

Ideology and Allegiance in the English Civil War

Revisionist historians admit that constitutional issues contribute to the outbreak of conflict in 1642. However, they see the civil war as essentially a religious struggle. My purpose is to argue that the impact of ideological conflict was not purely incidental. As early as May 1641, the Long Parliament was diverting the object of the subject's allegiance from the person of the king to the defence of an ill-defined reformed religion. By winter 1642 mainstream parliamentary theorists were advocating a kind of parliamentary absolutism, even extra-parliamentary armed resistance. After the fighting had begun, some parliamentary thought was radicalised further leading to the exploration of situations in which the king could be deposed or even tried for treason. These ideas did not make the regicide inevitable, but they did provide those that later tried the king with ready prepared arguments to justify his execution.

The case diminishing the extent of ideological conflict has largely been defined by the work of Conrad Russell and John Morrill. In his article 'Rule of Law, Whose Slogan?' Russell refuted the idea that there was a 'high road to civil war'. Russell pointed out that many of those that had been opponents of Charles' fiscal expediencies in the 1620s went on to become royalists in the 1640s. In the Long Parliament itself, Russell showed that opposition to Charles' extra-parliamentary taxation was near unanimous. According to Russell, it was a political commonplace that the law heavily circumscribed the crown's actions. Constitutional conflict was not a major factor in the development of parties in the Long Parliament. For Russell, the fundamental dividing line between future royalists and parliamentarians was religious. Russell did not deny that ideological conflict had some significance. It was, Russell admitted, the king's concessions on constitutional issues that largely won him a royalist party in 1641. The idea that the law regulated the king's actions also allowed Charles' critics to challenge his personal authority. They used what Russell described as the theory of 'diminished majesty' to argue that the king should be treated as if he were a minor, in captivity or insane.¹

Like Russell, John Morrill has argued that the main justifications for parliament's resistance against the king were religious and not secular. Morrill noted there were no accusations of tyranny made against the king between 1640-2. He pointed out that it was the king's bishops, rather than Charles himself, who actually faced charges of tyranny. To resist kings would be to condone a 'popish' practice that English Protestant writers had been condemning for the past forty years. Accusing the episcopate of exercising a tyrannical rule over subjects fitted in with the view that Laudian bishops were the agents of a papal plot. Reviving Russell's idea of 'diminished monarchy', Morrill stated that the charges of tyranny against his bishops suggested that the king was so in the thrall of popish prelates and evil counsellors that he had become incapable of fulfilling the duties of his office. Such arguments could permit a limited programme of constitutional change without risking either the deposition or execution of the king.²

Even historians who argue that there was significant constitutional conflict

¹ C. Russell, 'Rule of Law, Whose Slogan?' in *The Causes of the English Civil War*, (Oxford, 1991), ch. 6.

² J. S. Morrill, 'Charles I, Tyranny and the English Civil War', in *The Nature of the English Revolution*, (London, 1993), ch. 15.

before 1640 largely endorse the revisionist interpretation of the role of ideology immediately prior to the outbreak of civil war.³ Nonetheless, I believe there are a number of problems with Morrill and Russell's arguments. Both are keen to stress that religious conflict was the main impetus behind the formation of parties and the descent into civil war. In the case of fears of a 'Popish Plot', Morrill's distinction between religious and constitutional issues is not easily maintained. As Peter Lake has convincingly shown, it is not possible to define 'anti-popery' simply as anti-Catholicism.⁴ Opposition to 'popish' practices included opposition to certain political as well as theological positions. At the same time as arguments for resistance might be equated with the papal deposing power, so an arbitrary style of royal government might be compared to the Pope's tyranny. As Johann Somerville has pointed out, the king's bishops were seen not only as promoters of 'popish' innovations in the church, but as key agents of royal tyranny.⁵ Equally, Russell's research has uncovered the links between Scots covenanters and Charles' opponents in England but for him this alliance is one based only on political convenience and shared religious grievances.⁶ Yet, English support for the covenanters' cause could also imply the tacit approval of armed resistance. As I will show later, the covenanters' political ideas would have important ramifications for the Long Parliament's interpretation of political allegiance.

