

Key question

What kind of politician was Wolsey and how did he manage the government?

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Introduction

Wolsey was Henry VIII's chief minister for 15 years and historians have been generally disappointed by how little he achieved in domestic affairs. The orthodox interpretation has been that he devoted most of his attention to foreign affairs, to establishing and maintaining his personal power and to increasing his income. The implication has been that he should have been reforming and modernising the way the realm was governed, as Thomas Cromwell was to do (see pages 154–60). But perhaps this expectation reveals an anachronistic attitude towards the purposes of government in early sixteenth-century England. Although leading **humanists** throughout western Europe were arguing the case for radical changes in both the aims and the methods of government, the vast majority of leading figures in public life expected very little of the royal government. They wished it to keep things much as they were (a widespread belief in 'progress' was still several centuries in the future), and to maintain law and order if it were threatened by major public disorders. But they did not wish it to interfere in the normal course of events more than was absolutely necessary. There was little contemporary disappointment that Wolsey did not do more.

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What reforms of the legal system did Wolsey undertake?

Legal reforms

Yet, minimal as was Wolsey's input into improving the state of England, it would be incorrect to suggest that he contributed nothing. A case could be made that he seriously attempted to bring greater justice to the English legal system. The issue was the balance of influence between two systems of law.

Common law

The common law was the system that had enjoyed a dominant position in England since before the **Norman Conquest**. Civil (or equity) law was the system derived from the practices of the Roman Empire. It was in vogue in most of southern Europe, and was used in the courts in England that were based on the king's person (especially the king's council when it acted as a court of law).

Civil law

Civil law was much favoured by the forward-looking elements in English society because it placed an emphasis on natural justice in decision making, rather than on precedent (what had been done before), which was the basic approach of the common law. It was felt in advanced circles that, although the common law protected **litigants** from partiality on the part of the judges by forcing them to reveal the reasoning, based on past practice, for their judgements, it did lead to some unjust verdicts where the party in the wrong could win a case on a technicality.

Key terms

Humanists

Scholars who question the belief systems of the Church and who embrace free-thinking, culture and education.

Norman Conquest

Conquest of England after 1066 by Duke William of Normandy.

Litigants

People who take their disputes to court.

Head of the secular legal system

As lord chancellor, Wolsey was the head of the country's secular legal system and was directly responsible both for the legal work of the king's council and for the courts that had originated from it, such as **Star Chamber and Chancery**. He devoted a considerable amount of time and attention to this aspect of his responsibilities, hearing many cases himself and often taking care to make public the reasons for his decisions. However, it is clear that he was unscrupulous in using the system to further his own interests, especially by overturning common law decisions that adversely affected him and by using the law to harry those against whom he had a grudge.

The most frequently quoted example of this, although doubt has been cast on its authenticity, is his treatment of Sir Amyas Paulet. Sir Amyas had incurred his passionate hatred by treating him with contempt (including having him put in the stocks) when he entered his first benefice as an arrogant and overbearing young man who many thought deserved to be cut down to size. When, more than a decade later, Wolsey became lord chancellor, he was swift to exact a spiteful revenge. He summoned his enemy to appear before him, and kept him waiting in daily attendance for more than five years under threat of the confiscation of all his property for contempt of court if he left London without permission. Wolsey used him as a very public reminder of what would happen to those who caused him offence, and as living proof that his memory was as long as it needed to be.

Yet personal satisfaction was certainly not his only motive in his legal work. He seems genuinely to have desired to see justice better served in the land, both by advancing civil law at the expense of common law and by ensuring that the courts for which he was directly responsible were accessible to the poor and the weak. This group stood little chance of maintaining their rights against the rich and the strong in the common law courts, where the ability to pay large legal fees was normally an essential component of success. Thus he took pleasure in calling cases into one of his own courts when he learnt that a common law verdict had gone against what he considered to be natural justice, and he ensured that, especially in Star Chamber, cases in which restitution was being sought from the strong (except himself) were given an early hearing. He took most opportunities to try to convince the legal profession of the advantages of civil over common law. John Stow later commented that 'It was a strange matter to see, a man not trained up in the laws, to sit in the seat of judgement, to pronounce the law'. Given his lack of training in canon and civil law, it is perhaps significant that many historians believe that Wolsey's impact on the legal system constituted, in many ways, his most enduring achievement.

Self-interest

However, it must be admitted that Wolsey was much less determined in the pursuit of justice for all than he was in furthering his own interests and that his interventions in cases

Star Chamber and Chancery

Royal courts.

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Eltham Ordinance:
1526

probably caused more chaos than they did good. He attempted no institutional changes that would have ensured that his approach was continued once he was no longer available to champion them, and he was quick to abandon his support of the weak whenever matters that affected him personally demanded his attention. Wolsey's modern biographer Peter Gwyn laid great stress on the action he took against those who enclosed common land for personal profit, but, on balance, the evidence suggests that his approach was piecemeal and that he showed no determination to tackle the issue as a whole.

The case in favour of Wolsey is also weakened by the alternative interpretations that can be put on many of his actions in this area. It can quite reasonably be maintained that his championing of the poor against the rich was merely a part of the vendetta against the nobility and gentry which he conducted against them as classes because he had so frequently been treated with contempt as a common and lowborn person by members of the social élites. It is perhaps significant that the one aspect of legal affairs that he conducted with consistent determination was the prosecution of members of the nobility for breaches of the laws against maintenance and affrays. Although this was a vital part of any policy of upholding law and order, it also smacked of a strong desire to get even with those who thought of themselves as being his social superiors.

