

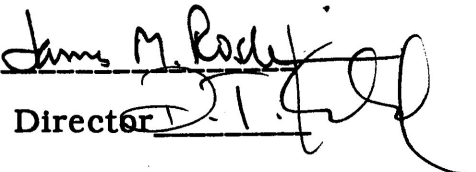
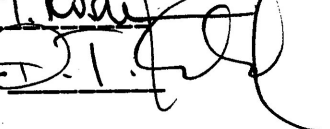
The Natural and Divine Right of Kings:
The Concept of Kingship in England, 1603-1642

Helen Kim
University Undergraduate Fellow, 1990-91
Texas A&M University
Department of History

APPROVED:

Fellows Advisor

Honors Program Director


James M. Rodey

D. I. Full

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The most comprehensive study of the divine right of kings is J. N. Figgis' The Divine Right of Kings, which was originally published in 1896. The reprint of this work in 1965 with an introduction by the venerable British historian G. R. Elton and its citation by historians in the 1980s as the "classic" study of the divine right of kings¹ show that Figgis' work has continued to influence modern scholars. In The Divine Right of Kings Figgis asserted that the arguments of British supporters of the divine right of kings in the seventeenth century generally relied upon a "medley of Scripture texts, forbidding resistance and asserting Divine sanction for kingship".² This method of argument changed, according to Figgis, with Robert Filmer's Patriarcha, written ca. 1640 and published in 1680, which created a remarkably different argument to support divine right that was primarily based on the law of nature. Figgis believed that this use of natural law "paved the way for [the] downfall" of the theory of the divine right of kings,³ because Locke would later use the law of nature to support his rival theory of an original compact. Therefore, Figgis concluded, Filmer was uniquely responsible for the demise of the divine right of kings as a viable political theory.

¹ J. P. Sommerville, Politics and Ideology in England, 1603-1640 (New York: Longman, 1986) 242 and David Wootton, ed., Divine Right and Democracy: An Anthology of Political Writing in Stuart England (Suffolk: Penguin, 1988) 127.

² J. N. Figgis, The Divine Right of Kings, 2nd ed. (Gloucester, Mass.: Peter Smith, 1970) 148.

³ Figgis 155.

Figgis' contention that Filmer was the first to defend the divine right of kings by using the law of nature was not seriously challenged by modern historians until the publication of G. Schochet's Patriarchalism in Political Thought (1975). In this work, Schochet examined the evolution of patriarchalism, the political theory which related the father's authority in a family to the origins and/or organization of government, from the period 1603-1642 until the publication of Filmer's Patriarcha. However, Schochet only investigated the use of patriarchal arguments in political tracts of this period; he did not study the many other natural arguments also used by the authors of these tracts. Moreover, he studied these patriarchal views only to determine their influence on patriarchalism and disregarded their influence on the larger theory of the divine right of kings. Therefore, the use of natural and other non-scriptural arguments in support of divine right prior to their use by Filmer has been largely disregarded in the study of the divine right of kings; even the name of this political theory implies that the right of kingship was defended only by the law of God.

However, it is not true that the Stuart kings of England from 1603-1642 and the divines that pleaded their cause defended the divine right of kings by divine law alone. In the works of James I, the official pronouncements of the church of England, and the works of ecclesiastics allied to the king, there is ample evidence that the law of God, the law of nature, the ancient laws of England, and the works of the ancient philosophers were all used to support the divine right of kings prior to the composition or publication of Filmer's Patriarcha. But first, before I begin to discuss the arguments of these divine right

authors, I need to establish a basis for this discussion by formally defining the term 'divine right of kings' and by carefully examining the arguments Filmer used to support the divine right of kings.

The definition of the divine right of kings, as stated by J. N. Figgis, includes four concepts:

"1. Monarchy is a divinely ordained institution." Monarchy was created by God and the monarch is invested with power by God.

"2. Hereditary right is indefeasible." The succession to the king's throne is determined by hereditary right and primogeniture, and this right may not be transferred away from the rightful king by usurpation.

"3. Kings are accountable to God alone." The king's performance in the duties of his office may be judged only by God. He is not subject to any mortal person and is not required to adhere to any law.

"4. Non-resistance and passive obedience are enjoined by God." Subjects of the king are required to submit themselves to his commands and ordinances, for this obedience is required of them by God.⁴

The most important elements of this definition are those which distinguish the theory of the divine right of kings from other theories of kingship, those elements which emphasize that the king's rule is by divine right, not merely by absolute right. These elements are found in the first, third, and fourth parts of the definition above: that monarchy is ordained by God, that the king is accountable only to God

⁴ Figgis 5-6.

for his actions, and that obedience to the king is enjoined by God. Since these three elements purportedly express the will of God, it would be natural to suppose that the arguments in their defense would rely on the word of God, the Bible. But the kings and their ecclesiastical ministers used a combination of arguments from the Bible, from nature, from reason, and from history to support the divine right of kings. Filmer's Patriarcha in particular used of all of these types of arguments.

