Constitutionalism in Western Europe, c. 1600-c. 1725

**Constitutionalism:** Government power is limited by law. There is a delicate balance between the power of government and the rights and liberties of individuals.

I. English society in the 17th century
   A. Capitalism played a major role in the high degree of social mobility.
      1. The Commercial Revolution significantly increased the size of the English middle-class.
      2. Improved agricultural techniques improved farming and husbandry.
      3. The size of the middle-class became proportionately larger than any country in Europe, with the exception of the Netherlands.
   B. Gentry
      2. Many of the gentry had been commercially successful and had moved up from the middle-class into the upper-class.
      3. They relied heavily on legal precedent to limit the power of the king on economic and political matters.
      4. They were willing to pay taxes so long as the House of Commons had a say in national expenditures.
         a. Unlike France, there was no stigma to paying taxes in England. Since the tax burden was more equitable in England, the peasantry was not as heavily exploited.
         b. The issue of taxation brought the House of Commons and the monarchy into direct conflict.
   C. Religion
      1. Calvinists comprised perhaps the largest percentage of the population by the early 17th century while the Anglican Church lost ground.
      2. Puritans (the most reform-minded of the Calvinists) sought to “purify” the Church of England by removing many of its Catholic elements.
         • James I and his son, Charles I, seemed sympathetic to Catholicism.
      3. The “Protestant work ethic” profoundly impacted members of the middle-class and gentry.
II. Problems facing English monarchs in the 17th century
   A. The Stuarts ruled England for most of the 17th century.
      1. Although they exhibited absolutist tendencies, they were
         restrained by the growth of Parliament.
         a. They lacked the political astuteness of Elizabeth I.
         b. James I (1603-1625): first of the Stuart kings—struggled
            with Parliament
         c. Charles I (1625-1629): twice suspended Parliament;
            beheaded during the English Civil War
         d. Charles II (1660 -1685): restored to the throne but with
            the consent of Parliament
         e. James II (1685-1688): exiled to France during the
            “Glorious Revolution”
   B. Two major issues prior to the Civil War:
      1. Could the king govern without the consent of Parliament or
         go against the wishes of Parliament?
      2. Would the form of the Anglican Church follow the established
         hierarchical episcopal form or acquire a presbyterian form?
         a. Episcopal form: the king, Archbishop of Canterbury, and
            bishops of the church determined church doctrine and
            practices (used in England)
         b. Presbyterian form: allowed more freedom of conscience
            and dissent among church members (used in Scotland)

III. James I (r. 1603-1625)
   A. Background
      1. Elizabeth I left no heir to the throne when she died in 1603.
      2. James VI of Scotland was next in line to assume the throne;
         thus, England got a Scottish king.
   B. James believed in “divine right” of kings
      1. Claimed “No bishop; no king” in response to Calvinists who
         wanted to eliminate system of bishops in the Church of
         England.
      2. Firm believer in absolutism (such as that seen by his
         contemporaries in France, Henry IV and later, Louis XIII)
   C. He twice dissolved Parliament over issues of taxation and
      parliamentary demands for free speech.
      1. Elizabeth I had left behind a large debt.
      2. A series of wars (including the Thirty Years’ War) were costly
         and required large gov’t revenues.
      3. James unwisely flaunted his wealth (not to mention his male
         lovers) and thus damaged the prestige of the monarchy.

IV. Charles I (r. 1625-1649)
   A. Background
      1. Son of James I
      2. Like James, he claimed “divine right” theory of absolute
         authority for himself as king and sought to rule without
         Parliament.
      3. He also sought to control the Church of England.
B. **Tax issues pitted Charles I against Parliament.**
   1. Charles needed money to fight wars.
   2. To save money, soldiers were quartered in English homes during wartime (this was very unpopular).
   3. Some English nobles were arrested for refusing to lend money to the government.
   4. By 1628, both houses of Parliament were firmly opposed to the king.

