THE ENGLISH CONSTITUTION AND FOREIGN AFFAIRS

IN 1621

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THE ENGLISH CONSTITUTION AND FOREIGN AFFAIRS

IN 1621

THESIS

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CHAPTER I

INTRODUCTION

The transition from Tudor to Stuart monarchy did not occur in 1603 by the simple acts of Elizabeth's death and the accession of James VI of Scotland. The transition required, in many respects, the entire reign of James I (as he was then titled), and the problems created by the reluctant Tudor ghost accounted for much of the troubles in that reign. The immense success of Elizabeth's rule has led many to assume that the machinery of English government was in excellent repair and in efficient adjustment when James began its direction. This assumption is largely in error, and especially so in two respects—the position of Parliament in the machine, and the mechanics of foreign affairs. With regard to Parliament, the serenity and goodwill which marked Elizabeth's exit was a surface phenomenon only and did not extend far beneath that surface. The relationship between the throne and the legislature was neither clear nor secure, and needed only an emotional conflict for the relationship to be ruptured. As it turned out, many issues arose to provide conflict between the strong-willed James and his equally strong-willed Parliament—not the least of which was the issue of foreign affairs. In her later years, Elizabeth had allowed her conduct of diplomacy to lag, which
finally created a situation whereby her policy lacked correlation with existing international conditions.

Foreign affairs, therefore, created a problem in James' reign which plagued his peace for twenty years and which was only partially eliminated in his final years by concessions to the Parliament of 1624. The problem assumed the form of a major struggle when the House of Commons attempted to impose its influence and direction on the king's conduct of foreign affairs. The controversy became a part of the comprehensive constitutional conflict between the king and Parliament over the sovereign powers of state. As such, the various aspects of the general struggle became inseparably enmeshed; issues and distinctions were often confused. In this manner, other disputed constitutional issues--freedom of speech, right of petition and freedom from arrest as members of Parliament--became involved in the quarrel over participation in foreign policy.

In the two earlier Parliaments of James I, foreign affairs was incidental to free speech in Commons' conflict with the king. James' two later Parliaments were held during a period of political and religious upheaval in Europe; the spiritual and material interests of the English middle class, represented in the House of Commons, were directly affected. English foreign policy was suddenly of immeasurable importance to them. In the Parliament of 1621, the issue of free speech became the means by which the end of influencing foreign
affairs would be attained. The king need not be forced to seek Parliament's advice and approval; Commons needed only the freedom to express its inclinations and voice its judgments in debate and by petition.

To reinforce its case, Commons used its established power of the purse and tried to apply the expedients of compromise and bargain, customary in Elizabeth's long reign. Having a greatly different personality and possessing a higher intellectual skill, James refused to bargain either in point of practice or in point of theory.

Thus, a collision between the stranger from Scotland and the overtly ambitious Commons could not fail to occur. This collision came with the Parliament of 1621 after several earlier skirmishes, and after the international conditions had reached the point where the consciously Protestant Commons felt it could no longer withhold its "rights" of speaking freely and making its will felt. To much of the English populace in 1621, the Counter Reformation threatened to sweep all before it; England was to become the champion which killed the dragon.

Consequently, James' peaceful policies during this period were widely unpopular. He made them known for what they were, rather than allow everyone to interpret them indiscriminately— as Elizabeth had so successfully done; he refused, on a matter of principle, to explain and justify his policies which resulted in many fearing the worse; and his policies were based on a
much higher degree of understanding of purely power politics and upon a greater degree of religious toleration than was possessed by the great majority of Britons. The deep misunderstanding and mistrust thus engendered complicated the constitutional struggle and contributed to emotionalizing attitudes and events.

It is this labyrinth of events, conditions and personalities which forms the basis for the thesis presented in the following chapters. Nowhere has this topic been dealt with extensively, either as a unit or within the scope of a more comprehensive text. Almost without exception, where the topic has been considered to any extent, a notable lack of objectivity has prevailed, especially with regard to James I and his ideas and actions. Major historians of the period---Samuel R. Gardiner, Leopold Von Ranke, G. W. Prothero, Godfrey Davies, J. R. Seeley and even James I's most recent and complete biographer, David H. Willson---have all displayed a degree of whig bias which has rendered their evaluations and conclusions inadequate and inaccurate. The thesis presented in this work will attempt to rectify these inaccuracies by treating the period only in its historical text, disregarding current political predilections.
CHAPTER II

PRELUDGE TO THE STRUGGLE OVER FOREIGN AFFAIRS

(1603-1620)

When James I ascended the throne following the death of the last Tudor monarch, Queen Elizabeth I, England was at war with Spain—a war more declared than contested. Elizabeth had centered her foreign policy around the goals of internal stability, external security and economic development.¹ In many respects, she had achieved her goals, but often at prices left for James to pay. The war had come after English aid to the Dutch rebels had frustrated Spanish attempts to recover their domains. Queen Elizabeth had been reluctant to prosecute the war vigorously, and her principal motives for tolerating the continued state of war seemed to have originated largely at home rather than abroad. In a number of respects, the war facilitated Elizabeth's rule since it was popular with public opinion, and economically profitable to merchants competing with the Spanish.²


Whatever the justification for the war with Spain in the beginning, there was no longer any justification for it in 1603 unless England intended to engage in an all-out death struggle. The only immediate advantage fell to the adventurous souls who plundered the Spanish ships from the New World almost at will and who wanted neither peace nor all-out war; they preferred the status quo and commerce-conscious Parliament tended to agree with them.

One of the first major acts of James I was to put an end to the Spanish war which to him offered more dangers than advantages. The basis for James' decision and the constitutional argument which followed over foreign affairs were two significant aspects of this action. James entertained several rather noble and idealistic dreams with regard to the state of Europe when he became the English king. He conceived of peace between all powers, each country respecting the other and its institutions. James envisioned the day when all of Christendom would be reconciled and would live in peace. James zealously advocated neither the Reformation nor its counterpart; he preferred a religious toleration. The restrictions James imposed on the exercise of religion by either Roman Catholics or Puritans

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3 David Harris Willson, *King James VI and I* (London, 1956), pp. 271-273. Willson seems to condemn James for his noble dreams and implies that idealism is impossible and foolish.

in England were based more upon political than upon religious considerations. In these dreams, James' motives were little understood or appreciated by the English people.

The people had even less success in comprehending the argument James applied to ending the war. He simply stated that he had been at peace with Philip III before becoming king of England and he still regarded himself as at peace. Thus, the war was intolerable. What James said, in effect, was that the relations between sovereign nations were personal matters among the rulers. Kings made peace and war, treaties and alliances; as divine right lords, their subjects could not impose any foreign policy on them.

Establishing Peace with Spain, 1604

But, whatever argument James gave, and however little the English people were pleased with his policies, the conditions which existed in Europe at the time certainly reinforced the advisability of ending the war with Spain. In the last five years of Elizabeth's rule, changing conditions in Spain, France

5Charles Howard McIlwain, The Political Works of James I, from a 1616 edition (Cambridge, 1918), pp. Iii-i liv. McIlwain recognizes this, but he still found that James was religiously intolerant (though probably less than Parliament). This conclusion does not consider the political reasons for James' actions or the probable circumstances had these political reasons not existed. Both religions threatened James' throne and power with theories dangerous to divine right monarchy. Except for this, James would have found religious persecution unnecessary or even undesirable.

and the United Netherlands had made a foreign policy re-evaluation for England advisable. The year 1598 witnessed three events, one in Spain and the others in France, which clearly marked the beginning of this period of change.

In that year, the strong and ambitious monarch, Philip II, died and the Spanish throne came into the possession of his less capable son, Philip III, bringing to an end the Grand Era of Spain. Spanish might was not altogether gone, but it had been greatly weakened as a world power. Philip III's failure to construct another Armada and to aid the revolting Irish only re-emphasized the extent to which Spain had been weakened.7

In France, 1598 brought the Edict of Nantes, which restored quiet to the country, and also the Treaty of Vervins, which brought international peace.8 Both internal and external peace reigned in France for the first time in more than thirty-five years, and Henry IV was no man to allow the opportunity to pass. With the able assistance of the French statesman, the Duke of Sully, Henry turned to the task of rebuilding the shattered economy of France. By 1603, the recovery had progressed amazingly well, and the power of France again began to be felt beyond her borders.9

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7 Seeley, p. 242.
9 Ibid., pp. 693-694.
The decline of Spain in the final years of Elizabeth was matched by the rise in power of the United Netherlands. By 1600 the Dutch were holding their own in the fighting and the Dutch East India Company was wresting control of the East from Portuguese and Spanish hands. Stalemate on land and continued victory at sea finally induced the Spanish in 1609 to conclude a twelve-year truce which, in all but name, recognized the established sovereignty of the Dutch state.\textsuperscript{10} By 1604, the commitments of the English to the Dutch no longer required a continuation of the war by England which, in any case, was contributing little to the Dutch effort.\textsuperscript{11}

The war with Spain was not merely resulting in the further weakening of Spanish might, but it was contributing to the rise of two other powers (France and the Netherlands). On the basis of pure self-interest, this was not desirable for England. France could no longer be taken lightly, and with the religious settlement English influence in Paris had diminished. The Dutch were growing commercially fat on the spoils of crumbling Spain and were also posing an economic threat to England.

In addition to these considerations, the war was creating a large debt which James recognized as dangerous to the


security of his crown. The debt must be finally paid, and to provide the money Parliament would demand concessions. Thus, since it was highly doubtful if the English were either financially capable or physically willing to assume the role of Protestant leader in an all-out religious war and to wage an aggressive war on the Continent, there was little sense in a continued state of war—especially to a man whose very nature craved the quiet and blessings of peace. 12

But oddly enough, despite repeated proofs of Elizabeth's successful policy in securing England from all foreign threats, Englishmen continued in an awful dread of Spain. This failure to understand international conditions led Parliament to question James' wisdom in seeking peace, while it reinforced James' contention that Parliament should rightfully be excluded from the conduct of foreign affairs. 13

Peace came in August, 1604, after a summer of negotiations which, on the whole, were distinctly favorable to England. The treaty created the first legitimate crack of major proportions in the mercantile empire of Spain. Yet for this, England surrendered nothing of consequence except the illicit plunder off the Spanish Main which benefited only a very few Englishmen. 14 Even so, the treaty appeared to many as a

12 Ibid., pp. 46-51.
13 Willson, p. 273.
14 Davies, p. 48.
surrender of Protestant Europe to the papist Spanish, and the treaty was never popular.

Much of the dissatisfaction resulted from the confusion regarding the motives and arguments of James for ending the war. Practicing the theory of divine right monarchy, James held the war was one between the kings of England and Spain, and that the conduct of relations between kings was practiced only by kings. Englishmen had long been allowed to live under the impression that all the country (including the monarch) was at war with Spain. Elizabeth had allowed this impression to prevail in Parliament and the country, although it was not strictly and constitutionally correct. James sought to re-establish the fact that, constitutionally, the conduct of foreign affairs was the personal and private prerogative of the monarch. Few Englishmen understood the fine points of this constitutional argument; but for all practical purposes, they were not readily prepared to surrender the fiction which Elizabeth had fostered for the sake of domestic harmony.

Reaction in Parliament to the Peace Treaty

If the first expression of James' foreign policy was unpopular, it became less popular as time went on. James never made a conscious attempt to communicate with the people to obtain popular support but rather expected them to bestow proper respect and trust upon their sovereign and not concern themselves
with matters far beyond their capacity. Elizabeth had often followed the practice of suffering in silence parliamentary attempts to influence foreign policy, so long as the members did not in actuality interfere with her actions. This practice created in the long run greater problems than those immediately overcome. Parliament became accustomed to thinking that it was free to concern itself with such affairs of state, and Elizabeth's successor was left to finally determine whether parliamentary powers were to be so increased or not. James, the divine right monarch, had no difficulty reaching a decision; his difficulties began when Parliament became aware of the decision.

Politically, Elizabeth had concerned herself with the power required to initiate her policies. She possessed a number of broad concepts which guided her in her policies, but as a practical politician, she was interested mainly in those things which tended to give her strength to act. In day to day relationships she practiced the art of power manipulation and seldom concerned herself with theoretical concepts since they possessed little immediate energy. This attitude led her to adopt the device of granting Parliament theoretical

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concessions in constitutional questions, surrendering none of her absolute powers to act. By the beginning of James' reign, however, Parliament was ready to assume the authority these concessions implied.17 In this design, Parliament met the determined opposition of James, who possessed a character which greatly differed from that of Elizabeth. He had been educated in abstract knowledge and was accustomed to guiding his political actions by philosophical concepts. He abhorred the idea that an absolute king should be forced to dabble in petty political games. As a result, James, who expected everyone to guide their actions by concept, refused to abandon any power which belonged to him by divine right. But, Parliament neither accepted James' interpretation of divine right theory nor were they prepared to submissively discontinue their campaign for increased power.

Unpopular Foreign Policy of James I

A similar misunderstanding arose over the foreign policy of England, which was also the result of the contrasting personalities of the two monarchs. Elizabeth's foreign policy had been based largely upon immediate considerations; it had succeeded because she had allowed the English people to discover what they wished in it. She had actively used this technique to gain popular support. James departed from his predecessor's policies by trying to conduct his foreign affairs

17Ibid., pp. xx-xxii, lxiii.
on the basis of broad concepts, and he considered courting popularity as unnecessary and degrading. James' failure to enlighten the nation caused many people to misunderstand his motives, and their concern for one of his most coveted prerogatives caused James to become highly sensitive.

A sincere and lofty desire for peace permeated all of James' international relations. He regarded it as his God-inspired task and longed for the day all Europe would praise him as "The Peacemaker." A contemporary poet captured the spirit of James with the lines:

That great peacemaker, Britain's peaceful King,  
Who through the Christian world doth peace maintain;  
God grant, for peace on earth, thou heavenly peace  
[it] mayest gain.  

This desire for peace was never understood and was often interpreted by Britons as a sign of weakness of James' part—and on occasions, as almost treasonable.

Despite the seeming reluctance of all Europe to share in James' dream, he played the personal game of international politics with considerable care and realism to obtain his goal, and his efforts did not go wholly unrewarded. Twice, James was able to aid Venice against Roman Catholic inspired intrigues by resorting to belligerent diplomacy. He was instrumental in negotiating a twelve-year truce in the Low Countries.


Numerous times he mediated disputes between the smaller states in Europe—between Savoy and Switzerland, Saxony and Brandenburg, and Denmark and Sweden. And then, there was the grandest scheme of all for the restoration of peace: James' desire for a physical union between the greatest Roman Catholic and greatest Protestant nations to lessen the religious tensions and create better understanding. This could be achieved by a royal marriage between the thrones of England and Spain. For this scheme, James has been accused of many things—the least of which was naivety. This was because Spain, with obvious and callous lack of sincerity, used the plan for their selfish purposes. Not completely unmindful of the Spanish attitude, James' continued determination to conclude the marriage alliance was a measure of his own faith that the loftier motives would finally win out. At any rate, he considered international peace between Roman Catholics and Protestants as worth the risk involved.

James' marriage scheme was probably even less understood than his general desire for peace. Englishmen followed their older emotions and prejudices which made Spain an object of fear and hate. His subjects, James complained, had so little "confidence in our religion and wisdom that... our religion should" be prejudiced by the match. They feared their monarch was the captive of papists who were bent on undoing the Reformation in England. The influence of the Spanish ambassador,

20 Tanner, Documents, p. 285.
the Count of Gondomar, in the court of James seemed to substantiate their fears.\textsuperscript{21} Even the supposedly enlightened men in Parliament attributed to the king pro-Roman Catholic and pro-Spanish tendencies because of his refusal to incite conflict or wage aggressive war with the Roman Catholic powers. Yet, there was no reasonable basis for this accusation—only the suspicions raised by James' obstinate refusal to justify his actions and policies, even in Parliament.\textsuperscript{22} James' policy of Spanish rapprochement was not based on a love for Spain but on a healthy respect for her potency in war. A primary concern of his policy was for Britain's safety. As well, James recognized that, in any all-out war on Roman Catholicism, England and the Protestant powers would be sorely outnumbered. In this respect, the policy of international peace could be attributed to enlightened self-interest. The Spanish marriage, then, was part of James' practice of international power diplomacy as well as his campaign for peace.\textsuperscript{23}

Central Europe and James' Policies

Three actions by James I after 1610 proved fateful to his unfortunate relationship with Parliament over foreign affairs

\textsuperscript{21}Davies, pp. 51-53.


\textsuperscript{23}The extent of James' fears was made clear in 1623 when the marriage negotiations collapsed. James then pressed for a French match, both because of religion and for defense.
(1) In February, 1613, James gave his daughter's hand in marriage to Frederick V, Count Palatine, a leader of the Protestant Union of German princes. (2) In 1614, James dissolved the Parliament of that year when it persisted in questioning his powers over commerce and trade duties, and thereafter, until 1621, attempted to rule without that body. (3) After 1618 and the renewal of the religious struggle in Europe, James continued to follow the policy of Spanish rapprochement with his marriage proposal.

These actions were unpopular and, as each bore fruit in the opening phases of the Thirty Years War, their effects proved even less popular. James was not without responsibility for these results. One error of James, one which he may not have been able to foresee, was not making clear to the Protestant Union the full implications of the marriage of his daughter. Both Frederick and the Union came to feel that by the marriage they had gained the active support of England in their projects. James continued to err in this manner when Elector Frederick was offered the Bohemian crown in 1619, which James recognized as the rightful possession of the new Holy

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Roman Emperor, Ferdinand II of Austria. James' dedication to legitimacy and peace demanded that he restrain Frederick from involvement, but the thought of his grandchildren inheriting a crown sorely tempted him. In the end, James procrastinated long enough for his impatient son-in-law to be encouraged to accept the throne. Frederick convinced himself that James would aid him while, equally rash, he counted on a non-existent unified support from the Protestant princes in Germany. Even the Protestants in Bohemia were not unified behind him. The weaknesses of jealousy and discord in the Union resulted not only in Frederick losing Bohemia but also the inherited lands of his Electorate.

News in August, 1620, of the invasion of the Palatinate by Spanish forces and the Bavarian invasion of Bohemia greatly distressed James. He had been led by the shrewd Spanish ambassador, Gondomar, to believe that Spain would respect Frederick and Elizabeth's legal possessions. Here was flagrant disregard for legitimacy and an aggression against his daughter, thereby violating all the principles upon which he had hoped to establish international peace. In a moment of emotion and distress, James declared to his council that he would defend the Palatinate. When he had time to reflect upon his hasty declaration, two

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26 Debates, 1621, II, 9-10.
27 Ranke, I, 489-493.
rather sobering problems occurred to James. Defending the Palatine might involve war with the courted Spanish Hapsburgs, and to conduct a war he would again be forced to call and face a Parliament. 29

All James' beautiful dreams of peace among men seemed to have been shattered as the affairs in Germany became more complicated and as James was finally brought into the very type of situation which he had worked so hard to eliminate in Europe. Harried by dark reports and despondent over the quickening pace of events in the Empire, a lesser king might have lost the ability to grasp and influence foreign affairs. His appeals to Spain to help in alleviating Frederick's plight had been met with aggression. A well trained Spanish army awaited the end of the twelve-year truce with the Dutch which James had helped mediate. 30 James greatly feared a war with Spain which, he was certain, would do incalculable damage. It would tend to spread over Europe as a general religious conflict. England would bear the brunt of the expense and James would be forced to call Parliament to meet the costs. His dependence on Parliament would embolden that body to renew its demands for power. 31 In whatever direction James turned, he was faced with evil prospects.

29 Willson, pp. 414-416.
30 Ranke, I, 493-494.
31 Churchill, p. 159.
Out of this confused and frustrating situation, James earnestly tried to bring order. First, he became reconciled to the necessity of a Parliament to provide him with funds, the want of which would hamstring his movements. Aid to his son-in-law would be limited to recovering the Palatinate, avoiding a general war with Spain unless forced upon him. Finally, he would redouble his efforts to conclude the coveted marriage alliance as a last attempt to create a condition favorable to re-establishing peace.\(^\text{32}\) In essence, James was clinging tenaciously to his dream of peace and goodwill despite the bleak prospects in 1620.

Parliamentary Approach to Foreign Affairs

This revised policy of James has been signally condemned by historians for its failure to meet the realities. But, the alternative advocated by Parliament, favored by most historians, was blessed with no greater degree of realism. They called for war with Spain, a war nominally religious but fundamentally economic. As a policy, it had but two assets. It was popularly supported because it was simple and dramatic, and it was thought to be the cure for English economic ills. Otherwise, the parliamentary policy was fraught with inconsistencies resulting from ignorance of both international conditions and the arts of international relations. The Parliament's policy was, for all practical purposes, the policy which

\(^{32}\text{Ranke, I, 495-496.}\)
Elizabeth had conducted with success forty years earlier. But, it was again called for without regard to the changed times or to the fact that time-honored policies seldom survive without substantial modification. Elizabeth's policies were based on military, economic and religious dangers which England no longer faced. The men of Commons held that Spain remained the source of danger to England long after the Dutch and French began posing greater economic threats. To have aided these powers in 1620 would have meant fostering the economic threats they represented.

At the time, however, none of the people and few of the members of Parliament had anything but a vague notion of the arts of international affairs and diplomacy. A declaration of war is, in reality, the simplest act of foreign policy to either conceive or initiate, and this in large part accounts for its popularity in 1621. James' foreign policy was indeed complicated and difficult for the mundane Englishmen to understand.

The members of Parliament viewed the international scene in only the broadest and most basic concepts—in terms of Protestant and papist, of good and evil, and of friend and enemy. The German Protestants (for their religion) were good and friendly, so they must be aided. No thought was given to the circumstances of the predicament which existed in Germany,

33 Seeley, pp. 256-259.
or to how responsible the Protestant princes were for their poor showing. These representatives of the people had not informed themselves intelligently of European conditions, and yet, they sought to engage England in a most fateful war. Thus ill informed Commons impertinently appraised James of the state of international affairs in December, 1621, to the effect:

That there was no hope of peace, nor any truce to be obtained. . . . That your Majesty must either abandon your own children or engage yourself in a war. . . . That the princes of the Union were disbanded but the Catholic League remained firm, whereby those princes so dissevered were in danger of one by one to be ruined. That the estate of those of the [Protestant] Religion in foreign parts was miserable; and that out of these considerations we were called to a war. . . .

On the basis of almost no other information than that Protestants were faring badly in the religious war, many members of Parliament gathered in Westminster in January, 1621, to urge upon the government a war—the consequences of which they had not bothered to imagine. The situation required James' most careful management to win support for his program without allowing the meeting of Parliament to degenerate into a battle of wills.

Relations Between James and Parliament

In the management of Parliaments, James had fared rather poorly as king of England. When his supreme test came at the convening of the Parliament of 1621, James fared somewhat better. James' personality and philosophy had made empty the

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34 Tanner, Documents, p. 281.
arts of tact and persuasion in dealing with subjects beneath the dignity and station of a monarch. According to the proper arrangements in a divine right monarchy, these arts were unnecessary for the monarch since the respect due him included unquestioning and faithful compliance to all his reasonable requests. He ruled for the welfare of the realm and his subjects owed him their support and economic aid.  

