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The Historiographical Typology of the English Royalism in the First Half of the Seventeenth Century

The topic of the present paper provides an insight into the royalist movement of the seventeenth century England, pre-eminently focusing on the Civil War era. Royalist, or constitutional royalist is a term to describe a moderate political group of the 1640s, concentrating around King Charles I, as his advisors. Recent results identified and categorized some of the main political thinkers of this faction. However, this categorization still has its own limits and is in the need of further clarification. The study is meant to highlight the defining elements of the royalist political discourse, including the notions of the rule of law, the ancient constitution and absolutism. The present paper also aims to investigate how the pre-existing political theories and doctrines from the Medieval and Tudor-era influenced the narrative of those, who remained to be loyal to the king, amidst the turbulence of the Civil War.

Keywords: Royalism, English political theory, constitutionalism, political discourse, absolutism.



Introduction

The first half of the seventeenth century was one of the most debated eras of early modern England and produced a huge. Therefore, the early Stuart reign and Civil War still represent a challenge for those, who would be willing to investigate the topic. Consequently, it is essential to outline the limitations of the study, right at the articulation of the introductory thoughts. The present writing offers an insight into the royalist discourse in the first half of the seventeenth century, aiming to highlight the historical understanding of the notion, certain characteristics, the dynamism, and the criticism of the pre-existing factional alignments. In this regard, the main emphasis is placed on the theoretical background, rather than on the practitioners of the concepts, which could be attached to it. The Civil War was a sequence of conflicts in

which the traditional foundations and the pillars of the seventeenth century English society were all questioned and eventually abolished.¹ The reasons behind the Civil War would be the topic of a much detailed study, and even longer volumes, since this great historical controversy have moved generations of historians, who all formed their own ideas on the nature, reasons, and participants of the events. However, these Whig and Marxist hypotheses tell us more about the intellectual climate of the era which they lived in, than about the conflict and motives behind it. In order to understand either the royalism or the parliamentarian concepts, it is essential first to outline the roots and the intellectual context, in which they were born. Due to the limitations of the study, the comparison of Whig, Marxist, Revisionist and Post-Revisionist historiographical standpoints are not be compared, or elaborated on in depth, but at appropriate points, references will be made.

The English constitutional mind was a very specific one in particular terms, but it also had several common points with the continental trends. Certainly, there was an underlying contradiction at the beginnings of the 1600s, which was inherited from the Tudor era. The Stuart kings received a dominium, which was both *a personal and a mixed monarchy*. This phenomenon is also known as the superiority of the *King-in-Parliament* principle.² In one sense, the kings, like in the high Middle Ages *ruled, as well as reigned*, and consequently the government was strongly dependent on the skill, abilities, and competence of the monarch. Kevin Sharpe expressed this very plastically, stating that *“in the seventeenth century the succession of a new monarch was still the fundamental change in the political climate”*.³ The monarch was the ultimate source of patronage and public authority. The public institutes and offices were under royal commissions and consequently were exercised in the name of the king. Thus, the court was the centre of both the political discourse and decision making. Therefore those, who had direct access to the court and the monarch could easily obtain influence over the implementation of a given policy. Johann P. Sommerville also pointed out that the ideas of divine right and kingship were all integral parts of the political discourse, (which is a common element with for e.g. France)⁴ although there is a scholarly disagreement on the nature, characteristics, and main elements of the early Stuart monarchy.⁵

¹ Abolished by the end of the conflict, the matter of efficiency in a long run is another question. Further see: COWARD 1994; HILL 1972; MORILL 1993.

² SMITH 1994. p. 16–18.

³ SHARPE 1992. p. 179.

⁴ It was also a defining character of both the French and English monarchies to believe in the quasi divine character of the monarchs, attributing healing power to them as well. Further see: SMITH 1994. p. 18.

⁵ Briefly, according to the foundations of theory, the kings derived their power directly from God, consequently they were answerable to him alone. The concept also rejected the active resistance, or taking up arms against the rightful monarch, even if it was proven to be a tyrant. *“Shortly then to take vp in two or three sentences, grounded vpon all these arguments, out of the lawe of God, the duetie, and alleageance of the people to their lawfull king, their obedience, I say, ought to be to him, as to Gods Lieutenant in earth, obeying his commands in all thing, except*

According to Paul Christianson, there were rival concepts about the *ancient constitution*, which is an “*inherently ambiguous*”⁶ phenomenon, since it had left many doors open for interpretation. According to John Pocock and Glenn Burgess we have to consider three main elements, when we try to define the notion of the *ancient constitution*: custom, continuity and balance.⁷ Under this term, we should not understand the collection of codifications and decrees, but rather the system, a political theory behind the *common law*, which included customs and judicial decisions.

