* of partners.⁸⁵ The monarchy was not entrusted with a role supreme over the other estates, but only one acting in co-ordination with the other estates. Instead of supremacy of the monarch a *balance* should prevail between the estates.⁸⁶ This aspect of the document bore witness to an important consequence. In denying the king a supreme role in government Charles I at the same time allowed that not only the king but also Parliament could represent its actions as necessary to the maintenance of that balance in which both houses of Parliament "were of equal weight with him"⁸⁷.

On this basis it may be said that Danby's efforts to gain control of Parliament must not be assessed as they appear in the context of their original realisation in the 1670s but in the perspective in which Charles II's monarchy emerges as a *regulated monarchy*. This it does

in its very inception and finds proper expression in the *Declaration of Breda*. In this perspective the English Parliament was not without a say in respect of the policies conducted by ministers and officers of the king's choosing but had an important share in the exercise of state power. It is in this perspective that Danby's measures would assume the aspect of 'arbitrary government', since 'management' of parliament would mean the shaking of that very balance which should, in a regulated monarchy, prevail between the estates. This is the effect of the "novelty of the Age",⁸⁸ i.e. the intrusion into Parliament of Danby's pensioners and placemen to the effect that it would lose its very independence.

In this very aspect of 'arbitrariness' one perceives, however, another sense which Danby's measures may also be said to assume, this time in the context of their original realisation, opening up from the king's surrender to 'his friends'. It is now a question of the *artificial* nature of the co-operation between Crown and Parliament which the management of parliament made possible. In this respect Danby's procedure may be said to be in apparent contravention of those legitimations which the English monarchy possessed in patriarchal theories⁸⁹ in the context of the Restoration period.

It was, namely, no easy task to lend to the arrangement of relations between Crown and Parliament effected by the management of parliament such a burden of *naturalness* as e.g. Filmer's theory would necessitate.⁹⁰ In all its *newness* the disposal effected by the management of parliament bore testimony all too convincingly and palpably to human *contrivance* pure and simple as the proper legitimation of the arrangement and, by implication, of the exercise of state power more generally as well.

It is also by reason of this very 'artificiality' of the arrangement brought into being by Danby's measures that he may possess some significance for parliamentarism in its *political* aspect. The artificiality of the arrangement of the relation between the Crown and the Parliament embodies namely such an *idea* which a decade and a half later indeed found its theoretical exposition in Locke's Second Treatise. It is here also a matter of the very notion of human convention and contrivance as the sole legitimations of human institutions and practices, the state included.

In Locke's Second Treatise this idea finds manifestation in relation to *political power*, this at the very beginning of the book in the exposition of its purpose. Locke's manifest aim is to establish political power on a basis of men's own choices.⁹¹ The result of his effort is such an understanding of that power in which the *constitution* of state power as political is possible precisely to 'us', i.e. to Locke's contemporaries and succeeding generations.⁹² In this context note should also be taken of Locke's motive for this endeavour: in Locke's view the understanding of the origin of political power in the mode Filmer had propounded as an emanation of God's grant to Adam had resulted in such problems that even the supporters of that "hypothesis" must recoil from them.⁹³

As regards parliamentarism in its *political* aspect, a further significance may be attached to Danby's measures. As noted at an earlier point in this article, the *Answer to the Nineteen Propositions* had defined the "government" of the country as "entrusted" to the King. The fate of the King's policy of indulgence testified, however, to something altogether different; the failure of his policies was due to the pressure exerted upon him not only by those in power in Parliament but also by those in the government of his own choosing. The burden of these developments was that power relations in the state were, in the context of the 1670s, indeed in a state of flux *and* that in this regard it was not a question only of relations between King and Parliament; the body of men in the government had also to be reckoned with. Factually, they had assumed a role beyond that of mere advisors to the King.⁹⁴ To this end the management of Parliament had proved to be an effective means.

From the point of view of Locke's political thought, so constitutive of parliamentarism in its political aspect, these developments assume a twofold significance. On the one hand they comprise testimony that already in the context of the 1670s ample evidence had accrued to indicate that the understanding and legitimation of state power in the mode propounded e.g. by Filmer had indeed lost much of its *practical* validity.⁹⁵ On the other hand, and in close connection with the former aspect, they may also have possessed some significance as regards the accrual of that *evidence* which prompted Locke to embark on his effort in the Second Treatise. The phenomena Locke

explicitly mentioned in this respect⁹⁶, were to him consequential results of those premises which Filmer had attached to political power. In this context Locke found his effort necessary⁹⁷.