In Patriarcha (composed ca. 1635-42, published 1680), Filmer argued that, according to the Biblical account of creation, the power of a monarch arose primarily from the power of the first father, Adam, over his children:

not only Adam, but the succeeding Patriarchs had, by right of fatherhood, royal authority over their children. . . . And this subordination of children is the fountain of all regal authority, by the ordination of God himself. From whence it follows, that civil power, not only in general is by Divine institution, but even the assigning of it specifically to the eldest parent.

The power of a king belonged to Adam and the Patriarchs as an extension of their natural power as fathers. These Patriarchs had all the powers of kings, for Filmer noted that the patriarchs of the Old Testament had the power to make war and peace and to sentence people to death, the "chieftest [sic] works of sovereignty that are found in any monarch".⁵

Filmer also showed that the power of a king was consistent with reason. Filmer stated: "Because the Scripture is not favorable to the liberty of the people, therefore many fly to natural reason and to the

⁵ Robert Filmer, Patriarcha in Patriarcha and Other Political Works of Sir Robert Filmer, ed. and introd. by Peter Laslett (Oxford: Basil Blackwell, 1949) 57-58.

authority of Aristotle." Accordingly, Filmer deemed it important to establish that Aristotle's views on monarchy were consistent with his own. So in Patriarcha he quoted Aristotle's Politics to prove that Aristotle believed the earliest society was the extended familial unit. For this reason, according to Filmer, Aristotle "gives the title of the first and divinest sort of government to the institution of Kings".⁶ Filmer also showed the reasonableness of monarchy by deducing from Roman history the benefits of monarchical or imperial government. Rome began as a kingdom, but then became a republic and "lost the natural power of Kings", which caused so much civil unrest that Rome eventually became an empire, another monocratic government. In the turbulent days of the Republic, the Senate would appoint a Dictator, which, in Filmer's words, "g[ave] this honourable testimony of monarchy, that the last refuge in perils of states is to fly to regal authority".⁷ Therefore Rome served Filmer as an example of the dangers of a non-monarchical government, and of the historical preference for monarchical government over democratic/republican government. Thus he showed that monarchy is endorsed by the law of nature, Aristotle, and the example of Rome as well as by God.

As regal power was an extension of patriarchal power, so Filmer considered the obedience of subjects to a king to be an extension of the obedience of children to their father: "the law which enjoins obedience to Kings is delivered in the terms of 'Honour thy Father'".⁸

⁶ Filmer 78-9.

⁷ Filmer 86-7.

⁸ Filmer 62.

Filmer enjoined obedience to the monarch not only by the Fifth Commandment and natural law but also by the words of Jesus and the epistles of Paul and Peter. Filmer wrote of Jesus' command to "give unto Caesar the things which are Caesar's" that "in this [lesson] He gave direction for all nations". Filmer also cited Paul's words in Romans 13 and Peter's in I Peter 2:13 to demonstrate that the law of God was the complete obedience of subjects to a king.⁹ But again, as in the earlier argument, Filmer did not rely solely on divine and natural law but he also made an appeal to the evidence of history. From Roman history, Filmer used the unjust murders of several good emperors by the Roman masses to demonstrate the consequences of subjects' disobedience to their leader.¹⁰ From English history, Filmer looked to the words of Bracton, Chief Justice under Henry III, who wrote of the king, "Let none presume to search into his deeds, much less to oppose them".¹¹ Therefore Filmer concluded from history, nature, and the law of God that absolute obedience was necessary.

Filmer used the same supports to establish that kings are above the law. A king is not limited by law, according to Filmer, because as "the Father of a family [he] governs by no other law than by his own will, not by the laws or wills of his sons or servants". The kings of Judah, as Samuel described them, were not constrained by law. Neither were the kings of England in Filmer's present: "For as Kingly power is by the law of God, so it hath no inferior law to limit it".¹² And

⁹ Filmer 100-1.

¹⁰ Filmer 94.

¹¹ Filmer 100.

¹² Filmer 96.

reason concurred, for, as Filmer wrote, "Aristotle saith that 'a perfect kingdom is that wherein the King rules all things according to his own will".¹³

After examining Filmer's arguments in support of the divine right of kings it is clearly not true that he "rests his whole system" upon "the conception that monarchy is founded in nature" or that Filmer "ma[de] Genesis the *only* source for genetic, patriarchal, and any other principles of political obligation".¹⁴ Filmer's theory--that the power of a king, as originally given to Adam by God and the law of nature, derives from the power of a father--was his principal argument in defense of the divine right of kings, but it was by no means his only argument. In establishing the tenets of divine right his arguments were carefully crafted to appeal not only to natural law and the book of Genesis, but also to the examples set in human history, to the injunctions of the apostles, and to the laws of England. Patriarcha is, in fact, a carefully balanced *combination* of arguments from the Bible, the law of nature, and ancient and English history.

More importantly, Filmer's appeal to this combination of divine law, natural law and reason in defense of the divine right of kings was not new. In the period 1603-1642, appeals to reason and to the law of nature were both used by divine right authors to support the divine right of kings. In fact, many of the arguments used by Filmer in Patriarcha can be found in the earlier writings of divine right authors.

