Liberty or Absolutism?: A Brief Study into the Course of Freedom During the Reign of Charles II

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Undeniably, England experienced the most turbulent period of its long history during the revolution of 1640-1660. The civil wars brought the defeat of the monarchy, trial and execution of the king, and the establishment of the Protectorate. The radical nature of the Interregnum proved to be its worst enemy, however, and in 1660 the Stuart line was restored to the throne. Some historians argue that the effects of the Interregnum on the reign of Charles II are clear. Clayton Roberts concludes that

> The English Revolution left a lasting legacy to future generations, a legacy that was religious, political, and intellectual. In the religious realm it created nonconformity.... Puritanism was able to put down roots so deep that no amount of persecution after 1660 could dislodge it... Those who persisted in [nonconformity] brought to English public life an independence, a nonconformist conscience, that did much to make England the home of liberty and individuality. Politically, the revolution ensured the defeat of absolutism and the permanence of Parliament.[1]

Christopher Hill supports some of his arguments in *God's Englishman*. On nonconformity, he states that "nonconformity in the reigns of Charles II and James II both showed under persecution that it had come to stay, and shook off its revolutionary political associations."[2] As for administrative supremacy, Hill proclaims that the Interregnum "ensured that England was to be ruled by Parliaments and not by absolutist kings"[3] since "divine right in all spheres was in decline by the end of the century."[4] He further argues that the limitation of the king is evident in that "royal interference in economic affairs did not return, nor...royal interference with control of [the gentry's] localities by

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[1]Clayton Roberts and David Roberts, *A History of England: Prehistory to 1714*, Vol. 1 (New Jersey: Prentice Hall, Inc., 1985), 368.

[2]Christopher Hill, *God's Englishman* (New York: Harper & Row, 1970), 257-8.

[3]Ibid., 261.

[4]Ibid., 259.

the 'natural rulers.'"[5] In effect, Roberts and Hill are asserting that one of the legacies of the Revolution and Interregnum was the natural growth of political freedom, that is the limitation of centralized control. However, such an argument is debatable after one examines the success of the Anglican and monarchial agenda, decay of Parliament, and submission of the gentry to the Center. To address this issue, one must first look at the nature of the Cromwellian era, and then observe its influence on the Church, Parliament, and gentry of Restoration England.

Nearly all social and political classes had reason to fear the revolutionary age of Oliver Cromwell. Surely the Anglican bishops held considerable contempt for the rebellion from the start. Although Protestant in doctrine, their emphasis on ritual gave the bishops the appearance of crypto-Catholics. More than once they were attacked as the overinfluential "popish and malignant party"[6] in the Parliamentary debates of 1641. In a large part, the civil wars represented a movement against the Episcopal church in favor of Puritanism. Political persecution such as the removal of the bishops from the House of Lords, the execution of their leader, Archbishop Laud of Canterbury, and their abolition as an institution served to stoke Anglican animosities toward the "Puritan Revolution." The blaze of heretical sects such as the Quakers and Antinomians during the 1650s only served to kindle further the fires of vengeance burning in the hearts of staunch Episcopalians. A strong monarch served for them as an embodiment of protection and reascendency.

Even the traditional Parliament did not remain unscathed under the Cromwellian era. As a body, the Parliamentary ranks watched the war effort whittle away their numbers. Once it became clear in 1648 that Parliament favored reconciliation with the king rather than the king's destruction--as the army wanted--Colonel Thomas Pride purged Parliament, leaving only the body known as the "Rump." Parliament no longer represented England; rather it represented the radical army that established it.[7] When Cromwell returned to an elected form of assembly, he adopted the Instrument of Government. This document, accepted in 1653, altered the franchise by allowing the vote to be held by those with £200 in property rather than the previous 40 shilling freehold.[8] This meant that many of the gentry lost their voice in Parliament while nonpropertied and nondistinguished merchants

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[5]Ibid., 225.

[6]Conrad Russel, *The Crisis of Parliaments: English History 1509-1660* (New York: Oxford University Press, 1971), 338.

[7]Lockyer, *Tudor and Stuart Britain: 1414-1714* (London: Longmans, Green and Co. Ltd., 1967), 291.

