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An Ungovernable People;
English Village: Terling,
esp. “The ‘Better Sort’ and
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Control?,” in Fletcher and
and Social Change in Early
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ndle, *The Experience of*
ular Religious Cultures in
and, c. 1500–1850, ed.
ode and Walker, *Women,*
titude in Stuart England,”
Status, Localism and the
P 166 (2000).

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of Sources and Documents

s., *Documents in English*

50–1750, rev. ed. (London,

teenth-Century England:

York, 1955).

ed. (London, 1997).

and: Contexts and Texts of
1640 (Urbana, Ill., 1985).

and the British Isles,

3).

Documents (London, 1924).

CHAPTER SIX

Early Stuart Church and State

It is difficult to read about England during the first four decades of the seventeenth century without focusing on divisions over Church and State. After all, in the 1640s several armies would fight bloody civil wars over just these issues. The victorious Parliament would execute first an archbishop and then a king on the way to abolishing both episcopacy and monarchy. But it is just as true that there was *no* civil war in 1604, nor in 1629, nor in 1640. We should be able to see the time before 1642 in its own terms before determining if the seeds of civil war and revolution lie in that period. Documents from this period suggest two sets of fundamental questions:

- How did religious and constitutional struggles interact?; how were they distinct?
- How were the issues of James’s reign and those of Charles’s different?; how were they related?

Divine Right of Kings and Ancient Constitutionalism

6.1 James VI and I, *Trew Law of Free Monarchies* (1598)¹

Before James I (d. 1625) ascended the throne of England in 1603, he had already reigned in Scotland as James VI for over 35 years. He drew upon that experience to write the *Trew Law of Free Monarchies*. But monarchy had a divine mystique long before James wrote his manual on kingship: for example, sermons had long used various metaphors to explain the relationship between kings and subjects. James likewise mentions a number of “similitudes” (analogies) for kingly power and rule. What are they? Do all these metaphors work equally well? (For example, don’t children grow up? Don’t we owe allegiance to both mother and father?) According to James,

¹ *The Workes of the Most High and Mightie Prince, James by the Grace of God, King of Great Britaine, France and Ireland, Defender of the Faith, &c.* (London, 1616), 204–9, 201.

where does royal power, authority, and legitimacy come from? What are the implications of this idea?

If, as James argued, the next person in strict primogeniture succession was God's choice to be the lawful king, then that person, not merely the office of king, was divine and he ruled by "Divine Right." By the same token, regicide – the murder of a king – inverts all order. In fact, where obedience to a monarch was previously conditional on his godliness, James added the idea of indefeasibility – that the people could not reject or resist a lawful king, just because of his bad behavior.

According to James, what options were there for the people to resist a bad, but rightful king, even a tyrant? Why might James have been so fearful of resistance to monarchs? Recall that he was well aware of the various attempts on Elizabeth's life (see chapter 4 above); that his own mother, Mary Queen of Scots, been harried out of her realm; and that several French kings had been assassinated – Henry III in 1589 and Henry IV in 1610. In 1605, at the beginning of James's own English reign Catholic conspirators – Roger Catesby, Guy Fawkes, and others – had stored gunpowder in a room under Westminster Palace for the purpose of blowing up Lords, Commons, and James himself (see Plate 8). Upon what grounds did people resist monarchs in the late sixteenth and early seventeenth centuries? Did God's law (revealed religion) ever justify regicide or did it always forbid it?

The king towards his people is rightly compared to a father of children, and to a head of a body composed of diverse members; for as fathers the good princes and magistrates of the people of God acknowledged themselves to their subjects. And for all other well-ruled commonwealths, the style [title] of *pater patriae* [father of the fatherland] was ever, and is, commonly used to kings. And the proper office of a king towards his subjects agrees very well with the office of the head towards the body and all members thereof; for from the head, being the seat of judgement, proceeds the care and foresight of guiding, and preventing all evil that may come to the body or any part thereof. The head cares for the body: so does the king for his people. ...

So ... if the children may, upon any pretext that can be imagined, lawfully rise up against their father, cut him off, and choose any other whom they please in his room, and if the body for the weal of it may, for any infirmity that can be in the head, strike it off, then I cannot deny that the people may rebel, control, and displace or cut off their king at their own pleasure, and upon respects moving them. (And whether these similitudes represent better the office of a king, or the offices of masters or deacons of crafts, or doctors in physic ..., I leave it also to the reader's discretion. ...)

I grant indeed that a wicked king is sent by God for a curse to his people, and a plague for their sins. But that it is lawful to them to shake off that curse at their own hand, which God has laid on them, that I deny. ...

It is certain ... that patience, earnest prayers to God, and amendment of their lives, are the only lawful means to move God to relieve them of that heavy curse....

And the last objection is grounded upon the mutual paction ... betwixt the king and his people at the time of his coronation ...; although I deny any such contract to be made then ..., yet I confess that a king at his coronation, or at the entry to his kingdom, willingly promises to his people to discharge honorably and truly the office given him by God over them. But, presuming that thereafter he breaks his promise unto them never so inexcusably, the question is, who should be judge of the break ...?

The kings ... in Scotland were before any estates or ranks of men ..., before any Parliaments were holden, or laws made: and by them was the land distributed (which at first was wholly theirs), states erected ..., and forms of government devised and established. And so it follows of necessity that the kings were the authors and makers of the laws, and not the laws of the kings.

6.2 *Form of Apology and Satisfaction of the Commons* (June 20, 1604)²

Some members of Parliament insisted that Divine Right coexisted with Ancient Constitutionalism – the theory that the coronation oath *did* serve as a contract; and that Parliament, especially the Commons, pre-dated the Norman Conquest, and, thus, did not exist solely at the whim of the monarch. They made such an argument, at least in committee, as early as 1604 in the Form of Apology and Satisfaction. What “fundamental privileges” do they assert? What did they offer in return? What claims do they make regarding representation? What do they mean when they assert that “the voice of the people ... is ... the voice of God” (in Latin, *Vox Populi, Vox Dei*)? What would James think of that? Did the Commons’ arguments threaten Divine Right? Or could both sets of beliefs be held simultaneously?

The form of apology and satisfaction to be presented to his majesty, penned and agreed by a former select committee, was now reported and delivered into the House. ...

Now concerning the ancient right of the subjects of this realm, chiefly consisting in the privileges of this house of the Parliament, the misinformation openly delivered to your majesty hath been in three things: first, that we hold not our privileges of right, but of [the king’s] grace only, renewed every Parliament by way of donative upon petition, and so to be limited; secondly, that we are no court of record, nor yet a court that can command view of records, but that our proceedings here are only to acts and memorials, and that the attendance with the records is courtesy, not duty; and, lastly, that the examination of the returns

² Cf, 1: 243 (for the beginning); J. R. Tanner, *Constitutional Documents of the Reign of James I: A.D. 1603–1625* (Cambridge, 1930), 217–30, from TNA, SPD, James I, 8, fol. 60ff.