¹³ Filmer 106.

¹⁴ The first quote is from Figgis 149, the second is from James Daly, Sir Robert Filmer and English Political Thought (Toronto: University of Toronto Press, 1979) 61.

These 'divine right authors' include the Stuart kings themselves, James I and Charles I, as well as ministers of the Church of England in the employ of the king.

In 1606 these ecclesiastical ministers formulated the canons of the Church of England, which were passed by both Convocation Houses. Their view of the origin of government was identical to

Filmer's:

the Son of God . . . did give to Adam for his time, and to the rest of the Patriarchs, and chief Fathers successively before the Flood, Authority, Power and Dominion over their Children, and Offspring, to rule and govern them; Ordaining by the very Law of Nature, That their said Children and Offspring (begotten and brought up by them) should fear, reverence, honour, and obey them. Which power and Authority before the Flood, resting in the Patriarchs, and in the chief Fathers . . . was in a sort *Potestas Regia*.¹⁵

So Filmer's theory of the origin of government was current in 1606 and was widely accepted by the higher ministers of the Church. Next, the canons supported the power of a monarch with an appeal to

'Reason':

the Son of God, having created Mankind, did ordain by the Law of Nature, and Light of Reason, that there should be some amongst them furnished with lawful Power, and civil Authority to rule and govern the rest, in things belonging to this natural Life, and civil Society, according to the true Rules both of Nature and Reason.¹⁶

Filmer also used these 'Rules of Reason' to support the power in monarchy, but he explicitly defined 'Reason' as the view of the ancient philosopher Aristotle; the canons cited 'Reason' to support divine right without defining it. The canons' last argument in support of monarchy was drawn from Roman history. Because the government of

¹⁵ John Overall, Bishop Overall's Convocation-Book (London, 1606) 2-3.

¹⁶ Overall 5.

Rome changed from a monarchy to a Republic, "the execution whereof did trouble them exceedingly", and then, "in the end, [was] reduced . . . again into a Monarchy," the canons concluded from this historical progression that the government of the state should be monarchy.¹⁷ The same reasoning was used again, thirty years later, in Filmer's Patriarcha.

The divine right tenet of complete obedience to the king was also supported by the canons with arguments later used by Filmer. The canons stated that obedience to the king was due to him by virtue of his paternity:

Obedience to Kings and civil Magistrates is prescribed to all subjects in the Fifth Commandment, where we are enjoyn'd to honour our Parents. Whereby it followeth, that the subjection of Inferiours unto their Kings and Governours, is grounded upon the very Law of Nature.¹⁸

In addition, it was required by the Patriarchs of the Old Testament and by the appointed Kings of Israel, Saul, David, and the others. The canons also used the example of Rome, as Filmer did, to caution the people to obedience.¹⁹ So, like Filmer, the canons supported the divine right view of absolute obedience to a monarch by citing the law of God, the law of nature, and the evidence of history.

Although these canons reflected the views of the high Church, they were not licensed by James I. James withheld his approval because the twenty-eighth canon refuted the notion that "when any such new Forms of Government, begun by Rebellion, are after

¹⁷ Overall 56.

¹⁸ Overall 25.

¹⁹ Overall 27-8.

thoroughly settled, the Authority in them, is not of God" and so endorsed the power of a government established by rebellion.²⁰ This canon affirmed the divine right of a government which was not de jure, by law, but instead de facto, by fact, the fact of its current dominion. This canon's affirmation of the divine authority of de facto governments contradicted the second tenet of the divine right of kings, that monarchical succession was determined only by indefeasible hereditary right. Curiously, the same endorsement of de facto governments and break with the absolute divine right of kings is found in Patriarcha. Filmer stated in Patriarcha that if God pleased "to suffer Princes to be removed and others to be placed in their rooms, either by the factions of the nobility or rebellion of the people", then this "judgement of God, who hath power to give and take away kingdoms, is most just".²¹ Therefore, although Filmer and the authors of the canons of 1606 both insisted upon the complete obedience of subjects to their kings, they also both believed that governments created through rebellion might nevertheless be divinely sanctioned. So the canons and Patriarcha not only used the same methods of argument but also qualified their support of the divine right of kings in the same way, by endorsing de facto governments.

The use of Filmer's arguments and of his methods of reasoning are also visible in a sermon by John Buckeridge, who was one of James' royal chaplains. Buckeridge "was regarded by the king as one of the first pulpit divines of his day", so in 1606 he was chosen by

²⁰ James' reasoning is found in "John Overall", DNB. The quote is from Overall 59.

²¹ Filmer 62.