The responsibility for creating a working relationship with Parliament, however, did not reside wholly with James. Since any act of mutual understanding requires a mutual effort, Parliament was obliged to participate in creating effective conditions as well. Historians have recognized all of James' failures in responsibility, but they have seldom recognized the premeditated obstacles which Parliament created while patently ignoring its obligations. Whatever the faults leading to failure in James' earlier Parliaments, a careful and impartial study of the Parliament of 1621 must lay primary responsibility for its failure before the door of the members of Commons.

In the first Parliament of James, the point of contention had concerned the constitutional rights of Parliament to pass judgment upon its own membership. Strange to the country, its people and its habit of government—and not a little affected by his sudden rise from a third-rate to a first-rate monarch—

35 *Debates, 1621*, II, 9-10.
James had ordered elections and provided for the judgment of returns in contradiction to precedent and past privilege.\(^{36}\) When shown the precedents granting Commons' right to judge its membership (except for high crimes), James retreated from his original stand and submitted to that privilege of Parliament. James told Commons then, and repeatedly during his reign:

"His Majesty protested, by that love he bore to the House... and by the faith he did ever owe to God, he had as great a desire to maintain their privileges as ever any prince."\(^{37}\)

Later, in that same Parliament and in subsequent Parliaments, the sovereignty and prerogatives of James came into increasing conflict with the postulated rights and privileges of the House of Commons. The story is one of an increasing gulf between the two, and by the Parliament of 1621 there was really little hope of the two finding a common ground of agreement. Each had taken strong positions and, without a considerable modification, cooperation was impossible. In the Parliaments prior to 1621, the issues which generated controversy usually involved, in one form or another, the major privilege of Parliament: freedom of speech. Over the first seventeen years of James' reign, the Commons' conception of this right greatly changed—both with reference to the distinctions between freedom and license and with reference to its inclusive nature.

\(^{36}\) Prothero, pp. 280-281.

\(^{37}\) Tanner, Documents, pp. 201, 213-214.
In 1610, Commons petitioned James referring to its "ancient, general and undoubted right of Parliament to debate freely all matters which do properly concern the subject and his right or state." By this, Commons clearly hesitated to include, as matters concerning the subject, the king's own prerogatives. But by 1621, Commons was ready to take a more absolute position on its freedom to speak. By then, the issue in dispute involved the most sacred and coveted prerogatives of the king—the conduct of foreign affairs of state. This issue was partially responsible for Commons' newer approach to its right of free speech. If Commons were to impose its will on the conduct of international affairs in 1621, then it must be free to speak on the subject; to rationalize this infringement, Commons merely re-interpreted its right to this freedom. This was conveniently affected by merely failing to recognize or consider qualifications to its right of free speech. Both James and the men of Commons recognized this as more than a mere demand for wider freedom of speech: here was an indirect attempt to win new powers for Parliament in the conduct and determination of foreign affairs.

The conflict which arose in 1621 over the foreign affairs of state developed over a considerable number of years and

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38 Prothero, p. 297, (Italics mine).
39 Tanner, Conflicts, p. 44.
40 Tanner, Documents, pp. 282-283, 288-289.
many constitutional, philosophical and religious concepts influenced it. Other constitutional struggles may have commanded more attention from historians of the reign of James I, but no other contest has proved more important or vital. Parliament made the world an object of its deliberations and influence; the intoxication of this new plane precluded its ever returning to a less spectacular level.

It is important, in fully understanding the conflict over foreign affairs, to consider thoroughly the positions assumed by both James and the exponents of constitutionalism in Commons. To this point, their positions have only been hinted at. In the following two chapters, each position will be taken separately and analyzed in detail to provide a clear contrast between them.
CHAPTER III

DIVINE RIGHT ABSOLUTISM OF JAMES I: ROYAL PREROGATIVE IN FOREIGN AFFAIRS

James I was without faith in parliaments and was surprised that they had ever been allowed to exist under former English monarchs. After dissolving the reluctant Parliament of 1614, James remarked to the Spanish Ambassador, Sarmiento, that "I... found Parliament here when I arrived, so... I am obliged to put up with what I cannot get rid of." The ambassador pointed out that James could assemble and dissolve this impetuous body at his will. "That is true," James agreed, "and what is more, without my assent the words and acts of the Parliament are altogether worthless."¹ Herein is found a fragment of James' attitude toward that body he found necessary to call seven years later. It provides a certain insight into both his resentment for and his philosophy toward Parliament.

Theoretical Basis for English Government in 1621

The intellectual bent of James I tended toward the abstract. Though he was by no means without common and practical skills,

James possessed an active intellect which led him to consider and assume abstract systems of thought. He was prone to embrace absolutes and govern his attitudes accordingly—although not always his actions. Afforded an education superior to that of most monarchs of his age, he was able to base his mental activities on a broad foundation of knowledge—a knowledge particularly extensive in both practical and theoretical politics. Therefore, James' approach toward Parliament was not one of expediency; then as always, his general practice of politics was determined by philosophical attitudes.

In 1621, two political philosophies comprised the principal concepts of government in England: divine right monarchy and constitutionalism. These were not necessarily in basic conflict; incompatibility resulted only when the two were propounded arbitrarily and absolutely. James was a dedicated and prolific exponent of divine right monarchy, even while he was deeply aware of the constitutional concepts he found prevalent among English lawyers, judges and members of Parliament.

It was around these two philosophical systems of government that the constitutional struggles of James' reign were fought. James and the constitutionalist opposition in Commons recognized and accepted both systems as making up the legal pattern of government, but this was the extent of their agreement. James was firmly convinced that constitutionalism, which was a voluntary gift of the king and which functioned only within the
framework of divinely sanctioned monarchy, was revocable at
his will. In the past this had been vaguely, but effectively,
the position of English Parliaments—especially during the
reigns of Henry VIII and Elizabeth I (prior to the Spanish
war). By the middle of James' reign, within Commons a spirit
of discontent had grown up which was strongly influenced by
Calvinism and Puritanism. Commons' objective was to reverse
the balance between divine right monarchy and constitutionalism.

As the political theories of James and the House of
Commons were applied to foreign affairs, there developed a
degree of conflict. Under divine right monarchy, all national
authority radiated from the king; indeed, total political
authority gave substance to his very existence. Insofar as
James conceived the terms, as king of England he was the nation
and its law. Literally, with reference to the power England
exercised as a nation among nations, James was "England" in
1621 (or so thought James and the monarchists of the realm).
"The king is above the law, as both the author and giver,"
was his simple maximum. The people of England should not
extend aid to the Protestant peoples of Germany, but rather
James should aid the Protestant princes of Germany.

2Debates, 1621, IV, 366-367.
3Wallace Notestein, The Winning of the Initiative by the
House of Commons, The Raleigh Lecture on History in the British
Academy (London, 1924), pp. 4-5.
4McIlwain, p. 63.
This distinction represents no mere play on words: a difference between common and court usage. This was the very crux of the conflict over foreign affairs. The constitutionalists wanted the king as symbol of the nation's power and identity, but James demanded his divine right to be that power and identity.

Domestically, the long existence of Parliament had created a check on the king's power by establishing the principle of his responsibility for the realm's welfare; domestically, Parliament existed down through the centuries to insure this responsibility; and domestically, James took upon himself a full measure of this responsibility to God, but not to the realm. James' insistence on this point, though consistent with his political beliefs, lacked historical validity. Parliament had long functioned to insure royal cognizance of the people's welfare. But where James erred in this respect, the opposition in the Commons of 1621 committed an even worse error; they blatantlly extended their principle of royal responsibility toward the realm to include royal relations with foreign sovereigns. This device would justify parliamentary interference in the conduct of foreign affairs. The pressure of the opposition brought James to concede his error; this only angered him when his antagonists refused to concede theirs.

5Debates, 1621, V, 118.
6Ibid., IV, 55, 202; V, 426.
The Philosophy of Divine Absolutism

The idea and practice of divine right monarchy were, by James' time, deeply embedded in the history of Europe. James contributed little that was new, but he did much to give form and substance to the theory. The Tudors had not concerned themselves with the theory of divine rule; they had merely practiced it in a time when the practice went undisputed. But, as the forces of constitutionalism rose in opposition, it became necessary to give divine absolutism the added strength of a formalized concept.

The supremacy of the monarch was the key to James' philosophy. In theory, James held that the king reigned by the divine right of God as His lieutenant and direct representative on earth.7 In fact, James informed the Parliament of 1610 that there was a proportional equation between God and king: as God is the divine and spiritual Father of mankind, the king is the divinely ordained temporal father of his kingdom. "To dispute what God may do is blasphemy, ... so it is sedition in subjects to dispute what a king may do. ..."8 James frequently referred to the Psalms9 as proof. There he found

7McIlwain, p. 307.
8Prothero, pp. 293-294.
9James had reference to Psalm 82:6. In both the King James and the Revised Standard versions of the Bible, the meaning has been significantly changed. Psalm 82 found in the Book of Common Prayer represents a version more nearly that which James implies.
earthly princes called gods "because they sit upon the throne of God in the earth." On such a basis kings were truly supreme and their actions and words were neither to be questioned nor disobeyed.

James found both in the Bible and in his analogy sufficient proof of the king's supreme and absolute nature. In the twenty-ninth chapter of Jeremiah, James found that,

Jeremiah threatened the people of God with utter destruction for rebellion [against] Nebuchadnezzar the king of Babel [sic]: who although he was an idolatrous persecuter, a foreign king, a tyrant, and usurper of their liberties, . . . they had once received and acknowledged. . . . for their king. . . . Jeremiah not only commanded them to obey him, but even to pray for his prosperity.  

The interpretation James found presents the substance of several of his philosophical ideas on divine right monarchy. Disobedience or rebellion against a king whom God had placed on a throne constituted direct and willful violation of God's arrangements. There was to be no distinction between a good or evil king—not even a king who destroyed the liberties of the people. James was convinced that this was not only right, but in the self-interest of the people as well.

Though James made no distinction between good and evil kings, he had a significant distinction to make between those rulers who ruled by divine law and those who did not. Only free, unrestrained monarchs could count on the sanction of God;

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10 McIlwain, p. 54.  
11 Ibid., p. 60.
elected kings and governors possessed no such sanction, nor
did states which were aristocratic or which were limited in
power.\textsuperscript{12} Thus, if a nation overthrew its rightful ruler
(that right being acknowledged by God, not the subjects) or
if a nation limited its monarch by allowing other agencies
primary sovereignty, then that country not only courted God's
wrath, but risked losing His sanction as well. James re-
peatedly cautioned his subjects on this subject. In 1616,
he admonished his judges:

\begin{quote}
[Just as] it is atheism and blasphemy to dispute what
God can do; . . . so it is presumption and high con-
tempt in a subject to dispute what a king can do, or
say that a king cannot do this or that. . . . [In-
stead,] rest in that which is the king's revealed
will in his law.\textsuperscript{13}
\end{quote}

According to James, then, a divinely sanctioned monarchy
demanded the highest degree of loyalty, respect and deference
from the people by the recognition of absolute power in the
king. Two other consequences were implicit in the theory.
First, the conduct of foreign affairs and the determination
of foreign policy were raised far beyond the grasp (physical
or mental) of the people. Foreign relations were conducted
between absolute rulers, the chosen representatives of God;
there was no room for the common voices or meddling fingers
of a body representative of the people. Second, parliaments

\textsuperscript{12}Ibid., p. 64.
\textsuperscript{13}Tanner, Documents, p. 19.
were not necessary appendages of absolute monarchy, but they were not altogether useless so long as they refrained from aggrandizing their position in government. Were divine right monarchy to function properly, no independent sovereignty could reside in a parliament; it could act in the capacity of sovereignty-empowered instrument for the king. Parliamentary powers were freely loaned and could be freely retracted by the king. A wise king would proffer only those homely powers which delegates of the people were competent to discuss and rule upon—welfare for widows, the aged and infirm, taxes and excises, grievances of the people, internal matters of elections and seating, and the like. The conduct of foreign affairs, however, was the most coveted of sovereign powers; it affected the sovereignty of foreign monarchs and therefore affected all sovereignty. Parliamentary bodies were especially excluded from that field; it was none of their business, beyond their intellectual abilities, and too intimately involved in royal sovereignty.

As a king's tools, James found that Parliament performed best as a bridge between king and subjects. James once informed Commons that it should concern itself with the matter of grievances, for two reasons:

First, the King cannot... be so well informed of all the grievances of his people, as... Parliament, which is the representative body of the whole realm. Secondly the Parliament is the highest court of justice, and therefore the fittest place where
diers. ... grievances may have their proper remedy, by the establishment of good and wholesome laws. 14

But the consideration of grievances (or any other granted activity) was not for the glorification of Parliament, nor was Parliament to use it as a vehicle to expand its influence by alleging the Continental conditions of Protestants to be a legitimate grievance of the people. 15 When the king made use of the English Parliament, it was to facilitate his rule and personal glorification as a wise lord. Parliament was no parasite to draw substance from its host.

Duties of the Divine Monarch

The philosophy of James was not designed merely to collect supreme power and authority in the person of an absolute monarch. He recognized that there was a purpose for making one man the all-powerful head of state. This purpose was to rule: to rule wisely, with care, and with due restraint for the benefit and welfare of all within that state.

James likened the powers of the earthly king unto those of God and compared the duties of the king unto those of God. Like God, the monarch is the father of his children and, as such, could do nothing against their welfare (though he rightly had sufficient power). The power of life and death over even

14 McIlwain, pp. 313-314.
15 Prothero, pp. 294-295.
his greatest subjects was not to make the king a tyrant; it would enable him to keep peace and order for the welfare of all. 16

James was convinced that his exercise of absolute power had brought the blessings of international peace to England. Before Parliament in 1621, he said that he "took it as an honor" to have made it possible for everyone to "live quietly under his own vine and fig tree. No man within my dominion can complain of poverty which is not through his own default." 17 He cared nothing for the blood-stained wealth which certain of his subjects stood to gain through war. This was indeed a remarkable position for James considering his own love and constant need for material substance. But, war risked more in wealth than it offered, and James would not gamble in human misery for material gain. He reckoned himself a peaceable king who, like God, had love and compassion for his children, and wished the best life for all. This was possible only through a society guarded over by an absolute prince from whom all justice, law and diplomacy proceeded.

International peace as well as domestic peace required this absolute prince. James felt himself able to maintain a secure peace where other types of rulers (the four hundred "kings" in Commons among them) 18 would surely have failed.

16 McIlwain, pp. 63, 307-308.
17 Debates, 1621, II, 7.
18 Gardiner, IV, 253, note 1.
Monarchs were absolute and could desire no greater glory except through greed; aristocracies, republics and such, possessed selfish interests in conflict with their subjects, often leading to general misery. James had only unkind words for other forms of government in Europe, and he was convinced that foreign affairs conducted solely by an absolute lord were best for the general welfare—a reason for rejecting Parliament's interference in 1621.

Were divine right monarchy truly capable of benefiting the whole country and preserving for it domestic tranquility and international security, then the king's first duty (to God, himself and his subjects) was to preserve his absolute powers. In 1621, this primary duty forced James to resist the assaults of Commons over the conduct of foreign affairs despite the needs of his own children which Commons held in barter.

James I and Constitutionalism

In James' time, the political arrangements of constitutionalism lacked the broad application necessary to challenge the preponderant influence of divine right monarchy; yet, a foundation of constitutional law had long since developed in English government. It was so ingrained by the beginning of the seventeenth century that the parliamentary proponents of constitutionalism were able to create an illusion of historical sanction for their program, and at the same time, James was forced to re-examine his own philosophical systems.
This he did by incorporating a limited degree of modified constitutionalism into his theory of divine right monarchy. It was done historically by holding that the privileges and rights of other agencies of English government had all been concessions from absolute kings, and as such, were not irrevocable. James told Commons in December, 1621 that "their privileges were derived from the grace and permission of our ancestors and us (... which showeth rather a toleration than inheritance)."\textsuperscript{19} James reintroduced a long dormant theory that Parliament was composed of a head (the king) and three elements: the hereditary peerage in the House of Lords and in King's Council; the principal clergy and bishops, who had to their perpetual care, the Church of England; and the knights of the shires and the burgess of the towns in Commons. Because the king was the fountainhead of Parliament, James could easily explain that all sovereignty in Parliament was his as its head and exercisable by Parliament through him.\textsuperscript{20} By these means, James felt he had satisfied the constitutional demands upon him and yet insured all real sovereignty for himself.

James' reasoning reduced Parliament to nothing more than the great king's council of three centuries earlier.\textsuperscript{21} As the fountainhead of Parliament, he could call or dissolve it

\textsuperscript{19} Tanner, \textit{Documents}, p. 287.
\textsuperscript{20} Debates, 1621, II, 4.
\textsuperscript{21} McIlwain, p. 287.
as the occasion seemed to indicate without regard for its wishes. This made it a dependent governmental institution dominated by the king and without any real power of its own.\textsuperscript{22} The proposition was wholly unsatisfactory to the supporters of constitutionalism in Commons.

By 1621, the transition in English government had reached the point where there did seem to exist a division between the prerogative of the king and the rights and property of his subjects. James seemed well aware that through the centuries this division demonstrated a tendency to diminish royal prerogative, and would continue if not halted.\textsuperscript{23} The division gave Parliament its only claim to existence independent of the king's will—a claim Commons asserted repeatedly in 1621. Since the division was not precisely defined, Commons tended to stretch its claims as far as it dared; James professed adherence to certain constitutional principles while holding tenaciously to all endangered royal prerogatives.

Prerogative of Foreign Affairs in 1621

Reinforced by his intellectual pursuits into political theory, James told the Parliament of 1621 that he had called it to formulate and proffer advice on all such matters of which he had need; these matters ranged from those that were proper for discussion to those that he should be "pleased" to allow

\textsuperscript{22}Debates, 1621, II, 2-4.

discussed. James made it perfectly clear that only when the
great need required it, and when allowed out of the goodness
of the king's heart, could Parliament formally consider matters
of state in war or in peace.\textsuperscript{24}

But, the ambitious men in the Parliament were determined
to extend the constitutional division to include foreign affairs,
claiming that foreign policies affected the interests of all
the realm, not just the king.\textsuperscript{25} So long as the members of
Commons considered the matter only in speeches in Parliament,
James made no reprimands. When Commons attempted to implement
its discussions by interfering with the king's foreign policies,
James believed himself duty-bound to put Commons in its place.
In this manner, the constitutional issues of foreign affairs
and freedom of speech in Parliament became entwined in 1621.\textsuperscript{26}
The outcome was the conflict resulting in the dissolution of
the Parliament of 1621.

When Parliament assembled in January, 1621 James addressed
the meeting with fair moderation and took a broad, open position
on foreign affairs. By this he hoped to avoid widespread en-
mity and to gain the desperately needed revenues for his inter-
national policy. After an account of existing conditions in
Europe and an explanation of his impending policies, James

\textsuperscript{24}Debates, 1621, II, 4-5.

\textsuperscript{25}Ibid., III, 456.

\textsuperscript{26}Goldwin Smith, A History of England (New York, 1949),
appealed to Parliament for subsidies sufficient to support his conduct of foreign affairs. He refrained from limiting the topics fit for Parliament to discuss; indeed, he seemed to invite temperate discussion of world conditions and English policy by his reference to both in his address. 27 His Treasurer, Sir Thomas Edmondes, spoke after James and specifically commended foreign affairs to the attention of his audience. 28

James then, was prepared in January, 1621 to grant Parliament all the latitude in relation to foreign affairs that it could ever have claimed to possess in the past. The grant of the first two subsidies was preceded by general debate on their need without retort from James. In April, Commons debated English-Spanish relations in regard to commercial agreements on tobacco. 29 The propriety of touching on the subject was questioned by several members of Commons; whereupon, it was decided that the discussion was within their jurisdiction. 30 This decision brought no rebuke from James.

By November, however, James was commanding Parliament to refrain from all consideration of his indispensable prerogative.


28 Debates, 1621, VII, 570-571.

29 Ibid., III, 7-12.

30 Ibid., IV, 236.
The metamorphosis occurred when the emboldened Commons interfered in the conduct of foreign affairs with petitions. Commons felt compelled to establish a concrete precedent ratifying its right to actively influence policy determination. This went beyond all the bounds of past arrangements, and James reacted immediately.

Free Speech and Foreign Affairs

When the issue of Commons' rights in foreign affairs finally came to the surface, the parliamentary opposition did not even seriously attempt to argue their established right in the matter. Instead, they took defense in the argument that Parliament possessed the "ancient and undoubted right" to speak freely, and that this right enabled them to discuss any issue which presented itself.31 Not only was this an attempt to circumvent the real issue, i.e., foreign affairs, but also involved was a completely revised concept of free speech.32

Under the Tudors, speech in Parliament had been insured free so long as the subjects under consideration concerned Parliament and were not libelous or seditious.33 Parliament was even allowed to police this practical right. By the time

31 Tanner, Documents, pp. 282-283.

32 It is hardly possible to claim, as S. R. Gardiner apparently did, that the free speech Commons sought to establish in 1621 was merely the freedom of medieval Parliaments. The composition and role of Commons, and existing conditions during the two eras, varied so greatly as to preclude valid comparisons. Gardiner, IV, 255-257.

of James' third Parliament, the members clamored not for this practical right, but the abstract right of the political theorists. No longer was this right to be applied merely to insure honest and candid debate of its managed affairs; Parliament was to become a platform for public opinion and popular sentiments on any and every conceivable subject. Policy decisions would be greatly affected and there would be a proportional loss of royal influence. Commons chose to defend its actions on this ground, and James was fully prepared to meet them on their chosen field.

Therefore, the largest single constitutional controversy in 1621 was over the right and privilege of Parliament to free speech; the sovereign power in foreign affairs and policy constituted the victor's prize. James was unwise in allowing the struggle, with such high stakes, to be fought over a side issue where his own position lacked maximum strength. Even so, he held Commons at bay until the situation became insufferable; then he felt justified in dissolving the recalcitrant body.

The tactic employed by the king in countering the aggressive thrusts of the constitutionalist opposition was simple enough. He merely refused to define or limit his prerogative in any manner, while he readily accommodated Commons by specifically defining its rights and privileges—thus leaving all else

James admitted his inability to make laws or collect subsidies without the consent of the two houses, but he would concede little else regarding his own powers. 

When the Commons in December, 1621, referred to its "ancient and undoubted right and inheritance" to speak freely on all matters, James took immediate issue; a more accurate statement, he declared, would be to describe its rights as derived from royal grace and permission.

We told [the members of Commons] that we could not allow...[them to refer to] their ancient and undoubted right and inheritance... (for most of them grow from precedents which show rather a toleration than inheritance), the plain truth is that we cannot with patience endure our subjects to use such antimonarchical words... James felt duty-bound to tolerate all those concessions which his more responsible ancestors had allowed. He made it explicitly and repeatedly clear to Parliament in 1621 that its established rights were safe under his rule. On one occasion, James even stated his preference for enlarging rather than diminishing those rights, if a change seemed necessary; but, he emphasized, such an act must be exclusively at his instigation.

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35 Prothero, p. 409, note 1.
37 James to Secretary Calvert, December 16, 1621, State Papers, X, 322.
38 Debates, 1621, II, 528-529.
39 Ibid., VI, 240.
In taking this stand, James asked only that Parliament do as much in return. He would assure Parliament its privileges if it would respect fully the sovereignty and prerogatives of the crown. James never infringed upon the clearly established rights of Parliament unless excited by its unseemly actions; on at least one occasion, he declared himself ready to honor "all privileges whatsoever could appear by record that any Parliament ever had."

