HENRY PARKER AND HIS PLACE IN THE CIVIL WAR DEBATES
OF 17TH CENTURY ENGLAND

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Master of Arts
in
Interdisciplinary Studies
Political Theory

by
Peter W. Spangler
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Abstract</th>
<th>iv</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHAPTER</strong></td>
<td></td>
</tr>
<tr>
<td>I. Introduction to the Study</td>
<td>1</td>
</tr>
<tr>
<td>II. Review of the Literature and Methodology</td>
<td>8</td>
</tr>
<tr>
<td>III. Historical Treatment</td>
<td>21</td>
</tr>
<tr>
<td>IV. Cultural Treatment</td>
<td>31</td>
</tr>
<tr>
<td>V. Summary of Main Works: The King’s Authority Versus the King’s Image</td>
<td>41</td>
</tr>
<tr>
<td>VI. Conclusion</td>
<td>66</td>
</tr>
<tr>
<td>Bibliography</td>
<td>69</td>
</tr>
</tbody>
</table>
ABSTRACT

HENRY PARKER AND HIS PLACE IN THE CIVIL WAR DEBATES
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From 1640 to 1649, Henry Parker (1604-1652) published three political tracts that represent a growing transformation in the language of politics during the Parliamentary debates in the English Civil War (1642-1649). *The Case of Shipmoney Briefly Discoursed* (1640), *Observations Upon His Majesty’s Late Answers and Expresses* (1642) and *The True Portraiture of the Kings of England: Drawn From Their Titles, Successions, Raings and Ends* (1649) display Parker’s move from common law and scholastic forms of argument to a Roman republican inspired rhetorical style. Following the Cambridge School method, Henry Parker’s contribution becomes fully clear within the historical and cultural context of seventeenth-century England. Parker’s attack on the image of King Charles I and the republican mantra he adopts, *salus populi suprema lex esto*, are
central to his intention of returning the authority of the state to the consent of the governed.
Parker’s intellectual and historical connection to Thomas Hobbes suggests a greater role for the works of Roman sources during the seventeenth century, and an increasingly diminutive role of the ancient constitution in civic debates.
CHAPTER I

INTRODUCTION TO THE STUDY

This study locates the writings of Henry Parker within the context of the English Civil War. Parker’s writings include the *Case of Shipmoney Briefly Discoursed* (1640), *Observations Upon Some of his Majesties Late Answers and Expresses* (1642), and, following the regicide of King Charles I of England on 30 January 1649, *The True Portraiture of the Kings of England: Drawn from Their Titles, Successions, Raigns and Ends* (1650). In Civil War scholarship, Henry Parker remains a largely neglected figure, but his ideas contributed to changes in English constitutional ideas as they grew more European and influenced later authors. Henry Parker’s writings appeared as part of his active political life in England’s continuing political crises and attest to widespread resistance to absolutist monarchical rule.

Henry Parker is not a major figure, and I am not writing about him as such. Parker is a good test case to emphasize the direction of the debates surrounding the intellectual transformation of political theory during the Civil Wars in England. What is remarkable is Parkers’ conclusion regarding the necessity of consent and the release of one’s natural liberty for the necessary existence of the state. How someone like Parker, whose writings and career influenced these debates—the life of an activist—gives significance to his location during the Civil Wars in seventeenth-century England.
Henry Parker was born in 1604 in Ratton County in a prominent Protestant family of the Sussex gentry. The bulk of the Parker family’s wealth was secured by marrying into families with roots and wealth exceeding their own.¹ Tax records show that the Parkers’ owned property in Sussex since the thirteenth century and remained propertied through past crises, including county rebellions during the Hundred Years War.² Following the ascension of King Henry VII, the Parker family held administrative offices while continually increasing their estate.³ Henry’s father, Nicholas, married Catherine Temple whose father John gained great wealth and prestige as a “shrewd businessman, a careful proprietor of his lands, and a man of influence in his county.”⁴ Temple’s son read law at Lincoln’s Inn and served as Member of Parliament in 1588-1589. Clearly, the family had for centuries carefully used local political appointments to establish itself among elite Sussex gentry.

Nicholas Parker commanded a group of soldiers during a 1582 voyage to the East Indies, and served as captain during an expedition to the Netherlands in 1587.⁵ In 1597, Nicholas was elected Member of Parliament in the House of Commons as a county representative for Sussex. Five generations of eldest sons after Nicholas would sit as MPs in the House of Commons.⁶ As of 1609, Nicholas was a member of the Virginia Company, and associated with wealthy and influential English citizens and politicians.⁷

