

2005

Charles I and the Divine Right of Kings

Chris Davis

Follow this and additional works at: <https://digitalcommons.library.uab.edu/vulcan>



Part of the [History Commons](#)

Recommended Citation

Davis, Chris (2005) "Charles I and the Divine Right of Kings," *Vulcan Historical Review*. Vol. 9, Article 7.
Available at: <https://digitalcommons.library.uab.edu/vulcan/vol9/iss2005/7>

This content has been accepted for inclusion by an authorized administrator of the UAB Digital Commons, and is provided as a free open access item. All inquiries regarding this item or the UAB Digital Commons should be directed to the [UAB Libraries Office of Scholarly Communication](#).

Charles I and the Divine Right of Kings

By Chris Davis

During the trial of Charles I, the members of parliament who sought to convict and execute the king said that he had forced the nation into civil war and therefore had committed treason against England. Rather than lend validity to the charges, Charles insisted that the court had no authority because he was the king – answerable only to God by whom all royal power was bestowed. Charles maintained this defense of the divine right of kings until the end. He never employed another line of reasoning despite his dire situation. What conviction influenced Charles to forego all other defenses and press this uncompromising position? Essentially, all of the beliefs and theories that Charles exhibited at his trial were inherited from his father, James I. From the teachings of his father Charles developed an unyielding belief in the divine right of kings, and this conviction became the core of his defense at his trial and execution.

As king, James had been a prolific writer on numerous subjects, especially religion and politics. Many of the king's writings were meditations on parts of the Bible. James was a firm believer in the divine right of kings, the belief that rulers, according to the Bible, are chosen by God. As a result, rulers wielded God's authority on Earth, and they were only accountable to God for their actions. James' strength came from his ability to compromise in his exercise of authority but not beliefs. He fully believed that he was anointed by God to rule as king, yet he was shrewd enough to yield some authority to Parliament. In this way he harmonized his ideology of divine right with the existence of Parliament. This balance existed not only in the mind of James but also in that of most of his subjects.¹

Numerous writings and speeches by James I exhibited his

conviction about divine right. At his accession speech for Parliament on March 19, 1603, James referred to his new position as king of England "which God by my birthright and lineal descent had in the fullness of time provided for me."² Here, the new king displayed his sincere belief that he held the position of king as a result of God's will. This line could be considered a simple nod to the Christian culture and English tradition of the time, but his later works prove that the divine right of kings was a core belief.

Six years later, in another speech to parliament, James made one of his most significant declarations of the divine right of kings. James began by noting that "[t]he state of monarchy is the supremest thing upon earth.... Kings are justly called Gods, for that they exercise a manner or resemblance of divine power upon earth." As earthly gods, kings could wield divine powers that dealt with life and death. Significantly, James concluded by describing kings as "judges over all their subjects, and in all causes, and yet accountable to none but God only."³ The implications were vast. Kings had traditionally held great powers that included those of the sword, but James now declared that he was above all earthly law, including the traditional common law of England. In his opinion, James could have committed any act without retribution from his subjects. Yet by refraining from such acts, he avoided any great problems with Parliament. He may have truly believed that he held divine powers, but he did not challenge Parliament's capacity to keep him in check through its power of the purse.⁴

James passed on his religious and political beliefs to his son and successor, Charles I. It could be easy to assume that Charles would rule England in much the same way as his father, but this was not the case. Charles fully inherited his father's theories on the divine right of kings, yet he lacked the political skills that allowed James to be an effective administrator. If Charles was king by divine right, as he

believed, there was no need for political maneuvers. His will was enough.⁵ Given the reality of politics in England, it is easy to see why Charles faced many troubles during his reign.