James to preach a sermon proving the "scriptural authority . . . of the royal supremacy". Buckeridge's sermon before James addressed Romans 13:5, in which Paul directed the Romans to give obedience to the 'higher powers'. One observer stated that Buckeridge preached "to the satisfaction of all hearers", including the king.²²

At the beginning of the sermon Buckeridge identified six different reasons for the "obedience of Christians towards their superiors". Only three of these reasoned from the word of God, warning first that obedience was the command of God, and then that disobedience, as the violation of God's command, was a sin and would lead to damnation. Buckeridge's three other reasons in support of obedience were: 1. "a bono Ordinis, from the good of Order", 2. "a bono societatis, from the good of Peace, Protection, Justice, Religion and the like, which man receives by government", and 3. "a figno, from a fine". The first two defended obedience not as a moral obligation but as a means by which to achieve the ends of Order and Peace. The third Buckeridge explained:

You pay tribute and custome, and Subsidies of duetie and Justice;
You give them not of courtesie; . . . they are the Kings stipend or pay, not his reward.

Buckeridge later stated that kings were "hired by tribute and custome . . . to serve their servants and subjects". Buckeridge's clearly believed monarchy was a contractual relationship, in which the subjects of the king "hired" him with their taxes to govern the state, "waking when others sleepe, and taking care, that all men else may live without care"

²² "John Buckeridge", DNB.

in order to provide peace and protection to his subjects.²³ Obedience to the king and taxation by him were the burdens his subjects bore to fulfill their part of this contract with the king. Buckeridge concluded: So subjection to higher powers is necessarie in Christians, . . . by the necessitie of the ende: peace, and tranquillitie, and Religion in this life, and life everlasting after death: and by the necessitie of the precept, Honour thy father and mother: in which number all Kings and Fathers of Countries.²⁴

Then obedience was enjoined of the king's subjects by Buckeridge, James' royal chaplain, not only to obey God's commands but also to fulfill the people's obligation under their contract with the king. This argument, according to the first-hand account cited above, was well received by James.

The views of the king himself on his divine right to rule can be found not only in the words of his royal chaplains and in his reactions to them but also in his own political writings. James I's pamphlets and speeches reveal his own concept of kingship. "The Trew Law of Free Monarchies: Or the Reciproock and Mutuall Duetie Betwixt a Free King, and His Naturall Subjects" (1598), was written by James five years before his accession to the throne of England. James I stated at the beginning of this tract that he would establish the "trew grounds" of monarchy "out of the Scriptures, . . . from the fundamental Lawes of our owne Kingdom, . . . [and] from the law of Nature".²⁵ This declaration of the sources for his arguments clearly indicated that

²³ John Buckeridge, A Sermon Preached at Hampton Court before the Kings Majesty (London, 1606) 1-4.

²⁴ Buckeridge 16.

²⁵ James I, "The Trew Law of Free Monarchies" in The Political Works of James I, ed. and introd. by C. H. McIlwain (Cambridge, Mass.: Harvard UP, 1918) 54.

James considered each necessary to his argument in defense of monarchy.

Monarchy was the proper government of England, according to James, because it was established by God over the Jews: the erection of this Kingdome and Monarchie among the Jewes, and the law thereof may, and ought to bee a paterne to all Christian and well founded Monarchies, as beeing founded by God himselfe.²⁶

Second, monarchy was the government established by the law of England in the Coronation Oath, the "clearest, civill, and fundamentall Law". Third, monarchy was consistent with the law of nature, for "by the Law of Nature the King becomes a naturall Father to all his Lieges at his Coronation" and "a head of a body composed of divers members".²⁷ In comparing the king to a father, however, James differed from Filmer, because James believed that a king became a father to his subjects only upon his coronation, whereas Filmer believed that the rightful king was a direct descendant of Adam, the first father, and so was the father of all his people. James' description of the king as a father was included only to metaphorically describe the power of a king; to Filmer, paternal power was the origin of civil power.

James expected passive obedience from his subjects as the "duety and alleageance that the Lieges owe to their King" according to the laws of God, England, and nature. James quoted passages from the books of Samuel and Jeremiah to illustrate the obedience that the Israelites were required to give to their king and from these

²⁶ James I, "Trew Law" 59.

²⁷ James I, "Trew Law" 55, 64.

concluded "out of the law of God" that the people were bound by duty to give their obedience to their lawful king, "obeying his commands in all thing[s]".²⁸ Next, he chronicled the history of kingship in England to "proov[e] then out of the fundamentall lawes and practise of this countrey . . . what allegiance & obedience his [the King's] lieges owe unto him".²⁹ Finally, he demonstrated "the agreement of the Law of nature in this our ground with the Lawes and constitutions of God, and man" by using his earlier analogies, in which the king was called the father of his people and the head of the body of the state, to show that resistance violated the law of nature, for it was "monstrous and unnaturall to his [the king's] sons, to rise up against him" or for the head of the body to be cut off.³⁰

On the question of the king's accountability, the third element of the divine right of kings, James stated that the King could "be judged onely by God, [to whom] onely hee must give count of his judgement".³¹ But James did not completely adhere to the strict divine right view that "kings are accountable to God alone", and he shared this reservation with Filmer. In Patriarcha Filmer stated:
 every Father is bound by the law of nature to do his best for the preservation of his family. But much more is a King always tied by the same law of nature to keep this general ground, that the safety of his kingdom be his chief law.³²

²⁸ James I, "Trew Law" 56-61.