[8]Ibid., 299.

took their place. Furthermore, the document gave all effective power to the Lord Protector, Oliver Cromwell. But even the Instrument could not guarantee Parliamentary perpetuance as the assembly discovered when General Lambert dissolved it and put England under the rule of the army in 1659; again the body existed only at the whim of England's armed dictators. During no other period of English history had the Ancient Constitution--the ancient laws of England established by God--been abused in such a manner.

The gentry of England also looked toward a strong monarch for protection. They had begun assuming leadership roles in their communities under Henry VII and Henry VIII.[9] The monarchy eventually found that it could not rule without the support of this class and the gentry would not help a king rule who endangered their lands. In effect, their alliance depended upon preservation of property.[10] Over time the autonomous gentry became synonymous with control of their localities in both a political and a judicial sense. And then, during 1656-1657, the period called the "rule of the Major-Generals," Cromwell made the mistake of trying to rule the counties by force. He placed his officers in what originally started as a mimic of the traditional positions of the royal Lords Lieutenants. However, the powers of the Major-Generals expanded to near authoritarianism--a direct challenge to the local supremacy of the gentry;[11] Cromwell had broken the alliance. The gentry forced Cromwell to relinquish the counties as spheres of influence but the attempt made the "natural rulers" yearn for a lord with the constraints of a monarchy. A monarch had to conform to the unwritten laws of the Ancient Constitution, but a Lord Protector lacked such restraints. Only the rule of a king ensured that the localistic rule of the gentry--a form of property--would remain untouched. Never before had England suffered from such internal strife. Only the wrath of God could cause such lamentation.

The English believed (or wanted to believe) in a divine monarchy more than ever after the experiences of the Interregnum. For example, Robert Filmer's *Patriarcha*, written sometime before 1653 and published posthumously in 1680, justified the monarchial tradition with Scripture. A quote from this work went as such:

Do we not find that in every family the government of one alone is most natural? God did

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[9]Michael Van Cleave Alexander, *The First of the Tudors: A Study of Henry VII and His Reign* (Totowa: Rowman and Littlefield, 1980), 128; Roger Lockyer, *Tudor and Stuart Britain: 1417-1714*, 308.

[10]Ibid., 7.

[11]Ibid., 303; Russel, *The Crisis of Parliaments*, 394-5.

> always govern his own people by monarchy only. The patriarchs, dukes, and kings were all monarchs. There is not in all the Scripture mention or approbation of any other form of government.[12]

This passage not only attests to the divine relationship of a monarchy, but also attacks any other form of government as irreligious. By abandoning the king in 1649, England also abandoned God and incurred His wrath; thus, its downfall was assured. But now the Stuart line was restored to the throne and the return of God's favor would lead England to be a blessed and prosperous realm. This belief, coupled with the fear of "'41 come again," became the root of royal power.

Punishment was mandatory for those who would bring the wrath of God down upon England. The puritan Presbyterians found themselves persecuted under the reign of Charles II because of their ardent participation in the Parliamentary army. Destruction of the Anglican Church served as their revolutionary incentive in the 1640s. However, during Charles' reign they did not pose a threat to the restored king. Indeed, they helped the Restoration. Nevertheless, the Presbyterians became scapegoats for the wars. In 1682, Aphra Behn reflected this vindictive attitude in her play. As a lengthy quote shows, Ms. Behn linked the anarchy of the Interregnum and the king-killing with political and religious freedoms.

> All Laws, the Church and State to Ruin brings,
> And impudently sets a Rule on Kings;
> Ruin, destroy, all's good that you decree,
> By your infallible *Presbytery*,
> Prosperous at first, in Ills you grew so vain,
> You thought to play the *Old Game* o'er again:
> And thus the Cheat was put upon the Nation,
> First with *Long Parliaments*, next with *Reformation*,
> And now you hop'd to make a new Invasion:
> And when you can't prevail by open Force,
> To cunning tickling Tricks you have recourse,
> And raise Sedition forth without Remorse.[13]

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[12]Robert Filmer, Patriarcha, in Two Treatises of Government by John Locke; With a Supplement: Patriarcha by Robert Filmer, ed. Thomas I. Cook (New York: Hafner Publishing Company, 1947), 270.

[13]Montague Summers, *The Works of Aphra Behn*, Vol. 1, "The Good Old Cause" (New York: Benjamin Bloom, 1967), 424.

