


HISTORIOGRAPHICAL REVIEW

Royal Counsel in Tudor England, 1485–1603

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Abstract

Royal counsel in Tudor England has been a central historiographical theme for over twenty years. This review offers a critical assessment of the state of the field. It appraises historical and literary scholarship on both the theory and practice of royal counsel. Among other themes, it discusses the concepts of evil counsel and *arcana imperii*. The review concludes by suggesting priorities for future enquiry, including the need to think more carefully about which areas of English government still required royal decision-making, and therefore counsel, in this period. The article also charts the rise of conciliar ‘government under the king but not by the king’ and shows that Tudor counsel often happened the wrong way around: the monarch advised the privy council on the direction of state policy. It calls for a new administrative history in early modern studies, with a renewed focus on institutions and their procedures, to complement existing strengths in the fields of political culture and political thought.

There is now a substantial and ever-growing body of scholarship on the subject of counsel in early modern England.¹ Then as now, ‘counsel’ was a synonym for ‘advice’, and is therefore a house with many mansions, a ‘vast and protean subject’.² The word normally referred to the actual process of advice-giving, but it could equally be thrown around as a political slogan – institutions and individuals could press for political change by referencing the concept, while any policy with which one disagreed could be denounced as evidence of poor counsel.³ All men and women gave and received counsel at some time in

¹ A word about this piece’s scope: it centres around works published since the 1990s, but older works are brought in wherever appropriate. Although historians of Europe and the middle ages have also explored the theme of counsel, this article concentrates on Tudor England, since a longer time span or broader geographical range could not have been properly digested in a review of this length. The Tudor focus has been interpreted liberally to include works which partly extend back into the fifteenth century or forward into the early Stuart period. The final version of this article was submitted in August 2021.

² ‘counsel, n.’, *OED Online*; Paul Cavill, ‘The politics of counsel in England and Scotland, 1286–1707, ed. Jacqueline Rose’ (review), *English Historical Review*, 133 (2018), p. 937.

³ Stephen Alford, *Kingship and politics in the reign of Edward VI* (Cambridge, 2002), p. 29; Michael Bush, *The Pilgrimage of Grace: a study of the rebel armies of October 1536* (Manchester, 1996), p. 283.

their lives, and there is no reason why any species of counsel might not receive scholarly attention. However, political historians have understandably focused on royal counsel, on which the fate of peoples and commonwealths was thought to hang. Royal counsel may be defined as advice rendered to a reigning monarch, which encapsulates its true essence. It ranged from strenuous persuasion to the provision of simple facts; from high policy advice to routine recommendations. The subject of royal counsel exercised contemporaries, some of whom thought that the taking of counsel distinguished a just monarchy from a tyranny, and it has become so popular among modern historians, especially political historians, that the time seems ripe for a stocktake.

This review presents a critical assessment of the most significant contributions to the subject of royal counsel, aiming to identify conspicuous strengths and weaknesses. The review focuses in particular on the Tudor period (1485–1603), an age of strong royal authority which witnessed the birth of an institutional privy council and a sovereign parliament.⁴ Jacqueline Rose has identified three common approaches to the study of counsel and councils: the administrative/institutional study of the royal council; the intellectual history of the theory of counsel; and a combined method.⁵ In the present review, scholarly contributions have been sorted into four slightly different working categories: (1) studies of the theory of counsel; (2) studies of the practice of counsel (including by the privy council); (3) studies which draw together the theoretical and practical dimensions; and (4) studies which analyse the relationship between literature and counsel. The result should serve as an intelligible synthesis for scholars and students approaching the study of royal counsel for the first time, and also as an intellectual stimulus for those already familiar with the subject. The review concludes by suggesting promising directions for future enquiry. For example, scholars could think more carefully about which areas of English government still required royal decision-making, and therefore counsel, in the Tudor period. Finally, the review calls for a new administrative history in early modern studies, with a renewed focus on institutions and their procedures, to complement and reinforce existing strengths in the fields of political culture and political thought.

I

When we talk about the theory of royal counsel, we are really talking about written reflections on the processes of advising monarchs: no English or European intellectual in this period formulated a substantial ‘theory’ of counsel in the strict sense of the term. The pioneering work on the theory of counsel was a book called *The articulate citizen and the English Renaissance* (1965), the

⁴ John Guy, ‘Thomas Wolsey, Thomas Cromwell and the reform of Henrician government’, in Diarmaid MacCulloch, ed., *The reign of Henry VIII: politics, policy and piety* (New York, NY, 1995), pp. 51–2; Jeffrey Goldsworthy, *The sovereignty of parliament: history and philosophy* (Oxford, 1999), ch. 4.

⁵ Jacqueline Rose, ‘Introduction: the problem of political counsel in England and Scotland, 1286–1707’, in Jacqueline Rose, ed., *The politics of counsel in England and Scotland, 1286–1707*, Proceedings of the British Academy, 204 (Oxford, 2016), pp. 3–5.

scholarly debut of Arthur B. Ferguson of Duke University. One of the book's major purposes, long before this subject became fashionable, was to analyse reflections on counsel from the fifteenth and early sixteenth centuries. While chiefly a historian of ideas, the author is sensitive to the political and constitutional realities which shaped theoretical comment. He analyses works by John Gower, William Langland, George Ashby, John Fortescue, and the anonymous author of the fifteenth-century poem *Mum and the Sothsegger* (Silence and the Truth-teller), which, in his estimation, rose above the commonplace level of ordinary discourse.⁶ The last of these authors, for instance, ascribed King Richard II's political failures to a lack of good counsel, lamenting that the truth-teller is often punished for his plain-spokenness: 'yf he fable to [o] ferre, the foote he goeth undre'.⁷

Ferguson suggests that such works formed an intellectual foundation for the 'citizen-counselor of early Tudor England', arguing that later humanists such as Thomas Starkey, Thomas Elyot, and Thomas More advanced the novel idea of educated citizenship, by which humanists felt obliged to promote 'right thinking' among the ruling classes.⁸ In 1531, Elyot published a set of instructions for giving and taking counsel, arguing that monarchs should listen to stern counsellors, compassionate counsellors, peaceful counsellors, ambitious counsellors, opinionated counsellors, and studious counsellors, for only by hearing a range of opinions may they select the wisest course of action – a basic but sensible principle that governs the behaviour of most competent leaders.⁹ Ferguson's readable work remains an invaluable starting point for historians interested in the theme of counsel, not so much for its overly schematic main arguments as for its usefulness as a roadmap to important primary sources. In 1978, Quentin Skinner dedicated a chapter of his massively influential *Foundations of modern political thought* to the theory of counsel in England and Europe, based on some of the same sources as Ferguson's book, and focusing on humanist intellectuals' self-image as educators of virtuous princes and magistrates.¹⁰

Decades later, in 1995, John Guy published a book chapter entitled 'The rhetoric of counsel in early modern England', which paved the way for

⁶ *Mum and the Sothsegger* has been discussed more recently alongside other Lancastrian political literature in Jenni Nuttall, *The creation of Lancastrian kingship: literature, language and politics in late medieval England* (Cambridge, 2007), esp. ch. 4. On Fortescue's views of counsel, see also Alan Cromartie, 'Common law, counsel and consent in Fortescue's political theory', in Linda Clark and Christine Carpenter, eds., *The fifteenth century IV: political culture in late medieval Britain* (Woodbridge, 2004).

⁷ Arthur B. Ferguson, *The articulate citizen and the English Renaissance* (Durham, NC, 1965), p. 76; James M. Dean, ed., *Richard the Redeless and Mum and the Sothsegger* (Kalamazoo, MI, 2000), p. 84.

⁸ Ferguson, *Articulate citizen*, 90, 169. This idea was also expressed by later humanists such as John Cheke and Thomas Smith: see J. M. Anderson, *The honorable burden of public office: English humanists and Tudor politics* (New York, NY, 2010), pp. 21, 69. Thomas More's views on counsel are discussed in the fourth section of this article.

⁹ Thomas Elyot, *The boke named the governour* (1531), ch. 27, fo. 238v.

¹⁰ Quentin Skinner, *The foundations of modern political thought*, I (Cambridge, 1978), ch. 8.

subsequent research. Although trained as an administrative historian,¹¹ Guy focuses almost exclusively on the language of counsel, abstracted from practice. He argues that prior to the Civil War, a shared vocabulary of counsel furnished 'a common fund of language for the orderly conduct of politics', since virtually everybody agreed on its necessity.¹² We might even say that 'counsel' became a euphemism for constitutional government and the broad diffusion of power. Guy concurs with Glenn Burgess and others that by the 1640s, protestations about the importance of counsel had been exposed as an inadequate rhetorical strategy for influencing the king's conduct.¹³ The most influential contribution of Guy's chapter was his attempt to isolate two traditions or 'languages' which fed into Tudor political discourse about royal counsel: humanist-classical (informed by the likes of Cicero and Erasmus) and feudal-baronial (informed by the English constitutional tradition).¹⁴ In 1996, A. N. McLaren built on Guy's interpretive model by adding a third language: 'godly and prophetic [roughly "puritan"] counsel'.¹⁵ When she reworked this material into a monograph on Elizabethan political culture (discussed in more detail below), McLaren argued that godly counsel was invented in the later sixteenth century to counteract the 'perceived dangers and deficiencies of female rule'.¹⁶ In 2011, Jacqueline Rose added a fourth category, 'ecclesiastical counsel', which she argued was a 'distinct political language' used primarily but not exclusively by clerics.¹⁷

A political language is an elusive creature: we might define it as a cluster of keywords, commonplaces, and arguments used to talk about a political theme; according to Mark Goldie, a language is 'looser than a theory or ideology'.¹⁸ The advantage of talking about political languages, while slippery, is the built-in acknowledgement that they are not clearly distinguishable from each other; as Guy argued, 'most contemporaries spoke in polyglot form'.¹⁹ If a notional Elizabethan preacher ascended the pulpit and quoted from Plutarch, Magna Carta, and Proverbs to prove that the queen should ban

¹¹ See his first book: J. A. Guy, *The cardinal's court: the impact of Thomas Wolsey in Star Chamber* (Totowa, NJ, 1977).

¹² John Guy, 'The rhetoric of counsel in early modern England', in Dale Hoak, ed., *Tudor political culture* (Cambridge, 1995), p. 309.

¹³ Glenn Burgess, 'The impact on political thought: rhetorics for troubled times', in John Morrill, ed., *The impact of the English Civil War* (London, 1991), p. 74.

¹⁴ Guy, 'Rhetoric of counsel', pp. 294, 297. In another book chapter published in 1996, Guy argued that the first of these languages originated in the late fifteenth century: see John Guy, 'The Henrician age', in J. G. A. Pocock, ed., *The varieties of British political thought, 1500-1800* (Cambridge, 1993), p. 14.

¹⁵ A. N. McLaren, 'Delineating the Elizabethan body politic: Knox, Aylmer and the definition of counsel, 1558-1588', *History of Political Thought*, 17 (1996), p. 225 n. 5.

¹⁶ A. N. McLaren, *Political culture in the reign of Elizabeth I: queen and commonwealth, 1558-1585* (Cambridge, 1999), p. 48.

¹⁷ Jacqueline Rose, 'Kingship and counsel in early modern England', *Historical Journal*, 54 (2011), pp. 48, 50.

¹⁸ Mark Goldie, 'The ancient constitution and the languages of political thought', *Historical Journal*, 62 (2019), p. 4.