Yet, the "record" was not an infallible guide for James; Parliament could not appeal to just any precedent, no matter how absurd, in justifying its demands. James pointed out that "Henry VI was a silly, weak king" and precedents in his time were of no valid force. Of greater force and authority was the record of strong monarchs such as Henry VII, Henry VIII and Queen Elizabeth. Precedents under the powerful Tudors clearly supported the older definition of free speech as something less than license. Numerous precedents under Queen Elizabeth I gave support to James' contention that Parliament's speech was free whenever allowed, but not unrestrictedly free.

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41 Debates, 1621, V, 70.


43 Prothero, pp. xcvi-xcvi.
James meant for Parliament to apply this rule of thumb regarding precedents to other constitutional issues as well. One very clear example concerned the right of the Commons to discuss a royal marriage. When Commons persisted in making known its displeasure over the contemplated Spanish match, James referred to Elizabeth's reign for sufficient precedents to disallow the claims of Commons. 44

Secretly, James had little faith in Parliament's ability to use free speech, much less the real need for it. Parliamentary activities and debates, along with the persistent determination to wrangle over irrelevant details, frustrated James and made him impatient. Frequently, James' Parliaments disregarded his instructions, while pursuing vague and confused digressions, until the proposals he made were "clogged with so many strange clauses" which he had not asked for, that even Parliament could not agree on them. 45 Despite all his misgivings, however, James granted Parliament "as much free speech as ever any of his predecessors" had allowed, fearing that to do less would greatly multiply the difficulties of his reign. 46

The "free speaker" was the real concern of James in granting or recognizing free speech on the floor of Parliament. He found this animal came in two varieties and frequently inhabited

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44 Tanner, Documents, pp. 48-49.
45 Debates, 1621, II, 305-306.
46 Ibid., IV, 55.
the House of Commons. Either he is the "lion-like speaker that dares speak of anything that pertains to princes" or he is a "fox-like [speaker] that seems to speak one thing [yet] intend another, [so] as to bring the king into dislike with his subjects." James warned Parliament in 1621 against these two breeds: especially the latter, who tried to win public support and loyalty to Parliament and themselves at the expense of their sovereign lord and king.\textsuperscript{47} Parliaments were not designed to "detract from the king but rather add" to his glory and honor.\textsuperscript{48}

\begin{quote}
[Reverence to their] God, their king, and their country being well settled in their hearts, will make them ashamed of such toys, and [they will] remember that they are there as sworn councillors to their king, to give their best advice for the furtherance of his service and the flourishing wealth of his estate.\textsuperscript{49}
\end{quote}

This ideal, expressed by James in 1605, remained forever untested; the Commons remained singularly unconvinced of its merit.

\textbf{Commons' Capacity to Discuss Foreign Affairs}

Whatever the philosophy or theoretical foundation for James' rejecting parliamentary participation in foreign affairs, there was also a practical reason for that exclusion, which he fully realized. Parliament was in no real position to debate

\textsuperscript{47}Ibid., II, 12-15; V, 425.  
\textsuperscript{48}Relf, p. 14.  
\textsuperscript{49}McIlwain, p. 288.
and advise on such matters when it knew almost nothing about them. The members had access to only fragmentary or distorted news, often third or fourth hand. Their grasp of European affairs suffered by their reacting to international incidents on a purely black or white basis: white was Protestant and profitable to English trade, while black was Roman Catholic and detrimental to England's commercial interests. With such a limited perspective, James considered Parliament incapable of responsible participation in foreign affairs. Were James to allow participation by an extension of free speech, he would have had to open to the confidence of Parliament all the secret mysteries of state which had been the glory of English kings for centuries. Besides, consultation with his Parliament would provide "the means for his enemies to know what he intended to do."

To James, this was impossible; and anyway, Parliament did not seem much to care. In its boundless self-confidence, Parliament felt perfectly capable of formulating a responsible and profitable foreign policy with whatever sources of information were available. Due to this ignorance, Commons failed completely to realize the foolishness of its position. Yet, this same boundless self-confidence in Commons gave the opposition courage and temerity to press forward in quest for their "ancient rights."

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50 Gardiner conceded that "their knowledge of the policy and designs of the Courts of Europe was defective." Gardiner, IV, 234.

51 Ibid., 35-36.

52 Debates, 1621, II, 88-89.
Conclusion

The divine right absolutism of James I was, to a large extent, the basis for English government in the early seventeenth century. At his accession in 1603, James had been unfamiliar with the organization and character of his new government; he tended to embrace literally and explicitly the political theory which he had come to accept. By 1621, he had learned—slowly, reluctantly and painfully—that such an application of absolutism would not successfully fit English government. Therefore, James was forced to accept, at least in practice, the existence of a constitutional framework within the government. But, James would recognize only the constitutionalism in which the Tudors had acquiesced; the constitutional innovations of the opposition were designed to destroy the basic fabric of absolutism in English government, and James could not, in all conscience, permit these treasons to attain legitimacy.

The state was the king; the state lived on and for the commonwealth; and the state was sanctioned by God, not the commonwealth. The sovereignty of the state resided in the prerogatives of the king, and final authority, like final responsibility, for the commonwealth fell to the divinely absolute monarch.

On these principles of divine right absolutism, James found it necessary to add the theory of constitutionalism. This James did, with imagination and genius, without materially
disrupting the form of absolutism. He conceded to a practical division of functions based upon the enlightened and arbitrary will of the king. If certain parliamentary functions appeared to become established, it was not through right but through the wisdom of successive monarchs.
CHAPTER IV

CONSTITUTIONALISM IN COMMONS: PARLIAMENTARY

SOVEREIGNTY IN MATTERS OF STATE

The English Middle Class and Constitutionalism

Although James was not without some responsibility, the results of the Parliament of 1621 can be largely laid at the feet of the knights and burgesses who made up the House of Commons. Their actions were motivated and their thoughts prejudiced by an aggressive spirit, common to their class, which was an altogether new phenomenon to England. This spirit in Commons fed on several conditions: a security from foreign invasion and internal upheaval, a basically sound national prosperity suffering a temporary depression,\(^1\) a Protestant theology which blessed acquisitive activity and individual sanctity, and a frustration at being unable to wield political power commensurate with their economic power.

The men who met as Commons in 1621 represented a new middle class in English society which had much but which was denied possession of the sovereign power of the English state.\(^2\) The first Tudor monarchs had collected to the throne all that was

\(^1\)Debates, 1621, VII, 581-586.

\(^2\)Notestein, English Peoples, 1603-1630, pp. 185, 190, 196-201.
then recognized to be sovereign power. Elizabeth I had held on firmly to all she had inherited while unconsciously preparing the way for her Stuart successors to lose much of the sovereign legacy bequeathed them by her.\(^3\) While she reigned, this middle class had been provided with the blessings of political security and economic prosperity, but the royal treasury had begun to feel the curse of a fluctuating poverty.\(^4\) The absence of stable conditions for life and business had led the middle class after 1485 to approve absolute and sovereign monarchy. But, as Tudor absolutism established stability and a flourishing commerce, the middle class came to realize that there was no well-being in a prosperity dependent upon an uncontrollable power for its maintenance and continuance. Thus, the new middle class in England, flush with many successes, grew dissatisfied after Elizabeth was gone and prepared to attack the political impediment to their sense of well-being.\(^5\)

The ambition of the middle class found its object in the sovereign prerogatives of the king. Although not violent by nature, their ambitious spirit was none the less revolutionary—though never considered as such by those involved. The middle class

\(^3\)Notestein, *Winning of the Initiative*, pp. 61-63. "Tudor despotism by its very nature contained within itself the seeds of its own decay; it was leading on to a more active House of Commons, certain in time to demand [sovereign] power."

\(^4\)Tanner, *Documents*, pp. 336-337.

class sought to secure a place in English government in order to influence and direct the exercise of royal powers; the logical place was the House of Commons since the middle class dominated its membership. From there, they needed only to broaden the powers of Commons until the general activities of the government would be influenced by its opinions.

Yet, in this design, the middle class was faced with one serious dilemma. Having risen so far in English society as a class, they had no disposition to risk revolutionary ferment and violence for fear of losing their hard won institutions. Having won all but one battle, they prepared to use history as a tool to extend their position and importance in English society. In short, the dilemma facing the English middle class centered around the problem of compensating a radicalism in political ambition with a generally conservative nature. Conscious of their status in English society, the middle class had no desire to be associated with anything described as revolutionary or with anything which did not have historical precedent. But, the political designs of their representatives

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6 Fully conscious of their importance in society, the middle class was equally aware of the role history and tradition played in establishing institutions in that society. An argument supported by historical precedent or long practice was most often a successful one. Many historians fail to consider this important aspect of the struggle. George Burton Adams, Constitutional History of England, revised by Robert L. Schuyler (New York, 1949), pp. 265-266; Davies, pp. 14-15, 28-32.
in Commons were nothing short of revolutionary and without sound precedent.

The dilemma first appeared in the Parliament of 1621 when, in early February, the members of Commons began a debate over petitioning James I for recognition of their concept of parliamentary rights as opposed to the king's concept. Sir Edwin Sandys, advising caution and restraint, aptly expressed the dilemma facing Commons when he commented:

We are loath to lose the fundamental principles of parliament and loath to give just offence to the king. It [is] worth [our] thanks to him [who can] show how we may preserve the one and avoid the other.7

The English Middle Class and Foreign Affairs

The security James could offer as an absolute king was no longer necessary to the mercantile middle class of England; a powerful Parliament seemed to offer as much security and would give the middle class a more direct control. They needed only to alter the fundamental arrangements of English government without disrupting its traditional appearances to secure the long sought sense of well-being.

The economic welfare of the mercantile class was dependent upon conditions the world over, and the established arrangement in conducting foreign affairs fell far short of offering them a sense of well-being. No longer were the personal, religious and philosophic motives of the monarch satisfactory

7Debates, 1621, II, 27, 60.
in determining England's role in Europe and the world; there must be added the economic motives of the mercantile class, and they felt no security unless they could personally direct the transformation of their economic motives into policy and practice. Only the strong will of James I, long established English tradition, and their own failure (or willingness) to devise and support a truly original political philosophy, proved sufficient enough in 1621 to ward off Commons' political thrusts at the king's prerogative in foreign affairs.

Incongruity in the English Constitution

A constitution of sorts had long existed in English history, but its meaning and force varied with interpretations, and it depended upon the prevailing state of social and political organization. The transition in English society, generally marked by the period of Elizabeth's war with the Spanish, included a significant social and class reorganization without a corresponding rearrangement of political institutions. By the coronation of James I, this unbalance was given expression in the composition and leadership of Parliament. Under the Tudors, the stature of Commons had clearly risen; under Henry VIII it had served a long apprenticeship and under Elizabeth I it journeyed to maturity, self-consciousness and competence.  

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8 The Bates Case in 1606 over the crown's arbitrary power to impose duties, and the resulting compromise after the Petition of Right in 1610, were sterling examples of Commons' insecurity when economic matters were left in the hands of the king. Tanner, Documents, pp. 244-247, 337-345.

9 Smith, pp. 275-277.
Yet, Commons was still denied the authority and responsibility of a master craftsman while, in other phases of English society, the class which Commons represented had assumed responsible and powerful stations. Elizabeth I had held firm to the constitution existing at her coronation. She had made certain power arrangements and even had granted practical concessions to Commons. By the force of her personality, however, she had firmly resisted constitutional change and steadfastly refused to consider or recognize theoretical issues. But, even so august a personage began to encounter reaction in her last years. In appearance, her later Parliaments were little changed, but in substance almost nothing remained the same. The change in Parliament's composition had followed closely the transition in society, while the constitution less and less took into account actual conditions. Tensions arose which required release; James VI of Scotland came south to bear witness to the first escape of pressure.  

The new middle class had acquired its social status principally by its economic talents and had acquired political representation in Parliament by the same means. Though many of the members of Commons possessed ranks and titles, they had risen high in society and in the Parliament on the crest of the economic revolution they had received, nurtured and carried to fulfillment.  

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10 Davies, pp. xix-xxi.

Commons and relieved of Elizabeth's restraints, the representatives of this mercantile class began directing much of their attention toward Commons' campaign to win for itself wider governmental powers.

This new class had come to Parliament by means of economic power; its purpose, once there, was to insure its continued economic power. It was paying the revenues which supported the king and his policies, and his conduct and policies were increasingly affecting private economic arrangements. The war with Spain and the aid offered the Netherlands had proved to English mercantile interests that their prosperity rested on the monarch's policies—and especially his policies abroad.\textsuperscript{12} Constitutional precedents offered no ready remedy for this situation; the men in opposition to divine right absolutism were left to their own designs. These designs formed the crude and frequently inconsistent theoretical base for the growing anti-monarchical movement, best described as "constitutionalism."\textsuperscript{13}

\textsuperscript{12}Seeley, pp. 220-226, 228, 237-243.

\textsuperscript{13}Ranke writes that "the system of government as it had been developed under the Tudors and continued under the Stuarts was encountered face to face by another system [in 1621], which rested upon other precedents and principles." Here Ranke implies that two constitutions, not one, evolved in England to clash in 1621. Ranke, I, 499-500. Ranke may well have conceived this idea from Sir Edward Coke, who toyed with a similar notion. Notestein, II, 343. Such a dualism in a nation's development is hardly conceivable—especially if one constitution appears suddenly and with no apparent historical relationship to the other.
Constitutionalism in 1621

The members of Commons had a considerable personal and class stake in proposing a modified constitutional system which would divide sovereign powers between king and Parliament—thereby reducing the king's prerogatives and attacking the very substance of divine right monarchy. Since there was no longer a particular need for an absolute, sovereign king in the national and economic development of England, there no longer remained any need for the king's powers to be so great. The king constituted one part of the constitutional division of society, and Parliament represented the English people who made up the other part. If the governmental powers of the king were reduced, then Parliament could well claim the additional powers for itself. This was precisely the intent of the parliamentary opposition in 1621. These men had no thought of granting the powers extracted from the king to the people in general; their principal interest lay in securing for Parliament (symbolizing the people in general and the middle class in particular) an active part in the sovereign powers of the state.14

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14 It has frequently been supposed that any movement in English history toward constitutional development was democratic in character since in the end a constitutional democracy prevailed. There is no logical basis for this supposition. Actually, democratic ideals could be more readily found in the protesting religious movements of the period than in political tendencies. Figgis, p. 195; Cobbett, I, 1266-1267; Debates, 1621, II, 197.
With each additional power gained by the Commons, its appetite for power only grew sharper.\textsuperscript{15} James found in 1621 that morsels of power would no longer satisfy; reviving the parliamentary power of impeachment seemed only to sharpen its hunger. Constitutionalists wanted to leave no doubt about Commons' power in economic matters; but more than that, they wanted a voice in the high affairs of state and foreign relations.\textsuperscript{16}

This reasoning and predisposition underlay John Pym's definition of the constitutional powers of government. Pym, who had a long and distinguished public career as parliamentary champion still ahead of him, stated that examination, inquisition, judgment and execution were the activities and duties of government. Pym then assigned these powers to the various agencies of government on the basis of division of power rather than hierarchy of authority. Examination and elimination of civil ills were the function of the House of Commons. Both houses of Parliament investigated civil and governmental disobedience, and both acted as the high court of appeals. Only the last function, that of execution, was solely the king's, "who hath the sword."\textsuperscript{17}

\textsuperscript{15}Notestein, Winning of the Initiative, pp. 4-6, 11-12.

\textsuperscript{16}Ranke, I, 498-502, 504-507.

\textsuperscript{17}Debates, 1621, II, 30.
This definition seemed to imply that Pym recognized the king's sovereignty over foreign affairs; rather, his position in 1621 more closely resembled opportunism—a position shared by his opposition colleagues. In mid-April, Pym justified Commons' discussing the "king's dominions" in Virginia and foreign trade treaties on tobacco as an examination in the public interest. But then, in May, when Pym summed up the achievements and the remaining duties of Parliament on the eve of summer recess, he failed to include securing royal acceptance of parliamentary advice on foreign policy—for whatever the reason. By November 27, Pym was prepared to abandon his earlier stand that discussion of world events was justified only in the public interest. But, he still stopped short of an absolute invasion of the king's prerogative when he suggested that Commons "beseech the king" to allow them "to set down some speedy course against papists."

On the basis of this treatment of jurisdiction in matters of state, it would appear that Pym was not yet prepared to assign exclusive jurisdiction on any function of the government. The general constitutional position of John Pym probably represented that of many of his fellows in the Commons; it was moderate enough not to savor of revolution, yet potent enough to gain the middle class' desired ends.

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18 Ibid., pp. 9-12.  
19 Ibid., p. 353; IV, 392.  
20 Ibid., III, 461-462.  
21 Ibid., II, 461-464, note 17.
William Noy was in general sympathy with Pym's position. Just beginning to rise among the opposition leaders, Noy was still bothered by the problem of sovereignty. He wondered about Parliament's claims to sovereign powers when no one disputed the king's arbitrary authority in calling and dismissing that body. How could Parliament possess sovereignty when it could not control even its own existence? Few of Noy's associates cared to continue long in this line of argument; had they done so, the next logical question would have considered Parliament's rights and privileges. How could Parliamentary rights rest in ancient custom and not in royal sanction when Parliament depended on royal will for its existence?

The extreme constitutionalism of Sir Edward Coke, on the other hand, was more directly in conflict with the king's philosophy and received by far the greatest publicity and attention from the whole nation. Like Pym, Coke's initial stand in 1621 was less extreme than the one assumed near the end of Parliament in December. Coke, who had become the chief antagonist of unrestrained royal prerogative after his fall from royal favor, approached the issue on terms of the

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22 Ibid., VI, 185. 23 Churchill, p. 155.

24 Gardiner seems unusually severe with Sir Edward Coke in characterizing the man's capacities, consistency and motives. This analysis seems unjustified in relation to his actions and words in the Parliament of 1621. Gardiner, IV, 40-41.

25 Compare Sir Edward Coke's speech in Commons, February 12, with those on December 17. Debates, 1621, II, 56-57; 530-531, 534.
king's powers. These he divided into two classes: absolute and ordinary. The absolute powers included the forming and dissolving of leagues and treaties, the determining and conducting of war, minting coin, etc. The issuing of proclamations and the grant of patents and monopolies were among his ordinary powers, which were always subject to the confirmation of Parliament. Coke attempted to make this distinction clear when he attacked the Proclamation of 1620, which restricted the free speech of all Englishmen by excluding discussion of the high mysteries of the state.

From his rich store of judicial experience, Coke was prepared to take an even bolder stand concerning the king's jurisdiction in English government. Where Pym had faltered, Coke move confidently forward with a sweeping legalistic proposition—i.e., in no case was the king above the laws of the realm which placed restraints over all divisions of the government's jurisdiction. James, therefore, could not judge himself by the law but "must be judged by the Lords alone or not at all." This theory was convenient for Coke since he held that only Parliament could make laws and that not even royal proclamations

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26 Debates, 1621, VI, 43; II, 193-194.

27 Ibid., II, 22-23; Proclamation Against Lavish and Licentious Speech in Matters of State, December 24, 1620, State Papers, X, 202.

28 Tanner, Conflicts, pp. 35-37.

29 Debates, 1621, II, 195.
took precedence over parliamentary law.\textsuperscript{30} Further, Coke held that "the law of the realm cannot be changed but by Parliament";\textsuperscript{31} the object in this theory became clear: while not denying many of the forms of absolutism, Coke shrewdly undercut the legal basis of absolute monarchy. For the survival of an absolutism, a king must remain outside the law, and yet be its source. Coke would dismantle the structure of James' divine right monarchy by placing the king under law and by taking from him the power to create law.\textsuperscript{32} All the while, Coke was careful to leave the forms of the older political structure sufficiently intact to allay any appearance of revolutionary intent.\textsuperscript{33}

The application of Coke's position to the area of foreign affairs was simple enough. If Parliament was the source of law, should it not also be the source of policy? If the Commons' right of speech was free of royal restraint in considering grievances and in formulating law, should it not also be free of restraint in discussing foreign policy? To these, he could find but one answer. He reviewed parliamentary participation in state policy as inevitable and logical. By his arguments

\textsuperscript{30} Ibid., pp. 22, 526-527.

\textsuperscript{31} Sir Edward Coke, cited in Tanner, Conflicts, p. 36.


\textsuperscript{33} Coke preferred to consider the constitutionalist movement as "a great restoration" of ancient privileges. Debates, 1621, III, 160.
on historical grounds, Coke demonstrated his feeling that a proper and effective balance of Parliament's powers could be achieved only if domestic obligations were offset by international responsibility. There Sir Edward Coke was willing to let the problem of foreign affairs lie and to refrain from pressuring the king further on the point.\textsuperscript{34} In this area of royal power he was willing to leave something more than the mere form of absolute monarchy stand. Making war and peace, concluding treaties, were to remain the king's prerogatives.\textsuperscript{35} Possibly, even so astute a "precedent maker" as Coke found this prerogative difficult to assail.

William Hakewell, who came to Parliament in 1621 as a moderate royalist, soon came under the power of Sir Edward Coke's theories. By December, Hakewell held that the privileges of the people (and Parliament) were such that their preservation meant also the preservation of the kingdom. He went further, saying, "Our privileges are the custom \textit{in} England and therefore we hold them not by grace but by law and right." Not yet satisfied, Hakewell denied the validity of any law that the king should promulgate, and he maintained that parliamentary petitions were rights and not allowances from the king.\textsuperscript{36}

\textsuperscript{34} \textit{Debates, 1621}, II, 57; V, 232-233.

\textsuperscript{35} \textit{Ibid.}, II, 495-497. In his speech before the Commons, December 3, 1621, Coke suggested several precedents to support the right of Parliament in speaking on matters of state, but these occurred in an earlier period when the English baronage dominated Parliament.

\textsuperscript{36} \textit{Ibid.}, VI, 243.
William Noy, long a member of the parliamentary opposition, also argued from a position similar to Coke's when he used reason to warrant free speech in Commons. "The Parliament represents the body of the whole kingdom," he theorized, and no ordinance or law was of effect unless agreed on in full Parliament by Commons.\(^{37}\) Even if this did not establish justification for free speech, it did invalidate James' proclamation denying it. Noy further maintained that since Commons had no direct representation in the king's council, they had no other means of presenting their views.\(^{38}\)

Significantly, the collective arguments of Pym, Coke and their associates lacked any fundamental principle upon which to base their ideas, and they recognized none of their number as intellectual spokesman or leader. Here again these men of property were reluctant to assume an undoubted revolutionary role merely to achieve politically what they already possessed economically: national pre-eminence. To have embraced a philosophic program, organized a political combination, and elected a supreme leadership would have made their movement more directly open to opposition and organized reaction. The men in Commons during James' reign were far from being rebels in their personal and business lives; they found it impossible to act such a part in their political associations.

\(^{37}\) _Ibid._, II, 526-527, note 19.

\(^{38}\) _Ibid._, pp. 541-542.
The historical past then became a natural object of their attention, while books of philosophy collected dust on their bookshelves.

Constitutionalism without Theory

Seemingly, the members of Commons in 1621 would have chosen to rally around and back up an earlier political stand of one of its own members: Sir James Whitelocke. As a member of Commons in 1610, Whitelocke spoke on the Bates Case over impositions. With sound logic, historical consistency and impressive rhetoric, he presented his concept of the political organization in English government. This concept even anticipated James' statement of political theory at Whitehall in 1621.