Christianson stated that there are three different versions on the idea of the *ancient constitution*, based on how one approaches the past.⁸ A few researchers of the topic advocate the customary sense of the common law based on the Cokean interpretation,⁹ while others, referring to John Selden, stress the ancient constitution’s nature as the ideological foundation of the mixed monarchy.¹⁰ The third distinctive element or category, is the approach of the “*constitutional monarchy*”,¹¹ which was created by the monarch. In this concept, the king is bounded by two things: one is the oath, which he takes on his coronation, the other is to govern according to the laws of the predecessors of the land (England, of course). The formation of the latter can be linked to the theoretical work of King James I.¹² Johann P. Sommerville also shares the principle, that certain constitutional and political ideas (on the divine right of kings, absolutism, etc.) existed parallelly in the first half of the seventeenth century, but certainly not in isolation, or as universal ways of interpretation. However, regarding the practical side of the matter, the opinions differed greatly, let it be a parliamentarian, or a royalist.¹³

directly against God, as the commands of Gods Minister, acknowledging him a Iudge set by God ouer them, hauing power to iudge them, but to be iudged onely by God, whom to onely hee must giue count of his iudgement; fearing him as their Iudge, louing him as their father; praying for him as their protectour; for his continuance, if he be good; for his amendement, if he be wicked; following and obeying his lawful commands, eschewing and flying his fury in his vnlawfull, without resistance, but by sobbes and teares to God, according to that sentence vsed in the primitiue Church in the time of the persecution. Preces, et Lachrymae sunt arma Ecclesiae.” JAMES I. 1598.

⁶ BURGESS 1992. p. 4.

⁷ BURGESS 1992. p. 4.

⁸ BURGESS 1998. p. 227.

⁹ The *common law* was partly similar to Roman law, in a sense that both legal systems originated in legal customs, therefore they were initially *lex non scripta*. The theoretical problem of being a law, and not being written down was solved by Henry de Bracton, who introduced the *common law* as a customary, unwritten system, which partly took over the nature of the Roman *leges*, being general, and the *consuetudines*, meaning that is was unwritten. It was Sir Edward Coke, who first attempted to collect and record the common law in written form in *The Reports of Sir Edward Coke, Knt. in English, in Thirteen Parts Compleat (with References to All the Ancient and Modern Books of the Law)*. However, the appearance of this work did not mean, that there were no other concepts parallelly existing with the Cokean one on the common law, and the ancient constitution. Further see: Burgess 1992. 4–20.

¹⁰ John Selden (1584–1654) was an English legal theorist and linguist, a distinguished expert of the ancient constitution and laws. Further see: CHRISTIANSON 1984. p. 271–315.

¹¹ CHRISTIANSON 1996. p. 75–82; ORR 2002. p. 34.

¹² ORR 2002. p. 71–95.

¹³ SOMMERVILLE 1999. p. 46.

A delicate issue of the early seventeenth century's Stuart rule – also inherited from the Tudor era – is the balance between the actors of power. Many scholars committed the mistake that in the name of two-sidedness, expected a dichotomy between absolutist and constitutional ideas, which is all in all a false approach.¹⁴ The fact, that in theory, the monarch was answerable to God alone – and even if he acted against Him, or against the natural or common law, still the subjects should not demonstrate active resistance – it still does not mean, that the power of the monarch is not limited in some ways.¹⁵ It seems a logical contradiction at first, but if we take a closer look, it becomes clear, that this dual nature of the English political order still creates a working governmental structure, and it was one, up until the second part of King Charles's rule. The reason behind this is, that as long as neither the crown, nor the parliament do not attempt to expand their authority to the expense of the other side, the structure remains stable, as it used to be in the Elizabethan and Jacobian England.¹⁶

Ever since Henry de Bracton, the "*debet rex esse sub lege, quia lex facit regem*" axiom was present in the English constitutional thought, namely that "*the king should be subject to the law for the law makes the king*".¹⁷ An example of the legally limited monarchy in the Tudor narrative was Sir John Fortescue, who contradicted the *dominium politicum et regale* (constitutional monarchy) with the *politicum regale* (absolute monarchy), and many followed his footsteps, like John Aylmer and Richard Hooker.¹⁸ Briefly it means, that as long as the monarch acted *pro bono publico*, governing for the good of his people, and could function in harmony with the certain institutions, which were the pillars of the state, like the Church, parliament, courts, tribunals and other judiciary bodies, then that discrepancies could be controlled. The key of success of the Tudors was the "*appeal for consensus*", which made it possible to synchronize this duality. This political culture accepted the royal discretionary powers outside the definition of the common law. For this unique phenomenon of the seventeenth century political structure of England, Glenn Burgess applied the notion of "*double prerogative*",¹⁹ according to which the monarch possesses two kinds of power, an *absolute*, and an *ordinary* one. The latter bounds to king to act consistently with the *common law*, while the other grants him authority to act outside the frames of the common law.

During the reign of King Charles I, the problem was caused by him not acting in accordance with the two separate powers, or his actions did not fall

¹⁴ BURGESS 1992. p. 64.

¹⁵ SASHALMI 2006. p. 22–23.

¹⁶ SMITH 1994. p. 18.

¹⁷ To Bracton's work, a few summaries including: WOODBINE 1915 II. p. 33; MILSOME 2003; STEIN 1999; TURNER 1985.

¹⁸ John Aylmer (1521–1594) an English bishop, constitutionalist, and a Greek scholar. Richard Hooker (1554–1660) was a theologian and a priest, who, based on the *Caroline Divines* advocated the divine character of the English monarchs.