C. **Petition of Right** (1628)
   1. Parliament attempted to encourage the king to grant basic legal rights in return for granting tax increases.
   2. Provisions:
      a. Only Parliament had right to levy taxes, gifts, loans, or contributions.
      b. No one should be imprisoned or detained without due process of law.
      c. All had the right to *habeas corpus* (trial).
      d. No forced quartering of soldiers in homes of private citizens would be allowed.
      e. Martial law could not be declared in peacetime.

D. **Charles dissolved Parliament in 1629.**
   1. Parliament continued to refuse increased taxation without its consent.
   2. Parliament also had demanded that any movement of the gov’t toward Catholicism and Arminianism (rejection of Church authority based on “liberty of conscience”) be treated as treason.
   3. **Charles’ rule without Parliament between 1629 and 1640** became known as the “Thorough.”
      a. In effect, Charles ruled as an absolute monarch during these 11 years.
      b. He raised money using medieval forms of forced taxation (those with a certain amount of wealth were obligated to pay).
      c. “Ship money”: All counties were now required to pay to outfit ships where before only coastal communities had paid.
      d. Religious persecution of Puritans became the biggest reason for the English Civil War.

E. The **“Short Parliament”**, 1640
   1. A Scottish military revolt in 1639-40 occurred when Charles attempted to impose the English *Common Book of Prayer* on the Scottish Presbyterian church.
      • The Scots remained loyal to the Crown despite the revolt over religious doctrine.
   2. Charles I needed new taxes to fight the war against Scotland.
   3. Parliament was re-convened in 1640 but refused to grant Charles his new taxes if he did not accept the rights outlined in the Petition of Right and grant church reforms.
4. Charles disbanded Parliament after only a month.

F. **“Long Parliament”** (1640-1648)
   1. Desperate for money after the Scottish invasion of northern England in 1640, Charles finally agreed to certain demands by Parliament.
      a. Parliament could not be dissolved without its own consent.
      b. Parliament had to meet a minimum of once every three years.
      c. “Ship money” was abolished.
      d. The leaders of the persecution of Puritans were to be tried and executed (including Archbishop Laud).
      e. The Star Chamber (still used to suppress nobles) was abolished.
      f. Common law courts were supreme to the king’s courts.
      g. It refused funds to raise an army to defeat the Irish revolt.
   2. The Puritans came to represent the majority in Parliament against the king’s Anglican supporters.

V. The **English Civil War**
   A. Immediate cause
      1. Charles tried to arrest several Puritan members of Parliament (MP’s) but a crowd of 4,000 came to Parliament’s defense.
         • An Irish rebellion had broken out and Parliament was not willing to give the king an army.
      2. In March 1642 Charles declared war against his opponents in Parliament.
      3. Civil war resulted:
         a. **Cavaliers** supported the king.
            • Clergy and supporters of the Anglican Church
            • Majority of the old gentry (nobility); north and west
            • Eventually, Irish Catholics (who feared Puritanism more than Anglicanism)
         b. **Roundheads** (Calvinists) opposed the king.
            • Consisted largely of Puritans (Congregationalists) and Presbyterians (who favored the Scottish church organization)
            • Allied with Scotland (in return for guarantees that Presbyterianism would be imposed on England after the war)
            • Supported by Presbyterian-dominated London
            • Comprised a majority of businessmen
            • Included some nobles in the south and east
            • Had the support of the navy and the merchant marine
B. **Oliver Cromwell**, a fiercely Puritan **Independent** and military leader of the Roundheads, eventually led his **New Model Army** to victory in 1649.