It is important to grasp the devotion with which Charles internalized his father's teachings. James' eldest son, Henry, died on November 6, 1612 at the age of nineteen. At this death, Charles became the future king, and his education began to concentrate upon the duties of a king. James was the primary influence in this area. In his many books and speeches, one of James' main goals was that his work would benefit his successor and future generations of rulers. This was especially true in the case of Charles since the writings and speeches his father formed the basis of their relationship. The young heir was not emotionally close to his father due to personality differences. Where James was exuberant and unceremonious, Charles was reserved and extremely formal. As a result, their relationship was confined to the intellectual level.⁶

In one of his works, James made the point that a son, as a biblical principle, should always obey his father's instruction. Charles apparently took this charge as a directive by which he should live his life. Several facts indicate that Charles was a disciple of his father's teachings. In many of his own writings and speeches, Charles used lines from the works of James, and in giving advice, the son often quoted his father directly or used sayings similar to those used by James. Charles shared his father's fondness for the Gospel of Matthew, on which James wrote his Meditation. Perhaps most telling, one of the portraits of Charles shows him with a Bible and a copy of his father's *Workes*, a volume on political and religious topics. In this painting, Charles visually declared his primary sources of influence.⁷

James's writings and instructions to Charles were not limited to the theory of the divine right of kings. James wrote on a variety of subjects, but in each case the charge to his son built upon the central idea that the king's power was given by

God. In his work *Basilikon Doron* James discussed the many facets of kingship that he wanted Charles to accept as unchanging fact. The first focus was the king's duty to God. James stated that the greatest duty of the king was to protect the Church of England. In doing so, Charles should follow the directions of the Bible, use the Bible as a pattern with which he should compare himself, and serve as a leader to the Church. Next, James focused on the duty of the king to government. As the king was chosen by God to serve the country and the people, he must submit his own will to those actions that would benefit England. James was also adamant that there should be no difference between the actions of a king and his inner thoughts.⁸

In Charles this last idea combined with the idea of the divine right of kings to create the pivotal difference between father and son. As historian Kevin Sharpe notes, James was willing to participate in politics and compromise with Parliament. By doing so, he succeeded as a king. Charles, on the other hand, chose to follow a literal form of his father's teachings. As a result, he did not function well in England's political environment. Before the English Civil War, Charles had numerous opportunities to work with Parliament, compromise, and secure reasonable solutions for all parties. He refused.⁹ Although Charles' staunch support of the divine right of kings was not the primary factor that led to civil war, the belief did greatly affect Charles' actions.

By 1649 Charles was militarily defeated, deposed, and awaiting trial for his life. Looking back at his conduct during the war, Charles believed that he had fallen away from his duty to God and his conscience at certain points. In cases such as the trial of Strafford and his concession of the votes of bishops in parliament, Charles had actually attempted to use politics to solve problems. Now, at the end of the war and the beginning of his trial, Charles believed those concessions had been faults on his part and that he had to fulfill his duty to

God by defending the divine right of kings, his conscience, and thus England.¹⁰ Charles chose to mount this defense by not yielding to Parliament despite his impending death. His speeches from his trial and execution provide the most vivid examples of his dedication to his belief in the divine right of kings.

On January 20, 1649, the trial of Charles I began. The spectacle was held before the High Court of Justice, a body created by Parliament especially for this trial. Once the proceedings commenced and various functionaries and spectators were gathered and settled, Charles was brought in and seated before the court. At this point, the lengthy charge against the king was read. Essentially, it accused him of treason. The court then asked Charles to answer the charge. The commissioners who made up the court expected a guilty or not guilty plea, but Charles surprised them by questioning their authority to put their king on trial.

Now, I would like to know by what authority – I mean lawful – there are many unlawful authorities in the world – thieves and robbers by the highways – but I would like to know by what authority I was brought from thence and carried from place to place, and I know not what. And when I know what lawful authority, I shall answer.¹¹

In making this statement, Charles planned a defense based on the divine right of kings, asserting that any authority cited by the court would be inadequate to judge the supreme authority of England. By specifically asking what lawful authority the court claimed, Charles forced the court to claim either earthly or heavenly authority. They could not claim earthly authority since the king, by law, was above judicial authority. If they claimed the authority of God, they would be using the same claim as Charles, who could respond that they stole the claim from the ruler chosen by God.