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² Ibid., 10. In 1450, John Parker supported a county rebellion during the Hundred Years War in defense of propertied gentry families.
³ Ibid., 11-12.
⁴ Ibid., 24.
⁵ Ibid., 14-15.
⁶ Ibid., 18-19, 23.
⁷ Ibid., 23.
Henry Parker took the BA degree from St Edmund Hall, Oxford in 1626, proceeding to MA in 1628, and gained admission to Lincoln’s Inn in 1630. He was called to the bar in 1638.\(^8\) Parker held several distinctive positions in the House of Commons, including an appointment with John Sadler as secretary to the House in 1645.\(^9\) Following the discovery of important royal papers at the Battle of Naseby during the Civil War, Parker, Sadler and the historian Thomas May authored *The King’s Cabinet Opened*.\(^{10}\) This pamphlet marked a serious blow to King Charles I since it revealed the king’s private thoughts and those of his closest advisors. Parker was later named Secretary to the Irish Army and accompanied Oliver Cromwell to Ireland. Following his appointment, Presbyterian protagonist Clement Walker asserted, “Henry Parker, the observatory is…highly preferred to be brewer’s clerk (alias secretary) to Cromwell; to those designs he has prostituted his pen.”\(^{11}\) Parker had written on behalf of particular causes in the past and was surrounded by those people who were engaged with the causes within Parliament. Among the most influential was Lord Saye and Sele, William Fiennes, himself an adamant Protestant seeking to limit the King’s authority. Parker had become respected, wealthy and influential using his eloquence and station to further his place in political and civic society.

Parker’s most substantive works focused on the purpose of government and the authority it represented by the consent of the people. The *Case of Shipmoney* (1640), followed by *Observations* (1642) and finally *The True Portraiture* (1650); represent his

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\(^9\) Jordan, 33.

\(^{10}\) Ibid., 33.

\(^{11}\) Ibid., 35.
distinctive transition away from legal and scholastic methods of argument and toward, as is discussed below, markedly rhetorical one. The three works all express Parker’s central idea and some acceptance of the rhetorical training Parker received early in his education. It is important to remember that the most well known and innovative thinker addressing many of the same questions as Parker, was Thomas Hobbes. Hobbes also trained as a common law lawyer and had turned away from Aristotelian logic and toward a rhetorical mode of argument to complete his final and most mature work, *Leviathan*.

Quentin Skinner has shown that the *studia humanitatis* characterized school education in England since the sixteenth century. The syllabus of the *studia humanitatis* emphasized grammar, rhetoric, poetry, history, and moral philosophy. Eloquence joined reason and rhetoric to conceive of ideas and to lend persuasiveness to them. Rhetoricians Quintilian and Cicero taught arousing emotion and winning the argument was most important and could best be accomplished with eloquence. Furthermore, eloquence was connected to the Roman tradition of the *vir civilis*, or great citizen, representing a life of virtue by obligation and duty to one’s society. Quintilian and Cicero modeled the *vir civilis*. Renaissance humanists transmitted the authority of the *studia humanitatis* to students such as Parker and Hobbes.

The two men shared similar school education, professional training and each drew on Roman sources emphasizing eloquence and rhetoric. Each spent his later years responding to a common civic crisis despite the unwanted and dangerous attention it

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13 Ibid., 23.
14 Ibid., 121.
15 Ibid., 68.
brought them. Hobbes sensed so much risk in 1646 that he joined royalist exiles who led King Charles I to Paris. Both men’s works were steeped in the Roman tradition of the life *negotium*, or public activity, as the most worthy one. Their final works were divided by the authors’ motivations: Hobbes pursued a treatise on the human condition and its relationship to the necessary conditions of government, while Parker’s sense of immediacy to resolve the practical problems of civic discord limited his scope. Each writer turned toward rhetoric to compel his audiences’ consent.

Parker’s arguments indicate attention to eloquence in the Roman tradition described by Skinner. Principal arguments in *Observations* are given in Latin and include Parker echoing Cicero and other Roman writers. Parker addressed the source and purpose of royal and parliamentary authority, but why did his style distinguish itself apart from an Aristotelian proof? The answer may be in the teachings of eloquence. To succeed as an orator Quintilian instructs one to “appeal to the passions or affections of our auditors in such a way as to excite them against our opponents and in favor of our own cause.” His audience would have recognized Aristotle, and Parker would have succeeded in appealing to this first affection.

Parker’s final work, *The True Portraiture*, gives a history of the kings of England beginning with the Norman Conquest of 1066. Parker selected the ascension of King John as emblematic of a pattern of royal abuse, deception, and violence against the safety and welfare of the people. He wrote that later English Kings, “out of fear and policy of State, got the Crown with the expulsion of Arthur the right heir that through

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17 Ibid., 67-68.
18 Ibid., 121.
violence and oppression…made way to those great alterations in the government which followed.”

Parker continued with the King’s confirmation. When confronted by the people of England to fulfill his oath at St. Edmonds-Bury to restore their liberties, Parker reports the King’s response, “Why do they not demand the Kingdom as well? And swore he would never grant these Liberties.”

