murder nor done any other crime in his life'. His execution was gruesome. After being suspended the usual time at Tyburn,

> He was cut down by the executioner . . . but as the coffin was fastening, he thrust back the lid, upon which the executioner would have tied him up again, but the mob prevented it, and carried him to a house where he vomited three pints of blood, but on giving him a glass of wine, he died.

This was a curious end to the collier's life, among strangers and far from his native Herefordshire.[1] Professor Plumb has suggested that historians have paid too much attention to revolutions and too little to the creation of political stability. And he sees the decades of the consolidation of Walpole's power as such an historical moment, paying tribute to the 'Great Man' for his realism and his command of the possible.[2] Such a case can, no doubt, be made for Walpole and the hard Hanoverian Whigs. Even if their prime interest was their own private advantage, the very size of the immense private interests at risk made them zealous opponents of a nostalgic and anachronistic Jacobite counter-revolution. Whether other historical alternatives were open, we cannot (from the materials considered in this study) hazard. It is a complex and perhaps unreal question. But at least we must give to plain facts plain names. The Hanoverian Whigs of the 1720s and 1730s were a hard lot of men. And they remind us that stability, no less than revolution, may have its own kind of Terror.

iv. The Rule of Law

We might be wise to end here. But since readers of this study may be provoked to some general reflections upon the law and upon British traditions, perhaps we may allow ourselves the same indulgence.

From a certain traditional middle ground of national historiography the interest of this theme (the Black Act and its evolution) may be evident. But this middle ground is now being eroded, from at least two directions. On one hand the perspective within which British political and social historians have been accustomed to view their own history is, quite properly, coming under challenge. As the last imperial illusions of the twentieth century fade, so preoccupation with the history and culture of a small island off the coast of Europe becomes open to the charge of nar-

1. Paxton's letter of 24 March 1736, SP36.38, fo. 191; Crown briefs in TS11.725.2285 and 11.1122.5824; for case law, Cas. T. Hard. 291–2 and above, p. 219; for Reynolds and his execution, *ON*, 26 July 1736, and (for a slightly different account of his death) P. Linebaugh in *Albion's Fatal Tree*, pp. 103–4.

2. J. H. Plumb, *The Growth of Political Stability in England, 1675–1725*, 1969, *passim* and p. 188.

cissism. The culture of constitutionalism which flowered here, under favoured conditions, is an episode too exceptional to carry any universal significance. If we judge it in terms of its own self-sufficient values we are imprisoned within its own parochialism.

Alternative perspectives must diminish the complacency of national historical preoccupation. If we see Britain within the perspective of the expansion of European capitalism, then the contest over interior rights and laws will be dwarfed when set beside the exterior record of slave-trading, of the East India Company, of commercial and military imperialism. Or, to take up a bright new conservative perspective, the story of a few lost common rights and of a few deer-stealers strung from the gallows is a paltry affair when set beside the accounts of mass repression of almost any day in the day-book of the twentieth century. Did a few foresters get a rough handling from partisan laws? What is that beside the norms of the Third Reich? Did the villagers of Winkfield lose access to the peat within Swinley Rails? What is that beside the liquidation of the *kulaks*? What is remarkable (we are reminded) is not that the laws were bent but the fact that there was, anywhere in the eighteenth century, a rule of law at all. To ask for greater justice than that is to display mere sentimentalism. In any event, we should adjust our sense of proportion; against the handfuls carried off on the cart to Tyburn (and smaller handfuls than have been carried off in Tudor times) we must see whole legions carried off by plague or dearth.

From these perspectives concern with the rights and wrongs at law of a few men in 1723 is concern with trivia. And the same conclusion may be reached through a different adjustment of perspective, which may coexist with some of the same arguments. This flourishes in the form of a sophisticated, but (ultimately) highly schematic Marxism which, to our surprise, seems to spring up in the footsteps of those of us in an older Marxist tradition. From this standpoint the law is, perhaps more clearly than any other cultural or institutional artifact, by definition a part of a 'superstructure' adapting itself to the necessities of an infrastructure of productive forces and productive relations. As such, it is clearly an instrument of the *de facto* ruling class: it both defines and defends these rulers' claims upon resources and labour-power – it says what shall be property and what shall be crime – and it mediates class relations with a set of appropriate rules and sanctions, all of which, ultimately, confirm and consolidate existing class power. Hence the rule of law is only another mask for the rule of a class. The revolutionary can have no interest in law, unless as a phenomenon of ruling-class power and hypocrisy; it should be his aim simply to overthrow it. And so, once again, to express surprise at the Black Act or at partial judges is – unless as confirmation

and illustration of theories which might easily be demonstrated without all this labour – simply to expose one's own naivety.

