John Millar’s second book, fully titled *An Historical View of the English Government from the Settlement of the Saxons in Britain to the Accession of the House of Stewart*, was published in two volumes in 1787. In 1790 an almost identical second edition appeared and within twenty years after Millar’s death (in 1801) three more would appear. Given the multiple reissues the book cannot have been a commercial failure but it was certainly no big success either. In 1790 a second lot of 750 copies was printed of which 570 were still unsold five years later. The posthumous editions were twice as long as the first. Millar had extended his view to more recent developments in the history of English government by taking the story from the accession of the Stuarts to his own time. Volumes three and four treated the tumultuous seventeenth century and the developments since 1688 respectively. Some of the material on the early periods of English constitution were written before 1782; some of the later material was written during, and referred to, the French revolutionary wars. References in the *Historical View* to the French Revolution and its wars properly belong in the next chapter.

The title of the book betrayed its author’s Anglo-British perspective thrice. The coming of the Saxons and the accession of James VI to the throne of England formed the historical parameters of Millar’s study of the English government. The Scottish professor turned his eyes to Westminster when he dedicated his book to Charles James Fox. Millar could scarcely imagine that it was ‘possible for any man to write a constitutional history of England, without having Mr Fox almost constantly in his thoughts’. Fox was praised for a mind ‘accustomed to animate the great scenes of national business, possessed of the penetration to discover the genuine principles of the constitution, and of the virtue to make them an invariable rule of conduct’. (It is curious that the lack of what Millar proclaimed to be Fox’s eminent virtue was commonly thought to be his greatest political vice). In the same vein Fox was praised for his ‘steady perseverance in a system [which tends] to secure the natural rights of mankind’.

Millar spoke of virtue and natural rights, but the *Historical View* was above all a ‘constitutional history of England’ that funnelled the universal history of authority of his first book, and that magnified its political implications. Millar divided the English constitutional history in three interlinked periods: the period of ‘feudal aristocracy’ starting with the Saxons, that of ‘feudal monarchy’ starting with William the Conqueror and ‘commercial government’ from the reign of James I onwards. The work was constructed around the
subsequent epochs of the nobility, the monarch and the people. A balance between those powers (and the freedom which that balance secured) was dynamically maintained by the very slow transition from one period to the next. In the middle period, for example, the most important counterweight to the growing authority of the monarch was first provided by the great noblemen, and after their power had waned by the people. When their time had come, the supremacy of the people was seriously contested by the crown. The main theme that ran throughout Millar’s second book was the handing over of a freedom that was inevitably growing but never definitively established. The first volume covered the period of ‘feudal aristocracy’ and recounted how freedom had reached England and assumed its own character. The second volume dealt with ‘feudal monarchy’ and told how English freedom was preserved and became more regularly secured. The two posthumous volumes treated of ‘commercial government’. The third volume showed how liberty was lost to be recovered again; the fourth showed how liberty was now threatened by corruption.

Millar’s *Historical View of the English Government* was all about the uninterrupted conveyance of a fragile freedom. In the seventeenth century, discussed in the third volume of the book, the durability of that freedom and the ability of its proponents was severely tested. The ancient constitution, Millar thought, was under constant threat and on the verge of breaking down during three prolonged, almost consecutive crises. As will become clear in the present chapter, Millar’s proficiency in writing the sort of history that he favoured faltered in the face of the seventeenth-century constitutional torrents. It proved difficult to fit the Civil War (1642-1649), Cromwell’s Protectorate (1653-1658) and the Restoration of Stuart kingship in 1660 in an historical scheme of constitutional continuity and uncontaminated liberty. But there was more amiss than the unpliability of a few historical episodes. It was no coincidence that Millar’s historiographical troubles started when the last phase of feudal politics had come to an end. Feudal institutions and their very long history were Millar’s strength. Challenging royalist histories, he excelled in explaining away medieval political upset through sophisticated historico-sociological analyses. When things came to a head, however, the categories on which Millar relied did not serve him too well.

In Millar’s history up to the seventeenth century the main actors were the nobility and the king. The people and its spin-offs like common livelihood, general customs and mentality, so strongly present in *The Distinction of Ranks*, served mainly to even out royal irregularities and to smooth the path of parliamentary supremacy. When Millar put the people on the stage as an active political category it was nearly always in the capacity of the ‘popular part of parliament’, the Commons. When the king, for example, threatened popular rights it was parliament that saved the day. And when the king, for some reason of his own, made overtures to the people he did so by favouring parliament. Millar continued the
identification of the people with parliament (short for the House of Commons) in his history of the seventeenth century, which he constructed entirely in terms of parliament versus king. Although at the outset of the third volume of Millar's *Historical View* the period of 'commercial government', in which the people came into its own, commenced, the author clung to the more or less static notions of king and parliament. Almost the entire volume was 'high politics' history in which the part of the people except for their parliamentary spokesmen was very small, especially when compared to the other volumes and his earlier work. Two kings whose reigns were unconstitutional, a Puritan tyrant, and two sons of the late king who carried on his despotism, forced parliament to take action ceaselessly. The only other people in the narrative were those involved in numerous conspiracies against the king or each other. History almost exclusively dealing with high politics is usually no sign of historical sophistication. Nor is conspiracy theory. The emancipating people (according to Millar himself the main characteristic of the period he was describing) might have provided the dynamics for a more thoroughgoing, call it sociological treatment than could be expected from a small number of individuals placed high and playing hard. However, the explanatory power of the people as well as the public good was wholly entrusted to a parliament that was connected to the people in little more than name only.

The House of Commons as the guardian of freedom was a constant in Millar's constitutional history. From the rudiments found among German tribes up to the honourable late eighteenth-century institution, Millar insisted, parliament was the beating heart of the constitution and the seat of liberty. At the root of his insistence lay the constant as well as vital supposition of what can be called the communication of souls between the people at large and those of noble stock. With a flick of the wrist Millar treated the categories of the people and the aristocracy as being different yet identical. Much of his history of authority can be read as an elaboration of the suggestion that two melted into one in parliament. But the evidence was circumstantial at best, or else circular. The public, it read, was served best by those people (almost solely aristocrats) who operated in the name of the people as its representatives. The political connection that Millar thought posed a real problem was that between the people's representatives and the crown, not that between the people and parliament. It was this kind of thinking that James Mill later tried to refute but could not wholly overcome.
The History of Authority

‘Feudal Aristocracy’

The first volume of Millar’s *Historical View of the English Government* dealt with the Anglo-Saxon constitutional framework, its feudal groundwork and the liberty it supported. The structure of argument and all the elements concerning the ‘feudal system’ found in Millar’s *Origin of the Distinction of Ranks* were retained and worked out in great detail. Naturally the accent was on the English situation but the ‘feudal kingdoms of modern Europe’ were much more than backcloth. Millar kept insisting on the parallelism and synchronicity of the development of the feudal systems all over ‘modern’ Europe. Hence the threefold periodization of feudal aristocracy, feudal monarchy and commercial government applied to all of the originally Germanic kingdoms. The sameness of direction enabled Millar to support his argument that the government of England had grown naturally; that it was not the ‘result of deep-laid schemes of policy’.

Differences in timing helped Millar to account for national peculiarities and to deal with a constitutional irregularity like William the Conqueror. National peculiarities were always the result of ‘natural’ causes. Developments on a European scale decided what was natural and what was peculiar.

Peculiar was the slowness of the growth of the English feudal system. The natural cause for this, Millar thought, was the Anglo-Saxons lagging behind in one or two vital respects. The feudal polity spread and assumed its unique European character when German shepherds blended their independent spirit and political unity with the level of cultivation practiced by the conquered on the immense scale of the former Roman provinces. The Anglo-Saxons were more independent but less united than the rest once they settled in England. Other Germanic peoples effected their conquests by land, keeping their own social and political structure intact. The conquerors of England sailed in ‘small detached parties’, leaving their families and tribes behind. That was why several kingdoms were erected in England, and why it took up to four centuries before these were finally united.

When the seven Anglo-Saxon kingdoms of the Heptarchy finally succumbed to single rule the assemblies that regulated their ‘public concerns’ merged into one Wittenagemote. Millar noted that the composition of the national council in that early form had been the subject of debate in Stuart England. Who were the Wittenagemote’s constituent members,
and what was the role of the king, were questions to which irreconcilable answers had been put forward. ‘The supporters of the prerogative’, Millar explained, maintained that all of the original members of the Wittenagemote were appointed by the monarch. They meant to show that the ‘primitive government of England was an absolute monarchy, and that the privileges enjoyed by the people have all flowed from the voluntary grants and concessions of the sovereign’. From this point of view the national council consisted of the following royal nominees: bishops, aldermen, and judges or lawyers (the so-called wites or wise men). ‘The defenders of the rights of the people’, on the other hand, imagined that the Wittenagemote was a duplicate of parliament as it had come to be established and that ‘it was originally composed of the nobility, the knights of shires and the representatives of the boroughs’. Both sides were in the wrong (though only one to the point of being risible).

Nothing can be more improbable, or even ridiculous, than to suppose that the lawyers or judges of England were, immediately after the settlement of the Anglo-Saxons, a body of men so considerable as to compose the principal part of the Wittenagemote and, from a title peculiar to themselves, to fix the general denomination of that great assembly. ... We may as well suppose that, in the period of English history now under consideration, the Anglo-Saxon wites or wisemen were the physicians, the surgeons and apothecaries, or the mathematicians, the chymists and astronomers of the country.

On the other side, it was most unlikely that the ‘mercantile part’ of the people, if indeed at that time they formed a distinct order, had already assumed ‘a political capacity’. Proof that neither the shires nor the corporations were represented in the Wittenagemote was the fact that there was no sign of their presence, no matter how much one tried to make of a few ambiguous expressions in the annals of that time.?

Millar relegated the dissension over the composition of the Wittenagemote to the political strife of the previous century, as if he himself did not take part in prolonging the controversy. Although Millar censured the projection of a latter-day image of parliament on the Anglo-Saxon Wittenagemote, he was at pains to show that it effectively included the interests of a considerable part, if not the whole, of the nation. Millar also wanted to convey that during the whole period of feudal aristocracy, which lasted as long as the Wittenagemote remained in use, no monarch was ever invested with absolute power.

Wite was an Anglo-Saxon title, Millar stressed, that fell to men of high rank. Its secondary meaning was ruler or governor. This very short excursion in the field of philology led him to conclude that, if the denomination of the assembly counted for something, the Wittenagemote must have been composed of ‘all the leading men or proprietors of landed estates’. All allodial proprietors who owned a hide (a Saxon term for the amount of land that could be worked with a single plough) or more were considered to qualify as wites. Because
of the low threshold of admittance the Wittenagemote was originally ‘a very numerous assembly’. Many people were of course excluded but Millar seems to have thought, for reasons that remain unclear in a section that was not very tightly argued, that these outsiders actually benefitted by the number of those inside. He thought it

highly probable that the Wittenagemote of the Anglo-Saxons was originally so constituted as to admit a great proportion of the people into a share of its deliberations, and it merits attention that even such of the inhabitants as were excluded from this assembly, were either the slaves or the tenants and vassals of those who sat in it. . . . Men of inferior rank, though not formally represented in the national council, enjoyed, therefore, a degree of security from the influence of their master or superior, who had an interest to defend them from every injustice but his own.

It is questionable if the consolidation or even monopolisation of subordination raised the prospects of inferiors. In any case Millar maintained that the monarch was bridled by a large and independent aristocracy. That corresponded with the circumstances of the population in each of the feudal kingdoms of Europe.  

