

IMAGES OF GODLY MAGISTRACY IN EARLY  
STUART ENGLAND

by

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## Abstract

This thesis deals with contemporary conceptions of ‘godly’ magistracy, or governance by godly men, in early Stuart England. In comparison with the historiography concerned with godly magistracy on continental Europe the body of work on godly magistracy in post-reformation, Calvinist England is relatively thin. Previously published research has tended to focus on the theoretical aspects of godly magistracy in England. This study follows in that tradition. But while previous English studies of the subject have focused on specific individuals and their support for godly magistracy or on godly regimes in specific geographical locations, this study aims to present a broad exploration of the central question, How was godly magistracy imagined by its proponents in early Stuart England? The strong association between puritanism and a support for godly magistracy makes it possible to use the findings of this study to address broad questions about puritan attitudes to matters of governance and politics. This in turn makes it possible to gain a deeper understanding of the puritan mindset, thereby offering important insights into the identities of puritans. The methodology of this study implicitly questions the sustainability of trying to define a puritan conclusively, and instead suggests that attempting to understand puritan identities is a more productive way of analysing Puritanism in early modern England.

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## INTRODUCTION

In 1618, at Bury St. Edmunds,<sup>1</sup> local dignitaries assembled to hear Samuel Ward, the preacher of the nearby town of Ipswich as he delivered his sermon *Jethro's Justice of peace*. This was one of many sermons which were typically delivered prior to legal proceedings at assizes across England but it stands out because of its encapsulation of the ideal of 'godly' magistracy. With specific reference to the biblical example of Jethro, who had been both a chieftain and a priest of the Hebrews, Ward constructed the image of an ideal magistrate. Jethro is most easily recognized as the father-in-law of Moses. Arguably, both men were highly significant to the notion of godly magistracy since it was Jethro's famous son-in-law whom God ultimately chose to deliver the Ten Commandments, the divine injunctions which God's chosen people should live by. Apart from the enforcement of secular laws, it was the godly magistrate's duty to ensure that all their countrymen abide by God's laws. Ward's sermon provides a characterization of the godly magistrate, focusing on all the virtues and resources he was meant to possess and exhibit. Its emphasis on the need for legal officials to be virtuous is the basis for an attack on corrupt lawyers and magistrates. This may be one reason for its popularity, which is evident from the fact that it went through six editions between 1618 and 1636.<sup>2</sup> As well as governing justly, the godly magistrate was expected to be both a political leader and a spiritual one, setting a moral example for others to follow. This was the sort of governor idealized by 'godly' people in early Stuart England.

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<sup>1</sup> H. Adlington, 'Restoration, Religion, and Law: Assize Sermons 1660-1685', in H. Adlington, P. McCullough and E. Rhatigan (eds.), *The Oxford Handbook of the Early Modern Sermon* (Oxford, 2011), p.427.

<sup>2</sup> *Ibid.*

But what did it mean to be a member of the godly community in early Stuart England?

Although modern historians have often categorized them as puritans, they preferred to be known by designations which were indicative of how they saw themselves, such as ‘the godly’, ‘professors’ ‘true gospellers’ and ‘the elect’<sup>3</sup>. These designations indicate not only the obsessive compulsive predilection for an austere brand of Calvinism which they came to be heavily associated with, the names also imply an inclination towards self-righteousness which has coloured their reputation through the ages. But an attempt to understand the meaning of Puritanism cannot be limited to such simplistic categorizations. Since the late sixteenth century there has been extensive, largely inconclusive debate on how to define a puritan.<sup>4</sup> Hence the controversy surrounding the term ‘puritan’ makes it potentially unwieldy as a term of reference. Conversely, the term ‘godly’ facilitates an investigation of the identity of such people through an exploration of their mindset. This study aims to do so by focusing on the expectations of political authority and authority figures which were expressed by those who identified with the ‘godly’ movement in early Stuart England. In this way we may extend our comprehension of the complex nature and identity of godly people in early modern England.

We already know a considerable amount about godly princes and magistrates and their roles- both theoretical and practical- in the reformations of continental Europe.<sup>5</sup> Comparatively, the historiography of godly magistracy in post reformation England has been explored in a more limited way. Michael Walzer’s study of puritan ideology, entitled *The Revolution of the*

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<sup>3</sup> ‘Introduction’ in C. Durston and J. Eales (eds), *The Culture of English Puritanism, 1560-1700* (Basingstoke, 1996), p.3.

<sup>4</sup> *Ibid.*, p.1.

<sup>5</sup> For example: E. Cameron, *The European Reformation* (Oxford, 1991), ch.15; A. McGrath, *Reformation thought: an introduction* (Oxford, 1992), ch.11; D. Bagchi and D. Steinmetz (eds), *The Cambridge companion to Reformation theology*, (Cambridge, 2004) pp.49-50, 76, 92-3.



*Saints: A Study in the Origins of Radical Politics*, provides much useful commentary on the way in which the godly thought about those who held and exercised political authority. They believed that the socially all-encompassing moral reform that they hoped for was best entrusted to lay saints<sup>6</sup> - or godly magistrates. One useful aspect of his study is that it is focused on the revolutionary role of puritan political ideology in the context of politics in Calvinist, post-reformation England. So when Walzer does make reference to godly magistracy, the cultural context in which he does so is an English one. One of his basic premises is the fact that those religious purists we have come to know as puritans were the most fervent and uncompromising English Calvinists. But perhaps he then takes the potential implications of that premise too far by presenting godly magistrates as proto-revolutionary, oppositionist figures. His teleological examination of puritan ideology is undertaken primarily to furnish his characterization of the archetypal Calvinist as the unsympathetic 'destroyer of an old order' and his view of Puritanism as 'the earliest form of political radicalism'.<sup>7</sup> Such a whiggish approach restricts our understanding of puritan history by excessively narrowing the lense through which we might observe the puritan experience. What is particularly useful in his approach, is the attempt to probe godly attitudes towards authority to better understand the political inclinations of the godly mindset.

While Walzer's thesis has its merits, Professor Collinson convincingly questions its validity. Collinson does this most directly in his *The Religion of Protestants*. In a chapter entitled 'Magistracy and Ministry', he suggests that the very people who might have been most strongly committed to the concept of godly magistracy were also committed to important aspects of the traditional social and even political order. The chapter challenges assumptions

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<sup>6</sup> M. Walzer, *The Revolution of the Saints: A Study in the Origins of Radical Politics*, (London, 1966), p.228.

<sup>7</sup> *Ibid.*, ix.

that puritans tended to be isolated from the mainstream community, and it in fact strongly argues that in some provincial communities, such as the Norfolk town where it set, views associated with Puritanism were prevalent among local elites. Crucially, their puritan faith was not incompatible with a traditional view of worldly matters. One other important aspect of the chapter is Collinson's exploration of the relationship between the magistrate and the minister. This subject is given more singular attention in Collinson's seminal article on the relationship between ministers and magistrates, 'Magistracy and ministry: a Suffolk miniature', which is not to be confused with the aforementioned chapter in his *The Religion of Protestants*, set in Norfolk. A significant element of this collaborative relationship was that religion would be a completely pervasive influence on social life.<sup>8</sup> This was a crucial aspect of godly magistracy. Collinson's studies stand out for their exploration of this relationship as it occurred in practice.

Other historians have tended to focus on the theoretical aspects of godly magistracy in early modern England. These studies include an article by Professor Cust which explores the outlook of those who aspired to be godly magistrates. Cust does this through an analysis of the reading habits of Sir John Newdigate, a prominent Warwickshire gentlemen and magistrate. Vivienne Larminie has also specifically explored the worldview of Sir John Newdigate in order to 'penetrate the mental world of the seventeenth century gentleman' and thereby 'anatomize his political outlook'.<sup>9</sup> Such studies followed in the tradition of a collaborative article by Professors Cust and Lake which examines the rhetoric of godly magistracy through an analysis of the worldview of Sir Richard Grosvenor, the Cheshire

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<sup>8</sup> P. Collinson, 'Magistracy and Ministry: a Suffolk miniature' in R.B. Knox (ed.), *Reformation, conformity and dissent: essays in honour of Geoffrey Nuttall* (London, 1977), p.89.

<sup>9</sup> V.M. Larminie, *The Godly magistrate: the private philosophy and public life of Sir John Newdigate, 1571-1610* (Oxford, 1982), p.1.

gentleman magistrate who in many ways was the archetypal godly magistrate. Due to their common focus on mentality of godly magistrates, these studies all reveal many of central concerns of both godly magistrates themselves, and of those who wished to be governed by such men. Central to these concerns was a belief that a campaign against sin, spearheaded by a godly magistrate was a vital element of the establishment and maintenance of a godly commonwealth. As Collinson has persuasively argued, the creation of a godly commonwealth was not necessarily a direct challenge to the established social or political order.

Since Collinson's pronouncements, the weight of the historical scholarship in favour of this line of argument has continued to accumulate. Among those arguments which favour this interpretation of Puritanism, Alexandra Walsham's is one of the most interesting and sophisticated. In *Providence in Early Modern England*, she has convincingly argued that the worldview of most puritans- who would have been in favour of godly rule- is not easily distinguished from that of mainstream society. She argues that a belief in providentialism was widespread in early modern England and that this common belief helped to forge 'a collective Protestant consciousness',<sup>10</sup> regardless of the extent of people's religious awareness or the intensity of their Calvinism. This belief in providentialism was part of the common ground shared by the 'godly' puritans and their less fervent neighbours. There was a common belief that natural disasters, epidemics and other collective misfortunes were providentially sanctioned. In a similar vein, one of the most important elements of the godly agenda which the godly magistrate was meant to pursue, was based on a fear of providential chastisement. Among the godly there was a fear that a failure to live according to God's will, and a

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<sup>10</sup> A. Walsham, *Providence in Early Modern England* (Oxford, 1999), p.5.

toleration of those who failed to, would provoke divine retribution. It was therefore considered imperative to eradicate sinful behaviour.

It is the aim of this study to explore the concerns of godly people via an analysis of how they imagined godly magistracy. However this thesis is not concerned with the theology of godliness during the period. While previous work has focused on the philosophies of solitary figures, this study aims to provide a more general assessment of the conceptualization of godly magistracy within the context of English Calvinism in the early Stuart period. Doing so will inevitably involve some synthesis of existing scholarship. What will follow in the subsequent chapters is an analysis of the ways in which godly magistracy was imagined in early Stuart England, and ultimately a consideration of the implications of this. Certain broad questions will prove instructive. First, how did godly ministers like Samuel Ward imagine the godly magistrate? And how did those gentlemen who aspired to godly magistracy see themselves? What sorts of expectations did Calvinist ministers have of magistrates and what sorts of expectations did the magistrates have of themselves? This will include an assessment of the various types of sins that were supposed to be a threat to the godly commonwealth – the community of god-fearing people to be led by a godly magistrate. From their mutual point of view, why was the godly magistrate important? Finally, how did these concerns about the role of the godly magistrate square with those of the established political authorities and with socio-cultural norms? These are the major questions which this study aims to explore.

The first chapter will deal with the first three of these questions. In the course of this it will consider the relationship between the magistrate and the minister as it was envisioned by various contemporary commentators whose piety can be thought of as existing across a spectrum of godliness. As well as attempting a re-construction of the godly magistrate's identity it will consider the implications of this. The second chapter will consider the final

two questions. Although the second chapter focuses more directly on the question of how far the theory of godly magistracy accorded with wider norms, this question is at the heart of this entire study. Ultimately, this study aims to call into question any overly deterministic interpretations of the ‘godly’ worldview of puritans. By presenting a general examination of the theoretical aspects of godly magistracy in early modern England, it is hoped that this study can shed some light on the social and political ideology of puritans in early Stuart England, vis a vis the status quo.

Despite the inevitable synthesis of other scholars’ work, this study is predominantly based on extensive examination of contemporary primary source material. It makes use of available surviving manuscript sources wherever relevant. Manuscript material is drawn exclusively from the papers of Sir John Newdigate of Arbury, Warwickshire, as his jury charges only exist in manuscript form. Studying the papers of such figures can reveal much about their understanding of issues regarding social duty and governance.<sup>11</sup> Sir Richard Grosvenor was also typical of a certain breed of ‘Protestant gentleman’.<sup>12</sup> Hence his papers are also consulted extensively. These have already been conveniently transcribed and edited by Professor Cust. Another godly magistrate whose papers have been consulted is Sir John Harrington. A major benefit of using personal papers such as Harrington’s charges is the unique ‘sense of immediacy’ they give.<sup>13</sup> Moreover, diaries are particularly rich sources for understanding the experiences of the godly. As Andrew Cambers points out, historians such as Margo Todd and Tom Webster have demonstrated how fundamentally important diaries

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<sup>11</sup> C. B. Herrup, *The Common Peace: participation and the criminal law in seventeenth-century England* (Cambridge, 1987), p. 6.

<sup>12</sup> R. P. Cust and P.G. Lake, ‘Sir Richard Grosvenor and the Rhetoric of Magistracy’, *Bulletin of the Institute of Historical Research*, 54 (1981), 40.

<sup>13</sup> ‘Introduction’ in M. F. Stieg, (ed.), *The diary of John Harrington, M.P., 1646-53: with notes for his charges* Somerset Record Society LXXIV (Old Woking, 1977), p. 4.

are to godly people's construction of their own identities. Cambers further asserts that considering the perspectives of contemporaries is vital because they 'often displayed a greater insight into what they were doing than have their historians'.<sup>14</sup>

Finally, there is the charge of one of early modern England's most renowned lawyers, Sir Edward Coke, which was delivered at the Norwich assizes of 1606. Like all the other magistrates whose charges are analysed, Coke had puritan connections.<sup>15</sup> All these men have left jury charges which are invaluable as a source of information about how they perceived their duty, and about their worldview, which is evident in their views on the current issues which their charges comment upon or make reference to. Magistrates generally used jury charges to instruct jury men in the law and to remind them to take their duties seriously. According to ancient custom jury charges were 'the means by which the jurors were instructed in the law and exhorted to do their duty'.<sup>16</sup> But these charges delivered by magistrates might also be directed at fellow magistrates.<sup>17</sup> Charges also often encapsulated the ideals subscribed to by the local community.<sup>18</sup> This is indicated by the apparent popularity of both Grosvenor and Newdigate within their local communities. Since repeated elections to public office indicate Sir Richard Grosvenor's popularity within his local community in Cheshire,<sup>19</sup> the content of his charges must have resonated with the concerns of the community. Likewise Sir John Newdigate's jury charges are relatively numerous. This

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<sup>14</sup> A. Cambers, 'Reading, the godly and self-writing in England, circa 1580- 1720', *Journal of British Studies* 46: 4 (2007), 798, 824.

<sup>15</sup> A.D. Boyer, 'Coke, Edward (1552-1634)' *Oxford Dictionary of National Biography* (Oxford, 2004) < <http://www.oxforddnb.com/view/article/5826?docPos=1> > [accessed 12 July 2012]

<sup>16</sup>R.P. Cust, 'Reading for Magistracy: The Mental World of Sir John Newdigate' in J.F. McDiarmuid (ed.), *The Monarchical Republic of Early Modern England*. Essays in Response to Patrick Collinson, (Aldershot, 2007), p. 190; Stieg (ed.), *Diary of John Harrington*, 'Introduction', p. 10.

<sup>17</sup> Cust, 'Reading for Magistracy', p.193.

<sup>18</sup> *Ibid.*, p. 183.

<sup>19</sup> Cust and Lake 'Grosvenor and the Rhetoric of Magistracy', p. 52.

indicates a status within his local community which was only partly due to his position within the social hierarchy. Repeated invitations to deliver jury charges were a sign that he was a highly esteemed member of his local community. We can assume that some of this esteem was at least partly a result of what he said in his charges. The popularity of such godly magistrates suggests that their worldview was one which often accorded well with dominant social values

Having originated in the late sixteenth century the jury charge had developed into something akin to a lay sermon by the seventeenth century.<sup>20</sup> Margaret Stieg has even described John Harrington's charges as 'sermon-like'.<sup>21</sup> In such a setting it is possible to imagine how exceptional piety in a magistrate might be seen as an asset. Sermons also played an extremely important social role in post-reformation Britain.<sup>22</sup> The importance of sermons at criminal trials suggests the extent of their influence on public life. A major reason for this was the highly religious and moral foundations of the common law.<sup>23</sup> The precepts of the common law were heavily influenced by the draconian injunctions of the Old Testament and the law itself reflected 'the God of the Old Testament' who was uncompromising in his application of His commandments, and his expectation that they be obeyed.<sup>24</sup> In theory, the patriarchal figure of the godly magistrate was very similar. As we shall see, a selection of the Ten Commandments provided the basis for the agenda which he was meant to pursue. Besides the fact that it was crucial to the values and objectives of the establishment, the enforcement of the law also offered one of the most obvious means of encouraging godly social reform.