Whitelocke declared that the hitherto ill-defined division in English society was actually represented in the basic division in sovereignty. This separation was expressed clearly and emphatically in the "two-fold" power of the king—"the one in Parliament, as he is assisted with the consent of the whole state; the other out of Parliament, as he is sole and

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39 Sir James Whitelocke was chief justice of Chester and had been a member of the Commons in 1610 and 1614. Although he was elected to the Parliament of 1621, he failed to put in an appearance. Debates, 1621, I, 336.

40 See p. 55, note 8.

41 Tanner, Documents, pp. 243-245.

singular, guided merely by his own will.\textsuperscript{43} Thus, those powers, not absolutely held by the king, were reserved (not delegated) to the people—\textit{i.e.}, embodied in Parliament; "the power of the king in Parliament was greater than his power out of Parliament"; and his parliamentary powers "rule and control" the non-parliamentary powers. Since the two greatest sovereign powers consisted of "the power of imposing and power of making laws," Whitelocke concurred with Sir Edward Coke that Parliament was the source of law.\textsuperscript{44} "Therefore, these [two] powers were to be exercised by [the king] only in Parliament." Primary sovereignty, then, lay in the body of Parliament—representing the whole nation—and the king partook of this greater power only as a member of Parliament and not as an absolute lord.\textsuperscript{45}

When applied to foreign relations in general, this concept established the protection of the kingdom as a "prerogative royal" of the king. Though this power lay outside Parliament, it was restrained by the greater sovereignty in Parliament. The king could act for the kingdom's defense or interest by his own authority (especially if there were no Parliament in session), but his actions were clearly limited; he could act

\textsuperscript{43}Tanner, \textit{Documents}, p. 260

\textsuperscript{44}Coke held the king's powers to be absolute and ordinary, the latter subject to Parliament's scrutiny; Whitelocke held that all the king's non-absolute powers (which were the major share and most important of them) were drawn directly from the institution of Parliament.

\textsuperscript{45}Tanner, \textit{Documents}, pp. 260-261.
in the welfare of "the people and state, but not to make
[personal] gain and benefit by it. The one is protection,
the other is [spoliation]." Thus, James may properly ini-
tiate certain acts in matters of foreign affairs; but in the
end, these must be for the public good, as expressed by Par-
liament.

Here was a truly philosophical argument specifically de-
signed for parliamentary supremacy, once it was applied to
English government. In substance, it was the opposition position
eleven years later in 1621. But no matter how philosophical,
consistent or applicable, the argument possessed one defect
which precluded its utilization: it was avowedly revolutionary.
It would have forced Commons to oppose James on his own theo-
retical grounds. While Whitelocke's ideas influenced Parlia-
ment both in 1610 and in 1621, the rising constitutionalist
opposition preferred to attack divine right monarchy without
resort to theoretical concepts. This decision may be wondered
at; Commons in 1610 was able to win its actual as well as theo-
retical goal regarding impositions, while Commons in 1621 found
itself summarily dismissed with no practical gain in its struggle
over foreign affairs.

Commons chose rather to follow Sir Edward Coke in a pro-
gram of pragmatic design—typically English in character. It
preferred to concern itself with practical considerations—

\[^{46}\text{Ibid.; Debates, 1621, VII, 642.}\]
dealing with events as they arose, and then depending upon
the strength of well-tried arguments to carry through its pro-
gram.

Though there was obviously danger in espousing openly,
and in Commons, a recognizably revolutionary idea, the alterna-
tive chosen by the opposition frequently had its ill-effects.
Confusion, contradiction and inconsistency often appeared to
weaken Commons' efforts to seize the initiative in determining
foreign policy. This weakness was apparent in 1621, but was
less evident in 1624—when, incidentally, organization and dis-
cipline were more in evidence.

The political practitioner is seldom concerned with con-
sistency and logical argument; his one concern in achieving
concrete results is the attitudes and prejudices of the society
with which he deals. This concern, in Commons' case, referred
to the customs and traditions which Englishmen held dear in
their hearts. Unlike Whitesocks, the parliamentary opposition
was not as interested in a philosophy for change as they were
in a justification for change. In justifying an innovation to
tradition-minded Englishmen, it seemed to Sir Edward Coke, John
Pym and their colleagues that history must be made to support
their efforts. Commons held tenaciously to its oft-repeated
claim that constitutionalism intended a mere extension and not a
revision of historical principles in constitutional organization. 47

47 Tanner, Conflicts, pp. 35-38, 40-42.
Historical Precedents in the Struggle
Over Foreign Affairs

The recourse to precedent by Commons, in supporting its arguments against divine right monarchy, greatly increased the importance of English history but with little actual effect on the struggle over foreign affairs. Had the goal been to substantiate each side's position in historical precedent, then Commons would have surely lost; but Commons was unconcerned with historical precedent except as a means to achieve the greater goal of power. James' reaction to the "strenuous maintenance of privilege" through history and custom could only make the king more "zealous of [his] prerogative."48

Commons was frequently hard pressed to discover in the historical records even weak supports for its claim to interfere in foreign affairs. Though Sir Edward Coke was staunchly constitutionalist and an eminent lawyer-jurist, his reasoning based on historical fact was often unconvincing to all but the most like-minded.49 Nor was Coke alone in the misuse of history; John Pym, William Hakewell and William Noy liberally sprinkled their speeches with precedents, though with slight regard for the historian's scrutiny and objectivity.50

48Speech in the House of Commons, December 6, 1621, State Papers, X, 317.
49Tanner, Conflicts, p. 36.
50Notestein, Winning of the Initiative, p. 66; Churchill, p. 156.
Such misuse remained a chief complaint of James against Commons' precedents: they had too little foundation in historical fact. At one point, James cautioned Sir Edward Coke "not to allege precedents in ill time... I scorn," he warned, "to be likened to the time of some kings [such as] Henry VI, ... a silly weak king."51 James' grievance, that Commons resorted to faulty reasoning in pressing its foreign policy on the king, was largely justified; semi-feudal constitutional arrangements and social conditions prior to 1485 bore little resemblance to the institutions of James' time. There was basic historical absurdity in claiming for Commons the "ancient and undoubted" right to discuss and influence such subjects as the Spanish marriage, James' policies regarding foreign powers, and the determination of war and peace, on the basis of parliamentary actions under the Angevin or Lancastrian kings.52 Parliament chose these precedents, with some innocence, because they were not representative of Parliament's past powers; James systematically rejected them for the same reason.53

So inadequate were the opposition members in historical intelligence that their very concept of the general course of English political history was distorted. Many in the Parliament of 1621 were firmly convinced that, over the course

52 Debates, 1621, II, 523-527; VI, 239; Gardiner, IV, 255-257.
53 Ibid., II, 22, 494; Davies, pp. 26-27.
of time, the royal prerogative had steadily grown at the expense of their parliamentary privileges. One such member of Commons, Edward Alfred, believed that absolutism endangered their undoubted role in establishing foreign policy and their ancient right of free speech. He observed in debate that "because our liberties are at a stand, . . . we must look to have no more [and must] be careful not to lose those we have." Such beliefs largely account for the evident lack of communication between James and his Parliament in 1621; historically, each simply did not understand the other.

The Fiscal Power in the Struggle over Foreign Affairs

Had the necessity of obtaining funds from Parliament never arisen, the lever Commons needed in the contest for sovereign power would not have existed; the very need for Parliament's existence would have been proportionally diminished. No volume of constitutional argument or historical appeal could have won for Parliament the sovereign powers it craved. There can be small doubt that the scales would have tilted in favor of

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56.Historians have established James' frequent absences from London as causing the breakdown in communication, and condemned James accordingly. "With criminal folly he left London. . . ." However blameworthy James' conduct, it is seriously questioned whether frequent contact would have lessened or intensified this divergence between king and Parliament. Willson, pp. 420-421; Gardiner, IV, p. 237.
James and divine right. The tactics of the opposition would have prevailed little.

Such a circumstance did not exist, much to James' chagrin. Commons had its lever and used it in 1621 to affect constitutional change by extending its influence into the king's sacred prerogative of foreign affairs. Historical precedents (often manufactured) provided Commons with the force of tradition and popular support; fiscal initiative equipped it with the force of a coercive lever; religious and acquisitive concern for international conditions furnished it with incentive to exert pressure on constitutional arrangements in England. In sum, these (precedents, revenues and international self-interests) were the foundation stones utilized in erecting the constitutionalist structure in 1621.

This combination was fully appreciated from the very first session of Parliament that year. Expression was first given it on February 5 by a minor figure among the constitutionalists, Sir James Perrot. After digesting the import of James' Whitehall address, Perrot ventured the significant question: "How can we deal [with] grievances without examining" the prerogative of the king, and "how shall we treat. . . provision for the Palatinate and not meddle with matters of state?"

57 Ranke, I, 497-500; Willson, pp. 416-417.
59 Ibid., IV, 15.
As an alternative to the implication implicit in Perrot's question, the Privy Councillor, Sir Thomas Edmondes, suggested that Commons purchase James' goodwill and cooperation with liberal grants of subsidies. Edmondes envisioned more frequent Parliaments with greater participation in government by such kindly tactics. 60 A few days later, and again during the fateful days before Parliament's dismissal, Sir Edward Coke repulsed the suggestion of such a tactic. 61 The king's ordinary revenues supplied his reasonable court needs, Coke argued; only for extraordinary expenses did James have need for parliamentary subsidies, and only then were the self-interests of Commons involved. 62

Although Coke intended to use fully the powerful fiscal lever, both he and his associates misjudged its potentialities against James' unyielding obstinacy. The preservation of his daughter's inheritance was too great a price to pay for the sacrifice of his son's inheritance. James was not ready in 1621 to compromise a single fragment of the divine right fabric to be passed on to Charles. 63 He had checked encroachment in religious matters at the Hampton Court Conference; he had yielded only slightly on impositions in 1610. He was in no mood to abandon the sacred right to pilot the ship of state

60 Ibid., VII, 572-573; II, 86.
62 Debates, 1621, V, 437.
63 McIlwain, pp. 3-11. In the introduction to Basilikon Doron, James leaves no doubt of his determination.
through the troubled waters of world politics. James was prepared rather to enrage the opposition, alienate many moderate members of Parliament and lose much popular support before he would give Parliament voice in the determination of foreign policy. With the steady deterioration of conditions on the Continent, time so acted in Commons' favor that it gained its end only three years later—using the same time-tested means.

Conclusion

Constitutionalism, then, was less a coherent philosophy than it was a plan for action based upon certain undefined principles and well-established prejudices. It constituted the heart of Commons' desires and designs for English government, but in 1621 there was no precise definition of what constitutionalism envisioned. As such, inconsistency, insupportable arguments and insecurity were inevitable products. Before divine right philosophy, the opposition in Commons was conscious of constitutionalism's translucence. But the compulsion to formalize the movement (as Whitelocke had attempted) was counterbalanced by the fear of a revolutionary identification and of the substantial philosophy of absolutism prevailing throughout Europe. The position of the opposition in 1621 was that in which any reformer finds himself when unsupported by intellectual authority.
CHAPTER V

THE PERIOD OF HARMONY: SUBSIDY AND DECLARATION
(JANUARY 30 TO JUNE 4, 1621)

Indirect and evasive conflicts possess at least one common characteristic; they invariably lead to a shortening of tempers in both parties. The conflict between James I and Commons in 1621 proved to be no exception, although the struggle remained submerged throughout almost all the first three sessions, from January 30, when Parliament met at Whitehall for James' address, until Parliament reluctantly adjourned on June 4. By the beginning of Parliament's fourth and final Session, late in November, both parties had achieved states of considerable agitation.

The deteriorating conditions in Central Europe were no small factor in contributing to this unstable and emotional mood. James saw the lands of his son-in-law, the Elector of Palatine, swiftly diminishing because of Commons' failure to supply him with the means for their preservation. Commons viewed the tide of Roman Catholicism spreading throughout Europe as a result of James' failure to take up the mantel of universal Protestant Defender. Actually, each desired the initiation of approximately the same foreign policy; substantially, each sought to stop the combined Spanish and
Austrian menace to Protestantism, and each pressed for alleviation of the economic depression burdening England. Yet, as James and Commons played out their roles in the Parliament of 1621, it would seem rather that each championed radically differing policies.

In fact, the policies of James and Commons were diametrically opposed—when it became clear that the conflict was not on an international, but an internal plain. While the rising flames of war consumed more and more of Europe, King James of England and the English Parliament remained locked in a terrific struggle, both demanding the institution of the same policy. The whole crux of the conflict was not the policy desired; at issue was by whom and in what specific manner that foreign policy would be inaugurated. In this manner, the conflict touched the very essence of English political institutions: the Constitution.

James demanded that Commons comply with his monetary requests so that he could freely pursue whatever policy he deemed necessary; this was no more than the ancient habit and right of divinely ordained English kings. Commons raised demands for its ancient rights to freely examine all affairs of state; this was a constitutionally camouflaged maneuver calculated to enhance the power of Parliament.¹

¹Gardiner, IV, 232.
Whitehall Address of James I

Only with great reluctance did James even consider calling Parliament into session. Late in 1620, Lord Chancellor, Sir Francis Bacon, finally persuaded the king of the urgent need for funds. James needed no convincing that military conditions in Germany necessitated interference on a scale requiring huge sums of money, but nothing short of extreme need could induce James to bring back into being that organization of "unquiet spirits." In the end, however, simple logic prevailed; James required funds to conduct his foreign affairs and Parliament controlled the flow of revenue into the king's treasury.

When Elizabeth I had faced similar situations, she proved deft at extracting herself from them by resorting to the Tudor expedient of manipulating elections. She had not been able to eliminate dissent, but she had effectively controlled it. James found this device beyond his reach. As the natures of Elizabeth I and James I differed, so did their predilections toward governing. James did not fully appreciate or understand that aspect of political power. Even more important, James lacked crucial support from the House of Lords. Not only Commons, but the Lords also demonstrated dissatisfaction with James' conduct as king although they were

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2 Tanner, Documents, pp. 265-267.
less concerned with constitutional arrangements as they were with court politics. Many lords were no longer disposed to police elections in their districts; indeed, district after district was being freed from this benevolent and semi-feudal restraint by the rising middle class. Thus, once the decision was made to call a new Parliament, James could do no more than hope that the forces he was unleashing would not prove intransigent.

James I made a supreme effort—consistent with his philosophy—to create a spirit of good will and cooperation in the newly assembling Parliament. His Whitehall Address on January 30, 1621, very likely represents the maximum effort of James to deal diplomatically with the invested and elected representatives of the nation. By and large, its immediate effect was more than the king could reasonably have hoped, especially in the House.

The Whitehall Address of January 30 dealt with four significant topics: James' concept of the character and composition of Parliament, his discussion of foreign affairs and policies, his request for financial support in his foreign endeavors, and his appeal for patriotic unity in face of the adversities threatening his family, the nation, and their religion.

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3Gardiner, IV, 126.

That James should consent to discuss foreign affairs and policies represented a major adjustment in attitude and a stretch of principle for the king. But for the time, Commons seemed less impressed with this departure from the king's established pattern than they did with his observations on the character of Parliament. Despite the evident decline in the king's health, manifest to all his audience,\textsuperscript{5} James' political statement was no less vigorous than in the past. But, unlike earlier statements, it was couched in terms designed to less easily rankle those of opposing views.\textsuperscript{6}

At the moment of convening, James skillfully took the opportunity to impress upon the members of Parliament one aspect of Parliament's nature. It was, the king clearly stated, "compounded of a head and a body; the head is the monarch that calleth it ..." Of the body, it is "nothing else but the head that calls the body together." To this unpretentious definition, James hastened to declare that Parliaments, and especially the members of Commons, "are the advisers, councillors, and confirmers" of law while kings are their instigators.

Parliaments are to provide for such laws as shall be for the greatest good of the commonwealth, and ... such as [the king] out of his own prerogative thinks fitting, or the weightiness of the matter requires.\textsuperscript{7}


Thus Parliament-men are the king's men, called by him and for him. ... What those do for the commonwealth, they do it for the king's wealth included in theirs.8

Despite this characterization of the system of government in England, James admitted freely that Parliament would deservedly have "many things that may be fit to be asked of me." With this recognition, James proposed a significant bargain and an unusual promise for an English monarch. "I would have you deal with me accordingly as I shall deserve at your hands. And I shall be as glad to reform things amiss as you shall be willing to inform me of them." But, there was to be a rule for this game of give-and take: "the Lower House ... would not ... meddle with complaints against the king, the church or state matters, nor with princes' prerogatives."9

In this manner, James dealt with Parliament's role in the general scheme of English government. To this role, the opposition in Commons had strenuous objections. Yet, with the exception of the restrictions on free speech, these objections were not given voice until December. This was as rare a behavior for Commons as were certain aspects of the Whitehall Address for James. Some credit for this singular conduct by Commons must be justly attributed to James' honorable efforts to create cooperation among two principals having so little in common.

8Ibid., VI, 365-366. 9Ibid., II, 11-12.
Most extraordinary in the Whitehall Address of January 30, 1621, were the remarks of the king concerning foreign affairs and his policies in regard to those affairs.\footnote{10} James explained the predicament of his son-in-law, Elector Frederick V, and even admitted that he was skeptical of Frederick's claims to the Bohemian crown. He described the actions which he had already taken to ease the Elector's plight; these actions had required large sums of money, and he had been reduced to borrowing some 65,000L of it from the king of Denmark.

The usual attitude of historians respecting James' conduct in 1621 holds that, among many other follies, James rashly attempted to restrain free debate on foreign affairs.\footnote{11} Whatever other evidence exists to support this view, the Whitehall Address cannot reasonably be made a part of that evidence. The review of European conditions is clear proof that James did not object to their discussion in Parliament. If this were not clear enough an indication, the speech to the House of Commons immediately afterward by the king's Treasurer, Sir Thomas Edmondes, leaves no doubt. He reminded his listeners that "the state of things abroad" led to the calling of Parliament.\footnote{12}

\footnote{10} See pp. 118-120.
\footnote{11} Gardiner, IV, 249-251; Willson, pp. 417-418.
Numerous reassurances throughout the spring support this interpretation of James' intent in January. The king's obstinacy was not directed to parliamentary debate, but at sovereign-like attempts to formalize particular policies via argument and written petition. It can be inferred that this is the implication in James' warning not to "meddle" in "state matters."

The statement of financial needs by James was a far more familiar topic for a royal address; but, there was even something candid and extraordinary in this portion of the speech. Extravagance has been the universal epithet in describing the court of James I among text historians. By implication, James admitted to this charge at Whitehall, but he also declared the elimination of this shortcoming in the later years of his reign. In justifying his appeal for sustenance, he not only presented the crying needs of foreign affairs, but he also promised the wise and frugal expenditure of all revenues made available. Economy had been introduced into the navy, cutting costs nearly in half; for ten years, no tax had been levied by Parliament to fill his purse despite the enormous expense of maintaining an adequate diplomatic corps. But, James pointed out, this achievement was possible

under peaceful condition; peace no longer flourished and special missions and negotiations added to the financial burden. To meet the changed conditions, James had even borrowed from the Danes; Parliament was now called upon to meet the exigencies of the moment and to provide for future requirements upon the king's treasury. James hoped that adjustment could be reached in Germany without resort to war, but he promised that should negotiation fail war would then follow. The king reminded his listeners that, even with his court's waste, peace under James I had cost Englishmen much less than had a comparable time under Elizabeth I when war was a frequent state. In concluding his references to finances, James modestly added: "I mean not to make every day Christmas."¹⁴

International conditions at the time of Parliament's convening offered James an opportunity which he readily acted upon. There existed some small danger to the Island (although not nearly so great as popularly supposed) and a much larger threat to the international status of Protestantism. In this state of affairs, the king made his appeal for sustenance and general harmony on the basis of patriotism and religious zeal. To prove their love of country and religion, James skillfully challenged the members of Parliament to cooperate

¹⁴Debates, 1621, II, 7-12; Gardiner, IV, 25-27; The King's speech on the opening of Parliament, January 30, State Papers, X, 217.
with their monarch, "that the world may see how happy a
sympathy there is between the king and his subjects, . . .
[creating] felicity within, and his fame abroad . . ." 15
As it turned out, only the hardened opposition members were
not moved by James' appeal.

After James had concluded his Whitehall Address (which
he had promised to make brief, but which last nearly an
hour), 16 Sir Thomas Edmondes, the king's treasurer, spoke to
the members of Commons, reassembled in their own chamber
prior to choosing a speaker. In this speech, Commons was for
the second time that day treated to a patriotic appeal for
unity and cooperation with their monarch. He reminded them
of the ridicule heaped upon the English government in foreign
parts because of undue factionalism in prior assemblies. Sir
Edmondes expressed hope that

. . . the issue of this Parliament will make the world
see that those differences grew, neither from defect
of duty in the subject, nor from want of affection in
the king. . . . It is the duty of us all, so to apply
ourselves, that we may carry on, both the service of
the king, and that of the state, in one harmony, that
the excessive affection . . . may not beget new dis-
cordance. 17

In this manner, the Parliament of 1621 launched into the
tasks placed before it and brought with it from the country.

15Debates, 1621, II, 12-13; IV, 5-6.
16Chamberlain to Carleton, February 3, 1621, State
Papers, X, 219.
17Debates, 1621, VII, 570-571.
Only the slightest hint of past discord and future strife prevailed to becloud the atmosphere. What moods dominated the hearts and thoughts of James' audience can only be conjured.

The Great Debate on Rights, Grievances and Sustenance

**Issue of Free Speech**

On January 30, 1621, after the audience with the king, the House of Commons retired to its chamber and elected Sergeant Thomas Richardson speaker of the House. On Saturday, February 3, he was presented to the king for confirmation. A significant act in this ceremony followed the confirmation: the new speaker applied to the king for the liberties "due unto them by the ancient privileges of the House." Those liberties included: liberty of speech, "liberty to prefer their grievances to his Majesty and expect reformation from his justice," and freedom from arrest for themselves and their servants during the time of Parliament. Speaking for the king, Lord Chancellor, Sir Francis Bacon (soon to be a casualty of one Commons grievance), granted the House of Commons all that it asked. Then, with a further word of caution from James against practicing an excess of liberty, the formality of organization was completed, and Parliament prepared itself for the tasks and responsibilities of public office.18

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18*Debates, 1621*, V, 430-432.
The House of Commons began its proceedings on Monday morning, February 5, 1621. Within minutes of the session's beginning, the opposition supporting constitutionalism began to form. First to speak was Sir James Perrot who moved that the whole House receive Communion at St. Margaret's Church in Westminster. Perrot, an extreme Protestant, conceived this device as a test of faith for all the members of Commons. Debate on this motion during the day included generous portions of abuse against the Roman Catholics, or "Recusants" as they were ordinarily called in seventeenth century England.20

Soon after Perrot's motion, Sir Edward Giles rose to move for a petition to the king for freedom of speech, and that those that speak extravagantly in the House might be punished by the House and not after Parliament.

Giles, who proved himself a constant advocate of constitutionalism, was motivated in this action by the imprisonments of members after Parliament in 1614 and by James' "Proclamation against Lavish and Licentious Speech in Matters of

19Descriptions of the debates in the Commons during 1621 will follow closely the account of proceedings and speeches found in "The Anonymous Journal, 'X'," Vol. II of the Commons Debates, 1621. Beyond all doubt, this is the most accurate and complete of the journals included in this seven volume work (Debates, 1621, I, 8). Therefore, only references to the other journals will be indicated in this chapter; speeches, remarks and incidents will usually be drawn from the 'X' Journal.