²⁹ James I, "Trew Law" 64.

³⁰ James I, "Trew Law" 64-5.

³¹ James I, "Trew Law" 61.

³² Filmer 96.

Filmer believed that a king was similarly tied by the law of man, for he promised in his Coronation Oath to observe all "upright laws".³³ So, in Filmer's view, the king was limited in the exercise of his will by his Coronation Oath and his moral obligation as a father. James similarly stated that the Coronation Oath of the King required him to "maintaine all the lovable and good Lawes made by [his] predecessors" and to "car[e] for them [his people] more then for himselfe, knowing himselfe to be ordained for them, and they not for him".³⁴ So he shared Filmer's view that he was, as a king, morally bound by his Coronation Oath to be accountable not only to God but to the law and to his subjects:

For albeit it be trew . . . that the King is above the law, as both the author and giver of strength thereto; yet a good king will not onely delight to rule his subjects by the lawe, but even will conform himselfe in his owne actions thereunto, alwayes keeping that ground, that the health of the common-wealth be his chief lawe.³⁵

Therefore James held the view later espoused by Filmer in Patriarcha, that he was not above the law and accountable only to God, but instead that he was bound to obey the law, as the only means to protect the commonwealth and satisfy his legal obligation under the Coronation Oath and his moral obligation as a father.

James maintained the views expressed in "The Trew Law of Free Monarchies" after he was crowned in 1603. In his first speech to Parliament, he explained his concept of monarchy by the natural metaphors he had used in his earlier pamphlet:

³³ Filmer 103-4.

³⁴ James I, "Trew Law" 55.

³⁵ James I, "Trew Law" 63.

I am the Husband, and all the whole Isle is my lawfull Wife; I am the Head, and it is my Body; I am the Shepherd and it is my flocke.³⁶

Jame also continued to express his conviction that his duty to further the common weal superseded his personal will:

The righteous and just king doeth . . . acknowledge himselfe to bee ordeined for the procuring of the wealth and prosperitie, and that his greatest and principall worldly felicitie must consist in their prosperitie.³⁷

James repeatedly stated this point--that the king was ordained for the good of the Commonwealth--in his speeches before Parliament. He believed that the king and his subjects had mutual obligations to each other: "as you owe to me subjection and obedience: So my Soveraigntie obligeth mee to yeeld to you love, government and protection".³⁸ In his "Speech of 1609" James stated explicitly the sources of this obligation:

the King . . . b[ound] himself by a double oath to the observation of the fundamentall Lawes of his kingdom: *Tacitly*, as by being a King, and so bound to protect as well the people, as the Lawes of his Kingdome; and *Expressly*, by his oath at his Coronation.³⁹

In this speech James also defined monarchs again "out of the grounds of Policie and Philosophie" as "Fathers of families" and "the head[s] of this Microcosme of the body of man".

James clearly, then, continued to recognize the natural basis of monarchy and his duty to his subjects throughout his reign. Thirteen years after his coronation, in his "Speech in the Star-Chamber, 1616", James "resolved . . . to renew my promise and Oath made at my

³⁶ James I, "Speech of 1603-1604" 272.

³⁷ James I, "Speech of 1603-1604" 278.

³⁸ James I, "Speech of 1607" 292.

³⁹ James I, "Speech of 1609" 309.

Coronation concerning Justice and the promise therein for maintenance of the Law of the Land".⁴⁰ So he never believed or supported the divine right tenet that "kings are accountable to God alone"; James always, in his theoretical statements of public policy, emphasized his moral obligation to protect his subjects and the common weal.

The reciprocal duty of James' subjects to be obedient to the king, which was their part of the mutual obligations between the king and his subjects, was the topic of God and the King, a pamphlet attributed to Richard Mocket. After this pamphlet was printed in 1615 "by his Majesties special privilege and command", it "was commanded to be taught in all schools and universities, and by all ministers of the church, and to be purchased by all householders in England and Scotland".⁴¹ Its views were therefore widely understood and, by command of James, widely accepted in England.

In God and the King the obedience of subjects to a king was explained to be the result of the fifth commandment, where 'Father' and 'Mother' [signify] not only our natural Parents, but likewise all higher Powers, and especially such as have Sovereign Authority, as the Kings and Princes of the Earth.⁴²

God and the King also used other analogies to define the bond between the king and his subjects, by relating it first to the bond between husband and wife and then to the bond between master and servant.⁴³

⁴⁰ James I, "Speech in the Star-Chamber, 1616" 329.

⁴¹ "Richard Mocket", DNB.

⁴² Richard Mocket, God and the King (London, 1663) 2.

⁴³ Mocket 8, 36.

These analogies were all earlier expressed by James in "The Trew Law of Free Monarchies" and in his "Speech of 1603-4".