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<sup>20</sup> 'Introduction' in R.P. Cust, (ed.), *The Papers of Sir Richard Grosvenor, 1<sup>st</sup> Bart. (1585-1645)*. Lancashire and Cheshire Record Society CXXXIV (Stroud, 1996), xxiv.

<sup>21</sup> Stieg (ed.), *Diary of John Harrington*, 'Introduction', p. 1.

<sup>22</sup> Adlington, 'Restoration, Religion, and Law', p. 423.

<sup>23</sup> C. B. Herrup, 'Law and Morality in Seventeenth-Century England', *Past and Present*, 106 (Feb., 1985), 108.

<sup>24</sup> Herrup, *The Common Peace*, p. 193.

The regional apparatus of justice and law enforcement could be seen in full flow twice a year, at the winter and summer assizes, where the business of prosecutions and trials was preceded by the assize sermon delivered by an eminent local preacher, often specially selected by the sheriff.<sup>25</sup> In early modern England assize sermons were ‘the preaching subgenre most self-evidently concerned with the bonds between the tenets of religion and the administration of justice’.<sup>26</sup> They were often highly topical and many were often printed, not only for wider distribution of their message, but also so that magistrates might study them and ponder on the significance of their messages.<sup>27</sup> The earliest printed assize sermon dates from 1571. There are approximately 200 printed assize sermons which survive from before 1700.<sup>28</sup> In comparison with jury charges, they are fairly numerous. I have therefore selected a sample of those which were composed or first produced before 1640. Besides the need to impose manageable chronological parameters, a concern for relevance to the narrowly defined subject matter has eliminated many others.

The eleven assize sermons analysed were produced by preachers from a wide range of religious backgrounds, although all were broadly Calvinist. This allows us to consider the richness and diversity of Calvinist positions on magistracy and – by extension- on matters of governance, justice and political authority. Furthermore, as Dr. Adlington has pointed out, scholars like Barbara Shapiro have recently used assize sermons to investigate political ideology.<sup>29</sup> This suggests that they are invaluable sources for a study such as this one, which is ultimately concerned with the godly socio-political outlook. Moreover, as Adlington neatly

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<sup>25</sup> J.S. Cockburn, *A History of English assizes, 1558- 1714* (Cambridge, 1972), p. 66;

Adlington, 'Restoration, Religion, and Law', p. 428.

<sup>26</sup> Adlington, 'Restoration, Religion, and Law', p. 424.

<sup>27</sup> R.P. Cust, 'The 'Public Man' in late Tudor and early Stuart England', in P. Lake and S. Pincus (eds), *The politics of the public sphere in early modern England* (Manchester, 2007), p. 124; Cust, 'Reading for Magistracy', p. 186.

<sup>28</sup> Adlington, 'Restoration, Religion, and Law', p. 427.

<sup>29</sup> *Ibid.*, p. 426.



puts it, the assize sermon served as ‘an oratorical and instructional complement to the charge’.<sup>30</sup> The complementary relationship between assize sermons and jury charges suggests that studying them together will provide a more complete reflection of images of godly magistracy according to ministers who composed assize sermons, and magistrates who composed the charges.

The other key function of assize sermons was to remind judges of their duties.<sup>31</sup> Magistrates also relied on handbooks and legal manuals which were frequently updated to remind them of the minutiae of legal procedure and to generally help them to keep abreast of the law.<sup>32</sup> After William Lambarde’s famous *Eirenarcha*, Michael Dalton’s *Coutrey Justice* became the most popular handbook for magistrates or justices of the peace in the early seventeenth century.<sup>33</sup> This is one of the other primary sources consulted. Manuals such as these provided guidelines on official approaches to law enforcement and therefore contain echoes of the sentiments which underpinned those statements. A mutual relation to official policy, has made it useful to analyse *The Coutrey Justice* in conjunction with *Statutes of the Realm* from the Jacobean and early Caroline periods, since both documents provide statements of the law. A comparative consideration of the motivations behind the creation of these laws provides a means of assessing the ideological conformity of godly priorities. These priorities can be inferred and derived by analysing godly peoples’ expectations of both godly magistrates as individuals, and of godly magistracy as an institution.

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<sup>30</sup> *Ibid.*, p. 428.

<sup>31</sup> *Ibid.*

<sup>32</sup> K. Wrightson, ‘Two Concepts of Order: Justice, constables and jurymen in Seventeenth-Century England’ in J. Brewer and J. Styles (ed.), *An Ungovernable People: the English and their law in the seventeenth and eighteenth centuries* (London, 1980), p. 27.

<sup>33</sup> D. Underdown, *Fire from heaven: life in an English town in the seventeenth century* (London, 1992), p. 52.

## AN IMAGE OF MAGISTRACY

In the afternoon of 6 August 1613, the west-country town of Dorchester was severely damaged by a devastating force of nature: fire. Whatever explanations townspeople sought for the cause of the fire, the purely rational one was surely only incidental. This fire was probably caused by a combination of a chandler's careless use of fire in his work, and the cramped arrangement of the buildings which made them ideally suited to fuel a fire rapidly beyond the control of the townspeople. As might be expected of early modern townspeople their conclusions about the causes of the fire included a supernatural rationale: ultimately, the fire was from heaven. This surely meant that the townspeople's lives had hitherto fallen short of God's expectations and as a result the fire was God's punishment. This was certainly the explanation which was embraced by the local governors, many of whom had pronounced puritan sympathies; and based on this assessment, they knew what they must do. The fire had been a sign that they must take the necessary steps to 'create a reformed Christian commonwealth in which God's purposes ...would be accomplished'. Between 1613 and 1642 the local governors of Dorchester led a campaign of 'godly reformation' to create such a community.<sup>34</sup> In early Stuart England, such godly governors were to be found all over the country. What were these men like? How was their role envisaged by themselves and by contemporaries of a similar mindset? How were they characterized? These questions are the concerns of this chapter.

This chapter aims to analyse the image of magistracy from the perspective of the godly. The focus will be on how the concept of a godly magistrate was conceived and articulated by

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<sup>34</sup>D. Underdown, *Fire From Heaven: life in an English town in the seventeenth century* (London, 1992), pp.2, 5, 41, 90-91, 90-129.

godly ministers. This chapter also includes an exploration of the way in which magistrates who aspired to godliness thought about what sort of man they ought to be in order to fulfil this ideal. However the voices that will feature predominantly in the considerations of the character of a godly magistrate which follows will be those of the godly ministers. Hence I will draw heavily upon the assize sermons composed by such ministers. Thus what this chapter aims broadly to achieve, is to sketch an image of godly magistracy as envisaged by its chief proponents. The approach will be to first outline the ideal partnership between a magistrate and a minister, focusing on their main functions. This will be followed by a brief consideration of the nature of the godly magistrate's authority. The desired qualities of a godly magistrate are then explored with reference to why such qualities were important. The type of gentleman who was worthy to be a godly magistrate is also assessed. Finally, I briefly consider the implications of these ways in which godly magistracy was imagined by its advocates.

### *Magistracy and Ministry*

One of the most important aspects of Calvinism was the regulation of moral conduct. Obedience and discipline were also central principles of Calvinist faith. In Calvinism the regulation of personal conduct, along with discipline required to achieve this, was considered in social as well as individual terms because it was after all 'a social religion'.<sup>35</sup> What was required to achieve collective regulation of moral conduct and collective discipline was divinely inspired leadership.

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<sup>35</sup> M. Walzer, *The Revolution of the Saints: A Study in the Origins of Radical Politics*, (London, 1966), pp. 24-5. For a list of places associated with the spread of 'municipal puritanism' see C. Durston and J.Eales (eds), *The Culture of English Puritanism, 1560- 1700* (Basingstoke, 1996), p28. For a detailed study addressing the municipal nature of Puritanism see D. Underdown, *Fire from Heaven*

God's Word, as found in the bible, was the driving imperative of Calvinist faith, which godly people took particularly seriously because, supposedly, God's Word was 'his owne voyce'.<sup>36</sup> The Word was what the godly sought to make the basis of their lives. Godly ministers might provide spiritual sustenance but in general, they were preaching to the converted. Having sinful neighbours left the ideal of a life of godliness somewhat tainted. Even worse was to have sinful leaders, or leaders who condoned sin, even if they did so passively. Godly people might have been primarily concerned with their own spiritual salvation, and God's assurance of this, but they were also concerned about the spiritual health of the wider community. This latter concern arose from a desire to ensure that they avoided any association with the spiritually disfiguring influence of sin. In the puritan mind any association with sin might undermine one's salvation. This is what often led to the pangs of conscience so strongly associated with puritans. Tolerating sinful neighbours might inadvertently increase one's association with sin.<sup>37</sup>

Godly people dealt with the sinful world around them by finding ways of distinguishing themselves, and even by separating themselves physically, sometimes shunning locals who might not share in their godly priorities. Such an approach was impractical and could potentially be divisive. More commonly puritans sought to distinguish themselves as a way of persuading themselves that they were 'assured', meaning they were one of the select group of God's elect 'saints' whose spiritual salvation was assured. However since living a godly life also meant not associating with sin, puritans advocated an institutionalised apparatus for combating the sinful behaviour of everyone else. It was not enough for godly ministers to preach the Word and encourage people to repent for their sins, which were transgressions

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<sup>36</sup> Bartholomew Parsons, *The Magistrate's Charter* (London, 1616), p. 2.

<sup>37</sup> 'Introduction' in C. Durston and J.Eales (eds), *The Culture of English Puritanism, 1560-1700* (Basingstoke, 1996), pp. 11, 26.

against God himself. There needed to be an active force to support the work of godly preachers. Preferably, this would be an official authority figure, epitomized by the godly magistrate.

Professor Collinson has provided a basis for considering the partnership between the godly magistrate and the godly minister.<sup>38</sup> He has questioned the view that the relationship between secular and spiritual leaders was particularly one sided and instead discerns a 'formal parity' in the institution of magistracy and ministry.<sup>39</sup> The Ipswich town preacher Samuel Ward, thought of them as being equal, mutually reinforcing social forces. Ward was proud to be labelled a puritan despite it often being used by contemporaries as a term of abuse.<sup>40</sup> In his view magistrates and ministers were 'two opticke peeces'<sup>41</sup> who must work together for the common good. Their collaboration was the work of the Lord and so their partnership was based on a central mission. This mission was to promote God's glory. The specific way to achieve this was the promotion of 'the gospell', which was an expression of God's will, as the foundation of everyday life.<sup>42</sup>

As has been suggested the sort of collaboration which characterised the partnership between magistracy and minister, was strongly inspired by Calvinist theology. The understanding that secular and temporal offices 'stood in equal need of each other' is a strongly Calvinist sentiment. Calvin himself had emphasized 'the equal and reciprocal value of civil office and ecclesiastical office'.<sup>43</sup> Godly magistracy and ministry were therefore mutually reinforcing roles. An instance which demonstrates how well this relationship could work was the

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<sup>38</sup> P. Collinson, 'Magistracy and Ministry: a Suffolk miniature' in R.B. Knox (ed.), *Reformation, conformity and dissent: essays in honour of Geoffrey Nuttall* (London, 1977)

<sup>39</sup> Collinson, 'Magistracy and Ministry', p. 85.

<sup>40</sup> Durston and Eales, *Culture of English Puritanism*, p. 2.

<sup>41</sup> Samuel Ward, *Iethro's iustice of Peace*, (London, 1618), p. 1.

<sup>42</sup> Ward, *Iethro's iustice*, p. 7.

<sup>43</sup> Collinson, 'Magistracy and Ministry: A Suffolk Miniature', p. 71.

partnership of the Suffolk magistrate Sir Nathaniel Banardiston, and Samuel Fairclough, the local minister. Not only did Banardiston and Fairclough consult each other on how best to ‘discharge their responsibilities’ they also tended to agree on most issues. Hence the working relationship of Banardiston and Fairclough really was an ideal demonstration of magistracy and ministry in partnership.<sup>44</sup>

Early Stuart England, was beset by a host of social problems which the godly believed could be remedied by godly leadership. The godly attributed the cause of these social problems to the inherent sinfulness of humanity. Even lawlessness was fundamentally sinfulness.<sup>45</sup> Using the stark logic of Calvinism, it would have seemed reasonable to think that godly leadership was the first step to simultaneously solving social problems and combating the sins which underpinned them. In the collaboration of magistrate and minister, the minister, whose calling was to be God’s messenger<sup>46</sup> would be responsible for the task of reforming sinners by persuasion. He provided spiritual nourishment and training to the whole community. Robert Bolton rather prescriptively suggested a minister’s calling meant that all ministers ‘should do nothing but study, preach and pray’.<sup>47</sup> But according to Samuel Ward, the minister’s role in the service of God was also ‘to encourage, hearten and put life in’ the magistrates.<sup>48</sup> The spiritual work of the minister would go beyond encouragement and providing morale. In a quite literal sense the minister would also provide the magistrate with moral support.

While the minister was there to facilitate the communal worship of God, primarily by preaching, the magistrate’s role was more coercive. As Ward put it, the magistrates were

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<sup>44</sup> P. Collinson, *The Religion of Protestants: the church and English society* (Oxford, 1982), p.164.

<sup>45</sup> This is discussed in greater detail in Chapter 2, below.

<sup>46</sup> Ward, *Iethro’s iustice*, p12; J.S. McGee, *The Godly Man in Stuart England: Anglicans, Puritans and the two tables, 1620-1670* (New Haven, 1976), p. 138.

<sup>47</sup> Robert Bolton, *2 Sermons Preached At Northampton*, II (London, 1635), p. 29.

<sup>48</sup> Ward, *Iethro’s iustice*, p. 1.

agents of God who ‘fight his battles and doe his worke’.<sup>49</sup> The godly magistrate was responsible for ‘adorning Religion with reall performances’ with the ultimate aim of creating ‘heavens upon earth’.<sup>50</sup> In such cases, magistrates did need the support of local ministers, who would provide the ‘vision’. In this sense, the minister might offer counsel to the magistrate when it was needed.<sup>51</sup> The consultative nature of Nathaniel Banardiston’s relationship with his minister, Samuel Fairclough, already mentioned, is a well-documented example of this. The affinity between the two men exemplified a general affinity between increasingly well-educated parish clergy and local gentlemen. The shared elements of their education helped to foster ‘identity and sympathy’ among gentry and ministers.<sup>52</sup>

The godly magistrate might also act as a patron to the godly minister. This is evident in instances where ministers thanked members of the governing classes for their support whilst also dedicating sermons to them. In his dedication to two of his sermons, Robert Harris tells his patron Sir Thomas Crew that, in light of the other sermons Harris has written, Sir Thomas was ‘at thy liberty to leaue these’. Dedicating his sermon to his patron (and uncle) Sir Everard Fawkner, Anthony Fawkner offers his sermon as ‘this poore piece’, also telling his uncle ‘if it offend you, reiect it’.<sup>53</sup> The complementary nature of the relationship is evident in this last instance. It seems that many ministers also composed assize sermons to draw attention to the wisdom they could offer as counsellors.

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<sup>49</sup>Ward, *Iethro’s iustice*, p. 6.

<sup>50</sup> ‘The Epistle Dedicatory’, Robert Harris, *St. Paul’s Exercise* (London, 1628). Unless otherwise stated, dedications and dedicatory epistles are unpaginated; Bolton, *2 Sermons*, I, p. 5.

<sup>51</sup> Ward, *Iethro’s iustice*, pp.11, 14.

<sup>52</sup> F. Heal and C. Holmes, *The gentry in England and Wales, 1500-1700* (Basingstoke, 1994), p. 343.

<sup>53</sup> ‘Dedication’, Robert Harris, *St Paul’s Confidence/ St.Paul’s Exercise* (London, 1628); ‘The Epistle Dedicatory’, Anthony Fawkner, *Pedegree of Peace* (London, 1634).

Moreover, the godly magistrate's need for a minister's counsel implied the inherent fallibility of all magistrates.

There are other examples of assize sermons dedicated to patrons who would have numbered among the local gentry and governing classes. In his dedicatory epistle to the printed version of his assize sermon, *Breakfast for the Bench*, Samuel Garey thanks his patron Sir Thomas Holland, for 'your favours'. In a similar manner, in the dedicatory epistle to his assize sermon, *Saint Paul's Exercise*, Robert Harris uses precisely the same word, 'favours' in his dedication to Sir Thomas Crewe. Samuel Ward also refers to 'a favour formerly received.'<sup>54</sup>

In some cases they were also their protectors as well because as might be expected the censorious message of godly ministers was not always well received.<sup>55</sup> In Suffolk, which Professor Collinson calls a 'primitive Puritan commonwealth', sympathetic magistrates who had enough local power and influence might be able to protect godly ministers from local bishops or their officers, and even from agents of the law, such as assize judges.<sup>56</sup> But we must resist the simple conclusion that the relationship was one sided, weighted in favour of the magistrate. At a local level ministerial support also made it possible for magistrates to implement godly reformation much more thoroughly and vigorously.<sup>57</sup> This suggests not only the important place of ministers in local communities, but also indicates the compatibility of godly magistracy with existing political cultures.