Royal corruption violated the confirmation of Magna Carta, where the people’s representatives in Parliament are “joynt Regents with the King.” That is, a partnership between the King and his subjects, each capable of making demands on the other. Within the context of the civil crisis, the movement against monarchy and King Charles himself, Parker’s message acts as an instrument of instruction. The True Portraiture appears to do what Hobbes described of Thucydides in his translation of the author, that he “discharged the principle and proper work of history…that of seeking to instruct and enable men, by the knowledge of actions past, to bear themselves prudently in the present and providently towards the future.”

The True Portraiture was Parker’s most carefully executed and sophisticated work, and required him to create a chronology of continuity of corruption among English kings. Parker’s education in the studia humanitatis, and legal training equipped him with the necessary rhetorical skills and supplied his mode of constructing his complaint. Although far less known, Parker, like Hobbes, represents an example of the shift in the language of political debates in seventeenth century England. Parker’s movement away from the ancient constitution and toward a Roman, republican inspired politics is

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20 Ibid., 2:22.
21 Ibid., 2:24.
consistent with his humanist style history in *The True Portraiture*, while Hobbes’ political writing was based on the adoption of mathematical proofs.\(^{23}\) Hobbes’ shift and Parker’s *The True Portraiture* represent the new place of rhetoric in political theory. Further, these works represent the importance of Roman sources and humanist teaching in seventeenth century England.

\(^{23}\) Skinner argues that during the 1630s Hobbes became increasingly interested in the sciences, mathematics and the form of argument surrounding their proofs. Hobbes communicated with Mersenne, Descartes and attended a meeting with Galileo in Italy in 1636. For more on Hobbes’ particular intellectual development relating to science and mathematics, see Skinner, *Reason and Rhetoric*, 354-378.
CHAPTER II

REVIEW OF THE LITERATURE AND METHODOLOGY

The debate over how political theory is generated is central to understanding the important place of Parker. In today’s scholarship, two fundamental modes of interpretation consist of that of the Cambridge School and that practiced by contemporary political scientists. The Cambridge School’s method responded to logical positivism used in political science. The influence of logical positivism had inspired the development of behavioralism during the 1950s and 1960s, which attended investigations into political thought.1 Proponents of logical positivism argued ideas, particularly those in the history of philosophy, were meaningful or not based on their ability to pass logical proofs. Logical positivism supports the belief “that there are truths of political theory regardless of time and place.”2 Skinner rejects this way of reading political texts. Practically, Skinner notes, “no social agent can normally be expected to be aware of all the possibilities open to him, or of all the possible outcomes of embracing different strategies.”3 Each agent’s normative considerations and contextual possibilities limit his

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2 Ibid., 199.
response without the opportunity to foresee each outcome. Without imposing a continuity of political truths or perennial questions, the Cambridge School method demands that the reader consider the context of each author, his time and place, his language and his audience in an interpretation of the authors.

The Cambridge School method diverges from the fundamental principles of interpretation of the majority of political scientists. That is, political scientists and historians have disavowed a common method of interpreting works of philosophy. A long background to this approach begins with Peter Laslett’s declaration a half century ago proclaiming the death of philosophy in historical study, because of the influence of the Vienna School and logical positivism in studying texts of philosophy. Texts either proved logical or not based on the arguments made on their pages, regardless of the context to which they were a response. Among historians, Marxist analysis remained an influence in historiography, as seen in the works of Christopher Hill and others. Many philosophers took Wittgenstein’s advice to “withdraw unto themselves for a time, and re-examine their logical apparatus.” R.G. Collingwood and Michael Oakeshott refused to do so and began producing works explaining the relevance of traditional philosophy and the contextual sensitivity that they believed neither logical positivism nor its relations could produce. Oakeshott’s On Human Conduct (1975) was a return to the history of philosophy by considering the history of the state. By this time, J. G. A. Pocock’s The Ancient Constitution and the Feudal Law had emphasized politics as “a tradition of intellectualizing.” Oakeshott understood politics as “a language of vernacular

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4 Palonen, 12.
5 Ibid., 16.
intercourse… [where] there is no situation *inter homines* to which it cannot relate.”⁶  

These early contributions shaped the approach taken by what is now considered the Cambridge School with its dominant advocate being Quentin Skinner.  

