James II

PROFILES IN **POWER**

W. A. Speck

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For Annie and Ellie

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CONTENTS

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Preface

I received the invitation to contribute this volume to 'Profiles in Power' from the General Editor, Professor Keith Robbins, and from Mr Andrew MacLennan, at the time Editorial Director of the Academic Department in Longman Higher Education. I wish to thank them both for extending it to me. Andrew has now, alas, retired from Messrs Longman, subsequently to its becoming an imprint of Pearson Education. He once characteristically expressed the wish to see the book 'before I finally hang up my clogs!' I regret that I was unable to complete it in time, and apologise to him and to Keith for having to extend the date for delivery beyond the original deadline. The latter's forbearance, and that of Heather McCallum, Andrew's successor as Editor-in-Chief at Pearson Education, in agreeing to delays was greatly appreciated.

I had thought that taking early retirement from Leeds University in 1997 would free me to devote more than enough time to complete the book on schedule. However, I have found myself distracted by developments I did not envisage when I signed the contract. One was to be elected to the presidency of the Historical Association for three years in 1999. While I am very grateful for this honour, and enjoy the commitments it requires me to undertake, these have involved considerable travel visiting local branches of the Association to give lectures. I would like to think that those I gave on the Glorious Revolution clarified my thinking on the reign of James II, and helped to improve this book. Another unexpected interruption to my schedule was my appointment to a Visiting Professorship at the Carlisle campus of the University of Northumbria in September 2000. Again, while I am delighted to thank my new colleagues for their generous gesture, it involved a move from Yorkshire to Cumbria which unsettled me for longer than I had anticipated. I have now settled down in Carlisle, and benefit greatly from the facilities offered by my new institution, which have been of enormous help to me in the final stages of preparing this book for publication.

Help has also been forthcoming from others. My friend and former

colleague at Leeds, David Parker, invited me to contribute an essay on '1688' to a collection of essays which he edited, *Revolutions and the Revolutionary Tradition in the West* (2000). The seminar which he organised at the University of Birmingham, which other contributors to the volume attended, was a stimulating exchange of views, which deepened my knowledge of the significance of the Glorious Revolution. John Morrill and Tim Wales helped to consolidate my ideas about James II, with their incisive comments on a brief life of the king I submitted to the forthcoming new *Dictionary of National Biography*. Andrew Barclay, whose Cambridge PhD thesis on James's household has thrown fresh light on his reign, kindly allowed me to read ahead of publication an article which summarises his main conclusions: 'James II's "Catholic" court'. Mary Geiter discussed James with me on countless occasions. She contributed *William Penn* to this series of 'Profiles in Power', and her unique appreciation of Penn's role in the events of the reign has greatly assisted my own understanding of them. Mary tried to keep me on the right lines. If I have nevertheless gone off them, then I have only myself to blame.

Carlisle, June 2001

Abbreviations

Balcarres	Colin, Earl of Balcarres, *Memoirs touching the Revolution in Scotland* (Edinburgh, 1841)
BL	British Library
Burnet, *History*	Gilbert Burnet, *History of his own Time* (6 vols, Oxford, 1833)
Callow, *Making of James II*	John Callow, *The Making of King James II: The formative years of a fallen king* (Stroud, 2000)
Clarke, *Life*	J.S. Clarke, *The Life of James II* (2 vols, London, 1816)
CSPD	*Calendar of State Papers Domestic*
Davies, *Papers of Devotion*	Godfrey Davies, ed., *Papers of Devotion of James II* (Oxford, 1925)
Fountainhall	*Historical Notices of Scottish Affairs selected from the manuscripts of Sir John Lauder of Fountainhall* (2 vols, Edinburgh, 1848)
Hamilton Archives	Rosalind K. Marshall, *A Calendar of the correspondence in the Hamilton Archives at Lennoxlove* (PhD thesis, Edinburgh, 1970)
HMC	Historical Manuscripts Commission
Memoirs	*The Memoirs of James II: His Campaigns as Duke of York 1652–1660*, ed. A. Lytton Sells (Bloomington, Indiana, 1962)
Memoirs of Ailesbury	Thomas Bruce, earl of Ailesbury, *Memoirs*, ed. W.E. Buckley (2 vols, Edinburgh, 1890)
The Memoirs of Sir John Reresby	Andrew Browning, ed., *The Memoirs of Sir John Reresby* (2nd edition edited by Mary K. Geiter and W.A. Speck, London, 1991)
Morrice MSS	Dr Williams' Library, Morrice MSS (Entering Books of Roger Morrice)

PRO	Public Record Office
Singer	*The Correspondence of Henry Hyde, earl of Clarendon,* ed. W.S. Singer (2 vols, Oxford, 1828)

Note on dates

The Julian or Old Style Calendar used in England in the seventeenth century was ten days behind the Gregorian or New Style Calendar employed in Europe. Old Style dates have been used throughout, though the year has been taken to have started on 1 January and not, as contemporaries officially began it, on 25 March.