However, God and the King did not express the other view that is so prominent in all of James' writings, namely that the king was obligated to limit his actions according to his Coronation Oath and the well-being of the Commonwealth. Mocket stated that the "true Sovereignty" of the king depended upon the fact "that receiving his Authority onely from God, he [the king] hath no Superior to punish or chastise him but God alone".⁴⁴ James similarly believed that he, as the king, had no human superior. However, James insisted that his Coronation Oath and his concern for the common weal, the public good, were his superiors, so he was limited in the exercise of his power. God and the King, which was published by the command of James, did not express James' limitations on the king's prerogative. This may indicate that the views of the pamphlets which were widely circulated and expressly commanded to be used for public instruction adhered more closely to the divine right of kings than did the pamphlets and speeches of the king, which were intended for a more politically sophisticated audience.

The use of natural and non-scriptural arguments to support the divine right of kings continued into the reign of James' son, Charles I. Charles' chaplain Roger Maynwaring defended kingship by natural and divine right in two sermons before the king, published together as Religion and Allegiance (1627). Maynwaring stated that the monarch's power was a "participation of Gods owne Omnipotency, which hee

⁴⁴ Mocket 14.

never did communicate to any multitudes of men in the world, but, onely, and immediately, to his owne Vicegerents" and that "Monarches [we]re invested immediately from God; For by him doe they raigne".⁴⁵ The relationship between the king and his subjects was derived, according to Maynwaring, from the several relations between Creator and Creature, Husband and Spouse, Parents and Children, and Lord and Servant.⁴⁶ The relationship between the king and his subjects was created out of these different relationships and was endowed with God's authority. Therefore "The power of Princes . . . is both Naturall and Divine".⁴⁷

Maynwaring used reason and the Bible to enjoin obedience to the king. His first sermon concerned Ecclesiastes 8:2: "I counsell thee to keep the Kings commandment, and that in regard of the oath of God". Obedience to the king was here explicitly commanded by God, so Maynwaring exhorted his audience to obey the king, or else suffer damnation. But Maynwaring exhorted obedience for other reasons as well:

As a Protectour of their persons, lives, and states, he [the king] deserves it [obedience]. And as the Sovereigne procurer of all the happiness, peace, and welfare, which they enjoy, who are under him, hee doth most justly claime it at their hands.⁴⁸

This is the same kind of contractual arrangement that Buckeridge described in his sermon before the king. Obedience of subjects to their sovereign was required not only as a moral obligation according

⁴⁵ Roger Maynwaring, Religion and Allegiance (London, 1627) 11, 14.

⁴⁶ Maynwaring 3.

⁴⁷ Maynwaring 13.

⁴⁸ Maynwaring 19.

to the word of God but also as a payment for the king's successful protection of lives and property, and for his maintenance of peace and happiness.

Maynwaring did not share James' belief that the king's power was limited. Although James believed the King was legally bound by the Coronation Oath to adhere to the law and provide for the commonwealth, Maynwaring adhered to the strict divine right doctrine that "Kings are accountable to God alone". Kings were, in Maynwaring's eyes, "above all, inferiour to none, to no man, to no multitudes of men, to no Angell, to no order of Angels".⁴⁹ More importantly, Maynwaring believed, unlike James, that the laws were not above the king, for they "t[ook] their binding force from the Supream will of their Liege-Lord".⁵⁰

It was Maynwaring's position on this last point which earned him the censure of Parliament and of the King. Parliament complained about Maynwaring's book that it "t[aught] that the King has absolute power"⁵¹ and that it tried to "infuse into the conscience of his majesty the persuasion of a power not bounding itself with law".⁵² Charles I, in his ninety-second proclamation, explained to some extent the reason why Religion and Allegiance was barred from further publication:

although the grounds thereof were rightly laid, to perswade obedience for the Subjects to their Sovereigne, and that for

⁴⁹ Maynwaring 8.

⁵⁰ Maynwaring 9.

⁵¹ James Larkin, ed., Stuart Royal Proclamations, Volume II (Oxford: Clarendon Press, 1983) 198.

⁵² "Roger Maynwaring, DNB.

conscience sake; Yet in divers passages, inferences, & applications thereof, trenching upon the Lawes of this Land, & proceedings of Parliaments, whereof hee was ignorant, hee so farre erred, that hee hath drawn upon himselfe the just Censure and Sentence of the high Court of Parliament.⁵³

Maynwaring's other views--that monarchy was both natural and divine and that obedience to the king was required both as a duty to God and as an exchange with the king for peace and protection--were not challenged, so the implication is that these views were accepted by Charles and by Parliament. Clearly, therefore, Maynwaring's refusal to acknowledge the power of the law over the king was the issue.

Charles may have agreed with Maynwaring's view on the authority of law, for the DNB reports:

Charles is said to have remarked with regard to [Maynwaring's] sentence: 'He that will preach more than he can prove, let him suffer for it; I give him no thanks for giving me my due.'

Charles also showed his approval of Maynwaring by pardoning him only a few days after his sentence and by giving him another ecclesiastical position soon after his pardon.⁵⁴ Therefore, it would seem that Charles shared Maynwaring's view that the king was unlimited and could be judged only by God, a view which was more strictly divine right than that of James or of Parliament.