In the simplest and broadest terms then, the godly mission, which both magistrates and ministers had responsibility for, was to promote the cause of God's Word. In this mission the

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<sup>54</sup> 'Dedicatory Epistle', Samuel Garey, *Breakfast for the Bench* (London, 1623); 'Epistle Dedicatory', Harris, *St. Pauls Exercise*; Ward, *Iethro's iustice*, p. 1.

<sup>55</sup> McGee, *The Godly Man in Early Stuart England*, p. 138.

<sup>56</sup> Collinson, 'Magistracy and Ministry: a Suffolk Miniature', pp. 74, 77.

<sup>57</sup> S. Doran and C. Durston, *Princes, pastors and people: the church and religion in England 1529-1689* (London, 1991), p. 182.



magistrate was expected to wield his sword ‘in defence of God’s Word’. The minister on the other hand, was to wield ‘the other sword of spirit to convert the conscience’.<sup>58</sup> In many ways conscience was the cornerstone of the puritan faith.<sup>59</sup> As we shall see conscience was also a fundamental element of godly magistracy. Despite the advice that his minister might offer him, the magistrate himself was expected to have an exceptional level of spiritual maturity himself. Ultimately the sum of the minister’s role was to help a magistrate to keep in touch with his own conscience. In a wider sense, the minister’s responsibilities focused on the spiritual welfare of the wider community. The magistrate would use his political influence and authority to protect the minister and to proactively promote godliness by demonstrating how to be godly and enforcing the law properly.

#### *Attitudes to Authority*

The authority of magistrates was not solely based on their position as agents of the law. It also derived partly from the fact that, invariably, magistrates would have been members of the local gentry. In the parochial communities of early Stuart England, the social status of a gentleman was an important influence on his ability to influence people within the local community. This was a society where people at all levels of society deferred to their social superiors, whom they also turned to for guidance. But ultimately, the authority of magistrates came from God. This referred to all magistrates, with the definition of a magistrate encompassing all secular authority and all those who represented or exercised it. Therefore those who fell within this definition included ‘all that beare Authority’ or anyone with

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<sup>58</sup> Garey, *Breakfast for the Bench*, p. 20.

<sup>59</sup> Durston and Eales, *The Culture of English Puritanism*, p. 11.

‘judicial or executive power’, and therefore ranged from justices of the peace (JPs), all the way up to the king himself.<sup>60</sup>

As supreme earthly magistrates, kings held their authority by divine ordinance and therefore by divine right. In early Stuart England, belief in the divine right of kings was the norm.

Authority came from God and only He had the power to grant it. As Bartholomew Parsons told his audience at Sarum in Wiltshire in 1614: ‘by his appointment kings are ordained’.<sup>61</sup>

The biblical king David was ‘raised by God’ from being ‘a poore sheeheard... to sit upon the kings bench’.<sup>62</sup> Samuel Ward exhibited a similarly deferential view of royal authority when

he described it as ‘the fountaine of inferior magistracy’ and so it was the earthly source of all earthly authority. Similarly, magistracy was ‘Gods ...creature and ordinance’.<sup>63</sup> Magistrates

were ‘of God’s own raising’ and so ‘their calling and their office’ was rendered ‘venerable’.<sup>64</sup>

In the *Institutes* Calvin himself had stated that magisterial authority was divinely ordained.<sup>65</sup>

This emphasis on the divine appointment and therefore endorsement of magisterial authority

suggests the compatibility of godly magistracy with the divine right of kings. This also links

the theory of godly magistracy to other traditional views on authority. The theory of divine

right was an element of the concept of a Great Chain of Being, which was basis for the

general understanding of order. Other elements of this concept of order included ‘the divine

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<sup>60</sup> Bolton, *2 Sermons*, II, p. 18; F. Milton, *The English Magistracy* (London, 1967), p. 2.

<sup>61</sup> Parsons, *Magistrate’s Charter*, p. 6.

<sup>62</sup> Garey, *Breakfast for the Bench*, p. 2.

<sup>63</sup> Bolton, *2 Sermons*, I, p. 5; Ward, *Iethro’s iustice*, p. 7.

<sup>64</sup> Garey, *Breakfast for the Bench*, p. 3.

<sup>65</sup> Q. Skinner, *The Foundations of Modern Political Thought*. (2 vols, Cambridge, 1978)II, p. 225.

right of the law, the divine right of judges, Justices of the Peace and inferior magistrates, and the divine right of fathers'.<sup>66</sup>

There was certainly a sense in which magistrates were public fathers. In his sermon *Pauls Exercise*, Robert Harris included 'Sheriffs, Iustices, Iudges' among those he called 'reuerend and honoured fathers' and he also tells them : 'you are termed as fathers'. Robert Bolton similarly pointed out that before people became nations ruled by princes, 'fathers and heads of *families*' were the original heads 'Kings, Priests and soveraigne Princes of of their families'.<sup>67</sup> Anthony Fawkner remarked that according to timeworn tradition, the father of any household was effectively a lawgiver, with his word having, 'the full vertue of the law'.<sup>68</sup> Fawkner, Bolton and Harris's statements were a firm endorsement of patriarchal authority, echoing the patriarchal view of society which was predominant during the early Stuart period.<sup>69</sup>

The legitimacy it derived from being based on divine ordinance conferred a strongly sacral character upon the authority of magistrates. Thus Queen Elizabeth is nostalgically referred to by one preacher as being both a 'sacred and Royall person'.<sup>70</sup> In fact, as Sir Edward Coke had told his audience in his charge to the Norwich assizes in 1606, magistrates were 'little Gods' or earthly Gods.<sup>71</sup> Samuel Ward similarly reminded his audience of God's reminder to magistrates 'I have said ye are Gods'. When he preached to the judges at an assizes at

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<sup>66</sup> C. Russell, 'Divine Rights in the Early Seventeenth Century' in J. Morrill, P. Slack and D. Woolf (eds), *Public Duty and Private Conscience in Seventeenth Century England: essays Presented to G. E. Aylmer* (Oxford, 1993), pp. 102, 106.

<sup>67</sup> Harris, *Paul's Exercise*, p. 18, 23; Bolton, *2 Sermons*, I, p. 6.

<sup>68</sup> Fawkner, *Pedegree of Peace*, p. 16.

<sup>69</sup> D. Underdown, *Revel, Riot and Rebellion: popular politics and culture in England, 1603-1660* (Oxford, 1985), p. 9.

<sup>70</sup> Bolton, *2 Sermons*, II, p. 17.

<sup>71</sup> R.P. Cust, 'The 'public man' in late Tudor and early Stuart England', in P. Lake and S. Pincus (eds), *The politics of the public sphere in early modern England* (Manchester, 2007), p. 123; McGee, *The Godly Man in Stuart England*, p.135; From the Lord Coke's Charge (1607), cited in Russell, 'Divine Rights in the Seventeenth Century', p. 102.

Northampton, in 1621, Robert Bolton not only described them as a ‘representation of that great Majesty above’, but also ‘reminded them that: ‘you are Gods’. He reiterated the same message in a second sermon which was probably first preached around 1629. On the 25<sup>th</sup> of July 1633, Anthony Fawcner also addressed the judges at another Northampton assizes in similar terms. In an assize sermon printed just the year before, in 1628, Robert Harris also told his readers that ‘you are termed Gods’ and reiterated that Magistrates were ‘visible Gods’. The divine nature of magisterial authority was a major theme of Bartholomew Parson’s *Magistrate’s Charter*, which we know was preached on ‘the ninth day of March...1614’. In it he calls magistrates ‘petty Gods of the earth’.<sup>72</sup> Considering that Ward’s sermon was also produced in 1614, this notion of magisterial or majestic authority being divinely ordained was clearly widely accepted by English protestant ministers during the early Stuart period, regardless of the fervour of their godliness. The later date of Bolton and Fawcner’s sermons, mentioned above, indicate that among the godly, such views of political authority endured into the early reign of Charles I. Considering the perceived corruptions of the reign it is likely that such reminders were also pointed appeals to those in authority to try to be more godly and lead by example through an exhibition of moral and ethical superiority. In the minds of most contemporaries, who did not necessarily equate monarchy or authority by divine right with absolutism, kings were still answerable to God.<sup>73</sup> The divine nature of magisterial authority did not mean there was no one to whom they could be held to account. Despite legitimating and sacralising it on the one hand, divine ordinance itself was also the basis upon which the authority of princes and magistrates might be constrained. Magistrates might be Gods on earth but they were also destined ‘to die like men’, and perhaps even more

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<sup>72</sup> Ward, *Iethro’s iustice*, p. 9; Bolton, *2 Sermons*, I, pp. 2-3; Bolton, *2 Sermons* II, pp. 14, 22; Anthony Fawcner, *The Widowes Petition* (London, 1633), p. 3; Harris, *Paul’s exercise*, pp. 23, 25; Parsons, *Magistrate’s Charter*, pp. 1,2,3,12,17,26, 25.

<sup>73</sup> Russell, ‘Divine Rights in the Early Seventeenth Century’, p. 101.

ominously, they were also destined to ‘fall like others’. Ward warned that if a magistrate was disappointing to God, He might ‘let another more worthy take his place’, as happened to Saul, King David’s predecessor.<sup>74</sup> In 1628 Robert Harris pointedly reminded magistrates that ‘God hath set you in his chaire’ while Robert Bolton refers to the earthly authority as ‘the subject’ that receives his power from ‘that great Majesty above’.<sup>75</sup> The implication in both cases is that God could just as easily replace the magistrate who failed to live up to expectations. It was the expectations which God had of magistrates which were effectively conditions by which he kept them in positions of authority. Broadly, this condition was that magistrates carry out their mission with sufficient zeal and dedication.

### *The importance of Godly leadership*

To carry out his mission in a way that was pleasing to God a magistrate had to be ‘a man after GODs own heart’.<sup>76</sup> His character, as demonstrated through his own personal conduct, would be an indicator both to God, and His people, of the extent to which this was true. Preachers like Garey, Ward and Bolton considered a fear of God to be the most important characteristic of magistrates.<sup>77</sup> Being god fearing was also perhaps the most important criterion that early English protestant thinkers decided should be used to decide whether or not a governor was ordained by God.<sup>78</sup> This fear of God was one which was more akin to reverence and awe than terror alone. Ward described it as ‘such a filial feare, as faith and assurance of God’s loue and saluation brings’. The importance of fearing God is clarified by Ward’s deliberate

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<sup>74</sup> Ward, *Iethro’s iustice*, pp. 9, 12.

<sup>75</sup> Harris, *Pauls Exercise*, p. 23; Bolton, *2 Sermons*, I, p. 3.

<sup>76</sup> Bolton, *2 Sermons*, II, p. 20.

<sup>77</sup> Garey, *Breakfast for the Bench*, p. 2; Ward, *Iethro’s iustice*, pp. 7-9; Bolton, *2 Sermons*, I, p. 4 Bolton, *2 Sermons*, II, p. 17.

<sup>78</sup> Skinner, *Foundations*, II, p. 229.

decision to begin discussing it in the centre of *Iethro's iustice of peace*. It is literally central to the sermon, which is essentially an exposition of the four qualities which were most desirable in a magistrate. Hence his discussion of the importance of 'Fearing God' is 'placed in the text, as the heart in the body, for conueying life to all the parts'. The other characteristics Ward expected of a magistrate were piety, honesty, and 'hating couestousnesse'.<sup>79</sup>

Such fear was based on a personal relationship with God and so it was actually a desirable type of fear for a Calvinist to have. This was the kind of relationship which often led to tormented consciences for godly people in early Stuart England. Ultimately, fearing God was the only thing that would give a magistrate the courage to do what was right and just. The degree of righteousness which informed it might act as a measure of the appropriateness of his approach to his duties. Godly magistrates should also fear God because there was a biblical argument for doing so. In quoting the Psalm 111.10, which declares that 'the feare of the Lord is the beginning of all wisdom', Samuel Garey impressed this upon his audience.<sup>80</sup> Wisdom was one of the most important attributes which a godly magistrate was expected to have. It was one of the attributes that might help a magistrate to discharge his duties with due care and with a sense of perspective. Wisdom would be the basis of the extraordinary judgement needed by a magistrate to ensure justice was done. That wisdom inevitably had to have a spiritual aspect to it. Magistrates needed to be 'wise like Angell of God'. To cultivate the 'wisdome' he needed, a good magistrate had to be guided by both 'scripture and reason'.<sup>81</sup>

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<sup>79</sup> Ward, *Iethro's iustice*, p. 7.

<sup>80</sup> Garey, *Breakfast for the Bench*, p. 22.

<sup>81</sup> Harris, *Pauls Exercise*, p. 2; Bolton, *2 Sermons*, II, p. 19; Ward, *Iethro's iustice*, p. 3

The ultimate source of spiritual, divinely inspired wisdom was conscience, which was ‘the prime faculty of the reasonable soule’.<sup>82</sup> If he sought to fulfil his responsibilities in godly manner, conscience was the only thing a magistrate could truly rely upon to guide him in his attempt to do so. Since his conscience could ‘say much from God’, it was a man’s connection to God- the means by which he might know ‘in what termes he stands with God’. It was thereby ‘distinct from other faculties’. Since God was ‘its Master’, if a man was led by conscience, he would in turn be led by God.<sup>83</sup> Alongside those attributes stipulated by Ward in *Iethro’s iustice*, Samuel Garey would have added that magistrates needed ‘deepe understanding’, but such judgement was also thought to depend on ‘an honesty of conscience’.<sup>84</sup>

Robert Harris’s sermon, *St Paul’s Exercise*, provides an excellent analogy to explain the importance of conscience. In the context of a legal system, it presents a conscience as the Lord Chancellor, whose function is to oblige everyone to do their political duty for God’s sake.<sup>85</sup> In addition to being the trusty guide to ‘Morall righteousnesse’<sup>86</sup> conscience underpinned many of the virtues and attributes which a godly magistrate was expected to have. If the magistrate kept himself on a path of righteousness then he would also govern well since ‘religious righteousness steeres right in all public employments’, according to Robert Bolton. He also thought ‘all duties are better performed’ if those men who perform them ‘are more religious’.<sup>87</sup> He therefore suggested that the most desirable ‘men in authority’

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<sup>82</sup> Harris, *Paul’s Exercise*, p. 5.

<sup>83</sup> Harris, *Pauls Confidence*, p. 7; Harris, *Pauls Exercise*, p. 5; *Paul’s Confidence*, p. 6.

<sup>84</sup> Garey, *Breakfast for the Bench*, p. 3.

<sup>85</sup> Walzer, *Revolution of the Saints*, p. 233.

<sup>86</sup> Bolton, *2 Sermons*, II, p. 16.

<sup>87</sup> *Ibid.*, p. 17.

were 'righteous men'.<sup>88</sup> His piety was the most obvious sense in which a magistrate might be described as godly.

The importance of piety, which was dependent on being led by one's conscience, lay in the belief that both magistrates and ministers were 'the principal lights' of the community. In much the same way that parents were expected set a moral example for their children,<sup>89</sup> ministers like Ward argued that godly magistrates were meant to be 'Tutors of the rest', providing a moral example for all to follow.<sup>90</sup> Since it was believed that men were 'the imitators of the follies of their superiors',<sup>91</sup> magistrates had a responsibility to lead 'as much by his example as by his authority'<sup>92</sup> and so a magistrate must also ensure he 'keepes his house well'<sup>93</sup> since his house was 'a microcosm of the godly Protestant commonwealth'.<sup>94</sup> Puritan divines like William Perkins had emphasized the need for parents to imbue their children with 'a genuine love of piety and true religion'<sup>95</sup> and the best way to do this was by setting the right example. As fathers of the commonwealth, godly magistrates were expected to also apply this approach to their public duties because setting a 'scandalous example' might 'poysen' the community or nation which he presided over.<sup>96</sup> It is perhaps for this reason that Harris pointed out that in his sermon, Paul's 'life is mentioned, not his faith or function'. The audience was expected to follow Paul's example, 'not ...as a Preacher, but as a

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<sup>88</sup> *Ibid.*, p. 14.

<sup>89</sup> Heal and Holmes, *Gentry in England and Wales*, p. 248.

<sup>90</sup> Ward, *Iethro's iustice*, p. 1.

<sup>91</sup> Garey, *Breakfast for the Bench*, p. 23.

<sup>92</sup> Ward, *Iethro's iustice*, p. 8; R.P. Cust, 'Reading for Magistracy: The Mental World of Sir John Newdigate' in J.F. McDiarmid (ed.), *The Monarchical Republic of Early Modern England. Essays in Response to Patrick Collinson* (Aldershot, 2007), p. 182.

<sup>93</sup> Ward, *Iethro's iustice*, p. 8.