The emphasis of Russell and Morrill on religious factors is not merely a product of the evidence before them. Both they and other revisionist historians share a common antipathy to material that might be classed as 'political theory.' Morrill has argued that 'the constitutional issues of 1642 were means to an end, not ends in themselves',⁷ whilst Russell has described parliamentary political thought as 'ad hoc ideas constructed out of any material ready to hand.'⁸ Morrill and Russell see parliamentary political thought as a *post facto* justification of action taken for reasons of political expediency or religious zeal. Given this basic assumption it is not surprising that they have given little weight to the role of ideology in the English civil war.

However, the greatest problem with the work of Morrill and Russell is neither interpretative nor methodological. David Wootton has noted that most of these inquiries into ideological conflict tend to stop at the moment fighting begins.⁹ This is

³ J. H. Sommerville, 'Ideology, Property and the Constitution' in *Conflict in Early Stuart England: Studies in Religion and Politics 1603-1642* eds. R. Cust and A. Hughes (Harlow, 1989), ch. 2, p. 65; E. M. Wood and N. Wood, *A Trumpet of Sedition, Political Theory and the Rise of Capitalism 1509-1688* (London, 1997), pp. 71-3. For an opposing view see J. Sanderson, 'Conrad Russell's Ideas', *History of Political Thought (Great Britain)*, 14, (1993), pp. 85-102; D. Wootton, 'From Rebellion to Revolution: the crisis of the winter of 1642/3 and the origins of civil war radicalism', *English Historical Review*, 105, (1990), pp. 654-669.

⁴ P. Lake, 'Anti-Popery: the Structure of a Prejudice' in *Conflict in Early Stuart England*, ch. 3.

⁵ Sommerville, 'Ideology, Property and the Constitution', p. 65.

⁶ C. Russell, *The Fall of the British Monarchies, 1637-42* (Oxford, 1991), pp. 60-4, 68-70, 151-3, 165-71; see also P. Donald, *An uncounselled king: Charles I and the Scottish Troubles, 1637-41*, (Cambridge, 1990), pp. 135-6, 184-5, 244-7; ___ 'New light on the Anglo-Scottish contacts of 1640', *Historical Research* 62, (1989), pp. 221-9.

⁷ Morrill, 'Charles I, Tyranny and the English Civil War', p. 286.

⁸ Russell, 'Rule of Law', p. 160; see also his comments in *The Fall of the British Monarchies*, pp. 481-2; Sanderson notes that, having made claims for the lack of opposing royalist and parliamentary ideologies, Russell conspicuously fails to discuss the work of either Henry Parker or Henry Ferne, 'Conrad Russell's Ideas', pp. 95, 100.

⁹ Wootton, 'Rebellion to Revolution', p. 654.

in spite of the fact that parliamentary ideology continued to evolve as the war progressed. In opposing the prospect of a negotiated peace in the winter of 1642, the 'war party' defended not only the parliament's right of resistance, but also claimed a right in the populace themselves to wage war against tyranny. They fleshed out scenarios in which the king could be deposed, even put on trial by the people. The political thought of the war party provided the necessary ideological foundations for the events of 1649 by asserting parliamentary, even popular sovereignty and tying allegiance to a religious cause rather than the person of the king.

By claiming to be the sovereign power within the constitution parliament argued that obedience was due to them and not the king. Supporters of the Rump would later exploit the authoritarian elements of this theory of parliamentary sovereignty to demand allegiance to the commonwealth. Allusions to the sovereignty of parliament had been made well before winter 1642.¹⁰ Later parliamentary writers, however, in particular the barrister William Prynne in his influential *The soveraigne power of parliaments* (1643), developed a theory of co-ordinate powers that came close to parliamentary absolutism. Prynne described parliament as the 'chief legislator' in the land in comparison with which the monarch was but a 'meere mixt Politique King'. The king had no right to exercise his negative voice with regard to laws for the common good of the people. St. Paul's injunction to obey the higher powers was general in effect but it applied to the parliament and not to the king.¹¹ Wootton notes that Prynne's argument made parliament 'an absolute and unchecked authority bound neither by Magna Charta or the Petition of Right.'¹² Prynne's book later became an important source for apologists for the English republic.¹³ Richard Tuck points out that Henry Parker was not defending a mixed-constitution of king, lords and commons. He instead 'emphasised the hegemony in the society of an oligarchic or aristocratic council.'¹⁴ Parker subsequently produced pamphlets in support of the Rump.¹⁵