The position of Charles' ecclesiastical ministers on the divine right of kings was expressed in Constitutions and canons ecclesiasticall agreed upon at London and York (1640), which were produced by the Convocations of the Church of England and "agreed upon with the Kings Majesties Licence". These canons stated, as did

⁵³ Larkin 197-8.

⁵⁴ "Roger Maynwaring", DNB.

all of the previous authors I have examined, that monarchy was established by divine and natural law:

The most High and Sacred order of Kings is of Divine right, being the ordinance of God himself, founded in the prime Laws of nature, and clearly established by expresse texts both of the old and new Testaments.

The view expressed by Buckeridge and Maynwaring, that the king and his subjects were each bound by mutual obligations, is also evident in the Church's canons:

Tribute, and Custome, and Aide, and Subsidie, and all manner of necessary support and supply, be respectively due to Kings from their subjects by the Law of God, Nature, and Nations, for the publike defence, care, and protection of them For as it is the dutie of subjects to supply their King: so is it part of the Kingly office to support his subjects in the property and freedom of their estates.⁵⁵

Like Buckeridge, the ecclesiastics who wrote these canons believed that the king owed peace and protection to his subjects because they had "hired" him with their tributes and subsidies. As cited above, these canons were "agreed upon with the Kings Majesties Licence", but Charles does not seem to have endorsed the idea of reciprocal obligations as whole-heartedly as his father had. In his second proclamation, on his accession to the throne, Charles stated that obedience was chief among his subjects' "most bounden dueties and allegiances, whereby they shall please Almighty God, and doe that which shall tend to their owne preservations and safeties", but he did not bind himself to any reciprocal obligation.⁵⁶ In addition, his pardon of Maynwaring, who was censured by Parliament for stating that the king was not limited by any law, seems to indicate that Charles found

⁵⁵ Constitutions and canons ecclesiasticall agreed upon at London and York (London, 1640). (Pages not numbered)

⁵⁶ Larkin 3.

no fault in Maynwaring's view. Therefore the idea of a contractual arrangement between the king and his subjects was not accepted by Charles, although it was strongly supported by his father James.

It was in Charles' reign that Sir Robert Filmer wrote Patriarcha. The date of its composition is uncertain, but Patriarcha was probably written sometime in the period 1635-42, after the composition of the works examined above. From the examination of the arguments of these other authors in support of the divine right of kings, it is obvious that Filmer was certainly not the first to employ natural law and reason in his defense of the divine right of kings. Each of the authors I analyzed used Filmer's combination of arguments from the Bible, the law of nature, 'Reason', and history to defend the divine right of kings and some of these arguments coincide exactly with Filmer's arguments in Patriarcha. The tracts I studied were not as thorough as Patriarcha in their defense of the divine right of kings, but that is because these tracts had a different purpose. Most of the political tracts written in this period were primarily concerned with ecclesiastical rather than political sovereignty, as the break with the Catholic Church in Rome had still not been completely effected in the minds and hearts of Englishmen. So most of these tracts were short works whose main purpose was to establish the king's superiority in matters of religion. Patriarcha, on the other hand, was a carefully crafted political treatise, written with the sole purpose of proving the patriarchal origin of government. Therefore Patriarcha had greater scope than these tracts, and it was better organized and more logical, but the methods of argument it used were not innovative. Rather, Patriarcha expressed

the views of the kings and divines from earlier decades, views which were evident in political works of 1603-42.

Therefore, natural law, rational law, and history were all employed by the kings of England and their ecclesiastical ministers to support the right of kings in the reigns of James I and Charles I. Although I examined only a limited number of political works from this period, each of these expressed the official view of the king and of the ministers close to him. Therefore these works are of great importance in understanding the official view of kingship in this period. And the use of natural law in these works indicates that a different right of kingship was espoused than the divine right of kings defined by Figgis. In the framework of Figgis' definition, the right of kingship defended in the official political tracts of 1603-42 included four concepts:

1. The institution of monarchy was ordained by God, by the law of nature, by history, and by the law of England.

2. The succession to the king's throne was by hereditary indefeasible right. (However, Filmer and the authors of the canons of 1606 believed that de facto governments established by rebellion also had divine authority, a view that James refused to endorse.)

3. Kings were required to uphold their Coronation Oath and to provide for the common weal, and could be judged in the performance of their duty only by God, and not by any mortal man. (Charles does not seem to have concurred with this view, for he did not acknowledge the superiority of the Coronation Oath over his royal prerogative.)

4. Obedience to the king was consistent with the commands of God, the law of nature, and history.

The right of kings summarized above from the official political works of the period 1603-1642 is not a 'divine' right of kings but a natural, rational, historical, and divine right of kings.