¹⁹ Guy, 'Rhetoric of counsel', p. 299.

church vestments or crack down on Catholics, would he not be speaking all four of the languages defined above? For those of us with a sympathy for demystification, it is possible to drop all talk of political languages, and simply to state that early modern statesmen and authors drew their ideas and vocabulary about counsel from a range of sources: native constitutional law and history; classical and humanist writings; and the Bible and religious literature; and to observe that all these traditions influenced political practice. Parties who offered solicited or unsolicited royal counsel – privy councillors, parliamentarians, churchmen, puritan critics, poets, and so on – might all draw on the various traditions of thought described above. Other scholars have followed Ferguson, Skinner, and Guy in paying more attention to the theoretical side of royal counsel. For example, David Colclough has covered some of the same ground as Ferguson, arguing that humanists from Elyot to Francis Bacon emphasized the duty of counsellors to speak truth to power.²⁰

The most detailed theoretical study of counsel to date is Joanne Paul's *Counsel and command in early modern English thought* (2020), a history of ideas which grew out of a doctoral thesis written under the supervision of Quentin Skinner.²¹ The main advantage of the book is that it collects together a wide range of commentary on the theme of counsel from English and European authorities, fleshing out the more compact accounts offered by the scholars mentioned above and others such as F. W. Conrad.²² Some of these reflections are commonplace, such as the need to beware of flattery, but others are more interesting, such as the Machiavellian view that monarchs should distrust their counsellors, which provided a counterblast to the uncritical mainstream opinion that counsellors were virtuous men who restrained passionate monarchs.²³ As well as analysing likely suspects such as Elyot and More, Paul also pays due regard to European writers who commanded influence in England, such as the 'anti-Machiavellians' Matthieu Coignet, Jacques Hurault, Innocent Gentillet, and Justus Lipsius,²⁴ and authors writing in the 'reason of state' genre.²⁵ Chapter 7 argues that the long-fought battle between counsel

²⁰ David Colclough, *Freedom of speech in early Stuart England* (Cambridge, 2005), esp. ch. 1.

²¹ See also Joanne Paul, 'The best counsellors are the dead: counsel and Shakespeare's *Hamlet*', *Renaissance Studies*, 30 (2016), pp. 646–65, which argues that Shakespeare dramatizes the Renaissance maxim *optimi consilarii mortui* ('the best counsellors are the dead'), i.e. that books are better counsellors than living men.

²² F. W. Conrad, 'The problem of counsel reconsidered: the case of Sir Thomas Elyot', in Paul A. Fideler and T. F. Mayer, eds., *Political thought and the Tudor commonwealth: deep structure, discourse and disguise* (London, 1992).

²³ Joanne Paul, *Counsel and command in early modern English thought* (Cambridge, 2020), ch. 3. Cf. Rose, 'Introduction', p. 12. For the fear of flattery among early modern humanists, see Donald Stump, *Spenser's heavenly Elizabeth: providential history in The Faerie Queene* (Cham, 2019), chs. 2–3; Rose, 'Kingship and counsel', pp. 49–50.

²⁴ The latter two are also discussed in Ivan Lupić, *Subjects of advice: drama and counsel from More to Shakespeare* (Philadelphia, PA, 2019), pp. 21–2, 168.

²⁵ Paul, *Counsel and command*, p. 10. Reason of state (*ragion di stato*) was an Italian buzz-phrase popularized in the 1580s which never seems to have meant very much, but could be described simplistically as political pragmatism exercised for the good of the state, which in extreme cases might

and command came to a head during the Civil War, and concludes by suggesting that Thomas Hobbes reimposed a traditional 'barrier' between the two.²⁶

Although the book directs its readers to plenty of interesting sources, it is not an easy read, and questions may be raised about what Paul describes as the 'essential problem' of counsel: 'if counsel is obligatory, it impinges upon sovereignty. If it is not, it then becomes irrelevant and futile.' She suggests that the 'working out of this essential problem defines much of the political thinking produced...from the end of the Wars of the Roses to the end of the English Civil War'.²⁷ It is not clear whether 'obligatory counsel' is supposed to mean counsel which must be heard, or counsel which must be followed, although in a later work she seems to indicate the latter.²⁸ It is true that a monarch compelled to obey the mandates of their councillors would have relinquished a significant portion of their authority. English history demonstrates that under weak monarchs, 'the necessity of relying on counsel' often led 'by slow degrees to the conversion of the giving of advice into the determination of policy'.²⁹

However, it is far less clear that counsel is futile unless a monarch is bound to heed it. A king might, for example, receive diverse views on whether to pardon a prisoner, and though he reserved the final decision for himself, that does not mean that his advisers wasted their breath. In fact, good government relied on the king's freedom 'to make what he would of what he was advised', and his 'strength of will to arbitrate between conflicting counsels'.³⁰ As John Cheke once told Protector Somerset, wise rulership involved 'conferring with many wise heads, and of divers good counsells, to chuse oute one perfect'.³¹ In areas of government that required the personal decision of the monarch, he or she generally received advice (counsel) before making a final decision (command). Such had been the case, at least normatively, since the Anglo-Saxon period.³² Counsel and command could thus operate quite harmoniously together; there is no reason why they should necessarily be in tension. The author's decision to interpret the totality of her material as evidence of a 'tension between counsel and command' leads to an ironing out of important distinctions, and also to some contradictions, such as the claim that the Stuarts wished to 'subdue counsel', although it is admitted later on that they were happy to take counsel outside of parliament.³³ The real story here is not that of a centuries-long, abstract battle between counsel and command, but

involve over-riding the letter of the law. See Peter Burke, 'Tacitism, scepticism, and reason of state', in J. H. Burns, ed., *The Cambridge history of political thought, 1450-1700* (Cambridge, 1991), pp. 480-1.

²⁶ Paul, *Counsel and command*, p. 216.

²⁷ *Ibid.*, p. 1.

²⁸ Joanne Paul, 'Obliquus ductus: indirect political advice in the Renaissance', in Colin Kidd and Jacqueline Rose, eds., *Political advice: past, present and future* (London, 2021), 47.

²⁹ S. B. Chrimes, *English constitutional ideas in the fifteenth century* (Cambridge, 1936), 40.

³⁰ John Watts, *Henry VI and the politics of kingship* (Cambridge, 1996), p. 109.

³¹ Thomas Park, ed., *Nugae antiquae: being a miscellaneous collection of original papers, in prose and verse; written during the reigns of Henry VIII. Edward VI. Queen Mary, Elizabeth, and King James, I* (London, 1804), p. 44.

³² Peter Hunter Blair, *An introduction to Anglo-Saxon England* (Cambridge, 1962), pp. 217-18, 221.

³³ Paul, *Counsel and command*, pp. 12, 173, 180.

of the collision between high-minded Stuart royalism and a parliament, especially a House of Commons that claimed a share in the governance of the realm by virtue of being a counsel-giving body.³⁴ Moreover, while the author's theoretical approach is understandable given her aims, the book would have been stronger if she had accorded more weight to the practicalities of English government and counsel.

II

Other scholars have paid more attention to the practical side of royal counsel. A decade after the publication of Guy's book chapter, his former doctoral student Natalie Mears published an influential monograph entitled *Queenship and political discourse in the Elizabethan realms* (2005), which argued that contrary to expectations, the Elizabethan privy council 'did not take the leading advisory role', and that this function was reserved for smaller 'probouleutic groups', or breakaway committees of sworn councillors who discussed some business before it was brought before the council itself.³⁵ This argument seems to have been widely accepted,³⁶ with some exceptions, including a reviewer who registered a slight doubt.³⁷ Is there any evidence that Elizabeth's compact privy council realized its counselling function in smaller, preliminary groups? It is true that councillors occasionally discussed business with the queen in unusually small meetings: on 14 March 1570, for example, the queen held a

³⁴ According to the traditional conception, the Lords were counsellors and the Commons were petitioners, but by the Elizabethan period, it was fairly common to state that the House of Commons also had a counselling function: see G. R. Elton, *The parliament of England, 1559–1581* (Cambridge, 1986), pp. 17, 24–5; P. R. Cavill, *The English parliaments of Henry VII, 1485–1504* (Oxford, 2009), p. 115; G. O. Sayles, *The functions of the medieval parliament of England* (London, 1987), p. 36; Paul Seaward, 'The parliamentary way of counsel', in Kidd and Rose, eds., *Political advice*, p. 85. For Stuart resistance to the idea of parliamentary counsel, see also Colclough, *Freedom of speech*, pp. 120–1. J. G. A. Pocock has suggested that this ideological battle was connected to the developing idea that parliament's purpose was the 'preservation of liberty': *The Machiavellian moment: Florentine political thought and the Atlantic republican tradition* (2nd edn, Princeton, NJ, 2003), p. 340.

³⁵ The word 'probouleutic' originally referred to councils in Athens and elsewhere (the Athenian example was 500 strong) which prepared material for discussion by the general assembly. See Lynette G. Mitchell, 'Greek government', in Konrad H. Kinzl, *A companion to the classical Greek world* (Oxford, 2006), pp. 373–4. For another historian's use of the word in an English context, see A. F. Pollard, *The evolution of parliament* (London, 1920), pp. 98 n. 2, 282.

³⁶ Hannah Coates, 'The Moor's counsel: Sir Francis Walsingham's advice to Elizabeth I', in Helen Matheson-Pollock, Joanne Paul, and Catherine Fletcher, eds., *Queenship and counsel in early modern Europe* (Basingstoke, 2018), p. 192; Brendan Kane, 'Elizabeth on rebellion in Ireland and England: *semper eadem?*', in Brendan Kane and Valerie McGowan-Doyle, eds., *Elizabeth I and Ireland* (Cambridge, 2014), p. 266; Ralph Houlbrooke, 'Queenship and political discourse in the Elizabethan realm. By Natalie Mears' (review), *Parliamentary History*, 26 (2007), p. 245; K. J. Kesselring, 'Queenship and political discourse in the Elizabethan realm. By Natalie Mears' (review), *History*, 91 (2006), p. 627.

³⁷ Paul E. J. Hammer, 'Queenship and political discourse in the Elizabethan realm. By Natalie Mears' (review), *Journal of Modern History*, 80 (2008), p. 129. I am told there will be a full critique of the concept in David Crankshaw's three-volume *Proceedings of the privy council of Queen Elizabeth I, 1582–1583*; I am grateful to the author for giving me a summary of this forthcoming work.