¹⁹ BURGESS 1992. p. 140.

under the framework of the appropriate authority. A good example for this, is the case of James Whitelock, who acknowledged the absolute power of the King James I,²⁰ but he questioned whether it was applicable in that given session of the parliament between 1610 and 1614.²¹ It should be noted, that prior to Charles's reign, the so called "absolute" prerogative was mostly applied in cases, when there was an emergency, or the protection of the monarchy was at stake. In a scenario like this, the king could act according to his own discretion. However, these situations were not determined, and this would lead us to the core of the conflicts during the reign of King Charles I, who introduced the practice of using a special authority as an ordinary one.²² While King James I paid attention and effort to keep this balance by not abusing his special prerogative, and to maintain the fragile balance between the different actors of power, Charles tended to overlook the issues.²³ A true example of this is the dispute over the *Forced Loan* in 1626–1627,²⁴ which greatly undermined and neglected the previous constitutional order.²⁵ The consequence of the conflict is the *Five Knight's case* in 1627,²⁶ being crucial

²⁰ James Whitelocke (1570–1632) was a judge at the court of King James I. In 1610, he became an MP, the supreme judge of Chester, and was knighted a few years later. In 1624, he was appointed to Judge at the Court of the King's Bench. He continued his activity under Charles I. However, in 1626, he denied to countersign the warrant of the Forced Loan, but in the Five Knights case, he supported the king. Further see: ODNB ref. 29299. (access: 12. 05. 2019.)

²¹ FANG NG 2003. p. 25.

²² Under this point, Charles's domestic policy should be understood, aiming to increase state incomes. See: HIRST 1986. p. 27.

²³ HIRST 1986. p. 27–28; REEVE 1989. p. 21.

²⁴ The origin of the Forced Loan should be looked for in the alliance with the Danes. On the 27th of August, 1626, Christian IV of Denmark suffered a huge defeat from the Holy Roman army at the battle of Lutter. The news reached England on the 11th of September, to which Charles returned to London from his summer residence. According to his commission, the Danish king was assured about the support of crown, then Charles discussed the possible means of supporting the Danish forces. Besides the fact, that Charles and Christian were relatives, Denmark was the most important continental ally of England. During the meeting, it was concluded that England would send 4000 troops, and the expenses would be financed by levying a new tax on the subjects. Thus, the *Forced Loan* was the repercussion of a foreign policy crisis. Charles and his advisors did not ask for the consent, let alone the opinion of the parliament, which was later explained by the shortness of time. During the summer of 1626, the king further had to apply for a loan from the cities, since the crown's financial status was mortifying. Therefore, the king used a foreign conflict for the legitimization of forcing a new tax (or loan) on his subjects, while it was used to consolidate an originally domestic, fiscal situation. Further see: CUST 1985. p. 208–210.

²⁵ CUST 1985. p. 208–235.

²⁶ It is called the Five Knight's case or Darnell's case, after the name of one of the knights, Thomas Darnell. Based on the remaining sources from the trial (records, proceeding and charters) we are aware of the followings: Thomas Darnell, John Corbet, Walter Earle, John Heveningham, and Edmund Hampden refused to pay the *Forced Loan*, for which they were imprisoned. They drew up an appeal, and handed that in to the Court of the King's Bench. Based on the habeas corpus, they asked to be released. The only answer to their appeal was, that they were kept in prison under "*special command of His Majesty*" (How. St. Tr. 1). Thus, at court, the question was whether the answer was a righteous, and in harmony with the common law. Further see: KISHLANSKY 1999. p. 53–58.

not just because taxation was levied without the consent of the parliament, but also because of the constitutional character of the issue.²⁷ Hereby we can witness that the royal prerogative was applied as a guarantor, in order to avoid the further investigation in this case of debatable legality.²⁸ A direct consequence of these conflicts was the issuing of the *Petition of Right* in 1628, which articulated and specified those rights of the subjects, which could not be overruled, not even by the king, neither between any circumstances.²⁹ From the Tudor narrative of balance and harmony between the particular pillars of power, England reached a point by 1629, when the law was not the instrument of social cohesion and the guarantor of personal freedom – which it had been since the Bractonian times – but became the device of political oppositions. This period between 1629 and 1640 was called the “*eleven years of tyranny*”³⁰ by S. R. Gardiner, and the Whig historiography, but later, during the revisionist movement, Kevin Sharpe 1992 introduced the expression, “*years of personal rule*”³¹. The latter is applied by Barry Coward, John Adamson and Richard Cust, furthermore, David L. Smith and Graham E. Seel compared and discussed the context and the validity of the two terms.³²

Within this intellectual framework, the conflict of the Civil War arose, and the above-outlined principles are deeply rooted and present in the royalist narrative and discourse. In the followings, the present study attempts to provide an overall understanding of what royalism used to be, and what limitations should be kept in mind, when one endeavours to investigate this topic.

The term royalist and its historiographic understanding

Not many investigations were implemented, and even lesser amount of works and monographies were published on the question of English royalism right before, during and after the Civil War. The Whig and Marxist historiography in the first half of the twentieth century favoured the investigation of parliamentarian issues and topics. There are several possible reasons behind this. First, we must count with the possibility, that many royalist documents were destroyed during the first and second civil war either for a practical reason, namely not to be found by the parliamentarian forces, or due to the fact, that after 1644, it became more complicated for the royalists to secure a stable and concentrated presence in the public administration (or in London itself), since they were forced to relocate in

²⁷ BURGESS 1992. p. 191.

²⁸ BURGESS 1992. p. 191–192.

²⁹ The *Petition of Right* articulated several restrictions, the most crucial ones were: the forbiddance of unlawful imprisonment; it restricted the taxes levied without the parliament; regulated the quartering of soldiers, ruled out the marital law as illegal as well. See: <http://www.legislation.gov.uk/aep/Cha1/3/1/contents>. (access: May 2, 2019).

³⁰ Thomas Babington Macaulay, Samuel Gardiner, William Stubbs, etc.

³¹ SHARPE 1992. p. 40.

