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Isabel B. Taylor, The Crown and Its Records: Archives, Access, and the Ancient Constitution in Seventeenth-Century England

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- 1 The reigns of the first two Stuart monarchs were a time of growing confrontation and conflict between the Crown and the lawyers over the limits of state powers. Both sides turned to the archives and carefully combed judicial records, but they found no precedents dating back to the Middle Ages or even to the previous century that could substantiate their respective claims. ‘The record itself’, as John P. Dawson perspicuously noted, ‘was inconclusive’ (*The Oracles of the Law*, Ann Arbor 1968, p. 75). In short, one side fell into the pitfall that the medieval common law should prove useful in taming the Leviathan, or that it might at least reduce its power to an acceptable level, while the other side was unable as well to find precedents which could lend support to their policies. As a matter of fact, time had passed, and the development of a new era was already well under way, for apparently mere records could not undo the historical transformations undergone by the English state and constitution between the sixteenth and seventeenth centuries. The records, in sum, though highly symbolical, proved inadequate in remedying the evolving realities of government.
- 2 *The Crown and Its Records* is, nevertheless, a valuable contribution in historiography, as it casts new light on the use of archives in the constitutional debates of seventeenth-century England, ‘examining English archives in their political, power-political, and constitutional contexts’ (p. 1). The book, originally accepted as a doctoral dissertation, is first and foremost, a work of archival history, although it also intersects in several respects with the legal and constitutional history of early modern Britain during the politically turbulent seventeenth century. From the very beginning, Isabel Taylor focuses her attention specifically on English archival history, highlighting its relative delay when compared to other European countries, such as France or Italy. In the introduction, she clearly emphasizes what could be described as an “original sin” that hindered the development of English archival history in comparison to other European experiences: namely, its close and longstanding association with the needs of the legal profession.
- 3 The English archival tradition is, in fact, deeply rooted in the legal sphere for two main reasons. The first concerns the paramount need to secure good title, essential for the valid transfer of ownership rights, which is technically referred to as conveyancing, historically one of the most complex legal operations. The second reason lies in the fact that the earliest formal archives emerged from the central common law courts, which functioned as courts of record since the Middle Ages, that is, tribunals whose decisions once enrolled were considered as incontrovertible evidence of proceeding, later to become during the sixteenth and seventeenth centuries a claim of absolute truth, a status similarly attributed to Parliament, according to late sixteenth-century leading thinkers, such as Sir Thomas Smith or Sir Edward Coke. Taylor also adds another reason, this time of a distinctly philosophical nature: the influence of Michel Foucault's and Jacques Derrida's archival theories on contemporary historiography, often misunderstood as historical reality rather than conceptual frameworks. In this study, however, Taylor challenges such broad generalizations, drawing the reader's attention instead on the empirical realities of specific archival institutions and the individuals who shaped them, thereby encouraging a more contextualized approach to the history of archives. The central thesis of her study is that archives

were not passive receptacles of memory but active instruments in shaping constitutional arguments.

- 4 The work is divided into three thematic parts, each building upon the last to present a coherent exposition. Part One essentially provides an institutional background, detailing the genesis and historical development of central archives of a primary importance such as the State Paper Office, the Tower of London, and the 'Four Treasuries' in Westminster. In these chapters, Taylor highlights how administrative disorganisation, chaotic storage practices, and inconsistent preservation profoundly influenced both access and utility of records. Notably, Taylor demonstrates how mismanagement – whether through loss, embezzlement, and accidental misplacing – directly undermined the archives' role in legal and constitutional argumentation.
- 5 Part Two constitutes the analytical core of the book, where Taylor explores how archival materials were used in the great constitutional struggles of the seventeenth century. In this section, the reader encounters key figures such as Sir Edward Coke, Sir Robert Cotton, William Prynne, John Selden, William Ryley (both senior and junior), each of whom engaged with the search of archival sources in support of their constitutional claims. Cotton, in particular, is revealed as an archival entrepreneur who carefully curated collections, lent critical documents to Parliament, and crafted historical narratives through his custodianship. These actors did not simply invoke abstract principles; they grounded their constitutional arguments in tangible, historical documentation, interpreting them as evidence of enduring legal norms. Taylor persuasively argues that the contest over the Ancient Constitution was not merely rhetorical. Access to specific documents, and the capacity to interpret such records, became a crucial asset. The struggle over constitutional legality, in Taylor's view, played out as much within the archives as it did in Parliament and the courts.
- 6 Part Three introduces one of the study's most original contributions, as we thereby learn that the Crown strategically resorted to the use of archives through the help of a figure like Sir Thomas Wilson, Keeper of the State Paper Office. Far from serving only as a neutral custodian, Wilson operated as an active participant involved in the constitutional debates of his time, wielding archival control on behalf of the Crown. Taylor exposes how the Crown's management of archival access, classification, and secrecy became a calculated element of statecraft during this period. The archives, therefore, functioned as loci of political intrigue and contestation.
- 7 Taylor's work offers a meticulous exploration of the English archives' role in shaping constitutional debates during a century of political turmoil. Taylor demonstrates that archives were far more than static repositories: their custodianship and accessibility intertwined with the broader currents of early modern political history. Therefore, the book stands as an essential contribution to the historiography of both English constitutionalism and archival studies.