Financial management

It has sometimes been suggested that Wolsey's attempts to reform the king's privy chamber show that he sought to make permanent improvements in the system of government he inherited. However, to suggest that Wolsey's interest in finance was confined to the king's household is unfair. In the opinion of John Guy, 'in the mainstream of finance Wolsey made a permanent contribution to government'. Guy believes that Wolsey invented a more efficient system: 'the Tudor Subsidy'.

Eltham Ordinances and the reform of the king's privy chamber

Particular attention has been paid to the Eltham Ordinances of 1526 which were aimed at regularising the chaotic finances of the privy chamber and which attempted to ensure more effective administration in the king's household. But a close examination of the circumstances leading up to the formulation of the ordinances, and of the way in which they were quickly allowed to lapse in all important respects, suggests that Wolsey's motives had little to do with more efficient administration and greater financial accountability.

His prime concern was to reduce the scope that others had for influencing the king, and to increase the control that he could exercise over all aspects of government. The drive for greater efficiency was seen by all concerned to be no more than a ruse designed to make it appear that another piece of power seeking was an initiative designed to further the public interest. Once

number and
rights.
Key term

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Eltham Ordinances:
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Wolsey had gained as much control as he could over the selection of the gentlemen who were to wait upon the king, the plans for an overhaul of the administrative procedures of the Privy Council were conveniently forgotten. Some historians argue that Wolsey had shown that his domestic policies went little further than attempting to extend or consolidate his own position. Arguably it has been suggested that any idea of public service was largely foreign to him.

The 'general proscription' and subsidy

In 1522 Wolsey organised a national survey, the so-called 'general proscription', to assess the population's taxable wealth. Armed with the information provided he was able to levy some £200,000 by two forced loans in 1522–3. But still more was needed, and it became apparent that adequate finance required a parliament. In April 1523 Wolsey sought a much larger grant from the Commons than ever before – a subsidy to be levied at the rate of 4s. in the pound on property as it had been reassessed a year earlier, to bring in perhaps £800,000. In reality it brought in around £300,000 so Wolsey sought to make up the shortfall by taxing the Church, which brought in nearly £250,000. It is to Wolsey's credit that for the first time since 1334 the Crown was raising more realistic taxation.

The general proscription: 1522

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Fleet Prison
A prison in London used by the Crown to imprison criminal gentry nobles.

Relations with parliament

Wolsey has often been criticised for his attitude towards parliament. In particular he has been accused of attempting to dispense with its services altogether. This is an essentially accurate diagnosis of the situation, as during his period in power only two parliaments were summoned. This was in stark contrast to the situation in the generations to either side of him, when parliament met for at least a short session in many years. But Wolsey made no secret of his dislike of an institution which almost seemed to be designed to stir up trouble for the government, and whose members appeared never to understand that their prime function was to carry out the king's wishes.

Key question

How well did Wolsey manage parliament?

After a bad experience in 1515, he only acted against his better judgement and allowed a parliament to be summoned in 1523 because it was obvious to him that there was no other way of raising the large sum of money that Henry needed to implement his forward policy in Europe. If he could have found some way of avoiding the necessity he would have done so, but his subsequent experience with the Amicable Grant (see page 59) confirmed that a vote from parliament was the only practical way of securing the additional funds required to pay for a large army.

Relations with the nobility

Wolsey knew that control of the nobility was essential for efficient and effective government. The Crown depended on the authority they possessed and Wolsey made it his duty to ensure that noble power, particularly in the localities, was used in the service of the king. Under Henry VII the nobility had been strictly controlled,

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How well did Wolsey get on with the nobility?

but this had been relaxed in the period following his death. Wolsey's first use of his authority as chancellor was therefore to announce a stricter monitoring of noble behaviour.

In 1516 Wolsey attended a meeting of Star Chamber in which he took the opportunity to announce what he termed the new law of Star Chamber. This stated that those responsible for administering justice and governing the localities, be they nobleman or gentleman, should not see themselves as being above the law. And as if to emphasise the point, on that same day the Earl of Northumberland was summoned into court for contempt of the council's jurisdiction and was subsequently committed to **Fleet Prison**. Wolsey was making plain his intention to develop a system of centralised royal authority.

This led some to question Wolsey's motives while others accused him of being a tyrant protected only by the trust and influence of the king. There is some truth in these charges, for example, when Thomas Lucas, formerly Henry VII's solicitor-general, slandered the chancellor he was sent to the Tower without trial. The chancellor incurred the wrath of the Dukes of Norfolk and Suffolk by bypassing the former after he became treasurer in 1522 and in criticising the latter's command of the French expedition of 1523. Indeed, there is evidence to show that Wolsey also attempted to interfere in the marriage arrangements of the aristocracy, something they bitterly resented. Amid simmering noble discontent shadowy rumours of a plot against Wolsey circulated. The most spectacular clash between Wolsey and a nobleman was that involving the Duke of Buckingham. According to Sybil M. Jack, Buckingham was no friend to Wolsey and:

The duke's royal blood, touchy personality, and penchant for wild talk were all likely to bring him under suspicion, even before it emerged that he had been speculating about what might happen should the king die.

The duke was warned to conduct himself more discreetly, but he failed to do so. Buckingham was summoned to London in April 1521, charged and convicted of treason, and executed the following month. Foreign ambassadors reported that Buckingham lost his head because he 'murmured against the chancellor's doings'.

On the other hand, there is no clear evidence that Wolsey, any more than the king, was hostile to the nobility. In fact, the Earl of Worcester considered the chancellor to be a good friend. In general terms Wolsey's policy towards the powerful can be described as one of offering carrots as well as sticks. By holding out the prospect of desirable appointments he hoped to encourage them to become his clients. In the final analysis, the fact remains that as long as Wolsey had the king's backing most nobles worked well enough with him, and some of them accepted his authority.

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Fleet Prison

A prison in London used by the Crown to imprison criminal gentry and nobles.

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Wolsey's
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