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Prologue

'A great king with strong armies and mighty fleets, a vast treasure and powerful allies fell all at once', remarked Bishop Burnet of the sudden collapse of James II's power. 'And his whole strength, like a spider's web, was so irrevocably broken with a touch, that he was never able to retrieve what for want of judgement and heart he threw up in a day'.[1] Burnet here placed the blame for the king's downfall squarely upon the king himself, attributing it to his 'want of judgement and heart'. Had James judged the situation more realistically, it is implied, or had he even had the courage to face up to his enemies, he might have retained his crown. The implication is intriguing, since James is often written off as a loser whose rigid religious policies inevitably provoked a backlash which toppled him from the throne. For a hostile contemporary to concede that he might have retained his kingdom invites a reappraisal of his role in the Revolution of 1688.

Burnet was right to blame James for his own predicament. Although the Bill of Rights accused James of endeavouring 'to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom ... by the assistance of divers evil counsellors, judges and ministers employed by him', this was little more than a pious convention. It had become a constitutional commonplace under the Stuarts that kings were not directly accountable for their actions, but that responsibility lay with their ministers. This merely ensured that the only way that kings could be criticised was to attribute any action alleged to be arbitrary or unconstitutional to their advisers. James was quite convinced that this was nothing more than a ruse. Thus of Sir John Hotham's refusal to admit Charles I into Hull in 1642, he observed that he 'fell upon the old common place of declaring against evil counsellors with such canting expressions as were generally in use amongst that party'.[2]

James was of course given advice by several men. In England he was advised by such courtiers as the earls of Rochester and Sunderland, Judge Jeffreys, the Catholic Father Petre and the Quaker William Penn, all of

whom were no doubt implied in the Bill's indictment. When dealing with Scottish affairs he relied on the earl of Melfort, and with Irish on the earl of Tyrconnel, both of whom have been criticised for misleading the king about his prospects in Scotland and Ireland. But the truth of the matter was that they were just advisers. James himself was determined to be king indeed and to make the key decisions. It is a mistake many historians have made to try to attribute the king's 'policies', to use an anachronistic term, to anybody else.

What those policies were has long been a subject of debate. A view of James held by his opponents at the time and by whig historians thereafter took it for granted that he aimed at 'Popery and arbitrary power'. By popery they did not mean Catholicism merely as a religious creed, though that was bad enough to most Protestants. Rather it was the allegiance of Catholics to Rome which allegedly made their religion a threat to English liberties. For the Pope was a foreign potentate who was held to be committed to using every device to bring England back to the true faith. James himself was charged with the same ambition the moment he publicly revealed his conversion to the Church of Rome in 1673. Any disclaimer of this was disregarded, as Papists were held to be capable of equivocating to the point of lying if that means would achieve the end of a counter-Reformation. It was widely believed that they received dispensations annulling any penalties for perjury. The king could assert that he genuinely believed in religious toleration, and did not wish to thrust his religion upon his subjects; but many of them would never bring themselves to trust his word, simply because the word of a Papist was not to be trusted. The legend thereby arose that he sought the forcible conversion of his subjects to Catholicism. When he demonstrated a commitment to toleration by granting a Declaration of Indulgence which relieved Protestant nonconformists as well as Catholics from the penal laws, it was taken to be a deliberate ploy to lull them into a false sense of security. James insisted in it that 'we humbly thank Almighty God it is and hath of long time been our constant sense and opinion ... that conscience ought not to be constrained nor people constrained in matters of mere religion'.[3] Yet even this categorical statement was widely greeted with cynicism. In *A Letter to a Dissenter* the marquis of Halifax compared the king to a bear hugging the Protestants the better to squeeze them later. 'The other day you were sons of Belial', he warned the dissenters, 'now you are angels of light'.[4]