³² ADAMSON 2009; COWARD 1994; CUST 2007; SEEL – SMITH 2001.

different parts of the country after the parliamentary military dominance became evident. Therefore, there were no central organs to produce documentation on a regular basis, but even if they could mobilize the apparatus, the turn of events definitely had a profound impact on productivity. Furthermore, due to the lack of these institutions, (or because of the instable circumstances of long-distance communication), the correspondence was more prone to get lost.³³ These conclusions are further supported by the fact that if we compare the number and frequency of documents belonging to both the national and local administrative organs, those, which were issued by royalists during the Civil War, are far behind the ones of the parliamentarians.³⁴

However, from this era, the personal correspondence of high-ranking officials and the closest advisors of the king and queen has come down to us in a great number.³⁵ Behind this phenomenon, we can also suspect the above-mentioned circumstances, namely that the leading royalist persons retreated to different parts of the kingdom, while the parliamentarians concentrated in and around London, therefore they did not need to correspond with each other that much, compared to the royalists.³⁶ According to David Scott's proposition in his study from 2008, royalists were probably neglected by historians because they lost not just from one, but from two aspects. Their defeat provided a drive for the argumentation of the Whig historians, who were convinced that the constitutional developments of the Victorian era was the heritage of the seventeenth century parliamentary success. From this teleological approach the "*... royalists were not just on the wrong side of the war; they were on the wrong side of history.*"³⁷ In this concept, royalists were only in the way of the parliamentary progress, therefore their role in the events was assessed accordingly.³⁸ By the end of the twentieth century, luckily, this approach lost a lot from its vitality, and was re-evaluated. However, I certainly agree with David Scott on the inherited tendencies.

The research of royalism was not popular for another undiscussed reason: it seemed to be anachronistic. In those concepts, which were dominant in the majority of the twentieth century, scholars found the

³³ Ronald Hutton, James McElligott, David L. Smith and Barry Robertson all share the viewpoint, namely that the reason behind this tendency is twofold: on the one hand caused by the certain tendencies in historiography, and the ideological concept of its representatives, and on the other hand, by the lack of sources compared to the parliamentary side, which is most probably the consequence and result of the conflict itself. Also, if we consider the case of personal sources, like diaries, notes and memoirs, the possessor risked to be caught and charged with treason, if he or she kept any papers related to the king, or expressing royalist sympathy. Further see: HUTTON 2002. p. 3–8; McELLIOTT 2007. p. 11–16; ROBERTSON 2014. p. 5; SMITH 1994. p. 1–10.

³⁴ TNA PRO SP 39/30; TNA PRO SP 41/6

³⁵ TNA PRO SP MSS 31/63/4.

³⁶ ROBERTSON 2014. p. 5–6.

³⁷ SCOTT 2009. p. 36.

³⁸ SCOTT 2009. p. 35–38.

parliamentarians to be the key protagonists of progress, while the royalists "*were degraded as the symbols of status quo.*"³⁹

The first results of research on seventeenth royalism came at the end of the 1950s, and the beginning of the 1960s, before the expansion of the revisionist concept. B.H.G. Wormald, P.H. Hardacre, David Underdown, Ian Roy, and J.W. Daly all note important studies concentrating on a certain part of the topic. However, these works only scratched the surface of the problem.⁴⁰ The turning point came in the 1970s, which is closely connected with the pioneering revisionists. These works done by P.R. Newman, Joyce Lee Malcolm, and Ronald Hutton focus predominantly on the royalist military forces and armies, strategies, mobilization, war supplies, field tactics and organization, but none of these studies represents a holistic approach.⁴¹

Besides the above-mentioned works, two further studies addressed the problem of inadequate research and information on royalism. The first from these was Clive Holmes, whose 1975 writing in the volume of *The Eastern Association in the English Civil War* truly represented those hardships, which the parliamentarians had to face in terms of fiscal and recruiting issues mainly in Lincolnshire, but generally regarding East-Anglia, which was one of the headquarters of the remaining royalist forces⁴². The study details how Cromwell and the *New Model Army* overcame the obstacles and attempts to answer what kind of role did the new army played in the parliamentary progress.⁴³ The most crucial element of the book from the perspective of the present study is the question that the author poses, whether the parliamentarians won the war, or the royalists lost it.⁴⁴

From this period, the other notable work was written by John Morill, with the title, *The Revolt of The Provinces*. Its first edition was published in 1976, and it was revised and reprinted in 1999. In the first edition, the author synthesizes those studies, which were written about the Civil War conservatives and radicals prior to the publication of the first edition. In this writing of his, Morill also elaborated on the possible reasons behind the failure of the royalist cause, among which he considers the royalists' relation to their local communities as the most crucial one. According to his firm beliefs, the royalist thinking was more traditional and more legal central compared to that of the parliamentarians. This "*cavalier attitude*"⁴⁵ caused the death of practice, and at the same time, the death of the cause as well. Morill explains this process with the fact, that the income of the royalist dropped fast and significantly, and they did not manage to maintain order and discipline among their lines, and if they

³⁹ ROBERTSON 2014. p. 5–6.

⁴⁰ DALY 1974; ENGBERG 1966; HARDACRE 1951; MARSTON 1973; ROY 1962; UNDERDOWN 1960; WORMALD 1951.

⁴¹ HUTTON 1981; MALCOLM 1978; MALCOLM 1983; NEWMAN 1979. NEWMAN 1981. Further works from this period: AYLMER 1972; SMUTS 1988.

⁴² HOLMES 1974. p. 1–117.