Notes

- 1 Thomas Osborne (1632-1712), 1st Earl of Danby, later Marquis of Carmarthen and Duke of Leeds.
- 2 See e.g. Kluxen 1983, 89-111; Kenyon 1977, 189-193, 198-199.
- 3 This link between Danby and Walpole has been made e.g. by Colley 1982, 11. See also Pocock 1975, 424, 478.
- 4 Turkka 2000.
- 5 On the doctrine see Turkka 2000, 71-129; Turkka 2002, 196-200.
- 6 On Danby's activities in this respect see generally Hutton 1989, 314-316, 320-345, 357-374; Hill 1980, 195-196.
- 7 On Charles' system of 'prime ministers' in his three kingdoms see Hutton 1989, 321-324. Of Danby's rise to a position of Charles II's prime minister see Hutton 1989, 261, 297, 307, 321-322, 326-328; Browning 1913, 17-23.
- 8 Morrill 1994, 417.
- 9 Morrill 1994, 412; Harris 1993, 62-63.
- 10 Morrill 1994, 412 cf. Harris 1993, 63.
- 11 Goldie 1983, 62-63.
- 12 Morrill 1994, 412-413; Kishlansky 1986, 152-154.
- 13 See Miller 2000, 223-224.
- 14 On this see Hutton 1989, 328-331.
- 15 "Articles of impeachment against the earl of Danby, 1678", in *English Historical Documents 1660-1714*, 1966, 198-199.
- 16 "V. That he hath wasted the king's treasury by issuing out of his Majesty's Exchequer and several branches of his revenue, for unnecessary pensions and secret services, to the value of two hundred thirty-one thousand six hundred and two pounds within two years (...) and he hath removed two of his Majesty's commissioners of that part of the revenue for refusing to consent to such his unwarrantable actings therein and to advance money upon that branch of the revenue for private uses." *English Historical Documents 1660-1714*, 1966, 199.
- 17 *English Historical Documents 1660-1714*, 1966, 198.
- 18 On the impeachment see Miller 2000, 250-252; Goldie 1990, 90-92; Hutton 1989, 365-369; Hill 1980, 196; Weston 1965, 93-95, 101-102.

- 19 Pocock and Schochet 1993, 148.
- 20 See Mendle 1985, 7-9, 20, 21-22. Cf. Peck's (1993, 115) comment on the significance of the War of Three Kingdoms as an end to the political culture of court and counsel.
- 21 Pocock and Schochet 1993, 172; Hutton 1985, 119-120.
- 22 Morrill 1994, 398.
- 23 Ibid. See also Mendle's (1993) discussion, in the context of Restoration England, of Parliament as the very locus of 'absolutism'.
- 24 Kenyon 1966, 361.
- 25 Ibid.
- 26 Ibid.
- 27 Ibid.
- 28 Ibid.
- 29 Morrill 1994, 397 cf. Hutton 1985, 126. Of the reflection of this aspect on the proclamation of Charles as monarch of England see Nenner 1995, 95-96.
- 30 "The Declaration of Breda", in Kenyon 1966, 357-358 at 357.
- 31 Ibid.
- 32 Ibid.
- 33 On this see e.g. Morrill 1994, 398. – Note should also be taken here of the fact that the document invites "our subjects" not only "for the re-settlement of our just rights" but "theirs" and this "in a free Parliament". See "The Declaration of Breda", in Kenyon 1966, 358.
- 34 "The Declaration of Breda", in Kenyon 1966, 358.
- 35 Ibid.
- 36 Here it was a question of "the full satisfaction of all arrears due to the officers and soldiers of the army under the command of General Monk", "The Declaration of Breda", in Kenyon 1966, 358.
- 37 On this document see Mendle 1985, 1-20, 171-183; Weston 1965, 5-6, 24-26. Of the significance of this document in the history of political thought in England see e.g. Pocock and Schochet 1993, 149-150; Mendle 1993, 116-118; Schochet 1992, 14-18; Pocock 1987, 309-314, 342-343; Sommerville 1986, 175-176.
- 38 See "The King's Answer to the Nineteen Propositions", in Kenyon 1966, 21-23 at 21.
- 39 Ibid.
- 40 The powers "entrusted" to the king included "power of treaties of war and peace, of making peers, of choosing officers and councillors for state, judges for law, commanders for forts and castles, giving commissions for raising men, to make war abroad, or to prevent or provide against invasions or insurrections at home, benefit of confiscations,