<sup>94</sup> Heal and Holmes, *Gentry in England and Wales*, p. 5.

<sup>95</sup> J.T. Cliffe, *The Puritan gentry: The great Puritan families of early Stuart England* (London, 1984), p. 69.

<sup>96</sup> Cust, 'Reading for Magistracy', p. 182; Bolton, *2 Sermons*, II, pp. 15, 17.



man', who was guided by his conscience.<sup>97</sup> Piety was the virtue most obviously based on conscience, or communion with God, and therefore on an understanding of God's will. But a good magistrate needed other virtues and attributes to prove worthy of his office.

Perhaps the most important role of conscience for a magistrate in the course of his duties was to ensure that he did his best to be impartial. As a father of the commonwealth, it was the godly magistrate's duty to protect the weak where they could not protect themselves. In a society where high status often gave people an unfair advantage before the law,<sup>98</sup> impartiality was an especially important quality in a magistrate. Impartiality, which was the basis for 'vprightnesse of iustice'<sup>99</sup> was largely dependent upon the wisdom that came from a clear conscience. Clearly, partisanship was a problem among law enforcement officials, who were often discriminatory about who they prosecuted and this discrimination was often informed by 'negligence or corruption'. There were documented cases of legal officials using their authority to protect servants, kinsmen or other associates. Fears of popery meant such instances were most worrying when those being protected by officials were recusants.<sup>100</sup> To prevent such conduct, a good magistrate must have 'high and unshaken resolutions',<sup>101</sup> which would be underpinned by conscience. Conscience would give him the strength to reject bribes, which were the cause of 'crooked and peruerse iudgement',<sup>102</sup> since, as Samuel Garey warned, a man's judgement was easily distorted by 'feare, loue...hate [or]...luker'.<sup>103</sup>

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<sup>97</sup> Harris, *Paul's Exercise*, p. 3.

<sup>98</sup> P.G. Lawson, 'Lawless Juries? The Composition and Behaviour of Hertfordshire Juries, 1573- 1624' in J.S.Cockburn and T.A Green (eds), *Twelve good men and true: the criminal trial jury in England 1200-1800* (Princeton, 1988), p. 124.

<sup>99</sup> Garey, *Breakfast for the Bench*, p. 3.

<sup>100</sup> Heal and Holmes, *Gentry in England and Wales*, p. 176; T. Curtis, 'Quarter Sessions Appearances and their backgrounds: A seventeenth-century Regional Study' in J.S. Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), pp. 144, 148.

<sup>101</sup> Bolton, *2 Sermons*, II, p. 14.

<sup>102</sup> Parsons, *Magistrates Charter*, p. 27.

<sup>103</sup> Garey, *Breakfast for the Bench*, p. 7.

Conscience would give him the courage to be impartial, and not hesitate to ‘endite ...a neighbour, a kinsman...thy Landlord’.<sup>104</sup> A magistrate would need the courage of his convictions to remain impartial where faithful execution of the law might upset men of status and influence.

As suggested earlier, magistrates might consult their minister, particularly in matters of conscience but ultimately, a godly magistrate had to be spiritually self-reliant. Since magistracy was thought of as ‘Gods worke’, magistrates were also ‘God’s Ministers’. In the same mould as Moses’ father-in-law Jethro, the godly magistrate had to be ‘both Prince and Priest’. This meant that despite being an experienced and able ‘Gouverneur’, he had to be ‘a Iudicious Diuine’. The best kind of civil leader was ‘a godly and religious man’ like Jethro had been.<sup>105</sup> Godly magistracy was not simply a supplement to spiritual ministry. In its own way it was a form of ministry. The godly magistrate himself had to be like a minister in some aspects. Commenting on the importance of prayer for magistrates, Samuel Garey believed that in the magistrate’s case, prayer would help ‘their vnderstanding’ to be ‘enlightened’.<sup>106</sup> Indeed, they had to be more enlightened than their fellow men. As a paragon of moral conduct the chief measure of a godly magistrate’s nobility- and therefore his superiority- was his moral rectitude.

### *Godliness and Gentility*

Certainly, wealth and lineage were important aspects of nobility. Wealth might provide a gentleman with the means ‘to come to the iudgement seate with the pompe, state and attendance’ deemed necessary to remind people to respect the authority of the office.<sup>107</sup> In a

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<sup>104</sup> Harris, *Pauls Exercise*, pp. 13-14.

<sup>105</sup> Parsons, *Magistrates Charter*, pp. 5, 16; Ward, *Iethro’s iustice*, p. 2.

<sup>106</sup> Garey, *Breakfast for the bench*, p. 4.

<sup>107</sup> Ward, *Iethro’s iustice*, p. 5.

similar way, the pedigree of ‘birth and blood’ implied inherent nobility, since magistrates were expected to ‘do as their ancients did’, drawing upon the example of the heroic previous occupants of similar positions.<sup>108</sup> A governor with an illustrious heritage, whose ancestors had been virtuous and wise, had examples from his own lineage to draw upon. However, wealth and lineage were both inadequate measures of a gentleman’s personal character and his individual worthiness to govern. Ultimately, nobility was demonstrated through personal virtue, which made a gentleman worthy of honour. A godly approach to magistracy was therefore also potentially a means of distinguishing oneself since, as Professor Cust puts it, godly magistrates were meant to embody ‘quintessential virtues’.<sup>109</sup>

Ultimately, a virtuous magistrate could be relied upon to be an honest magistrate. The Rutland minister Anthony Fawkner considered ‘honesty’ and ‘vertue’ to be indivisible.<sup>110</sup> Personal virtue was not only a vital characteristic of the godly magistrate, it was also emphasized by Renaissance writers.<sup>111</sup> Cicero had advanced the idea of the *vir honestus* or ‘honest man’, whose virtue might be measured with reference to four cardinal virtues.<sup>112</sup> In referring to ‘foure cardinall vertues’ of Magistrates<sup>113</sup> the godly minister Samuel Ward echoed such humanist thinking. Among the gentry of early Stuart England, wisdom, learning and godliness were all considered to be manifestations of virtue.<sup>114</sup>

With such concepts being embraced by the governing classes as a whole, godly gentlemen were not exceptional in doing this. Godly gentlemen like Sir Richard Grosvenor of Cheshire

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<sup>108</sup> Harris, *Pauls Exercise*, p. 2.

<sup>109</sup> Cust, ‘Reading for Magistracy’, p. 182.

<sup>110</sup> Fawkner, *Pedegree of Peace*, p. 8.

<sup>111</sup> Walzer, *Revolution of the Saints*, p. 238.

<sup>112</sup> Cust, ‘Public Man’, p. 122.

<sup>113</sup> Ward, *Iethro’s iustice*, p. 11.

<sup>114</sup> ‘William Dugdale and the Honour Politics of Stuart Warwickshire’, in C. Dyer and C. Richardson (eds), *William Dugdale, historian, 1605-1686: his life, his writings and his county* (Woodbridge, 2009), p. 92.

were just as concerned with status as other gentlemen. His advice to his son that ‘learning is the best ornament that can beautifie a gentleman’<sup>115</sup> emphasizes the manner in which learning might enhance social status. Sir John Newdigate of Arbury, Warwickshire pursued wisdom and learning for similar reasons. In many ways he exemplified the archetype of a godly magistrate.<sup>116</sup> He appreciated that, like the minister, who underwent intensive mental preparation for his role<sup>117</sup> and was expected to be ‘a good scholler’,<sup>118</sup> the magistrate must also study hard. Learning and education were important primarily because they developed the intellectual faculties needed to be an effective magistrate. A magistrate had to be ‘wise and learned’ because it was part of what qualified him for his office since his main responsibility as a promoter of God’s will was justice, which was ‘God’s owne worke’. The magistrate was God’s ‘Agent in this businesse’. This meant that ‘religion and justice’ were inextricably connected because, as Robert Bolton put it: ‘there is neither where both are not’.<sup>119</sup>

Thus, like a minister, it was important for a magistrate to have a mastery of scripture, by which he might learn and internalise ‘the law of God’.<sup>120</sup> In 1619 at an assizes at Thetford in Norwich Samuel Garey reminded the judges and justices of the peace, of Psalm 2 verse 10, with declared: ‘Be learned ye that are the Iudges of the earth’. A magistrate’s learning would not only give them the wisdom to ‘serve the Lord in feare’ but it would also ensure that justice was done unto those who had been brought to be tried before them. Divines like Samuel Garey suggested that a magistrate needed the sort of wisdom that could only be

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<sup>115</sup> Cust, ‘Public Man’, p. 122; R.P. Cust (ed.), *The Papers of Sir Richard Grosvenor, 1<sup>st</sup> Bart. (1585-1645)* Lancashire and Cheshire Record Society CXXXIV (Stroud, 1996), p. 31.

<sup>116</sup> See V. Larminie, *The godly magistrate: the private philosophy and public life of Sir John Newdigate 1571-1610* (Oxford, 1982)

<sup>117</sup> T. Webster, *Godly clergy in early Stuart England*, pp. 97- 99.

<sup>118</sup> Bolton, *2 Sermons*, II, p. 19.

<sup>119</sup> *Ibid.*, p. 17.

<sup>120</sup> Ward, *Iethro’s iustice*, p. 8.

acquired from exposure to examples of wisdom from the broadest range of human experience because ‘the ignorance of a iudge is the calamity of the innocent’. The kind of wisdom to be gained from a broad education which was not limited to scripture would teach magistrates vital lessons that they might then apply to their daily duties. This was the sort of wisdom that might prevent him from being ‘misled by some counsellor’<sup>121</sup> other than his minister, who was not necessarily qualified to advise him in matters of government. For the godly magistrate therefore, studying was for the cultivation of practical wisdom.

Thus in order to see to his responsibilities competently, Sir John Newdigate would have felt that he had to be ‘a master of his owne minde’ to make him ‘a fit man for his worke’.<sup>122</sup> He therefore made concerted efforts to dedicate himself to a highly ambitious programme of study. In keeping with the need for a godly magistrate to study diligently ‘all the daies of his life’ as Samuel Ward had recommended,<sup>123</sup> Newdigate dedicated himself to a lifelong ‘process of self-education’. His programme of study included works on Christian morality and ‘English Justice’, as well as history.<sup>124</sup> Most of this was specifically done with the ultimate intention of preparing himself for the intellectual and ethical demands of his political office, as a form of ‘technical training’ appropriate to his vocation. In Newdigate’s mind learning was to be undertaken for immediate application, not merely for reflection.<sup>125</sup> For example, classical stoics like Seneca and Plutarch were read to learn from the virtuous

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<sup>121</sup> Garey, *Breakfast for the bench*, pp. 1, 3.

<sup>122</sup> *Ibid.*, p. 9.

<sup>123</sup> Ward, *Iethro’s iustice*, p. 8.

<sup>124</sup> V.M. Larminie, *Wealth, kinship and culture: the seventeenth-century Newdigates of Arbury and their world* (Woodbridge, 1995), p.145.

<sup>125</sup> Larminie, *Wealth, Kinship and Culture*, p. 146; Cust, ‘Reading for Magistracy’, pp. 188, 191.

example of successful statesmen as well as to ‘learne from the fall of some’<sup>126</sup> so that he might avoid repeating their mistakes.

The influence of humanism is not just evident in Newdigate’s choice of reading material, but in his attitudes to reading. He was following in the footsteps of Tudor Humanists who had also thought of learning as a means to an end. That end was the virtuous application of learning.<sup>127</sup> This echoed the views of Christian humanists like Erasmus, who felt the stoics were useful because they believed that virtue and wisdom were interdependent.<sup>128</sup> The wisdom accumulated by extensive learning would also make men more inclined to subject their passions to reason,<sup>129</sup> which would also help magistrates to be impartial in the exercise of their authority. Newdigate was not alone in attempting to sustain such reading habits. In Cheshire, Sir Richard Grosvenor would have taken a similar approach to personal education. There were also men like Grosvenor in other counties.<sup>130</sup> They included William Drake, the Buckinghamshire MP, Sir Thomas Beaumont, the Leicestershire justice, who was a friend of Sir John’s. This suggests that the outlook of such men was quite commonplace.<sup>131</sup>

But besides preparation for their duties, members of the governing classes would have been concerned with education because of how it distinguished them from other people. The wisdom which specifically prepared a gentleman for his official duties might make him a more competent and discerning magistrate, and therefore more worthy of the status associated with his office. The significance of this was that it reinforced his worthiness to hold that office, and by extension, justified his gentility or nobility. But wisdom was

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<sup>126</sup> Garey, *Breakfast for the Bench*, p. 25.

<sup>127</sup> Cust, ‘Public Man’, p. 118.

<sup>128</sup> M. Todd, *Christian Humanism and the Puritan social order* (Cambridge, 1987), pp. 29-30.

<sup>129</sup> Cust, ‘Public Man’, p. 118.

<sup>130</sup> *Ibid.*, p. 134.

<sup>131</sup> Cust, ‘Reading for Magistracy’, pp. 184, 190; Cust, *The Papers of Sir Richard Grosvenor*, Introduction, xv; Larminie, *Wealth, Kinship and Culture*, p. 144.

increasingly seen as an important attribute among the gentry of the early Stuart period regardless of where their religious outlook existed on the theological spectrum.<sup>132</sup>

Hence in much the same way that godliness distinguished the godly, learning and education was thought to enhance a gentleman's status. Renaissance humanists had argued that education, not merely birth, was the basis of true nobility. The effect of this had been to make education integral to conceptions of gentility.<sup>133</sup> In 1619 Samuel Garey also explained to the bench at Thetford in Norwich that it was 'not liuing, but learning' that would 'make a man esteemed'.<sup>134</sup> The importance of learning for godly magistracy and the importance which the gentry increasingly attached to it as a social group, suggests the appeal of numerous aspects of 'godly magistracy' to gentry identity, and vice versa. Another example of this was the concern with status shared by godly magistrates and other gentlemen of less fervent piety. While the gentry's interest in their lineage revealed their concern for their status, godly magistracy was also partly based on a public display of status. In Samuel Ward's words, the display of status was necessary because it 'procures some terror and awe in the people'.<sup>135</sup>

The compatibility of godly magistracy and humanism is also apparent in the role which conscience might play in providing a foundation for the kind of virtue which made a man 'honest' in the humanist sense. Samuel Ward suggested that magistrates who subjected themselves to conscience would be more likely to be honest in every sense of the word and therefore more inclined to restrain themselves from 'making the lawes a nose of wax to priuate ends'. The welfare of both their local community and the wider nation depended on a

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<sup>132</sup> Heal and Holmes, *Gentry of England and Wales*, p. 264.

<sup>133</sup> Walzer, *Revolution of the Saints*, p. 237.

<sup>134</sup> Garey, *Breakfast for the Bench*, p. 6.

<sup>135</sup> Ward, *Iethro's iustice*, p. 5.

magistrate's inclination to make a firm distinction between his private and public self so that he might always put duty first.<sup>136</sup>

These statements, along with his reference to the word 'commonwealth'<sup>137</sup> in his discussion of the magistrate's role provide striking evidence of the influence of humanist thinking upon Ward's outlook. He also echoes the terminology of the on-going debates about the nature of gentility in late Elizabethan and early Stuart England, where humanist influences were reflected in the use of the terms 'public' and 'private' to discuss the principles upon which one should serve the commonwealth. There was a distinction made between 'private gain' and its virtuous antithesis, 'Public' service.<sup>138</sup>

In this intellectual climate the nature of nobility or gentility came to be considered within the wider context of the notion of a commonwealth, or public arena, which was also referred to as 'the country'. In the most basic terms, 'the country' referred to the wider community at a national and local level. The crucial thing about 'the country' was that it was an entity to which every good citizen owed a duty of service. This was certainly one of the ways in which Sir Richard Grosvenor understood it.<sup>139</sup> Such a sense of duty meant that associations were strengthened between gentility and public offices such as being a justice of the peace or magistrate. Certainly, becoming a justice of the peace was a sign that one was now a truly important member of country society.<sup>140</sup> But to demonstrate that one was truly noble a gentleman had to also develop his virtues through active political engagement. Both humanists and protestant reformers had argued that virtue should supersede pedigree as a measure of nobility. Therefore, increasingly, gentlemen were individually expected to prove

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<sup>136</sup> *Ibid.*, p. 7.

<sup>137</sup> *Ibid.*, p. 13.

<sup>138</sup> Cust, 'Public Man', p. 121.

<sup>139</sup> *Ibid.*, p. 121; R. P. Cust and P.G. Lake, 'Sir Richard Grosvenor and the rhetoric of Magistracy', *Bulletin of the Institute of Historical Research*, 54 (1981), 44.

<sup>140</sup> Walzer, *Revolution of the Saints*, p. 246.



themselves worthy of their status.<sup>141</sup> Once more it is possible to see how godly ideals about magistracy might not just be appealing to godly gentlemen, but also to their less pious peers.