Behn reflected the belief that the Presbyterians wanted, again, to undermine Anglicanism and the hereditary monarchy. Only this time, it would be through Church domination and Parliamentary politics rather than outright armed rebellion. Nonconformity had no doubt succeeded in retaining its "revolutionary political associations."

The immediate result of such associations took form in the oppression of all Nonconformists. The Clarendon Code consisting of the Corporation Act of 1661, the Uniformity Act of 1662, the Conventicle Acts of 1664 and 1670, and the Five Mile Act of 1665 offered the best example of this dominant attitude. The Corporation Act required those who held local offices to be active members of the Anglican Church.[14] Thus, the Anglicans were ensured control of all positions of power. The Uniformity Act required all clergy to recognize the Thirty-nine Articles that constituted the doctrine of the Church of England[15]; as a result, the Presbyterians were forced from their ecclesiastical stations as the Articles conflicted with their beliefs. The Corporation Acts attacked the Nonconformists' only remaining avenue of proselytizing by fining individuals who attended unofficial religious services.[16] Finally, the Five Mile Act exiled nonconforming ministers to the allotted distance from corporate towns to remove their influence.[17] Overall, the success of the legislative persecution found testimony in the religious census of 1676. England contained 2,123,362 conformists and 93,104 Nonconformists: a ratio of 22.8 to 1.[18] This evidence attests to the success of the Anglican agenda rather than the expansion of religious freedom. The loyalty of an organized state church was one of the pillars of 17th-century European absolutism.

Parliament, as the body blamed for the civil wars, was especially vulnerable to waves of intense loyalty to the crown. The theory of divine right coupled with fear of "'41 come again," expressed itself in a strongly royalist Cavalier Parliament. This body reversed nearly all of the legislation of the Long Parliament (1640-1660). To protect the king from future rebellions, Parliament passed acts to extend treason to documents and declarations and to put the control of the militia in the hands of

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[14]Arvel B. Erickson, and Martin J. Havran, eds., *Readings in English History*, "Corporation Act of 1661" (New York: Charles Scribners' Sons, 1967), 163-4.

[15]Ronald Hutton, *The Restoration* (Oxford: Clarendon Press, 1985), 43-4.

[16]Ronald Hutton, *Charles the Second: King of England, Scotland, and Ireland* (Oxford: Clarendon Press, 1989), 212, 244.

[17]Ibid., 228.

[18]Andrew Browning and David C. Douglas, eds., *English Historical Documents*, Vol. 8: 1660-1714 (New York: Oxford University Press, 1953), 413-4.

the king. Furthermore Charles had control over his personal Coldstream Guards. This unit originated as General Monck's regiment that initiated the restoration of Charles II in 1659. Despite Parliamentary complaints, they continued as a royal force after the rest of the army had been disbanded.[19] Now Charles had total control over all of England's military might. Although the MPs never wanted to create a monarchy powerful enough to infringe upon the privileges of the gentry, their legislation did create the machinery necessary for Charles and his Privy Council to become the backbone of English politics.

The gentry had more to fear than just the devastations of the 1650s. Power and wealth both were slowly transferring from their countryside to the City.[20] Both the gentry and the central government found cooperation an asset. By appealing to the court, the gentry could attain enough power to maintain dominance over the localities. Meanwhile, the government used the gentry as its representatives to rule below the national level.[21] However, the dominant partner in this relationship proved to be the king. For example, Charles effectively used his power to appoint new Justices of the Peace if the current Justices' loyalty became questionable. In addition, the government's involvement in local affairs increased as the counties asked for its mediation in domestic disputes more than ever before.[22] Just as Charles used the fears of the gentry to create the Cavalier Parliament, so did he use those same fears to master the countryside.

Later Stuart England saw the desire for liberty in much the same way as it viewed the "king killing" Presbyterians: liberty promoted the revolution. For this reason, the government saw a need to protect itself from ideas contrary to the preservation of the monarchy. The offense of treason--traditionally an act against the king--found itself expanded not only to cover the written word, but the spoken word as well.[23] The Judgement and Decree of the University of Oxford, issued in 1683, exemplified literary repression when it declared that all works which were "false, seditious and impious;...also heretical and blasphemous, infamous to Christian religion, and destructive of all government in Church and State," would be burned. Furthermore, it demanded instructors to teach "that...Submission and Obedience is to be clear, absolute and without exception of any State or Order

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[19]Lockyer, *Tudor and Stuart Britain: 1417-1714*, 326.