Skinner’s “Meaning and Understanding in the History of Ideas”⁷ has much in common with Collingwood’s thesis that there had been, “no ultimate categories of thought for the metaphysician to lay bare. There are only shifting paradigms, changing questions, new sets of answers, all inevitably limited by the scope of the prevailing disciplines.”⁸ Skinner’s approach has been referred to as deep contextualism after the work of sociologist and linguistic contextualist Max Weber, whose focus on an author’s intent informed Skinner’s early theories of linguistic action: that is, what is the meaning of an author’s words, his/her specific words in the work and what does the work mean to the reader.⁹ Pocock himself has insisted a historical agent’s language and its dependence upon historical, social, and linguistic contexts must be understood before the reader can “consider the level of abstraction on which the thinker’s language tends to make him operate, and the level of abstraction on which the thinker’s preoccupations tend to make him use his language.”¹⁰ Pocock, in establishing a foundation for historical analysis of texts, describes this as understanding “the demands which thinker and tradition make on each other.”¹¹ For example, when Henry Parker in 1650 argues on behalf of non-monarchical government in England, it cannot be said that Parker was arguing for

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⁸ Palonen, 16.  
⁹ Ibid, 32.  
¹⁰ Tuck, 195.  
¹¹ Ibid.
political equality among citizens. Parker never suggests the elimination of the House of Lords. Rather he was responding to his dissatisfaction with monarchical government as it appeared in England, and he no longer questioned resistance political theory. The historian of political thought must understand the paradigms of the historical agent, and the meaning that his context contributes to these paradigms in assembling a reasonably accurate account of the agent’s statements. The historian does not look for to a linear continuum of recurrent contexts.

Skinner has given particular attention to the role of the republican tradition and rhetoric. The revival of eloquence, Skinner explains, in mid to late seventeenth-century England produced an anxiety among some philosophers, who considered that rhetoric always produced two persuadable sides to an argument, leaving the distinction between the two to the ability of the orator. The resurgence of support for republicanism was due in part to the belief that republican government promoted virtues purely and simply and orators threatened to confuse them with vices. Brian Vickers confirms that interest in rhetoric continued to expand in the seventeenth century, including the number and kinds of texts available for both amateur and more literate readers. Vickers understands rhetoric as a component, employed in diverse situations where human artifice requires the expression of creative intent. Whether a speaker is exemplifying an immoral act through conduct or simply summarizing the results of an election, each activity is consistent with Vickers’ conception of the place of rhetoric, because each requires the performance of description. Skinner understands rhetoric as a

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language, thus, in his work it also forms part of a larger political philosophy. Skinner’s early studies on humanism in *The Foundations of Modern Political Thought* (1978) looked at rhetoric in *trecento* and *quattrocento* Italy under the influence of Cicero, Sallust and Quintilian. The classical model of the “the wise and elegant lawmaker” prevailed over medieval scholasticism’s teaching that rational intuition leads to the rule of law.\(^{14}\) The Civil War in England did not lead Skinner to study the philosophy of the *regnum italicum*.\(^{15}\) However, Skinner has discussed this philosophy and argued for its significance in the constitutional debates in Civil War England.

Pocock’s *The Machiavellian Moment* (1975) follows the evolution of Machiavelli’s republican thought as it arose from the civic crisis in fifteenth-century Florence. Pocock himself understands Machiavelli as embodied in politics as a language which continues to draw from its past to meet particular contexts. Pocock has argued that Italian republicanism was revived in Renaissance Europe in the sixteenth century to combat corrupt monarchist regimes.\(^{16}\) The impetus, he argues, was the protection of a virtuous republic. Machiavelli’s ideas appeared as a springboard for adaptation by revolutionaries of the English Civil War and even the American Revolution. Thus, J.G.A. Pocock’s declaration that “the American Revolution… was in fact the last great act of the Renaissance”\(^{17}\)


\(^{16}\) Palonen, 65-66.

Skinner’s *The Foundations* emphasizes the appropriate place of civic humanism in political writings of *trecento* and *quattrocento* Italy. Skinner characterizes humanist writers as emerging political theorists. Writers produced poems warning against tyranny, the abandonment of the virtues and the loss of liberty. Skinner tells us, “the most important development” was the “systematic character” of political ideas developed by humanist authors. These writers introduced the belief that the spirit of the ruler has more to do with the functioning of government than does the “machinery of government.”

The birth of modern republican government in fifteenth century Italy has especially interested Skinner, and in the *Foundations* he gives particular attention to conceptions of liberty and the individual citizen. Skinner’s study of Ambrogio Lorenzetti’s portrayal of virtuous government in the frescos of Siena calls attention to the influence of Roman moralists Sallust and Cicero on early humanist writers, and the significance of the principles of justice, fortitude, and temperance in early republican government. Skinner emphasizes that prior to the European Renaissance one’s welfare was believed largely to depend on fortune and cosmological beliefs inherited from the ancient world. The individual was particularly indistinct and relied on community and family for self identity. Renaissance humanists’ writings on moral philosophy, the individual, and the importance of republican virtues advanced the notion that one was capable of creating his own future: “of rising to public honors, of building up a career by one’s own efforts.”

Success signified a new personal expression that defined a person by his work and its

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rewards. Personal identity in Renaissance writers meant understanding history as a break with the past. Medieval scholars understood the present as an extension of antiquity and found no reason to address or imagine it differently from their current time. The medieval conception of the past led to an understanding of the past as containing the answers to the challenges of the present. Humanism and Renaissance thought addressed the present independently of the former intellectual bonds of their predecessors.