So the old middle ground of historiography is crumbling on both sides. I stand on a very narrow ledge, watching the tides come up. Or, to be more explicit, I sit here in my study, at the age of fifty, the desk and the floor piled high with five years of notes, xeroxes, rejected drafts, the clock once again moving into the small hours, and see myself, in a lucid instant, as an anachronism. Why have I spent these years trying to find out what could, in its essential structures, have been known without any investigation at all? And does it matter a damn who gave Parson Power his instructions; which forms brought 'Vulcan' Gates to the gallows; or how an obscure Richmond publican managed to evade a death sentence already determined upon by the Law Officers, the First Minister and the King?

I am disposed to think that it does matter; I have a vested interest (in five years of labour) to think it may. But to show this must involve evacuating received assumptions – that narrowing ledge of traditional middle ground – and moving out onto an even narrower theoretical ledge. This would accept, as it must, some part of the Marxist-structural critique; indeed, some parts of this study have confirmed the class-bound and mystifying functions of the law. But it would reject its ulterior reductionism and would modify its typology of superior and inferior (but determining) structures.

First, analysis of the eighteenth century (and perhaps of other centuries) calls in question the validity of separating off the law as a whole and placing it in some typological superstructure. The law when considered as institution (the courts, with their class theatre and class procedures) or as personnel (the judges, the lawyers, the Justices of the Peace) may very easily be assimilated to those of the ruling class. But all that is entailed in 'the law' is not subsumed in these institutions. The law may also be seen as ideology, or as particular rules and sanctions which stand in a definite and active relationship (often a field of conflict) to social norms; and, finally, it may be seen simply in terms of its own logic, rules and procedures – that is, simply *as law*. And it is not possible to conceive of any complex society without law.

We must labour this point, since some theorists today are unable to see the law except in terms of 'the fuzz' setting about inoffensive demonstrators or cannabis-smokers. I am no authority on the twentieth century, but in the eighteenth century matters were more complex than that. To be sure I have tried to show, in the evolution of the Black Act, an expression of the ascendancy of a Whig oligarchy, which created new laws and bent old legal forms in order to legitimize its own property and status; this oligarchy employed the law, both instrumentally and ideo-

logically, very much as a modern structural Marxist should expect it to do. But this is not the same thing as to say that the rulers had need of law, in order to oppress the ruled, while those who were ruled had need of none. What was often at issue was not property, supported by law, against no-property; it was alternative definitions of property-rights: for the landowner, enclosure – for the cottager, common rights; for the forest officialdom, 'preserved grounds' for the deer; for the foresters, the right to take turfs. For as long as it remained possible, the ruled – if they could find a purse and a lawyer – would actually fight for their rights by means of law; occasionally the copyholders, resting upon the precedents of sixteenth-century law, could actually win a case. When it ceased to be possible to continue the fight at law, men still felt a sense of legal wrong: the propertied had obtained their power by illegitimate means.

Moreover, if we look closely into such an agrarian context, the distinction between law, on the one hand, conceived of as an element of 'superstructure', and the actualities of productive forces and relations on the other hand, becomes more and more untenable. For law was often a definition of actual agrarian *practice*, as it had been pursued 'time out of mind'. How can we distinguish between the activity of farming or of quarrying and the rights to this strip of land or to that quarry? The farmer or forester in his daily occupation was moving within visible or invisible structures of law: this merestone which marked the division between strips; that ancient oak – visited by processional on each Rogation Day – which marked the limits of the parish grazing; those other invisible (but potent and sometimes legally enforceable) memories as to which parishes had the right to take turfs in this waste and which parishes had not; this written or unwritten custumal which decided how many stints on the common land and for whom – for copyholders and freeholders only, or for all inhabitants?

Hence 'law' was deeply imbricated within the very basis of productive relations, which would have been inoperable without this law. And, in the second place, this law, as definition or as rules (imperfectly enforceable through institutional legal forms), was endorsed by norms, tenaciously transmitted through the community. There were alternative norms; that is a matter of course; this was a place, not of consensus, but of conflict. But we cannot, then, simply separate off all law as ideology, and assimilate this also to the state apparatus of a ruling class. On the contrary, the norms of foresters might reveal themselves as passionately supported values, impelling them upon a course of action which would lead them into bitter conflict – with 'the law'.