Millar was concerned with the competences as well the composition of the ancient Wittenagemote. Such were ‘all those branches of government which were of sufficient importance to merit its attention and which, at the same time, could be directed in consistency with the delays arising from the deliberations of a numerous assembly’. The wites decided on war and peace, took care of public works, made laws and levied taxes. They controlled the exercise of the prerogative and the government of the church, and instituted the high court of justice. In short, the Wittenagemote combined executive, legislative and judicial tasks. With the progress of the feudal system the number of allodial proprietors gradually diminished, representatives entered the national council, proceedings became more regular, different competences were divided between distinct bodies, and several tasks of state fell to a variety of functionaries.

An Historical View of the English Government was much concerned with the natural growth of institutions, regulations and constitutional customs. Clearly, their roots were to be considered first. A good example of Millar’s approach is his account of how the leading positions of state emerged from the management of the royal household. All over Europe he observed developments that turned the king’s ‘domestic servants into ministers’. In England the most important functions to follow this traject were steward, chamberlain, constable and secretary. The steward, or the master of the household, originally attended to the royal table. Since rent was usually paid in kind and could be consumed instantly, it was he who gathered the rents of the crown lands. His supervision over the king’s tennants and vassals put him in the position to take cognizance of their disagreements, and to suggest a solution. By and by the steward evolved from judge on the royal demesne to the same function in the
kingdom. The chamberlain cared for the lodging of the royal family. He also guarded ‘whatever required to be locked up’. Came the time when rents were no longer paid in kind, this part of the chamberlain’s duty absorbed him wholly. Eventually the chamberlain would be treasurer to the kingdom. The constable who kept the king’s horses in due time commanded the country’s cavalry. The secretary who wrote the king’s letters was most likely his chaplain, who knew how to write and was also the ‘keeper of the king’s conscience’. In process of time the employment of secretary turned into that of chancellor, the person who kept the king’s seal and the records of his court. Each of the functionaries in their final guises benefitted successively from changing circumstances. When wars came to be decided by the charges of the cavalry, the constable overtook the steward’s authority. Later, the chancellor profitted from the increased authority of the king and the complexity of his business. The chamberlain was paramount when the increasing public revenue became of first importance in national affairs.

John Millar’s constitutional history dealt with the growth of functions rather than with functionaries themselves; with the historical arrangement and privileges of parliament rather than parliamentary history; and with the extent of prerogative rather than kings. In the first volume of the *Historical View* very few names, principal events or years were mentioned. When a monarch was singled out that usually happened to show the limits to prerogative which that particular monarch had overstepped, and to heed a warning to those inclined to follow his example. Millar mentioned Segebert, for instance, an insignificant Saxon king, who, ‘for his tyrannical behaviour, and after he had treated with contempt the remonstrances of his people’, was deposed ‘by a general assembly of the nation’. Even Alfred, by far the most revered king of this period, received a backhanded treatment by Millar. Millar mostly agreed with, and added to the praise which was usually bestowed on this illustrious sovereign who ruled from 871 to 900. Alfred’s accomplishments were ‘equal to whatever is recorded of ancient patriotism, and even to whatever correct fiction has been able to suggest in order to excite admiration and esteem’. His defeat of the Danish invaders made Millar think of ‘those military adventures related in the early periods of antiquity’. He was much less enthusiastic when praise for Alfred interfered with Millar’s own image of the English constitution as a natural growth. All that this king could be credited with in this respect was that, ‘from the various feudal institutions and customs which had prevailed either in England or upon the neighbouring continent, he selected such as were accounted the most beneficial and most adapted to the peculiar circumstances of his time and country’. Millar dismissed all stories in which Alfred appeared as a legislator.

Alfred ... has become the English Lycurgus; and his interposition is the great engine which the politicians have employed for explaining the origin of such particulars in the English government
The History of Authority

... [Alfred is] supposed to be the author of several regulations, which he only revived or brought to greater perfection than they had formerly attained. The great changes which he produced in the state of the country, by bringing it from anarchy and confusion into a degree of order and regularity, led his countrymen in subsequent ages to fix their attention upon him as the person from whom they had derived the entire model of their constitution. He is thus held ... to have first divided the kingdom into tythings, hundreds and shires, and to have introduced a peculiar system of policy connected with those divisions; though it seems now to be clearly proved that these regulations existed in England before his time, and that they extended to other European kingdoms. The institution of juries has, in like manner, been ascribed to this monarch; though there is good reason to believe that it arose from the general situation of the Gothic nations, and that it had a very early establishment in all of them.  

Millar was anxious to avoid royalty meddling with the constitution. Again and again he argued that all elements of the English constitution were of European stock instead of kingly constructions. That was why European countries (and France foremost) were discussed not as enemies, conquerors, or allies but as political units that followed the same pattern of historical development.

'Feudal Monarchy'

The second and last period of political history separately treated in the original version of John Millar's *Historical View of the English Government* was itself subdivided into three parts. The first part stretched from the Norman conquest in 1066 to the reign of Henry III that ended in 1272. The second part stopped at 1485, the year of the accession of Henry VII. And the third comprised the reigns of the Tudors. The years were taken from the English constitutional calendar but, as Millar saw it, the periods they delimited roughly corresponded to comparable parts in the political history of the other countries of Europe. The synchronicity of European constitutional developments enabled Millar to demonstrate that the extraordinary situation in England was merely a variation on a European theme. This, in turn, enabled him to show that the English government had developed naturally from the ancient constitution. 'In each of these parts', Millar announced, 'we shall meet with progressive changes in the English constitution ... which, being analogous to such as were introduced about the same time in the other European governments, may be regarded as the natural growth and development of the original system, produced by the peculiar circumstances of modern Europe'.

68
The first part of the second period of the English government was dominated by William the Conqueror and what he was thought to have brought about. In the second half of the eighteenth century the Norman conquest was far from being a ‘non-issue in political debate’.¹³ In the previous chapter we saw that several Scottish historians were much concerned to merge William’s manoeuvres into the natural course of European history. Their concern critically answered the notion that with William the prehistory of the English constitution came to an end, or, what amounted to the same thing, that with him its history commenced. One of the places where this notion could be found was in the very popular constitutional history of England written by Jean Louis de Lolme. The Genevan de Lolme, who lived from 1740 to 1806 (lagging five years behind Millar), was to his generation what Rapin and Montesquieu were to theirs: a French-speaking historian who could teach the English a thing or two about their marvellous constitution. He did not match the monumentality of Rapin or Montesquieu’s immortality but he surpassed both in marketability.¹⁴ His Constitution de l’Angleterre went through 12 editions in French between 1771 (the first year of publication) and 1822. And as The Constitution of England it went through no less than 26 editions between 1775 (the year of the first English translation) and 1822. In numbers of copies several of those amounted to 1500.¹⁵

Jean Louis de Lolme spent only the length of one page of his Constitution of England on the Saxon period. The Saxons sailed over, ‘reciprocally annoyed each other’ for a long time, and founded a government which had but little ‘affinity with the present Constitution’. ‘It is at the era of the Conquest’, de Lolme wrote, ‘that we are to look for the real foundation of the English Constitution’. William of Normandy ‘subverted the ancient fabric of the Saxon Legislation’, ‘established the feudal system of Government’, and assumed at once executive, legislative and judicial powers.¹⁶ This impression of things could not but provoke response. Gilbert Stuart was one of the translators of de Lolme’s book and one of its critics. In his own Edinburgh Magazine and Review for October 1775 Stuart expressed his sorrow that the Constitution of England did not deserve recommendation to the public. After all, it contained the ‘speculations of a foreigner’ unaware of the intricacies of English constitutional history. Stuart was convinced that the difficulty of the subject lay in the ‘partiality’ of English historiography. He considered the existence of political parties indispensable in a ‘free and limited government’, but at the same time he found their irreconcilable versions of history a hindrance to true knowledge of what they upheld. Foreigners could easily lose their way. De Lolme ‘wanders in a labyrinth of which he knows not the windings’. He got lost at the first turn. ‘The irreparable misfortune of this author’, Stuart thought, is that he ‘considers the aera of the Norman conquest as the real foundation
of the English constitution; an opinion which is in direct and violent opposition to whatever is respectable in our antient records and laws'.

Had de Lolme begun the history of the English government in Anglo-Saxon times he would not be the 'advocate for power' which Stuart thought he (just like Hume) had inadvertently become. Then he would have learnt that the feudal system, 'taking its rise from a peculiarity of manners and of situation, it established itself in all those countries where that peculiarity prevailed'. The idea that it was introduced into England by William was simply absurd, according to Stuart. Feudal government was known to the Saxons 'in every stage of its progress'; William only completed it by rendering the perpetuity of the fief 'more common'. William could do so lawfully since his grants concerned only those lands under the jurisdiction that was bestowed upon him by the English nation. He was 'elected to the privileges of a Saxon monarch'. All that the act of conquest amounted to was that William, heir 'in his just rights' to the late Edward the Confessor, defeated Harold, the usurper of the throne, and his followers. 'The laws and the constitution received no shock by his succession. ... The antient fabric of the Saxon legislation remained in force and continued to exist'.

Jean Louis de Lolme was aware that his position on William was controversial. He also knew that replies like those hurled at him by Stuart had more popular appeal, and were therefore more attractive to the leaders of opposition, than other arguments in favour of liberty.

It has been a favourite thesis with many writers to pretend that the Saxon government was, at the time of the Conquest, by no means subverted; that William of Normandy legally acceded to the throne, and consequently to the engagements, of the Saxon kings; and much argument has in particular been employed with regard to the word *Conquest*, which, it has been said, in the feudal sense only meant *acquisition*. These opinions have been particularly insisted upon in times of popular opposition: and, indeed, there was a far greater probability of success in raising among the people the notions familiar to them of legal claims and long established customs, than in arguing with them from the no less rational but less determinate and somewhat dangerous doctrines concerning the original rights of mankind and the lawfulness of at all times opposing force to an oppressive government.

De Lolme found his way in the 'labyrinth' of English constitutional history with more ease than Stuart said he could.

Gilbert Stuart did not think that de Lolme was a conscious enemy to freedom, despite his false start. As his translator well knew, de Lolme celebrated the English constitution for its freedom that was maintained with the balance between the governing powers. The reason why Stuart did not recommend the reading of *The Constitution of England* was that he
The History of Authority

abhorred the manner in which its author reached his conclusions. The problem, as Stuart perceived it, was not simply de Lolme’s assessment of William the Conqueror but the particular approach to political history which William had come to represent. By letting England’s political history start six centuries too late, and by neglecting Europe’s common heritage, de Lolme could not present and defend the balanced constitution as a natural growth, but only as a human artifice. De Lolme claimed that it was Willem who single-handedly, albeit unwittingly, initiated the balanced constitution by assuming at once all rights belonging to the feudal superior, and by uniting all powers of government in his person. This act of tyranny incited the people and the nobility to gather and take action. In the baron’s hall, ‘scenes of rustic hospitality’ were adorned with political declamations and interrupted by moments of philosophical contemplation.

Assembled with their vassals in their great halls, where they dispensed their hospitality, deprived of the amusements of more polished nations, naturally inclined, besides, freely to expatiate on objects on which their hearts were full, their conversation naturally turned on the injustice of the public impositions, on the tyranny of the judicial proceedings, and above all on the detested forest laws. Destitute of an opportunity of cavilling about the meaning of laws the terms of which were precise, or rather disdaining the resource of sophistry, they were naturally led to examine into the first principles of society; they enquired into the foundations of human authority, and became convinced that power, when its object is not the good of those who are subject to it, is nothing more than the right of the strongest and may be repressed by the exertion of a similar right.  

The barons overcame any aversion they might have felt towards the industrious, whereas those were impressed by the arguments of their betters. They ‘knew’ that their cause was the common good, they ‘were sensible’ of the need of their support, and they ‘spoke and stipulated’ their own wishes. And that was how, in the interpretation of de Lolme, the political articulation arose that, in a few generations, resulted in a national front that would claim authority and put limits to the prerogative.