Skinner’s *Reason and Rhetoric in the Philosophy of Hobbes* (1996) and *Liberty Before Liberalism* (1998) are consistent with his method of attention to context. In *Reason and Rhetoric* Skinner begins with Hobbes’s school education in rhetoric, his training as a common law lawyer, his eventual rejection of rhetoric for mathematics and ‘reason’ and, then, his return to rhetoric in *The Leviathan*. Skinner points to Hobbes’s translation of Aristotle’s *Art of Rhetoric* where he, “…omits the entire section in which Aristotle speaks of the crucial importance of taking steps to making a good impression on one’s audience.” Later Skinner announces Hobbes’s *volte face* in *The Leviathan* and describes the character of the text as *genus deliberatvium*, the style of rhetoric used to assist public assemblies in reaching “…resolutions useful and beneficial to the commonwealth.” Skinner argues that Hobbes had not abandoned reason, rather he understood, that as he once stated, the “…only way to win ‘attention and consent’ is to write with eloquence.”

Criticism of the Cambridge School has centered around claims that it has not delivered on the promises of its method. Critics argue Skinner does not simply do history

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23 Ibid., 352.
24 Ibid.
25 Ibid., 372.
by confronting texts on their own terms. In his review of *Reason and Rhetoric* A.P. Martinich argues Skinner neglects matters where Hobbes himself disclosed the character of his own thought. Martinich points to Skinner’s claims that Hobbes is being ironic when in fact, according to Hobbes’s own disclosures, he is not. Martinich argues simply because Hobbes employs a rhetorical device is not evidence that it is critical to his philosophy.  

Skinner has spent a good deal of effort describing his method as seen in his three volume series of articles *Visions of Politics*. In the first volume, Skinner carefully introduces the reader to the development of his method and locates it within historiography and philosophy. The final two volumes follow the progression of Skinner’s interests in the past and his levels of satisfaction in his investigation. The second volume includes Skinner’s studies of the humanist virtues, rhetoric and republican government. Nadia Urbinati’s review of these volumes makes the accusation that Skinner has moved to “ politicize the philosophical attitude toward language.” If accurate, this criticism would seem to omit the potential political meaning of expression because it has been unconsidered among linguists. More precisely, it would disarm the historian from his task. Skinner has also attracted the criticism that he neglects the role of women in early modern Europe. In her review of *Visions of Politics* Julius Kirshner declares Skinner makes “the fatal mistake to assume...that since women did not play a significant

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27 Among the most significant and persuasive of Skinner’s arguments on the importance of accurately interpreting texts can be found in Quentin Skinner, *Philosophy, Politics and Society* (Cambridge: Cambridge University Press, 1972).


role in the politics of city-republics that they were absent from public life.” She does not include as evidence Skinner’s acceptance of Aristotle’s conception of women as incomplete citizens, or the philosopher’s belief in their natural disposition to obey. Rather, she cites as evidence the many bureaucracies interested in the lives of women: tax roles, municipal laws and the wealth of Florence’s Dowry Fund. However, evidentiary it is of the locus of Skinner’s study, quattrocento Italy, these topics are unrelated to his three decade study of the reghnum italicum, Roman rhetorical thought or the political discourse surrounding the Civil War in England.

Skinner’s interests have lead to further sensitive points concerning his method. For example, by placing Hobbes’s intellectual development within his own historical context, as Laslett had done for Locke’s Second Treatise, Skinner moves beyond the influence of historical events prior to, during, and following the Civil War years. Skinner instead focuses on the language of Hobbes himself. Skinner examines the role of rhetoric in Hobbes’s work beginning with his school education, his interest in mathematics and finally his major works, De Civi (1642) and Leviathan (1650). Skinner addresses Hobbes’s ideas historically, admitting contradictions from youth to adulthood and carefully examines Hobbes’s change in tone and belief on the place of rhetoric. For Skinner, Leviathan stands out both as a response to the growing violence of Civil War England and Hobbes’s return to eloquence to move his audience. Skinner is concerned with the development of Hobbes’s intellect and positions as a source of understanding English political thought.

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31 Palonen, 13.
Liberty Before Liberalism locates the Roman conception of liberty and its place as a response to various political contexts between the fifteenth and seventeenth centuries, including Civil War England. Skinner works hard to clarify the origins of English conceptions of liberty prior to and during the Civil War years. He suggests that Parliamentarian arguments for liberty have their roots in a Roman conception of liberty that was revived in the city republics of Italy during the fifteenth century. According to Roman law, one in a dependent relation to another authority was living in *potestate*, “within the power or under the dominion of another nation or state.”

Thus, “a body politic, like a natural body, will be rendered unfree if it is forcibly or coercively deprived of its ability to act at will in pursuit of its chosen ends.” Skinner argues this conception of liberty influenced Henry Parker and other Parliamentarians.