In his next sentence, Charles warned, "Remember, I am

your King – your lawful King – and what sins you bring you bring upon your heads and the judgment of God upon this land, think well upon it..."¹² Here, Charles reminded the body that he, unlike the court, already held "lawful" authority, according to history and precedent. Charles was making a rhetorical challenge to the charges by building an alternative line of thought about the situation.

Charles concluded his statement, "I shall not betray my trust. I have a trust committed to me by God, by old and lawful descent [i.e., by hereditary right]. I will not betray it to answer to a new unlawful authority."¹³ The "trust" that the king mentioned was based on James' reading of the Bible as charging kings to be God's primary servants on earth. If Charles submitted to this court, he, in essence, would have admitted that he was not the supreme authority in England. But by maintaining his position, Charles, in his opinion, placed himself on a moral high ground and the court at fault for depriving him of the ability to perform his kingly duties. According to the logic asserted by Charles, the court was actually sinning. They were obstructing God's work.

The question of whether a king could be lawfully removed was open to debate at this time. Some people believed that kings were subject to retribution if they acted against the good of the country.¹⁴ This belief either denied or modified the theory of the divine right of kings, and it is this belief that prevailed on the High Court of Justice. Thus, on the first day of the trial, the Lord President of the court retorted that the king had betrayed his "trust" and therefore could be tried for treason.¹⁵

Later in the day, Charles again challenged the court's authority, seeking to place the burden of proof on the court rather than on himself. "Let me see a legal authority warranted by the Word of God – the Scriptures – or warranted by the constitutions of the kingdom, and I will answer," Charles said.¹⁶ Once again he defined a choice between

authority derived from either the heavenly or earthly realms. Charles continued, "And therefore you shall do well to satisfy first God, and then the country, by what authority you do it. If you do it by usurped authority, that will not last long. There is a God in Heaven that will call you and all that give you power to account."¹⁷ With this statement Charles essentially concluded that the court had stolen its power. Rather than the power of judgment being with the king, a full Parliament, and royally sanctioned courts, this "new" court had taken power on itself to judge the king. This would have been unlawful. Thus Charles sought to take the moral high ground as the victim.

The court ended this exchange by saying that it held both heavenly and earthly authority.¹⁸ On the first day of the trial, the division of ideology was established. The court was determined to try the king since it had the upper hand, and Charles refused to enter a plea and thereby acknowledge the court as legitimate.

On January 22, the second day of the trial, the court ordered that if the king persisted in not answering the charge, a default confession would be recorded. The president of the court then addressed Charles, saying that the court did have all necessary authority, and offered Charles another chance to answer the charge of treason. The king's position was unchanged. He stated that he did not know the source of the court's authority, and that "a King cannot be tried by any superior jurisdiction on earth." This time, the king gave another reason for his refusal to answer the charges — "the duty I owe to God first, and my people next, for the preservation of their lives, liberties, and estates."¹⁹ Charles would return several times to the themes of "the liberty of the people" and "the peace of the kingdom" as reasons why his duty would not allow him to fulfill the court's demand for a plea to the charge of treason. By answering the court, Charles reasoned, he would fail in his duty to God. England would

therefore fall out of favor with God, and the peace of the kingdom would be lost.²⁰

The court cut the king off and refused to debate authority, legality, or any other topics. Its only purpose at this point was to get the king to answer the charge. At one point the court asserted the new belief that the monarchy was responsible to the people. The Lord President told Charles that the members of the High Court of Justice "sit here by the authority of the Commons of England, and all of your predecessors and you are responsible to them -." Charles interrupted to say, "I deny that. Show me one precedent." The court stated that Charles was not allowed to debate that issue. The rest of the exchange descended into short remarks, as the court pressed Charles for a plea and Charles insisted that they had no authority. The court ended for the day with Charles being taken away and a default confession being recorded.²¹

Throughout the day, Charles had tried to get the court to listen to his reasons for not entering a plea. In a speech he had prepared, but was not allowed to present, Charles stated, "There is no proceeding [that is] just against any man but what is warranted either by God's laws or the municipal laws of the country where he lives." Here Charles reiterated his point from the first trial day that authority came from either God or established law. Because he was the king, the court had neither.