So we are back, once again, with *that* law: the institutionalized procedures of the ruling class. This, no doubt, is worth no more of our

theoretical attention; we can see it as an instrument of class power *tout court*. But we must take even this formulation, and see whether its crystalline clarity will survive immersion in scepticism. To be sure, we can stand no longer on that traditional ground of liberal academicism, which offers the eighteenth century as a society of consensus, ruled within the parameters of paternalism and deference, and governed by a 'rule of law' which attained (however imperfectly) towards impartiality. That is not the society which we have been examining; we have not observed a society of consensus; and we have seen the law being devised and employed, directly and instrumentally, in the imposition of class power. Nor can we accept a sociological refinement of the old view, which stresses the imperfections and partiality of the law, and its subordination to the functional requirements of socio-economic interest groups. For what we have observed is something more than the law as a pliant medium to be twisted this way and that by whichever interests already possess effective power. Eighteenth-century law was more substantial than that. Over and above its pliant, instrumental functions it existed in its own right, as ideology; as an ideology which not only served, in most respects, but which also legitimized class power. The hegemony of the eighteenth-century gentry and aristocracy was expressed, above all, not in military force, not in the mystifications of a priesthood or of the press, not even in economic coercion, but in the rituals of the study of the Justices of the Peace, in the quarter-sessions, in the pomp of Assizes and in the theatre of Tyburn.

Thus the law (we agree) may be seen instrumentally as mediating and reinforcing existent class relations and, ideologically, as offering to these a legitimation. But we must press our definitions a little further. For if we say that existent class relations were mediated by the law, this is not the same thing as saying that the law was no more than those relations translated into other terms, which masked or mystified the reality. This may, quite often, be true but it is not the whole truth. For class relations were expressed, not in any way one likes, but *through the forms of law*; and the law, like other institutions which from time to time can be seen as mediating (and masking) existent class relations (such as the Church or the media of communication), has its own characteristics, its own independent history and logic of evolution.

Moreover, people are not as stupid as some structuralist philosophers suppose them to be. They will not be mystified by the first man who puts on a wig. It is inherent in the especial character of law, as a body of rules and procedures, that it shall apply logical criteria with reference to standards of universality and equity. It is true that certain categories of person may be excluded from this logic (as children or slaves), that other

categories may be debarred from access to parts of the logic (as women or, for many forms of eighteenth-century law, those without certain kinds of property), and that the poor may often be excluded, through penury, from the law's costly procedures. All this, and more, is true. But if too much of this is true, then the consequences are plainly counterproductive. Most men have a strong sense of justice, at least with regard to their own interests. If the law is evidently partial and unjust, then it will mask nothing, legitimize nothing, contribute nothing to any class's hegemony. The essential precondition for the effectiveness of law, in its function as ideology, is that it shall display an independence from gross manipulation and shall seem to be just. It cannot seem to be so without upholding its own logic and criteria of equity; indeed, on occasion, by actually *being* just. And furthermore it is not often the case that a ruling ideology can be dismissed as a mere hypocrisy; even rulers find a need to legitimize their power, to moralize their functions, to feel themselves to be useful and just. In the case of an ancient historical formation like the law, a discipline which requires years of exacting study to master, there will always be some men who actively believe in their own procedures and in the logic of justice. The law may be rhetoric, but it need not be empty rhetoric. Blackstone's *Commentaries* represent an intellectual exercise far more rigorous than could have come from an apologist's pen.

I do not know what transcultural validity these reflections may have. But they are certainly applicable to England in the eighteenth century. Douglas Hay, in a significant essay in *Albion's Fatal Tree*, has argued that the law assumed unusual pre-eminence in that century, as the central legitimizing ideology, displacing the religious authority and sanctions of previous centuries. It gave way, in its turn, to economic sanctions and to the ideology of the free market and of political liberalism in the nineteenth. Turn where you will, the rhetoric of eighteenth-century England is saturated with the notion of law. Royal absolutism was placed behind a high hedge of law; landed estates were tied together with entails and marriage settlements made up of elaborate tissues of law; authority and property punctuated their power by regular 'examples' made upon the public gallows. More than this, immense efforts were made (and Hay has explored the forms of these) to project the image of a ruling class which was itself subject to the rule of law, and whose legitimacy rested upon the equity and universality of those legal forms. And the rulers were, in serious senses, whether willingly or unwillingly, the prisoners of their own rhetoric; they played the games of power according to rules which suited them, but they could not break those rules or the whole game would be thrown away. And, finally, so far from the ruled shrugging off this rhetoric as a hypocrisy, some part of it at least was taken over as part

of the rhetoric of the plebeian crowd, of the 'free-born Englishman' with his inviolable privacy, his *habeas corpus*, his equality before the law. If this rhetoric was a mask, it was a mask which John Wilkes was to borrow, at the head of ten thousand masked supporters.