Hence, in England freedom was the result of a nationwide determination that was itself the unintended consequence of the endeavours of William. France, on the other hand, had lost its freedom because feudalism established itself there in its own pace. De Lolme thought that, because the ‘feudal system of government’ immediately showed its true face through William, the populace and its superiors were quick to deliberate and take measures to obtain freedom. In France no like perception took place because there the feudal system grew ‘slowly and gradually’. Once tyranny had evolved to such heights that it could no longer escape attention, it was too late to stop. De Lolme’s vocabulary was antifeudal. To him feudal politics meant unfreedom, extortion, and aristocratic anarchy (even though it tended to absolutism).  

Obviously, de Lolme’s antifeudal and voluntaristic approach to this
part of the history of English government was completely different to John Millar’s. Millar rehearsed all of the arguments to qualify William’s achievements that de Lolme rejected offhand. De Lolme studiously ignored the Saxons, reified William, and proved him a tyrant by counterposing the English situation with the natural growth of feudal institutions in France. A work that contained as many reversals of Millar’s position was hard to come by.

De Lolme’s *Constitution de l’Angleterre* first appeared in 1771, the same year as Millar’s *Distinction of Ranks*. By the time Millar’s *Historical View of the English Government* was printed in its original format, six editions of de Lolme’s book in the English language had already appeared. John Murray, still Millar’s publisher, had commissioned Gilbert Stuart with the translation of de Lolme’s book, and by 1787 he had published two editions of that book in English and one in French. It is certain that Millar was familiar with *The Constitution of England*, to which he drew the attention of students attending his lectures on government in the mid-1780s. Yet the *Historical View* contained not a single reference to de Lolme. This was quite common with Millar who, in keeping with a scholarly custom of his time, failed to identify the contemporary proponents and the antagonists of many of his arguments. He was rather more profuse in referring to participants in earlier, particularly seventeenth-century debates. Although Millar did not mention de Lolme it is impossible not to read Millar’s arguments, especially those concerning William the Conqueror, as denying what that author put forward, and as confirming what Stuart had repeated more than ten years previously.

‘William the Conqueror ascended the throne of England, partly by force of arms and partly by the voluntary submission of the people’. Thus reads the first sentence of Millar’s discussion of the establishment of feudal monarchy in England. Millar hastened to add that the force employed by William in no way threatened the continuity of the Saxon constitution, which would have forfeited the people’s sanction for once and for all. Besides, Millar released a flood of arguments to the effect that the transition from feudal aristocracy to feudal monarchy was a ‘natural’ process and, what amounted to the same thing, that each change took place within the bounds of customary law. Millar explained why he worried about a seemingly ‘frivolous question’.

Whether the accession of this monarch is to be considered in the light of a real conquest by force of arms, unsupported by any other circumstance, would be a frivolous question were it not for the serious and important consequences which have, by some authors, been connected with that supposition. It is maintained that if William entirely conquered the kingdom he could be under no restraint in modelling the government; that he, accordingly, overturned altogether the ancient constitution; and in place of that moderate system which had grown up under the Saxon princes, introduced an absolute monarchy. The supposition itself is no less remote from truth than the
To begin with, Millar thought that William employed force against Harold and his followers only, not against the English nation. William could hardly be expected to sit back while Harold usurped the throne that was rightfully William’s. The former king, Edward the Confessor, had spent over twenty years at the court of Normandy. There he had learnt to respect the Norman manners and customs which were ahead of those of his own country. After Edward mounted the English throne he expressly favoured William, to whom he was related by his mother, as his heir. From that moment on many Normans began to acquire offices and property in England, and the French language and manners began to be imitated. Although Harold had sworn to support William’s title he let himself be crowned king upon the death of Edward. When he and his estate were conquered by William, the people of England naturally acquiesced. When William took the oath that the Saxon kings had pledged before, the people of England naturally assented to his reign. Some near-contemporary sources even speak of a ‘formal election’. The authors who thought that the political obligation due to William rested on the principle of might misread the meaning of his title, according to Millar (who invoked the authority of Spelman). ‘The crown of England having thus been transmitted to a foreign family, William, according to the barbarous Latin of those times, received the title of conquœstor, which has without much propriety been translated the conqueror. It imported merely an acquirer, in contradistinction to a person who inherits by lineal descent’. Far from upsetting everything, William made sure that justice was orderly administrated and that the government ‘proceeded, without interruption, in its former channel’.

Did no change occur at all? Millar thought a landmark change did occur, the ‘completion of the feudal system’, but he held that it was something for which England ‘had been gradually ripened and prepared’ and for which no man could claim responsibility. The feudal system of government would have reached completion without the intervention of William. ‘From the state of England, about the accession of the Norman race of kings, a change of this nature was likely to have happened though it was undoubtedly promoted and accelerated by the peculiar circumstances of William the Conqueror’. The most important of those ‘peculiar circumstances’ was the fact that he hailed from a country where the feudal system happened to be more advanced than that of the country to which he sailed. Millar wrote detailed accounts of the development of the feudal policy in France and in other parts of Europe to show that its structure of powers was nowhere the result of conquest ‘or violent effort of the sovereign, but ... proceeded from the natural course of the feudal governments’.
Many saw William as a tyrant. Millar, as we saw above, unmasked several authors who held this view as the vindicators of absolutism. Millar also critically analysed contemporary complaints filed against William, from which recent verdicts were frequently derived, as understandable but mostly unjustified. Millar took issue with David Hume’s assertion that William meant to invite the rebellion of his English subjects (so that he might crush and dispossess them) by visiting Normandy shortly after the beginning of his reign. According to Millar there was no proof for Hume’s assertion but the ‘clamour and censure’ contemporaries directed at William’s person. But that, Millar explained, was inspired by unreasonable jealousy, aristocratic discontent, and prejudice. More common complaints concerned the curfew and the forest laws imposed by William. Millar emphasised that those enactments were not the signs of William’s tyranny for which Hume and de Lolme mistook them, but measures adopted all over feudal Europe for natural reasons. The curfew, Millar wrote, ‘was a rule of police established in the greater part of the feudal nations; as by the extreme sobriety which it enforced it was peculiarly adapted to the circumstances of a simple people’. Forestation, or the establishment of an exclusive right of hunting on the uncultivated land (called forest) one owned, followed from a peculiarity in German manners and from the situation in which the German peoples found themselves after settling in the conquered provinces. All of them were ‘immoderately addicted’ to hunting. The allodial proprietors must have reserved those stretches of land which they could not otherwise employ for their own amusement. When the feudal system was completed the rights that these lords had reserved to themselves were vested in the king. The Anglo-Saxons were even more addicted to the hunt than their brethren. Being trapped on an island, ‘the fiercer and more hurtful species of wild animals’ were soon extinct. The only prey left were those animals who fled for safety. The chase became the favourite pastime of Englishmen owning lots of land and having few warlike distractions. That, Millar thought, sufficiently explained why the English felt extraordinarily grieved when William, as the greatest proprietor, issued the forest laws. 

Millar admitted that William the Conqueror had sometimes invaded some of the rights of some of his subjects, even though their reports had been exaggerated. But those abuses had never interfered with the constancy of justice. And even if they had, that was to be set aright in the charters granted by William’s successors and the first Plantagenets. To be sure, those grants were no sign that the monarchs gave up on their prerogative. Quite the reverse. They returned only what was unlawfully acquired. A comparison of the charters granted from the eleventh to the thirteenth century (these had recently appeared in print with commentary by Blackstone) strengthened Millar’s belief that the authority of the monarch was actually increasing. The fact that their demands became ever more unassuming proved that the nobility found it hard to retain its former grandeur. It also helped Millar to support the
slightly counterintuitive claim that the successors of William gained in power yet redressed the wrongs committed by their predecessor. De Lolme saw those charters in a different light. For Millar they confirmed that William was a modest monarch who marked only the growth of feudal monarchy. In the eyes of de Lolme the charters were the first and already decisive acts of self-assertion of the people, including even the ‘lowest orders of the state’. Referring to the Magna Charta of 1215 De Lolme exclaimed, ‘How great was the union which thence arose among all orders of the people!—what extent, what caution do we see in the provisions made by the Great Charter! All the objects for which men naturally wish to live in a state of society were settled in its thirty-eight articles’. In the eyes of de Lolme Magna Charta was a document of the greatest political wisdom, which ‘no longer required the support of argument’ once it was written down.

The rights and privileges of the individual, as well in his person as in his property, became settled axioms. The Great Charter, at first enacted with so much solemnity and afterwards confirmed at the beginning of every succeeding reign, became like a general banner perpetually set up for the union of all classes of the people; and the foundation was laid on which those equitable laws were to rise which offer the same assistance to the poor and weak as to the rich and powerful.  

Millar criticised fictions of this sort.

Whoever enquires into the circumstances in which these great charters were procured, and into the general state of the country at that time, will easily see that the parties concerned in them were not actuated by the most liberal principles, and that it was not so much their intention to secure the liberties of the people at large as to establish the privileges of a few individuals.

Millar did believe that eventually every one benefitted from the privileges then obtained. But that was to happen many centuries later, and through no other exertion of the selfish barons than the failure to observe their long-term interests. Being lured to the enjoyments of commerce without submitting to its discipline the great barons weakened themselves, while the great body of the people came into its own. Changed circumstances at length rendered the articles ‘equally advantageous to the whole community as if they had originally proceeded from the most exalted spirit of patriotism’.

For Millar the ‘natural progress of society’ went hand in hand with the preservation of ancient government and its preparation for future times. When, at the beginning of the period of feudal monarchy, the landed proprietors surrendered their allodiality the Saxon Wittenagemote naturally came to an end. In its place came a court called parliament which, in some form or other, was founded wherever the feudal system had reached completion. To a place in parliament were entitled all the immediate vassals of the king. Hence the same
The History of Authority

'class of people' that sat in the Wittenagemote was now seated in parliament, and it had lost little of its authority and few of its privileges. Lost was the power of declaring war and peace which necessarily resided in the feudal superior. But taxation and the distribution of justice, by far the weightiest branches of the legislative power, were preserved or rather 'immediately transferred from the Wittenagemote of the Saxons to the Anglo-Norman parliament'. As yet these powers could not prevent that the executive authority was abused 'extremely frequent'. The monarch depended but little on the funds parliament could muster, and parliament was too inexperienced to take immediate action where it should have. John Millar stressed that early abuses of the executive power, and the fact that redress was long in coming, must not be seen as precedents for absolute monarchy but as the 'want of a regular policy'. One just had to wait for the ancient powers to be poised more evenly.\(^{31}\)

II

The second period in the progress of feudal monarchy began with the reign of Edward I in 1272. The characteristic of the period ending with the accession of the first Tudor in 1485 was that, at the outset, government 'assumed a degree of regularity unknown in former ages, and it afterwards continued, by similar steps, advancing towards maturity'. A similar movement toward constitutional completion could be observed in France from 1285 to 1483.\(^{32}\) Once again, a comparison with the assertions of Jean Louis de Lolme will put Millar's *Historical View of the English Government* in perspective. In *The Constitution of England* de Lolme wrote of the 'grand epoch' of the reign of Edward I, 'the English Justinian'. In the sphere of legislation this great sovereign achieved more than all the later monarchs put together. De Lolme referred to seventeenth-century Chief Justice Hale's assertion that the 'perfection' of English laws under Edward occurred 'quasi per saltum', that is nearly without precedent, in almost a single moment, and with little left to be added. In de Lolme's account the judicial acumen and vigour of Edward finished what the nobility together with the people had begun. In France, on the other hand, the rapacious nobility robbed itself of the chance to combine with the people, and the people of the opportunity to comprehend the advantages of the combination that was the only possibility to stop the king on his way to absolute power.