⁴³ HOLMES 1974. p. 195–220.

⁴⁴ HOLMES 1974. p. 195–220.

⁴⁵ MORRILL 1984. p. 117.

tried to do so, royalist officials did not apply the appropriate legal procedures.⁴⁶ The book also contains valuable information on the precise mechanism of the parliamentary administration, however, on the royalist organs of public service he only wrote three pages, based on the accounts of leading royalist generals and prominent military leaders.⁴⁷

In 1981, Ronald Hutton was the first, who placed the royalists into the focus of his monography with the title, *The Royalist War Effort 1642–1646*.⁴⁸ The first edition went to press in early 1982, but I only had the chance to work with the second edition, therefore a few footnotes will reflect on that issue. The author's main goal was to observe the royalist elite and military commanders, the war efforts and reinforcements, the organization of the battlefield and field tactics, and finally, the means of transferring information. He had done all this in relation to the parliamentary side.⁴⁹ Hutton's final conclusion was that in those regions, which were predominantly controlled by royalist forces, the change of sides did not happen because of the classic reasons the Whig historians prefer citing persistently: the unavoidable, long-standing social, economic, religious and political oppositions. In the author's view, violence reached the local communities with "artificial insemination",⁵⁰ meaning that the conflict was imported into the local communities through its leaders. He does believe that the certain actors of power did not fulfil their primary duties, namely to maintain security and order in the communities.⁵¹ A decade later, Conrad Russel stated that: "it is the English Royalists, not the English Parliamentarians, who are the real peculiarity we should be attempting to explain [...]. The intellectual and social antecedents of Royalism have not yet been studied with the care which has for many generations been lavished on the Parliamentarians".⁵² The 1990s followed this spirit, and eventually provided the first monographic works of the topic by David L. Smith and James Loxley. Smith composed a volume in 1994 on constitutional royalism, a term, which I find somewhat problematic. In the last two decades, since the publication of the *Constitutional Royalism and the Search for Settlement* this view had to face severe criticism, especially because of the applied terminology.⁵³ However, even the fiercest critic acknowledges the undeniable merits of the book, praising its long-awaited holistic approach.

⁴⁶ Here the author quotes from Lord Wentworth. MORRILL 1984. p. 117.

⁴⁷ The title was *The Royalist Administration*. Further see: MORRILL 1984. p. 116–118

⁴⁸ In the present study, the second, revised edition is used. Further see: HUTTON 2002. p. xiii–xxxii.

⁴⁹ HUTTON 2002. p. 1–191. James Daly did not agree with Hutton in several questions. Further see: DALY 1984. p. 745–755.

⁵⁰ HUTTON 2002. p. 201.

⁵¹ Daly denies this concept of Hutton's, namely that in his opinion, the oppositions did not come into the local communities externally, but the internal conflicts were utilized as instruments to turn one side against the other. For the contradicting concepts further see: HUTTON 2002. p. 201; DALY 1984. p. 745–755.

⁵² RUSSEL 1991. p. 526.

⁵³ David Scott considered Smith's constitutional royalist concept simply a mirage, but the issue will be discussed in more details in the followings. Further see: SCOTT 2009. p. 36–40.

Those studies, dissertations and volumes, which appeared from the 1990s attempted to cover the topic from multiple perspectives, such as literature, identity and the heritage of print culture.⁵⁴ Despite of these excellent editions, there is little we know about those, who remained to be loyal to House of Stuart during the Civil War. The clarification of the term and a possible re-classification of royalist pamphleteers and authors could result the better understanding of the dynamics and characteristics of the conflict between 1640 and 1650.

The classification and terminology of the royalists

It is certain though, that the research on the royalists became more active recently, and it is occurring on many fields of the discipline. In the followings, a short summary will be provided on the latest issues and results.

One debateable question is the factional division and the attached terminology, which is too rigorous and neglects the often-changing nature of circumstances in the Civil War. Ronald Hutton's work from 1981, *The Structure of the Royalist Party, 1642–1646*, and David L. Smith's monography from 1994 are good examples of this phenomenon.⁵⁵ Hutton defined two major parties within the royalists: an ultra-royalist, and a moderate royalist segment. The ultra-royalists were those followers of King Charles I, whom propagated a military action against the parliamentarians before the outbreak of the war itself. To this category belonged the courtiers of Henrietta Maria, namely Wilmot, John Ashburnham, and Lord Digby, who all returned from exile to York around the June of 1642. The nephews of King Charles, Rupert and Maurice arrived back from the Netherlands in August, the same year.⁵⁶ To the moderate group, Hutton associated Sir John Culpeper, Edward Hyde, and Lucius Carey, whom were all critical with the Crown's politics to some extent. However by 1642, they reached a consensus on supporting the king's policy, since they were all convinced that not the king, but the parliament was the biggest radical threat to the well-being and harmony of state, church and society. All of them supported the peaceful negotiations and compromise throughout the whole course of events.⁵⁷

Regarding the foundations, David L. Smith followed the concept of Hutton, namely that by the first years of 1640s, a moderate advisory group developed around King Charles I, who shared the principles of legally limited monarchy. According to this concept, the main pillars of state, the discretionary powers of the king, the *rule of law*, the Anglican Church or the protestant faith –

⁵⁴ Further see: DE GROOT 2004; LOXLEY 1997; MENDEL 1985; SMITH 1994; G. SMITH 2003.