- power of pardoning, and some more of the like kind are placed in the King." The King's Answer to the Nineteen Propositions", in: Kenyon 1966, 21.
- 41 Ibid.
- 42 "And this kind of regulated monarchy, having (...)". "King's Answer to the Nineteen Propositions", in Kenyon 1966, 21.
- 43 "The Declaration of Breda" in Kenyon 1966, 357-358.
- 44 "The Declaration of Breda" in Kenyon 1966, 357.
- 45 Morrill 1994, 401.
- 46 "The Declaration of Breda", Kenyon 1966, 358.
- 47 Ibid.
- 48 See "An Act for the assembling and holding of parliaments once in three years at the least" in Kenyon 1966, 382-383.
- 49 Goldie 1983, 62. – The move was made, Kenyon (1966, 361) notes, "on the mistaken ground that it might oblige Charles to dissolve his present parliament".
- 50 See "An Act of free and general pardon, indemnity and oblivion" in Kenyon 1966, 365-371.
- 51 On exceptions see Hutton 1985, 132-133, 162-163; Kenyon 1966, 362, 371. On the aftermath see Wedgwood 1964, 216-224.
- 52 Kenyon 1966, 362.
- 53 Morrill 1994, 403.
- 54 Morrill 1994, 402.
- 55 It was because of this that it was (Goldie 1990, 75) "joked bitterly that the Act of Indemnity and Oblivion meant indemnity for rebels and oblivion for loyalists". On the topic see also Hutton 1985, 136-138.
- 56 Morrill 1994, 402.
- 57 Miller 2000, 132.
- 58 See "An Act for the uniformity of public prayers and administration of sacraments and other rites and ceremonies " in Kenyon 1966, 378-382.
- 59 Miller 2000, 132-135, 148, 174-181; Spurr 1998, 130; Hutton 1985, 175-178.
- 60 On the persecutions see Coffey 2000, 169-187.
- 61 According to Kenyon (1966, 363) the "elections in March and April 1661 returned a Parliament opposed to any compromise".
- 62 Goldie 1983, 76 n. 86 cf. Spurr 1998, 138.
- 63 Goldie 1983, 76 n. 86. See also Miller 2000, 181.
- 64 Pocock and Schochet 1993, 173 cf. Harris 1993, 71.
- 65 "The Act of Uniformity", in Kenyon 1966, 379.
- 66 "The Corporation Act", in Kenyon 1966, 376-377.
- 67 "The Corporation Act", in Kenyon 1966, 377.

- 68 Ibid.
- 69 Goldie 1990, 83, 85; Goldie 1983, 75. Browning (1913, 33) writes in this context of "Danby's scheme of an Anglican autocracy".
- 70 Miller 2000, 222.
- 71 Ibid.
- 72 Ibid.
- 73 Ibid.
- 74 Miller 2000, 222-223.
- 75 Ibid.
- 76 On Danby's contribution to division members of parliament into "court" and "country" see Harris 1993, 61-65.
- 77 Miller 2000, 224.
- 78 That is, under Danby's brother-in-law Charles Bertie, who (Miller 2000, 224) after Sir Stephen Fox's dismissal in January 1676 took charge of the distribution of secret service money.
- 79 As it in fact did. On contemporary criticism of Danby's measures see Morrill 1994, 407-408; Goldie 1983, 63-68.
- 80 Goldie 1983, 62.
- 81 Pocock and Schochet 1994, 149.
- 82 See here Goldie's (1983, 69-71) illuminating exposition of e.g. Philip Heylyn's thought, to whom (*Stumbling Block of Disobedience*, written c. 1645, published in 1658) "the king was the sole, omniscient and illimitable source of law" (69) and "Parliament was subordinate, not coordinate, and that Parliament and political rights existed by the king's gracious permission alone" (69). As Goldie (1983, 69-70) has it, Royalists agreed that the King "was the sole maker of the law. He gave 'life', 'being', 'force' to the law; Parliament advised, petitioned, consented".
- 83 "Answer to the Nineteen Propositions", in Kenyon 1966, 21.
- 84 In Heylyn's doctrine of condescending power (Goldie 1983, 70) "English liberties and the limitations upon the Crown existed only by virtue of the gracious condescensions of Kings in past ages. Such liberties were privileges not entitlements; there were customary limits to the crown, not intrinsic or irrevocable limits". In this perspective the *Answer to the Nineteen Propositions* was, as John Nalson put it (*The King's Supremacy Asserted*, London, 1660, 12) but a "slip of his late Majesties Pen" (Weston 1965, 30).
- 85 On this see Pocock and Schochet 1993, 149-150; Schochet 1992, 15; Mendle 1985, 11-13; Pocock 1975, 362.
- 86 Ibid.
- 87 Pocock and Schochet 1993, 150.
- 88 Goldie 1983, 63 cf. Morrill 1994 A, 426; Pocock 1975, 406-407, 412.

- 89 On the primary role of patriarchal theories among Royalists see Goldie 1983, 74.
- 90 On this aspect see Filmer 1949, e.g. 57-63, 71-74, 95-96. On Filmer's political thought in this context see Schochet 1975, 116-119, 126-127, 136-139; Laslett 1949, 10-20.
- 91 See Locke, II, Chap. I § 1-2. As an interpretation to this effect see Turkka 2002, 195-197, 204-206.
- 92 On this aspect in Locke's doctrine of political power see Turkka 2000, 71-81, 98-104; Turkka 2002, 199-200.
- 93 Locke, II, Chap. I § 1.
- 94 On counsel to the King in the context of early seventeenth century England see Guy 2000, 305-310; Peck 1993, 98-102, 115.
- 95 To this 'validity' Filmer (1949, 93) posits stringent conditions, e.g. to this effect: "For if a King but once admit the people to be his companions, he leaves to be a King, and the state becomes a democracy. At least, he is but a titular and no real King, that hath not the sovereignty to himself: for the having of this alone, and nothing but this, makes a King to be a king." On Filmer's understanding of the relation of civil law to a king see Filmer 1949, 95-96. On Hobbes' political thinking to the same effect see Hobbes 1986, 363-373.
- 96 Locke (II, Chap. I, § 1) refers here to "perpetual Disorder and Mischief, Tumult, Sedition and Rebellion".
- 97 Locke, II, Chap.

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