1. Charles surrendered himself to the Scots in 1646 and convinced them to invade England to restore him to the throne.
2. A division between Puritans and Presbyterians (and non-Puritans) developed late in the war.
3. Parliament ordered the army to disband; Cromwell refused.
   - Cromwell successfully thwarted a Scottish invasion (Charles I had promised Scotland a Presbyterian system if they would help defeat Cromwell).
4. **Pride’s Purge**, 1648
   a. Parliament debated whether or not to restore Charles to the throne.
   b. In response, elements of the New Model Army (without Cromwell’s knowledge) removed all non-Puritans and Presbyterians from Parliament leaving a “**Rump Parliament**” with only 1/5 of members remaining.
   c. The “Rump” then received orders to try Charles for treason.
5. **Charles I was beheaded in 1649**
   a. This effectively ended the civil war.
   b. He was the first king in European history to be executed by his own subjects.

D. New sects emerged during the Civil War.

1. Levellers: Radical religious revolutionaries; sought social & political reforms—a more egalitarian society
2. Diggers: denied Parliament’s authority and rejected private ownership of land
3. Quakers
   a. Believed in an “inner light,” a divine spark that existed in each person
   b. Rejected church authority
   c. Pacifists
   d. **Allowed women to play a role in preaching**

VI. The Interregnum under Oliver Cromwell

A. **The Interregnum**: 1649-1660 – rule without a king

1. The Commonwealth (1649-1653): a republic that abolished the monarchy and the House of Lords
   a. In reality, England became a military state with an army of 44,000 (the best in Europe).
   b. Scottish Presbyterians, who opposed Puritan rule, proclaimed Charles II as the new king and Cromwell once again defeated a Scottish invasion.
2. **The Protectorate** (1653-1659), Oliver Cromwell declared himself Lord Protector (in effect, a Puritan dictatorship was created).
   a. He dissolved the “Rump Parliament” in 1653 after a series of disputes.
   b. England was divided into 12 districts, each under the
control of a military general.
c. He denied religious freedom to Anglicans and Catholics.
d. He allowed Jews to return to England in 1655 (Jews had not been allowed since 1290).

B. Cromwell’s military campaigns
1. In 1649, Cromwell invaded Ireland to quell an Irish uprising.
   • Act of Settlement (1652): The land from 2/3 of Catholic property owners was given to Protestant English colonists.
2. Cromwell conquered Scotland in 1651-52.

C. The Puritan-controlled gov’t sought to regulate the moral life of England by commanding that people follow strict moral codes that were enforced by the army.
1. The press was heavily censored, sports were prohibited, theaters were closed.
2. This seriously alienated many English people from Cromwell’s military rule.

D. Cromwell died in 1658 and his son, Richard, was ineffective as his successor.
   • The Stuarts under Charles II were restored to the throne in 1660.

VII. The Restoration under Charles II and James II
A. A Cavalier Parliament restored Charles II (r. 1660-1685) to the throne in 1660.
1. While in exile, Charles had agreed to abide by Parliament’s decisions in the post-war settlement.
2. Parliament was stronger in relation to the king than ever before in England.
   • The king’s power was not absolute.
3. Charles agreed to a significant degree of religious toleration, especially for Catholics to whom he was partial.
4. He was known as the “Merry Monarch” for his affable personality.

B. Development of political parties
1. Whigs
   a. Initially, they were anti-Catholic and opposed to James II (a Catholic) from inheriting the throne.
   b. Later, they were composed of the wealthy middle-class and Puritans who favored Parliament and religious toleration.
   c. They were more liberal in the classical sense.
2. Tories
   a. Initially, they supported James II as king.
   b. They were composed of nobles, gentry, and Anglicans who supported the monarchy over Parliament.
   c. Essentially conservative
C. The **Clarendon Code**
   1. Instituted in 1661 by monarchists and Anglicans who sought to drive all Puritans out of both political and religious life
   2. **Test Act of 1673** excluded those unwilling to receive the sacrament of the Church of England from voting, holding office, preaching, teaching, attending universities, or assembling for meetings.