A few more works including, but not limited to the followings: MCELLIGOTT 2007; MILTON 2007; KEBLUSEK 1999; PEACEY 2004; G. SMITH 2003; G. SMITH 2011; WILCHER, 2001.

⁵⁵ HUTTON 1981. p. 555–559.

⁵⁶ HUTTON 1981. p. 555.

⁵⁷ Falkland and Culpeper arrived in York around the end of May or the beginning of June of 1642. Further see: HUTTON 1981. p. 554–556; CLARENDON IV. p. 340.

"*established by law*"⁵⁸ should not be limited.⁵⁹ In the light of these ideas, Smith identified 10 constitutional royalists under the theoretical leadership of Hyde, Falkland, Culpeper: John Bramhall, Sir Charles Dallison, Dudley Digges the younger, Henry Ferne, James Howell, David Jenkins, Jasper Mayne and Sir John Spelman.⁶⁰ According to Barry Robertson, Smith defined two main aspects for the categorization and selection. Once, he supposed that all these persons he identified belonged to the close advisory circle of the king prior to 1641, and second, all of them took part in the peace negotiations between 1642 and 1648.⁶¹ The problem is that Smith never stated anything like this. On the contrary, he wrote that "*...none of these was a member of the Long Parliament, nor were they ever involved in peace negotiations. The majority of them had works published at Oxford during the first Civil War.*"⁶²

According to my research, the other element of Robertson's comment could also be refuted, since by the end of the Civil War, very few people were left, who would actively support the royalist cause. Either because they passed away in the meantime, like John Spelman in 1643,⁶³ or got into prison, escaped to France, or simply they got into an impossible situation. Charles Dallison for example was imprisoned in 1644, but managed to escape thanks to a prisoner exchange. He left for France in 1646, therefore he was not even present during the Second Civil War. He only returned in 1648, but at this time, he tried to stay away from the active political participation as much as possible.⁶⁴ Another common point in the listed political thinkers is that they were all the critics of the Crown's policy prior to 1640, but after 1641, they came to the conclusion, that the king did all the efforts in order to consolidate the tense political situation.⁶⁵ According to my research results, all the Spelman ancestors took active political part, always remaining to be faithful servants of the monarch, just as in the case of Dallison, Dudley Diggs senior and junior, etc. There is no written record, which would support the claim,

⁵⁸ "His Majesties Answer to the Nineteen Propositions of Both Houses of Parliament: [...] *That We were perswaded in our Conscience, That no Church could be found upon the Earth, that professeth the true Religion with more puritie of Doctrine, than the Church of England doth, nor where the Government and Discipline are jointly more beautified, and free from Superstition, than as they are here established by Law; which (by the grace of God) We will with Constance maintain (while We live) in their Puritie and Glorie, not only against all Invasions of Poperie, but also from the Irreverence of those many Schismatics and Separatists, wherewith of late this Kingdom and Our City of London abounds, to the great dishonour and hazard both of Church and State [...]*". BL TT E 151/25.

⁵⁹ SMITH 1994. p. 3–5, 61, 221.

⁶⁰ SMITH 1994. p. 219.

⁶¹ ROBERTSON 2014. p. 5.

⁶² "*None of these was a member of the Long Parliament, nor were they ever involved in peace negotiations. The majority of them had works published at Oxford during the first Civil War.*" Further see: SMITH 1994. p. 219.

⁶³ SPELMAN correspondence; TNA PRO SP 16; J. Spelman, letter to Sir John Potts, 2 Feb 1643, BODL. OXF. MS TANNER 64. fol. 145r.

⁶⁴ After the execution of the king, the Dallison's estate was almost completely confiscated, and was also fined for 465 Pounds.

⁶⁵ ROBERTSON 2014. p. 5–6.

that these thinkers dissented the king, except for Falkland, Culpepper, and Hyde, about whom we know precisely, that they disagreed with Charles I on his *Answer to the XIX. Propositions*,⁶⁶ but this does not constitute an integral part of the present study.⁶⁷

Therefore, it is reasonable to question whether we could evaluate royalism as an established category, or not. *In my point of view, the decisive factor in this issue is where we approach the topic from.* David L. Smith was heavily criticized because of his categorization partly based on Hutton's results. It was proven to be too rigid, and therefore did not represent the political fluctuation of the period.⁶⁸ Between 1641 and 1660, an estimated number of 22000 pamphlets circulated in England.⁶⁹ Certain concepts about power, state, sovereignty and the ideal form of government were present on every stage of public life. Thus, if we only consider royalists those, who advocated the idea of absolute and unconditional royal sovereignty in regards of exercising power and propagated war against parliamentarians, then in that category probably very few would have a place, as it was previously criticized by Johann P. Sommerville and David Scott. Royalism, in my viewpoint, should be treated as a more general *umbrella term*, describing a political group, which was and remained to be loyal to House of Stuart throughout the Civil War, either in an active or a passive role. It must be taken into account, that this was a volatile climate, in which the presupposition of a homogenous political group is misleading. This is especially true with the term, constitutional royalism.

The criticism of constitutional royalism

In 2008, David Scott articulated serious criticism in connection with the notion, constitutional royalism. The earliest root of the term can be found in the works of Thomas Babington Macaulay, an esteemed historian of the nineteenth century. However, he did not use the expression in this particular collocation, but in relations to one another.⁷⁰ In a 1951 study about Clarendon, Brian Wormald was the first, who applied the term in its present

⁶⁶ They did not agree on whether Charles I was one out of the three estates of the realm, or was superior to it. Another contradictory point was the maintenance of the Church of England under the *rule of law*, whether it constituted an integral part of the government or not. For further information on the disagreement, see: CLARENDON IV; SMITH 1994. p. 3–4; WORMALD 1989. p. 83–159.