James was also accused of aiming, like all Catholic kings, at arbitrary power. Arbitrariness was not necessarily the same as absolutism. It meant ruling with disregard for the law. It was held that there was a rule of law to which even kings were subject. This was not just enshrined in Acts of Parliament but in the common law of the land. The use of their prerogative by the Stuarts to overcome statutes and legal precedents established in the common law courts was seen as an attack on the constitution. For example, the issuing of dispensations to individual Catholics granting them immunity from prosecution for breaches of the Test Act was seen as an arbitrary act since it challenged both statute and common law. It not only undermined the statutory requirement to take communion in the Church of England to qualify for office under the Crown, but also called into question verdicts in court cases which had ruled that the king could not dispense a subject from the obligations of an Act of Parliament if, for example, it injured a third party.

In reaction to these criticisms James has been seen as a ruler enlightened before his time with views of religious toleration. The king genuinely believed in liberty of conscience. It was essential for the religious well-being of his subjects. But it also stimulated trade, as the example of the Dutch had shown; by contrast, Louis XIV's persecution of the Huguenots had been detrimental to the French economy. As James pointed out in the instructions he gave to judges going on circuit in 1688, toleration 'had already much increased the trade at home', and if continued would make the country 'the chief seat of trade in Christendom'.[5] He did not seek to force Catholicism on his subjects, but simply to achieve toleration for them and other non-Anglicans. In so far as he employed the royal prerogative to achieve this goal it was as a means to an end, not an end in itself. If the overwhelmingly Anglican parliament elected in 1685 had been prepared to cooperate with his policies he would have had no need to fall back on the suspending and dispensing powers. Instead, the intransigence of the two Houses had shown that it was the Anglicans who remained bigots, refusing to go along with an enlightened monarch intent on achieving toleration. He had been forced to issue dispensations to Catholics and Protestants granting them immunity from prosecution for breaches of the penal laws and ultimately to promulgate an edict suspending the laws altogether.

Was James a bigoted Catholic or an enlightened ruler? Did he aim at absolutism? This study seeks to answer these questions. Like all the titles

in this 'Profiles in Power' series, this is not a biography of James II, much less a 'life and times'. In order to answer the questions, however, some appreciation of the historical context in which James II exercised power is indispensable.

Few outside Northern Ireland today can appreciate the animosity which divided Catholics, or Papists as they were significantly dubbed, from Protestants. The Unionist slogan 'Home rule is Rome rule' goes to the heart of the matter. Roman Catholics were held to place a higher premium on their loyalty to the Pope than they did to their country. They were agents of a foreign power. Hence Elizabethan statute law had made it treason to try to convert subjects of the English crown to Catholicism. Catholics were also held to prefer arbitrary power to limited monarchy, and therefore to be inimical to the 'liberties of Englishmen'. It was the perceived influence of Charles I's Catholic queen, James's mother Henrietta Maria, which led his Protestant subjects to suspect a plot to undermine their constitutional freedoms, and this did much to bring about the atmosphere of paranoia which preceded the civil war between the king and his parliament which broke out in 1642. This atmosphere was poisoned by the uprising in Ireland in 1641. Bloodcurdling stories of atrocities committed by Catholics against Protestants quickly escalated into a lurid legend of a 'massacre'. It fed the fantasies of English Protestants about the cruelty of 'papists' towards them ever since the Reformation. Foxe's *Book of Martyrs* preserved the memory of those who had been burned as heretics in the fires at Smithfield during Bloody Mary's reign. The Gunpowder Plot of 1605, when Guy Fawkes and his accomplices sought to blow up king, Lords and Commons, and would have succeeded had not Providence discovered their hellish conspiracy, was further proof of their inhuman malice. Now they had sought to ethnically cleanse Ireland of its Protestant inhabitants. The Irish rebellion indeed made civil war in England inevitable, since it had to be suppressed. The question then arose: who was to command the army raised to suppress it – the king or parliament? It was over this question that the royalist and parliamentary sides were adopted which were to fight in the civil wars of 1642–1646, and 1648.

The wars also brought out the divisions in Protestant ranks which had previously been largely contained within the Church of England. Charles I had encouraged the advancement of a so-called Arminian element in the Church led by Archbishop Laud. The name was used as a term of abuse implying that those preferred by the king were followers of the Dutch