Why, then, did this political theory receive the appellation of the 'divine right of kings'? Perhaps it is because this theory had another component, one which Figgis omitted from his definition of the divine right of kings. This additional concept, which was included in an alternate definition of the divine right of kings by F. Kern, was the "divine consecration" of the king, the belief in the "sacral character of the king".⁵⁷ All of the authors I examined agree on the king's "sacral character", either through his special relationship with God or through his own divine nature. The canons of 1606 stated that kings were not only "Lieutenants or Vicegerents on Earth to the Son of God", but were also called gods by God himself: "I have said, You are gods, and the Children of the most High" (Psalm 82:6).⁵⁸ Buckeridge also called kings the "Lieutenants and Viceroy" of God.⁵⁹ James proclaimed that the king was "God's Lieutenant in Earth" and also "our God in Earth", according to Psalm 82:6, where "Kings are called Gods".⁶⁰ Mocket similarly cited Psalm 82:6 and called the king the "Vicegerent" of God, but he went further:

⁵⁷ Fritz Kern, Kingship and Law in the Middle Ages, trans. and ed. by S. B. Chrimes (Oxford: Basil Blackwell, 1948) 5.

⁵⁸ Overall 83-4.

⁵⁹ Buckeridge 2.

⁶⁰ James I, "Trew Law" 61, 70, 54.

Neither the kingdom only, and the power of Princes, but all things else proper unto them, are after a peculiar manner Gods. Their Crown, their Anointing, their Scepter and Throne are Gods; and their persons, adorned with all these, are so Divine and Sacred that they themselves are the Angels of God, and sons of the most High.⁶¹

It should be noted again that Mocket's tract, which called kings the "Angels of God", was commanded by James to be taught in schools and purchased by all householders. Maynwaring's sermons before Charles went even further than Mocket's work in hailing the king's sacral character. Maynwaring stated that kings were "above all, inferiour to none, to no man, to no multitudes of men, to no Angell, to no order of Angels."⁶² Kings were, in Maynwaring's estimation, superior even to the angels.

From Charles' proclamations there is some proof that the people of England fervently believed in the divine nature of their kings. Since Edward the Confessor, people diseased with scrofula, commonly known as the "King's Evil", had approached the king to be touched by him and to be cured of this disease.⁶³ Charles issued twenty-one proclamations between 1625 and 1638 to restrict the times when he would allow people to approach him in order to be touched by him and so to be cured of the King's Evil.⁶⁴ From the number of these proclamations, each of which reduced the amount of time Charles would allow to be approached by people seeking their cure, it seems that the demand for Charles' supposed capacity to cure scrofula was

⁶¹ Mocket 18, 34.

⁶² Maynwaring 8.

⁶³ James Larkin and Paul L. Hughes, eds., Stuart Royal Proclamations, Volume I (Oxford: Clarendon Press, 1973) 358.

⁶⁴ Larkin 35.

very great in England. So although the theoretical defenses of the divine right of kings undermined its divine nature, the authors of these tracts nevertheless believed that the kings had a close relationship to God and a semi-divinity of their own. In addition, the belief of the people of England that the king could cure a disease by the touch of his hand indicates that the belief in the king's quasi-divinity was widespread.

So the divine right of kings involved more than the theoretical explanation of the king's power; it also involved the widely held belief in the king's own semi-divine nature. Yet despite this belief, Charles was beheaded at the behest of Parliament in 1647 and the divine right of kings began to die a slow death. Figgis' purpose in postulating that Filmer caused the downfall of the divine right of kings by his use of natural arguments was an effort to understand why the divine right of kings of the early seventeenth century soon gave way to Locke's theory of government by consent in the 1690s. If it is true, as Figgis stated, that the divine right of kings fell into disrepute because its natural arguments were later used against it by Locke, then the divine right of kings was susceptible to this sort of confutation even during the reign of James. Yet we know that the people continued to believe in the king's divine nature during the reign of Charles, long after James' use of natural arguments in his "Trew Law of Free Monarchies" (1598).

It seems, therefore, that there was some other reason for the downfall of the divine right of kings. This reason can be found, I believe, in Buckeridge's and Maynwaring's sermons, and in the Canons of the Church of England of 1640. These three works all encouraged the idea of the mutual obligations between a king and his subjects--

that the king was hired by his subjects for the purpose of insuring their peace and protection and that, in exchange, the subjects of the king yielded obedience and tribute to him. The relationship between a king and his subjects was therefore contractual. If one of the parties did not fulfill his part of the contract, then it would be legal to punish him for his breach of this contract. This reasoning could be applied to Parliament's decision to remove Charles from office. In addition, the idea of a contract between the king and his people would progress naturally to Hobbes' theory in Leviathan that the origin of government was the initial contract among the people to give up some of their liberty in order to insure peace. Locke's theory of the creation of government by the consent of the governed is similarly based on the idea of a contract between the people and the official(s) that govern them. Therefore the justification of the divine right tenet of the obedience of subjects to their king by the explanation that this obedience was the subjects' obligation according to their contract with the king would serve as justification also for the murder of Charles and could be expanded into the theories of Hobbes and of Locke.

Similarly, as Figgis realized, the natural arguments used by divine right authors could be slightly altered and then used against the divine right of kings. In the same way all of the non-scriptural arguments used by divine right authors of this period could be transformed to support the later political theories of an original contract or of government by consent. Perhaps there is not, or there does not need to be, any specific reason for the downfall of the divine right of kings. It was, quite simply, a political theory which belonged to an earlier age and which could not be fully justified in the age of reason.

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