

The English Parliaments of Henry VII 1485-1504

Review Number: 990

Publish date: Monday, 1 November, 2010

Author: Paul Cavill

ISBN: 9780199573837

Date of Publication: 2009

Price: £58.00

Pages: 288pp.

Publisher: Oxford University Press

Place of Publication: Oxford

Reviewer: DeLloyd J. Guth

What can we know about late-medieval, pre-Reformation English parliaments? Previous to this book, only a few secondary scatterings. *The English Parliaments of Henry VII 1485–1504*, therefore, pulls this topic together, gives synthesis to such scattered references, and then thoroughly researches and documents extant bits and pieces from contemporary primary evidence. It offers a definitive analysis of what is knowable, factually and topically. Dr Cavill collects and dissects admirably. His seven parliaments are presented as a uniform, static whole, a singularly separate royal institution that does not evolve within its 19 years, at least not until the eighth and final section of his book. His empirical research is so thorough that, too often, he seems to be simply emptying note files (or Keith Hopkins like envelopes) onto the page, supplying multiple examples from the entire 15th and 16th centuries for each aspect of parliament's composition, procedures and products.

The historiographical 'Introduction' exhumes the Whig interpretation in order to re-bury it. The focus then moves to 'Tudor despotism' and 'medieval to modern' debates, with A. F. Pollard, K. B. McFarlane and G. R. Elton as leading actors. This largely shifts our eyes to political dramas before and after Henry VII. There is no notice of Walter Richardson's chamber *versus* Exchequer, personal *versus* institutional nature of Henry VII's central administration, which arguably defined the regime and its need, or not, for parliament, especially when compared with Yorkist governance. The general paucity of primary sources for the seven parliaments is summarised, mainly to show its impact on differences between McFarlane and Elton, both of whom used Henry VII's reign as an after-thought or as a prelude, respectively. Therein rests the gap that Dr Cavill seeks to fill.

Chapter one addresses parliament's role in legitimising the Tudor succession and 'punishing disloyalty' after the Battle of Bosworth. The next two chapters, 'Income' and 'Justice', map crucial royal institutional terrain. Henry VII respected parliamentary rule-of-law by choosing 'acts of resumption' when re-cycling royal land grants, from his enemy hit-lists to his servants and supporters. We are not told if Henry VII also significantly expanded a land revenue based monarchy; but the fact that he resorted to parliament for attainders and this recycling policy, that he relied heavily on parliamentary granted customs duties, statutory penal law enforcement profits, lay and clerical taxation, as well as forced loans (not noted by Dr Cavill), suggested that the royal demesne was never enough to fund royal governance, at least not before the 1530s. Did he then turn to tyranny? Emphatically not, according to Dr Cavill. As for law-and-order, the author celebrates the

new dynamics between conciliar, equity jurisdictions and the common law courts, but adds no new research and relies heavily on previous scholarship, including this reviewer's. The author curiously omits consideration of crime and the criminal justice system, which one might expect these parliaments to be concerned with, as Professors J. H. Baker, J. G. Bellamy and others have noted.

The remaining five chapters are the better half of the book. Chapter four succinctly synthesizes structure, for the Houses of Lords and Commons, with a dazzling empirical listing of nobles personally called and not called, of elections and of constituencies. Most boroughs were crown controlled, most shires sent 'knights' nominated by local magnate families, and at least one-quarter of the Commons were lawyers. The next two chapters get down to parliament's purposes and products: law-making, its procedural shaping and lobbying of bills, as well as the reporting and receptions of its final statutory laws.