'privat consultation' with four councillors.³⁸ Nevertheless, a closer look at Mears's examples raises questions about the concept of probouleutic groups. She notes that some meetings of councillors described and dated in other sources were not recorded in the official register. For example, several known meetings between 27 March and 3 April 1579 went unrecorded.³⁹ However, not all privy council meetings were recorded in the register.⁴⁰

As Mears herself concedes, it was quite normal to exclude clerks from the council chamber when sensitive business was being discussed, so the absence of an entry in the register cannot prove that there was no privy council meeting.⁴¹ A memorandum of 1 May 1565 signed by thirteen councillors and endorsed in Cecil's handwriting as 'a determination of the pryve Counsell' plainly refers to a decision reached during a sitting of the privy council, regardless of the fact that no meeting on this date is recorded in the register.⁴² Moreover, there was no need to record meetings in which councillors gave no orders, sent no letters, and issued no warrants, as would usually be the case at special meetings of the council specifically called to offer advice on a certain subject. The Elizabethan privy council always had small and variable attendance, and there is little evidence that contemporaries drew a firm distinction between a meeting of privy councillors and a meeting of the privy council. There is no good reason to define a meeting of seven councillors as a probouleutic group and a meeting of eight councillors with similar membership on the same day as a privy council meeting; it was not unheard of for the council to meet twice in one day.⁴³ For historians' purposes, a useful definition of a privy council meeting might encompass any gathering of sworn councillors sitting formally to discuss the queen's business. Nevertheless, Mears does make a compelling broader point, namely that there was significant diversity of practice in how councillors counselled; for example, they could present counsel either collectively or as individuals.⁴⁴

More information about the practical side of counsel has been presented in an edited collection entitled *Queenship and counsel in early modern Europe* (2018). As the title suggests, this collection focuses on advice given to and by European (including British) queens, including queens consort, and thus employs a broader conception of royal counsel than that defined at the outset of this review. The introduction does not offer a clear definition, but one contributor

³⁸ British Library (BL), Cotton Vespasian MS C/VII, fos. 326r–327v.

³⁹ Natalie Mears, *Queenship and political discourse in the Elizabethan realms* (Cambridge, 2005), p. 34; *Acts of the privy council of England* (London: Her Majesty's Stationery Office, 1895) (APC), XI, pp. 87–96; The National Archives (TNA), PC 2/12, pp. 439–41.

⁴⁰ Michael Barraclough Pulman, *The Elizabethan privy council in the fifteen-seventies* (Berkeley, CA, 1971), p. 164.

⁴¹ Mears, *Queenship and political discourse*, p. 35; Jacqueline D. Vaughan, 'Secretaries, statesmen and spies: the clerks of the Tudor privy council, c. 1540–c. 1603' (Ph.D. thesis, St Andrews, 2007), pp. 58–9.

⁴² Mears, *Queenship and political discourse*, p. 36; TNA, SP 52/10, fos. 68r–69v; APC, VII, p. 214.

⁴³ Mears, *Queenship and political discourse*, pp. 33–4; John Guy, 'Introduction. The 1590s: the second reign of Elizabeth I?', in *The reign of Elizabeth* (Cambridge, 1995), p. 14.

⁴⁴ Mears, *Queenship and political discourse*, p. 40.

suggests that counsel might be defined as ‘politically motivated advice in context’, which is unhelpfully vague, not least because it is unclear what is meant by ‘context’.⁴⁵ The book contains some useful information. Hannah Coates’s chapter takes a close look at Francis Walsingham’s counsel to Queen Elizabeth in the 1570s and 1580s, cleverly focusing on letters exchanged between Walsingham and the queen while the former was absent from court for diplomatic or health reasons, for, as she says, these letters acted as surrogates for the counsel which Walsingham would normally have rendered in person.⁴⁶

Coates’s chapter sometimes deals with unresolved issues in an overly summary fashion. For instance, she asserts that Elizabeth ‘did not usually receive advice from her council in corporate fashion’, but had ‘an individual relationship’ with each councillor.⁴⁷ This statement overlooks the memoranda known as ‘Consultations’ and ‘Determinations’ which survive in some quantity among the State Papers, drawn up to present the council’s views to the queen, sometimes as the product of special meetings of the council specifically summoned by Elizabeth.⁴⁸ Councillors are also known to have presented corporate opinions to the queen face-to-face.⁴⁹ The work of Susan Doran has left little doubt that Elizabeth commonly took counsel from the council as a body, although she did not always follow it.⁵⁰ As will be argued in the final section of this article, error is likely to await any study which aims to separate political from administrative history.

III

Ultimately, royal counsel cannot be fully understood by taking an exclusively theoretical or an exclusively practical approach. One attempt to reconcile these approaches has been made by Jacqueline Rose and the contributors to her edited collection, *The politics of counsel in England and Scotland, 1286–1707* (2016). The lively introduction defines five functions of counsel in the early modern period: (1) the supply of information; (2) political dialogue; (3) consensus-building; (4) political buck-passing; and (5) assertion of authority.⁵¹ These are thoughtful categories which add flesh to the basic definition of royal

⁴⁵ Helen Matheson-Pollock, ‘Counsellors and court politics: Mary Tudor, queen of France and female counsel in European politics, 1509–1515’, in Matheson-Pollock, Paul, and Fletcher, eds., *Queenship and counsel*, p. 63.

⁴⁶ Coates, ‘Moor’s counsel’, p. 188.

⁴⁷ *Ibid.*, p. 191.

⁴⁸ E.g. TNA, SP 12/17, fos. 1r–4r. This consultation was drawn up on 1 May 1561 after fifteen councillors reached consensus ‘without any Manner of Contradiction or doubt’ (a customary phrase in such documents). The privy council meeting is not recorded in the official register, which is defective from 12 May 1559 to 28 May 1562: see *APC*, VII, pp. 103–4.

⁴⁹ Pulman, *Elizabethan privy council*, p. 60.

⁵⁰ Susan Doran, ‘Elizabeth I and counsel’, in Rose, ed., *Politics of counsel*, p. 164. Interestingly, the council sometimes put up a united front, even if members had seriously disagreed on some issue: see Susan Doran, *Monarchy and matrimony: the courtships of Elizabeth* (London, 1996), p. 173.

⁵¹ Rose, ‘Introduction’, pp. 30–6.

counsel suggested at the outset of this article; we might also add persuasion and, most importantly of all, policy recommendation (presumably Rose conceived of this falling under the heading of political dialogue). All forms of royal counsel might be intended to achieve any one or more of these functions. For example, by seeking counsel in parliament (which in practice meant legislating through parliament),⁵² the monarch could plausibly claim that controversial policy had the consent of the entire realm; this might be described as both consensus-building and political buck-passing. Such was the avowed reason of Lord Burghley, who wrote that the emergency parliament of 1572 had been summoned 'to make the burden [of condemning Mary, Queen of Scots] better born[e]'.⁵³ It was also one of the reasons why, after her death, Elizabeth's former privy councillors summoned a large conference of noblemen and bishops to share responsibility for deciding on the succession of James I.⁵⁴

John Watts's chapter, which aims to integrate the theme of counsel with an administrative understanding of the king's council, and to reconcile medieval with Tudor historiography, is particularly valuable. He agrees that the privy council was established as an institution in the late reign of Henry VIII, as Sir Geoffrey Elton and others argued, but insists that it was modelled on the small meetings of royal ministers that had had some form of organizational coherence since the fourteenth century.⁵⁵ We could in fact go even further back to 1236, probably the first time in history a king of England had a small, sworn, formalized council equipped with both counselling and executive functions.⁵⁶ Watts lists 'four, or perhaps six, main types of royal counsel/council' existing between 1340 and 1540: (1) large-scale representative councils, including parliaments; (2) smaller representative councils, i.e. those forced on weak kings; (3) smaller advisory councils appointed by the king; (4) informal dialogue; (5) the council sitting as a court; and (6) the condition of being sworn to give counsel.⁵⁷ While this categorization is thought-provoking, one senses that there are knots here which have not been fully untied.

Other contributions by Richard Rex and Susan Doran furnish evidence of Henry VIII's and Elizabeth I's own opinions about counsel. For instance, Elizabeth declared at the outset of her reign that a small privy council was more efficient than a large one, but that she would also seek counsel outside

⁵² Elton, *Parliament of England*, pp. 24–5.

⁵³ *Ibid.*, p. 377.

⁵⁴ Susan Doran, '1603: a jagged succession', *Historical Research*, 93 (2020), p. 445. This example, of course, was not strictly an instance of royal counsel as defined at the outset.

⁵⁵ John Watts, 'Counsel and the king's council in England, c. 1340–c. 1540', in Rose, ed., *Politics of counsel*, pp. 66, 77. For the original expression of Elton's view, see G. R. Elton, *The Tudor revolution in government: administrative changes in the reign of Henry VIII* (London, 1953), pp. 337–8.

⁵⁶ David Carpenter, *The struggle for mastery: Britain, 1066–1284* (London, 2004), p. 348.

⁵⁷ See also the classic administrative study of the medieval council: J. F. Baldwin, *The king's council in England during the middle ages* (Oxford, 1913), which discusses the complications of defining and categorizing assemblies of various functions and sizes described in contemporary sources as the king's council.

of this body.⁵⁸ Elizabeth's willingness to seek counsel elsewhere has been described as 'absolutist',⁵⁹ but this is an exaggeration, since external counsel supplemented conciliar counsel, and further work would probably reveal that earlier monarchs had similar habits. Henry VIII, for instance, took advice on various matters from ad hoc conferences of clergymen, noblemen and lawyers.⁶⁰ I am not aware of any constitutional rule that a monarch could only receive counsel from his or her council.⁶¹ Michael Pulman argued that there was an 'unwritten convention' to this effect, but he supplied no convincing evidence.⁶² In 1570, the courtier Sir Thomas Heneage countered complaints about his political involvement by pointing out that he never 'gave her Majesty advice...except it pleased her to ask mine opinion', thereby expressing the principle – in Christopher Haigh's words – that the queen 'could consult whomever she wished'.⁶³ Indeed, extra-conciliar counsel was a normal part of the constitution. The justices of England, for instance, swore to 'counsell the King truly in his businesse', both in their respective courts and in parliament.⁶⁴

Another exemplary work which takes a combined approach to counsel is *Political advice: past, present and future* (2021), edited by Colin Kidd and Jacqueline Rose, which brings together an impressive team of historians and literary scholars from various periods, as well as practising political advisers. A number of the chapters are particularly relevant reading for early modern historians. Chapters 3 and 4, which take a literary approach, are discussed in the following section of this article. Chapter 5, written by Rose, examines the career of William Davison, ambassador and later secretary of state, who took the lead in persuading Elizabeth to authorize the execution of Mary, Queen of Scots. As Rose observes, Davison's career demonstrates that 'advice often took place outside formal institutions' in Elizabethan England.⁶⁵ In chapter 6, Paul Seaward discusses some of the ambiguities attendant on contemporary descriptions of parliament as a 'council', weighing historical evidence with literary sources, and offering suggestive comments on the rules of debate and the role of the Speaker in early modern parliaments.⁶⁶ Seaward also makes

⁵⁸ Doran, 'Elizabeth I and counsel', p. 166. The full speech at Hatfield is reproduced in Park, ed., *Nugae antiquae*, I, pp. 66–8; and Elizabeth I, *Collected works*, ed. Leah S. Marcus, Janel Mueller, and Mary Beth Rose (Chicago, IL, 2000), pp. 51–2.

⁵⁹ Rose, 'Kingship and counsel', 58. Absolutism is the exercise of arbitrary, unchecked royal authority, and should be distinguished from tyranny, as defined in note 142. It was theoretically possible for an absolute monarch to rule benignly (although it could be argued, of course, that a ruler with more power is more likely to act tyrannically).

⁶⁰ Michael A. R. Graves, *Henry VIII: a study in kingship* (Harlow, 2003), pp. 79–80.

⁶¹ Sir John Fortescue once said that chamberlains and household men 'can not counsele' the king, but he was talking about ability rather than rights: see *The governance of England*, ed. Charles Plummer (Oxford, 1885), p. 350.

⁶² Pulman, *Elizabethan privy council*, p. 53.

⁶³ Christopher Haigh, *Elizabeth I* (illustrated edn, Abingdon, 2001), p. 108.