France, still bleeding from the extravagance of a nobility incessantly engaged in groundless wars, either with each other or with the king, was again desolated by the tyranny of that same nobility, haughtily jealous of their liberty or rather of their anarchy. The people, oppressed by those who ought to have guided and protected them, loaded with insults by those who existed by their labour, revolted on all sides. ... Having never extended their views beyond the fields they cultivated, they had no conception of those different ranks and orders of men, of those distinct and opposite
privileges and prerogatives, which are all necessary ingredients of a free constitution. Hitherto confined to the same round of rustic employments they little thought of that complicated fabric, which the more informed themselves cannot but with difficulty comprehend.33

Voluntarism and antifeudalism, so closely connected in de Lolme and many other historians of the constitution, were contrary to John Millar’s patriot notion of the natural development of the feudal system. Millar did not believe that the balance between the king, nobility and the people was the outcome of British circumspection, or that the imbalance in France resulted from ignorance and aristocratic anarchy. Instead of contrasting Britain with France in such a manner, Millar needed France as well as other countries to demonstrate that Britain’s political development conformed to a European pattern in which diversity was due to natural causes. According to Millar the French kings in the period under consideration faced indeed less opposition than the kings of England. But that was easily accounted for. French monarchs derived additional authority from over three centuries of uncontested succession to the crown, from England’s forfeiture of Normandy, and from the number of times they commanded their forces in war. As important as the differences in balance were the similar advances toward regularity.

An example of growing regularity was the progress of the highest courts of justice. The aula regis (or the king’s court) ‘had risen by degrees’ from the high court of parliament. This tribunal consisted of a limited number of judges who formed part of the royal entourage. The advantage of its format, according to Millar, was that no longer the whole of parliament had to be assembled before cognizance was taken of juridical cases. The aula regis was, however, ‘accommodated to the infant state of improvements in the country’, and ill-equipped to distribute justice ‘when those improvements were advanced to greater maturity and when the authority of government was better established’. An ambulatory court attached to the king was inconvenient for judges and parties involved in sessions of court that became more and more extensive and complex. Gradually stationary courts developed in which criminal and civil cases were separately tried. This development set in long before Edward I under whose reign the aula regis was finally replaced by several stationary courts with their own jurisdiction. ‘In this, as well as in other branches of government’, Millar wrote, ‘the history of modern Europe exhibits a remarkable uniformity; accompanied, however, with certain varieties, the effect of accidental circumstances’. One of those varieties was that in France each district had its own cour de roy. Because a central organ was lacking, similar cases were tried differently in different districts. As a consequence there was no uniformity or predictability in verdicts throughout France. England enjoyed more regularity on a field where it mattered most. ‘That a certain rule should be established and invariably maintained, is justly esteemed of more consequence than that the rule itself should be the most perfect
The History of Authority

imaginable. Almost any regulation whatever is preferable to fluctuation and uncertainty'.

Another example of growing orderliness and of great justice was trial by jury; 'most deservedly the boast of English jurisprudence', Millar thought. The institution of the jury appealed to Millar for its patriotic meaning. In a display of public spiritedness, citizens were tried by their fellow-citizens and not by officials nominated by the crown. Juries were in effect the expression of the king’s limited authority. They originated with the Germans and developed with the feudal system: Millar spoke of the jury as ‘that ancient appendage of the feudal policy’. The first juries operated at the level of the county, later at that of the barony, and later still juries operated in the high courts of the kingdom. In this manner the administration of justice was standardised to a level unknown anywhere else in Europe. The use of juries outside of England was hindered by the spread of the dictates of Roman law.

The progress of justice was a model of increasing regularity which indicated expanding control over royal authority rather than acts of royal intervention. And so was the progress of parliament, that pivot of patriotic discourse. Millar pictured the transition of the national council from the irregular proceedings of the immediate vassals of the king to the assembly made up of the representatives of shires and boroughs. The major cause for this transition was the ‘advancement of arts and manufactures’. It decreased the number and standing of the immediate vassals of the crown after they first sat in parliament since William I. By coveting expensive luxuries and neglecting rural economy the landed nobility impoverished itself and eventually had to ‘dismember’ its estates. The monarchs helped to bring about the same effect by redistributing the land. By weakening the greatest nobles, kings meant to get the upper hand. In their weakened state, many vassals of the crown thought attending parliament was no longer a privilege of great moment but rather a financial burden and a shame. The king, on the other hand, wanted to retain these smaller barons in parliament because he found it easy ‘to attach them to his party and by their assistance was enabled to counterbalance the weight of the aristocracy’. Millar thought that the lesser barons would ‘naturally’ relieve their plight by agreeing to take turns in sitting for each other in parliament. In this manner the representation of districts through knights of shires came into being.

The representation of the towns proceeded from ultimately the same cause. Economic progress emancipated the peasants step by step. They were free at last to take up, what Millar called, ‘mechanical employments’ and to live an urban life. The towns, for the same reason as the lesser barons, were encouraged by the king who granted them royal charters. As ‘bodies politic’ boroughs developed into crown-vassals with a right to send representatives (burgesses) to parliament. The burgesses must have entered the national council around the same time as the knights of shire, according to Millar, because they were moved by the same mechanism. For centuries the introduction of burgesses was said to have been effected by
Simon de Montfort, earl of Leicester, in 1265 (the forty-ninth year of Henry III’s reign). Millar argued that this was the wrong conclusion drawn from the fact that no earlier record of their attendance was found. To Millar’s mind, it would certainly have been mentioned had the introduction taken place in so ‘sudden and violent’ a manner. In fact burgesses began to take their seats in parliament way before, not fixed in number and irregular in attendance. It was in the twenty-third year of the reign of Edward I (1295) that the so-called Model Parliament met. Both sorts of representatives were regularly summoned in even numbers from then on and they ‘continued to be constant members of the legislature’.

It must have been somewhat of a mystery to Millar’s generation, and more than a little awkward to historians of the patriot persuasion, that on those episodes of parliamentary history which to them were so thoroughly important, the medieval chroniclers and historians were ‘profoundly silent’. Millar made necessity a virtue by arguing that the silence actually supported his view that parliamentary representation ‘was produced in a gradual manner and without any appearance of innovation’. Had representatives of counties and boroughs been out of the ordinary in the thirteenth century their appearance would have been recorded. In reality that practice was ‘a consequence of vassalage, interwoven in the system of that feudal government with which the people of that age were familiarly acquainted’.

Because the constitution assumed a more regular form in a wholly gradual fashion the ancient boundaries of prerogative remained intact, as a certain king who ruled halfway the period under consideration would learn. That king was Richard II whose reign lasted from 1377 until his deposition in 1399. In Millar’s account Richard II tried to ‘pack’ the Commons (that is to select members who are likely to vote in ones favour and to secure their loyalty by rewarding them) in order to ‘extend his prerogative beyond its ancient limits’. ‘This expedient of the crown, to pack the House of Commons’, Millar wrote, ‘is the first of the kind that occurs in our history, and it must be considered as forming a remarkable æra in the British constitution’. The whole situation was worthy of notice because it proved that, at an early time, the Commons had so much weight that the king needed to bribe them if he was to gain absolute power. It also showed what were the consequences of such unconstitutional behaviour. The people swelled the oppositional army to restore matters while the royal forces deserted the king’s cause. Richard was ‘abandoned by the whole nation’ and ‘solemnly deposed’. This series of events contained a clear warning: ‘in such governments as that of England, all endeavours used by the king to make himself absolute are but so many steps towards his own downfall’. This warning not just concerned the king’s person but also the people who were instrumental in his schemes. In a nervous style Millar portrayed how personality was corrupted by a system of preferment.
Whatever may be the virtue of individuals, it is not to be expected that a body of men, sprung very frequently from a low origin; bred up in the habits of a gainful profession; whose views must be continually directed towards preferment and the emoluments of office; soldiers of fortune, and whose fortune depends chiefly upon the favour of the crown, will be disposed to stand forth in critical times and expose themselves to much hazard in maintaining the rights of the people.\textsuperscript{37}

Millar's account of the reign of Richard II reads like a mirror image of David Hume's account of the same. According to Hume, Richard was 'reduced to ... slavery by the combination of the princes and chief nobility' led by the duke of Glocester, Richard's uncle. Hume held forth on the machinations of Glocester and his company to dethrone Richard II. In passing Hume mentioned that that monarch tried to bribe judges for his own defence. Millar, in turn, introduced Glocester not before he was 'privately murdered' by royal order. There is no clue to be got from Millar's story why the king committed this extremity. Nor did Millar pay attention to the risings headed by Wat Tyler, that Hume had seized to illustrate the horrors of disobedience and rebellion (and the futility of such wayward behaviour when not properly conducted).\textsuperscript{38}

In this context Millar did not mention Hume, but it is unlikely that he did not have Hume's account of Richard II's reign in mind when he wrote his. For other parts of the \textit{Historical View} conjecture becomes certainty. The author of a late nineteenth-century biographical sketch of Millar stated that the whole book by Millar was 'designed as a counterblast to Hume'.\textsuperscript{39} Certainly that is an exaggeration, and an underestimation of the extent to which constitutional issues were contested historiographically also without Hume's contributions. But the closer Millar's discussion of English constitutional history got to the first Stuarts, the subject of Hume's most controversial contribution, the more Hume figured as prominent exponent of establishment historiography.

III

The Tudor period, starting with Henry VII in 1485 and coming to an end with Elizabeth in 1603, crowned John Millar's treatment of feudal monarchy. This was the period with which David Hume intended to commence his \textit{History} before he decided to begin with the Stuart period. It has often been remarked that the chronology of writing \textit{The History of England}, the earliest period being written last and the latest first, made Hume reconsider pre-Stuart political history in the light of what he had already written on the Stuarts. In a sense he came to consider most of the preceding period as prelude to a truly constitutional history. With Millar almost the opposite held true. In the \textit{Historical View of the English Government} he
worked his way towards the Stuarts, for whom no place was reserved in the original edition of the book, in which the constitution was traced back to the woods of Germany. Even when they were not literally included, the Stuarts were imminently present. From the outset Millar meant to demonstrate that the constitution was left intact for the Stuarts to subvert. In that scheme the Tudors occupied the rear. The Tudors, and especially Elizabeth, were portrayed as sovereigns under whom feudal monarchy culminated, and by whom the principles of the ancient constitution were observed.

Tudor rule marked a period of transition in Millar's chronology. Feudal monarchy reached its end while commercial government was approaching. The 'long sixteenth century' was the juncture at which Millar began to treat the character of even the lesser monarchs and their reigns whereas from the thousand years that came before he had singled out only the illustrious Alfred and William I (and the odd show-case of stranded despotism). Looking ahead, we can see that the more meticulous treatment helped to distinguish the Tudors from the Stuarts, or, to be more precise, the notion of kingship building up among the Tudors from that entertained by the Stuart kings. There was namely the risk that the Tudors, coming at the end of a time in which the king was gaining ground, would appear to have assumed all the prerogatives for which the Stuarts should be blamed. Millar was less choosy in his treatment of the other protagonists of his story. By definition, the period here discussed saw the great nobility on the wane and the rise of the people. In keeping with the earlier parts of the *Historical View of the English Government*, Millar somehow filtered the expressions of the interests of both political categories through parliament.

With Henry VII the final stage of feudal monarchy set in. During that period, Millar reasoned, the slow progress of commerce seemed to occasion a momentary lapse of the political equilibrium. The nobility had lost most of its power but not enough to make the people, represented in parliament, stop looking to the monarch for protection. The people were encouraged by the king to exercise their rights to further weaken his great opponents. One scale of the balance of powers seriously outweighed the other, but the division of tasks remained. It was to be in the next period that the people would restore also the formal balance by jumping scales. Millar was irritated by the suggestion that the current situation caused anything apart from apparent instability.