### *Conclusion*

To conclude then, it seems misleading to assume that the godly approach to magistracy was based on a rejection of conventional ideas or values, as argued notably by Michael Walzer. Despite the fact that their emphasis on virtue derived from a highly religious outlook, godly magistrates were still very much concerned with conforming to conventional role models. Their pursuit of godliness was within the framework of the norms of their social class. The importance of virtue as a sign of nobility meant that among the governing classes of early Stuart England the display of personal virtue was thought to enhance one's nobility.<sup>142</sup> The godly ministers who preached about the virtues of an ideal magistrate were themselves heavily influenced by humanist ideas.<sup>143</sup> This would have included the Cambridge educated minister Thomas Pestell who summed up the ethos of godly magistracy well when he reminded the Leicester magistrates that 'high places and noble actions should goe together'.<sup>144</sup>

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<sup>141</sup> Cust, 'Public Man', pp.117, 120; Heal and Holmes, pp. 9, 168.

<sup>142</sup> Cust, 'William Dugdale and the honour Politics of Warwickshire', p. 95.

<sup>143</sup> Cust, 'Public Man', p. 123.

<sup>144</sup> G. McMullan, 'Pestell, Thomas (*bap.* 1586, *d.* 1667)' *Oxford Dictionary of National Biography*, (Oxford, 2004) < <http://www.oxforddnb.com/view/article/22009?docPos=1> > [accessed 13 July 2012]; Pestell, Thomas Pestell, *The Poore Mans Appeale* (London, 1620), p. 18.

## THE GODLY AGENDA

On January 6, 1606, soon after the Gunpowder Plot was discovered and thwarted, Sir John Newdigate, the godly Warwickshire magistrate, wrote a jury charge to be delivered at the first Warwickshire county sessions of the new year.<sup>145</sup> In this charge he emphasized the threat to the commonwealth which was posed by popery. He sought to impress upon the jurors the magnitude and extent of the threat, and how important their fulfilment of their duty was to vanquishing this threat. He began with a rousing patriotic announcement which was nevertheless tempered by humility:

‘Gentlemen you of the Jury, Ther is a time when no man oughte to kepe silence. When other than Religion ther king or ther country was in any extreme hazarde no good cuntremen oughte ether to withhold his tongue or hande according to his calling or facultie from ayding to repel the injurie reprove the violence and auenge the guilt upon the author thereof; and now you shall haue my whole strengthe to bringe one ston[e] to helpe defend our cuntry which I doe bring with so good a will that I hope what is wanting in worthewil be accepted in good will’.

His central concern was the Catholic threat which had become more apparent ‘since our religion, prince, and country were shotte at’. The remedy was ‘to reedifie and strengethen the breach with our whol[e] endeavors against our aduersarie that haue sought the utter destruction of this body poleticke’.<sup>146</sup> The instruction of the English protestant nation to

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<sup>145</sup>R.P. Cust, ‘Reading for Magistracy: The Mental World of Sir John Newdigate’ in J. F. McDiarmuid (ed.), *The Monarchical Republic: essays in response to Patrick Collinson* (Aldershot, 2007), p. 194.

<sup>146</sup> Warwickshire Record Office (Hereafter WRO), Newdigate Collection, CR136, B/722. I owe this reference to Professor Cust and I thank him for pointing it out.

inform on suspected Catholics was considered a means of strengthening its defences in the face of the threat of popery.

From the perspective of English protestants popery was not just a threat to religious and spiritual freedom, but also to the political and even social stability of a protestant England whose emerging national identity was presently being fashioned in such a manner that it was increasingly ever more intricately intertwined with its official protestant religion. These extracts from Newdigate's charge are relevant to many of the concerns of this chapter.

This chapter aims to consider the way in which godly people thought about the role of godly magistracy in practice. The focus is on what they thought the role and function of the magistrate ought to be and how he should carry out his role, and not on the specifics of how particular magistrates or legal officials actually carried out their duties. The overall approach of this chapter is to explore the contexts in which the godly- primarily godly 'commonwealthsmen', and godly ministers- formed their understanding of the function of the magistrate .The focus in this chapter therefore shifts from the attempt to construct contemporary images of godly magistracy in the previous chapter, to an exploration of the responsibilities of magistracy from the perspective of its proponents. What follows is not an analysis of godly magistracy in practice, but an attempt to contextualize the outlook of the godly when it came to issues such as social policy and public order.

As illustrated in Newdigate's case, fresh memories of the Gunpowder Plot sustained a fear of popery, which had previously reached fever pitch in 1588 when the tremendous might of Catholic Spain threatened the Elizabethan England's political and religious freedom. Throughout Elizabeth's reign popery had become associated with 'continuall treasons

practised against the Royal person of her . . . maiestie'<sup>147</sup> according to Sir Edward Coke who had lived through many of these emergencies.<sup>148</sup> Fears of popery were sustained well into the Stuart period. Indeed by the Stuart period English Protestants saw popery as 'an anti-religion, a perfectly symmetrical negative image of true Christianity'. For puritans like the Cambridge divine William Fulke, popery was no different from devil worship. Unlike easily identifiable foes like Turks and other pagans, the papist threat lay partly in its insidious nature which made it much like a Trojan horse.<sup>149</sup>

Contemporary interpretations of a Catholic tragedy illustrate how fears of an imperialist Catholic threat, of which Spain was supposedly a manifestation,<sup>150</sup> never really receded but simply ebbed and flowed. On Sunday 26 October 1623, between ninety and a hundred of their number were killed when a Catholic congregation met in secret in the Blackfriars, London.<sup>151</sup> The tragedy had occurred when the floorboards of the room which the congregation were using as a makeshift chapel, had caved in under the weight of those who had gathered upon them. Protestant propagandists seized upon this unfortunate incident, presenting it as an expression of God's outrage against Roman Catholicism. To godly observers such as John Harrington, such events would have been seen as one of the 'many

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<sup>147</sup> Edward Coke, *The Lord Coke his speech and charge VVith a discoverie of the abuses and corruption of officers*. (London, 1714), p. 8.

<sup>148</sup> A.D. Boyer, 'Coke, Edward (1552–1634)' *Oxford Dictionary of National Biography* (Oxford, 2004) < <http://www.oxforddnb.com/view/article/5826?docPos=1> > [accessed 12 July 2012]

<sup>149</sup> P.G. Lake, 'Anti-popery: the structure of a prejudice', in R.P. Cust and A.L. Hughes (eds), *Conflict in Early Stuart England: studies in religion and politics, 1603-1642* (Harlow, 1989), p. 73.

<sup>150</sup> Lake, 'Anti-popery: the structure of a prejudice', p. 79.

<sup>151</sup> D. Underdown, *Fire from heaven: life in an English town in the seventeenth century* (London, 1992), p. 57; A. Walsham, *Providence in early modern England* (Oxford, 1999), p. 267.

examples... before our eyes'<sup>152</sup> of God's judgement being passed on earth rather than being postponed to the the final judgement. Harrington had served as a member of parliament for Somerset as well as being a justice of the peace. These offices, along with his extensive learning make Harrington an ideal archetype of a godly magistrate, and of the sort of 'public man' identified by Professor Cust.<sup>153</sup>

There was even a suggestion that the weight of 'Catholic iniquity' was the ultimate cause of the ceiling's collapse. The remarks of some contemporary commentators suggested an assumption that Catholics had been emboldened by the relaxation of recusancy laws, which had been deemed a necessary concession to accompany overtures to the Hapsburgs of Catholic Spain during the ultimately abortive negotiations to secure the Spanish infanta as a bride for Prince Charles. Whatever nuances existed between people's interpretations, from a Protestant point of view, the hand of God was surely evident. This Catholic tragedy was a sign: it was God's way of announcing his disapproval of what many Englishmen would have identified as 'the increasingly undisguised resurgence of popery during the preceding twelve months'.<sup>154</sup> God's providential power over all creation was a central and defining aspect of Calvinist theology.<sup>155</sup>

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<sup>152</sup> M. F. Stieg, (ed.), *The diary of John Harrington, M.P., 1646-53: with notes for his charges* Somerset Record Society LXXIV (Old Woking, 1977), p. 101.

<sup>153</sup> R.P. Cust, 'The 'Public Man' in late Tudor and early Stuart England', in P.Lake and S. Pincus (eds), *The Politics of the public sphere in early modern England* (Manchester, 2007), p. 116.

<sup>154</sup> Walsham, *Providence in early modern England*, p. 268.

<sup>155</sup> *Ibid.*, p. 8.

### *Godly magistracy and divine justice*

The broadest aim of godly magistracy was the spiritual and moral reform of the community at every imaginable level, in order to create a godly commonwealth. With godly magistrates in the vanguard, the godly believed that it was their duty to lead the rest of their community in a crusade against all evils which obstructed God's will. In doing so, the nation might secure God's favour and protection. According to John Harrington, God reserved 'blessings ... which he delights to bestow ... most immeasurably' on those who lived according to His will. Harrington's world view was centred upon a firm belief in a God who was concerned with 'directly participating in human affairs'. This providential outlook suggested that ultimately it was only God who had the power to protect them from calamities. It was in expressing this belief that Harrington remarked that with God's protection 'No perils nor enimies can hinder us; he subdues and deliuers from all'.<sup>156</sup>

Samuel Ward, the Ipswich preacher also suggested that if people lived godly lives then God's 'golden vialls' which might otherwise contain plagues and misfortunes, would contain 'sweet odors'.<sup>157</sup> According to the renowned lawyer Sir Edward Coke this was surely the explanation for England's 'deliverance in the yeare 88', which was considered 'a powerful wo[r]ke of God'. England had been delivered from the Spanish Armada 'by the loue and grace of heavens eternall prouidence'. It was only 'by the loue of God towards vs' that the subsequent treasonous attempts of papists were 'continually preuented'. The same logic was also surely applicable to the discovery and thwarting of the Gunpowder Plot. Both Elizabeth I and James

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<sup>156</sup> Stieg (ed.), *Diary of John Harrington*, p. 92, p. 6, p. 96.

<sup>157</sup> Samuel Ward, *Iethro's iustice of peace* (London, 1618), p. 13.

I's victories over the forces of popery seemed to be proof of God's providential care for the English.<sup>158</sup>

The converse element of the doctrine of providence was that failure to adhere to God's will provoked His displeasure. Just as there was a positive aspect to providentialism which applied to both individuals and communities, there was a negative alternative. In this context all manner of personal and communal calamities and misfortunes, from disease, to invasion or warfare, were thought to be God's way of communicating his displeasure. The belief that 'plagues, diseases and punishments are of God'<sup>159</sup> was one which underpinned the Calvinist understanding of collective calamity. More than just a punishment, they could be seen as a warning of worse to come. For puritans in particular, sin was not only scandalous, but also incurred 'the high displeasure of almighty God' according to Samuel Ward, who warned that if God's own people sinned He would 'suffer his displeasure to arise, and though we be his owne people....hee will set his face against vs....then watch vpon the euill and bring it upon us'.<sup>160</sup> Sin within the community would provoke God's 'fiery indignation'.<sup>161</sup> Hence, paraphrasing Seneca, the minister Thomas Pestell remarked that God was 'our good and our evil'.<sup>162</sup>

In a similar vein John Harrington believed that while eternal damnation was God's punishment for individual transgression the consequences for collective wickedness were more general and would be shared communally. There was a strong belief in 'an organic

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<sup>158</sup> Coke, *Speech and Charge*, pp. 7, 9; Lake, 'Anti-popery: the structure of a prejudice', p. 79.

<sup>159</sup> Bartholomew Parsons, *The Magistrate's Charter Examined OR His Duty and Dignity opened* (London, 1616), p. 5.

<sup>160</sup> Samuel Ward, *A warning piece to all Drunkards* (London, 1682), p. 6.

<sup>161</sup> Robert Bolton, *2 Sermons Preached At Northampton*, (London, 1635) I, p. 13.

<sup>162</sup> Thomas Pestell, *The Poore Mans Appeale* (London, 1620), p. 19.

connection between self and society'.<sup>163</sup>The only preventative measure against collective or individual providential sanction was 'through repentance and conversion to godly ways'. In short, the only sure way ultimately to ensure the common good was by avoiding divine censure.<sup>164</sup> This helps to account for the godly agenda of spiritual and social reform, spearheaded by godly magistrates, in so far as it aimed to avoid providential sanction and secure some assurance of God's favour instead. This was the only way the nation might be 'brought to feare God and abhor sin'. It was therefore imperative that 'everyone...must feare...to provoke the Lord's furious wrath'. It is perhaps significant that these reflections come from John Harrington's notes for a sessions charge from July 1640, which was 'held at Taunton because of ...Plague'.<sup>165</sup>

This concept of providence offers a useful insight into godly ideas of justice. For the Godly, the workings of providence were manifestations and expressions of God's justice and they were therefore pronouncements of divine law. As well as being the basis of the criminal law<sup>166</sup> the Ten Commandments were ultimate law, and the arbiter of justice according to godly preachers like Anthony Fawkner, who believed 'the Hebrew laws' were 'the only absolute and just decrees'. They were 'perfect' because they were the clearest expression of 'the law of the Lord'.<sup>167</sup> For Thomas Pestell, God's Justice was 'Iustice at the highest'.<sup>168</sup> Likewise, as John Harrington suggested, justice was 'a most principall attribute of God...not the worke of man but God almighty'. By extension, magistracy itself was 'a holy and sacred

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<sup>163</sup> E. Vallance, *Revolutionary England and the National Covenant: state oaths, Protestantism and political nation, 1553- 1682* (Woodbridge, 2005), p. 31.

<sup>164</sup> Stieg (ed.), *Diary of John Harrington*, p. 5; Samuel Garey, *Breakfast for the Bench* (London, 1623), p. 21.

<sup>165</sup> Stieg (ed.), *Diary of John Harrington*, pp. 92, 95.

<sup>166</sup> C. B. Herrup, *The Common Peace: participation and the criminal law in seventeenth-century England* (Cambridge, 1987), p. 193.

<sup>167</sup> Anthony Fawkner, *Pedegree of Peace* (London, 1634), p. 17.

<sup>168</sup> Pestell, *Poore Man's Appeale*, p. 14.



work, a great and roiall work'.<sup>169</sup> Justice therefore was inseparable from divine ordinance.

Injustice, in turn was 'a sinne, as red as scarlet'.<sup>170</sup> Moreover, justice was 'a universall good to the common welth in general, to everyone in particular' as Samuel Garey pointed out.<sup>171</sup> It was the basis of a well ordered godly commonwealth. Without it, he believed there could be no order.<sup>172</sup>

As established in the previous chapter the concept of providence underpinned the notion that all magisterial authority was divinely ordained. In God's place, the godly magistrate was 'to scourge...offenders'<sup>173</sup> so that the nation might avoid God's scourge. The godly magistrate was 'the minister of God, representing his Person in judgment, ministering judgement in his name and place'. It was therefore the godly magistrate's duty to 'execute his righteous judgements against offenders' and ensure that 'God's sacred work of justice shall be full and perfect towards all, both good and bad'.<sup>174</sup> It was a greater benefit to all if people internalized the need to be godly. A magistrate whose godly conduct matched a godly image was more likely to ensure that people would be keener to respect the law for fear of sinning, in imitation of the magistrate. The good conduct of social superiors would surely encourage 'Good order among inferiors'.<sup>175</sup> Godliness might thereby contribute to the esteem of magistrates, reminding people of the divinely ordained authority of magistrates. This had the potential to hopefully also deter people from doing anything 'before God's lieutenants which they would not do before God himselfe'.<sup>176</sup>

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<sup>169</sup>Stieg (ed.), *Diary of John Harrington*, p. 97.

<sup>170</sup>Garey, *Breakfast for the Bench*, p. 14.

<sup>171</sup>Stieg (ed.), *Diary of John Harrington*, p. 97.

<sup>172</sup>Garey, *Breakfast for the Bench*, p. 16.

<sup>173</sup>*Ibid.*, p. 15.

<sup>174</sup>Parsons, *Magistrate's Charter*, p. 18; Stieg (ed.), *Diary of John Harrington*, p. 97.

<sup>175</sup>Garey, *Breakfast for the Bench*, p. 24.

<sup>176</sup>Parsons, *Magistrate's Charter*, p. 20.

Jeremiads help to illustrate the way in which contemporaries understood providence. Jeremiads stressed the extent to which the community's physical and material welfare was inextricably linked with the spiritual stature of its individual members. They were sermons composed in the format of the books of Old Testament prophets, the most obvious example being that of the Hebrew prophet Jeremiah. Like assize sermons, jeremiads were diadactic, and aimed to warn the nation of the dire repercussions of remaining unreformed.<sup>177</sup> A central aspect of the message of many jeremiads in early modern England was the idea that England was 'a new Israel'.<sup>178</sup> John Harrington pointed out how Jeremiah had emphasized the importance of trust in God and not in men or earthly things. In his sessions charge of 11 January 1641 Harrington reminded his audience of Jeremiah's distinction between 'the ungodly....such as trust in man', and 'the godly....whose trust and hope is fixed upon God'. In personal and in collective terms, trusting in God was an important basis of the covenant with God which was perhaps the most important aspect of how contemporaries understood providence.

