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Absolutism, jurisdictional uniformity and societal reformation

Abstract: During the early modern period states tended to abolish internal borders while creating stronger external borders. This jurisdictional uniformity and exclusivity was not simply an end in itself, but a solution to problems of government that were claimed to have a moral content: regulation of poverty, defence of social order, the preservation of civil society, defence of the true religion. Jurisdictional reform was a means to societal reformation, not just a project of centralisation or bureaucratic efficiency. Reformative ambitions were undertaken not only at royal or central initiative but were often promoted by projectors—non-governmental actors seeking access to political power for some initiative of their own devising. I do not make a strong distinction between this process in relation to internal reform on the one hand and colonisation on the other. There are distinctions to be made there, but I emphasise the similarities between such projects in England, Scotland, Ireland and North America rather than the difference between state and imperial projects.

To some extent the analysis here is timeless: I argue that political power is defined by the use of legitimate force and is also territorially defined. The limits of a jurisdiction are therefore always also the limits of a particular form of legitimation, and internal boundaries always a potential threat to such schemes of legitimation. When projectors successfully deployed political power in some new space they were extending a pattern of legitimation, not simply adding territory. The paper however ends with some speculation about whether these relationships are of varying historical significance—why boundaries might acquire greater moral significance at some times and in some places.

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It is a commonplace of early modern history that the period between 1500 and 1800 saw the creation of states that removed internal jurisdictional borders, while creating more strongly marked external borders. These states (I'll call them absolutist for the sake of brevity although it's a controversial term), also established empires. Each colony had its own jurisdictional uniformity, but also a distinctiveness from other colonial entities and the metropolis. In other words, jurisdictional rationalisation was everywhere associated with the creation as well as the destruction of borders, and the destruction of borders was equally an exercise of power which was potentially threatening. The coincidence of these processes with the increasingly regularised use of passports speaks to the everyday experience of these borders: in the English case they have a fourteenth century origin, but more regular oversight from the mid sixteenth century onwards.

In the classic historical-sociological analyses these jurisdictional innovations were driven from political centres: state-building. What motivated state-building varies according to the model, but in most accounts jurisdictional uniformity is seen as essential in allowing efficient expression of the power of the political centre: extraction of resources in particular.   Much recent work,

however, has emphasised how such initiatives were often driven from the peripheries, by local elites anxious to gain access to the power of centrally-co-ordinated political institutions. Such projects of state formation, or state-building from below, did not pursue jurisdictional uniformity as an end in itself, but as a solution to problems of government that were claimed to have a moral content. Jurisdictional reform was a means to societal reformation, not just a project of centralisation or bureaucratic efficiency.

Projectors—non-governmental actors—were often very active in promoting these innovations and used a range of legitimating arguments to build support. The effect though is that taking down internal borders and hardening external borders, was in part a moral project, not simply a product of competition for resources.

There are strong parallels and some conceptual connections between the operation of schemes of internal reform and colonisation. There are distinctions to be made of course, but there are strong similarities between projects in England, Scotland, Ireland and North America and between what we might want to say are state rather than imperial projects. My essential claim is that jurisdictional innovations created new external boundaries marking out the space of a moral project: this is as true of plantations in Ireland and colonial situations as of the abolition of special jurisdictions within England and Scotland, the clearing of which was intended to cultivate civility.

There is a consensus that the growth of state in early modern England did not require a triumph of centre over locality, but rather resulted from the active engagement with central power by local elites. An old world of large noble households exercising lordship and dominating the regions, if it ever existed, was passing by the end of the 16th century. Instead an emerging 'middling sort', the product of social differentiation in the countryside, in alliance with the gentry, took advantage of royal courts and parliamentary legislation to order local society. This was done along patriarchal lines, instantiating assumptions about class, gender and age in the local political order. Officeholders were patriarchs, and the measures they promoted cemented patriarchal political order: masterless men were criminalised as vagrants, marginalised women were vulnerable to witchcraft prosecution, single mothers were moved back to a parish that would take responsibility for the child. There is of course a more complex story here, but the extension of national jurisdiction was in these contexts was an expression of a moral project that at the same time legitimated the social position of those implementing it.