D. Charles seemed to support Catholicism and drew criticism from Whigs in Parliament.
   1. He granted freedom of worship to Catholics.
   2. He made a deal with Louis XIV in 1670 whereby France would give England money each year in exchange for Charles relaxing restrictions on Catholics.
   3. Charles dissolved Parliament when it passed a law denying royal succession to Catholics (Charles’ brother, James, was Catholic)
   4. He declared himself a Catholic on his deathbed.

E. Parliament passed the **Habeas Corpus Act** in 1679.
   1. The Whig Parliament sought to limit Charles’ power.
   2. Provisions:
      a. Enabled judges to demand that prisoners be in court during their trials
      b. Required just cause for continued imprisonment
      c. Provided for speedy trials
      d. Forbade *double jeopardy* (being charged for a crime of which one had already been acquitted)

F. Charles took control of Scotland
   1. Scotland had again gained its independence when Charles II assumed the throne in 1660.
   2. Charles reneged on his 1651 pledge that acknowledged Presbyterianism in Scotland and in 1661 declared himself the head of the Church of Scotland.
      - He sought to impose the episcopal form of church hierarchy in Scotland, similar to the Anglican Church.
   3. Thousands were killed in Scotland for resisting Charles’ dictatorship.
      - The last few years of Charles’ reign in Scotland was known as the “Killing Time.”

G. **James II** (r. 1685-88)
   1. He inherited the throne at age 55 from his brother, Charles II.
   2. He sought to return England to Catholicism.
      - He appointed many Catholics to high positions in gov’t and in colleges.
VIII. The “Glorious Revolution,” 1688

A. The Glorious Revolution of 1688-89 was the final act in the struggle for political sovereignty in England.
   1. Parliament was not willing to sacrifice constitutional gains of the English Civil War and return to absolute monarchy.
   2. Two issues in particular drove Parliament to action:
      a. James’ reissue of the Declaration of Indulgence (granting freedom of worship to Catholics) and his demand that the declaration be read in the Anglican Church on two successive Sundays
      b. Birth of a Catholic heir to the English throne in 1688

B. James II was forced to abdicate his throne.
   1. James’ daughters, Mary and Anne, were Protestants.
   2. Parliament invited Mary’s husband, the Dutch stadholder William of Orange, to assume the throne.
      • William agreed only if he had popular support in England and could have his Dutch troops accompany him.
      • William thus prepared to invade England from Holland.
   3. In late 1688, James fled to France after his offers for concessions to Parliament were refused.
   4. William III and Mary II were declared joint sovereigns by Parliament.

B. The Bill of Rights (1689)
   1. William and Mary accepted what became known as the “Bill of Rights.”
   2. England became a constitutional monarchy.
      a. The Bill of rights established parliamentary sovereignty.
      b. This became the hallmark for constitutionalism in Europe.
      c. The Petition of Right (1628), Habeas Corpus Act (1679), and the Bill of Rights (1689) are all part of the English Constitution.
      a. The monarch could not be Roman Catholic.
      b. Laws could be made only with the consent of Parliament.
      c. Parliament had right of free speech.
      d. A standing army in peace time was not legal without Parliamentary approval.
      e. Taxation was illegal without Parliamentary approval.
      f. Excessive bail and cruel and unusual punishments were prohibited.
      g. The right to trial by jury, due process of law, and reasonable bail were guaranteed.
      h. People had the right to bear arms (Protestants but not Catholics).
      i. It provided for free elections to Parliament and it could be dissolved only by its own consent.
      j. People had the right of petition.
   4. The “Glorious Revolution” did not amount to a democratic revolution.
      a. Power remained largely in the hands of the nobility and
b. Parliament essentially represented the upper classes.
c. The majority of English people did not have a say in political affairs.
d. The most notable defense of the “Glorious Revolution” came from political philosopher John Locke in his *Second Treatise of Civil Government* (1690).
   - He stated that the people create a government to protect their “natural rights” of life, liberty and property.

C. **Toleration Act of 1689**
   1. It granted the right to worship for Protestant non-conformists (e.g., Puritans and Quakers) although they could not hold office.
   2. It did not extend religious liberties to Catholics, Jews or Unitarians (although they were largely left alone).