So that in this island and in that century above all one must resist any slide into structural reductionism. What this overlooks, among other things, is the immense capital of human struggle over the previous two centuries against royal absolutism, inherited, in the forms and traditions of the law, by the eighteenth-century gentry. For in the sixteenth and seventeenth centuries the law had been less an instrument of class power than a central arena of conflict. In the course of conflict the law itself had been changed; inherited by the eighteenth-century gentry, this changed law was, literally, central to their whole purchase upon power and upon the means of life. Take law away, and the royal prerogative, or the presumption of the aristocracy, might flood back upon their properties and lives; take law away and the string which tied together their lands and marriages would fall apart. But it was inherent in the very nature of the medium which they had selected for their own self-defence that it could not be reserved for the exclusive use only of their own class. The law, in its forms and traditions, entailed principles of equity and universality which, perforce, had to be extended to all sorts and degrees of men. And since this was of necessity so, ideology could turn necessity to advantage. What had been devised by men of property as a defence against arbitrary power could be turned into service as an apologia for property in the face of the propertyless. And the apologia was serviceable up to a point: for these 'propertyless', as we have seen, comprised multitudes of men and women who themselves enjoyed, in fact, petty property rights or agrarian use-rights whose definition was inconceivable without the forms of law. Hence the ideology of the great struck root in a soil, however shallow, of actuality. And the courts gave substance to the ideology by the scrupulous care with which, on occasion, they adjudged petty rights, and, on all occasions, preserved proprieties and forms.

We reach, then, not a simple conclusion (law = class power) but a complex and contradictory one. On the one hand, it is true that the law did mediate existent class relations to the advantage of the rulers; not only is this so, but as the century advanced the law became a superb instrument by which these rulers were able to impose new definitions of property to their even greater advantage, as in the extinction by law of indefinite agrarian use-rights and in the furtherance of enclosure. On the other hand, the law mediated these class relations through legal forms, which imposed, again and again, inhibitions upon the actions of the rulers. For there is a very large difference, which twentieth-century

perience ought to have made clear even to the most exalted thinker, tween arbitrary extra-legal power and the rule of law. And not only ere the rulers (indeed, the ruling class as a whole) inhibited by their wn rules of law against the exercise of direct unmediated force (arbitrary nprisonment, the employment of troops against the crowd, torture, and hose other conveniences of power with which we are all conversant), but hey also believed enough in these rules, and in their accompanying deological rhetoric, to allow, in certain limited areas, the law itself to be a genuine forum within which certain kinds of class conflict were fought out. There were even occasions (one recalls John Wilkes and several of the trials of the 1790s) when the Government itself retired from the courts defeated. Such occasions served, paradoxically, to consolidate power, to enhance its legitimacy, and to inhibit revolutionary movements. But, to turn the paradox around, these same occasions served to bring power even further within constitutional controls.

The rhetoric and the rules of a society are something a great deal more than sham. In the same moment they may modify, in profound ways, the behaviour of the powerful, and mystify the powerless. They may disguise the true realities of power, but, at the same time, they may curb that power and check its intrusions. And it is often from within that very rhetoric that a radical critique of the practice of the society is developed: the reformers of the 1790s appeared, first of all, clothed in the rhetoric of Locke and of Blackstone.

These reflections lead me on to conclusions which may be different from those which some readers expect. I have shown in this study a political oligarchy inventing callous and oppressive laws to serve its own interests. I have shown judges who, no less than bishops, were subject to political influence, whose sense of justice was humbug, and whose interpretation of the laws served only to enlarge their inherent class bias. Indeed, I think that this study has shown that for many of England's governing élite the rules of law were a nuisance, to be manipulated and bent in what ways they could; and that the allegiance of such men as Walpole, Hardwicke or Paxton to the rhetoric of law was largely humbug. But I do not conclude from this that the rule of law itself was humbug. On the contrary, the inhibitions upon power imposed by law seem to me a legacy as substantial as any handed down from the struggles of the seventeenth century to the eighteenth, and a true and important cultural achievement of the agrarian and mercantile bourgeoisie, and of their supporting yeomen and artisans.