Upon the whole, it is a gross error to suppose that the English government was rendered absolute in the reign of Henry the seventh. There is, on the contrary, no reason to believe that any material variation was produced in the former constitution. Although the influence of the crown was increased the prerogative remained upon its former basis. The king's authority was entirely subordinate to that of the national assembly; and if, in some cases, precautions had not been taken to prevent his arbitrary and oppressive measures, this was owing to the want of experience, which
The History of Authority

prevented the legislature from suggesting a remedy. Such abuses of prerogative, although they might have excited occasional discontent and clamour, had not yet attained so great magnitude, or been so long continued as to demonstrate that a general limitation was necessary.\textsuperscript{40}

The character of Henry VII fitted his situation, Millar thought. The first monarch to be confronted with the changed circumstances, he was determined to grab hold of the opportunities it offered without being inclined to form ‘visionary or distant schemes’. The policy of Henry VII to extend the alliance of the sovereign with the Commons demonstrated his vigorousness and good sense, because it meant ‘co-operating with the natural improvements of society in diminishing the influence of the aristocracy’.\textsuperscript{41}

Henry VIII had a character different from his father’s, but it was well-suited to his situation. He better knew how to have and enjoy power than how to acquire it. Millar listed his outstanding traits. ‘Vain, arrogant, headstrong and inflexible’. Besides, Henry VIII derived immense authority from the direction and possession he took of church matters. Yet for the largest part of his reign, that lasted from 1509 to 1547, the prerogative ‘appears to have remained upon the same footing’ as before. His parliaments were mostly too respectful, but transgressions of its privileges did not occur. Just once, in the thirty-first year of his reign, a parliament delegated its legislative authority, thereby creating a ‘new branch of prerogative’. ‘Fortunately’, Millar wrote, ‘the English monarch, from the obsequiousness of parliament, had little occasion to exercise this new branch of prerogative, and as he did not live to reduce it into a system, the constitution in the reign of his successor returned into its former channel’.\textsuperscript{42}

The next two Tudors, Edward VI (1547-1553) and Mary (1553-1558), were discussed for the length of a page each in Millar’s \textit{Historical View}. During the reign of Edward ‘the former constitution was completely restored’. Mary Tudor’s reign gave ‘a violent shock’ to the reformation, but there was no damage that could not be repaired in the ‘splendid and fortunate’ reign of Elizabeth. The period of Tudor government ended like it began: with a strong monarch determined to rule in accordance with the ancient constitution.

Whether Elizabeth entertained a just idea of the English constitution has been called in question. But such as her idea was, her behaviour seems to have been strictly conformable to it. Between the prerogative and the privileges of the parliament she appears to have drawn a fixed line ... in her greatest prosperity she never exceeded this boundary ... in the utmost distress and perplexity she never permitted the least encroachment upon it. With the legislative power of parliament she never interfered. The exclusive privilege of that assembly in imposing taxes was neither controverted by her nor impaired. There is no vestige of her either attempting or desiring to violate these important branches of parliamentary authority.\textsuperscript{43}
Millar’s view of the Tudor period, and more especially that of Elizabeth’s reign, was designed to counter Hume’s interpretation of the same. Hume had in fact designed his interpretation to counter the view that Millar now meant to refurbish. It was, Hume wrote, ‘ridiculous to consider the English constitution before [the Stuart period] as a regular plan of liberty’. Hume’s reassessment of the first Stuart kings involved two arguments of longue durée. The first was that there were no fixed limits to the prerogative of which James and Charles I could have been aware. The second argument read that those monarchs merely failed to respond adequately to changes in mentalité that were caused by processes which were beyond the comprehension of any contemporary. Together these arguments explained why the Stuarts acted like they did without meaning harm to the constitution. In the next section this line of reasoning will be pursued. At this place Millar’s reaction to Hume’s first argument must be considered. Hume depicted the Tudors, and especially Elizabeth, as absolute monarchs to disprove that there was ‘a regular plan of liberty’ or a set of strictly circumscribed constitutional practices that the Stuarts could have subverted. Millar disagreed. The Tudors were no absolute monarchs. Under their rule the constitution assumed ever more regular features. It had done so for ages, and it would continue to do so for years to come. Therefore it was wrong to assess the political situation of the sixteenth century by one’s own standard of ‘regularity’. Millar, in other words, returned the imputation of anachronism that Hume had hurled at the kind of history that the first preferred to write.

Millar denounced the arguments that Elizabeth had ruled unconstitutionally as anachronisms. These arguments were valid only to ‘those who form their notions of the English government from what is at present established’. More particularly, the arguments concerned the queen’s frequent negative on bills of parliament before they were discussed and approved of by both houses, and her punishment of parliamentarians who discussed a bill after she had dismissed it. By the time Millar wrote those interventions were rightly deemed unconstitutional. But that notion was only a fairly recent improvement, and certainly not ‘completely and invariably established’ during the reign of Elizabeth.

The liberal ideas upon this point, which are now happily reduced into practice, may be regarded as one of the greatest improvements in the British constitution ... Its establishment, however, marks a degree of refinement and of experience in political speculation which, under the government of the Tudor princes, the nation could hardly be supposed to attain.

Hume was wrong to speak of despotism where none would do so in the sixteenth century. He was even more wrong, Millar stressed, when he said that no contemporaries spoke otherwise. The final pages of the second volume of Millar’s *Historical View of the English Government* were reserved for unusually long quotations taken from John Fortescue and
The History of Authority

Thomas Smith. The sentences of these sixteenth-century magistrates and political sages confirmed that England in their days had become the most temperate monarchy in Europe.45

‘COMMERCIAL GOVERNMENT’

The third volume of An Historical View of the English Government (first published in 1803) was devoted to the ‘short seventeenth century’, spanning the reign of the four Stuarts and the Interregnum. The last chapter was reserved for the reign of William and Mary that lasted to 1694. This very short episode began with the Glorious Revolution, which put an end to intense and violent political conflict, and it signalled the beginning of what we now call the financial and military revolutions, which were to feed the anxieties of eighteenth-century patriots. The episode also marked a clean break in Millar’s writing of history. Or rather Millar’s framework of continuity in change was restored to function after it failed to apply to an age in which the constitution was overturned and hurled about. Millar’s method worked when the constitution was allowed to reach maturity, not when it was seized upon from whatever side. There was a considerable difference between accounting for revolutionary situations, even if they resulted in the conservation of the constitution, and in explaining revolutions away. Millar remained attached to a structural approach with economic, legal, political and social underpinnings but its explanatory power dwindled when applied to the tumultuous seventeenth century. The burden of causal explanation came to rest mainly on the person of the king and on the efforts of the seventeenth-century patriots.

John Millar called the third period of English constitutional history commercial government. The former period was proto-commercial; this one was post-feudal. Roughly contemporaneous with the accession of James I was the demise of feudal properties, rights and duties in England. Due mainly to the impersonal workings of commerce the nobility had fatally weakened herself, and the laborious part of the nation was emancipated from one-sided dependencies. As a consequence the Commons gained political weight. The Commons also reconsidered their old alliance with the monarch. No longer apprehensive of the barons they began to fear the monarch whose position was strengthened in several ways. The advancement of commerce both expanded the public functions of the executive and enlarged the funds at its disposal. And after the feudal militia was disbanded the executive power also managed a standing army. What kept the balance was that parliament decided what funds the monarch was to have, and the fact that traditionally England’s military were ‘confined to a different element’, the sea.46 The problems were caused by the brutal posture of the Stuarts, and their wicked dealings in ousting parliament, building up an army, forcing popery on the country, and the fanatical reactions to which those dealings gave rise. Without extraordinary
acts of patriotism those problems would not have been mounted.

Millar’s account of the seventeenth century was materially different from his description of the previous twelve centuries (with the possible, partial exception of the sixteenth). Whereas analyses of a structural nature combined the whole of history since the settlement of the Saxons, that entire period was no more than an overture to the seventeenth-century drama in which a prominent cast of royalty and patriots staged mutual antagonisms, a string of plots, and a predictable finale. Millar’s discussion of the Stuart era is remarkably full of cardboard lovers of country and one-dimensional villains, and of ‘secret transactions’ and opposition plain for all to see. Long descriptions of character and of political motivations filled this volume. The persons they represented played decisive parts in the principal events of their times. No longer do personages dissolve against the backcloth, as in Millar’s work dealing with earlier periods, but they stand out with clarity.

It did not surprise Millar that James I, who hailed from a country that was still largely feudal, failed to see that the large body of people in his new kingdom was a force to be reckoned with. It was to be expected that this thoughtless monarch who was suddenly rid of what he had come to know as his main adversaries was caught unawares. But what Millar could not explain without supposing criminal intent was that James professed ignorance of the limits that were anciently set to his prerogative. Insofar James’s ‘kingcraft’, consisting of unconstitutional measures to suit his absolutist pretensions, betrayed ‘gross ignorance and misinformation’ it came down culpable neglect. For nothing, Millar thought, was ‘more certain’ than that no English monarch had ever enjoyed unlimited authority. This maxim was well-understood by ‘those eminent patriots’ who led all the Commons that were called during James’s reign, and who stood firm without once unduly provoking the monarch.

They defended the ancient government with vigour, but they acted merely upon the defensive; and it will be difficult to shew that they advanced any one claim which was either illegal or unreasonable. The conduct of James, on the other hand, was [a] uniform system of tyranny prosecuted according to the scale of his talents.

James’s lack of practical talents explained why parliamentary opposition could keep a low profile. The king’s public bearing, Millar thought, was ‘greatly below mediocrity’.

Nature had formed him for a pedagogue, and intended he should wield no better instrument than a birch. Possessed with the lofty idea of absolute monarchy in church and state he seems to have thought that, by mere dint of argument, he could persuade the English nation to become slaves; and he provided no ultimate resources for carrying his design into execution. Mean and contemptible in his amusements and pleasures, weak and childish in his affections, his behaviour upon ordinary occasions was not only unbecoming the dignity of a king, but inconsistent with common decorum and propriety. Though obstinate and conceited, he was highly susceptible of
flattery; and though not exempted from avarice, he was profuse in his expences and extravagantly liberal to his favourites. These were commonly chosen from a regard to their beauty of person; and as they gained an entire ascendancy over him, their incapacity and profligacy, joined to his own folly and arbitrary views, rendered his government equally odious and ridiculous.47

Unlike his predecessor, Charles I saw that he needed a standing army to bring the balance of powers down. Besides, he had the nerve not to call a parliament for more than eleven years. In its stead the king installed a council attached to his interest and headed by the ‘political renegado’ Strafford. Charles was determined to overturn the constitution and to structure politics to his personal qualities. He had, Millar said, ‘no other object than to establish that political system which coincided with his temper and disposition’. Those clear and grave dangers forced parliamentarians, summoned twice in 1640, to adopt a much more aggressive strategy than was needed previously. After 1640 it was ‘no longer sufficient’

to repel the encroachments made by the crown, and to re-instate the government in the situation which it had maintained before the late innovations. The parliaments had hitherto stood entirely upon the defensive; it seemed now high time that they should attack in their turn, and endeavour to disarm an adversary so persevering, so watchful and so powerful.48

The parliamentary offensive began with the prosecution of Strafford. According to Millar, this ‘vile instrument’ of oppression was fairly tried and duly executed for high treason. Millar wielded a double standard. On the one hand he justified the prosecution by pointing at the ‘well-established’ maxim of ministerial responsibility. On the other, he held Charles I personally accountable for Strafford, ‘whom he had seduced into his service, and whose fidelity to him was his only crime’. Even Strafford’s death was blamed on the king who had formally to give his assent to the verdict. But that was a trifle compared to the bloodshed of the Civil War that Charles eventually caused. Millar ended the section on Charles I by considering the justness of his condemnation to the block. As a private person he deserved to die for the enormities he committed. But with a view to his public capacity Millar wished the regicides had been more cautious. A ‘small junto’ decided to kill the king because he was a king, and because they wanted to erect a commonwealth. The country was not prepared for such a plan. Because the execution of Charles expressed the imposition of the will of a tiny minority on the nation at large it marked the beginning of the next stage of civil strife.49

Millar’s commentary of the Protectorate amounted to the personal history of Oliver Cromwell. He summed up the ‘sinister designs’ of ‘this crafty politician’. Cromwell imposed his will on parliament and the army. He perceived the invaluable worth of these as
instruments of tyranny, and he successfully ‘new-modelled’ both in order to establish ‘military despotism, the most arbitrary and oppressive species of absolute monarchy’. After even the purged Rump parliament was sent away, the commanders of the New Model Army led by Cromwell ‘obtained a clear canvass upon which they might amuse themselves in designing future constitutions’. Cromwell and company saw not the limits which the ‘state of society and the circumstances of the people’ set to their plans.