D. **Act of Settlement**, 1701
   1. If King William, or his sister-in-law, Anne, died without children, the Crown would pass to the granddaughter of James I, the Hanoverian electress dowager, or to her Protestant heirs.
   2. The Stuarts were no longer in the line of succession.
   3. **When Anne died in 1714, her Hanoverian heir assumed the throne as George I.**

E. **Act of Union**, 1707
   1. It united England and Scotland into **Great Britain**.
   2. Why would Scotland agree to give up its independence?
      a. The Scots desperately desired access to England’s trade empire and believed that it would continue to fall behind if it did not enter into a union.
      b. Scottish Presbyterians feared that the Stuarts (who were now staunchly Catholic) might attempt to return to the throne in Scotland.
   3. Within a few decades, Scotland transformed into a modern society with dynamic economic and intellectual growth.

IX. The **Cabinet system** in the 18th century

A. Structure:
   1. Leading ministers, who were members of the House of Commons and had the support of the majority of its members, made common policy and conducted the business of the country.
   2. The **Prime Minister**, a member of the majority, was the leader of the government.

B. **Robert Walpole** is viewed as the first Prime Minister in British history (although the title of Prime Minister was not yet official).
   1. He led the cabinet from 1721-1742.
   2. This established the precedent that the cabinet was responsible to the House of Commons.
C. The early Hanoverian Kings
   1. George I (1714-1727), the first of the Hanoverian kings, regularly presided at cabinet meetings.
   2. George II (1727-1760) discontinued the practice of meeting with the cabinet.
   3. Neither king spoke English fluently and seemed more concerned with their territory in Hanover.
      • Decision making by the crown declined as a result.

X. The **Dutch Republic (Netherlands)**
   A. The first half of the 17th century was the “golden age” of the Netherlands.

   B. It developed an oligarchy of urban gentry and rural landholders to promote trade and to protect traditional rights.
      1. The government was dominated by the bourgeoisie whose wealth and power limited the power of the state.
      2. Government was run by representative institutions

   C. The government consisted of an organized confederation of seven provinces, each with representative gov’t
      1. Each province sent a representative to the Estates General.
      2. Holland and Zeeland were the two richest and influential provinces
      3. Each province and city was autonomous (self-governing)
      4. Each province elected a **stadholder** (governor) and military leader.
      5. During times of crisis, all seven provinces would elect the same stadholder, usually from the House of Orange.

   D. The Dutch Republic was characterized by religious toleration.
      1. Calvinism was the dominant religion but was split between the **Dutch Reformed** (who were the majority and the most powerful) and **Arminian** factions.
         a. Arminianism: Calvinism without the belief in predestination
         b. Arminians enjoyed full rights after 1632.
         c. They consisted of much of the merchant class.
      2. Catholics and Jews also enjoyed religious toleration but had fewer rights.
      3. Religious toleration enabled the Netherlands to foster a cosmopolitan society that promoted trade.

   E. The Netherlands became the greatest mercantile nation of the 17th century.
      1. Innovations in banking and finance promoted the growth of urban financial centers and a money economy.
      2. **Amsterdam** became the banking and commercial center of Europe.
         a. It replaced Antwerp that had dominated in the late-16th century.
         b. It was the richest city in Europe with a population of over 100,000 people.
c. The Bank of Amsterdam (founded in 1609)
   • First central bank in European history
   • Offered far lower interest rates than English banks; this was the major reason for its banking dominance.

3. It had to rely on commerce since it had few natural resources at its disposal.
   a. The Dutch had the largest fleet in the world dedicated to trade.
   b. They had several outstanding ports that became a hub of European trade.

4. It lacked government controls and monopolies that interfered with free enterprise.

5. Fishing was the cornerstone of the Dutch economy.

6. Major industries included textiles, furniture, fine woolen goods, sugar refining, tobacco cutting, brewing, pottery, glass, printing, paper making, weapons manufacturing and ship building.