20One speech was so violently zealous that it was cut off. Debates, 1621, IV, 11.
State," published in December, 1620. Sir Giles' motion was then seconded by Sir Robert Philips, in the first speech of his parliamentary career which instantly marked him as a future leader of the opposition. Philips probably quite innocently claimed that this move was made necessary if Commons intended to perform its duty to preserve the rights passed on to it by former Parliaments.

When Sir Edward Alford followed Philips in the same vein, the Secretary of State and chief Privy Council member representing king James in the House, Sir George Calvert, felt compelled to intervene. He called the motion of Sir Edward Giles pointless since "freedom of speech was already granted by the king." Then he attempted to draw attention back to the principal duty of Parliament: immediate supply of the king. Secretary Calvert elaborated considerably on James' earlier statement on foreign affairs and the needs which conditions in Europe created. He did not shrink from the admission that should war become necessary to set things aright, maintenance of an adequate army for one year would cost 300,000L. Secretary Calvert seemed to suggest that a lesser sum, granted quickly, might well spare Commons the hurt in appropriating the greater sum.

21 Proclamation Against Lavish and Licentious Speech in Matters of State, December 24, 1620, State Papers, X, 202.
22 Debates, 1621, IV, 13-14. This was actually a rather conservative estimate; the Council of War had reported the cost at 900,000L. Ibid., II, 438; Gardiner, IV, 31-32.
Free Speech and Supply

For the moment, the Secretary's speech seemed to have accomplished its mission; a number of voices called for instant supply of the king. Then the opposition launched a different maneuver, attempting to gain control of the debate. Sir George More conceded the justice of James' appeal for sustenance but held that Parliament had yet another responsibility--formulating grievances--which was equally important. Indeed, Sir More expressed conviction that sustenance and grievance were locked in close union and neither had justification except in that union. Sir More used the biblical story of Esau and Jacob to demonstrate that Commons' birthright (the petition of grievances) was of little value when separated from Commons' blessing (the offering of subsidies).

Sir James Perrot spoke next and seized upon this line of action. "The relief of the king and subjects should go both together," Perrot informed his colleagues. "How can we deal in grievances without examining" matters affecting the king's prerogative? "How shall we treat provision for the Palatinate and not meddle with matters of state?" Fearing that the king's 1620 proclamation restrained them from discussing their grievances against the government and even their subsidies for the government, Sir Perrot called for a petition begging James to clarify his position.

23 Ibid., p. 15.
Grand Committee on Grievances and Sustenance

At this point in the debate, which was clearly accomplishing nothing concrete, the moderate forces in Commons rallied. Several speakers denied the need for a petition since James expressed himself clearly upon Parliament's convening.

Following these views, a man, intended by nature, disposition, and learning to oppose the king and his pretentions to divine right, rose to bring the debate into proper focus. Sir Edward Coke was without doubt the most eminent figure in the Commons of 1621; the great defender of common law, he was seldom logical in its application to the constitutional struggle, but his dry wit, pitiless tongue, and exaggerated independence combined to make him honored and respected at the same time he was hated and feared.

Sir Edward Coke warned the impetuous and quarrelsome opposition that to press so small an issue might do more damage to their cause than good; a petition for clarification of the proclamation against seditious speech was not needed. "No proclamation can be in force against an act of Parliament" and a mid-fourteenth century law had so provided.

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25 Gardiner, IV, 40-41, 240.
26 This law, of another age and of highly dubious constitutional application in 1621, stated: "The subjects should freely speak of their grievances in Parliament." Debates, 1621, II, 22-23.
then struck upon a compromise plan to resolve the issue of sustenance v. grievance: establish a single committee of the whole "for grievances and the king's supply" since they were so closely entwined.

This solution was eagerly agreed upon by the Commons, which called the first meeting of the committee for that afternoon. With this temporarily happy deliverance from faction, the Commons adjourned. After one morning's debate, it was already clear that the members of Commons seemed much less dedicated to the maintenance of good-will and cooperation than their sovereign.

The grand committee of the whole House met in the afternoon of February 5, and chose Sir Edward Coke its chairman. Once again the opposition rose up to press its will on the entire body. The attack was led by Sir Robert Philips who again urged that no business of the House could be conducted as long as their liberties were in doubt; nothing short of a petition would resolve the doubt. Secretary Calvert rose again to spread oil on the dangerous waters onto which Commons threatened to sail. There had been nothing vague in James' grant of liberties to the Commons, he counseled, the proclamation was "intended against such as make ordinary table talk of state matters in taverns and alehouses, and not against Parliament-men." By this time, Sir Edward Giles, who had originally proposed the petition, and Sir George More, who had linked parliamentary grievances with subsidies, were both
ready to leave the matter stand unless James should later demonstrate a lack of faith. But Sir Robert Philips was able to prevail to the extent that a subcommittee was chosen to consider both the issue and the nature of a petition.

Draft Petition on Free Speech and Assurances from James I

Debate the following morning centered around financial matters: the plight of the royal treasury and the public economy. For the remainder of the week, Commons went about the business of organization and election disputes. On Wednesday afternoon, February 7, the subcommittee on Recusants met in brief session, and on Friday afternoon the Commons again sat in grand committee.

A "draft of a petition for liberty of speech," prepared in a subcommittee, was presented to the committee of the whole. It stated that "the House of Commons had ever enjoyed free liberty of speech" and that punishment for excessive or dishonorable speech was the jurisdiction of the House; "but if no censure be given" by the House, "the members thereof are to be free from all other demand and punishment."

In the debate that followed the reading of the draft petition, heavy and almost universal criticism was leveled against it. There was no definition of what "liberty of speech" meant. Did it imply license rather than liberty? Events could not justify the claim of sole jurisdiction in Commons. What of abuses discovered after Parliament's
dissolution? Sir Edwin Sandys, one of the few recognized leaders among the moderate and loyalist members, pointed out that no one disputed the right of "every man . . . to speak freely according to his conscience," since no man of conscience would "speak against the king." 27

Having undergone this sort of attack, the petition was rejected, and the subcommittee was instructed to await the pleasure of the House. The forces in opposition to the divine right monarchy had suffered a considerable defeat; the opposition leaders had moved too early in the session--too soon after the king's patriotic appeal--and found that Commons was still not prepared to abandon established tradition even in the name of tradition. The draft petition embraced a new theory of liberty which distressed the membership in February. Freedom of speech had never been looked upon as more than a relative right; the draft petition implied that this freedom resided absolutely in Parliament. 28 Such a freedom would give Parliament the power to discuss any subject it chose, especially state matters such as foreign policy; and only Commons stood in judgment of what constituted libel or treason.

The concept of natural rights, which John Locke was to clothe in philosophic acceptability later in the century, had already found favor within the parliamentary opposition of

28 Tanner, Conflicts, p. 44.
James's day. Yet, few indeed were the men in the Commons of 1621 who consciously realized the transition then in process. And precisely because the change was unconscious—even innocent—there was created an illusion of aggressiveness in James's actions. Commons had never enjoyed unfettered free speech, but when many members demanded something akin to absolute liberty in debate, James's rejections appeared militant rather than the reverse. The proclamation against licentous speech was perfectly consistent with relative freedom; it clashed with the opposition's inclination toward parliamentary liberty.

On the next Monday, February 12, Sir Edward Coke made the first opposition move to repair the damage of the draft petition. The immediate result was a protracted, and often heated, debate on free speech. Sir Edward Coke admitted that in some instances Commons was not competent to exercise sole jurisdiction over instances of abusive and excessive speech; he even excluded Commons from judging treason committed in the House. Coke conceded that the king possessed jurisdiction parallel to that of Commons in cases where abuse involved state matters. The astute jurist cautioned his colleagues that a petition on their rights placed those rights in immediate jeopardy. First, should past instances of royal

29Debates, 1621, V, 192.
30Ibid., II, 57, note 11.
punishment be referred to, then that would imply that Commons --having the first opportunity--had not exercised care in punishing offenders. Secondly, should the petition be presented and the king refuse to "grant" Commons the rights, then the House stood in instant danger of losing all; and even if the petition were granted, their rights would rest on the king's will.

Sir Edward Coke's speech, in reality, was nothing more than a reintroduction of the concept of absolute liberties. He merely held that their liberties were already established and to petition would threaten destruction and not vindication of them.

Secretary Calvert, perceiving less danger of immediate royal displeasure in Coke's solution, approved the contents of the speech and then went on to remind the House of its first duty: supplying the king. Calvert's words fell on deaf ears; the subject once raised, occupied the remainder of the day's debate. Moderate speeches seized upon the seeming assistance of Coke and counseled the suspension of consideration. Sir George More and Sir Robert Philips pressed for the petition, pointing out that Commons had already agreed to approach the king and that only the means of contact with the king were still under consideration. One speaker warned that pursuit of this business would lead to distrust, thereby spoiling the conditions under which both supply and grievances might be satisfied. Other speakers
turned to the Privy Counselors present in Commons to discover the King's mind regarding their liberties. In this manner, James could voluntarily offer "gracious assurance" without offending either party. At the insistence of More and Philips, however, parliamentary procedure prevailed when the subcommittee was ordered to reconsider the means of approaching the king and report its findings.31

On Thursday morning, February 15, John Glanville presented the subcommittee's report, which favored petitioning James; a second draft had been prepared for Commons' consideration. Likewise, it recommended the enactment of a law granting Commons sole jurisdiction in cases involving the parliamentary liberty of speech.32 But, before the contents of either the draft petition or law could be read, the king's secretary and Privy Council member, Sir George Calvert, rose to deliver a message from his Majesty; the suggestion of the preceding Monday had not fallen on deaf ears.

The king doth much marvel we should so much trouble ourselves in seeking . . . [suit from] his Majesty for that which he hath already granted upon the petition made unto him by Mr. Speaker on the behalf of the House at the beginning of this Parliament. . . . We should have all freedom and liberty which had been anciently granted unto us by his Majesty's royal progenitors.

31Ibid., V, 450. Pym's Journal reports that the subcommittee was instructed to draw up a new petition (which in any case it did), ibid., IV, 40.

32Ibid., II, 83; IV, 54; V, 462; Gardiner, IV, 30-31.
Through his secretary, James conveyed several compliments on Commons, citing it for "the loyal and dutiful carriage of his loving subjects here assembled," and expressed confidence that, as a consequence of its auspicious beginning, "if any man shall happen to offend, ... this House will be more ready to censure him according to his desert, than [the king] to require it." This said, James added the fatherly advice that any resolution then would cast Commons upon "a rock"; it would either needlessly demand that which was already granted, or it would demand an "unfitting liberty" which could not be granted.33

The royal message, read at the one crucial moment, had the instant effect of bolstering the wavering resolution of moderate members while it satisfied part of the opposition and destroyed the initiative of the rest. It was hailed throughout the House as satisfying all their fears; the facesaving device of instructing Secretary Calvert to write the message into the House records was the only course left to the pilots of constitutionalism. The petition and the bill were abandoned in the wave of patriotic reaction, and the ground was finally prepared for Commons' attention to the king's supply.

33Ibid., V, 462-463; Speech delivered [by Secretary Calvert], by the King's command, in the House of Commons, February 15, 1621, State Papers, X, 223-224.
The King's Supply

That afternoon, February 15, the committee of the whole House on sustenance and grievance met and, for the first time since James' Whitehall Address, earnestly faced the central issue for which it was called: making sufficient funds available to James in his conduct of foreign affairs. Yet, undaunted by the morning's reverses, the opposition immediately set about transforming the debate into a tool designed to achieve the ends of constitutionalism.\textsuperscript{34}

Sir Edward Sackville, member of the king's Council of War, reported that the overall cost of recovering the Palatinate by military force and then maintaining that force for one year would approach 300,000L.\textsuperscript{35} Sackville impressed upon his associates the necessity of speed; organization of a 30,000 man army would require time and it must be set in motion no later than April to affect its purpose that year. To this report, Secretary Calvert added the knowledge that the Palatinate's peaceful recovery was still the King's preference and negotiations would soon be attempted to resolve the matter; but, success by treaty greatly depended upon the resolution by which England prepared for the alternative: war.

In light of this information, only the size of the grant, not the grant itself was questioned. Although a number of

\textsuperscript{34}See pp. 72-75.

\textsuperscript{35}See p. 96, note 31.
the members called for the appropriation of Sackville's suggested 300,000L, the maneuvers of the opposition, added to a general prudence induced by the depression, managed to reduce the actual grant to approximately 160,000L (two subsidies). 36 This sum was large enough to convince potential enemies that the English Parliament stood in close harmony with the king's policies, yet it was too small to actually equip an adequate army for the field. This adroit operation was intended to fulfill Commons' patriotic obligation without freeing James from its economic control.

Sir Robert Philips, animated by the sudden prominence he had achieved in his first Parliament, suggested that Commons confer with the Lords on the manner in which the funds would be utilized. He recalled that under Richard II Commons conferred with the Lords concerning the disposition of funds in the war with France. Ready to abandon the issue of freedom of speech, Philips now took up the core of constitutionalist ambition in 1621: Parliament's participation in foreign affairs. But again, the time for raising this proposition had not yet arrived, and the idea was generally opposed on the grounds that it compromised the Commons' prerogative of taxation, made public in debate a matter better considered in secret councils, and implied a lack of trust in the king's wisdom. 37 It was Secretary Calvert's challenge to Philips,

36Debates, 1621, IV, 57-58.

37See p. 48.
however, which brought the freshman member of Parliament to a halt. Observed the Secretary: "Methinks it's a very strange thing for a king to consult with his subjects what war he means to undertake." With his intent fully disclosed, Philips replied weakly that he desired the conference not to influence state mysteries but only to provide for the recognized policies.

Having encountered a prevailing attitude of loyalty to the king and divine right monarchy, the opposition made no further attempts that day to invade the royal prerogative of foreign affairs via economic subversion. Sir Edward Cecil, a defender of divine right monarchy, had prepared a speech similar to Philips (apparently in innocence); reconsidering, he left the speech undelivered. Instead, Sir Edward Coke followed Philips with a compliment to Commons for its unanimity on the matter of supply.

Export of Ordnance to Spain

With the actual passage, on February 16, of the two subsidies totaling some 160,000L, Parliament began losing contact with both the events in Europe and the demands which accompanied them. The disposition of grievances and the discovery of corruption in office became almost the sole objects of

38 *Debates, 1621*, VI, 331, 334.

 Commons' attention for the remainder of the spring, until James dislodged Parliament from its preoccupation by calling for an adjournment. Only one other challenge to the royal prerogative in foreign affairs was attempted before the June adjournment, and its effects could not have been foreseen except under the prevailing atmosphere of loyalty and cooperation.

On the morning of February 13, Sir John Jephson, Privy Councilor for Ireland, informed a somewhat shocked House that at the moment a hundred pieces of ordnance awaited on the docks for shipment to Spain. Since the king had commissioned the transfer without consulting the Privy Council, Jephson could not quite justify this act with James' professed foreign policy which suggested a possible war with Spain. Secretary of State Calvert, also a Privy Councilor, immediately followed Jephson with at least a tentative explanation of the king's odd conduct. The contract for the weapons, with accompanying equipment and munitions, had been granted more than two years earlier and, despite the recently strained relations with Spain, the king felt honor-bound to abide by his word. Calvert reassured the Commons that the king had cleared the shipment only after Spain promised to ship them to Portugal and thereafter employ them against pirates.

In the debate that followed Sir Jephson's revelation and the Secretary's explanation, Commons agreed to appeal to their monarch for postponement of the shipment. Only the
maintenance of the king's honor caused hesitation; he had given his word and, except for the cannons themselves, the shipment amounted to little. The members finally agreed to send the men near the Chair—the Privy Councilors in Commons—to inform James of their apprehensions. Sir Thomas Edmondes spoke for the delegation upon its return and delivered the king's reply; James asked their indulgence for his honor and allow the shipment to pass. Further, he vowed not to permit exports of ordnance thereafter, and he would even allow such matters to be regulated by acts of Parliament in the future.\footnote{\textit{Ibid.}, II, 69-74; IV, 45-47; V, 8-9; VI, 287-289.}

This was a strange reply for the arch defender of divine right absolutism, but these were unnatural times and the king felt compelled to take, what were for him, extreme measures to court the good will of Parliament. James offered up one small particle of his sovereignty; but, as he had long realized, the small pieces here and there amounted in time to considerable sacrifices. Parliament could quickly become addicted to such morsels of sovereignty as the price of its succor.

Later, when a bill was introduced\footnote{An Act Against the Transportation of Iron Mine, Cast Iron Ordnance and Cast Iron Shot, \textit{Ibid.}, VII, 259-263.} in accordance with the apparent wishes of the king, Secretary Calvert worked
only to have the bill framed so that the king would be left
with some discretionary powers. Still, James did not wait
for the slow materialization of parliamentary law; during the
long summer recess of Parliament, he submitted to the Privy
Council a plan for supervision of ordnance and issued a
proclamation against its exportation.

The Spirit in Parliament

Following the issue of ordnance exportation, Commons
ever considered subjects relating to foreign affairs. The
impeachment of Sir Francis Bacon, corruption in the courts,
and the economic ills of England assumed complete precedence
over consideration of the Counter Reformation in all its
aspects. This procedure had been carefully planned by the
leaders in the House of Commons; for, although James had
called Parliament in response to the state of affairs in
Europe and needed it only to provide him with economic
strength, the members of Parliament had assembled largely to
tend to domestic grievances and could depend upon the king's
response only while he lacked sufficient treasure.

James' behavior throughout these months of debate and
investigation was exemplary. He exhibited qualities of kingship

\(^{42}\)Ibid., V, 115-116.

\(^{43}\)Propositions presented to Council, for better restraint
of unlawful transportation of ordnance, June, 1621, State
Papers, X, 269; Proclamation of the King, July 10, 1621, Ibid.,
p. 274.
which might well have permeated the spirit of government for
the remainder of his reign had not the qualities of leader-
ship in Parliament been dedicated to the limitation of king-
craft. The extent to which the new spirit of James had
grown is attested to by the extreme difficulty experienced
by the opposition in gaining the initiative in Commons; op-
position leaders were not able to overcome the loyalty which
James' modified conduct created in Parliament until November.

But there was one issue which even the character of an
Elizabeth I could not have influenced. The very life blood
and justification for Parliament's existence lay in its
ability to act upon the internal grievances of the people,
and not even the strong appeal to patriotism in James'
Whitehall Address could sway the members from that purpose.
There had been no Parliament for seven years and no reform
or bill passed for eleven years; James was forced to deal
with his legislative assembly accordingly, if, indeed, he
intended to deal with it at all. James wanted no repetition
of 1614 (with its "Addled Parliament");\textsuperscript{44} he governed his
behavior by these realities.

The Spirit of James I

The comparatively prompt passage of the two subsidies
was the first tangible result of James' policy toward the
Parliament of 1621 and he was considerably moved. Sir Thomas

\textsuperscript{44}Tanner, Documents, pp. 265-266.
Edmondes conveyed the king's warm feelings to Commons the same day of passage. The king singled out Sir Edward Coke, who had acted as chairman of the committee of the whole House and who had notably restrained himself in debate, for especial commendation and thanks.  

On repeated occasions during February and March, royal praise was heaped upon Parliament in general and the Commons in particular. One of James' strongest statements came on March 25, while he attended the sessions of the Lords. He had just received the first encouraging report from the Continent that his efforts at peaceful diplomacy had gained Spanish support, and the moment commanded exhilaration. He expressed pleasure at the "happy" start of Parliament and ventured "that the Commons at this time have shown greater love, and used me with more respect in all their proceedings, than ever any House of Commons have heretofore done to me, or (I think) to any of my predecessors."  

A month later, James assembled the whole body of Parliament before him at Whitehall to deliver a second address. He began much in the manner of his March declaration in the House of Lords, and then declared that "such hath been your behavior . . . that henceforth I shall speak with my heart" to

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45 Speech in the House of Commons [by a Privy Councillor], February 16, 1621, State Papers, X, 224; Debates, 1621, VII, 576

46 Cobbett, I, 1225.
the assembly. James spoke of the subsidies voted in Commons and declared that "the manner of [its] gift was worth more to me than the gift a thousand times." He went on, however, to explain that the actual grant was small and had already been spent. As the first Whitehall Address had informed Parliament, existing international conditions had greatly increased governmental expenses without even considering armaments. He readily admitted that only 18,000L (little more than a tenth of the grant) had been spent on arms; the remainder had been variously spent providing for special ambassadors, the care for his children and grandchildren at the Hague, and the maintenance of General Vere's army in the Lower Palatinate. Lord John Dighy's impending mission to Vienna and Madrid had no provision made for it.47 Such a state demanded, James observed, additional gifts of love from his subjects. Finally, James' second Whitehall Address considered the laws and grievances then under Parliament's scrutiny; he found their conduct most commendable and reiterated his January promise to eliminate all justifiable grievances and proven corruptions.48

Four days later, on April 24, after reconsidering his address, James resolved that further expressions of faith and trust were appropriate. Speaking before the Lords, the king

47 See. p. 123.
48 Debates, 1621, II, 303-306.
remarked that Commons had acted "so worthily unto him, that he was resolved to speak oftener unto them," and that he had determined not to dissolve Parliament until all "matters in agitation be finished." 49

In the comfort of this atmosphere, Commons politely ignored the king's appeal for more funds and consumed enormous time in its other functions. James quietly observed the scene without complaint or rebuke, with the exception of Floyd's Case50 in which Commons' claim of jurisdiction clearly had little foundation.51

Adjournment of Parliament

Finally, convinced that Commons had no inclination to speedily grant further sustenance, James grew weary and, on May 28, informed Parliament of his desire for a summer and early fall recess. Although Commons professed to receive this news with some shock and consternation,52 it had received sufficient warning in James' second Whitehall Address. But, even in light of their most genuine disappointment, the

49Cobbett, I, 1225.

50Having spoken harshly of Frederick V and Elizabeth, Commons seized and prepared to try Floyd for treason; James maintained that Commons had no jurisdiction except over those committing crimes against its own members.

51Debates, 1621, III, 155-158, 192; IV, 297-299; Tanner, Documents, pp. 318-321.

52Gardiner, IV, 126-127.
general reaction of the members of Commons did them no credit; such commands had been received by Parliaments for centuries, and James' promise to re-assemble Parliament in November should have softened the announcement's impact and reassured Commons that no royal subversion was intended.

But James' unusual efforts at amiability had prompted in Commons the secure feeling that all its activities had royal concurrence. As a result, the members immediately blamed everyone but themselves for the then apparent change in the king's heart. The especial objects of their recriminations were the advisors of James, who seemed to harbor some plot against the love between the king and his Parliament. Sir Nathaniel Rich complained that "we are denied access to the king;" that if he knew the true temper of Commons, he would not call for the adjournment.

Commons was concerned for the mass of legislation then in the process of enactment; were James to prorogue Parliament, the work of the House would have gone for naught. Sir Edward Coke, still retaining his good humor, commented that it was a novelty for a Parliament to sit for sixteen weeks without finishing a single legislative act, reminding Commons that "the king hates novelties." On Tuesday, May 29,

53 Debates, 1621, VI, 409-410.
54 Ibid., II, 398-399; Gardiner, IV, 126.
55 Cobbett, I, 1279. 56 Debates, 1621, II, 402.
there was some attempt to make the best of the week James had left the Commons, but when several efforts to appeal James' decision through the House of Lords had failed, the opposition counseled the House to stay the enactment of any legislation. In this way, the sympathy of the people would be preserved for the Commons' cause.57

Only Sir Edward Coke ventured to express that which most members must have known when he suggested that a continuance of Parliament could be purchased by the passage of four more subsidies.58

But Commons did not act on Coke's suggestion and James stood firm. Speeches had not encouraged Commons to grant additional funds; perhaps the reviving influences of a long recess would accomplish the same end.