#### *Godly magistracy and divine law*

Providence was central to the notion of order which was an essential basis for how all early modern Englishmen engaged with the world around them. This relationship between order and the idea of providence suggests how a godly magistrate might facilitate and help to mediate the nation's relationship with God. As the chief enforcer of the law in his local community, the godly magistrate had a vital role to play in securing order. The minister Anthony Fawkner identified 'the essence of the Law as order'.<sup>179</sup> The Mosaic precepts of the formal law meant that in many cases punishments for legal offences were also punishing a

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<sup>177</sup> Walsham, *Providence in early modern England*, p. 283; Vallance, *Revolutionary England*, p. 31.

<sup>178</sup> Vallance, *Revolutionary England*, pp. 33, 40.

<sup>179</sup> Fawkner, *Pedegree of Peace*, p. 17.

sin. This was particularly true in the case of felonies, particularly because they demonstrated contempt for moral norms.<sup>180</sup> Sin and crime were not easily separated in early modern English law.

The godly magistrate might also fulfill one of his godly functions, which was to enforce people's obligations to God, through a more rigorous enforcement of the law for 'good lawes' were no good 'without due execution' remarked Samuel Ward. If 'just and holy lawes'<sup>181</sup> fell into abeyance there would be no point having them. This was a view shared by Samuel Garey, who asked 'Who feareth to offend when the iudge feareth to punish?', suggesting that failure to punish sin made a magistrate an accessory to sin.<sup>182</sup> Indeed, Robert Bolton warned that 'An ill executor of the laws is worse ....than a breaker of them'.<sup>183</sup> John Harrington considered a magistrate's failure to do his duty to be a mortal sin. Whenever 'the due administration of justice' was hindered he thought 'the Devil was at work'.<sup>184</sup> The law also had an important role in fulfilling God's will, since it was also there to rein in any magistrate who was 'by affections...drawen from justice'.<sup>185</sup> The significance of the law was apparent in the perception of Sir John Newdigate that the laws of the realm were 'the sinews of o[ur] comonwealth'.<sup>186</sup>

The importance of enforcing the law was also emphasized in a grand jury charge of 1626 by Sir Richard Grosvenor, where he placed a similar emphasis on fully enforcing the law when he urged the various legal officials who would have made up his audience, not only to

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<sup>180</sup> Herrup, *Common Peace*, p. 3.

<sup>181</sup> Bolton, *2 Sermons*, I, p. 10.

<sup>182</sup> Stieg (ed.), *Diary of John Harrington*, p. 13; Garey, *Breakfast for the Bench*, pp. 7, 24.

<sup>183</sup> Bolton, *2 Sermons*, II, p. 29.

<sup>184</sup> Stieg (ed.), *Diary of John Harrington*, p. 88.

<sup>185</sup> WRO, CR136 B724

<sup>186</sup> WRO, CR 136 B724

enforce laws but to ‘use the strength of’ the King’s laws.<sup>187</sup> In a jury charge delivered at the Norwich assizes on the fourth of August 1606, the message which Sir Edward Coke offered to the assembled judicial officials made similar exhortations when he implored his audience to ensure a ‘strict and seuere execution’ of anti-Catholic legislation.<sup>188</sup> Harrington also charged all legal officials to ‘be most carefull to finde out and present al such offenders’.<sup>189</sup>

The godly magistrate’s significance in the nation’s providential relationship with God was based on the idea of a national covenant with God. Appropriately, the characteristics of this covenant lent themselves to legal allusions. The law itself was part of the covenant between God and his people. It was, Fawkner claimed, ‘the bond which ties vs vnto God, to men, and to ourselves’.<sup>190</sup> Preachers also often likened England’s relationship with God to ‘a legal contract or bond’. According to this perception, if the nation had any hope of collectively avoiding God’s wrath there was a need to ensure collective adherence to ‘the old Deuteronomic law’. This was the uncompromisingly godly, draconian Mosaic law of the Old Testament which provided the basis of the formal law of the realm.<sup>191</sup> This shows the extent to which godly ideals were sometimes embedded in some of the most important public institutions. Indeed, the importance of divine law to the theory which underpinned common law is suggested by the procedural guidelines for magistrates on how to deal with men who fathered children out of wedlock, which refer to examples from scripture, where ‘the law of God’ was considered the final authority.<sup>192</sup>

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<sup>187</sup> Ward, *Iethro’s iustice*, p. 11; R.P. Cust, (ed.), *The Papers of Sir Richard Grosvenor, 1<sup>st</sup> Bart. (1585-1645)* Lancashire and Cheshire Record Society CXXXIV (Stroud, 1996), p. 20.

<sup>188</sup> Coke, *Speech and Charge*, p. 10.

<sup>189</sup> Stieg (ed.), *Diary of John Harrington*, p. 89.

<sup>190</sup> Fawkner, *Pedegree of Peace*, p. 18.

<sup>191</sup> Walsham, *Providence in early modern England*, p305; Herrup, *The Common Peace*, p. 193.

<sup>192</sup> Michael Dalton, *The Countrey Justice, containing the practice of the iustices....* (London, 1630), p. 40.

This contract with God was like a national covenant, agreed between God and His people, sealed by His ‘oath wherewith he hath been pleased to binde himself unto them’.<sup>193</sup> This national covenant bore the hallmarks of God’s previous compacts with mankind, first with Adam, then with the Jews. Images of a covenant were common in protestant preaching,<sup>194</sup> and the lapsarian theology of Puritanism -based as it was on Adam’s, and consequently man’s, fall from grace- suggests why puritans might be the most vocal exponents of this notion of a national covenant. As Alexandra Walsham has put it, ‘the national covenant and the covenant of grace were tightly interlaced’.<sup>195</sup>

This legalistic conception of a contract with God immediately suggests that there were contractual obligations which attended the Covenant between the Protestant English nation, and God. For the godly at least, perhaps the most important condition for ‘the conservation of an inviolate peace’ was articulated by Anthony Fawkner’s simple warning that everyone must ‘abstaine from wicked deeds’.<sup>196</sup> The godly magistrate was essential to the fulfillment of this condition partly because as a public father he personally had ‘an everlasting covenant with God’.<sup>197</sup> If the godly magistrate failed to live in an exemplary manner by being an embodiment of God’s law, then the worst providential punishments were reserved for him. Samuel Ward warned magistrates that those who failed to fulfill their duty could expect ‘plagues....of great continuance’<sup>198</sup> from God.

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<sup>193</sup> *Diary of John Harrington*, p. 98.

<sup>194</sup> R. P. Cust and P.G. Lake, ‘Sir Richard Grosvenor and the Rhetoric of Magistracy’, *Bulletin of the Institute of Historical Research*, 54 (1981), 44.

<sup>195</sup> Walsham, *Providence in early modern England*, p. 306.

<sup>196</sup> Fawkner, *Pedegree of Peace*, p. 24.

<sup>197</sup> Ward, *Iethro’s iustice*, p. 9.

<sup>198</sup> *Ibid.*

Crucial to the idea of a national covenant was the importance of oaths. The minister Robert Harris warned magistrates to be mindful of ‘your places, and secondly your oaths’<sup>199</sup> because as Sir Richard Grosvenor pointed out, oaths were ultimately sworn between an individual, and God. They were ‘covenants...undertaken to him’. Thus every oath was ‘a most sacred action...of great waight and moment’<sup>200</sup>. This was echoed by Samuel Garey’s warning that ‘a Iudjes oath’ was ‘a tearfull oath, if not faithfully performed’.<sup>201</sup> Oaths, which were essentially promises to God and to one’s fellow men, were vital to the sound operation of magistracy in its judicial and social capacity. John Harrington stressed that the testimony of a jury man was credible only because of his oath.<sup>202</sup> Samuel Ward suggested that the danger of disregarding oaths was that this made men more susceptible to the influence of the devil, who would lead ‘them headlong into periuried courses’.<sup>203</sup> More generally oaths were critically important to life in early modern England. By the end of the sixteenth century Englishmen across the social spectrum considered oaths to be onerous undertakings. The power of the oath derived from its influence upon men’s consciences: specifically, the threat of eternal spiritual damnation for oath breaking. Hence oaths invariably acted as the basis for many aspects of both church and state business.<sup>204</sup>

The importance of oaths in the inauguration of new magistrates, suggests how godly attitudes accorded with those attitudes which shaped public institutions. Before a new JP could take this oath of office he was expected to prove his anti-Catholic, and therefore Protestant, credentials by declaring his belief ‘that there is not any Transubstantiation in the sacrament of the lords supper, or in the Elements of Bread and wine, at or after the consecration

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<sup>199</sup> Robert Harris, *St. Pauls Exercise* (London, 1628), p. 20.

<sup>200</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 9.

<sup>201</sup> Garey, *Breakfast for the Bench*, p. 10.

<sup>202</sup> Stieg (ed.), *Diary of John Harrington*, p. 97.

<sup>203</sup> Ward, *Iethro’s Iustice*, p. 7.

<sup>204</sup> Vallance, *Revolutionary England*, pp. 17, 19.

thereof...'<sup>205</sup> Although this is an indirect attack on a fundamental aspect of the Catholic liturgy it is enough to reveal the extent to which anti-popery was a very mainstream concern within early Stuart governmental institutions. Moreover, this illustrates the important role which oaths played in providing assurances of loyalty. The view of ministers like Samuel Ward, that oaths were 'the nerues and sinews of all government, the bonds and commands of obedience', was echoed by other ministers such as Robert Harris and Samuel Garey.<sup>206</sup> Michael Dalton's *The Countrey Justice* was a popular practical manual for magistrates and its anti-Catholic guidance on oaths of office illustrates how widespread such attitudes might be among magistrates and their peers. By the reign of James I the terms of oaths had become crucial definitions of allegiance.<sup>207</sup> The new oath of allegiance formulated in 1606 was itself a panicked reaction to the Gunpowder Plot.<sup>208</sup> It sought to foil the common Catholic tactics used to avoid the established spiritual and earthly penalties for denying these oaths.

### *The enemies of the godly magistrate*

The oaths of magistracy were ultimately for the 'common good'.<sup>209</sup> Protecting the commonwealth was the chief duty of all magistrates. In 1626 when Sir Richard Grosvenor reminded the jury 'to be mindfull of the commonwealth' he was fulfilling his duty as a magistrate, which was to remind the jury of their duty. He stressed that 'If I sayd noe more this were sufficient to inform you of your duty'. He further exhorted them to 'call it to mynd

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<sup>205</sup> Dalton, *Countrey Justice*, p. 16.

<sup>206</sup> Ward, *Iethro's iustice*, p. 7; Harris, *Pauls Exercise*, p. 20, Garey, *Breakfast for the Bench*, p. 10

<sup>207</sup> Vallance, *Revolutionary England*, p. 26.

<sup>208</sup> J. Wormald, 'James VI and I (1566-1625)' *Oxford Dictionary of National Biography*, (Oxford, 2004) <<http://www.oxforddnb.com/view/article/1598>> [accessed 11 July 2012]

<sup>209</sup> Harris, *Pauls Exercise*, p.18.

agayne and agayne'.<sup>210</sup> The protection of the commonwealth was important from the godly perspective too,<sup>211</sup> with the main difference being that they perceived this duty in more starkly spiritual terms. The moral basis of godly magistracy meant that the godly magistrate's greatest opponent was sin. Samuel Garey also suggested that the magistrates were there to use the sword of justice to 'cut asunder the knot of sin'.<sup>212</sup> There was no greater sin than popery. For the godly magistrate, the most important priority in this regard was to combat the threat of popery referred to by Sir John Newdigate at the beginning of this chapter. Popery represented the widest range of possible threats to the commonwealth.

Hence in an attempt to prepare his son for 'your publick deportment as ....a justice in commission of the peace',<sup>213</sup> Sir Richard Grosvenor advised his son to 'Abhorre popery' because it was 'a mock religion'<sup>214</sup> which could very easily 'corrupt others'.<sup>215</sup> Popery was 'that Hydra of all heresies'<sup>216</sup> and was associated with 'spiritual adultery', with the papacy thought of as the Babylonian 'whore in her bloody colours',<sup>217</sup> in comparison with the godly commonwealth which was considered analogous to Zion. In Grosvenor's view, popery and all its manifestations were the anathema to the godly commonwealth, which posed a subversive threat to order and all that was godly. Grosvenor warned jurymen that Papists were:

...those locusts which eate up and devoure the seedes of loyalty and religion, and who laboure to seduce our wives and children whereby the later proves disobaydient to their

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<sup>210</sup> Cust (ed.), *Papers of Richard Grosvenor*, p. 17.

<sup>211</sup> Garey, *Breakfast for the Bench*, p. 22; Ward, *Iethro's iustice*, p. 12.

<sup>212</sup> Garey, *Breakfast for the Bench*, p. 19.

<sup>213</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 36.

<sup>214</sup> *Ibid.*, p. 31.

<sup>215</sup> Garey, *Breakfast for the Bench*, p. 20.

<sup>216</sup> Bolton, *2 Sermons*, I, p. 4.

<sup>217</sup> *Ibid.*, p. 9.



parents the former unconstant to their husband, and both of them (with all such others over whom they prevayle) disloyall to their prince and country.<sup>218</sup>

In an assize sermon at Northampton, the puritan minister Robert Bolton called them ‘the most pestilent opposites and cut-throats of Government and Kingly Majesty’.<sup>219</sup> Like Grosvenor, Robert Bolton, also compared papists to ‘mighty swarms of stinging Locusts’ adding that their influence threatened to ‘dissolve the sinews, and cement of all humane society’.<sup>220</sup> In Grosvenor’s warning about papists, he alluded to the extent to which he associated them with plague, pestilence, and all the punishments which God might visit on his own people should they fail to reform morally and regulate themselves. He urged jurymen not to tolerate papists or any ‘willing ayders and knowinge mentayners of them’, adding that ‘our countrey affords too many such and all’.<sup>221</sup>

Sir Edward Coke was also categorically opposed to toleration of papists on the grounds of the threat they supposedly posed to the established- and divinely ordained- order. His discouragement of the toleration of Catholics was based on a firm belief that any desire which Catholics expressed for toleration of their faith was only the first step in a programme of treasonous encroachment. ‘It is not toleration only which they seek’,<sup>222</sup> he warned. This suspicion was based on the examples provided by historical precedent. In the past papists had ‘continually labored to advance the supremacy of the Romane Church, which had invariably involved ‘Treasons and Rebellion...’<sup>223</sup> John Harrington denounced papists as ‘dangerous, pernicious enemies of...common welth, of religion, state, king and people’, the most

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<sup>218</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, p10; Also cited in Cust and Lake, ‘‘Rhetoric of Magistracy’’, 42.

<sup>219</sup> Bolton, *2 Sermons*, I, p. 11.

<sup>220</sup> Bolton, *2 Sermons*, II, p. 14.

<sup>221</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 10.

<sup>222</sup> Coke, *Speech and Charge*, p. 9.

<sup>223</sup> *Ibid.*

dangerous... enemies of this kingdome'.<sup>224</sup> There was a belief among English Protestants, especially among the godly, that popery was a threat to English civil and religious liberties.<sup>225</sup>

Fears about the loyalty of Catholics, or their place in a godly commonwealth, were also expressed by Calvinist ministers. Samuel Garey remarked that their declared allegiance to both God and to the pope – a mere mortal- on equal terms, meant they were 'lukewarme'<sup>226</sup> at best and most likely treacherous. Robert Bolton was also concerned that 'Popery and Protestantcy' were 'diametrically opposite'<sup>227</sup> raising serious questions about how truly committed any Catholic might be to a godly commonwealth. Legislation passed against Catholics was designed specifically to prevent 'the withdrawing of the kings subjects from their Obedience and the Religion now professed'.<sup>228</sup> This primarily indicates that the indivisibility of political authority and religion which is too easily associated exclusively with the godly, was integral to the views of many of those in parliament and in government, regardless of their religious fervor. Moreover this implies the extent to which the fears of the godly were shared by others in post reformation England. The implication is that such concerns were not limited to puritan circles and were in fact a reflection of mainstream official attitudes. So how far did such homogeneity exist between godly concerns and those of mainstream officials?

Despite complaints from godly magistrates like Grosvenor about unacceptable levels of toleration, there were attempts to legislate against papists. Such legislation mainly took the form of laws against recusancy or against Jesuit priests and catholic seminaries. No doubt these were the laws which Richard Grosvenor had urged Cheshire grand jury men to enforce

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<sup>224</sup> Stieg (ed.), *Diary of John Harrington*, pp. 89, 101.

<sup>225</sup> Lake, 'Anti-popery: the structure of a prejudice', p. 72.