He who frames a political constitution upon a model of ideal perfection, and attempts to introduce it into any country without consulting the inclinations of the inhabitants, is a most pernicious projector, who, instead of being applauded as a Lycurgus ought to be chained and confined as a madman.

Obviously, the so-called Commonwealth was not made to last. Its basis of power such as it was, a ‘mixture of opposite elements [and] a combination of discordant and jarring principles’ to Millar’s mind, spelled instability and tyranny instead of balance and freedom. It was with good reason that Cromwell continually feared conspiracies and assaults on his person. Millar closed the chapter with a long study of the ‘composition of this wonderful character’.

Soon after the death of the Lord Protector tyranny took a familiar turn. With the restoration of the Stuarts to the throne, the stage was set for a ‘disgusting repetition’ of former scenes of despotism. Next to open bids for unlimited power, the reign of Charles II was characterised by a cavalcade of plots, both imagined and real. The plots began shortly after the Stuart first showed their faces, when in 1605 the Gunpowder Plot very nearly undermined the whole constitutional edifice. Charles II’s secret treaty of Dover with Louis XIV was only a less explosive means to the same end. The Popish Plot, insofar it was imaginary (according to Millar that was only partly the case), was meant to blacken the Catholics while other conspiracies were fabricated to implicate Dissenters and republicans. Catholics added the Meal Tub Plot to this shadow play with very real consequences. Towards the end of the reign of Charles II the Rye House Plot was disclosed and the conspirators were convicted. Millar cleared the condemned (among whom was Algernon Sidney) of all charges. Their worst crime was to lead the party in opposition. They sometimes uttered ‘menacing expressions’ and occasionally thought ‘of resorting to violent measures’, but that was only a reasonable response to regal schemes of despotism. Ultimately it was death that prevented Charles II from completing a ‘regular system of tyranny’. According to Millar, the character of this king was ‘too obvious to require any full discussion’. Yet he dwelled upon the traits of the unpatriotic Charles II. ‘This careless monarch’, Millar wrote, had perhaps ‘less personal demerit than any other king of the Stuart family’.
He possessed a sociable temper, with such an eminent portion of the talents and accomplishments connected with this disposition, as rarely falls to the lot of a king. Here we must finish his eulogy. In every other view we can discover nothing commendable ... His open licentiousness and profligacy in the pursuit of his pleasures not only tended, by example, to corrupt the national manners but ... drove him to unwarrantable methods of procuring money from his subjects. ... He was totally destitute of that public spirit which excites and active and superior mind to admire and to promote, at the expense of his own safety or interest, the nice adjustment of parts in the great machine of government.\textsuperscript{51}

At his accession in 1685 James II proved right those who had insistend on his exclusion from the throne. He meddled with the levying of taxes, thereby assuming the 'most important province of the legislature'. And he raised a standing army. Moreover, James was an unabashed Catholic. When seven bishops led by the archbishop of Canterbury petitioned most humbly against the king's declaration of indulgence (which suspended penal laws against Catholics and Dissenters, and opened to them the possibility of holding office) they were indicted for seditious libel. To Millar this was the ultimate test case of liberty. And so, he thought, it was to the English nation.

Had this measure been successful, the fate of English liberty would have been decided. It was vain to seek relief from oppression, if even to complain of hardships and to petition for redress, though in terms the most respectful and submissive was to be regarded as an atrocious crime. This trial, the deep concern about the issue of which appeared among all ranks, the final acquittal of the prisoners in opposition to the utmost exertions of the crown, and the violent demonstrations of joy and triumph which followed that event, afforded a decisive proof of the national spirit and served as a watch-word to communicate that indignation and terror which filled the breasts of the people.

Millar stressed that upon the birth of an heir to the throne, which opened the prospect of a Catholic succession, the whole nation rose up to a man. Even the king's mercenaries were apalled by his treacherous dealings and deserted. This unanimity facilitated the revolution that took place 'with less hurt or inconvenience to the nation than perhaps any other that occurs in the history of the world'. Millar ended his discussion of the Stuart era with a consideration of the character of the last Stuart who was king, conjoined with an assessment of his fate.

[James II was] a prince of narrow capacity, of unpopular and forbidding manners, blinded and misled by his prejudices, and though to the last degree obstinate and inflexible, totally destitute of steadiness and resolution. ... He possessed no amiable or respectable qualities to compensate or alleviate his great public vices. His ambition was not connected with magnanimity; his obstinacy and zeal were not supported by steadiness and resolution, though, as it frequently happens, they appear to have been deeply tinctured with cruelty. The gravity of his deportment,
and his high professions of religion, were disgraced by narrow prejudices and by a course of
dissimulation and falsehood. His fate was not more severe than he deserved; for certainly the
sovereign of a limited monarchy cannot complain of injustice when he is expelled from that
kingdom whose government he has attempted to subvert, and deprived of that power which he has
grossly and manifestly abused. Impartial justice, perhaps, would determine that he was far from
suffering according to his demerits; that he was guilty of crimes which in their nature and
consequences infer the highest enormity; and that instead of forfeiting his crown he well deserved
the highest punishment which the law can inflict.52

What stands out in John Millar’s account of the whole period between 1603 and 1688
is the fusion of public and private perspectives. The segments in which this part of the
history of English government was subdivided, invariably commenced with the coming into
time of a particular person. They always ended with either that person’s natural death,
deposition or decapitation. Millar freely assessed characters, reigns and the justness of
convictions, mingling considerations of a private and of a public nature. With that he left
behind much of the ‘partisan detachment’ that characterised his work dealing with earlier
periods of English history. The patriot perspective had repercussions in the seventeenth
century that it had not had before. Millar borrowed the language of the seventeenth-century
parliamentary protagonists about which he wrote; he assumed the part of prosecutor and jury,
and he reached a verdict on the basis of a particular notion of justice. Of course also the
traditionalist discourse of which Millar usually availed himself had in large measure been
shaped in the seventeenth-century councils and courts which he entered into. But as a
scholarly explanation of the events which happened then, that discourse proved to be
inadequate. As long as the constitution was thought to be maintained, the idiom of continuity
worked perfectly well. But it could not so easily be applied to a time of political dislocation.
As soon as the preservation of the constitution was no longer achieved by a balance of
powers, but merely aspired to by a handful of patriots, the previous emphasis on long-term
legal, economic and political developments was replaced by a series of particulars of court
cases, financial wrongs and plots. Kings and dictators no longer wandered around in the
background. They decided not just the fate of minions and martyrs but the course of history.

William III delivered England from popery and despotism, and Millar from writing
a sort of history with which he might have felt ill at ease. Like his namesake from
Normandy, William defeated a ruler of whom (according to Millar) his people disapproved
and who offered little resistance. The first William was an acquirer; the third was a deliverer
and a restorer. Millar was at his best when he had to deny the disruptive effects of a
conquest commonly spelled with a capital C, or when he had to explain that the Glorious
Revolution was only revolutionary in the sense that it put an end to all revolutions of the
previous century. The difficulties he had in accounting for revolutionary situations stayed with him until the Glorious Revolution was actually accomplished. Millar’s explanation of what caused the revolution and what determined its course was unconvincing. A ‘variety of circumstances’, he thought. He could think of nothing apart from some accidental conditions: the love of country felt by the army, the weakness of James II, and the availability of a patriot king (of ‘faultless character’) who would take his place. But no sooner had peace arrived than Millar resumed his long-term perspective. He traced the articles of the Bill of Rights of 1689 to their feudal sources, and he noted that all the limits then set to the prerogative were long-standing. The balance of powers was restored, peace returned, and Millar’s resumed his historiographical acumen. In the fourth and final volume of An Historical View of the English Government reigns were no longer separately treated, and this was not just because Millar did not live to complete the manuscript. A new era began with the Glorious Revolution (speaking of eighteenth-century developments, Millar would often begin with the words ‘since the revolution’) but it was a time of restoration instead of innovation. Millar took up his well-tried mode of writing political history of stressing gradual change and moderate response. This was pre-eminently suited to depict the creeping threat of corruption and to champion the appropriate remedy, the twin themes of the next volume.

Against the slow evil of corruption one could prescribe constitutional measures. That was very different from the frontal and furious happenings in seventeenth-century England which called for reactions equally unconstitional. Millar could not well prescribe what he could not adequately describe. To his mind there was only one group in the whole period whose behaviour was exemplary: the parliamentarians up to the outbreak of the civil war. Not exactly an ensemble, they were at one in their ‘constitutional resistance’. We saw that Millar vindicated leaders of the opposition to the Stuarts against ‘unjust and unfounded’ charges, but he found their behaviour not fit for imitation either. His sympathy clearly lay with the toned-down and historically inspired opposition of the parliaments of 1628 and 1640.

In the history of the world we shall perhaps discover few instances of pure and genuine patriotism equal to that which, during the reign of James, and during the first fifteen years of the reign of Charles, was displayed by those leading members of parliament, who persevered with no less temper than steadiness in opposing the violent measures of court. ... To the illustrious patriots who remained unshaken during this period we are indebted, in a good measure, for the preservation of that freedom which was banished from most of the other countries of Europe. They set the example of a constitutional resistance to the encroachments of prerogative; accommodated their mode of defence to the variations in the state of society which the times had produced; and taught the House of Commons, by a judicious exercise of their exclusive right of taxation, to maintain and secure the rights of their constituents.
The fourth volume of the posthumous editions of John Millar’s *Historical View of the English Government* consisted of eight essays of varying length and on various subjects. It had been Millar’s intention to complete a volume under the title *The Account of the Present State of the British Government*. After his death, the guardians of Millar’s intellectual legacy (among whom was John Craig, Millar’s nephew and biographer) found his manuscripts dealing with this matter wanting too much to justify publication. Instead they published Millar’s essays which he had meant to incorporate in the book. The main theme of the book that Millar had in mind, and prominent throughout the book as it turned out, was the continued interplay in the eighteenth century of the two opposite political consequences of commerce that were already at work in the previous period, ‘regal influence and popular independence’. In the seventeenth century the emancipation of the people eventually balanced out the increasing authority of the king. Millar insisted that throughout the eighteenth century those ‘opposite principles’ proceeded together. But whereas the popular element of the constitution advanced obviously and openly, the royal interest did so indirectly and secretly. Millar feared that the influence of the crown became, in the words of his editors, ‘the more dangerous to the constitution as its slow and insensible advances [were] less apt to excite attention’. 

Corruption through the ‘secret influence of the crown’ would threaten the commercial government of Britain for a hundred years after the Glorious Revolution. This threat prompted Millar to devise and teach an oppositional programme for moderate reform.