⁶⁴ Louis A. Knafla, *Law and politics in Jacobean England: the tracts of Lord Chancellor Ellesmere* (Cambridge, 2012), p. 210.

⁶⁵ Jacqueline Rose, 'William Davison and the perils of advice in Elizabethan England', in Kidd and Rose, eds., *Political advice*, p. 75.

⁶⁶ Seaward, 'The parliamentary way of counsel'.

excursions into Victorian and modern parliamentary history, which typifies one of the key strengths of the volume: a willingness and ability to see the bigger picture.

In a monograph published in 1999, A. N. McLaren also attempted to reconcile the theory and practice of Tudor counsel by discussing tracts and treatises alongside a selection of the records of government. After sketching the early Tudor background, McLaren analyses (among other works) John Knox's *First blast of the trumpet* (1558) and John Aylmer's *An harborowe for faithful and trewe subiectes* (1559), which remain less commonly noticed for their comments on counsel than the works of Henrician humanists.⁶⁷ We might wonder how Aylmer, later bishop of London and scourge of the Presbyterians, can be classed as a proponent of 'godly' counsel, but he was admittedly more evangelically inclined in his thirties.⁶⁸ McLaren is no doubt right to suggest that certain authors magnified the importance of godly counsellors at the expense of the queen. She is also probably right to suggest that Mary's and Elizabeth's actual councillors dealt more plainly with them than was customary, on account of their sex.⁶⁹ She could have gone further, however, in examining how far the notions of Knox, Aylmer, John Stubbes, Peter Wentworth, and the like affected the processes of government. Excerpts from letters, such as Burghley's description of his 'earnestness' in counselling the queen in 1585, do not prove that he practised counsel-giving as a method of exerting godly control over the monarch.⁷⁰ Later on, McLaren argues that the concept of counsel was radicalized in the 1570s to provide a theoretical defence of parliament as a godly bridle on the queen,⁷¹ but she does not directly demonstrate this, and little material is discussed that was not already familiar from older histories of Elizabeth's sporadically turbulent parliaments.⁷² Some elements of the book could have been developed further, such as the claim that England was 'bicephalic', ruled by the queen and council as rival centres of power, which is never fully explained.⁷³ Nevertheless, McLaren's work reminds us of the importance of testing political theory and political culture against the practice of government, and vice versa.

⁶⁷ McLaren, *Political culture*, ch. 2.

⁶⁸ Patrick Collinson, *Godly people: essays on English Protestantism and Puritanism* (London, 1983), p. 169. Indeed, writing in 1588, the puritan satirist 'Martin Marprelate' mentioned Aylmer's *Harborowe* in an apparent attempt to embarrass the author in his mature years: *Oh read over D. John Bridges* (East Molesey, Surrey: Robert Waldegrave, 1588) (The Epistle; STC no. 17453), p. 3.

⁶⁹ McLaren, *Political culture*, pp. 46–8, 103.

⁷⁰ *Ibid.*, p. 41.

⁷¹ *Ibid.*, ch. 7, p. 150.

⁷² E.g. John Neale, *Elizabeth I and her parliaments* (2 vols., London, 1953–7).

⁷³ McLaren, *Political culture*, ch. 5. The idea is apparently influenced by Patrick Collinson, 'The monarchical republic of Queen Elizabeth I', *Bulletin of the John Rylands University Library of Manchester*, 69 (1987), pp. 394–424. It has been taken up by other scholars, e.g., Anne-Marie E. Schuler, 'Counsel, political rhetoric, and the chronicle history play: representing conciliar rule, 1588–1603' (Ph.D. thesis, Ohio State University, 2011), p. 115. An alternative contemporary metaphor described the council as the monarch's 'eye': see G. R. Elton, 'Tudor government: the points of contact. II. The council', in *Studies in Tudor and Stuart politics and government*, II (Cambridge, 1983), p. 34.

IV

The relationship between literature and royal counsel has been a particularly fruitful area of research, attracting the attention of both historians and literary scholars. One angle has been to analyse treatises, plays, poems, advice books, orations, and other literary forms that attempted to counsel the monarch; some of these were commissioned by privy councillors while others were independently produced, offering a rare chance to influence royal policy, so long as authors exercised tact and caution. As Greg Walker writes, a focus on counsel has allowed scholars ‘to take seriously... neglected literary forms such as panegyric, eulogy and mirrors for princes’.⁷⁴ He notes that literary counsel mutated in response to the needs of the moment, assuming, for example, the form of amorous verse in the reign of Elizabeth.⁷⁵ He has demonstrated elsewhere that drama was commonly used as a means of counsel at the court of Henry VIII. For instance, John Heywood’s *A play of the weather* (first printed in 1533 but probably performed in the 1520s) was apparently designed to counsel the king to ‘trust his own wisdom’ rather than bowing to parliamentary pressure.⁷⁶ Elsewhere, Walker has argued that literary counsel was suppressed in the later reign of Henry VIII.⁷⁷ In an astute chapter published in the 2021 Kidd and Rose collection discussed above, which includes fresh analyses of texts as diverse as *The Faerie Queene* (1596) and Sir Geoffrey Hill’s *Expostulations on the volcano* (2013), Colin Burrow has argued that the political and religious revolutions of the 1530s brought about ‘shifts in the ways in which political advice was represented’, although he does not explain how such a change might be measured.⁷⁸

In a chapter published in Rose’s 2016 essay collection, discussed above, Paulina Kewes has described drama as ‘the most powerful and the most public form of counsel’.⁷⁹ After entertainingly admonishing scholars of Elizabethan England for their obsession with Thomas Sackville and Thomas Norton’s *Gorboduc* (1561), Kewes demonstrates the importance of other plays from the same decade, such as Thomas Preston’s *Cambises*, probably played at court in 1560, which dramatizes ‘the calamitous effects of the asphyxiation of counsel’.⁸⁰ Kewes has argued elsewhere that Elizabeth’s royal visits to the

⁷⁴ Greg Walker, *Reading literature historically* (Edinburgh, 2013), p. 13.

⁷⁵ *Ibid.*, p. 15.

⁷⁶ Greg Walker, *Plays of persuasion: drama and politics at the court of Henry VIII* (Oxford, 1991), p. 149. See also Greg Walker, *The politics of performance in early Renaissance drama* (Cambridge, 1998), esp. ch. 2.

⁷⁷ Greg Walker, *Writing under tyranny: English literature and the Henrician Reformation* (Oxford, 2005), esp. ch. 17.

⁷⁸ Colin Burrow, ‘How not to do it: poets and counsel, Thomas Wyatt to Geoffrey Hill’, in Kidd and Rose, eds., *Political advice*, p. 59.

⁷⁹ Paulina Kewes, ‘“Jerusalem thou dydst promyse to buylde up”: kingship, counsel and early Elizabethan drama’, in Rose, ed., *Politics of counsel*, p. 171.

⁸⁰ Kewes, ‘“Jerusalem”’, pp. 176–7. For some representative analyses of *Gorboduc*, see Stephen Alford, *The early Elizabethan polity: William Cecil and the British succession crisis, 1558–1569* (Cambridge, 1998), pp. 30–3; Kevin Dunn, ‘Representing counsel: “Gorboduc” and the Elizabethan

universities in 1564 and 1565 furnished the opportunity not only to ‘sway the Queen’, but also to engage in two-way political communication.⁸¹ Many other scholars have examined the use of royal progresses as counsel-giving occasions.⁸²

Examples of early modern drama and other literary forms used as counsel easily start to pile up. In 1998, J. Christopher Warner demonstrated that various printed works by Thomas Starkey and Thomas Elyot operated on one level as royal counsel.⁸³ Neil Younger has reconstructed a pageant which was performed in the queen’s presence in September 1579, planned by Thomas Radclyffe, earl of Sussex, to promote a royal marriage with Hercule-François, duc d’Anjou.⁸⁴ At about the same time, a client of Robert Dudley, earl of Leicester, wrote an allegorical poem which subtly urged Elizabeth not to marry, but his manuscript was left unfinished, possibly because John Stubbes had just suffered amputation for publicly making a similar argument.⁸⁵ We need to take care to distinguish, wherever possible, between literary works which really counselled or intended to counsel the monarch, at court or elsewhere, and those which addressed the monarch or political classes as a rhetorical affectation: the bestselling *Mirror for magistrates*, for example, should be considered primarily as popular literature.⁸⁶

A simpler but equally valuable scholarly exercise has been to draw attention to reflections on, and representations of, counsel in literary works, whether or

privy council’, *English Historical Review*, 33 (2003), pp. 279–308; Lupić, *Subjects of advice*, ch. 3 (which also discusses *Cambises*); Walker, *Politics of performance*, ch. 6. For another discussion of *Gorboduc* and *Cambises* side by side, see Dermot Cavanagh, ‘Political tragedy in the 1560s: *Cambises* and *Gorboduc*’, in Mike Pincombe and Cathy Shrank, eds., *The Oxford handbook of Tudor literature, 1485–1603* (Oxford, 2009), p. 349.

⁸¹ Paulina Kewes, ‘“Plesures in lernyng” and the politics of counsel in early Elizabethan England: royal visits to Cambridge and Oxford’, *English Literary Renaissance*, 46 (2016), pp. 333–75 (quotation from p. 339).

⁸² E.g. Patrick Collinson, ‘Pulling the strings: religion and politics in the progress of 1578’, in Jayne Elizabeth Archer, Elizabeth Goldring, and Sarah Knight, eds., *The progresses, pageants, and entertainments of Queen Elizabeth I* (Oxford, 2007); Tim Moylan, ‘Advising the queen: good governance in Elizabeth I’s entries into London, Bristol, and Norwich’, in Donald Stump, Linda Shenk, and Carole Levin, eds., *Elizabeth I and the ‘sovereign arts’: essays in literature, history, and culture* (Tempe, AZ, 2011); Siobhan Keenan, *The progresses, processions and royal entries of King Charles I, 1625–1642* (Oxford, 2020), esp. ch. 2; Aidan Norrie, ‘Biblical typology and royal power in Elizabethan civic entertainments’, *Royal Studies Journal*, 8 (2021), pp. 54–78.

⁸³ J. Christopher Warner, *Henry VIII’s divorce: literature and the politics of the printing press* (Woodbridge, 1998), ch. 3.

⁸⁴ Neil Younger, ‘Drama, politics, and news in the earl of Sussex’s entertainment of Elizabeth I at New Hall, 1579’, *Historical Journal*, 58 (2015), pp. 343–66.

⁸⁵ Jonathan McGovern, ‘Allegory as counsel: “The Garden Plot” and the Anjou marriage negotiations of Queen Elizabeth I’, *Studies in Philology*, 117 (2020), pp. 743–68. On Stubbes, see Natalie Mears, ‘Counsel, public debate, and queenship: John Stubbes’s *The discoverie of a gaping gulf*, 1579’, *Historical Journal*, 44 (2001), pp. 629–50.