Although James finally offered to extend the session for ten days—which was rejected as insufficient—and even allowed Parliament to adjourn itself, thereby preserving its accomplishments for the next session, the kinship of the two was irrevocably broken. The atmosphere of affection had been dispersed, though at the time it was not readily apparent to either James or Parliament. One could not understand the demand for an end to the session, and the other could not understand why no better use was made of the time remaining.

57Ibid., III, 370-371.
58Ibid., II, 402-403; III, 339.
June 4 Declaration of Commons

Only the June 4 declaration of Commons on foreign affairs, passed on Sir James Perrot's motion, stood out in the final week as a symbol of the former unity. Actually, the declaration represented an ironic conclusion to the four months in which Parliament had sat. After February 16, Commons had so completely abandoned consideration of foreign affairs and its demands that James was finally persuaded to recess Parliament as superfluous. Commons objected but still made no attempt to deal with the pressing foreign affairs. Then, on the final day of the session, when all business had come to a halt and the Commons only awaited word of the Lords' adjournment, Sir Perrot called upon his associates to announce to the world their stand on "true religion" and conditions in the Palatinate.59

The motion was received with instant and general acclaim. A sudden (and months late) wave of fervent patriotism swept the House; if the treaty mission of Lord Digby failed, Commons stood prepared to vote twenty or even thirty subsidies to wage war on the enemies of religion and England. Quickly, the motion was drawn up in a declaration and entered in the Commons' journal. In the name "of the king's children abroad and the general afflicted estate of the true ... Christian religion," Commons, and the nation they represented,

59Ibid., II, 428; V, 196-200; Gardiner, IV, 128-129.
unanimously professed

that if his Majesty's pious endeavors by treaty to procure peace and safety [fail], . . . they humbly beseech his Majesty to suffer no longer delay. . . . Upon signification of his Majesty's pleasure in Parliament, they shall be ready to the uttermost of their powers, both with their lives and fortunes, to assist him, so he may be able to do that by his sword which by peaceable courses shall not be affected.60

No sooner had Commons accomplished this than word was received that the Lords had departed under royal commission. Sir Edward Coke stood and read a prayer "for the king and his children"; this was to represent the last amiable act of Coke toward the king in the Parliament of 1621—little better could be said for the House of Commons in general.

Conclusion

During the recess, lasting from June 4 to November 20, Lord Digby's diplomatic efforts did fail and conditions on the Continent for Protestantism did considerably deteriorate. When Parliament reassembled, the Commons was fully prepared to fulfill its declaration with a general war against Spain—the apparent source of all England and Christendom's ills. But to Commons' surprise, James did not intend such a war. The king's command of foreign affairs was much broader and more comprehensive; the mere fact of Spain's Roman Catholicism and past enmity were not sound justifications for war; there were other enemies, other threats to the economic well-being

60Ibid., II, 428-430; V, 203-204.
of England; and besides, how could James confess to his people that a major stumbling-block to a peaceful solution was his own son-in-law, the Elector Palatine, who still blindly and dogmatically demanded the throne of Bohemia?

To appreciate the conditions under which Parliament reconvened, an understanding of the international developments of 1621 and the mission of Lord John Digby is indispensible. Only in light of foreign conditions and negotiations could the November and December actions of James and his Parliament assume a proper perspective.
CHAPTER VI

THE FAILURE OF FOREIGN POLICY: CENTRAL EUROPE

AND LORD DIGBY'S MISSION

(1621)

Popular knowledge of the world and its political composition was of the crudest in the early seventeenth century. That the masses should be concerned with the politics which so closely ruled their lives and fortunes, was an idea only beginning to dawn in the minds of the more literate of those masses; such an innovation had yet to present itself to the royal and aristocratic manipulators of events. Concern for the political world around them, which strongly motivated the English middle class in 1621, was a direct result of their intense interest in the politically sensitive world of economics. But curiosity did not necessarily imply intelligent knowledge; widespread English interest in the affairs of Central Europe was more than offset by their genuine ignorance of realities.

James I, as monarch of England, commanded a wider knowledge of foreign affairs and possessed an absolute royal prerogative to act arbitrarily in international politics. His actions, theoretically restricted only by his personal character and by the amoral forces always present between sovereign nations, were practically restrained by the parliamentary initiative in taxation. Thus was created the intolerable situation
whereby an informed king must depend on an uninformed assembly for funds.

James expended considerable effort in 1621 to resolve peaceably the conflict in Central Europe which was quickly expanding into a continental religious war. His interest in the Palatinate was not merely personal but also stemmed from a deep-seated abhorrence to violence and a sincere aversion to unreasonable religious intolerance and persecution. At the same time, his subjects in Commons were fired by the religious zeal rampant in Europe, basing their judgments and demands upon an unavoidable irrationality. With sharply diverging influences impelling the king and his assembled subjects, the seed of failure became implicitly embedded in English foreign policies.

Military Conditions in Germany

The conditions in Germany in January, 1621, which finally induced king James to call Parliament, were dark indeed. The future status of Frederick V, married to James' daughter Elizabeth, and that of his hereditary Electorate of Palatine hung in the balance.

Frederick's abortive reign as king of Bohemia had come to an end with his defeat at White Mountain in November, 1621. The victorious forces of Maximilian of Bavaria, acting in behalf of emperor Ferdinand II, had occupied the country and

1See p. 36.
restored Ferdinand as king, while Frederick fled into Silesia with his family, and finally found comfort and sympathy among the Dutch. Once, established, Frederick refused to budge from The Hague—not even to assume direction of the Palatinate's defense. Acting on the maxim that two birds in the bush were preferable to one in the hand, Frederick disregarded the plight of his Electorate and engaged in a comic opera dispute with the emperor over the Bohemian crown.

Defense of the Palatinate was abandoned to the forces of General Mansfeld, rank opportunist and nominal Protestant champion, and Sir Horace Vere, English soldier of fortune. With the exception of one fortress opposite the capitol city of Heidelberg, the Lower Palatinate, west of the Rhine, had already fallen to Spanish forces under Ambrogio Spinola, one of Spain’s last great soldier-statesman. The fort was garrisoned by the two thousand troops of Sir Vere and represented the only obstacle to Spinola. By early spring, 1621, Mansfeld’s mercenaries arrived near Heidelberg seemingly more interested in plunder than the cause of either Frederick or Protestantism. At the same time, Maximilian of Bavaria, coveting the Electorate for his own, stood poised on the Bohemian-Palatinate frontier waiting the command of Ferdinand to march.²

Into this picture James I of England injected his diplomatic efforts. The unity of Roman Catholic princes behind

²Wedgwood, pp. 121-122, 130-135, 145-147.
Maximilian and Ferdinand, the disintegration of Protestant unity in Germany, and the impending end of the Dutch-Spanish truce in the Low Countries, all threatened to engulf Europe in the flames of religious war. James had succeeded in negotiating the Dutch-Spanish truce twelve years earlier; now in 1621, he proposed to repeat this achievement in Germany, even though the swiftly rising star of Austria promised to seriously complicate matters.

Villiers’ Mission and Frederick V

The first English mission to Central Europe in 1621 was that of Sir Edward Villiers, who was instructed to inform Frederick of money being made available\(^3\) and to present him with a royal reprimand from the English king. James was concerned with Frederick’s tendency toward independent action which he feared might frustrate his efforts in the young Elector’s behalf. Frederick’s reaction was registered in a letter to his father-in-law on January 31.

> Although I hoped, with [God's] aid, and with the assistance of your Majesty, . . . to regain what I had lost, . . . yet, seeing by your letter that you incline rather to an accommodation, I am ready to follow your good counsels and commands.\(^4\)

This sounded well for James’ plans, but, as he was soon to learn, when Frederick was faced with the alternatives of

\(^3\)Thomas Murrey to Sir Albert Morton, January 11, 1621, State Papers, X, 213.

\(^4\)Frederick to the King, January 31, as quoted in Gardiner, IV, 178-179.
accepting the king's tangible aid in recovering the Palatinate
or God's unknowable favor in claiming Bohemia, the young prince
unhesitatingly chose God's favor. Although Frederick probably
thought himself sincere in the January letter, his whole spirit
was becoming absorbed in the insatiable conviction that moral
right blessed his cause; by God's will, he was both Elector
and king.

James was not at all pleased with Frederick's determination
to daily in The Hague. Dutch merchant ships had encroached
on English trade in the East and Dutch fishing fleets aggres-
sively competed for herring fisheries. In February, Dutch
emissaries came to James' court entreating English aid in a
renewal of the war with Spain; but the dynamic economic growth
of the Dutch Netherlands had made its impression in England,
and, irregardless of religious motivations, James was not willing
to contribute to its further growth as a rival economic power.
James' primary concern, however, was the apparent Dutch maneuver
to use the Palatine Elector to divert Spanish forces into
southern Germany; James resented their interference in his
policies and their encouragement of Frederick.  

5 Ibid., pp. 185-186. See pp. 127-128.
6 The members of Parliament still pointed out the Spanish
as the source (and solution) to all England's economic ills;
this conviction was based upon religious bias rather than on
factual evidence.
7 Wedgwood, p. 136.
The Foreign Policies in London, Brussels and Madrid

In late February, James prepared to make the second move to restore peace and order to Germany. He sent England's ablest diplomat, Lord John Digby, to Brussels to sound out the Spanish and begin laying the groundwork for further negotiations. Lord Digby arrived in Brussels early in March, only days before the Dutch-Spanish truce ended. His reception was extremely auspicious and there was fair basis for cautious optimism. Philip II and the authorities in the Spanish Netherlands had already considered returning the Palatinate to Frederick, if the latter would abandon his feud with Philip's brother-in-law, Emperor Ferdinand II. The Spanish asked only that England remain impartial in their war with the Dutch. Lord Digby returned to London much encouraged. James was quite willing to treat Spain and the Dutch equally, even if some members of Parliament were not so willing.

In the spring of 1621, the policy in Madrid and Brussels closely paralleled that of London, i.e., the restoration of Frederick V in the Palatinate, possibly under Spanish supervision. This policy, conceived by the Count of Olivarez, power behind young king Philip IV, was designed to secure communication between Spain and the Netherlands by pacifying English public opinion. (In this, Commons can apparently be credited

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8 The Infanta Isabella, daughter of Philip II, and her husband, Archduke Albert (d. 1621).
with cooperation in James' foreign policy.) Lord Digby's negotiations in Brussels had demonstrated the affinity of Olivarez and James' positions regarding southern Germany; both wanted Frederick's restoration as Elector and an end to the military conflict.

Yet, two forces stood against the Anglo-Spanish policy in March and April, 1621—a policy that might well have spared the world the devastating Thirty Years War. First, the grandiose plans of emperor Ferdinand for his dynasty and for absolute rule over the Empire made violence inevitable if unchecked; in addition, peace with Frederick would rob Ferdinand of the wherewithal to pay Maximilian's price for restoring the Bohemian throne. Second, Frederick V stood firm in his claim to the Bohemian crown and confident in Dutch and Danish support (if no other); religious bigotry compelled him to reject a peace dependent upon Spanish magnanimity. 9

Final failure to bring peace was not the product of Spanish duplicity or James' bungling, but of Ferdinand's ambition, Maximilian's greed, and Frederick's zealous simplicity. Yet, blinded by their own religious convictions, the opposition in Commons preferred to embrace a different version of events.

The protestations of Spanish diplomats were far more sincere than many in England thought them to be. In April and May, two incidents confirmed Spain as true to her word.

9 Wedgwood, pp. 144-149.
General Spinola agreed to suspend military activities in the Palatinate until at least May 14, and the Spanish ambassador in Vienna vigorously disapproved, to Ferdinand, the contemplated transfer of the Palatinate to Maximilian of Bavaria. Then, in May, in deference to James' diplomatic efforts, Brussels extended the Palatinate truce.10

Problems of English Foreign Policy

On April 24, James had announced to the House of Commons that continued cessation of fighting in the Palatinate depended upon further supply of the king. Otherwise, he warned, his negotiations must collapse, creating the danger of directly involving England in the war.11 But, in April and May, Parliament was inclined to repudiate any obligation for the success of English foreign policy.

English diplomacy suffered its first reverse in 1621 from an unexpected source. On May 14, the organized resistance of German Protestantism collapsed when the Protestant Union was disbanded under the edict of Ferdinand and before the threat of Spinola's awesome armies.12 The Counter Reformation had achieved a huge success, casting a dark shadow across all Protestant Europe. The disintegration of unity among the dissenting princes stemmed from the disunity of Protestantism

10 Gardiner, IV, 191-194. 11 Cobbett, I, 1225.
12 Wedgwood, pp. 135-136
and only became evident in January, 1621, when Ferdinand pro-
nounced the imperial ban on Frederick. The whole facade of
resistance crumbled as fear of a similar fate gripped the Prot-
estant princes. And yet, the dissolution of the Union could
have worked in James' favor, had it served to bring Frederick
to heel.

To many Englishmen, May 14 had been made possible by James'
overcautious reluctance to take up arms, and they disregarded
the Union's internal weaknesses which allowed it to crumble
before such a minor force. James had not exhausted all peace-
ful means of settlement and he was not going to be pressed,
over-quick, into contributing to general war.

Following Lord John Digby's negotiations in Brussels,
James began considering the means for dealing effectively with
Emperor Ferdinand and Elector Frederick: the two major impedi-
ments to settlement. Frederick proved exceedingly difficult
to handle and never really submitted to James' policy, although
the king remained confident throughout that, presented with
an accomplished settlement, the Elector would yield. In the
meantime, James plainly separated himself and his policy from
whatever schemes Frederick concocted; to this end, James even
denied Elizabeth permission to visit England, knowing how
easily she would incite London to Frederick's favor. 14

14 Gardiner, IV, 182-182.
The Instructions for Lord Digby's Mission
To Vienna

Ferdinand required a diplomatic approach, and James again chose Lord Digby for the task. His instructions clearly demonstrated that James was reaching the end of his resources for restoring order in Germany and for realizing his ideal of a grand peace.

Lord Digby was to request that emperor Ferdinand make full restoration of Frederick's birthright and accord him "the honor of a prince of his quality and birth." In return, James would insure Frederick's renunciation of the Bohemian throne and would stand accountable for the Elector's behavior.

Lord Digby was instructed to temper the request with the king's desire for closer association between the two monarchs, reminding Ferdinand that the impending Spanish match would bring them into personal relationship.

If such entreaties failed to properly move the Austrian Hapsburg, then Lord Digby was to emphatically inform Ferdinand that,

in a case which toucheth us so nearly both in honor and blood, and wherein we have not omitted to essay all courses of friendship and amity, ... we must betake ourselves to all other lawful means which God shall give us for the righting of ourselves and our children.

Whereupon, James representative was to immediately depart from Vienna and travel to Madrid. There, he was to entreat the good offices of the Spanish Hapsburg. Lord Digby was to request
that Spain withdraw all military and moral support to Austria in Germany, thereby isolating Ferdinand and his Roman Catholic allies.

Lord Digby's instructions provided for failure in Madrid, as well. If Spanish aid were not forthcoming, then James' ambassador would break off the long and tedious negotiations on the Spanish match and return to England.\textsuperscript{15} Should Lord Digby's mission utterly fail, which James apparently considered to be a real possibility, then the king would have reached the point of a justifiable appeal to arms.

Although these instructions had been drawn up and delivered by mid-May, Lord Digby did not actually leave England until May 26. In a time when delay could prove disastrous, James found himself financially impoverished. He was driven, on May 17, to ordering Exchequer that "no money is to be issued out... till Lord Digby is supplied." When the ambassador did leave, it was with nothing more than a promise of £40,000L, and the funds were not actually provided until the middle of June.\textsuperscript{16} James had notified the Commons of the mission's needs in April; perhaps, since the decision to recess Parliament was

\textsuperscript{15}Ibid., pp. 200-202; Willson, pp. 419-420.

\textsuperscript{16}Locke to Carleton, May 17, 1621, and May 26, 1621, State Papers, X, 256, 258; Chamberlain to Carleton, June 9, 1621, Ibid., pp. 262-263; Sir Thomas Edmondes to Carleton, June 12, 1621, Ibid., p. 264.

Gardiner describes the delay as "ruinous," always implying James' sole responsibility, but he makes no mention of James' financial embarrassment, which was at least partly Parliament's responsibility. Gardiner, IV, 200.
made at this time, the king's continued financial embarrass-
ment played a decisive part in that resolution.

Lord Digby's Negotiations in Vienna

Lord Digby's arrival in Vienna, on July 4, 1621, was
further complicated by Mansfeld's renewal of military opera-
tions in Bohemia—allegedly in behalf of Frederick, but
apparently for little more than the opportunity to plunder.
Added to Mansfeld's movements were other happenings which also
threatened the Emperor: rebellion in Silesia and raid from
Hungary.17

Immediately upon arrival, Lord Digby presented his propo-
sitions for establishing peace. Three days later, Ferdinand
replied that hostilities had progressed too far for a suspension
of military operations, short of a general settlement; but it
was not too late, even yet, for Frederick V to remove the cause
of the imperial ban by expressing a real degree of repentance.
The Austrian prince showed no willingness to negotiate; for
two weeks Lord Digby was unable to make any headway.

Then Ferdinand hesitated; his military strength was by
no means great, and he was reluctant to obligate himself to
Maximilian of Bavaria for a longer period. Spain had already
informed him that it would not engage in southern German con-
flicts. The loyalties of the German princes, Protestant and

17William Chesterman to Sir Edward Conway, August 28, 1621,
State Papers, X, 285; Gardiner, IV, 203-204.
Roman Catholic, remained somewhat fluid. Austria's strength was not inherent; it was strong only because its enemies were divided and weak.

On July 21, Ferdinand informed Lord Digby that he would consider present hostilities as irresponsible acts of Mansfeld and other of Frederick's lieutenants; he would instruct his forces to restrain from further action; and, in return, Frederick must withdraw the commissions of his lieutenants. By these acts, Ferdinand felt, the conditions for peaceful adjustment would be created.¹⁸

At the time of Ferdinand's second communication to Lord Digby, peace was nearer at hand than it had been in three years or was to be again in two dozen years of utter devastation to life and property. Only three participants in the unfolding drama remained unaccounted for: Maximilian, Frederick and the latter's erstwhile lieutenant, Mansfeld.

Of the three, Lord Digby gravely admitted that the adventurer, Mansfeld, remained the last unmeasured obstacle to peace. He doubted whether Frederick had any real control over the general and his twenty thousand man army. All were supreme opportunists and the order to cease their occupations, or to disband altogether, would never be voluntarily obeyed.¹⁹

The pressure on Elector Frederick came in late August when his continued misbehavior, and that of his lieutenants,

¹⁸Ibid., pp. 204-208. ¹⁹Ibid., pp. 209-213.
finally brought from James I a long delayed rebuke. The young prince must quit the Dutch military to which he had attached himself, nullify all commissions of his issue, and submit with due humility to the emperor; to do otherwise, or to delay long, would result in forfeiture of all English aid. 20

Anticipating the success of this ultimatum, Lord Digby then proposed a new plan to Ferdinand on September 3, which he hoped would finally bring Mansfeld to account. If a general armistice were agreed upon by all, then Mansfeld would be forced to suspend operations or show himself the outlaw Digby suspected him to be. 21

Failure of English Diplomacy

In the end, Maximilian destroyed all James' carefully and painfully planned negotiations. On September 23, the Bavarian army captured the Upper Palatinate fortress of Cham. Fearing the failure of his ambitions through English intervention, the Duke of Bavaria had forced the issue. Ferdinand was left to choose between his one strong ally in Germany and the chance that a capricious Frederick would submit at some future time. 22 With no compunction whatsoever, the adventurer,

20 Locke to Carleton, September 3, 1621, State Papers, X, 287; Gardiner, IV, 215.
21 Gardiner, IV, 215-216.
22 Wedgwood, pp. 145-146.
Mansfeld, insured Maximilian's capture of the Upper Palatinate by quietly retreating after the two had reached a monetary understanding. Maxmilian had no fear from the Protestant princes in Germany who had become as thoroughly disgusted with Frederick as had the emperor and could no longer follow Frederick's banner.

Emperor Ferdinand withdrew from the Anglo-Austrian negotiations, sanctioned the invasion of the Upper Palatinate by promising Maximilian the Electorate, and prepared for full-scale war.

At this crucial juncture in England's Central European policy, relations with the Dutch Netherlands were strained to the breaking point. With the renewal of war in the Low Countries, the Dutch had thrown up an intensive blockade of the Flemish ports. England objected strenuously to non-contraband restrictions since its commercial ties with the Spanish Netherlands were of considerable importance. The blockade also brought foreign naval operations close to the English coast, and maintenance of the English flag on the high seas—especially in the Channel—became a major concern. But, it was the festering issue of East India trade that lay

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24 Notes by Sir Robert Heath, April, 1621, State Papers, X, 251; Gardiner, IV, 225-228.
at the source of the problem. Dutch inroads in that trade increased daily; negotiations, always resorted to first by James, failed to bring satisfaction. In fact, the Dutch appeared to be extremely reluctant to negotiate at all. By late August, relations had so deteriorated and cries for war were so many that there was even rumor of a fleet putting out to sea with orders to attack the Dutch East India fleet.

The crisis over Dutch trade severely complicated England's foreign affairs, raising the question of who would become England's enemy should James resort to armed might. By mid-October, war with someone and in some manner seemed to be an immediate prospect.

The Palatinate was not finally lost; decisive action with money and men might still save it. Maximilian had occupied only part of the Upper Palatinate; Mansfeld abrogated their agreement (pocketing the bribe) by marching his army to the Rhine and joining Sir Horace Vere; the small Spanish army withdrew from most of the Lower Palatinate, and was ordered to assume the defensive.

25 Sir Dudley Digges to Carleton, June 28, 1621, ibid., p. 279; Locke to Carleton, October 13, 1621, ibid., p. 299; Petition of Thomasine Powell (three), 1621, ibid., p. 329.

26 Chamberlain to Carleton, June 23, 1621, October 27, 1621, and February 16, 1622, ibid., pp. 267, 303, 346; Locke to Carleton, February 10, 1622, ibid., p. 344.


28 Locke to Carleton, November 24, 1621, ibid., p. 313; Ward, Cam. Mod. His., IV, 78.
The Revised Policy of James I

James was forced to choose a new policy after the collapse of Austrian negotiations. The fate of Frederick's Electorate hung by a thread, the Dutch were becoming bellicose, and all James' financial resources were exhausted. Spain's conduct throughout the Palatinate affair had convinced James, if not his parliamentary "experts" in foreign affairs that Spain entertained no ambitions in Central Europe and, indeed, found itself fully occupied in the Low Countries. Because the commercial rivalry between England and the United Netherlands had become extensive—even threatening to pass beyond mere rivalry—and since there existed no apparent danger of a Spanish victory, James saw no need for a war with Spain. 29 A strong English army in the Palatinate would bring an evacuation of the few Spanish troops and would complete the liberation of the country. The king did not even indicate whether he planned a declaration of war against any foreign power. 30

But whatever the policy, the situation called for immediate replenishment of the king's treasury, which in turn depended upon the whims of the reassembling Parliament. Lord Digby perceived the needs of the two armies—to keep Vere's army from disintegrating, and to keep Mansfeld's mercenaries from

29 Speech of Sir Thomas Edmondes, Treasurer of the Household, in the House of Commons, November 27, 1621, ibid., p. 314; Debates, 1621, VII, 619.