The author abundantly documents how entrenched and mature, by 1485, parliament had become and how common for the whole realm its legislation was. Shire elections were elaborately regulated by its own statutes. Voters had to be 40s. male freeholders, candidates must reside in the shire, and sheriffs were prosecuted for falsified returns. The secretariat side of Chancery at Westminster issued all writs of summons and processed all returns, by way of an indenture with each sheriff, making him liable for lawsuit and penalty. The same central bureaucracy administered borough elections, which were usually limited to voting by burgesses or a town's assemblymen, rarely by canvassing all local property owners. Dr Cavill found few contested elections but that non-residency, especially for candidates, was a regular problem. The local elite wanted to speak with one voice, particularly where the crown parachuted its candidate into a borough; and the worry was that rallies for competing candidates too easily became riots. Still, we get a stable institutional landscape, perhaps too stable a picture when one recalls that these are two closing decades for the Wars of the Roses. We either must believe that parliament at crown-centre was untouched by periodic resorts to dynastic violence or that any 'wars' after 1485 were merely localised family feuds, including 1497.

As for inner-workings of parliament, we are shown a stunning array of how local initiatives, private petitions and royal bills did or did not become law. Dr Cavill is at his best unmasking public rhetoric and arguing for how logic and necessity grounded parliamentary debates and final texts. If you doubt democracy's vitality in Henry VII's England, then try to explain away this barrage of carefully analysed evidence for power-sharing legislative realities. And consider the countless examples of cross-fertilising central statutes and local by-laws. In the reverse, this confirms Elton's emphasis on royal conciliar management as the measure for any successful parliament, albeit from the 1530s' perspective of Thomas Cromwell. Henry VII's parliaments admirably failed, by that measure, and Dr Cavill finds few signs of royal managerial control. By 1497 six of the seven parliaments had been called because continued rebellions had created no-choice needs for extraordinary revenues and for remedies for numerous pent-up grievances from the Yorkist era. To his credit, Henry VII channeled all of this through his parliaments; and the author persuasively rejects 'the illusion of decline' into money-grubbing tyranny, into Elton's 'rapacity and remorse', for the first decade of the 16th century. If blame was needed, then Empson and Dudley rightfully got it, for extra-parliamentary, extra-legal, indeed extra-regal, practices.

Throughout this book Dr Cavill evaluates evidence wisely, notably for the law regarding 'Fiscal feudalism'. His final chapter eight, 'The evolution of Parliament', locates the aggregate of Henry VII's seven parliaments in contexts between 'Lancastrian forbears and ... Reformation descendants'. This might have been better tailored as an introductory chapter, in light of the author's ambiguous use of the old 'New Monarchy' thesis. His Henry Tudor remains dynamic but not heroic, as much a victim as a maker of events, debatably without a mission in parliament beyond his tax bills. He depends on numerous civil servants, all named in passing but without any individuating background information; their offices are not defined and none are discernible policy-makers or parliamentary managers.

What does all of this add up to, in terms of our understanding 'King-in-Parliament' sovereignty, perhaps as S. B. Chrimes tried to explain in 1936? Dr Cavill does not step back far enough from his mass of data to tell us. We still need to know what difference constitutionally Henry VII's reign, parliaments and law courts did

or did not make. Otherwise, we still buy into the tired historiography that only sees Henry VII, and his parliaments, as sandwiched between a Lancastrian-Yorkist disorder that was and a 'Tudor revolution' order that may be coming.

This tends to produce an often two-dimensional narrative for what is still a commendably authoritative monograph. The bibliography offers an exhaustive catalogue for primary source manuscripts and printed texts for the entire reign. Dr Cavill has covered over 20 county record offices, eight city or borough archives, diverse commercial and craft company repositories, as well as extensively used the Public Record Office (now styled The National Archives), the British Museum and, most prominently the 16 volumes of *PROME (The Parliament Rolls of Medieval England)* and The History of Parliament Trust materials. He and his editors present a meticulously proof-read printing, error-free and stylistically consistent. For simple accuracy, in all respects, this book is a pleasure to read and a gap-filler for any late-medieval and Tudor scholar's library.

The author thanks the reviewer, and does not wish to comment further.

Source URL: <https://reviews.history.ac.uk/review/990>

Links

[1] <https://reviews.history.ac.uk/item/5099>