<sup>226</sup> Garey, *Breakfast for the Bench*, p. 19.

<sup>227</sup> Bolton, *2 Sermons*, II, p. 22.

<sup>228</sup> M. Luders et al. (eds.), *Statutes of the Realm* (11 vols., 1810-28), IV. ii. 1020.

with zeal.<sup>229</sup> Likewise, Coke warned of Jesuits and the dangers of tolerating the continued existence of Jesuit seminaries because in the past they had often been ‘the principall agents in...seuerall complotted treasons’.<sup>230</sup> Coke would have reminded the jury gathered to hear his charge, of their duty, which was ‘to obserue the papists, as that vnto their houses, there be not any Iesuites or seminaries intertayned’. The preacher Samuel Garey expressed similar sentiments in much more unequivocal terms when he suggested that, ‘since the gospell cannot make them blush, the law should make them bleede’.<sup>231</sup> For the Lord Coke the danger represented by Catholic seminaries was that they were offshoots of the see of Rome, ‘that anti Christian see’. Not only this, but he thought of Jesuits themselves as ‘principal enemies to Jesus’, while Richard Grosvenor unequivocally called them ‘the worst of men’.<sup>232</sup>

More generally, in the case of recusants, the role of the godly magistrate would be to ensure that churchwardens, who were responsible for enforcing church attendance, did their duty. Of course where possible, the magistrate should always lead the rest of the community by example. Hence in advice to his son, Sir Richard Grosvenor suggested that ‘Your example may much perswade and incorrage your neighbours and tenants to frequent the temple oftener’.<sup>233</sup> It was through regular church attendance that people might learn ‘God’s will, his holy word’ so that it would become ‘there...guide’. This was an important means by which more people might then internalize godliness and subscribe to the godly agenda, which was for the greater good. This attitude and the fact that people could be indicted ‘for not coming to Church’<sup>234</sup> seems to testify to an official emphasis on the need actively encourage church attendance. This further suggests the compatibility of the godly agenda with the official

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<sup>229</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 20.

<sup>230</sup> Coke, *Speech and Charge*, p. 10.

<sup>231</sup> Garey, *Breakfast for the Bench*, p. 20.

<sup>232</sup> Coke, *Speech and Charge*, p. 8; Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 10.

<sup>233</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 31.

<sup>234</sup> Dalton, *Countray Justice*, p. 89.

political and social agenda, especially since such measures were probably there not only to root out popery but perhaps to encourage doctrinal uniformity. In the context of a Jacobean statute of 1618 which only allowed certain Sunday games ‘after Divine service’,<sup>235</sup> and of other statutes which punished absence from church with fines,<sup>236</sup> the godly agenda was complemented by parliamentary statutes. Catholics were not the only enemies of the godly. There was also distrust, and even dislike of any religious sects that threatened to undermine religious unity. Godly ministers like Bartholomew Parsons denounced separatist sects such as Anabaptists for their ‘phanaticall spirit’.<sup>237</sup> Likewise, Robert Bolton also identified Anabaptists as radicals, dismissing their ideas as ‘phranticke bedlam’. Bolton distrusted and despised them ‘for abolishing magistracy’.<sup>238</sup> Thomas Pestell dismissed them as ‘wilde and foolish’ because of their opposition to ‘all Magistracie’.<sup>239</sup> Godly preachers like Samuel Garey might not distinguish between ‘Anabaptists’ and ‘Iesuits...Arminians’ and ‘Separatists’<sup>240</sup> who were all threats to the godly commonwealth as far as he was concerned. However, Catholics were considered more dangerous than any other type of religious deviant. This was partly because they were considered to be an actively subversive threat to the law,<sup>241</sup> which, like the magistrate’ had been ordained by God ‘for the common good’.<sup>242</sup> The threat they supposedly represented was compounded by the important purpose of religious unity for enhancing the integrity of both ‘Ciuill Lawes’ and ‘Common Law’.<sup>243</sup> God was the

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<sup>235</sup> *Ibid.* To my knowledge, Dalton makes no explicit reference to this, but this legislation was probably an accompaniment to *The Book of Sports* (1618)

<sup>236</sup> *Ibid.*, p. 172.

<sup>237</sup> Parsons, *Magistrates Charter*, p. 4.

<sup>238</sup> Bolton, *2 Sermons*, I, p. 5.

<sup>239</sup> Pestell, *Poore Man’s Appeale*, p. 6.

<sup>240</sup> Garey, *Breakfast for the Bench*, p. 22.

<sup>241</sup> Harris, *St. Pauls Exercise*, p. 22; Garey, *Breakfast for the Bench*, p. 20.

<sup>242</sup> Bolton, *2 Sermons*, I, p. 6.

<sup>243</sup> Coke, *Speech and Charge*, p. 11.

source of all ‘the laws of princes’,<sup>244</sup> in much the same way that he was the source of all magisterial authority. Thus ‘obedience to his highnesse lawes’<sup>245</sup> was a religious duty. Any attempt to subvert the law was surely an attempt to subvert God’s will. This could only lead to a failure to fulfil the obligations of the national covenant, followed inevitably by the scourge of God, from which no one would be exempt. It is a testament to the extent to which popery was associated with wrongdoing and wrong thinking that Bolton used the term papist as an all-encompassing signifier of ‘all the wicked among us’.<sup>246</sup>

### *Drunkenness: the ultimate vice?*

The political threat it posed was compounded by the social threat of popery. Sir Richard Grosvenor saw popery as being no different from strong drink in terms of how it affected those who were influenced by it. As far as he was concerned, it affected the personality in the same way as drunkenness did, with papists themselves having been ‘made drunke with the cup of that whore of Babilon’, the papacy.<sup>247</sup> Alongside ‘Cheating’, and ‘Popery’, the minister Samuel Garey included ‘Drunkenesse’ among the ‘three wormes, which know the belly and bowels of the commonwealth’.<sup>248</sup> Samuel Ward had a similar attitude to alcohol, which he said was like ‘poyson...which killeth the soul and body ever; yea for ever and ever’.<sup>249</sup> While alcohol might leave one physically intoxicated, popery intoxicated the public body of the commonwealth. Drunkenness was like fatal a disease, spreading through the body politic. Ward warned that it was ‘the general rendezvous of all sin’, and ‘the in let ...to

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<sup>244</sup> Pestell, *Poore Man’s Appeale*, p. 13.

<sup>245</sup> Coke, *Speech and Charge*, p. 11.

<sup>246</sup> Bolton, *2 Sermons*, I, p. 11.

<sup>247</sup> Cust and Lake, ‘Rhetoric of Magistracy’, p.45; Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 10.

<sup>248</sup> Garey, *Breakfast for the Bench*, p. 19.

<sup>249</sup> Ward, *A warning piece*, p. 6.

all other sin'. Seeing 'drunkenness' as 'the bawde and usher to all sinnes', Sir Richard Grosvenor concurred with this view.<sup>250</sup> Rather sensationally Ward also suggested that:

'Drunkenness is not specially prohibited in any one of the Ten Commandments, because it is not the single breach of any one, but in effect the violation of all and everyone' of them.<sup>251</sup>

Like popery, drunkenness led one to flout the Ten Commandments, which were the immutable laws of God. An example of this perception of popery is evident in the views of the puritan divine William Perkins, who saw Catholic views in favour of clerical celibacy as evidence of their desire to subvert 'the laws of God and nature' since it was God who had 'established marriage as an honourable estate'.<sup>252</sup> From the godly perspective then, drunkenness could be seen as a manifestation of popery because it also led to a subversion of God's laws. To tolerate drunkenness was to tolerate an obvious manifestation of popery. During this period, when most people thought of life as a constant struggle against vice,<sup>253</sup> there was also generally a social stigma attached to drunkenness, which was seen as 'a total abdication of reason and conscience'. Puritans, who were more inclined to consider drunkenness in moral terms, also saw drink as a hindrance to spiritual awareness.<sup>254</sup>

Thus while popery was considered an urgent threat to security and stability, drunkenness was a more immediate threat to order. It was in fact 'the mediaeval view of the tavern as the womb of disorder',<sup>255</sup> that united the views of those who were opposed to the alehouse on

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<sup>250</sup> *Ibid.*, Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 23.

<sup>251</sup> Ward, *A warning piece*, pp. 2, 4.

<sup>252</sup> Lake, 'Anti-popery: the structure of a prejudice', p. 75.

<sup>253</sup> C. B. Herrup, 'Law and Morality in Seventeenth-Century England', *Past and Present*, 106 (Feb., 1985), 109.

<sup>254</sup> K. Wrightson, 'Alehouses, Order and Reformation in Rural England 1590-1660' in E. Yeo and S. Yeo (eds), *Popular Culture and Class Conflict 1590-1914: explorations in the history of labour and leisure* (Brighton, 1981), pp. 12, 17.

<sup>255</sup> *Ibid.*, p. 12; J.A. Sharpe, 'Crime and Delinquency in an Essex Parish 1600-1640' in J.S. Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), pp. 102-3.

moral grounds, with those who saw it as a threat to social harmony and public order. The suppression and regulation of alehouses was one of the important issues where the puritan proponents of a 'reformation of manners' shared the objectives-and to a large extent the motivations- of the official guardians of public order. In fact in more than a few instances those who were opposed to the alehouse on moral grounds, and those who saw its suppression as an important means of keeping order, were the same men.

Sir Richard Grosvenor lamented that drink made sons disobey fathers, and servants neglect their duty to their masters. It also made 'men waste their witts, consume their wealth, impoverish their estates'.<sup>256</sup> Alehouses surely undermined order by rendering men idle and negligent of their duties. Sir Edward Coke expressed the belief that it was possible to trace all social problems to drunkenness including 'Ryoats, murthers, man-slaughters, quarrels, fightings, whoredomes', while John Harrington thought alehouses were 'pernitious to the good ordering of the country'.<sup>257</sup> Alehouses were also thought to cause those who frequented them to lead unproductive sinful lives and to 'waist their daies, their health, their wealth...and profane Gods name'.<sup>258</sup> Although there is undeniably a strong religious tone to these godly denouncements of drunkenness, one cannot ignore the pragmatic aspects relating to issues of more general importance, such as social order, productivity and economic well-being.

The justifications for statutes aiming to curb excessive drinking, suggest an appreciation of the moral concerns which godly people had about the issue. The Jacobean act of 1604 'to restrayne the inordinate haunting and tiplinge in...Alehouses..' is justified by the assertion that such establishments were 'never meant for entertainment and harbouringe of lewde and

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<sup>256</sup>Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 14.

<sup>257</sup>Coke, *Speech and Charge*, p. 14; Stieg (ed.), *Diary of John Harrington*, p. 88.

<sup>258</sup>Garey, *Breakfast for the Bench*, p. 19.

idle people to spend and consume their money and their tyme in lewde drunken manner'.<sup>259</sup>

Sir Richard Grosvenor denounced the alehouse in similarly disapproving terms as 'a receptacle for knaves and harlottes , the robbers counsel chamber , the beggers nurcerye,...the theevevs sanctuarie'. The consequent belief that tightening the regulation and licensing of alehouses would prevent them becoming places where rogues and ruffians might congregate, also informed the official view of alehouses.<sup>260</sup>

Likewise an act of 1607 had similar designs and was intended to punish drunkenness, which it refers to it as an 'Odious and loathsome synne'. A statute of 1610, for the 'Reformation of Alehowsekeepers' similarly referred to 'excessive drinking and drunkenness' as an 'inordinate and extreme vice'.<sup>261</sup> The 1607 statute echoed the reasons for the godly disapproval of drunkenness, mentioned above. The act began by declaring that drunkenness was 'the roote and foundacion of many other.... Synnes as bloodshed stabbinge murder swearing fornicacion adulterye'. Most striking is the conclusion that drunkenness and the behaviour associated with it caused 'the great dishonor of God and of our Nacion',<sup>262</sup> with God and country being considered as inseparable. Another godly aim that suppressing alehouses might achieve was the facilitation and encouragement of greater church attendance. In the post-reformation period church attendance was often disappointingly low in rural communities. Since the alehouse often functioned as an alternative meeting place on Sundays and holidays,<sup>263</sup> the statutory suppression of the alehouse might reorientate the social life of the community towards the precinct of the local church.

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<sup>259</sup> Luders et al.(eds.), *Statutes of the Realm*, IV. ii.,1026; Dalton, *Countray Justice*, p. 26.

<sup>260</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, pp. 13-14; E. Moir, *The Justice of the Peace* (Harmondsworth, 1969), p. 38.

<sup>261</sup> Luders et al. (eds), *Statutes of the Realm*, IV. ii., 1142, X.,1167.

<sup>262</sup> *Ibid.*, IV. ii., 1142.

<sup>263</sup> Wrightson, 'Alehouses, Order and Reformation' , p. 17.



In much the same style as the godly explanations for scorning drunkenness, the moral and religious explanations were balanced by the connection suggested between drunkenness and important real world problems such as ‘the overthrowe of many good artes and manual trades the disabling of dyvers workmen and the gen[er]al ympover[r]ishing of many good subjects’.<sup>264</sup> The claims of those who legislated against alehouse haunting implied that excessive drinking also increased economic pressures because it contributed to ‘scarcity and the high price of grain’.<sup>265</sup> Indeed, remarked Sir Edward Coke, the problem with people frequenting alehouses was that their habit of ‘vnthriftie idleness’ left families ‘wanting necessarie maintenance’.<sup>266</sup> Such observations suggested an undeniable link between moral laxity and economic woe as well as spiritual damnation. While the fiscal explanations were valid, they overlooked the economically important function of alehouses in rural communities, where an alehouse license could act as a pension for people who could no longer work or might otherwise have no legal source of income.<sup>267</sup> Those who legislated to suppress alehouses were probably also motivated by their own attitudes towards those who frequented alehouses. Certainly, whether or not one frequented alehouses also became a habit which distinguished people of different social backgrounds.<sup>268</sup> This increases the likelihood that, aside from religious motivations, many of those who legislated against alehouses were united by prejudice towards the poorer people who frequented alehouses.

But to some extent, they were also united by religious concerns. The previously mentioned 1610 statute, which was a supplement to that of 1607, denounced drunkenness as something

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<sup>264</sup> Luders et al. (eds.), *Statutes of the Realm*, IV.ii., 1142.

<sup>265</sup> J.R. Kent, ‘Attitudes of Members of the House of Commons to the Regulation of ‘Personal Conduct’ in Late Elizabethan and Early Stuart England’, *Bulletin of the Institute of Historical Research*, 46 (1973), 45.

<sup>266</sup> Coke, *Speech and Charge*, pp.13- 14.

<sup>267</sup> Wrightson, ‘Alehouses, Order and Reformation’, p. 2.

<sup>268</sup> *Ibid.*, p7.

which greatly offended ‘Almighty God’ because it led to ‘the wasteful destruction of God’s good creatures’.<sup>269</sup> The final Jacobean act against drunkenness, which was officially ‘put in due execution...for ever’, testifies to a commitment to addressing the problem of excessive drinking from those at the highest level of executive authority. This statute, created during the parliamentary session of 1623-4, was passed because similar acts which preceded it were considered ‘good and necessary lawes’.<sup>270</sup> In accordance with these laws, justices had to be aware of how much ‘Alehouse keepers without a license were meant to be fined’.<sup>271</sup>

While manuals like Dalton’s *The Countrey Justice* also offered advice about how to identify drunkards by noting that ‘the scripture describeth them to stagger and reel to and fro’,<sup>272</sup> the religious influences on mainstream policy were apparently not restricted to attempts to impose statutory constraints on excessive drinking. As we have seen, both the mainstream policy makers and those who would have been proponents of godly magistracy, were able to agree that drunkenness led to other problems. The godly perspective was that drunkenness and popery were simply the most subversive forms of sin was predicated on the belief expressed by Samuel Ward that ‘sin that is modest at first, afterwards grows shameless’. He suggested that drunkenness might lead to adultery, fornication and even murder.<sup>273</sup> So preventing drunkenness was also a way of preventing the crimes- or sins- which it might cause people to commit.

#### *The threat of other sins*

Among these other sins, it was important to prevent sexual immorality because the result was invariably a child which ended up with either no one to care for it, or with parents who lacked

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<sup>269</sup> Luders et al.(eds.), *Statutes of the Realm*, IV. ii., 1167.

<sup>270</sup> *Ibid.*, IV.ii.,1216.

<sup>271</sup> Dalton, *Countrey Justice*, p. 171.

<sup>272</sup> *Ibid.*, p. 29.