The speech continued, "Now I am most confident this day's proceeding cannot be warranted by God's law, for on the contrary the authority of obedience unto kings is clearly warranted and strictly commanded both in the Old and New Testament, which if denied I am ready instantly to prove." Charles then cited Ecclesiastes 8:4, "Where the word of a king is, there is power: and who may say unto him, What doest thou?" Literally the verse states that, because of a king's (earthly) power, no one else can question what he chooses to do. Obviously Charles interpreted it to mean much more. In his view and his father's, the verse meant that the king should

not be questioned in any circumstance, the king was above all earthly law, and the king held authority above all but God. Charles must have been confident that this reading of the verse was apparent, because he did not give a detailed explanation or interpretation.²²

In the next paragraph, Charles addressed the protection of the people of England. As a rhetorical point, he conceded that the court could have the authority it claimed if it had asked the people their opinion on the matter, but he knew that it had not done so. Charles argued that he was best suited to protect the lives and property of the people of England. The monarchy was a tested form of government under which the country had prospered, unlike this new authority which could actually threaten the population. Charles also invoked the idea of the king as a father to his people — one of James' principles, and therefore part of the ideological training that Charles received from the works of his father. Just as God is the head of the body of the Church and the father is the head of the family, James, and thus Charles, believed the king was the head or father of the people. In this position, the king was, with divine placement, the leader and protector of the lives and property of the population.²³

On January 23, the third day of the trial, the court gave the king one last chance to answer the charge of treason. Charles again asked if he would be allowed to give the reasons for his resistance. The court responded that he could speak in his defense after he issued a plea, and again the king refused. The exchange continued in much the same manner until the Lord President ordered that the king be removed and a default confession again be recorded.²⁴

Two days later, the court heard testimonies against the king and reached a verdict of guilty. On January 27, the last day of the trial, the king was brought before the court for sentencing. He tried once more to assert his authority, but the court denied him more speaking time. The sentence was read

and Charles was declared guilty. He was to be executed by beheading.²⁵

On January 30, 1649, Charles went to his execution. From the scaffold he made his last speech to a crowd that was too far away to hear much of what he said. In this speech he compiled and added to many of the ideals that he had expressed during the trial. "Indeed I could hold my peace very well," he began, "if I did not think that holding my peace would make some men think that I did submit to the guilt as well as to the punishment. But I think it is my duty to God first, and to my country, for to clear myself both as an honest man, a good king, and a good Christian."²⁶

After declaring his innocence, Charles took up his role as head of the Church and the spiritual leader of England. "I have forgiven all the world and even those in particular that have been the chief causers of my death," he said. As the divinely appointed king, Charles believed he could not pardon sin, but he could give earthly forgiveness. Rather than pardoning the court or those who opposed him in war, Charles made a much more sweeping statement that blanketed all of England.

Concerning those who sent him to his death, the king said, "I wish that they may repent, for indeed they have committed a great sin in that particular." Under English common law, the greatest offense was an attack on the king. Yet even before the war, the idea of treason had changed in the minds of some. Rather than an attack on the king, England's figurative father, they defined treason as an attack on the commonwealth, or the people, and it was this crime for which Charles was sentenced to die. Charles rejected this reasoning and held to the old interpretation of the law, specifically defining his own execution as a sinful attack on God's vice-regent, for which the executioners should repent.

Through his speeches at his trial and execution, Charles I displayed the ideology that he learned from his father, James I.

At the core of these teachings was the belief in the divine right of kings. It was the instruction of his father that convinced Charles of his divine placement and the duties of that position. As a result, Charles could not submit to the High Court of Justice even as he faced charges punishable by death. He insisted until the ax fell that he was the highest authority. By his own will Charles I died as a martyr to the belief in the divine right of kings.