In effect state power was being invited into the locality: the Tudor poor law was not the brainchild of the royal court, but a regularisation of local initiatives taken by men in search of means to implement their view of social order. A product of this was a great expansion of the local role of royal courts at expense of legal franchises, manors, palatine jurisdictions and so on. The internal jurisdictional uniformity of the absolutist era was achieved partly to meet the needs of a middling sort/gentry alliance that could not have achieved the same thing through the institutions of lordship.

A broader comparison across early modern Europe is hard partly because of the very jurisdictional variety and complexity that absolutists were straightening out. Philip Gorski made the case for Calvinist state formation more generally as a participatory and moral project in a persuasive and important book. On the other hand, there is a marked contrast even between England and Scotland deriving from the institutional inheritance: many of the projects in

England to deal with social order pursued through the institutions of royal government were in Scotland pursued by the Kirk. Despite such complexities, this approach draws our attention to the fact that the boundaries fostered by early modern regimes keen on uniform and exclusive jurisdictions were also boundaries of moral communities, and that threats to those boundaries were moral threats.

They were not simply or only moral projects of course—that is a set of reforms justified by moral claims. There is a related case that local elites came to support the fiscal and military demands of the centre as a price worth paying in return for social order—it has been argued that the roots of French absolutism, or of English naval power after 1660 lay in the desire of local elites to avoid the social costs of provincial disorder prompted by military escalation had caused in the 16th and 17th centuries. Here internal jurisdictional reform was justified in terms of national greatness or security, rather than as a moral project. Nonetheless, the two were so closely related that it is not entirely helpful in this context to distinguish them—the great nation whose security the gentry and middling sort were protecting after 1660 was one in which their own social position was guaranteed by the patriarchal state.

Some historians have seen an internal civilising process, or even internal colonialisation at work here: the reform of the Elizabethan provinces bearing some similarities to the contemporaneous reform of Ireland for example. The aim was to create a civil society, of settled agriculture, stable inheritance, prosperous trade and secure social order under the authority of the Crown. In the case of the Anglo-Scottish borders this was a Crown project. When the Scottish King James inherited the English Crown in 1603 the border between the two kingdoms became easier to police. A society had grown up which depended on cattle reiving, successful raids being conducted across the border and returning to territory out of the reach of the kingdom in which the crime had taken place. This gave rise to all sorts of peculiarities in local tenurial and social relations, the logic of which disappeared more or less overnight in 1603.

James represented this elimination of a border as a moral project, allowing the development of civil society with all the features set out above. Elsewhere this same moral vision was pursued by individuals and groups, seeking crown sanction for their private project. This was notably the case with schemes for 'plantation', setting down a civilised society where none was thought to exist. The money for these schemes was private, and the profits likewise, but they proceeded under the licence of the Crown. Thus, as the Crown was eliminating internal boundaries it was seeking to extend that same jurisdiction into new areas.

This is best known in Ireland, where Tudor attempts to turn Irish lords in renaissance aristocrats under the Crown had failed, and policy turned to conquest and plantation. The term captures this sense of setting down a new society—this is not military occupation but the establishment of a civilised social order. Over time, the conquest of Ireland was funded from private sources and the proceeds of plantation went to entrepreneurs willing to undertake them, culminating in the Cromwellian conquest of 1650, achieved largely on credit, and paid for by the subsequent expropriation of Catholic lords.   Not all were so directly the product of Crown or central initiative, however, for example the plantation of Ulster.

Less well known perhaps is the project of the Gentlemen Adventurers of Fife, who in 1598 undertook to create plantation on the Isle of Lewis, under the protection of the Scottish crown. The ambitions bore a remarkable similarity to those of the Irish plantation schemes. The aim

was civilise the northern and western limits of the Scottish kingdom, as the closing of the border was about to do in the south; but this was a project, promoted by entrepreneurial individuals rather than a Crown policy.

This was a feature of England/Britain's broader colonial expansion, in this period and after. John Darwin has argued that at the Imperial meridian there was not so much an empire as a project for an empire, trying to impose conceptual and institutional order on a great variety of arrangements and relationships. In the period 1550-1800 there was not even a project for empire but a great variety of more or less private projects enjoying varying degrees of effective support from the Crown: trade, settlement and conquest proceeding in many different ways in many different places. These were not 'central initiatives' let alone a 'project for empire'. For example, merchants entering new long-distance trades sought to manage the risk by securing Crown monopolies over the trade, and this extended to plans for settlement. Thus Massachusetts and Virginia were settled by 'companies': spreading the investment risk through formal association, and limiting it through Crown privilege.