7. The Dutch East India Company and Dutch West India Company were organized as cooperative ventures of private enterprise and the state.
   a. The DEIC challenged the Portuguese in Indonesia, India, Sri Lanka, South Africa, Sri Lanka.
   b. DWIC traded extensively with Latin American and Africa.
   c. By 1700, the Dutch dominated the spice trade in Indonesia and other parts of Asia.

F. Foreign policy
1. Dutch participation against the Habsburgs in the Thirty Years’ War led to its recognition as an independent country, free from Spanish influence.
3. War with England and France in the 1670s damaged the Dutch Republic.
   • Dikes in Holland were opened in 1672 (during the Dutch War) and much of the region was flooded in order to prevent the French army from taking Amsterdam.
4. By the end of the War of the Spanish Succession in 1713, the Dutch Republic saw a significant economic decline.
   • Britain and France were now the two dominant powers in the Atlantic trade.

G. The Dutch Style: Painting in the Dutch Republic
1. A human-centered naturalism that considered individuals and everyday life appropriate objects of artistic representation was encouraged through the patronage of both princes and commercial elites.
2. Artistic movements also reflected the outlook and values of commercial and bourgeoisie society.
3. Characteristics
   a. It did not share the Baroque style of trying to overwhelm the viewer.
b. It reflected the Dutch Republic’s wealth and religious toleration of secular subjects.
c. It reflected the urban and rural settings of Dutch life during the “Golden Age of the Netherlands.”
d. Many works were commissioned by merchants or government organizations.

4. **Rembrandt van Rijn** (1606-1669), painter
   a. He was perhaps the greatest of all Baroque-era artists although he doesn’t fit neatly into any one category.
   b. His scenes covered an enormous range throughout his long career.
   c. He used extremes of light and dark in the Baroque style: tenebrism.
   d. His works were far more intimate and psychological than typical Baroque works.
   e. He painted with the restraint of the classicist style.

5. **Jan Vermeer** (1632-1675)
   a. His paintings specialized in simple domestic interior scenes of ordinary people.
   b. Like Rembrandt, he was a master in the use of light.

6. **Frans Hals** (1580-1666)
   - He painted portraits of middle-class people and militia companies.
Terms to Know

- constitutionalism
- gentry
- House of Commons
- Stuart dynasty
- James I
- Charles I
- Petition of Right, 1628
- “Short Parliament”
- “Long Parliament”
- English Civil War
- Cavaliers
- Roundheads
- Oliver Cromwell
- Independent
- New Model Army
- Pride’s Purge
- “Rump” Parliament
- Quakers
- Interregnum
- Protectorate
- Restoration
- Charles II
- Clarendon Code
- Test Act, 1673
- Habeas Corpus Act, 1679
- James II
- “Glorious Revolution”
- William and Mary
- Bill of Rights
- constitutional monarchy
- parliamentary sovereignty
- John Locke, Second Treatise of Civil Government (1690)
- Toleration Act, 1689
- Act of Settlement, 1701
- Act of Union, 1707
- Great Britain
- Cabinet system
- Prime Minister
- Robert Walpole
- Dutch Republic (Netherlands)
- stadholder
- Dutch Reformed church
- Arminianism
- Amsterdam
- Dutch East India Co.
- Dutch Style
- Rembrandt
- Vermeer
- Hals

Essay Questions

Note: This sub-unit is a high probability area for the AP exam. In the past 10 years, 7 questions have come wholly or in part from the material in this chapter. Below are some practice questions that will help you study the topics that have appeared on previous exams.

1. Analyze the development of constitutionalism in England during the 17th century.

2. To what extent were the Puritans successful in achieving their goals in England between 1642 and 1660?


4. Analyze factors that led to the rise of the Dutch Republic and its commercial success in the 17th century.
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