30 Debates, 1621, III, 419-424.
plundering the countryside. He advanced the two leaders 10,000L from his personal fortune, and, with his return to London, the treasurer provided another 30,000L. Additional supply awaited the action of the House of Commons, and upon its response to the needs of James' foreign policy, success or failure lay.

Conclusion

The opportunity for saving the Palatinate had not disappeared altogether when Parliament met at the king's request late in November; but only a unified and intelligent effort by the entire English government could have proved sufficient to seize the initiative. The opportunity remained only until emperor Ferdinand fatefuly pronounced the Duke of Bavaria to be also the Elector of Palatine; this, Ferdinand was intelligent enough not to do until he was sure there would be no direct English, Dutch or Danish intervention. James' plan for an English military force in the Palatinate might well have succeeded.

Yet, it was Parliament which frustrated James' scheme when Commons renewed its selfish struggle for power and undermined the requisite governmental unity. The constitutionalist

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31 Gardiner, IV, 222-223. The 30,000L was at least partially obtained when James knighted a Peter Van Lore. Chamberlain to Carleton, November 10, 1621, State Papers, X, 308.

32 Ward, Cam. Mod. Hist., IV, 77-78.
opposition looked upon the failure in English diplomacy more as a situation favorable to its struggle over Commons' participation in foreign affairs than as a challenge for parliamentary responsibility. The urgency with which England had to deal was merely used by the opposition to increase the crisis developing between the king and Parliament.

James' revised foreign policy pleased Commons no more than had the earlier policy. To place an English army in the Palatinate with no enemies but the actual armies of invading countries seemed to Commons to represent sheer madness. It was true that this action might well recover Frederick's lands without England's becoming involved in the religious wars on the Continent, but Commons wanted a major war. Spain might appear to James as a friend in diplomacy, but Commons was sure that the whole Counter Reformation was directed from Madrid and Rome, and that all plots were Spanish plots, all Roman Catholic states were under Madrid's direction. The defeat of Spain, Commons maintained, would end all threats to England's well-being and would enrich England's merchants as well. War would bring the king to Commons for funds more often than before and he would be compelled to consult Parliament and receive its policies.

If James' original policy of negotiated settlement failed, his revised policy of limited war stood to fail before it could be tried.
CHAPTER VII

THE PERIOD OF SCHISM: THE PROTESTATION

AND DISSOLUTION

(NOVEMBER 20, 1621 TO JANUARY 6, 1622)

In the spring, Parliament had persisted in choosing its own course of action and directing its own debates and proceedings; James adjourned Parliament in June to convince that unruly body that it could not act without some regard for his wishes and needs. In early October, the king had decided to continue the adjournment of Parliament, until the next February, since it had proved so reluctant to vote supply for his foreign commitments. With the collapse of English diplomacy and the Bavarian invasion of the Palatinate, James could not avoid calling Parliament into session.¹ There was little evidence to convince James of a renewed willingness in Commons to furnishing him with adequate funds; he could only hope that the patriotic reaction in England to Lord Digby’s failure would restore parliamentary unity.² James chose the course of merely

¹Proclamation for Adjournment of Parliament, October 6, 1621, State Papers, X, 296; Proclamation that the Parliament be Summoned, November 3, 1621, ibid., p. 306; Debates, 1621, IV, 417-418.

²Gardiner, IV, 228-230.
calling a meeting of Parliament to raise revenues rather than a regular session in which any business could be conducted.
But, even James had not reckoned on the mood among opposition leaders as Parliament assembled on November 20.3

The Mood in Commons

SIR ROBERT PHILIPS. We ought to be careful of nothing more than the honor of this House, and the privileges of it are the matters of moment. . . . Therefore, let the committee of privileges consider the privileges of the House and order them, and show the Lords what is [judicious] in them.4 The privileges of this House (which are the greatest things to be stood on) may be destroyed two ways, viz. either actively by what we do, or passively by what we suffer.5

This speech, the only major address in the first day's debate, contained the cry for privileges soon to resound through the House in angry assaults on the king's commands to cease meddling in the royal prerogatives. The mood of Sir Robert Philips' speech anticipated the attitudes of his opposition colleagues as the House of Commons prepared for the business at hand.

The actions of Commons on November 20 and the next morning seemed to indicate its intention to proceed as it had before adjournment. Bills were read and considered; questions were raised over the arrest of a member's retainers; the committee

3Willson, p. 421. 4Debates, 1621, III, 409.

5Ibid., II, 431, note 1. The milder account of this speech in the Pym Journal (ibid., IV, 420) departs from the other accounts and seems scarcely consistent with Philips' attitudes.
system of the House was questioned as to its efficiency; but not a word was said or a reference made of pressing international conditions. True, Commons awaited the statements of Lord John Digby and others, but there was a determination, in those early proceedings, to demonstrate Commons' independence of action regardless of the circumstances or the demands of the king.

The Reports on Foreign Affairs and Finances

On the afternoon of November 21, the Commons met with the Lords to hear the reports of Lord John Digby, Sir Lionel Cranfield, the Lord Treasurer, and John Williams, the Lord Keeper of the Great Seal. In their several manners, each man delivered the same message with differing emphases.

John Williams began the proceedings by informing Parliament of the king's actions during adjournment: a proclamation against the exportation of ordnance had been issued; the king had tended diligently to abuses in the government, courts and the Church; great effort and much money had been expended in the affairs of Central Europe. Williams explained that James had first intended Parliament to reconvene in February, 1622, but that conditions in Europe urgently required the services

6 Ibid., III, 407-414; IV, 418-423.
7 Chamberlain to Carleton, November 24, 1621, State Papers, X, 312.
of Commons, who held the purse strings. Parliament was to meet the financial embarrassment of the king and then adjourn; Williams explained that Parliament was to concern itself with nothing else for the present. In February, James would have Parliament reassemble to consider and act upon its grievances.\(^8\)

The members of Parliament were told that Commons' declaration of June 4 was responsible for James' decision to call Parliament into brief session. Williams skillfully reminded the lower house of its promise to dedicate all its substance to the king's use should his negotiations prove futile (ignoring Commons actual promise to wage all-out war against Spain).\(^9\) After confronting Commons with its own words, Williams admonished it not to become involved in long and fruitless harangues, and then he informed the Parliament that its present business must be completed before Christmas.

Considering the later actions of Commons, it must have slept through the Lord Keeper's address; but when the second speaker rose, all slumber ceased. Lord John Digby had become the most popular man in England by his diplomatic failures, and his message would shed light on the confused negotiations of the preceding weeks. If the members of Commons did not also sleep while Lord Digby spoke, they chose to ignore all his statements not in agreement with their already firmly

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\(^8\)Debates, 1621, III, 415-418.

\(^9\)Ibid., IV, 424-425; Gardiner, IV, 232.
established interpretations of events. For all he accomplished, Lord Digby might as well have maintained silence.\(^\text{10}\)

The king's ambassador began by disclosing, for all to view, the "pious, provident and peaceable" efforts of the king "for the regaining of that [domain] which his son-in-law had at the marriage of his daughter." No significant detail or embarrassing fact was withheld; Commons no longer could be excused for judging or acting in simple ignorance.

Lord Digby recounted the discussions in Brussels, and the close affinity of policy toward the Palatinate between the Spanish and English monarchs. The intricate negotiations at the Austrian capitol, pursued by Lord Digby and "ambassadors from all Christendom almost," were disclosed. He exposed those responsible for the failure of these negotiations: General Mansfeld, whose mercenaries plundered indiscriminately when unpaid; the Duke of Bavaria, whose ambition drove him to disregard the entreaties of every responsible prince in Europe; Emperor Ferdinand, whose own ambitions allowed him to succumb to Maximilian's machinations; and finally, the English Parliament, whose misguided counsels led it to work at cross-purposes with the king. In contrast, Lord Digby emphasized the assistance he had received from the late Archduke Albert, the Infanta Isabella and the Spanish king.

\(^{10}\) Despite his knowledge of the foreign affairs in James' reign, S. R. Gardiner accompanies the Parliament of 1621 in its disregard for Lord Digby's report and in its ill-informed cry for a religious war. Gardiner, IV, 232-234, 244-246, 268-271.
The general situation in Germany was grave, Lord Digby reported; the Protestant princes, though individually strong were disunited while the Roman Catholic princes had attained great strength through unity. Without touching on the cause for Protestant disunity, Lord Digby presented the king’s policy for rekindling confidence in the Protestant cause: an English army in the Palatinate. But, the diplomat reminded Parliament that, although Spain operated no less than five armies in Central Europe, the greatest threat to Elector Frederick was in Germany’s religious confusion and political distress which made possible the strong showing of the Roman Catholic League.

Closing his report, Lord Digby submitted two remedies which still remained open despite the lateness of the hour. First, what remained of the Elector’s dominions could not hope to survive the winter unless the two armies of Mansfeld and Vere received substantial financial relief. There was a real danger that Frederick’s subjects would begin welcoming trained and disciplined Roman Catholic armies in reaction against the pillage under Mansfeld. After this was accomplished, the government should consider the further prosecution of the war in a cautious and thoughtful manner. An army of a hundred thousand men would be required; but before undertaking this enormous task, England ought to have a definite goal in sight.11

11 Debates, 1621, III, 419-424; IV, 425-428.
After Lord Digby's analysis came the economic report of Lord Treasurer Cranfield. Of the three speakers to address Parliament that November day, Lord Cranfield proved most ineffectual. There was little in his report not already common knowledge. The king's wealth was utterly exhausted and he was deep in debt; 312,370L had gone into the preservation of Frederick's lands, of which more than 200,000L had come from the king's treasury or on his credit.\textsuperscript{12}

Lord Cranfield chose to leave the matter of supply for the impending war to the Commons, reminding it of the enthusiastic June promise to dedicate the lives and fortunes of all its members.\textsuperscript{13} He made no suggestion of the exact cost either of maintaining the armies of Mansfield and Vere or of setting an English army afoot in the spring.

Viewed in the light of Commons subsequent actions, the combined efforts of Williams, Digby and Cranfield appeared to have made little impression. Commons' determined pursuit of an independent course had little actual relationship to the three reports.

**Freedom of Speech, Again, and Sir Edwin Sandy's Imprisonment**

The next morning, Thursday, November 22, Sir Edward Coke reviewed the speeches of the previous day. There can be no

\textsuperscript{12}ibid., III, 424-426; IV, 425-428.

\textsuperscript{13}Locke to Carleton, November 24, 1621, State Papers, X, 313.
doubt that Coke intended his accounts to be accurate, but his own prejudice affected his accuracy. He proclaimed Spain's role in the abortive negotiations of Digby to be a conspiracy against England and the five armies of Spain to be the instruments of indiscriminate conquest.\footnote{Debates, 1621, II, 435-438.} When Sir Edward Coke had finished, Sir Robert Philips rose to comment that "the cause of our so sudden meeting was for a cause of the greatest importance that ever came in debate within these walls. Let us not suddenly or indigestedly enter into it." Philips presented a motion, which passed immediately, to delay all debate "until Monday, until the House be more complete and full, that we may together debate and resolve."\footnote{Ibid., III, 430.}

The motion of Philips was important only for what it did not explain: What, exactly, was the cause to which he referred? He was openly disregarding the pleas of Lord Williams and Lord Digby for urgent dispatch in providing funds for the King. He was preparing Commons for the very "harangues" which Lord Williams had counseled against.

On Friday morning, November 23, there seemed to be some confusion in the Commons as to its course of action during the session. Should bills be introduced and read? Should the legislative wheels again be set in motion? Was there sufficient time? Should supply for the king be the only order...
of business? Sir Thomas Wentworth, a young colleague of Secretary Calvert, beginning a long and distinguished career in Parliament, suggested that the House might redeem the time wasted in the spring by following a serious and conscientious plan. The committee of grievances could reduce the petitions before it to a parliamentary order; bills already twice-read should have action completed on them; and, the House should bar further introduction of bills for the session. The opposition had no intention of acting in such a responsible manner.

Taking advantage of the confusion, the parliamentary opposition attempted to seize leadership in Commons. Edward Alford began by observing that:

We are no fit Parliament yet to enter into anything. ... Proclamations restrain us from [speaking on state matters], and are not matters of religion and church matters of state? Shall we be barred from speaking on these? 

The material part is left out by the great person that [just] spoke. The king may call and dissolve, but we must have time for our businesses. ... I was ashamed... that we should do nothing but give away [the people's] money, and do nothing for them. [I favor] a better and freer proceeding in the Palatinate business and that all rules might be taken away, that a committee might be appointed to consider... the proclamation forbidding matters of state.18

16 Gardiner, IV, 238.
17 Debates, 1621, III, 433-434; IV, 440-441.
18 Ibid., III, 434-435, note 16.
Secretary Calvert was surprised at Alford's fears since they were largely figments of his imagination. No member of Commons had been threatened with punishment for speech in the House; it had already been established that the king's proclamation "against lavish and licentious speech in matters of state" did not apply to Parliament.

Alford countered by calling for the proclamation to be read to the assembled body. After it was read, Calvert explained that it pertained only to talk in the taverns and on the streets.\(^{19}\) Still dissatisfied, Alford questioned the imprisonment a month before of Sir Edwin Sandys, who was a member of Commons.

The introduction of Sandys' confinement finally produced a reaction. The royalist, Sir Dudley Digges, Sir Thomas Wentworth and Sir Edward Giles, an opposition member, all rose to disavow Alford's implication. Sandys was a member of Commons, but he had been committed for reasons other than that membership.\(^{20}\) Digges strongly condemned Alford for attempting to create a breach between the House and the king.\(^{21}\) There were warnings that "discourses of this kind ever breed jealousies. And in seeking to enlarge our privileges, we always lose ground, for upon examination they prove not so great as before..."\(^{22}\) If Edward Alford was rebuked, the

\(^{19}\text{Ibid., 435-436.}\)\(^{20}\text{Ibid., IV, 433.}\)\(^{21}\text{Ibid., III, 436.}\)\(^{22}\text{Ibid., IV, 433-434.}\)
spirit which had motivated him to act in that manner was unchecked.

The Great Debate on Foreign Affairs

On Monday, November 26, the House of Commons took up the business of the king's sustenance. The point had finally been reached where the members of Commons must either sacrifice their ambitions or the cause of Protestantism and James' foreign policy. Severely handicapping the Commons in its moment of decision was an overwhelming abhorrence toward Spain that left the members incapable of envisioning England at war with any other power. Further, the opposition within Commons was predetermined in its course by an all-encompassing dedication to constitutionalism.

Sir Dudley Digges spoke first, addressing himself primarily to the threat to Protestantism from Italy and Spain. He praised James for his dedication to peace and for his having exhausted all pacific means of settlement before he settled on a policy of war. Sir Digges placed before the House three propositions for its consideration in the Palatinate business.

We must resolve (1) upon a war; (2) that it's good to maintain the army that is already on foot in the Palatinate (this is an easy and thrifty way); (3) whether an offensive war be fit.24


Through Lord Digby, James had expressed his conviction for a war, but nothing had been said concerning the type of war. Such a choice was the prerogative of the executive, not the legislature. But, Lord Digby had not explicitly declared the king's policy, he had only announced that the king had chosen to make war by placing an army in the Palatinate. This failure of James and his minister was probably an intentional effort to secure Commons' support, but it was also likely to create confusion because it left the king's followers in Commons with no clear policy to support. 25

Several speakers followed Sir Digges, lamenting the state of Protestantism and championing a war for the glory of God, the honor of the king, and the peace and safety of the kingdom. Sir James Perrot rejected any argument that England was too poor to finance a war. The war could easily be conducted with the money spent on wasteful imports; 200,000L was spent yearly on tobacco, and the East India Company held 1,500,000L in assets while its only business was the transport of spices and luxuries. 26

Sir Edward Sackville, an ardent supporter of James, 27 decided that the discussions were leading nowhere; he suggested

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25 Davies, pp. 54-55.
27 Ibid., VII, 625.
that the House consider only the king's provision and abstain from long irrelevant debates, which could follow later. Sackville proposed an immediate subsidy for the Palatinate and a postponement until February in raising the funds for an English army. 28

The speech of Sackville served only to inflame the opposition. The speech of Sir Robert Philips, which followed, was no surprise. Philips pictured an awful conspiracy against England with Spain at its origin. It was futile merely to set armies in motion on the Continent while allowing the subversive plot in England's bosom to go unhampered. Parliament must first consider the security of England. "We have lost trade, money is wanting; ... to exhaust our treasure, in our doubtful estate, for a religious war is dangerous."

Philips called for Commons to provide no funds in that session, but to bring order at home by attacking monopolies, corruption and grievances and by passing bills for the relief of trade and commerce. Then in February, with the country established on a sound footing, England could launch a general war against Spain. Philips moved that a petition to James be drawn up explaining Commons' "purpose." Sir Edward Giles wholeheartedly approved of this policy, calling for a naval war similar to that in Elizabeth's time which would "enrich us at home." 29

28Ibid., III, 449-450; Gardiner, IV, 235-236.
29Ibid., III, 450-452; IV, 438; V, 211-212.
Whereupon, Secretary Calvert intervened; he declared Philips to be in error in his analysis of foreign affairs and that his information was inaccurate. The plight of the Protestant princes in Central Europe did demand immediate relief if they were to withstand the Catholic League. The Secretary challenged Philips to clarify his charge of an internal plot against the state. Then Calvert chided the opposition:

If the king has had his sword sheathed too long, let's not keep it in longer; let's remember our own [declaration] and not fail in our own offer. ... Let's not put all off with a complement.30

But, Secretary Calvert could not stay the flood of fears started by Philips. Francis Glanville spoke not long after Calvert, counseling Commons to finish legislation against Roman Catholics and for the restoration of trade. Glanville was followed by an opposition member of Commons, Thomas Crew, who pointedly asked which countries were to be England's enemies and which her friends. Crew also interposed a new ingredient into the degenerating debate: "If we might have some assurance from his Majesty that we might see the Prince matched to one of the same religion, how glad would it make us and glad to give."31 This was truly a dangerous topic, as Thomas Crew must have know. If James was sensitive to Commons discussing

30Ibid., III, 453-454.
31Ibid., II, 450-451, note g.
his foreign policy, he became violent over criticism of the Spanish marriage proposed for Prince Charles.

At that point, royalist forces in Commons began to rally. Thomas Mallet sprang forward, denouncing opposition attempts at diversion to delay supplying the king. He wanted no auxiliary armies fighting English battles in Germany, and he moved the immediate raising of 300,000L. Sir Dudley Digges described the dangers of not following Mallett's advice: "If we shall lose the Palatinate, ... all Germany will be papist. The Hanse towns will be lost along with our traffic there." Digges did compromise by agreeing that a naval war in the West Indies would be advantageous.\(^{32}\) Soon afterward, Commons adjourned for the day, still lacking direction or purpose.

There was no change in the confusion when the House assembled the next morning, Tuesday, November 27. Sir Thomas Edmondes, the king's treasurer, opened the debate by appealing for the funds requested on the twenty-first.\(^{33}\) Then, John Pym soundly condemned Commons for the king's diplomatic failures, it being their fault by keeping the king in a state of poverty. If this sounded like support for the king's defenders, Pym quickly dispelled any hopes. Commons was obligated to vote funds for the king, Pym declared, but the present was

\(^{32}\)Ibid., p. 452; III, 457-458; IV, 440-441.

\(^{33}\)Speech of Sir Thomas Edmondes in the House of Commons, November 27, 1621, State Papers, X, 314.
not the time. Not only was England too weak at the moment to conduct a war, but two other considerations made the grant of subsidies unwise. First, the country must be made free from treasonable Recusants; therefore, Commons ought to devote itself to this end. Secondly, the rightful voice of the people in foreign affairs had been ignored. Pym called for the king to make that meeting of Parliament a regular session and to allow Commons to determine "how the laws should be better executed against the papists." 34

More and more the opposition settled on the issue of Recusant threats and the need for a regular session. Sir Edward Coke crystallized this line of action in a copiously documented speech, attempting to prove that all evil and corruption flowed directly from the Iberian Peninsula. He called for Commons to vote the king one subsidy which, according to all precedents, could not be collected until a session was ended; Commons must be about its regular business if that meeting of Parliament could be classified as a session.

Sir Robert Philips spoke after Coke and, in a tone more moderate than the day before, advocated a closer unity between the king and Commons to counter the union of Spain and Rome. But, it was not "yet seasonable to speak of war with Spain"; England needed the time to prepare herself and to find the real motives of Spain. Philips admitted to the needs of

34Debates, 1621, II, 453, note c; IV, 441–443.
Mansfeld and Vere, and, since the collection of a subsidy would require considerable time, he suggested than an interim committee be chosen to constantly administer the collection of revenues during the recess. This proposal contained more than appeared on the surface; such a committee, with the king daily dependent upon it for funds, would command a massive force to interfere in foreign affairs.

In the end, Commons chose not to act but to transfer the debate to a committee of the whole House. Specifically, this committee was instructed to consider (1) a petition to the king for more stringent enforcement of Recusant laws, (2) the amount and conditions for supplying the forces in the Palatinate, and (3) an appeal to the king to proclaim that meeting of Parliament a session. This represented a significant, if not complete victory for the opposition forces in Commons. The tempore speech of Philips affected moderate members sufficiently to gain their cooperation in creating the committee.

Grand Committee on Religion and Sustenance

The next morning, November 22, Sir Edward Coke took the chair and organized the committee of the whole House. Commons became committed to a course of action fully aware of its consequences. The issue of Recusant law enforcement had been

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raised in February, and James had considered the matter settled when he published his intention to enforce the laws, but in his own manner. No one could doubt the king's reaction when the subject was resurrected in a written petition; and with the Spanish match as a part of the issue, Commons' relationship with the king could not be expected to survive. The opposition had found a potentially successful issue and it applied all the concerted power at its disposal to bring the House of Commons into a unified position opposed to James' absolutism. Supply for the forces in the Palatinate and the Roman Catholic threat in England became devices to play on the passions of Englishmen, in Commons and throughout England.37

Sir James Perrot and Sir Robert Philips began discussion in the committee with emotional attacks on Roman Catholicism and with a call for a subcommittee to write the petition on enforcement of Recusant laws. Johy Pym rose next; as a fervent adherent to constitutionalism, he had applied himself in the spring to learning the art of directing parliamentary proceedings; now, he stood up to assume a role in the opposition leadership—a role he did not relinquish for the remainder of his parliamentary career. He opposed creating a subcommittee, he said, until the issue was thoroughly thrashed out in committee; the fears and emotions of the members must be completely

37Speech in the House of Commons, November 27, 1621, State Papers, X, 314.
inflamed first. Then Pym launched into the most bitter and impassioned attack on Roman Catholicism heard that year in Parliament. With only a guise of respect, he blasted the king's inclination toward toleration; he condemned the friendship of the king and the Spanish ambassador; and he branded James' wisdom in foreign affairs as well-meaning but misguided and foolhardy. Pym concluded by requesting a royal commission to police the enforcement of Recusant laws, implying James' incompetence.\textsuperscript{38} This speech made a considerable impression on its listeners and was to affect materially the actions of Commons for the remainder of the session.\textsuperscript{39} The committee of the whole then created a subcommittee to consider and draw up the petition on religion.