REFERENCES

1. Harold J. Laski, "The Political Ideas of James I," *Political Science Quarterly* 34 no. 2 (1919): 290-304, 296; Mark Fortier, "Equity, Ellesmere, and James I," *Renaissance Quarterly* 51 no. 4 (1998): 1255-1281, 1268; Austin Woolrych, *Britain in Revolution 1625-1660* (Oxford: Oxford University Press, 2002), 16-18.
2. James I. "Accession speech to Parliament, 19 March 1603: Extracts on peace, the Union of the English and Scottish kingdoms and kingship." [document online] The Official Web Site of the British Monarchy; available from <http://www.royal.gov.uk/output/Page75.asp>; see PDF document, accessed 23 November 2004.
3. James I. "Extract from a speech to Parliament, 21 March 1609." [document online] The Official Web Site of the British Monarchy; available from <http://www.royal.gov.uk/output/Page75.asp>; see PDF document, accessed 23 November 2004.
4. Pauline Gregg, *King Charles I* (Los Angeles: University of California Press, 1981), 125.
5. Derek Hirst, *Authority and Conflict: England, 1603-1658* (Cambridge, Mass.: Harvard University Press, 1986), 137-138.
6. Gregg, *King Charles I*, 28; Kevin Sharpe, "Private Conscience and Public Duty in the Writings of Charles I." *The Historical Journal* 40 no. 3 (1997): 643-665, 643-645.
7. Sharpe, "Private Conscience," 644, 645.
8. *Ibid.*, 645-648.
9. *Ibid.*, 648.
10. *Ibid.*, 653, 657, 659, 660.
11. "The King is charged and refuses to plead – a contemporary published transcript of the first day of the trial in Westminster Hall, sixty-seven commissioners present," in *The Trial of Charles I: A Documentary History*, ed. David Lagomarsino and Charles T. Wood (Hanover, NH: University Press of New England, 1989), 64; The editors of this same source noted on page 58 that at this time, trials for treason did not allow the accused to have a defense team. As a result, Charles answered the charges.
12. "The king is charged," 64.
13. *Ibid.*, 64-65.

14. James Daly, "The Idea of Absolute Monarchy in Seventeenth-Century England," *The Historical Journal* 21 no. 2 (1978): 227-250, 232, 236.. 41
15. *Ibid.*, 65.
16. *Ibid.*, 65.
17. *Ibid.*, 66.
18. *Ibid.*, 66.
19. "The King persists in refusing to recognize the court — a contemporary published transcript of the second day of the trial in Westminster Hall, seventy commissioners present," in *The Trial of Charles I: A Documentary History*, ed. David Lagomarsino and Charles T. Wood (Hanover, NH: University Press of New England, 1989), 75-75.
20. "A contemporary published account of the King's Execution," in *The Trial of Charles I: A Documentary History*, ed. David Lagomarsino and Charles T. Wood (Hanover, NH: University Press of New England, 1989), 141; Hirst, "Authority and Conflict," 26; "The King persists," 75; Charles I, "The court's proceedings are illegal, contrary to the popular will, and an affront to the true privileges of Parliament — text of the speech the King was not permitted to give at his trial, with his own annotations." in *The Trial of Charles I: A Documentary History*, 81.
21. "The King Persists," 76-79.
22. Charles I, "The court's proceedings are illegal," 79-80.
23. Charles I, "The court's proceedings are illegal," 80-81; Sharpe, "Private Conscience," 644.
24. *Ibid.*, 82-87.
25. "The evidence against the King — meeting in the Painted Chamber, thirty-two commissioners "with diverse others" present, as reported in Phelps's Journal," in *The Trial of Charles I: A Documentary History*, ed. David Lagomarsino and Charles T. Wood (Hanover, NH: University Press of New England, 1989), 90-100; "Preliminary meeting in the Painted Chamber, sixty-eight commissioners present, as reported in Phelps's journal," in *The Trial of Charles I: A Documentary History*, ed. David Lagomarsino and Charles T. Wood (Hanover, NH: University Press of New England, 1989), 102-109; "A contemporary transcript of the last day of the trial in Westminster Hall, with later interpolations by the royalist John Nalson given in italics," in *The Trial of Charles I: A Documentary History*, ed. David Lagomarsino and Charles T. Wood (Hanover, NH: University Press of New England, 1989), 109-118.
26. "A contemporary published account of the King's Execution," 140.