More than this, the notion of the regulation and reconciliation of conflicts through the rule of law – and the elaboration of rules and procedures which, on occasion, made some approximate approach towards the ideal – seems to me a cultural achievement of universal significance. I do

not lay any claim as to the abstract, extra-historical impartiality of these rules. In a context of gross class inequalities, the equity of the law must always be in some part sham. Transplanted as it was to even more inequitable contexts, this law could become an instrument of imperialism. For this law has found its way to a good many parts of the globe. But even here the rules and the rhetoric have imposed some inhibitions upon the imperial power. If the rhetoric was a mask, it was a mask which Gandhi and Nehru were to borrow, at the head of a million masked supporters.

I am not starry-eyed about this at all. This has not been a star-struck book. I am insisting only upon the obvious point, which some modern Marxists have overlooked, that there is a difference between arbitrary power and the rule of law. We ought to expose the shams and inequities which may be concealed beneath this law. But the rule of law itself, the imposing of effective inhibitions upon power and the defence of the citizen from power's all-intrusive claims, seems to me to be an unqualified human good. To deny or belittle this good is, in this dangerous century when the resources and pretentions of power continue to enlarge, a desperate error of intellectual abstraction. More than this, it is a self-fulfilling error, which encourages us to give up the struggle against bad laws and class-bound procedures, and to disarm ourselves before power. It is to throw away a whole inheritance of struggle *about* law, and within the forms of law, whose continuity can never be fractured without bringing men and women into immediate danger.

In all of this I may be wrong. I am told that, just beyond the horizon, new forms of working-class power are about to arise which, being founded upon egalitarian productive relations, will require no inhibition and can dispense with the negative restrictions of bourgeois legalism. A historian is unqualified to pronounce on such utopian projections. All that he knows is that he can bring in support of them no historical evidence whatsoever. His advice might be: watch this new power for a century or two before you cut your hedges down.

I therefore crawl out onto my own precarious ledge. It is true that in history the law can be seen to mediate and to legitimize existent class relations. Its forms and procedures may crystallize those relations and mask ulterior injustice. But this mediation, through the forms of law, is something quite distinct from the exercise of unmediated force. The forms and rhetoric of law acquire a distinct identity which may, on occasion, inhibit power and afford some protection to the powerless. Only to the degree that this is seen to be so can law be of service in its other aspect, as ideology. Moreover, the law in both its aspects, as formal rules and procedures and as ideology, cannot usefully be analysed in the metaphorical

terms of a superstructure distinct from an infrastructure. While this comprises a large and self-evident part of the truth, the rules and categories of law penetrate every level of society, effect vertical as well as horizontal definitions of men's rights and status, and contribute to men's self-definition or sense of identity. As such law has not only been imposed *upon* men from above: it has also been a medium within which other social conflicts have been fought out. Productive relations themselves are, in part, only meaningful in terms of their definitions at law: the serf, the free labourer; the cottager with common rights, the inhabitant without; the unfree proletarian, the picket conscious of his rights; the landless labourer who may still sue his employer for assault. And if the actuality of the law's operation in class-divided societies has, again and again, fallen short of its own rhetoric of equity, yet the notion of the rule of law is itself an unqualified good.

This cultural achievement – the attainment towards a universal value – found one origin in Roman jurisprudence. The uncodified English common law offered an alternative notation of law, in some ways more flexible and unprincipled – and therefore more pliant to the 'common sense' of the ruling class – in other ways more available as a medium through which social conflict could find expression, especially where the sense of 'natural justice' of the jury could make itself felt. Since this tradition came to its maturity in eighteenth-century England, its claims should command the historian's interest. And since some part of the inheritance from this cultural moment may still be found, within greatly changed contexts, within the United States or India or certain African countries, it is important to re-examine the pretensions of the imperialist donor.

This is to argue the need for a general revaluation of eighteenth-century law, of which this study offers only a fragment. This study has been centred upon a bad law, drawn by bad legislators, and enlarged by the interpretations of bad judges. No defence, in terms of natural justice, can be offered for anything in the history of the Black Act. But even this study does not prove that all law as such is bad. Even this law bound the rulers to act only in the ways which its forms permitted; they had difficulties with these forms; they could not always override the sense of natural justice of the jurors; and we may imagine how Walpole would have acted, against Jacobites or against disturbers of Richmond Park, if he had been subject to no forms of law at all.