Having staked their claim to be the supreme authority in the kingdom, parliament and its theorists argued that the king's authority was only held as a public trust. They argued that the king's own levying of arms was a violation of his mutual covenant with the people enshrined in the coronation oath. On 20 May 1642 the Lords resolved that 'Whensoever the King maketh War upon the Parliament, it is a Breach of the Trust reposed in Him by His People, contrary to His Oath, and tending to the Dissolution of this Government.'¹⁶ As with all mutual contracts the obligations of one party could be forfeited by the non-performance of duties by the other. In the case of a severe breach of faith, the contract might be dissolved altogether. To Charles Herle, the evidence that England was a mixed-monarchy of co-ordinate powers lay in 'the

¹⁰M. J. Mendle, 'Politics and Political Thought 1640-1642' *The Origins of the English Civil War* ed. C. Russell (Basingstoke, 1973), ch. 8, pp. 226-7.

¹¹Prynne, *soveraigne power*, book i, 46, 49.

¹²Wootton, 'Rebellion to Revolution', p. 662.

¹³[E. Elcock], *Animadversions on a book called a plea for non-subscribers*, (1651), pp. 17-22; [T. Paget], *A religious scrutiny* (1650), p. 18; N. W., *A discourse concerning the Engagement: or, the northern subscribers plea* (1650), p. 9; [J. Rôcket] *The Christian subject* (1651), p. 98. [Unless otherwise stated, works published before 1700 are printed in London.]

¹⁴Tuck, 'Philosophy and Government', p. 230.

¹⁵H. Parker, *Scotland's holy war... as also an answer to a paper entituled, some considerations in relation to the act of 2. Jan 1649. for subscribing the engagement*, (1650); [H. Parker] *The true portraiture of the kings of England; drawn from their titles, successions, raings and ends*, (1650).

¹⁶L. J., v, 76.

mutuall Oathes the King and people are to take to maintaine the Laws that have so constituted it.' Harking back to the feudal origins of the coronation oath, Herle stated that 'the king is our liege lord, as well as we his liege people, that is (as the word signifies) mutually bounden to each other.'¹⁷ William Prynne viewed the oath as the main evidence that the kingdom was above the king. He argued that even those rulers that came to the crown by hereditary descent were not deemed kings until they had submitted to the people's consent at the coronation.¹⁸

Affirming that obedience was primarily due to the parliament, loyalty to the king was made conditional on his defence of religion and the law. The roots of this position lay in the precedent established by the Scots' National Covenant of 1638. This covenant had been made, without the authority of the king or the Scots' parliament, to defend 'the religion, laws and liberties, [and] the Kings' Majesties person and authoritie in preservation thereof.'¹⁹ English Presbyterians were not slow in calling for a national covenant of their own.²⁰ Some viewed the parliament's Protestation to defend the Protestant religion in these terms. On May 3 1641, during the Commons debate on the oath, the pro-Scots MP Sir John Wray argued that members should 'endeavour to be loyal Covenanters with God and the King' by 'first binding ourselves by a Parliamentary and National Oath, (not a Straffordian nor a Prelatical one)'.²¹ Although the oath contained a promise to defend the king's person and authority, Russell himself admits that there was a 'more than implicit' threat to use force in the Protestation. Like the Scots' National Covenant, the Protestation 'identified loyalty with a cause, rather than with a person [the king]'.²²

By summer 1643 the parliament had dropped the facade that their oaths were made in defence of the king's person and authority. Members of the 'War Party' felt that an oath of loyalty to the parliament might be insufficient if the majority in the house decided to make peace with the king. The pamphlet *Plaine English*, possibly written by Edward Bowles, chaplain to the Earl of Manchester, allowed that the people might resume their original sovereignty if the parliament should betray them and 'use their power so farr as conduces to their safety'. The author proposed that those that were prepared to fight on should join together in an oath of association if parliament came to terms with the king. This would be 'more particular than the Protestation, which like the net in the Gospel brought up fishes good and bad.' Instead this association should 'be wisely laid so as to give us to know our friends and our enemies'.²³ The discovery of Waller's plot to seize control of London for the King on 6 June 1643 finally allowed Pym to pass a new oath through the Commons. The Vow and Covenant, as it was called, broke with the conventional rhetoric of the Long Parliament. It failed to make any claim that it was made for the defence of the King's person and authority.²⁴ The oath was so divisive that it even raised scruples amongst

¹⁷ Herle, *A fuller answer to a treatise written by Dr. Ferne*, (1642), pp. 3-5.