⁸⁶ Scott C. Lucas, ed., *A mirror for magistrates: a modernized and annotated edition* (Cambridge, 2019). On this text’s evolution over sixty years, see Harriet Archer, *Unperfect histories: the mirror for magistrates, 1559–1610* (Oxford, 2017). For its political significance, Scott C. Lucas, *A mirror for magistrates and the politics of the English Reformation* (Amherst, MA, 2009).

not they served as counsel themselves. This endeavour normally goes hand-in-hand with the intellectual historical method described above. There was a vast contemporary literature on the theme of counsel, ranging from trite aphorisms (e.g. 'It becometh a King to take good heed to his counsellors') to full-fledged treatises.⁸⁷ The importance of good counsel is one of the commonest themes of early modern literature; examples can (and have) been found almost anywhere.⁸⁸ As far back as 1978, J. H. Hexter read a spirited address to the North American Conference on British Studies about Thomas More's 'Dialogue of counsel' in *Utopia*, subsequently printed in article form, which argued that More shed as much light on this theme 'as any man in history has ever done'.⁸⁹ The 'problem of counsel', as described by More, was whether intellectuals should answer the call to counsel monarchs, a commonplace theme that remained current for well over a century after the publication of *Utopia*.⁹⁰ Hexter convincingly argues that More was staging his own internal dialogue as to whether he should accept an offer to counsel Henry VIII.⁹¹ He has rather more fun than a contributor to an academic journal would be allowed today, recounting witty anecdotes from his academic career and drawing a parallel between Henry VIII and Richard Nixon!⁹²

Thomas More's views on counsel have been analysed more recently by Joanne Paul, who concentrates on a single feature of the debate between Morus and Hythloday in *Utopia* – the Latin phrase '*obliquus ductus*' (the indirect approach). Morus argues that a counsellor can use indirectness to guide monarchs towards virtue, but Hythloday retorts that such a counsellor is more likely to become corrupted himself. Rose demonstrates that this phrase was associated with craft and dishonesty in early English translations of *Utopia*, and that a comparison with More's *History of King Richard III* indicates that the author also understood '*obliquus ductus*' to signify not only indirectness but also deception. It is thus similar to the modern concept of 'spin'.⁹³

Thomas Elyot's views of counsel, and the rhetorical strategies used to present them, have attracted the attention of Arthur Walzer and Alistair Fox, among many others.⁹⁴ Blair Worden has analysed the theme of counsel in

⁸⁷ Peter Mack, *Elizabethan rhetoric: theory and practice* (Cambridge, 2002), p. 170.

⁸⁸ Donald K. Anderson Jr, 'Kingship in Ford's Perkin Warbeck', *ELH*, 27 (1960), pp. 188–9.

⁸⁹ J. H. Hexter, 'Thomas More and the problem of counsel', *Albion: A Quarterly Journal concerned with British Studies*, 10 (1978), 57.

⁹⁰ Paul, '*Obliquus ductus*', p. 47; Andrew Hadfield, 'The political world of Fulke Greville', in Russ Leo, Katrin Röder, and Freya Sierhuis, eds., *Fulke Greville and the culture of the English Renaissance* (Oxford, 2018), p. 265.

⁹¹ Hexter, 'Thomas More', pp. 57–8, 64. A similar argument was made in Ferguson, *Articulate citizen*, p. 178.

⁹² Hexter, 'Thomas More', p. 65. Similar ground was trodden five years later in an article by Dominic Baker-Smith, with fewer jokes: "'A fool among knaves": the humanist dilemma of counsel', *Bulletin of the Society for Renaissance Studies*, 1 (1983), pp. 1–9.

⁹³ Paul, '*Obliquus ductus*', pp. 50–1.

⁹⁴ Arthur Walzer, 'Rhetoric of counsel in Thomas Elyot's Pasquil the Playne', *Rhetorica*, 30 (2012), pp. 1–21; Arthur Walzer, 'The rhetoric of counsel and Thomas Elyot's *Of the knowledge which maketh a wise man*', *Philosophy & Rhetoric*, 45 (2012), pp. 24–45; Alistair Fox, 'Sir Thomas Elyot and the

Philip Sidney's *Arcadia*, arguing that Sidney had the queen's wilfulness in his sights when he described the perils of uncounselled rule.⁹⁵ Royal counsel is also a major theme in *The Oxford handbook of Tudor literature, 1485–1603* (2009). For instance, Alice Hunt identifies a quotable passage in Heywood's curious allegorical poem *The spider and the fly* (1556), in which a dying spider instructs his heir to select counsellors who are 'Few, wise, secret, expert, temperate, and true'; the first of these adjectives may have been a subtle criticism of Mary I's famously oversized council.⁹⁶

The most extended study of counsel by a literary scholar is *Subjects of advice: drama and counsel from More to Shakespeare* (2019), written by the Stanford professor Ivan Lupić. This book does not focus exclusively on royal or political counsel, although it contains much material apposite to these themes. Political historians will probably be less interested in the introductory and concluding material about synchronicity, diachronicity, selfhood, and subjectivity, and more interested in the detailed readings of literary and historical sources offered in the main chapters.⁹⁷ Lupić sensibly points out that not all literature which explored the theme of counsel necessarily functioned as counsel in its own right, and he suggests that political readings of drama can be reductive. As he says, dramatists were often drawn to represent the act of counsel because of its intrinsic dramatic potential, not necessarily because they wished to make a political point. For example, he argues that Christopher Marlowe dramatizes counsel-giving in *Tamburlaine* 'as a means of creating dramatic character and producing dramatic conflict'.⁹⁸ This is a salutary point: would anyone claim that Tolkien invented the corrupt counsellor Grima Wormtongue to make a political statement about the Attlee administration?⁹⁹ Lupić's insights do not mean that we should discontinue the study of drama as political counsel, but they do provide a stimulating alternative opinion. The book makes some questionable claims, such as the assertion that counsel 'is an activity that always and fundamentally takes place between only two persons', because in aristocracies and democracies, 'those who counsel are by definition members of the body that is counseled'.¹⁰⁰ How, in that case, would we describe the advice of an expert assistant to a governing assembly, or, for that matter, the advice given by a council to a king? In all, however, the book takes a refreshingly original look at the subject at hand.

humanist dilemma', in Alistair Fox and John Guy, eds., *Reassessing the Henrician age: humanism, politics and reform, 1500–1550* (Oxford, 1986); Christine M. Knaack, 'Law, counsel, and commonwealth: languages of power in the early English Reformation' (Ph.D. thesis, York, 2015), ch. 2.

⁹⁵ Blair Worden, *The sound of virtue: Philip Sidney's Arcadia and Elizabethan politics* (New Haven, CT, 1996), p. 151.

⁹⁶ Alice Hunt, 'Marian political allegory: John Heywood's *The spider and the fly*', in Pincombe and Shrank, eds., *Oxford handbook of Tudor literature*, p. 349. On this poem, see most recently Greg Walker, *John Heywood: comedy and survival in Tudor England* (Oxford, 2020), ch. 14.

⁹⁷ Lupić, *Subjects of advice*, pp. 4, 14, 15, 171.

⁹⁸ *Ibid.*, pp. 3–4, 6, 113.

⁹⁹ J. R. R. Tolkien, *The two towers: being the second part of The lord of the rings* (London, 1954), p. 126.

¹⁰⁰ Lupić, *Subjects of advice*, p. 6.

The main advantage of royal counsel, when the system was working properly, was that it allowed states to benefit from the wisdom and experience of the brightest and best. On the other hand, writers feared (or affected to fear) the possibility of corrupt, dishonest, self-serving, or flattering counsel, symbolized by poison in a golden cup.¹⁰¹ In an anti-courtly poem written in around 1536, for instance, Sir Thomas Wyatt deplored those men who ‘cloak the truth for praise’ and ‘call craft counsel’.¹⁰² Poor counsel was commonly referred to as ‘evil counsel’ (roughly synonymous with ‘bad advice’), which aligned a political concept with a moral trope.¹⁰³ The age-old, pan-European trope of evil counsel was used politically to critique ministers or royal policy, sometimes because councillors really were incompetent or corrupt, and sometimes out of a genuine reverence for monarchy, but at other times simply because it was wiser to criticize the king’s advisers than the king himself.¹⁰⁴ The heritage of the notion can be illustrated with only a few examples: in the 1220s, the chronicler Roger of Wendover claimed that King John’s misgovernment was influenced by evil counsellors;¹⁰⁵ the notion of evil counsel was used to justify the depositions of Edward II in 1327 and Richard II in 1399;¹⁰⁶ and it was also employed by English rebels in 1450, 1460, 1497, and 1536.¹⁰⁷ Peter Lake has argued that Elizabethan Catholics used the same concept to stress ‘that the policies to which they objected were emanating not from the queen but from “the regime”’, and he has also shown that evil counsel was a key theme in Shakespeare’s history plays.¹⁰⁸ Cries of ‘evil counsel’ often disguised simple political disagreement or frustration; one man’s evil counsel was the next man’s sensible policy. As Cardinal Wolsey wrote in 1525, ‘it is the custom of the people, when anything miscontenteth them, to blame those that be near about the King’.¹⁰⁹

The stereotypical giver of evil counsel, from Piers Gaveston in the fourteenth century to the duke of Buckingham in the seventeenth, was the royal

¹⁰¹ Guy, ‘Rhetoric of counsel’, p. 289; Patrick Collinson, ‘The downfall of Archbishop Grindal and its place in Elizabethan political and ecclesiastical history’, in *Godly People*, p. 381.

¹⁰² Thomas Wyatt, ‘Mine own John Poyntz’, in Emrys Jones, ed., *The new Oxford book of sixteenth century verse* (Oxford, 1991), p. 90.

¹⁰³ E.g. Anon., *Here begynneth the enterlude of Johan the Evangelyst* (1550), sig. B4v.

¹⁰⁴ Andy Wood, *The 1549 rebellions and the making of modern England* (Cambridge, 2007), pp. 155–64. Jonathan McGovern, ‘Communication and counterinsurgency under the Tudors, from the Lincolnshire rebellion to the Northern rising’ (Ph.D. thesis, York, 2019), p. 5 n. 23. There was also the legal consideration that, theoretically, the king could do no wrong.

¹⁰⁵ Nicholas Vincent, ‘King John’s evil counsellors (act. 1208–1214)’, ODNB Online.

¹⁰⁶ Michael Prestwich, *Plantagenet England, 1225–1360* (Oxford, 2005), p. 36; Henry F. T. Marsh, ‘Richard II’s rejection of counsel in the Westminster Chronicle and Thomas Walsingham’s *Chronica maiora*’, in Erik S. Kooper and Sjoerd Levelt, eds., *The medieval chronicle 13* (Leiden, 2020), p. 211.

¹⁰⁷ Steven Gunn, *Henry VII’s new men and the making of Tudor England* (Oxford, 2016), p. 3.

¹⁰⁸ Peter Lake, *Bad Queen Bess? Libels, secret histories and the politics of publicity in the reign of Queen Elizabeth I* (Oxford, 2016), ch. 14; Peter Lake, *How Shakespeare put politics on the stage: power and succession in the history plays* (New Haven, CT, 2016), p. 3 and *passim*.