Millar’s analysis of the progress of political powers in the eighteenth century supported the custodian attitude that the opposition party had towards the people. Due to the secretive and inevitable nature of the executive advance, the tide could only be stemmed by a vigilant and well-informed elite that was in a position to take action and hardy enough to make a stand. As will become clear shortly, Millar thought that none of those requirements were met by any other assembly of men other than the better part of parliament. The people however organised were simply no match for the elusive and nimble exertions of power orchestrated from above. Thus Millar continued to apply the tried and tested patriot logic: the people performed a part on the political scene but their profile was kept low by the threat that the monarch and his ministers posed. Led by (or maybe hiding behind) an overpowering fear for the ‘secret influence of the crown’, the opposition strived for a parliament in the name of the people but not in the image of the people. The profile of parliament as Millar saw it answered to the approved patriot picture of regentism. The changes he demanded concerned the people mainly in the capacity of victims of the abuse of power whose only option was to put trust in members of the opposition. In his history Millar wrote that at the end of the seventeenth century the people ceased to fear the crown above all and became
jealous’ of the mandate of their representatives. Millar, who identified himself more with the parliamentary party from the early middle of the seventeenth century than with the late eighteenth-century people, wrote the final part of his history to meet that ‘jealous’ state of mind. He agreed that parliament not always acted as it should, but he put the blame on the corruptive influence of the king. By beating a different drum to an old tune Millar hoped to restore both faith and fear.

Since the last volume of An Historical View contained no complete picture of how Millar saw eighteenth-century developments, recourse must be had to reports of his lectures on government. These lectures shed additional light on Millar’s view of eighteenth-century politics (for earlier periods they reveal little of relevance on the English constitution that he did not work into his book). But even in the reports of his lectures one looks in vain for the ‘review of the different reigns from that of William III to the present time’ that Millar announced in one of his essays. What one does find supports the claim that the domination of political personae and particulars that marked Millar’s discussion of the previous century was exchanged for concern about the gradual growth of corruption once he had arrived historiographically in the eighteenth century.

It is possible to date quite exactly when Millar decided that knowledge about the need for parliamentary reform should be part of the curriculum of his students. John Cairns has established that ‘sometime between 1781 and 1783’ Millar added four lectures to the syllabus of his lectures on government. The extra lectures dealt with the structure of parliament, the situation of the prerogative, the national debt, and with the political situation of Ireland. The first three were ordered under the heading ‘Present State of Government in Great Britain’, and between them contained most of Millar’s ideas on corruption and its remedies. Foremost among the remedies was the reform of parliament. In the early ‘eighties Millar pondered on the under-representation and the overduration of the House of Commons. In 1780, at least a year before Millar introduced them in his lectures, these themes were made more or less respectable by Cristopher Wyvill’s Association Movement. Wyvill (1740-1822) was a Yorkshire gentleman who, mainly through correspondence, exerted himself to involve and connect a host of distinguished persons in a nationwide network suggesting relatively modest political changes. Earlier spurs to reform came mostly from irreverents like John Wilkes or quite inconsequential persons like Major John Cartwright (1740-1824). Moreover, the reform propagated by Wilkes and Cartwright (to take just these two) was much more radical than that first decided upon in Yorkshire in March 1780 by the Association’s deputies. In a famous speech to parliament in 1776 Wilkes stated a case for disfranchising rotten boroughs and extending the vote to the ‘meanest mechanic, the poorest peasant and day labourer’. In the same year (and for many years after) Cartwright urged ‘equal, annual and universal representation’. The Yorkshire programme came down to three, more
modest propositions: counties should be represented on an equal basis, parliaments should sit no longer than three years and ‘sinecure places, exorbitant salaries and unmerited pensions’ must be abolished. This last point hardly needed to be made respectable. In February 1780 the Rockingham Whigs, through Burke, unsuccessfully moved a bill with somewhat watered-down proposals for so-called economical reform. When Rockingham came to power in March 1782 he made sure that those and a few other measures meant to limit the influence of the crown on the Commons were put into practice. 

Before two years were over many things had happened which helped to decide the fate of the Association Movement, and probably also the cause of parliamentary reform for several years to come. Upon the death of Rockingham, the 1st of July 1782, Fox and Burke abandoned Shelburne (who generally agreed with the Association on parliamentary reform). By that time William Pitt the younger had become a principal spokesman in the Commons for reform. Had Pitt and Fox formed a front with Shelburne on the issue of parliamentary reform in keeping with Wyvill’s tireless efforts to muster the nation some success might have resulted. Instead Fox sought rapprochement with Frederick North, the ‘arch-enemy of reform’. Their coalition, and the apparent ease with which Fox seemed to let go of his insistence on the hurtful influence of the crown, appalled reformers like Wyvill. The interference of George III towards the end of 1783 ended the coalition. Fox returned to lead the opposition, now forever convinced of the fatality of crown influence and of the loathsomeness of Pitt who took office. Pitt’s modest motion for reform (allowing for a hundred extra knights of shire to be added to the Commons and taking away the vote from those who let themselves be corrupted, but against universal male suffrage and leaving alone the rotten boroughs) was untactfully denounced by a principled Burke. It was de jure supported but de facto attacked by Fox on tactical grounds: Fox ‘spoke against and voted for the motion’. From now on Pitt’s presence rather than principles determined the position of the Foxites on parliamentary reform.

John Millar’s suggestions for reform should be understood against the background of affiliations and exasperations which continued to change. Millar’s own attachment to Fox tells us more about his unfailing anxieties than one would expect. Because Millar was certainly a dedicated Foxite at the time An Historical View of the English Government appeared, one is tempted to implicate him in Fox’s earlier reversals of fortune and formulation. As chairman of the Westminster Committee, a branch of the Association Movement, Fox fiercely spoke out for measures more radical than those proposed by Pitt and nearly opposed by Fox three years later. Fox’s inconsistency (or insincerity) poses a real problem when one wants to know the non-partisan reasons for supporting ideas that he embraced. After 1784, however, his agenda was settled and the reasons were partly personal, partly constitutional. ‘For Fox himself’, a biographer writes,
The History of Authority

the experiences of 1782-4 had a determining effect. For the whole of his subsequent career, they
are the reference point for decisions. No other event, not even the French Revolution, had such
an influence. ... In 1799, he was still insisting that 'the battle that we lost in 1784 ... is the pivot
upon which everything turns'.

It was then that Foxites learned to hate Pitt as the man who owed his political career to the
downfall of their leader, and to the influence of the crown. The certainty that the constitution
received the 'deathblow' from crown influence became the 'main theme of the Foxite
litany'.61 This theme coincided with parliamentary concerns. In 1780 the Commons had
passed the resolution that the 'influence of the crown has increased, is increasing and ought
to be diminished'. From the early 'eighties onward Millar expounded structural reasons for
the increase of crown influence, and he suggested fundamental measures to counterbalance
it. Millar would give vent to his hate of Pitt in the years that followed.

'From the time of the revolution', Millar claimed, 'a new order of things' came about. New
were the circumstances which favoured the exertion of executive power. On the other hand
the emancipation of large body of people reached new heights.

When we consider the changes ... which have taken place in Britain since the period of the
revolution: ... when we observe the number of common labourers who are daily converted into
artificers, frequently vending their own productions; what crowds of people are continually rising
from the lower ranks and disposed of in the various branches of trade; how many have acquired,
and how many more are in the high road of acquiring opulent fortunes; how universally mutual
emulation and mutual intercourse have diffused habits of industry, have banished idleness which
is the parent of indigence, and have put it into the power of almost every individual, by the
exertion of his own talents, to earn a comfortable subsistence; when, I say, we attend to the extent
of these improvements which affect the whole mercantile part of the inhabitants, we cannot
entertain a doubt of their powerful efficacy to propagare corresponding sentiments of personal
independence, and to instil higher notions of general liberty.62

According to Millar the progress of free enterprise resulted in large-scale independence 'with
respect to the means of subsistence', and in the diffusion of the spirit of liberty. That spirit
fed on the emancipation of physical dependencies as well as on the contacts between the
people of a nation. Mutual ties forged and strengthened by trade enabled people to act in
concert. And frequent interaction made many quicksighted in discerning a common interest.
The whole country one 'great mercantile association', popular political perception and
articulation spread nationwide. The noise the nation could produce was deafening.
The clamour and tumultuary proceedings of the populace in the great towns are capable of penetrating the inmost recesses of administration, of intimidating the boldest minister and of displacing the most presumptuous favourite of the back-stairs. The voice of the mercantile interest never fails to command the attention of government and, when firm and unanimous, is even able to control and direct the deliberations of the national councils.

At the same time Millar was not so sure that economic outspokenness would often lead to protest. In the essay abbreviatedly titled ‘The Effects of Commerce on the Morals of a People’ it said that ‘great commercial opulence’ would lead to political restraint. What made the people speak their minds (a sense of their own independence and an awareness of their common interest) was what kept them quiet most of the time. The people had much to lose. They would not easily risk the comfort to which they were wedded or the order which commerce could not do without. Added to that was a steady decline of courage. People were no longer used, as their hardy forebears had been, to stand up for their rights (or against those of others) in dangerous and demanding circumstances. In the present, mass demonstrations were harder to assemble than to disperse. Millar recalled how the Gordon rioters were ‘easily intimidated and by a mere handful of troops reduced to submission’.

How often have we seen a great majority of the English nation fired with indignation at the conduct of administration, loud and clamorous in their complaints, waving the banner of *magna charta* in the face of the minister and availing themselves of the liberty of the press to annoy him on every side; when by a little steady resolution, by the display of a little timely severity, by a judicious application of the machine of government, *pulveris exigui jactu*, they have been completely subdued and rendered perfectly submissive?

In ordinary circumstances, people who expected little persistence in their joint efforts were apt to behave even more cautiously. And that was not a bad thing, as far as Millar was concerned. He spoke of a ‘due medium’ that commerce eventually brought about. On the one hand the good order was not disturbed upon every whim. On the other, the awareness of, and the attachment to their own interest would spur people on until great acts of injustice were redressed.

The effect of great commercial opulence, therefore, is to produce caution and long-suffering under the hand of power, but to ensure ultimately a vigorous opposition to such acts of tyranny as are manifestly subversive of the fundamental rights of mankind. This, in reality, seems to point at the due medium of that submission which men owe to their political governors; for nothing is more inconsistent with the happiness of society than the frequent recurrence of the people to resistance upon slight and trivial grievances; and when there is a real necessity to resist the usurpation of the sovereign, he commonly pulls off the mask in sufficient time to give warning to his subjects, that
they may be fully justified for uniting in defence of their privileges.\textsuperscript{64}

Notwithstanding his praise for its self-regulating capacity as regards popular protest, Millar thought that commercial government was inherently unstable. Commerce furthered emancipation as well as despotism. The gravest danger lay in the secrecy with which the latter proceeded. Against the bustle and straightforwardness of an agitated crowd there was the silence and stealth of the crown trying to control parliament. The secret influence of the crown could grow because of the accumulation of wealth in England since 1688. Riches meant an increase in the number of inhabitants, in social complexity and in the state machinery needed to manage all that. These developments put more funds than ever before in the hands of the monarch, and more state functions at his disposal. The extension of the British Empire contributed to the same effects which enabled the king to buy and bribe all the support he thought he might need. Besides, the avarice that naturally accompanied great opulence operated to make many of the king's subjects particularly susceptible to corruption. From the revolution onward, those factors operated in favour of the executive power which, holding many strings, could even dissuade the people to assemble at all.