¹⁸ Prynne, *soveraigne power*, book 1., pp. 51, 78.

¹⁹ Russell, *Fall of the British Monarchies*, p. 51.

²⁰ *Ibid.*, p. 175.

²¹ Cobbett, *Parliamentary debates*, (London, 1807), ii, p. 778; For similar allusions to the Protestation as an English national covenant see Bodleian Library MS Clarendon 31 f. 30; *Letters and journals of Robert Baillie*, ed. D. Laing, (3 vols., Edinburgh, 1841), i, p. 351; T. Mocket, *The nationall covenant; or a sermon on the covenant*, (1642), p. 3.

²² Russell, *Fall of the British Monarchies*, p. 295.

²³ *Plaine-English or, a discourse concerning the accomodation, the armie, the association* (1643), p. 27; see also J. Ellis, *The sole path to a sound peace* (1643), p. 48.

²⁴ C. J., iii, 117-8; *A sacred vow and covenant taken by the Lords and Commons assembled in*

the parliament's natural supporters.²⁵

Having established that the king was only a trustee of the people the spokesmen of the war party discussed the consequences of the monarch breaking this trust. This included raising the possibility of bringing the king to justice. Parliamentary theorists had insisted (against much of the existing historical evidence) that the king's coronation oath was a social contract between the monarch and his people. However, most of these authors were not very clear about the ramifications of breaching this mutual covenant.²⁶ William Prynne, on the other hand, was far more explicit in describing the consequences of a king breaking his contract with the people. In the third book of his work the barrister developed the idea of treason which had played such an important part in Strafford's attainder and execution. To Prynne, the wording of the treason laws made it clear that the crime included not simply attempts on the king's person or authority but attacks 'against the realm'. He used Sir Edward Coke's description of the king as liege lord in Calvin's Case (1606) to claim a reciprocal bond in the coronation oath. If the king should attack his subjects Prynne believed he would cease to be their king *de jure* and the people would be free to defend themselves against him. Levying war against his subjects was against the wording of the king's coronation oath which obliged him to keep the peace. Indeed, if the king should attack his people the original compact that formed the commonwealth obliged the public to array and arm themselves against him.²⁷

Like many other Presbyterians, Prynne actively opposed Charles' trial and execution.²⁸ Yet the doctrines he had sketched out in his *Sovereign power of parliaments* formed the basic legal justification for regicide. Certainly, this was not the sole argument used to support the king's arraignment. Charges of 'bloodguilt' against the king had currency for many and they had the benefit of sidestepping any awkward constitutional questions that a legally based charge might encounter.²⁹ The regicides, however, wanted Charles to be legally convicted of his crimes. The notion of treason against the realm and the king's alleged breach of his coronation oath played a key role in achieving this. The charges against the king only went back to 1642 and did not include charges based on his policies between 1625-1642. The court's fundamental accusation was that Charles had committed treason by waging

Parliament (1643).

²⁵ A Lord's committee headed by Lord Saye and Sele and the Earl of Manchester produced a declaration of loyalty to be added to the covenant. In it they claimed that the parliament's intentions had 'been, and still are, to our Power, to maintain, preserve, and defend His Majesty's Person, and just Rights of the Crown, together with the Persons of His Royal Issue; and that we shall use our uttermost Endeavours in Pursuance of the same.' *L. J.*, vi, 87, 97. The declaration appears not to have been published but there is evidence that some Lords took the covenant with similar reservations of loyalty to the king, see *A letter to a noble lord at London from a friend at Oxford: upon occasion of the late covenant taken by both houses* (n. pl., 1643), p. 2. When the covenant was imposed on the city, the Venetian Secretary noted that many parishes otherwise 'devoted to the party' would only take it with limitations; *C. S. P. V.*, 1643, pp. 305-306.

²⁶ J. Burroughs, *A briefe answer to Dr. Fernes booke* (1643), p. 10; W. Bridge, *The wounded conscience cured* (1642), p. 44.

²⁷ Prynne, *sovereign power*, book 3., pp. 8-9, 13.