⁶⁷ Charles Dallison, his uncle and cousin, William, and Robert Dallison both fought on the side of King Charles I. Robert became a baron in 1644, however, his lands and estate was seized, and was also fined. Thomas Dallison of Lincoln belonged to a cadet branch of the family and served the royalist cause as a colonel, who eventually lost his life in the battle of Naseby in 1645. Further see: Mr Charles Dallison Record[e]r of Lincoln, His Speech to the King's Majesty 1642. WING D 139; 123 LJ. V. 375; 124 CJ. II. 766, 890; BRICE 1970. p. 34–38; HILL 1956. p. 150–151; HOLMES 1980. p. 149; NEWMAN 1981.p. 38–39.

⁶⁸ SCOTT 2009. p. 36–37; ROBERTSON 2014. p. 5–6.

⁶⁹ SASHALMI 2006. p. 9.

⁷⁰ MACAULAY 1979. 1–5.

form, defining the political ideology of Edward Hyde.⁷¹ However, it was David L. Smith, who gave a new dynamism to the term in his 1994 book, identifying it as a distinct political theory, which concentrated around the principles of reaching a settlement by negotiations with the parliamentarians and that the royal prerogative should be guided and controlled by the rule of law.⁷² According to Scott, the biggest problem with Smith's definition is that it was vague, especially considering the fact, that the royal discretionary power was, or could be executed in such ways, which would hypothetically contradict the *rule of law*. Applying the concept of constitutionalism in such broad sense would make the factional positioning within the royalist party pointless, if the reference (as it is in the theory of Smith) is the *ancient constitution*. It is simply due to the fact, that the kings – considering the hypothetical side – had always respected the *rule of law*, and therefore the “*parliament's place in the constitution*”.⁷³ Thus, it would be further problematic to suppose that two royalists would understand the same thing under those set of customs, rules, rights, decrees, laws and prerogatives, which the *ancient constitution* consisted of. There had never been an exact definition of what it was, and what it was not, therefore it simply could not be interpreted by the same token.⁷⁴ I do support Scott's claims in acknowledging that it is not a valid approach to define factionally aligned political parties. It brings us much closer to the solution, if we analyse the certain theories of the royalist independently, and draw the conclusions after the ideas of the authors were defined on the questions of royal prerogative, the *rule of law* and the *ancient constitution*.⁷⁵

⁷¹ WORMALD 1951, p. 3–154.

⁷² According to David L. Smith's concept the Constitutional Royalists centralized around the following ideas: “[...] *royal powers should be guided and limited by the rule of law, and that Charles I's actions posed less of a threat to legality than those of the Houses; the combination of a respect for Parliament's place in the constitution with an abhorrence of the Junto; a defence of the existing Church of England and the Protestant religion 'by law established'; a wish to preserve the royal discretionary powers to appoint Privy Councillors and senior military and legal officers; and a conviction that armed resistance to the sovereign ran contrary to both the common law and God's law. In essentials, these principles represent a development of the position outlined in the Answer to the XIX Propositions [...]. They stood in marked contrast to other strands within Royalist thought [...]*”. SMITH 1994, p. 220.

⁷³ SCOTT 2009, p. 39.

⁷⁴ For the better understanding of the language, terms, content, and ideological understanding of the ancient constitution in the early modern period, see: BURGESS 1992, p. 3–99; BURGESS 1996, p. 127–140.

⁷⁵ There is the example of Lord Digby, who is said to be ‘the most unconstitutional’ royalist grandee. Even himself recognized the fundamentals of the ancient constitution and acknowledged the Parliament's role and place in it: “*The truth is [...] the Kings of England are never in their glory, in their splendor, in their Majestique Sovereignty, but in Parliaments. Where is the power of imposing Taxes? Where is the power of restoring from incapacities [sic]? Where is the legislative Authority? Marry in the King [...]. But how? in the King circled in, fortified and evirtuated [sic] by his Parliament. The King out of Parliament hath a limited, a circumscribed Jurisdiction. But wayted on by his Parliament, no Monarch of the East is so absolute in dispelling Grievances.*” See: The Speeches of the Lord Digby in the High Court of Parliament, 1641. BL.E 196/6, 7 p. 24. However, the constitutional credentials of the leading constitutional theorist, Culpepper are strongly debatable, while the Duke

As it has been outlined above, the research on English royalism is organically bounded to the dichotomy of constitutionalism and royal absolutism, which determines the nature of the developed historiographical concepts. James Daly noted, that Hutton failed to disclose the inner conflicts of the royalist party in this regard, which could possibly have a damaging effect on the movement. On the other hand, he did not delineate either to what extent these oppositions created real discord between the moderate / constitutional and ultra-royalists.⁷⁶

In addition, it must be highlighted that the royalist movement from the very moment of its birth had a moderate face in the first half of the 1640s. The leading royalists, like Edward Hyde, the Earl of Clarendon, represented mainstream royalist ideas, which could be linked to the intellectual background of the first half of the seventeenth century in terms of political theories (absolutism, the sovereignty concept of Jean Bodin, the refusal of active resistance etc.). In all his pamphlets and speeches Hyde emphasized, that Charles I was a trustworthy and reliable political figure, and that he would be willing to reach an agreement with the Parliament.⁷⁷ Of course, it is to be understood, that there is a caesura between political theory and practice, and that Charles only meant to undertake the negotiations, just like he had done throughout his whole reign. He firmly believed that he acted according to God's holy ordinance, and under the *rule of law*.