¹⁰⁹ *Letters and papers, foreign and domestic, Henry VIII* (London: Her Majesty’s Stationery Office, 1875), IV, no. 1318.

favourite, who was something of a stock character on the early modern stage.¹¹⁰ Powerful advisers seen to wield undue political influence always excite the anger of rivals, and can easily be painted as devious schemers: we might cite the example of the eunuch Wèi Zhōngxián, who was seen to monopolize political authority in China during the reign of the penultimate Ming emperor, the weak and lazy Zhū Yóujiào (1620–7).¹¹¹ William Cecil warned Elizabeth not to be seduced by favourites, holding up Wolsey as an example of the dangers that might ensue.¹¹² Noah Millstone and David Coast have demonstrated that the trope of evil counsel continued to prove useful to critics of the crown in the reign of Charles I.¹¹³ Even as late as the 1930s, Herbert Morrison used the notion to explain away Edward, duke of Windsor's apparent sympathy for Nazism.¹¹⁴ Those genuinely worried about evil counsel might take comfort from the proverb *malum consilium consultori pessimum* (evil counsel is most ruinous to the counsellor), based on the belief that chickens always come home to roost.¹¹⁵

V

Thanks to the efforts of the scholars described above, the essential features of Tudor royal counsel have now been established. We know that counsellors were familiar with classical and Erasmian models of advice-giving;¹¹⁶ that they employed rhetorical strategies such as *parrhesia* (plainspokenness);¹¹⁷ that counsel was considered essential to good kingship or queenship;¹¹⁸ that it was often disguised as panegyric (a phenomenon usually called *laudando praecipere*, 'to instruct by praising');¹¹⁹ and that it was a ubiquitous theme in

¹¹⁰ Blair Worden, 'Favourites on the English stage', in J. H. Elliott and L. W. B. Brockliss, eds., *The world of the favourite* (New Haven, CT, 1999); Walker, *Reading literature historically*, p. 52. See also Curtis Perry, *Literature and favouritism in early modern England* (Cambridge, 2009).

¹¹¹ One of my undergraduate students, Chen Ziming, included a discussion of this subject in his end-of-term paper.

¹¹² William Cecil, *A memorial presented to Queen Elizabeth, against Her Majesty's being engross'd by any particular favourite* (1714), p. 14.

¹¹³ Noah Millstone, 'Evil counsel: the Proposition to bridle the impertinency of parliament and the critique of Caroline government in the late 1620s', *Journal of British Studies*, 50 (2011), pp. 813–39; David Coast, 'Speaking for the people in early modern England', *Past & Present*, 244 (2019), p. 62.

¹¹⁴ Frances Donaldson, *Edward VIII* (Philadelphia, PA, 1975), p. 355.

¹¹⁵ Polydore Vergil, *Proverborum libellus* (1509), fo. 39r. It originated in Gellius, *Attic nights*, IV.5.

¹¹⁶ Rose, 'Kingship and counsel', p. 49; Paul, *Counsel and command*, pp. 16–26.

¹¹⁷ David Colclough, 'Parrhesia: the rhetoric of free speech in early modern England', *Rhetorica*, 17 (1999), pp. 177–212; Lupić, *Subjects of advice*, ch. 5. Michel Foucault can be credited with arousing modern scholars' interest in *parrhesia*: see, e.g., Michel Foucault, *Fearless speech*, ed. Joseph Pearson (Los Angeles, CA, 2001).

¹¹⁸ Guy, 'Rhetoric of counsel', pp. 297–8. This had long been the case: King Æthelred II, defeated by the Danish in the early eleventh century, was given the epithet 'unraed' (no counsel) by later chroniclers, implying that this was the cause of his misfortune.

¹¹⁹ Sydney Anglo, *Spectacle, pageantry and early Tudor policy* (Oxford, 1969), p. 358; David Rundle, "'Not so much praise as precept": Erasmus, Panegyric, and the Renaissance art of teaching princes', in Y. L. Too and N. Livingstone, eds., *Pedagogy and power: rhetorics of classical learning* (Cambridge, 1998), pp. 148–69.

early modern literature. The works of More, Elyot, and other English humanists have been well mined, as have the works of their European peers. Where to go from here? Do we even need any more work on the subject? The theme is theoretically limitless: one might take any number of early modern writings which offer counsel or touch on the theme of counsel, preface them with some erudite comments on the principles of advice-giving in classical and early modern political culture, and then perform a close reading of their contents. But there is a risk that new work will make few advances on our fundamental knowledge.

One promising direction would be to demonstrate, more holistically than has yet been attempted, how the privy council and other individuals and institutions actually counselled the monarch, building on, synthesizing, correcting, and clarifying the work of Pulman, Dale Hoak, Mears, Doran, Coates, and others. There has been no shortage of comment on this subject, but, to date, none has been comprehensive or fully satisfactory.¹²⁰ In particular, scholars could explore the relationship between conciliar and extra-conciliar counsel. It seems likely that the privy council consolidated its superiority over other institutions as an advisory body soon after its creation, for at roughly the same time, the king discontinued the ancient practice of seeking advice in great councils, large assemblies of noblemen.¹²¹ In France, at about the same time, the small *Conseil des affaires* likewise established itself as the leading advisory body.¹²² However, the English privy council 'did not have a monopoly of the advisory function'.¹²³ Parliament, for its part, continued to stake a rival claim. In the thirteenth and fourteenth centuries, there had been a common distinction between two kinds of counsel: 'open counsel', rendered in large assemblies by magnates, and 'familiar counsel', rendered in private by courtiers and household servants; and the first was commonly stressed as superior and more constitutionally essential.¹²⁴ This distinction is dimly reflected in the Tudor period by the claims of both privy council and parliament to operate as counsel-giving bodies, but by the end of the sixteenth century, people had become accustomed to the idea that the former was pre-eminent as an advisory body, despite its compactness and privacy: in 1565, Sir Thomas Smith indicated that parliament's role was to make laws, while the role of privy

¹²⁰ It is likely that Crankshaw's forthcoming *Proceedings of the privy council* will make a definitive contribution to this subject.

¹²¹ P. J. Holmes, 'The last Tudor great councils', *Historical Journal*, 33 (1990), p. 16; S. J. Gunn, *Early Tudor government* (Basingstoke, 1995), p. 49. For Anglo-Saxon great councils, see Patrick Wormald, 'The age of Offa and Alcuin', in James Campbell, Eric John, and Patrick Wormald, eds., *The Anglo-Saxons* (Ithaca, NY, 1982), pp. 126–7.

¹²² H. G. Koenigsberger, George L. Mosse, and G. Q. Bowler, eds., *Europe in the sixteenth century* (2nd edn, Harlow, 1989), p. 284.

¹²³ G. A. Lemasters, 'The privy council in the reign of Mary' (Ph.D. thesis, Cambridge, 1971), p. 107.

¹²⁴ Matt Raven, 'Magnate counsel and parliament, c. 1340–1376: the place of the Lords in the era of the Commons', *Parliamentary History*, 38 (2019), p. 309; Janet Coleman, 'A culture of political counsel...', in Cesare Cuttica and Glenn Burgess, eds., *Monarchism and absolutism in early modern Europe* (Abingdon, 2012), p. 22; J. E. A. Jolliffe, *Angevin kingship* (2nd edn, London, 1963), ch. 8.

councillors was to 'to give...to their Prince the best advice they can'.¹²⁵ Parliament continued to operate as an unusually formal and regulated consultative body, but the notion that parliament counselled the king was now bordering on legal fiction, for it operated in practice as a legislature.¹²⁶ How did informal advice-giving complement, compete with, or overlap with formalized institutional counsel? We know that monarchs continued to seek advice from unsworn acquaintances, such as courtiers and ambassadors, but did they treat this as seriously as deliberations of the privy council?¹²⁷

Ecclesiastical counsel, considered not as a 'language' but as a concrete phenomenon, is a particularly promising avenue for further research. Since preachers are counsel-givers by nature, bishops and court preachers could normally offer frank royal counsel without causing undue offence, as illustrated long before our period in the coronation services of Anglo-Saxon kings. John Donne thought that ecclesiastical counsel should be polite but frank and free.¹²⁸ What importance did contemporaries assign to ecclesiastical counsel? It has been argued that Edmund Grindal, archbishop of Canterbury, tried to convince the queen to prioritize ecclesiastical counsel in religious affairs. However, what Grindal says is that when doubts arise 'in matters of doctrine or discipline of the church', the queen should 'refer the decision of the same to the bishops'.¹²⁹ So this is not really a 'theory of counsel', because Grindal is talking about decision-making, not advising. Grindal admittedly played the part of Nathan the Prophet in Elizabeth's reign, writing her a stubborn 6,000-word document in defence of popular prophesying, but even this was an explanation for his disobedience of the royal command, not primarily a piece of counsel.¹³⁰ Scholars could be rather stricter in distinguishing counsel from other kinds of communication with the monarch, including requests, petitions, and panegyric, which could double up as counsel but did not have to.

The mechanics of ecclesiastical counsel ought to be established: was it more commonly rendered through sermons, letters, or private meetings? Historians of counsel could absorb the findings of Peter McCullough, who has analysed the mechanisms by which preachers were picked to deliver sermons before

¹²⁵ Thomas Smith, *De republica Anglorum* (1583), pp. 34–5, 44.

¹²⁶ It retained another minor, residual counselling function in the form of speeches addressed to the monarch, but this was not an efficient way of conducting serious business: see Jonathan McGovern, 'The presentation of the Speaker of the Commons in Tudor parliaments: pageantry, persuasion and management', *Parliamentary History*, 39 (2020), pp. 364, 374–6; Seaward, 'The parliamentary way of counsel', p. 86.

¹²⁷ Stephen Alford, 'Politics and political history in the Tudor century', *Historical Journal*, 42 (1999), pp. 538–9; McLaren, *Political culture*, pp. 138–9.

¹²⁸ John Walters, 'John Donne's sermons: counsel and the politics of the dynamic middle', *English Literary Renaissance*, 50 (2020), pp. 391–416.

¹²⁹ Peter Lake, "'The monarchical republic of Queen Elizabeth I" (and the fall of Archbishop Grindal) revisited', in John F. McDiarmid, ed., *The monarchical republic of early modern England: essays in response to Patrick Collinson* (Aldershot, 2008), p. 142. The same passage is discussed in Patrick Collinson, 'If Constantine, then also Theodosius: St Ambrose and the integrity of the Elizabethan *Ecclesia Anglicana*', *Journal of Ecclesiastical History*, 30 (1979), p. 217.

¹³⁰ Collinson, 'Downfall of Grindal', pp. 376–7; Patrick Collinson, *Archbishop Grindal, 1519–1583: the struggle for a reformed church* (London, 1979), ch. 13.

the monarch and the royal household, and how these were reformed in the Tudor period – especially importantly, in the reign of Elizabeth, the lord chamberlain (head of the chamber) sought the monarch’s approval for rosters of court preachers, which were prepared by the archbishop of Canterbury.¹³¹ It follows that the queen had considerable control over the ‘counsel’ that would be presented to her on such occasions.

Another promising area of research would be to think more carefully about which areas of English government still required royal decision-making, and therefore counsel, in the Tudor period. This will help scholars to avoid being misdirected by early modern humanist tropes into overstating the practical political importance of counsel. The ancient notion of counsel had been formulated at a time when the king held far more independent authority over decision-making. The original rationale behind the taking of counsel, conceived as early as the tenth century, had been that the king should not make important decisions without the advice of the great men of the realm; this was a common feature of early Germanic political systems, and it survived the Norman Conquest.¹³² The need for good advice is a universal concern: the Ming emperors of China (1368–1644) were advised by a senior civil servant called the ‘Grand Master for Proper Consultation’, with two subordinates called the ‘Grand Master for Thorough Counsel’ and the ‘Grand Master for Excellent Counsel’.¹³³ Counsel allowed important matters to be decided by many heads, thus avoiding one of the pitfalls of the monarchical style of government as opposed to the republican.