Before that period, the friends of liberty dreaded only the direct encroachments of the prerogative: they have since learnt to entertain stronger apprehensions of the secret motives of interest which the crown may hold up to individuals, and by which it may seduce them from the duty which they owe to the public. To what a height, in fact, has this influence been raised in all the departments of government and how extensively has it pervaded all ranks and descriptions of the inhabitants: in the army, in the church, at the bar, in the republic of letters, in finance, in mercantile and manufacturing corporations, not to mention pensioners and placemen, together with the various officers connected with the distribution of justice and the execution of the laws, the corps diplomatique and the members of the king's confidential council. With what a powerful charm does it operate in regulating opinions, in healing grievances, in stifling clamours, in quieting the noisy patriot, in extinguishing the most furious opposition\textsuperscript{65}

The unreliability of the changes for better, being overruled by changes for worse, were of small significance when parliament would be filled with selfless (that is incorruptible) lovers of country. Millar's political pathology naturally led to the gentlemanly reformism of Wyvill. The right to vote should be extended to those people who could not fail to appoint loyal servants of the nation, and the number of servile followers of the royal interest and the apparatus at the disposal of the crown must be diminished. In his lectures on government of the 1780s Millar set forth a programme for reform of the electorate and the Commons.
According to Millar, the people, up to the Glorious Revolution, were mostly concerned that the spokesmen for their interest were called to make laws and to fix taxes without intervals that lasted too long. In 1641 it was settled that a parliament should be summoned at least once in a period of three years. But as at the revolution the frequency of parliamentary sessions was secured a new concern arose. ‘Public attention’ was drawn to the fact that the representatives of the people often attended their private interests first. Self-interest led M.P.s away from their constituents and into the sphere of influence of the monarch. ‘Before the revolution’, Millar wrote, ‘the nation was jealous of the crown only; after it they became jealous of parliament’. Under William and Mary it was decided that one and the same parliament should sit no longer than for three years. After that period of time new elections must be held. What was settled because of the ‘apprehension’ of the nation was undone by ‘an arbitrary act’ of the Whigs in parliament in 1716. ‘Without ever advising their constituents’ they fixed the duration of parliament on seven years, instead of three. Septennial parliaments would continue to exist until 1911, but the duration of parliament was hotly debated throughout the four decades that Millar lectured and wrote. The three options that were mentioned the most were annual, triennial or septennial parliaments. Millar expressed an anxiety about parliaments that lasted ‘too long’: its members were too far from the people, too close to the crown and too prone to all forms of ‘corruption and bribery’. Parliaments that were ‘too short’, on the other hand, called for frequent elections and the ‘dissipation and corruption of morals’ with which they were usually attended. And that, Millar taught, would harm industriousness. ‘Yet’, Millar has been reported to say, ‘as liberty is better than riches a short parliament ought to prevail’. Better still was ‘a due medium’ which a triennial parliament seemed to afford.

One of the issues Millar discussed in his later lectures on government was the expediency of ‘partial reform’ of what what was called the ‘system of representation’. He warned his students of the mistaken notion of ‘some writers who suppose the ancient balance still to subsist’. No longer, to Millar’s mind, did the Commons, Lords and the crown evenly check and balance each other. That a balance still existed was because the peers lost in weight more or less what the Commons gained.

Three branches of parliament are in some measure reduced to one, and the balance is come to be maintained by the power of the Commons in one scale, and the indirect influence of the executive officer assisted by the house of peers in the other. It may be questioned how far this is an improvement.

Millar answered the question, whether the new equilibrium was better than the old, in the affirmative but under one condition. The fact that the proceedings of parliament were
The History of Authority

sometimes steered by ‘secret influence’ was outweighed by the existence of a vigorous opposition whose authority had increased with that of the Commons as a whole. The balance in parliament was ‘better maintained by the opposition of individuals in one house than the separate interposition of three branches’. But there was always the danger that the executive would pack members of the opposition. With the susceptibility to corruption enhanced, it was easy to ‘manage the people by withdrawing individuals from opposition’. This real threat put an extra weight on the shoulders of the party in opposition which, in Millar’s argument, played a crucial role in the new political set-up. But without reform even the opposition could not be trusted to secure the rights of the people.69

The necessary condition for the new situation to function was that the Commons had to be ‘under control of the nation at large’. There existed several ways to effect popular control. Millar distinguished two impractible manners for tuning the Commons to the common sense of nation. The constituents could either instruct the representatives on each theme of importance, or they punished them after being disappointed. Millar employed Burkean arguments against both ways. Instructions would not work because representatives served not a partial but the general interest. They had to do so independently and that was something punishments were sure to make impossible. Millar’s solution was to let a (preferably triennial) parliament be elected by ‘a great proportion of the people’. In his lectures he made clear what he thought ‘a great proportion’ actually amounted to. Again Millar introduced his suggestion by refuting two proposals which he considered unrealisable. This enabled him to present his own option as mediate, moderate and workable. One proposal was to distribute the right to vote in proportion to property, the other was universal suffrage. The first, Millar thought, would lead to the ‘private sale’ of seats in parliament, the second to a ‘public auction’. Both would result in an aristocracy that would perpetuate corruption.70 Millar’s ‘great proportion of the people’ fell between the well-off few and the rabble.

A medium between the two is perhaps the most proper. That system of representation by which the lowest class of the people are excluded to vote for members of parliament, and which gives this right to the middle rank of men (including substantial tradesmen and the better kind of farmers) in common with the higher ranks would certainly be attended with fewer disadvantages, and be more agreeable to freedom and a popular form of government.71

The reform of representation that Millar propagated extended ‘an equal vote’ to the ‘better sort of commonalty’. A commoner qualified as voter when he commanded ‘as much property as a good labourer can earn by his daily labour—Suppose £20 or £25 a year’. Because the extension of the electorate was combined with the shortening duration of parliament, that is
with a greater frequency of elections, it was all the more important to exclude the ‘dregs of
the people’ from the right to vote: to include them would lead to too many scenes of
idleness, dissipation and intemperance on a national scale. However, Millar did not fear that
those excluded would remain unrepresented. Without giving a reason that has been reported
he assured his students that the interests of the outsiders were included in those of their
betters. ‘If the privilege of voting in elections were brought so low, the voters in the
protection of their own rights would unavoidably protect also the rights of such as were
excluded from the privilege’.\(^72\)

Millar’s idea of ‘equal representation’ was completed by the consideration that the
number of representatives sent by counties should be adjusted to the number of burgesses.
In so doing the relative weight of the boroughs needed to be regauged. After all, quite a few
burgesses were sent by boroughs that were altogether inconsiderable or that had even ceased
to exist, while many towns of great extent were not represented at all.\(^73\)

Finally, Millar insisted on ministerial responsibility. The ministers, as it were,
‘represented’ the king, and were liable for the public misschief that he might cause. Had any
part of the executive seriously overstepped the boundaries of the constitution, then parliament
could decide to dismiss the cabinet. Ministers were much more vulnerable than the monarch.
But the king could still respond by dissembling parliament and calling a new one. This was
a decisive response in the present case of an unreformed electorate and a manageable
parliament. But once those were made history according to Millar’s plan previously spelled
out, the measure was nullified. A new parliament would stand for the people’s interests just
as well as the one just dissembled. The people had the last word, and the ‘spirit of
government established at the Revolution [was] preserved’.\(^74\)

John Millar’s commitment to the public good was unadulteratedly paternalistic. The march
of the people was a historiographic means to strengthen the case of the opposition in the
interest of all. All the measures for reform that Millar suggested were prompted by a concern
for the independence of parliament from executive interference. Little did he worry whether
the Members of Parliament were answerable to the people. The first were supposedly
unimpeachable, the second apparently docile. And when parliamentarians proved to be
corruptible, Millar thought that those lapses of virtue were really the work of the king and
his party. In his eyes his own party expressed the will of the people and was implicitly
indemnified from the complaint of authoritarianism. The people, and later the utilitarians,
saw this differently.
In 1803, 1812 and 1818. The last, numbered edition four, was identical to the 1812 edition, which corrected a few errors from the 1803 edition. Except for the fourth volume the latest edition came out in a German translation between the years 1819 and 1821 under the title Historische Entwicklung der englischen Staatsverfassung. Furthermore, two octavo reprints of the first edition appeared in Dublin in 1787 and 1789. These may have been pirated. Lehmann, Millar, 417-18.

Zachs, The First John Murray. Of the number of copies sold of the reprints of 1787 and 1789 nothing is known.

Millar, View, 2:389.

Millar, View, 1:iii, iv, v.


Millar, View, 1:101-3.

Millar, View, 1:200-1, 207-8, 209-10, 211-16.


Millar, View, 1:221-22, 222-229, 358-60, 369-70.

Millar, View, 1:228, 257, 262, 264, 271, 270.


By concluding that, in ‘early Stuart political thinking, theory often took precedence over history’ Sommerville claims to have removed an obstacle to a good understanding of seventeenth-century thought. ‘[I]t does not demand, as does the orthodox interpretation, that Englishmen suddenly and dramatically abandoned traditional ways of thinking and began philosophizing in the middle years of the century’. Sommerville, ‘History and Theory’, 249, 260, 261. His conclusion burdens the eighteenth century with a reversal of fortune that would seem no less sudden and dramatic.

De Lolme did not lead ‘an anonymous existence in London’ as Leslie Stephen suggests. Stephen mistakes de Lolme’s own account of the troubles he had to go through financing the first English translations of his book and getting paid when it was selling for proof of its impopularity. In fact, to Stephen’s mind the book could never have enjoyed popularity because it contained outdated history instead of sensible philosophy. In characteristic vein Stephen speaks of de Lolme’s lowly contribution to political theory: He ‘seems to leave out of account precisely the great forces which mould all human affairs. Yet he puts into symmetrical shape a set of propositions which long passed current with commonplace thinkers. He expounded the gospel—such as it is—of the fossilised constitutionalists’. But honour where honour is due. Though a belated spokesman for ‘the constitution-mongering creed’ a ‘germ of some useful thoughts may be detected in his crude appeal to experience’. Leslie Stephen, History of English Thought in the Eighteenth Century (London, 1962), 2:177, 178, 238, 181. On de Lolme as ‘a looked-for personality’ in London see Jean-Pierre Machelon, Les idées politiques de J.L. de Lolme (Paris, 1969), 29-30.
Machelon, *de Lolme*, 6-7. The *Constitution de l'Angleterre* appeared in a Dutch translation already in 1772, in a German translation in 1776, in Russian in 1806 and in Spanish in 1812. For an English edition missed by Machelon, and for the numbers of copies printed for several editions in English and in French, see Zachs on Murray (forthcoming). In Britain de Lolme's book cost a third of Millar's *Historical View* in its original format.


24. Ronald Hamowy suggests that Millar had de Lolme in mind when he spoke of a 'distinguished political author' who argued that 'the separation of the judicial power from the king's prerogative [was] one of the great sources of the liberty enjoyed by the subjects of Britain' (Millar, *View*, 1:339). Ronald Hamowy, *The Scottish Enlightenment and the Theory of Spontaneous Order* (Carbondale, 1987), 31-32, 49. There are no good reasons for Hamowy's inference. De Lolme thought that 'judicial authority' was, properly speaking, not a constitutional power. He did hold that it should be kept out of the hands of the executive and the legislative powers. As regards the significance of judicial matters for the English sense of freedom, de Lolme singled out trial by jury and *habeas corpus*. 'The great sources of the liberty enjoyed by the subjects of Britain', as far as de Lolme was concerned, were the unity of the executive power, the division of the legislative power, and the limited share of 'the people' in actually proposing laws. de Lolme, *Constitution of England*, 154, 161-62, 182, 187, 188, 195, 218, 229, 255-56.


30. Millar, *View*, 2:72, 75-77, 80, 81.


The History of Authority

64. Millar, View, 4:198, 199, 200-1.
68. GUL MS Gen 180, 519.
69. GUL MS Gen 180, 514-19, 544-45.
70. GUL MS Hamilton 117, 409-10. GUL MS Gen 291, 15-18.
71. GUL MS Gen 179, 374.
72. GUL MS Gen 291, 18. GUL MS Gen 180, 523.
73. GUL MS Gen 291, 14. GUL MS Gen 179, 411, 421.
74. GUL MS Gen 180, 553.