When the committee of the whole finally took up the problem of the Palatinate, there was little objection to granting the king funds for its defense. Since the poor of England could ill-afford a tax at the time, the committee chose to levy a full subsidy of 80,000L on the upper classes; and in the existing spirit of the committee, the opposition had little difficulty in adding a provision requiring Recusants to pay

\textsuperscript{38} Debates, 1621, II, 461-464; IV, 447-448; Gardiner, IV, 242-245.

\textsuperscript{39} Chamberlain to Carleton, December 1, 1621, State Papers, X, 316.
an alien's double portion. The subsidy was to be received in the treasury in February.\(^{40}\)

**The Petition on Religion**

On Saturday afternoon, December 1, after two quiet days considering grievances and monopolies, Commons met as the committee of the whole to hear a draft petition on the conduct of religion, prepared by the subcommittee. With no debate at all, it was accepted.\(^{41}\) In turn, the committee presented the petition to the House on Monday, December 3. Here, the petition encountered its first opposition.

Sir Edward Sackville had no quarrel with the provisions dealing with Recusants, but he maintained that it was neither proper nor right for Commons to touch upon the topic of the Spanish match. This was an absolute prerogative of the king, Sackville reasoned; to allow it to remain a part of the petition would only insure the king's rejection of the whole petition. To this timely warning, the House demonstrated contempt and the section was kept in the petition with the exact results Sackville had prophesied.

Other criticisms on the petition's impropriety were raised. Although, primarily concerned with religion, the petition also contained specific advice for James' conduct of foreign affairs.

\(^{40}\) Debates, 1621, II, 465-468; VI, 207-209.

\(^{41}\) Ibid., II, 483; V, 228; Gardiner, IV, 246-247.
One member observed:

... whether war did ever first begin from this House I much doubt. It's good when the king advises with his Parliament of war but for the Parliament to advise the king of war is presumptuous.

Sir Thomas Wentworth agreed with the petition in general, but he criticised the wording and tone as too strong and blunt. It was not the topics discussed in the petition, but the implied tone of interference which Commons must alter.\(^4\)

The opposition encountered great difficulty in staving off attempts to change or reject the petition. Sir George More, Sir Robert Philips, Thomas Crew, Sir Edward Coke and William Noy, all vehemently defended Commons' right to petition the king on the marriage, on foreign affairs and on religious matters. They denied that any encroachment on royal prerogatives was intended in the petition.

The debate might have gone on indefinitely had not one exasperated member finally cried out:

For God's sake, ... if we may present our petitions to God, who is the King of kings, no doubt we may much more do it to the king, and when we have presented it, we are then in all duty bound to leave it to his majesty's wisdom and judgment to do there-in as to himself shall seem best.\(^5\)

Whereupon, Commons agreed to add a clause to the petition explaining that:

\(^4\)Petition and remonstrance of the House of Commons to the King, December 3, 1621, State Papers, X, 316; Debates, 1621, II 487-491.

\(^5\)Debates, 1621, II, 497-498.
This is the sum and effect of our humble declaration, which we (no ways intending to press upon your Majesty's undoubted and regal prerogative) humbly submit to your most princely consideration: the glory of God, whose cause it is; the zeal of our true religion; ... 44 the safety of your majesty's person who is the very life of our people. . . .

James' Answer to the Petition

Whether James was appeased by this mollifying paragraph, Commons was soon to discover. On December 3, the Spanish ambassador, closely observing Parliament's actions in London, instantly wrote James, who vacationed at Newmarket, of the insults heaped upon his country, his religion and himself. James' reaction was swift; without waiting for the "declaration" to be presented, he dispatched a stinging letter to Commons. 45

The letter, which was read to the House on Tuesday morning, December 4, began with the observation that:

our distance from the Houses of Parliament caused by our indisposition of health hath emboldened some fiery and popular spirits [in] the House of Commons to argue and debate publicly of the matters far above their reach and capacity, tending to our high dishonor and breach of royal prerogative.

James then commanded Commons to cease meddling "with anything concerning our government or deep matters of state"; specifically, Commons was to abandon consideration of the Spanish match. James, once angered, informed those who questioned

44 Tanner, Documents, pp. 278-279.
45 Gardiner, IV, 248-251.
his jurisdiction over members of Parliament, that "we think ourselves very free and able to punish any man's misdemeanors in Parliament, as well during their sitting as after." Then James closed the letter with a warning that, unless significant modifications in the petition were made, he would refuse to receive it.\(^46\)

James had granted liberal freedom to Parliament in January, and Commons had turned that liberty to license; on December 4, they received the shock which must always follow such an act, when the letter was read. Commons was stunned; the men who had guided the House to this impasse had weighed the risks, but for most members, their conduct had been innocent, motivated only by patriotism and religious intolerance. Sir Robert Philips moved that the letter be read a second time and that Commons then ponder on its contents until the next morning. This was agreed on after another motion was passed that all business stop until the matter be disposed.

The Explanatory Petition and James' Reprimand

When the members met on Wednesday, December 5, the opposition had at last achieved leadership of Commons through a challenge to their alleged privileges and rights. This challenge could only be met by the impossible feat of justifying its own proceedings as within Parliament's established

\(^{46}\) Tanner, Documents, pp. 279-280.
privileges while satisfying the king on his prerogatives. Sir Robert Philips maintained that this could be accomplished by marshalling precedents and showing the king his error. Most of the speakers that day assumed the position that, whatever might be James' reaction, Commons must preserve its ancient rights by refusing to retreat.

But, Sir Edward Coke realized the real danger for Commons. He counseled his listeners to make every effort to satisfy the king short of compromising their liberties. Coke's advice was acted upon when Commons agreed to put aside the petition on religion, without modifying it, and to compose a second petition of explanation of their conduct.\(^{47}\)

The explanatory petition, not nearly as intemperate, was made ready several days later and presented to the king on December 11. James received the delegation bearing the petition with high good humor and great familiarity. He was able to jest at Commons' interference in sovereign matters;\(^{48}\) he had even granted Commons' request to make that meeting of Parliament a regular session.\(^{49}\)

After the audience, James penned a long letter to the Speaker of the House. In a tone far milder than the December 4 letter, James expressed great wonder at the inconsistencies

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\(^{47}\)Debates, 1621, II, 499-506; VI, 224-227.

\(^{48}\)Gardiner, IV, 252-253.

\(^{49}\)Debates, 1621, V, 235.
of Commons' two petitions.

you presume to give us your advice concerning the
match of our dearest son with some Protestant... and dissuade us from his match with Spain, urging
us to a present war with that king; and yet in the
conclusion, in truth, you protest you intend not
to press upon our most undoubted and regal preroga-
tive....

James denied that Digby, Williams and Cranfield had instructed
Parliament to advise the king on foreign policy (as the explana-
tory petition had charged); "you were invited to advise forth-
with upon a supply for keeping forces in the Palatinate... and to foresee the means for raising... an army for that
war." He defied Commons to explain how these instructions
could be construed to allow demands for war against Spain and
the marriage of his son with a Protestant.

Finally, James' letter touched on the basic issue in the
conflict between king and Parliament. The explanatory petition
had referred to Parliament's "ancient and undoubted right and
inheritance" in the matter; James denied any abstract and innate
right for members of Parliament. It possessed only liberties
granted over the centuries by absolute sovereigns and, although
they seldom were, these liberties could be revoked by an equally
absolute sovereign. He reiterated his January promise "to
maintain and preserve your lawful liberties and privileges as
ever any of our predecessors had."^{50}

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^{50} Tanner, Documents, pp. 283-287; The King's Reply to the
Petition of the House of Commons, December 11, 1621, State
Papers, X, 319.
The Committee for Protest

The letter was read to Commons on Friday, December 14, immediately after the delegation to the king had reported on their audience. By the temperate tone in both the second petition and the second letter, the conflict between the king and Parliament had been moderated again; the matter could have been dropped with neither side gaining nor losing ground. But, the opposition had worked skillfully, and with great diligence, to create the breach and it determined not to lose the advantage.

Following the reading of the king's letter, several members expressed satisfaction with the contents and called for Commons to return to the legislative matters before it. But, Sir Robert Philips demanded that Commons consider "maintaining our privileges." Five more speakers made appeals for the House to spend the precious time left on passing bills. Thomas Crew broke with other opposition members by agreeing to this course of action. The opposition appeared to be losing the initiative as the debate ended for the day.

The next morning, December 15, the discussion was resumed over the course Commons should take. Sir George More moved that Commons take up the preservation of its privileges. Several adherents to constitutionalism voiced demands for a vigorous defense of the right to petition and to free speech;

51 Debates, 1621, II, 518-521.
but try as they did, those members sincerely interested in Commons' regular business could not end the aimless discussion. As the day wore on, the opposition began to take heart with its fiery speeches and endless wrangling. With the vehement speech of Sir Robert Philips, which said nothing new but which said it in a more violent and dogmatic manner, the opposition began to turn the tide of debate. Thomas Crew returned to the opposition fold with a proposal which was instantly seized upon by his contentious colleagues. In a typical opposition move, he called for a committee with a significant purpose: to draw up a protest defining and proving Parliament's liberties.

The idea of a protest appealed to many of the members, royalist, moderate and constitutionalist alike. The opposition pressed home its advantage. William Noy, a strong advocate of constitutionalism, moved that Commons dedicate its complete attention to the matter of a protestation of right. But, before the House finally adopted this proposal of Thomas Crew, Secretary Calvert duly warned all present of the king's only recourse should it persist in that vein after his majesty had granted the session for legislative purposes. 52

The Opposition in Control of Commons

The opposition had won; Commons was committed to a direct dispute with the king over the sovereign powers of government. 52

52 Ibid., pp. 521-528; VI, 237-240.
Once the protest was presented and published, the nation could expect no legislation, no reform, no active foreign policy from the government until the gulf between the king and Parliament was somehow bridged.

During the weekend, James learned of Commons' dangerous course. He was thoroughly vexed with that impossible body, but he was not ready to abandon his objectives. The king wrote yet a third letter for Secretary Calvert to read in the House on Monday, December 17. He reaffirmed his intention to make this meeting of Parliament a regular session so that laws could be made and grievances considered. He declared that Commons wasted its time and warned that its actions would lead it into unchartered waters. James reiterated his December 11 promise to preserve all parliamentary liberties which had long been granted by English kings.53

Commons had just resolved itself into a committee of the whole House, Monday, December 17, when Secretary Calvert asked permission to read the king's letter. It had no affect on the House. Although Sir Dudley Digges and several others tried to persuade the members to turn to their regular business, the opposition was in complete control. For the remainder of the day, Parliament discussed only the protest.54

53Ibid., pp. 528-530; The King to Secretary Calvert, December 16, 1621, State Papers, X, 322.
54Ibid., pp. 528-534; VI, 240-244.
James waited long enough to measure the reaction of Commons to his letter. When he was sure that nothing constructive could come from Parliament, he penned his fourth letter to the lower house, disclosing his intention to dismiss Parliament four days hence, on Saturday, December 22. Four days would allow Parliament, with diligence, to produce a number of laws; it would not allow time for needless and indeed dangerous interruptions and digressions.55

A great hue and cry arose in the House when the message was read at the beginning of debate on Tuesday, December 18. (It was the protest of an industrious and productive worker deprived of his tools.) The members simply could not understand the justice in the king's decision. One peevish member declared that Commons had only been kept from its duties by James' letters which demanded so much attention. Sir Robert Philips complained that nothing could be accomplished in the time allowed, and, that being so, he declared that Parliament might as well adjourn earlier to allow members more time in reaching their homes for Christmas. Several members joined with John Pym in urging the House to continue the consideration of its privileges. Once more Commons resolved itself into a committee of the whole House to consider the protest.

The members in committee worked quickly to create a precedent for posterity which would finally establish their rights

55 Ibid., pp. 534-537.
and liberties as inherent in Parliament. Late in the afternoon, after candles were brought in, the draft was approved by the few members still present. The Protestation of 1621 was next entered into the Commons' journal.  

By then, many members had left their seats, either from prudence or in a compelling desire to reach their families by Christmas.

Adjournment of Parliament

On Wednesday morning, December 18, a sparsely attended House of Commons waited the king's expected order for adjournment. The commission, when it arrived, adjourned Parliament and set its next meeting for February 8, 1622.  

But, within two weeks, James reconsidered his decision; in the interim, he had studied the protest written into the Commons' journal.

On January 6, 1622, James had the journal brought before him and with his own hands ripped out the pages on which were written the Protestation of 1621. Then he issued a proclamation annulling the Protestation and dissolving Parliament. "The turbulence of certain unruly spirits" had convinced him that the House membership in the Parliament of 1621 could never again serve a useful and constructive purpose.

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56 Ibid., pp. 540-542; Gardiner, IV, 260-261.
57 Note of the Reading of a Commission Adjourning the House Till February 8, December 19, 1621, State Papers, X, 323.
58 Gardiner, IV, 267-268.
59 Tanner, Documents, pp. 289-295; Proclamation Detailing the Principal Transactions Between the King and Parliament, January 6, 1622, State Papers, X, 333.
The Protestation of 1621

The Protestation of 1621 contained nothing that had not been repeated numerous times in the House of Commons; it did not even refer to specific precedents in English history which could be interpreted to prove Commons' contentions. None the less, the Protestation was a blunt and forceful statement of Commons' attitude regarding its rights. Appealing to no philosophy or theoretical concept, it sought justification on the basis of historical truth.

Commons proclaimed, in the Protestation of 1621, that the liberties, jurisdictions and privileges in Parliament were the inherent birthright of the people and were without dependence upon the king. These liberties and privileges included the free and unrestrained discussion and consideration of all "affairs concerning the king, state and defense of the realm and of the Church of England, and the maintenance and making of laws, and redress of mischiefs and grievances." The Protestation of 1621 claimed that, from ancient times, Parliament had participated in virtually every sovereign power exercised by the government.60 If this was absurd, the man was a fool who did not realize that Parliament intended to participate in all of the nation's sovereignty in the future.

The Protestation of 1621 was actually establishing a new concept of the constitutional division in English government.

60See Appendix, p. 172.
It denied any jurisdiction by the king over Parliament, in effect, declaring the independence of Parliament, as the representative of the people. Henceforth, Parliament would choose for itself the agenda and procedure following in its meetings. Except for the threat of censure by Parliament, the members were totally immune to punishment for parliamentary conduct.

In 1621, this was a wildly revolutionary document, even though it was couched in the most conservative terms. So revolutionary was the Protestation of 1621 that nearly a century past before all of its provisions found acceptance. In the meantime, England experienced two revolutions.

Conclusion

The Parliament of 1621 had met in session over a period in excess of five months; its accomplishments had been few; not a single law had been passed, few of the grievances brought to Parliament in January had been dispatched, and the subsidies passed had been of little effect in accomplishing James' foreign policy. James had taken significant pains to create the conditions for achievement which had been lacking in his earlier Parliaments. If these failed to satisfy Commons, the major responsibility was not the king's. The altered attitude of James toward Parliament and the conditions in Europe at the beginning of 1621 had proved sufficient, for a while, to check

61 Tanner, Documents, pp. 275-276.
the aspirations of the constitutionalist opposition. But the
harmony in the spring was a surface phenomenon created by super-
ficial influences. The ambitions of the English middle class
still molded the thoughts and actions of the members of Commons,
and the incongruities in English government still evoked dis-
satisfaction. The opposition worked to gain the leadership
in Commons that it might initiate a constitutional movement
designed to win for Parliament and themselves a larger voice
in the affairs of state.

The one sovereign power which the opposition craved most
in 1621 was that of foreign affairs. The days were long past
when kings and princes played their chess-like games of intrigue,
marrige and war for their personal amusement and satisfaction.
The time had come when any shift in the diplomatic wind, mar-
rriage contract or war materially affected the lives and fortunes
of whole nations. The right to arbitrarily direct the fortune
of a nation could no longer be left safely in a monarch's hands.
Since the prosperity of the English middle class had come to
determine the wealth of the entire nation, and vice versa, the
opposition felt fully justified in gaining for that class a
larger and more direct voice in foreign affairs.

The immediate international conditions served the oppo-
sition by driving home to the members of Commons how much English
policy (or lack of it) affected them and how little they were
able to influence it. The religious strife in Germany, coupled
with Spain’s involvement aided the opposition in its designs by linking foreign affairs with deep rooted emotions, fears and hates. Above all, the opposition was favored by the king’s dependence on Commons for the funds necessary to conduct any foreign policy.

These were the ingredients with which the opposition had to deal and upon which success or failure depended. The sense of patriotic duty which pervaded Commons in the first month of Parliament partially robbed the opposition of the coercive force inherent in providing funds for the king. This same sense of duty defeated the opposition’s attempts to force the issue in the great debate over freedom of speech in February. For the remainder of the spring, the opposition was content to suspend its movements and to wait for more favorable conditions.

The June declaration of Commons represented the only concrete achievement of the opposition in those early months. But, the declaration served a valuable purpose in bringing the mood in Commons to a focus; it committed the whole House to a minimum policy toward England’s foreign affairs; it helped to create those more favorable conditions for which the opposition waited. The declaration bound Commons to dedicate the lives and fortunes of its members to a war effort should diplomatic attempts at settlement fail. When English diplomacy failed, along with the Protestant cause in Germany, and when
James was forced to appeal to Parliament in November for supply, the opposition was presented with a situation favorable to its cause.

First, the opposition raised the issue of free speech; then, it pressed for a foreign policy far more belligerent than James intended. When the opposition was again unable to use successfully the parliamentary power of the purse, it raised the issue of Roman Catholicism at home by conjuring up a grand papist plot to overthrow the nation. When James came to the defense of his prerogatives, he was made to appear as the usurper of Parliament's liberties, as acting under the influence of Roman Catholicism, and as a fumbling failure in his conduct of English foreign policy. This brought on the exchange of petitions and letters which lost for James most of the support he still retained in the House.

But, it was only with the creation of a committee of the whole House to consider a protest, on December 15, that the opposition came into full and undisputed leadership of Commons. The Protestation of 1621 was the fruit of that leadership. If Commons could not influence foreign affairs in 1621, then the Protestation of 1621 would provide sufficient precedent for interference when Parliament met again.

James dramatically destroyed the Protestation of 1621 by ripping it from the Commons' journal, but in effect, Commons had its precedent, and James realized this fully as well as
did the opposition. In the Parliament of 1624, James openly requested that which he had heatedly rejected in 1621: advice on foreign affairs and on the distribution of revenues. The opposition had lost the last battle, but was finally victorious.
CHAPTER VIII

CONCLUSIONS

Evaluation of James I in 1621

Throughout the momentous year of 1621, James' public conduct toward Parliament was sincere, consistent and unusually considerate. He demonstrated a patience, along with his characteristic firmness, which had been totally lacking earlier in his reign. For the first time, he applied himself earnestly to developing a practical cooperation with the House of Commons. Yet, the Parliament of 1621 fulfilled virtually none of its functions and duties and must be judged a failure by these standards. Some responsibility for this failure was the king's; in spite of his leadership, he had allowed many deficiencies in his personal character to influence his public actions. Contrary to the judgment of many historians that James' indolence and dogmatic tenacities were the sole cause for his failure in 1621, the greater share of responsibility must be borne by Commons.

James' philosophy of divine right absolutism had been attacked by historians as the threat to English political institutions which forced Parliament to interrupt its proceedings in their defense. It is true that the Commons feared James' theories as a usurpation of parliamentary liberties,
but, in fact, that is not the case. James made no effort after his first few years as king of England to curb or deny Parliament's rights; he merely sought to define the rights it had enjoyed under the Tudors. In 1621, James was prepared to extend to Parliament the fullest measure of its rights; but, because he determined to define them, he was vigorously opposed by the men dedicated to constitutionalism. Legally and historically, James' position was far more secure than that of the constitutionalist opposition, but the latter offered a political system more consistent with contemporary conditions in England.

Historians had claimed that the foreign policy of James in 1621 was so defective that Parliament was obliged to oppose it, with the result that England ended by having no policy. The king, however, was far more aware of actual international conditions and far less influenced by prejudice and passion than were the members of Commons; he did not propose to fight a needless war, ill-equipped, with the wrong enemy. He recognized the economic challenges to England's prosperity. James realized the military dangers of either war or peace, and he at least partially understood the blessings which peace and toleration could bestow on England.

Evaluation of the Opposition in 1621

The theory of constitutionalism was in direct conflict with the philosophy of James because it advocated a division
of the nation's sovereignty between the king and Parliament commensurate with the division in English society. Therefore, the men in Commons who opposed the king did so with the intent of extending Parliament's powers. This opposition was neither clearly conscious nor highly organized in its determination to secure for Parliament a larger participation in the sovereign powers of state.

The advocates of constitutionalism possessed great leadership qualities and an almost fanatic dedication to their principles; they only lacked the desire to appear as revolutionaries. Therefore, they worked within the existing institutions to change those institutions. (Over the centuries, this method has become the hallmark of England political history.) The theory of constitutionalism failed the opposition in 1621 precisely because it was revolutionary and could not stand when compared with divine right absolutism. But, the opposition was not without an alternative: it could and did resort to practical politics to gain its end.

The sovereign power which the opposition was primarily interested in, during the Parliament of 1621, was that of foreign affairs. The House of Commons already had sufficient power, especially in fiscal matters, to exert great pressure on the king. The opposition sought to gain control of Commons and direct that power in an effort to influence the conduct of foreign affairs by the king. The opposition did not actually seize leadership in Commons until, December, but it was
sufficiently powerful throughout all of the sessions to thwart the accomplishment of regular parliamentary business. This created great pressure on James. England needed legislation even more desperately than James required funds for his foreign affairs.

The Protestation of 1621 was the only tangible result of the opposition's actions, but it had less influence on future events than did the opposition's proven ability to manipulate Commons and bring the legislative process to a halt. When James was again forced to convene a Parliament in 1624, he recognized the practical power wielded by the opposition when he openly called for advice both on foreign affairs and on the dispersal of government revenues.

James had been the apparent victor, in 1621, in his struggle with the opposition; he dissolved the Parliament and destroyed the Protestation of 1621. But, the actual victory went to the opposition. It remained only for the Parliament of 1624 to demonstrate this fact.
The Commons Protestation of 18 December, 1621

The Commons now assembled in Parliament, being justly occasioned thereunto concerning sundry liberties, franchises, and privileges of Parliament, amongst others here mentioned, do make this Protestation following, That the liberties, franchises, privileges, and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the King, State, and defence of the realm and of the Church of England, and the maintenance and making of laws, and redress of mischiefs and grievances which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament; and that in the handling and proceeding of those businesses every member of the House of Parliament hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same; and that the Commons in Parliament have like liberty and freedom of speech to propound, treat, reason and bring to conclusion the same; and that the Commons in Parliament have like liberty and freedom to treat of these matters in such order as in their judgments shall seem fittest; and that every member of the said House hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the House itself) for or concerning any speaking, reasoning, or declaring of any matter or matters touching the Parliament or Parliament-business; and that if any of the said members be complained of as questioned for anything done or said in Parliament, the same is to be shewed to the King by the advice and assent of all the Commons assembled in Parliament, before the King give credence to any private information.

Tanner, Documents, pp. 288-289.
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