An understanding of the distinction between politics in action and political theory is essential to reading Parker. Politics as theory is a contemplative activity afforded with the luxury of considering human activity in a broad sense. This is the traditional *vita contemplativa*, a life removed from activity and the demands of civic life, from practical resolution of daily matters, and from political decision-making. Politics in action, or what Quentin Skinner has called “politicking,” is the ability to secure a desirable response to one’s proposals through acceptable modes of appeal. The activity of

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33 Ibid., 47.
34 Ibid., 51.
35 Palonen, 5-6, 160. Palonen provides an excellent discussion of Skinner’s terminology and the significance in the distinction of politics as an activity with diverse modes of operation and interpretation. However equally interesting is his comment discussing the use of rhetorical devices in politicking, “My point is that such techniques can be also used either for politicking or for interpreting the moves of politicking by linguistic means. No such repertoire has been presented in contemporary political science, which is surprisingly uninterested in modes of politicking.”
politics is not a series of unconsidered moves; it is often practiced by those whose talents include knowledge of political theory. Henry Parker’s education at St Edmund Hall, Oxford in early seventeenth century England would have included study of the trivium. This study of rhetoric, logic and grammar formed some of the necessary preparation for the vita activa in practice. Parker’s writing reflects his life as an active citizen using his talents in rhetoric, logic, and poetry to move his audiences to support his cause. Parker had little luxury of leisure time. His writings were responses to contemporary events; they reflect his sensitivity to the immediacy of his times and the need for resolution in particular political events.

Historical scholarship on the force and character of republicanism in England during the 1640s has followed the sources emphasized by Pocock and Skinner: civic humanism and English constitutional theory. As discussed above, civic humanism revived reverence for the virtue of republican government and the character of its liberty. In fifteenth century Italy, liberty meant freedom from external influence, the freedom of each citizen to take an active part in the operation of the commonwealth. Further, it was believed republican liberty “ensures the cultivation of the virtues to flourish without suspicions being aroused.” By 1640, English constitutional theory claimed that an elective component between king and subject was embedded in the coronation oath and

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37 Skinner, Foundations, 1:77.

38 Ibid, 1:79.
expressed the virtues of the English monarchy. The key issue in 1648 entailed the nature of tyranny and what actions justified regicide.

Parker’s works argued that the origin of civic authority resided in the consent of the people, and the history of kingship in England represented a violation of that fundamental principle. Blair Worden of the Cambridge School has argued an impetus for regicide led the Rump Parliament in January, 1649 to declare, “the people are, under God, the original of all just power,” that the “people’s representatives in the Commons have supreme power in this nation.” Parker’s Observations attracted this response of John Spellman, “I would have you observe the boldness of his undertaking: a Privado, interposing himself betwixt a King and His Parliament…instead of respecting the Veyl of Reverence that should properly Reserve from vulgar insolence the Rights of Supreme Majesty.” Parker’s Roman rhetorical inspiration is found in the voice of Parliament and attracted the criticism of leading Royalists whose arguments reflected their continued belief in kingship as a divinely inspired institution.

The studies of the writing of Henry Parker are rooted in recent historical methodologies. Skinner and Pocock’s contributions to seventeenth century political history are unmistakably indebted to the postwar generation of scholars including R.G. Collingwood and Michael Oakeshott. Oakeshott and Collingwood contributed ideas fundamentally influential to the Cambridge School’s conception of history. Collingwood’s two fundamental contributions to Skinner’s seminal essay “Meaning and Understanding in the History of Ideas” are first, ideas and their meanings contributes to

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39 Worden, 314.
40 Ibid., 318.
an agent’s understanding of their application in action. Second, no perennial problems exist within philosophy; subsequently a contemporary reader will find no real purpose in pursuing answers to these questions as there are “as many different answers as there are questions.” Oakeshott’s “The Activity of Being An Historian” argues history is neither contemplative, interested in moral judgments, nor practical, one in pursuit of a future application, but rather historical studies are more liken to scientific activity characterized by a separate observer attempting to create an impartial account. The historian of political ideas does not work to alleviate would be political questions of the future nor determine the propriety of past political distinctions, but hopes to assemble a reasonably accurate account of the emergence and function of past ideas by historical agents. For Oakeshott, Collingwood, and later Skinner, a historical agent’s context is fundamental to understanding the particular uniqueness of the agent’s questions and answers. For example, Alun Munslow writes confidently, “given the fuzzy nature of historical explanation…, no historian claims to tell the absolute truth about the past as history.”

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42 Skinner, “Meaning and Understanding,” 49.
CHAPTER III

HISTORICAL TREATMENT

Since understanding Parker’s political writings depends upon knowledge of the political world in which they were published, we need to review the historical events of his time, particularly those of the early Stuart monarchy.