²⁸ See his attack on covenanting backsliders who had taken the Engagement, in particular John Dury and Joseph Caryl, [W. Prynne], *The time-serving Proteus and ambidexter divine, uncased to the world* (n. pl. 1650) and *Summary reasons against the new oath and engagement and an admonition to all such as have already subscribed it* (1649) [also published as *The arraignment, conviction and condemnation of the Westminster juncto's engagement*].

²⁹ P. Crawford, 'Charles Stuart, That Man of Blood.', *Journal of British Studies*, 16, (1977), pp. 41-61.

war against the Parliament and the people.³⁰ The literature produced in support of the trial and later apologetics for Charles' execution made frequent use of the argument that the king had broken the public trust vested in his coronation oath. John Cook, who acted as the prosecutor in Charles's trial, argued that the elective origins of the English Monarchy could be found in the king's oath as 'the Coronation shews the shell, that the kernell hath been in'. A prince who had been entrusted with the sword for the public's protection and who instead used it against them became, he said, 'an enemy to that people' and was deserving of the most exempting punishment.³¹ The charge that Charles had broken his covenant with the people was used in the trial by the president of the court, John Bradshaw. He argued that historically it had been the role of the Parliament to remedy the king's breach of his oath as in the cases of Richard II and Edward II. Bradshaw made the consequences of the king violating this covenant abundantly clear:

' For there is a contract and a bargaine betweene the King and his people and your Oath is taken, and certainly Sir the Bond is Reciprocall, for as you are the liege Lord, so they liege subjects, and we know very well that hath been so much spoken of *Ligeantia est duplex*, This we know now, the one tye, the one bond, is the bond of Protection that is due from the Sovereigne, the other is the bond of subjection that is due from the subject, Sir if this bond be once broken, farewell Sovereignty'.³²

Richard Tuck has noted a broad consensus amongst historians that the regicide was an 'unexpected and unwelcome development'. Conservatives, Tuck states, support this interpretation 'because they are attracted by the idea that revolutionary politics had weak roots in England' and are 'repelled by the use made of 1649 by later political activists'. Equally, 'non-conservatives' have accepted this account of Charles' death 'because they like to see the revolution as represented by the Levellers and betrayed by the "grandeess"'.³³ Tuck's criticisms can be extended to apply to the analysis of political thought in the civil war as a whole. The significance of mainstream parliamentary theory has not been properly assessed due to the intellectual predilections of historians of both the left and right. The parliament's oaths of loyalty transferred the object of the subject's allegiance from the king's person to a religious cause. By reinterpreting the coronation oath as a form of social contract parliamentary writers not only made claims for popular sovereignty, but also helped establish charges of treason against the king. Six years before Charles' death, the war party's spokesmen were rehearsing arguments not just for deposing the king but for putting him on trial as well. In *The Tenure of Kings and Magistrates* (1649) John Milton complained that it had been the Presbyterians' 'new supremacy obeyed, new oaths and covenants taken,' which had 'in plain terms unkinged the king much more than hath their seven years war'. They had, he said, 'not deposed him only, but outlawed him and defied him as an alien, a rebel to law and enemy to the

³⁰ [J. Cook], *The charge of the commons of England against Charles Stuart* (1648), pp. 1, 4-5.

³¹ J. Cook, *King Charls his case* (1649), pp. 9-10; J. Goodwin, *The obstructors of justice or a defence of the honourable sentence passed upon the late king* (1649), p. 30; J. Canne, *The golden rule, or justice advanced* (1649), pp. 31-3; [J. Canne], *The resolver, or, a short word, confirming proceedings about the king* (1648[9]), p. 3; [R. Bennett], *King Charles triall justified* (1649), p. 3.

³² *King Charles his tryal, or a perfect narrative* (1649), pp. 6, 31-39.

³³ R. Tuck, *Philosophy and Government 1572-1651* (Cambridge, 1993), p. 221.

state.³⁴ I can only agree with this seventeenth century judgment on who were the real ideologues of regicide. It was the radicals of the 'War Party' of 1643, not the grandees or Levellers, who provided the legal basis for Charles' trial and execution.

³⁴*The Oxford Authors: John Milton*, ed. S. Orgel and J. Goldberg (Oxford, 1991), p. 292.