If we suppose that law is no more than a mystifying and pompous way in which class power is registered and executed, then we need not waste our labour in studying its history and forms. One Act would be much the same as another, and all, from the standpoint of the ruled,

would be Black. It is because law *matters* that we have bothered with this story at all. And this is also an answer to those universal thinkers, impatient of all except the *longue durée*, who cannot be bothered with cartloads of victims at Tyburn when they set these beside the indices of infant mortality. The victims of smallpox testify only to their own poverty and to the infancy of medical science; the victims of the gallows are exemplars of a conscious and elaborated code, justified in the name of a universal human value. Since we hold this value to be a human good, and one whose usefulness the world has not yet outgrown, the operation of this code deserves our most scrupulous attention. It is only when we follow through the intricacies of its operation that we can show what it was worth, how it was bent, how its proclaimed values were falsified in practice. When we note Walpole harrying John Huntridge, Judge Page handing down his death sentences, Lord Hardwicke wrenching the clauses of his Act from their context and Lord Mansfield compounding his manipulations, we feel contempt for men whose practice belied the resounding rhetoric of the age. But we feel contempt not because we are contemptuous of the notion of a just and equitable law but because this notion has been betrayed by its own professors. The modern sensibility which views this only within the perspectives of our own archipelagos of *gulags* and of *stalags*, for whose architects the very notion of the rule of law would be a criminal heresy, will find my responses over-fussy. The plebs of eighteenth-century England were provided with a rule of law of some sort, and they ought to have considered themselves lucky. What more could they expect?

In fact, some of them had the impertinence, and the imperfect sense of historical perspective, to expect justice. On the gallows men would actually complain, in their 'last dying words', if they felt that in some particular the due forms of law had not been undergone. (We remember Vulcan Gates complaining that since he was illiterate he could not read his own notice of proclamation; and performing his allotted role at Tyburn only when he had seen the Sheriff's dangling chain.) For the trouble about law and justice, as ideal aspirations, is that they must pretend to absolute validity or they do not exist at all. If I judge the Black Act to be atrocious, this is not only from some standpoint in natural justice, and not only from the standpoint of those whom the Act oppressed, but also according to some ideal notion of the standards to which 'the law', as regulator of human conflicts of interest, ought to attain. For 'the law', as a logic of equity, must always seek to transcend the inequalities of class power which, instrumentally, it is harnessed to serve. And 'the law' as ideology, which pretends to reconcile the interests of all degrees of men, must always come into conflict with the ideological partisanship of class.

We face, then, a paradox. The work of sixteenth- and seventeenth-century jurists, supported by the practical struggles of such men as Hampden and Lilburne, was passed down as a legacy to the eighteenth century, where it gave rise to a vision, in the minds of some men, of an ideal aspiration towards universal values of law. One thinks of Swift or of Goldsmith, or, with more qualifications, of Sir William Blackstone or Sir Michael Foster. If we today have ideal notions of what law might be, we derive them in some part from that cultural moment. It is, in part, in terms of that age's own aspiration that we judge the Black Act and find it deficient. But at the same time this same century, governed as it was by the forms of law, provides a text-book illustration of the employment of law, as instrument and as ideology, in serving the interests of the ruling class. The oligarchs and the great gentry were content to be subject to the rule of law only because this law was serviceable and afforded to their hegemony the rhetoric of legitimacy. This paradox has been at the heart of this study. It was also at the heart of eighteenth-century society. But it was also a paradox which that society could not in the end transcend, for the paradox was held in equipoise upon an ulterior equilibrium of class forces. When the struggles of 1790–1832 signalled that this equilibrium had changed, the rulers of England were faced with alarming alternatives. They could either dispense with the rule of law, dismantle their elaborate constitutional structures, countermand their own rhetoric and exercise power by force; or they could submit to their own rules and surrender their hegemony. In the campaign against Paine and the printers, in the Two Acts (1795), the Combination Acts (1799–1800), the repression of Peterloo (1819) and the Six Acts (1820) they took halting steps in the first direction. But in the end, rather than shatter their own self-image and repudiate 150 years of constitutional legality, they surrendered to the law. In this surrender they threw retrospective light back on the history of their class, and retrieved for it something of its honour; despite Walpole, despite Paxton, despite Page and Hardwicke, that rhetoric had not been altogether sham.