[20]Paul Seaward, *The Restoration*, 1660-1688 (New York: Viking Penguin Inc., 1986), 28-9.

[21]Ibid., 27-8.

[22]Ibid., 27.

[23]Hutton, *Restoration*, 156.

of Men."[24] Individual liberty, specifically freedom of the press, did not entrench itself in Restoration England.

In 1681, Charles showed England just how little its freedom extended when compared to the majesty of the Crown. At the Oxford Parliament, the Earl of Shaftsbury called for the exclusion of James--a Catholic--from the throne and the legislated permanence of Parliament.[25] The demands of this party, known as the Whigs, were limitations on the king similar to those imposed upon Charles I in 1641 and 1642. When royalists discovered Shaftsbury's unpublished papers called *The Association*, the Earl's call for the local control of the militias represented another "Militia Bill"--a principal element causing the civil war of 1642.[26] Such a document brought cries of "'41 come again" showing that England remembered the radical nature of the Parliamentary body of 1641 and its attempts to annex legislatively the king's prerogatives. Charles II dissolved the Oxford Parliament for discussing the Exclusion Bill within a week of its congregation.[27] After the Rye House Plot to kill the king and his brother in 1683, England made the necessary choice between civil war and a protectorate or an absolutist state.

The "Tory reaction" ensued.[28] To purge the Whigs from offices, the government revoked the charters of cities by writs of *quo warranto* until they accepted the consent of the king in all elections. Furthermore, Tories had Whigs arrested and tried directly for plotting against the king.[29] Tory persecution of the Whigs showed that 17th-century England lacked comprehension of a loyal opposition. It also showed that Charles was not alone in wanting to ensure the preservation of the ancient monarchy.

But for the king to truly be autonomous, Charles needed financial independence from Parliament--a goal he achieved. The expansion of commerce under Cromwell eventually undermined the Parliamentary desire to keep the king financially dependent. Initially the Commons voted to allow

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[24]King William II and Queen Mary II, *State Tracts: 1660-1689*, "Judgement and Decree of the University of Oxford" (Wilmington: Scholarly Resources, Inc., 1973; reprint, London: Richard Baldwin, 1692), 153-6.

[25]Browning, *English Historical Documents*, 256, 258.

[26]Arthur Bryant, *King Charles II* (New York: Longmans, Green and Co., 1949), 326.

[27]Hutton, Charles II, 401; Browning, *English Historical Documents*, 956-7.

[28]Hutton, *Charles II*, 404.

[29]Ibid., 420.

the king only the Hearth Tax, Customs, and the Excise as sources of revenue.[30] But in 1681 they realized their mistake. A boom in trade led to an increase in customs duties. Because of the organization and efficiency of the English system of trade, Charles did not ask for revenue at the Oxford Parliament.[31] Nor did he summon Parliament before his death in 1685. He had obviously disregarded the Triennial Act of 1664 which stated that "the sitting and holding of Parliament shall not be intermitted or discontinued above three years at the most."[32] But because the document lacked safeguards, Parliament found itself defenseless against the power of the king's ancient prerogatives.

Charles proved to be a success in establishing the machinery for an absolutist state, thanks to Cromwell. Rather than open the door to freedom, the Protectorate caused lamentations that created a conservatively closed society--one that proved determined to reentrench the ancient monarchy and protect it at all levels of government. Through the Clarendon Code, the once tolerant church of the Republic returned to the Anglicanism of the early Stuarts. The willingness of the Cavalier Parliament to legislate the increased potency of the monarchy and its inability effectively to assert its rights led to Charles's position at the pinnacle of political power. The gentry allied with the king rather than oppose him, sacrificing their autonomy for local preeminence. And, in 1681, Charles demonstrated that once the crown became financially independent, the Parliamentary institution became expendable. Thus the king was relieved of all constraints. With these basic mechanics of a strong central government in place, only the cog of perpetuance remained. With his abrupt death in 1685, Charles's dreams fell short of his goal and he left the opportunity to his successors to drive the absolutist machine either to the heavens or to its grave.

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[30]John Miller, *Restoration England: The Reign of Charles II* (New York: Longmans Group Limited, 1985), 77.

[31]Hutton, *Charles II*, 401.

[32]Browning, *English Historical Documents*, 153-4.