<sup>273</sup> Ward, *A Warning Piece*, p. 12.

the means to provide for it. Primarily, there was a practical concern of who would ‘contribute towards the maintenance of the child’.<sup>274</sup> Those who legislated for measures to punish parents who had children out of wedlock, emphasized the poverty which such situations caused. Not only did they believe it led to the overburdening of parish support systems, thereby ‘defrauding...the aged and impotent poor’, but tolerating such conduct was also thought to encourage imitation.<sup>275</sup> The worry that the parish would have to support children born out of wedlock was also surely at least as important as the fact that a sexual indiscretion like adultery contravened the seventh commandment.<sup>276</sup> Moreover, it was easy to associate sexual incontinence with popery when ministers like Robert Bolton characterized the pope as ‘that purple whore arrayed in scarlet...’<sup>277</sup> Finally, just as drunkenness begat other sins, sexual immorality also potentially led to other, worse sins. The public execution on 14 July 1637 of the vicar of Pitchley, John Barker, for the infanticide of a child born of his adulterous liason with his maidservant<sup>278</sup> seemed to justify this logic. Barker’s case offered a useful illustration of the basis of puritan attitudes to sin. Barker’s adultery had culminated in his involvement in murder, which contravened the sixth commandment. Breaking one of God’s commandments soon led to the breach of another- a perfect example of how sin begat sin.

If drunkenness was the mother of disorder, then there was one sin which was thought to be the greatest enemy of conscience, which godliness was so dependent upon. This was ‘covetousness’, which broke the tenth and final commandment.<sup>279</sup> In the contemporary understanding, covetousness was a form of idolatry because of the undue importance which

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<sup>274</sup> Dalton, *Countrey Justice*, pp.39, 165.

<sup>275</sup> Kent, ‘Attitudes of Member of the House of Commons’, 44.

<sup>276</sup> *Exodus* xx, 14.

<sup>277</sup> Bolton, *2 Sermons*, I, p. 8.

<sup>278</sup> P.G. Lake, ‘“A Charitable Christian hatred”: the godly and their enemies in the 1630s’ in C. Durston and J. Eales (eds), *The Culture of English Puritanism, 1560- 1700* (Basingstoke, 1996), p. 145.

<sup>279</sup> *Exodus* xx, 17.

covetous people placed on personal gain and worldly possessions. In the aftermath of the Midland rising of 1607 Sir John Newdigate drafted a sessions charge which sought to address the causes of the recent breakdown in order. In the draft, dated 8 October 1608 he remarked that: 'A great cause of the decaies is couetousness'. He decried the damage done by those profiteers who 'Forstalled and ingrossed great quantitates of corne' and thus exploited the poor. His examples of people such as the 'three husbandmen' who 'hunge themselues because the price of graine abated',<sup>280</sup> illustrated the extent to which the resulting irregularities within the market claimed real victims in tragic ways. Such unscrupulous people were 'caterpillars' and were the embodiment of the 'wormes' which Samuel Garey had identified as threats to the commonwealth. Harvest failures might cause dearth but contemporaries also perceived an association between a dearth of grain, and the land enclosures which were so increasingly common during this period. The rural poor were inclined to express their disapproval of enclosures in riots and even rebellions.<sup>281</sup> Certainly, contemporaries saw such a scenario as a central cause of the Midland Rising itself. Official government explanations of dearth also tended to emphasize the covetous and uncharitable motives of engrossers and profiteers.<sup>282</sup>

Preachers like Robert Wilkinson expressed similar views. On 22 June 1607 Wilkinson preached a sermon which was a direct response to the Midland Rising, in which he echoed Newdigate's concerns about the threat which covetousness posed to a stable, orderly commonwealth. He placed emphasis on the duty of the powerful 'to whom God hath giuen

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<sup>280</sup> WRO, C136/ B711

<sup>281</sup> J. Walter, 'The social economy of dearth in early modern England' in J. Walter and R. Schofield (eds), *Famine, disease and the Social Order in early modern society* (Cambridge, 1989), p. 78.

<sup>282</sup> J. Walter and K. Wrightson, 'Dearth and the Social Order in Early Modern England' in P. Slack (ed.), *Rebellion, Popular Protest and Social Order in Early Modern England* (Cambridge, 1984), pp.116- 117.

the Earth', to safeguard the welfare of their inferiors, having pointed out that evil of usury, which also arose from covetousness and 'doth vndoe men' which was a 'woefull kinde of dying'. He thus exhorted 'the master so to wage his seruant that he may liue, and the landlord not to rack, but so to rate his tenant that he may liue, not miserably'. There is an implicit warning in his remark that if sufficiently oppressed, 'it is fearful to thinke, what men will doe in the end'.<sup>283</sup> In a year when outbreaks of food riots occurred throughout the country, this was a warning that the generosity of the powerful and privileged was necessary for securing order. Since generosity, which was the antithesis of covetousness could only come from God, having godly leadership was not only important in moral and spiritual terms. It was also a way of meeting the more practical objectives of the government.

Few other crimes might concern moralists and government officials more than perjury, which was also a grave sin. Of course, as Robert Bolton suggested, papists were arch perjurers.<sup>284</sup> Richard Grosvenor remarked that perjurers were hardly different from blasphemers. Since all oaths were sworn in God's name, their 'false swearing' amounted to 'taking God's name in vayne',<sup>285</sup> which was a breach of the second commandment. Perjury might also be seen as a breach of the ninth commandment, which prohibits God's people from bearing false witness against their neighbours. Interestingly, according to godly ministers like Anthony Fawkner, it was not just papists, but also 'men of meane condition'<sup>286</sup> who were thought to be more inclined towards perjury. If papists were enemies of the godly reformers, those from the lower orders were also potential subverters of the godly agenda, even if their influence was not consciously subversive or malicious. Finally, in practical terms, perjury also undermined

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<sup>283</sup> Robert Wilkinson, *A Sermon Preached at Northampton* (London, 1607), unpaginated

<sup>284</sup> Bolton, *2 Sermons*, II, p. 14.

<sup>285</sup> Cust (ed.), *Papers of Sir Richard Grosvenor*, p. 21.

<sup>286</sup> Fawkner, *Widowes Petition*, p. 6.

the functioning of justice, thereby directly obstructing the fulfillment of God's will, as well as the functioning of the administration and enforcement of law and order.

### *Conclusion*

In sum, the Godly magistrate's function was to ensure that the law was enforced vigorously so that 'the chastisement of sinne mighte be a learning to others'.<sup>287</sup> Men like Sir John Newdigate worried about divine retribution, believing that a single prayer could be 'quite overthrown' even 'by a little sin'.<sup>288</sup> In a legal system where little distinction was made between sin and crime, combating sin was essential to maintaining order. Upholding the Ten Commandments, which were the clearest articulation of the will of God, was fundamental to fighting sin. Since the common law was itself based upon Mosaic law and biblical prohibitions, this meant the godly approach to magistracy often complemented the objectives of the royal government in early Stuart England. The historian of early modern crime, James Sharpe has even argued that widespread social discipline which had some basis in religion and morality was, 'the ideal of early modern English government'.<sup>289</sup> Far from being at odds with the established regime as commentators like Michael Walzer have suggested, godly magistracy generally complemented and reinforced the priorities of the royal government. Moreover, proponents of godly magistracy often shared the prejudices of those who created official policy- and vice versa. This demonstrates how difficult it is to make rigid distinctions between godly and secular concerns- at least when it comes to law and order.

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<sup>287</sup> WRO, CR136/ B724

<sup>288</sup> WRO, CR136/ B653

<sup>289</sup> J.A. Sharpe, 'Crime and Delinquency in an Essex Parish 1600-1640' in J.S. Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), p. 91.

## CONCLUSION

In an undated charge, Sir John Newdigate of Warwickshire set out to remind his fellow magistrates of how magistracy ought to work ideally. All legal officials who were integral to the functioning of magistracy were meant to use their authority to carry out the responsibilities of their respective offices to the utmost of their ability. They must ‘be not....onlookers...but actors of this publicke service’. It was only through a visible commitment to the ‘the benefit of men’ that they could justify their ‘prehemince ouer men’ for they were not ‘onely justices and judges of matters but patrones and stewards’. He also reminded them that their authority was ‘receaued from the prince the head of the comonwealth’. As the earthly source of the authority of magistrates the prince was needed to ‘directe and order the people by the wisedome of lawes’.<sup>290</sup> In these statements, Newdigate articulated the essential elements of how godly magistrates thought about the nature of their office, and many of the central themes of this study.

Similarly, in *The Poore Mans Appeale*, an assize sermon published in 1620, the Church of England clergyman Thomas Pestell made a comment that illustrated some particularly important elements of godly magistracy. He remarked that threats to public order ‘should bee restrained either by Gods prohibition... or the kings proclamation’.<sup>291</sup> The implication was that the enforcement of both God’s laws and the king’s laws was essential for safeguarding the commonwealth. Pestell’s sermon was primarily concerned with denouncing the exploitation of the poor. Its central theme of protecting the weak alludes to the paternal nature

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<sup>290</sup> WRO, CR136/ 723

<sup>291</sup> Thomas Pestell, *The Poore Mans Appeale* (London, 1620), p. 7.

of godly magistracy. However, it is his implicit suggestion of the compatibility between God's will and the king's laws which is most significant.

The statements of both Newdigate and Pestell help to summarize some essential aspects of the godly view of magistracy in early Stuart England. Importantly, they do so in ways which illustrate how the magistrate and the minister might complement each other. The excerpts from Newdigate's charge reveal a firm expectation that the godly magistrate take a proactive approach to his office, and a consequent the need for him to enforce the law vigorously. Pestell's comment echoes Newdigate's emphasis on enforcing the law. The godly minister functioned as a sort of complementary echo of the actions which were expected of a godly magistrate. In repeating the need to be godly the minister would have addressed both the magistrate and the community he governed.

Both Pestell's comments and Newdigate's charge also allude to some of the significant findings of this study. Perhaps the most important of these is the extent to which those who advocated godly magistracy made no meaningful distinction between the fulfillment of God's will and the rigorous execution of the king's laws. This is clear enough in Pestell's comments. While Newdigate emphasizes the princely source of magisterial authority, he would have taken it for granted that princely authority came ultimately from God.<sup>292</sup> What is clear from his charge is the esteem in which he held princely authority. This suggests the loyalty of men like Newdigate to the political establishment. Indeed this study recurrently confirms that the proponents of godly magistracy were in most circumstances supporters of the established order and the status quo. It thereby challenges the whiggish approach of commentators like Michael Walzer, who saw godly magistracy as a threat to the established patriarchal political order. Newdigate's attitude to princely authority, which can be

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<sup>292</sup> Chapter 1, above, p. 5.



considered applicable to other godly magistrates, demonstrates the commitment of Newdigate, and others like him, to existing political institutions.

Moreover, chapter 1 of this study demonstrates that godly magistrates were committed to the secular ideals of their class, as well as the ideals of godly magistracy, which were often mutually compatible. By being paragons of godliness, they felt they could better enhance their status and reinforce the legitimacy of their authority over God's people. Calvinist ministers also generally stressed the importance of having governors who lead by example. Chapter 2 demonstrates the compatibility, even interdependence of the concerns of godly magistracy, and the concerns of the wider political establishment. The godly magistrate was expected to use the law and existing institutional structures to achieve his aims, which often accorded with those whose approach to the creation of policy was more practical and less spiritual. These findings suggest that even if those who favoured Godly magistracy might not always wholeheartedly agree with the royal government on some issues, even criticizing the perceived moral bankruptcy of the royal court or the advancement of favourites by corrupt means,<sup>293</sup> they certainly did not automatically view it as an enemy.

Proponents of godly magistracy and their less fervently religious compatriots were united against the threat of popery which was seen as a threat to national security, stability and order. This is evident in the charges of godly magistrates, the assize sermons of ministers and in the attitudes of lawmakers explored in this study. The main difference between the godly and everyone else was that they saw manifestations of popery in all sin. Hence they saw fighting sin as the solution to all manner of contemporary social problems. Nevertheless the fact that the objectives of godly magistrates were so similar to those of their less godly peers

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<sup>293</sup> On attitudes to the court and the denunciations of favouritism: see R.P. Cust, 'The Public Man in late Elizabethan and Early Stuart England', in P. Lake and S. Pincus (eds.), *The politics of the public sphere in early modern England* (Manchester, 2007), pp. 126-129; on favouritism also see a brief discussion of the importance of impartiality above, Ch.1, p. 9.

illustrates the essential concordance of their respective worldviews. As evidenced by Pestell's sermon and those of other ministers like Robert Wilkinson, as well as by the godly approach to authority explored in chapter 1, the godly shared a paternal understanding of magisterial authority that was integral to the official contemporary conception of order.<sup>294</sup>

In many respects this study complements the findings of other scholars who have considered official attitudes to maintaining order. Some conclusions of this study reflect the thesis advanced in Keith Wrightson's research into competing conceptions of order in seventeenth-century England. He reveals that the aims of provincial legal officials were at odds with the norms and values of the communities they policed and governed precisely because they shared the central government's views on what order meant and how this should be enforced.<sup>295</sup> He also suggests the extent to which the general attitudes of legal officials reflected those of godly magistrates. This second point is more clearly borne out by his research into the impact of the reformation on alehouses. Godly magistrates, whose motives for suppressing alehouses were motivated by both moral and practical concerns, shared the attitudes held by other members of governing classes to the maintenance of order.

Increasingly, those who were concerned with policing the community were united in their belief in the indivisibility of godly order on the one hand, and civil order on the other.<sup>296</sup> This coalescing of godly objectives with those of the royal government reflects a major theme in chapter 2.

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<sup>294</sup> D. Underdown, *Revel, Riot and Rebellion: popular politics and culture in England, 1603-1660* (Oxford, 1985), p. 10.

<sup>295</sup> K. Wrightson, 'Two Concepts of Order: Justice, constables and jurymen in Seventeenth-Century England' in J. Brewer and J. Styles (eds.), *An Ungovernable People: the English and their law in the seventeenth and eighteenth centuries* (London, 1980), pp. 21-46.

<sup>296</sup> K. Wrightson, 'Alehouses, Order and Reformation in Rural England 1590-1660' in E. Yeo and S. Yeo (eds), *Popular Culture and Class Conflict 1590- 1914: explorations in the history of labour and leisure* (Brighton, 1981), p. 19.

This mutuality between the concerns of the godly and those of political elites is also a major theme of chapter 1, and of this entire study. Their common ground with elites suggests the extent to which the godly were inclined to construct their identity as a distinctive, not to mention distinguished, group. This resonates with Peter Lake's definition of 'Puritanism proper' as 'the religious culture of the self-consciously godly'.<sup>297</sup> The concept of godly magistracy itself is also easily associated with Lake's idea of 'moderate puritanism', which aimed to advance the godly cause through existing social and political structures.<sup>298</sup> Just as valid in this instance, are the revelations of Collinson's work, which not only remind us how conservative many puritans were, but also consistently demonstrates the ebb and flow of political sentiment, activity and fervor among puritans overtime.<sup>299</sup>

Both Lake's and Collinson's views, of puritans as distinctive on the one hand, and as socially integrated on the other hand, are valid. It is this seemingly paradoxical validity of both perspectives which further suggests how easily we can be misled if we try to impose parameters which are too rigid in an attempt to define Puritanism. Puritans could clearly fit into a range of categories. The controversy surrounding the term 'puritan' was something which William Laud and his collaborators no doubt contributed to. After he became Archbishop of Canterbury in 1633, eight years into the reign of Charles I and four years after Charles's Personal Rule began, Laud and his bishops began to use the term 'puritan' as a conveniently pejorative label for those who resisted their attempts to enforce ceremonial conformity within the Church of England. The term came to refer to a wide range of

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<sup>297</sup> P. Lake, 'Defining Puritanism-again? In F.J. Bremer (ed.), *Puritanism: transatlantic perspectives on a seventeenth-century Anglo- American faith* (Boston, 1993), p. 13.

<sup>298</sup> *Ibid.*, p. 19.

<sup>299</sup> P. Lake, 'The historiography of Puritanism' in J. Coffey and P.C.H. Lim (eds.), *The Cambridge Companion to Puritanism* (Cambridge, 2008), p. 352.

Charles's subjects, who had previously been considered officially orthodox.<sup>300</sup> In light of this, a specific consideration of the way in which the Caroline regime's policies influenced godly ideas of magistracy would provide a useful extension to this study, and certainly suggests an important topic for further research.

In conclusion then, this investigation of the ways in which people who identified with the godly movement, thought about leadership and control, has offered useful insights into contemporary puritan identities. This approach seems a more sustainable way of understanding what Puritanism meant, than trying to define a particular type of person who might have been a puritan. An appreciation of the inextricable relationship between mindset and identity, suggests the importance of understanding the mindsets of godly people to expanding our understanding of puritan identities in post-reformation England. It is important to understand, not only that these identities were varied, but also the extent to which these identities were shaped by a dynamic interplay between material and mental worlds. When dealing with histories which analyse issues of identity and belief, appropriate methodological approaches are especially important. This study has hopefully drawn attention to this.

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<sup>300</sup> 'Introduction' in C. Durston and J.Eales (eds), *The Culture of English Puritanism, 1560-1700* (Basingstoke, 1996), p. 5.

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