Another point to be noted is, that the Constitutional Royalist category of David L. Smith excluded a few essential political theorists, who could have a place in it based on the set of criteria, that Smith has elaborated.

Similarly to Daly, Paul Seward also criticized the validity of factional differentiation within the royalist party. As for me, I find it more problematic, that in the discussion of Constitutional Royalism Smith only echoes the principles of Hyde, while devotes no more than a paragraph or two to the other authors.⁷⁸

David Scott simply evaluated this classification as a "false taxonomy"⁷⁹ and a "mirage". In his view, it is almost impossible to separate an ultra-royalist or absolutistic faction (however, it has never been an aim). The ultra-royalists, concentrating around Prince Rupert, tirelessly propagated the importance of war, since the sequence of great military victories – according

of Richmond was presented a straightforward hostile attitude towards the Long Parliament, which theoretically contradicts the constitutional ideals of settling tension through negotiations. Him, and Prince Rupert were the biggest opponents of peace talks. Thus, it is evident, that there was no such label, that would apply for every royalist, consequently the validity of factional alignment should be reconsidered.

⁷⁶ DALY 1974. p. 745–749.

⁷⁷ John Bramhall, another royalist pamphleteer could also be connected to this concept. DALY 1966. p. 25–35.

⁷⁸ This statement is also supported by the example of John Spelman, about whom, David Smith wrote two pages, and he follows a similar tendency in the case of Bramhall and Dallison. See: SMITH 1994.

⁷⁹ SCOTT 2009. p. 38.

to Rupert and Lord Digby, the loudest advocates of this approach – would entitle the king to expand his absolute prerogative.⁸⁰ However, it is well-known, that there was no consensus among the leading royalists – between Hyde, Culpeper and Falkland – on vital issues like the role of the church in government or the understanding of estates, royal superiority and the ancient constitution. Furthermore, the “*constitutional credentials*”⁸¹ of the leading constitutional theorist, Culpepper are strongly debatable, while the Duke of Richmond presented a straightforward hostile attitude towards the Long Parliament, which theoretically contradicts the constitutional ideals of settling tension through negotiations. It was him, and Prince Rupert, who were the biggest opponents of peace talks. Thus, it is evident, that there is no such label, that would apply for every royalist, consequently the validity of factional alignment should be reconsidered. David Scott suggests that the presupposition of a constitutional and ultra-royalist circle is nothing else, but the renaming of the issue of constitutional and unconstitutional sentiments.⁸² David L. Smith further complicates the picture by contrasting royalists and loyalists as well. Under the term, loyalists he understood those, who pledged their allegiance to the crown and the authority it represents, while the royalist were those, who supported the king – both in his person and the institution he represented – actively in the Civil War, taking part in military activities, thus expressing their faithfulness.⁸³ In a joint publication from 2007, Jason McElligott and David L. Smith⁸⁴ revised many of his previous statements, namely that his categories were too wide, and the definitions and criteria were too general, considering that almost nobody from the royalist denied the premise of *the rule of law*, or the concept of mixed government.⁸⁵

Conclusion

Drawing the conclusion, constitutional royalism – even if it is not a mirage, since constitutional thought was present in every royalist discourse to some extent – is definitely not a solid foundation for classification, especially, if we understand this phenomenon in the antagonism of a possibly ultra-royalist

⁸⁰ However, it is also questionable whether the crown had ever had a coherent policy in terms of extending the prerogative and discretionary powers of the monarch on the expense of parliament. The dependence of the government on the person and ability of the monarch, furthermore the lack of efficient central bureaucracy all implies that there was no such thing in foreign, or domestic policy, or only in rare cases. COWARD 1994. p. 281–284.

⁸¹ COWARD 1994. p. 39–40.

⁸² For the clarification of the constitutional and unconstitutional debate, see: SEWARD 1997. p. 227–239.

⁸³ SMITH 1994. p. 307–308.

⁸⁴ MCELLIGOTT – SMITH 2007. p. 1–16.

⁸⁵ Even those who were advocates of the superiority royal supremacy, or were not prone to negotiate with the Parliament, did not deny, that the parliament had a role in the ancient constitution, and therefore in the government, they simply imagined this role to be more inferior compared to that of the monarch.

faction. In my opinion, the latter label, ultra-royalism, is a 'bigger mirage', than its constitutional counterpart, since not even the fiercest advocates of war and governing without the Parliament (like Prince Rupert) denied the fundamental principles of government under the rule of law, and the role of Church and Parliament in it. The emphasis, which eventually determines the concept of a given author is rather on the question of *how*, and *to what extent*. In regards of loyalism, it should be noted, that the two terms, royalists and loyalists were used as synonyms in the seventeenth century English political language, therefore one must be cautious with the application.⁸⁶

Royalism therefore is not a permanent and immovable entity. Both the aims of the first two Stuart monarchs, and the personnel of their advisors had changed over time, particularly with Charles I, just as much as the factions within the royalists and the seventeenth century political map of England. I am convinced, categorization should not be necessarily ruled out, however, the investigation of individual theories could lead us to a more complex understanding and precise results. From certain treatises and pamphlets it becomes clear, that the theoretical differences do not occur on a factional, but on a personal level.

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