By the end of the fifteenth century, though, constitutional development had limited the king of England’s independent authority in most spheres, including the legislative and the executive, as indicated for instance by Fortescue’s observation that the king could not alter the law himself.¹³⁴ Jean Bodin, a brilliant political theorist, was quite wrong when he claimed that the king of England was able ‘to ordain law at his pleasure and against the will of the Estates’ – an early example of the misunderstandings that can arise when transnational theoretical scholarship fails to grasp national constitutional realities.¹³⁵ Even the limited legislative powers granted to Henry VIII by the short-

¹³¹ Peter E. McCullough, *Sermons at court: politics and religion in Elizabethan and Jacobean preaching* (Cambridge, 1998), ch. 2, p. 65.

¹³² H. G. Richardson, ‘The English coronation oath’, *Transactions of the Royal Historical Society*, 23 (1941), pp. 131–2; J. R. Maddicott, *The origins of the English parliament, 924–1327* (Oxford, 2010), pp. 2, 36, 99; Paul Brand, ‘Henry II and the creation of the English common law’, in Christopher Harper-Bill and Nicholas Vincent, eds., *Henry II: new interpretations* (Woodbridge, 2007), pp. 229–30; B. Wilkinson, *The later middle ages in England, 1216–1485* (London, 1969), p. 134; F. W. Maitland, *The constitutional history of England* (Cambridge, 1919), pp. 60–1.

¹³³ Charles O. Hucker, ‘Ming government’, in Denis C. Twitchett and Frederick W. Mote, eds., *The Cambridge history of China*, VIII (Cambridge, 1998), p. 50.

¹³⁴ John Fortescue, *De laudibus legum angliae: a treatise in commendation of the laws of England* (Cincinnati, OH, 1874), p. 232.

¹³⁵ Jean Bodin, *On sovereignty: four chapters from the six books of the commonwealth*, ed. Julian H. Franklin (Cambridge, 1992), p. 21. For the passage in the original French version, see Jean Bodin, *Les six livres de la république* (Paris, 1576), p. 138. But for royal pressure on parliament, see George Bernard, *Who ruled Tudor England: paradoxes of power* (London, 2021), pp. 82–3.

lived Act of Proclamations (1539) rested on statutory authority.¹³⁶ Bertie Wilkinson nicely summed up the king's changing constitutional position in 1964, when he wrote that in the Lancastrian period 'the ancient concept of personal monarchy was becoming unreal: the council, not the king, tended to become the real centre of government'.¹³⁷ The king's involvement in executive administration was reduced still further with the emergence of an institutional privy council in 1536–40, from which the monarch was normally absent.¹³⁸ According to the oath of the privy council, which was revised three times in the Tudor period, councillors were bound to 'give true, playne and faithfull counsell' to the sovereign, but in reality, they also operated as an executive board.¹³⁹ This style of government has been described as 'government under the king but not by the king'.¹⁴⁰ According to a theory espoused by medieval scholastics and early modern humanists alike, an uncounselled king was a tyrant.¹⁴¹ However, this principle was of little relevance in Tudor England, where a king had limited scope for direct action, and thus could not rule solely by his personal will even if he wanted to.¹⁴² Moreover, we might well agree with Gibbon that the rulers of interconnected nation-states are less likely than great emperors to become tyrants.¹⁴³ In any case, no Tudor monarch could have truthfully declared, 'L'état, c'est moi.'

In the Tudor period, most important activities of government could be conducted quite happily by the council without having to trouble the monarch, including national security, defence, economic policy, the drafting of legislation, and the administration of justice. Important decisions could often be taken without the monarch's explicit approval, unless the council was 'either sufficiently conscientious to refer such decisions to the king, or else had sufficient division of opinion to mean that councillors would have to consult him on controversial matters to avoid an executive deadlock'.¹⁴⁴ What activities still required the monarch's personal decision after

¹³⁶ M. L. Bush, 'The Act of Proclamations: a reinterpretation', *American Journal of Legal History*, 27 (1983), pp. 33–53. This article also summarizes earlier work on the subject by E. R. Adair and G. R. Elton. For more on delegated legislation, see John Baker, *The Oxford history of the laws of England*, VI (Oxford, 2003), pp. 82–3.

¹³⁷ B. Wilkinson, *Constitutional history of England in the fifteenth century* (London, 1964), 195.

¹³⁸ Jonathan McGovern, 'Was Elizabethan England really a monarchical republic?', *Historical Research*, 92 (2019), p. 524; A. F. Pollard, ed., *Tudor tracts, 1532–1588* (London, 1903), p. 175.

¹³⁹ Jonathan McGovern, 'The development of the privy council oath in Tudor England', *Historical Research*, 93 (2020), p. 285.

¹⁴⁰ Lemasters, 'Privy council in the reign of Mary', p. 1.

¹⁴¹ Carpenter, *Struggle for mastery*, p. 293; John Guy, 'Monarchy and counsel: models of the state', in Patrick Collinson, ed., *The sixteenth century, 1485–1603* (Oxford, 2002), p. 122.

¹⁴² Medieval and Renaissance thinkers distinguished between a tyrant 'out of defect of title' (i.e. a usurper) and a tyrant 'with respect to actions' (i.e. a cruel despot). The humanist formulation about an uncounselled king implied that a king would naturally become the latter if not restrained by counsel: it did not consider the possibility that he might be restrained equally well by constitutional machinery. See Alexander P. d'Entrèves, 'Legality and legitimacy', *Review of Metaphysics*, 16 (1963), p. 687.

¹⁴³ Edward Gibbon, *The history of the decline and fall of the Roman Empire*, III (London, 1776), p. 636.

¹⁴⁴ McGovern, 'Monarchical republic', p. 526. This article slightly overstates the queen's independent authority.

1540? Many administrative processes, including the authorization of grants, appointments, and proclamations, still required the monarch's signature, or sign manual, which, unlike a seal, could not normally be supplied on their behalf.¹⁴⁵ Signed bills set in motion the administrative machine: they went to the Signet Office, whose staff made out a warrant to the Privy Seal Office, which in turn made out a warrant for chancery, which would finally issue letters patent under the Great Seal. The sign manual could represent bureaucratic formality rather than royal initiative (one thinks especially of the minority of Edward VI), but the monarch's personal involvement was indispensable, so they remained the wellspring of patronage. Elizabeth seems to have enjoyed entertaining bids for patronage, and her servants gave a lot of thought to how they might persuade her to sign things.¹⁴⁶ If she wanted to leave suitors in suspense, she was known to tell them she had no pen and ink when they asked for her signature.¹⁴⁷ The prince also had the 'absolute' authority to declare war,¹⁴⁸ and was personally responsible for selecting councillors,¹⁴⁹ and, where relevant, for choosing a spouse, which is the reason why many well-known instances of royal counsel concern Elizabeth's courtships.¹⁵⁰ 'Absolute', of course, simply means without reference to parliament; it would be useful to ascertain the extent of the monarch's personal involvement in declaring war. Furthermore, the monarch was responsible for the creation of peers and for other miscellaneous duties, such as the selection of sheriffs each year by marking a shortlist with pinpricks.¹⁵¹

Monarchs would understandably become annoyed if it seemed that their subjects were trying to abridge them of their independence in these areas, such as when Elizabeth's subjects pestered her with advice to marry or to

¹⁴⁵ It had, however, been possible to apply the royal signature with a stamp since at least as far back as the reign of Henry VI, a practice followed intermittently under the Tudors. See Bertram Wolfe, *Henry VI* (new edn, New Haven, CT, 2001), p. 88; Elton, *Tudor revolution in government*, p. 281; Laura Flannigan, 'Signed, stamped, and sealed: delivering royal justice in early sixteenth-century England', *Historical Research*, 94 (2021), pp. 267–81; TNA, SP 10/9, fo. 4r. Note that the signet, originally a personal royal seal, had its own office by the fifteenth century and was held in our period by the principal secretary. See Angela Andreani, *The Elizabethan secretariat and the Signet Office: the production of State Papers, 1590–1596* (Abingdon, 2017), p. 175.

¹⁴⁶ Park, ed., *Nugae antiquae*, I, pp. 169, 175–6.

¹⁴⁷ McGovern, 'Garden plot', p. 751.

¹⁴⁸ Smith, *De republica Anglorum*, p. 43; David Potter, 'Foreign policy', in MacCulloch, ed., *Reign of Henry VIII*, p. 101. John Aylmer thought differently: see G. R. Elton, *The Tudor constitution: documents and commentary* (2nd edn, Cambridge, 1982), p. 16.

¹⁴⁹ Elton, *Tudor constitution*, p. 88. For advice tendered to the queen in this regard, see Wallace T. MacCaffrey, *The shaping of the Elizabethan regime: Elizabethan politics, 1558–1572* (Princeton, NJ, 1968), pp. 41–2.

¹⁵⁰ See, e.g., Doran, *Monarchy and matrimony*. Henry VIII's will stipulated that Mary and Elizabeth could not accede to the throne if they had taken a husband without the assent of the (Edwardian) privy council: this clause does not count as an exception to the principle, since it only regulated their conduct as princesses: see Thomas Rymer, ed., *Foedera*, XV (London, 1713), 113 (summarized in *Letters and papers*, XXI (2), no. 634).

¹⁵¹ Margaret Scard, 'The Elizabethan nobility: a recount and a reassessment of Elizabeth's reasons for creating noblemen', *History*, 106 (2021), pp. 41–2; John Impey, *The practice of the office of sheriff and under sheriff* (4th edn, London, 1817), p. 8.

avoid marrying. In 1579, Elizabeth criticized the earl of Leicester's attempt to monopolize the appointment of sheriffs, insisting that she should select them herself.¹⁵² And yet, monarchs had no constitutional ground to stand on if they thought they needn't hear counsel on such matters.¹⁵³ Incidentally, there appears to be little evidence that Tudor monarchs employed the Tacitean notion of *arcana imperii* (mysteries of state) to demarcate business that should be decided by them alone, although historians have often said so.¹⁵⁴ The phrase admittedly began to become popular among literary folk in the late Elizabethan period,¹⁵⁵ but it never aligned happily with English political practice, except in the sense that conciliar and parliamentary business was supposed to be private. The concept of *arcana imperii* ought not to be conflated with the assortment of executive and legal powers and privileges known in aggregate as the royal prerogative, which included the monarch's right to issue dispensations from statute law and to regulate the coinage.¹⁵⁶ Such powers were ordinarily exercised by delegation, for they adhered to the crown, not to the person of the monarch; and there was nothing secretive about them.

The monarch also had a veto on acts of parliament, so legislation could not be passed without his or her approval. The monarch traditionally attended the Upper House during the final session of parliament, and whispered instructions in the chancellor's ear, who would accordingly give or refuse assent to bills on the king's behalf. Alternatively, the monarch could signify assent by commission: in other words, by letters patent issued under sign manual and the Great Seal. This method was invented in 1542 to save Henry VIII from having to assent to the attainder of Catherine Howard in person.¹⁵⁷ Though it was not commonly used until the Hanoverian era, the method did come into play sporadically in the later Tudor period.¹⁵⁸ For instance, Elizabeth distanced herself from parliamentary proceedings against the Scottish queen by giving royal assent by commission in March 1587.¹⁵⁹ The important point is that both methods of assent required the monarch's personal approval, so this was an area of the constitution in which the monarch had much freedom and would have required thoroughgoing counsel. The veto was certainly no

¹⁵² Folger Shakespeare Library, Washington DC, MS L.a.97, fo. 1r.

¹⁵³ Susan Doran, 'The queen', in Susan Doran and Norman Jones, eds., *The Elizabethan world* (Abingdon, 2011), p. 44.