King James I of England (1603-1625) ruled concomitantly as James VI of Scotland. By the 1620s, he abandoned ruling within a common law role of King in Parliament and instead began a program of personal rule.\(^1\) James’s ostentatious and indulgent court offended religious radicals, and his neglect of Parliament prompted accusations that the King had abandoned his coronation oath. England faced religious, civic, and military crises as the King was perceived to move further from common law obligations. The King’s reign revealed its character during the Parliament of 1621 when James asserted his sole authority to debate foreign policy. The commons replied, “That the liberties, franchises, privileges, and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England” as are “the arduous and urgent affairs concerning the King, State and defense of the realm.”\(^2\) James responded by

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\(^1\) Robert Bucholz and Newton Key, *Early Modern England: 1485-1714* (Oxford: Blackwell Publishing, 2004), 217. I have selected Bucholz and Key’s text because it provides a, based on current historiography, satisfactory explanation of the fundamental persons and events leading up to the events I have chosen to focus on.

\(^2\) Ibid., 217.
imprisoning Commons leaders and removing their statement from the record. Debate over the sovereignty and authority of the King in Parliament would continue through the rule of James I to his heir, Charles I and divide England into Royalists in support of the King and an opposition faction in support of Parliament.

James had made the Scot, George Villiers, first Duke of Buckingham, the King’s favorite and chief advisor at court. At James’s death in 1625, his heir Charles I continued with Villiers as favorite. England’s war with Spain in 1626 made Charles popular as leader of the Protestant nation in contest with Catholic powers. Yet, Charles inability to secure financial support from Parliament evidenced Buckingham’s and Charles’s inadequacy at a time when Charles himself was accused of having broken the law and abused his authority by taxing his subjects under a forced loan to finance the war. Charles angered Royalists and parliamentary opposition (called roundheads) by turning to war with France over treatment of the Huguenots and, uniting Europe’s two superpowers against England. Unable to pay for the war without Parliament’s financial support, Charles was forced to sign the Petition of Right in 1628. The Petition of Right put into record what was believed to be contained in an ancient constitution, including the right of habeas corpus and the approval of Parliament in order to raise new taxes. The Petition prevented the King from using either the army or martial law against England’s citizens at a time when there existed a fear that an army might be raised to be used against citizens to suppress their liberties. Buckingham was a target of Parliament for

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3 Bucholz and Key, 218.
5 Bucholz and Key, 218.
6 Ibid., 221.
7 Ibid., 222.
abating absolutism, but he avoided trial when Charles quickly dissolved Parliament following the Petition of Right. However, when Buckingham was assassinated in 1628

Protestants feared that the King would turn to his wife, Queen Henrietta Maria, a Catholic, for advice. The issue of civil sovereignty and the English people’s rights contained in an imagined ancient constitution divided royalists in support of prerogative on one side and religious radicals and Common lawyers together on the other.

The issue of Arminianism represented enhanced religious and civic stress in England. James had tolerated Calvinist theology and religious reformers, even hosting a conference at Hampton Court Palace in 1604 that authorized limited ritual reform and a new translation of the Bible that appeared in 1611. Charles moved from strict Calvinism to tolerate religious moderates, particularly followers of Jacobus Arminius whose theology appeared to support divine right kingship. Arminius believed that free will played a role in salvation at a time when Puritan insistence on predestination had already disrupted the Church of England and divided Parliament. For Arminius the importance of human acts, including sacred rituals and corresponding good works suggested that salvation could be earned by human effort. The movement gained prominence among English clergy. Similarly, Arminius believed sanctity belonged to kings. James had believed ecclesiastical reform meant an attack on church and royal authority, the equivalent to an attack on monarchic and civic order. Charles instead received religious Arminian reformers as his closest advisors and assisted their promotion within the Church of England.

8 Bucholz and Key, 222.
9 Ibid., 224.
10 Ibid., 225-26.
Constitutionally, the threat laid not only in the assertions that the King’s capacity to create law which he was above according to divine right, but also the influence of religion on the idea of the King’s body politic. That is, there remained a fear that religious changes might corrupt the King’s policies. Protestant leaders in Parliament, including Henry Parker and Lord Saye and Sele, feared the influence of the Arminian Archbishop William Laud upon Charles, where belief combined the king’s constitutional and religious authority.\textsuperscript{11} During the Civil War years, Charles extended his father’s conception of personal and private kingship and projected an even greater image of royal absolutism.