A standard contrast is drawn between the moral project for Massachusetts and the venal project for Virginia, but in fact there were projectors who wanted Virginia to be a redemptive project too. This example is helpful because it connects these external projects with an internal civilising mission. In the autumn 1641 a group of projectors had put a utopian proposal to Parliament, at a high point of optimism that restraint of the monarchy would allow a full reformation of English society. That hope gave way to civil war the following year, but in the autumn of 1641, parliament heard about the Kingdom of Macaria where political arrangements could be made to deliver fundamental social reform. Councils sat briefly each year to deal with agriculture, fishing, land and maritime trade, and new colonies, or plantations, applying Baconian principles to social improvement—hearing evidence and reason, debating and deciding. A college of experience took responsibility for new medicines, and those who produced them were rewarded out of the public purse. The aim was not just 'plenty [and] prosperity' but 'health, peace, and happiness, and … not half so much trouble as they have in these European countries'.

The following decade the same circles produced plans to establish the Virginia economy on silk, not tobacco, since the cultivation and processing of silk encouraged virtue, hard work and skill, unlike the cultivation of tobacco which (harvest aside) the Hartlib circle thought wasteful and an encouragement to sloth. More than this though, they hoped that when the native Americans saw the benefits of silk production they too would be drawn into a settled, productive, civil life, a prelude to their conversion. This was extending not just English jurisdiction, but the moral order that it fostered, into new geographical space. The boundary it created then was more than jurisdictional, but marker of moral and ethical values that supported a distinctive, and valorised social order.

These jurisdictional innovations created a line beyond which lay incivility, and it was associated with moral programmes inside the line. Thus, at the time the Hartlib circle wanted to establish silk plantations as a means to social improvement in Virginia, and Cromwellian conquerors in Ireland were being reward with land on which to create a settled and civilised social order, parliament was passing legislation to encourage the propagation of the gospel in England and Wales. These 'Dark corners of the land' represented pockets of failure, to which one answer was the jurisdictional uniformity being strived for within the English kingdom. As contemporary

observers put it, there were Indians at home too, living uncivilised lives and unreceptive to Christian reform: England and Wales had their own Peru. There is of course a longer imperial history that is relevant here, of individuals and groups launching initiatives that extended the reach of the British state, associated with campaigns of moral improvement, with clear boundaries.

This is a highly schematic and exaggerated account, but it rests on a view of political power which implies that jurisdictional reform is likely always to have such a moral dimension. Political power is distinctive in resting on a monopoly over the definition of legitimate violence, and that monopoly operates within territorial boundaries. Thus, the power to imprison, tax, fine, execute rests on claims to legitimacy that end at a clear line. The state, as the co-ordinated network of people exercising political power, does not want or do things, but individuals and groups want to use political power to do things, and have more or less success in doing that. This is an argument not about states and/or empires but about political power, its institutionalisation, contestation and legitimation: political power is territorially based, but legitimated in terms other than territory.

In this particular context, the jurisdictional boundaries were being extended, defined and homogenised partly in response to local actors keen to achieve their projects using political power: to the extent that they did so they created new boundaries marking the limits of power legitimated in a particular way. Taking barriers down and putting them up is marking the limits within which a pattern of political legitimacy pertains, not just a territory over which a particular authority has power.

If this seems an inevitable feature of the exercise of political power, is it nonetheless possible that it is historically and functionally variable—that some jurisdictional limits have not served also as a boundaries for moral projects while others have, or at least have done so in a more muted way. National borders in the Schengen Area in Europe seem to have lost much of this quality, even though national identities remain strong. Was it the case that when one passed from one medieval franchise to carried a moral charge, or did such movement simply transform your rights and liberties in relation to the jurisdiction you happened now to be in? Is there a historical variation in the extent to which jurisdictional borders are also moral boundaries? Certainly, we in Anglo-America seem to be near a crescendo in investing jurisdictional boundaries with a moral purpose, and threats to those boundaries as moral hazards. Perhaps when internal legitimacy is endangered the external boundaries of the moral community become invested with greater significance: in a period of division over the future of Brexit Britain refugees in small boats threaten more than a burden on local welfare provision. Absolutist Europe was witness to devastating conflicts over religion and dynastic interest, conscious state-building, and ambitions projects. Might that have increased the moral charge associated with internal uniformity and clearly demarcated external boundaries?