¹⁵⁴ For one example out of very many, see MacCaffrey, *The shaping of the Elizabethan regime*, p. 210.

¹⁵⁵ See, e.g., Paulina Kewes, 'Henry Savile's Tacitus and the politics of Roman history in late Elizabethan England', *Huntington Library Quarterly*, 74 (2011), p. 545. The most famous appeal to the concept of *arcana imperii* is in Charles I's answer to the Nineteen Propositions (1642).

¹⁵⁶ W. S. Holdsworth, 'The prerogative in the sixteenth century', *Columbia Law Review*, 21 (1921), pp. 554–71; Gunn, *Early Tudor government*, p. 189.

¹⁵⁷ 33 Hen. VIII, c. 21, §3; *Journal of the House of Lords* (London: His Majesty's Stationery Office, 1767), I, pp. 176, 264.

¹⁵⁸ Norman Wilding and Philip Laundy, eds., *An encyclopaedia of parliament* (4th edn, London, 1972), p. 655.

¹⁵⁹ *Journal of the House of Lords*, II, p. 142.

formality; Elizabeth threw out thirty-four bills in the seven parliamentary sessions between 1559 and 1581, at a far higher rate than her predecessors.¹⁶⁰

Most importantly of all, the monarch could direct government policy at the highest level, although councillors did not ordinarily *require* monarchical intervention. This activity left less of a paper trail than routine administration, and is therefore worse documented than other royal activity, despite its greater importance. In such circumstances, counselling happened almost the wrong way around: councillors sought the monarch's input or authorization. Prior to the emergence of the privy council, Thomas Cromwell often met the king in private to discuss policy direction, before proceeding to put the king's ideas into practice.¹⁶¹ While he was principal secretary, William Cecil met the queen 'almost every day in her private chambers' to discuss policy, although she was content to leave some matters to his discretion.¹⁶² A telling example from Mary's reign is the memorandum entitled 'Directiones of Queene Mary to her Councill touching the Reforminge of the Church' (1554). Using phrases such as 'I wishe' and 'in myne opinion', Mary shared with the council her thoughts on stamping out Protestant preaching, censoring books, inspecting universities and churches, and the punishment of heretics.¹⁶³ The queen proposed, the council implemented. We may also note that Edward VI's early minority council continued to 'counsel' the king as a constitutional fig leaf, while really directing policy itself.¹⁶⁴

Many of the set pieces of Tudor political history are times when the monarch had to make a personal decision about an important matter that was in the 'public' interest – that is, in the interest of the political classes. Typically, all hell broke loose as councillors, courtiers, and other interested parties mobilized their supporters and used their institutional influence to push the monarch in a certain direction, thereby demonstrating, as it happens, the advantages of the council's ordinary dominance of executive government. When it came time for Mary I to choose a husband in the autumn of 1553, some favoured the candidacy of Philip of Spain, while others preferred Edward Courtenay, earl of Devon. Both groups tried to get their own way by using dirty tactics, rumours, and intrigue, and on 16 November, a delegation from the House of Commons, accompanied by privy councillors, enraged the queen by counselling her to marry within the realm, even though she had already shown signs of preferring Philip.¹⁶⁵ Another example is the series of 'succession crises' in Elizabeth's reign, although we might prefer to reserve this word for a brief period after Elizabeth's death on 24 March 1603 (a crisis

¹⁶⁰ Elton, *Parliament of England*, p. 124; G. R. Elton, 'Parliament in the sixteenth century: functions and fortunes', in *Studies in Tudor and Stuart politics and government*, III (Cambridge, 1983), p. 180.

¹⁶¹ Eric Ives, 'Henry VIII: the political perspective', in MacCulloch, ed., *Reign of Henry VIII*, p. 14.

¹⁶² Susan Doran, *Elizabeth I and her circle* (Oxford, 2015), pp. 221–2; Park, ed., *Nugae antiquae*, I, p. 358.

¹⁶³ TNA, SP 14/190, fos. 133r–133v.

¹⁶⁴ D. E. Hoak, *The king's council in the reign of Edward VI* (Cambridge, 1976), p. 140.

¹⁶⁵ Lemasters, 'Privy council in the reign of Mary', pp. 123–9; Ann Weikel, 'The Marian council revisited', in Jennifer Loach and Robert Tittler, eds., *The mid-Tudor polity, c. 1540–1560* (London, 1980), pp. 56–9.

is a point in time, not a long span).¹⁶⁶ Councillors spent months convincing Elizabeth to authorize the execution of Mary, Queen of Scots, which could not be achieved through any means other than by Elizabeth putting royal pen to parchment. On around 31 January 1587, Elizabeth finally signed a warrant or 'commission' for Mary's execution, which was reportedly drafted by Lord Burghley and engrossed by William Davison. Councillors had the Great Seal appended to the warrant on 1 February and executed it on 8 February without further consulting the queen.¹⁶⁷ This style of politics seems to have become particularly pronounced during the reigns of the Tudor queens, although earlier and later examples are not wanting.

In theory, a councillor was supposed to 'give honest advice, whatever the Queen's view; and implement the Queen's decision, whatever his own view', according to Christopher Haigh's summary of a statement by William Cecil.¹⁶⁸ However, it is now difficult to know how far the councillors of an adult monarch modified the royal wishes along the way: hence the famous 'king versus minister' debate among historians of Henry VIII's reign, and a similar debate among historians of Henry VI's reign, concerning how far 'royal' acts can be seen as genuine expressions of the royal will.¹⁶⁹ It is at least true that councillors serving an active and capable monarch would be unwise to stray too far from their instructions. The point is not that we can neatly assign initiative for certain policies to either the monarch or the council (we rarely can), but simply that both monarchs and councillors influenced the direction of policy. Again, even matters of 'high policy' were normally put into execution through the ordinary channels of government, for, like modern prime ministers, Tudor monarchs had '[v]ery few direct levers of power'.¹⁷⁰ Thus, the roles of monarch and council were essentially reversed: the king or queen advised or instructed the council on how it ought to proceed. This applies even for the reign of an overbearing king like Henry VIII.

Future scholarship on counsel could do with a stronger constitutional and administrative historical component. Constitutional history, in its reconstructed form, may be defined as the study of the development of formal conventions and procedures governing the exercise and distribution of political

¹⁶⁶ Susan Doran and Paulina Kewes, 'The earlier Elizabethan succession question revisited', in *Doubtful and dangerous: the question of succession in late Elizabethan England* (Manchester, 2014).

¹⁶⁷ BL, Add. MS 48027, fos. 636r–636v; Paul E. J. Hammer, *The polarisation of Elizabethan politics: the political career of Robert Devereux, 2nd earl of Essex, 1585–1597* (Cambridge, 1999), p. 59; Rose, 'William Davison', p. 77. William Davison, who became the scapegoat, was only briefly imprisoned, and he never paid a fine of 10,000 marks imposed by Star Chamber, so one wonders whether Elizabeth was in on the whole thing; R. B. Wernham, 'The disgrace of William Davison', *HER*, 46 (1931), pp. 632–6.

¹⁶⁸ Christopher Haigh, *Elizabeth I* (London, 1988), pp. 69–70.

¹⁶⁹ G. R. Elton, 'King or minister? The man behind the Henrician Reformation', in *Studies in Tudor and Stuart politics and government*, I (Cambridge, 1974); G. W. Bernard, 'Elton's Cromwell', in *Power and politics in Tudor England* (Aldershot, 2000), pp. 117–23; Wolffe, *Henry VI*, p. xix. For an extended demonstration of Henry VIII's importance in directing policy, see G. W. Bernard, *The King's reformation: Henry VIII and the remaking of the English church* (New Haven, CT, 2005).

¹⁷⁰ Peter Hennessy, 'What are prime ministers for?', *Journal of the British Academy*, 2 (2014), p. 214.

power.¹⁷¹ Administrative history is the study of governmental and legal institutions, their staff and their procedures, so there is clearly considerable overlap between the two genres. Scholars can still benefit richly from academic work produced during the golden age of Tudor administrative history (roughly 1950–90). To illustrate the relative neglect of such work, it may be noted that in 1971, Glenn Arlen Lemasters completed a doctoral thesis on the Marian privy council, under G. R. Elton's supervision, in which he dedicated over a hundred impressive pages to the council's advisory function, but his work has rarely, if ever, been cited in publications about counsel written since 1990 – not even in a 2016 essay about the Marian privy council.¹⁷² Lemasters raises many (still) unresolved questions: for example, his suggestion that there were few constitutional rules governing the council's advisory function, other than the fact that advice should be unanimous, is an intriguing idea, but is it true?¹⁷³

Administrative history has long been under a cloud, and it has not formed an essential part of the 'new political history' in early modern studies (roughly 1990 to the present day).¹⁷⁴ However, there are signs that it is beginning to recover its rightful place of importance, not only among early modern historians but also among medievalists.¹⁷⁵ What we need, in fact, is a new administrative history, which will be able to integrate the sophisticated findings of recent social historians and historians of political thought and culture with the strict, practical, and dependable methods of earlier scholars of Tudor government.¹⁷⁶ We now know a great deal about the 'software' of English politics (ideas and ideology), but must not forget the importance of the 'hardware' of government (institutional mechanisms).¹⁷⁷ In a 1996 lecture, Quentin Skinner summed up the consensus against administrative history when he implied that it was no longer relevant in a country where historians are not charged with educating 'a political elite...capable of running a great empire', but this is a crudely functionalist view of the historian's profession.¹⁷⁸ While an understanding of document formats and bureaucratic procedures may not seem very exciting, it often provides the spine which makes history sound, provided that historians remember that procedural rules could be bent or broken, and

¹⁷¹ For a defence of constitutional history, see D. Alan Orr, 'A prospectus for a "new" constitutional history of early modern England', *Albion*, 36 (2004), pp. 430–50.

¹⁷² Joanne Paul, 'Sovereign council or counseled sovereign: the Marian conciliar compromise', in Sarah Duncan and Valerie Schutte, eds., *The birth of a queen: essays on the quincentenary of Mary I* (New York, NY, 2016).

¹⁷³ Lemasters, 'Privy council in the reign of Mary', p. 103.

¹⁷⁴ The 'new political history' is defined in Natalie Mears, 'Courts, courtiers and culture in Tudor England', *Historical Journal*, 46 (2003), pp. 703–5.

¹⁷⁵ Flannigan, 'Signed, stamped, and sealed', pp. 271–9; Andreani, *Elizabethan secretariat*; Malcolm Vale, *Henry V: the conscience of a king* (New Haven, CT, 2016). One also awaits Crankshaw's *Proceedings of the privy council*, mentioned earlier. I might also mention my own forthcoming monograph *The Tudor sheriff: a study in early modern administration*.

¹⁷⁶ For the new administrative history in medieval studies, see John Sabapathy, *Officers and accountability in medieval England, 1170–1300* (Oxford, 2014), p. 19.

¹⁷⁷ McGovern, 'Monarchical republic', p. 523.

¹⁷⁸ Quentin Skinner, 'Sir Geoffrey Elton and the practice of history', *Transactions of the Royal Historical Society*, 7 (1997), p. 313.

that stated principles of government often lag behind real practice. Administrative history cannot explain everything, but it can help to explain nearly everything. In particular, a knowledge of administration helps to set political history on a sure footing, and therefore represents one of the most hopeful avenues for future historiographical progress.

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