William Laud, Bishop of London in 1628 and Archbishop of Canterbury in 1633, and Thomas Wentworth, First Earl of Strafford, worked together in support of Charles’s domestic absolutist policies and their costly foreign adventures. A Privy Counselor during the Personal Rule period from 1629 to 1640, Strafford was named Lord Deputy of Ireland in 1632. He was to carry out Laud’s policy of “Thorough” in Ireland, a program to secure absolute monarchy by Arminian Bishops and vicars who supported the divine right of kings. Charles’s toleration and support of Arminians became decisive in 1637 when William Prynne, Henry Burton and John Bastwick, “were to have their ears cropped”\textsuperscript{12} for their criticism of Arminian bishops. Strafford’s violence, financial failure and the deterioration of relations with Ireland moved Parliamentarian John Pym to impeach him. Strafford’s word to the king, “You have an Army in Ireland which you may


\textsuperscript{12} Bucholz and Key, 226.
employ here to reduce…this kingdom,”\textsuperscript{13} only damaged his image. Despite a failure to impeach Strafford due to insufficient evidence, the House of Commons issued a Bill of Attainder for his death April 13, 1641, which Charles signed 10 May, fearing what sort of rebellion might occur on his refusal. On 12 May 1641, Strafford was taken from the Tower of London and publicly executed.

Another problem appeared in the threat of Protestant sectarians who believed that God held supreme authority in heaven and on earth. In effect, these sectarians had forfeited their allegiance to the authority of man and the laws governing conduct within the state, whether under king or parliament. Their belief in the supreme law of God led them to purify both Christianity and the state. Pamphlets published in mid-seventeenth century England attest to this belief in titles such as “God the Good Master,” appearing in 1641 by John Goodwin, and the Digger comment in 1649, “we have chosen the Lord God Almighty to be our king and protector.”\textsuperscript{14}

In 1629, Charles’s support for Laud, Strafford and absolutist Arminianism lead parliament to condemn the “pernicious spreading of the Arminian faction.”\textsuperscript{15} The resistance to Laud’s Arminian movement spread to Scotland by 1637 when Laud led a new Arminian-style ceremonial rite in St. Giles’s Cathedral in Edinburgh.\textsuperscript{16} Scotland’s predominantly Presbyterian population responded in opposition by signing the National Covenant in 1638. The Covenant opposed Charles’s religious policies and asserted sole


\textsuperscript{14} Christopher Hill, The World Turned Upside Down: Radical Ideas During the English Revolution (New York: Viking Press, 1972), 42.

\textsuperscript{15} Bucholz and Key, 226.

\textsuperscript{16} Ibid., 231.
religious authority in Scotland to the Scottish Parliament and the general assembly of the Presbyterian Church. Opposition between Scotland and England peaked with the First Bishops’ War. Charles called parliament in hopes of financial support, but dissolved it when MPs begun to announce their own grievances to the King in what became known as the Short Parliament. Consequently the army was less than adequately supplied.

Charles continued failure in gathering support for his foreign policy in Scotland only enhanced parliament’s victory over Strafford, and encouraged the parliamentary cause. To Puritan parliamentarians Arminians had threatened the security of a pure Christian theology and the authority of parliament. However, the King’s botching of Ireland, Scotland, and inability to secure funding contributed to motion toward the English Civil War and strengthen the Calvinist Puritans.

Alleviation of tensions was somewhat achieved between England and Scotland following the Treaty of Berwick in 1639, and the meeting of the Long Parliament began in 1640. The intention of the Long Parliament was to limit the King’s authority to its shape before the 1630s. Parliamentary leaders included Henry Parker’s relation Lord Saye and Sele in the House of Lords and John Pym in the Commons. Parliament passed a number of measures, including the abolition of forced taxation, Ship Money, and monopolies. Furthermore, it passed the Triennial Act that demanded the

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17 Bucholz and Key, 231.
18 Ibid., 232.
19 Ibid., 231-32. The English and the Scots shared faith in the Presbyterian Church, preventing many to desire violent engagement with the other.
20 Ibid., 232-33.
King summon Parliament once every three years.\textsuperscript{21} Parliament had at once done away with an absolute royal prerogative and Charles’s program of Personal Rule.

The rise of John Pym in the House of Commons and the removal of censorship in England, combined with a wave of newspapers and pamphleteering, created a growing public space in which politics and civic matters were debated. London bookseller George Thomason’s own collection included almost 23,000 items that date from 1641 to 1662.\textsuperscript{22} Henry Parker was stationed at the center of rising public participation and authority through parliament in England. His pamphlets, especially \textit{Some Observations} (1640), stand out as exemplary works of sophisticated and poignant expression at a time when London witnessed a wave of anti-royal publications.

Personal Rule had come to mean Charles’s resolution to enforce his will over parliament. What Charles needed most from parliament was financing.\textsuperscript{23} From 1629-1641 Charles cut the costs of his court. Charles raised his finances outside of parliament through the sale of monopolies and privatized government services. Parliament complained that the King’s conduct removed the voice of the English people through their representatives in parliament. Response to the Ship Money tax in 1637 led to a tax strike, and without a sophisticated and well-appointed bureaucracy, Charles was unable to collect the lion’s share of it through 1639.\textsuperscript{24} In the eyes of many English people, Charles had ignored their interests and their response was to ignore his. The King’s neglect for the mutual interest of civic order by abandoning parliament, maintaining an absolutist council remote from his subjects, and levying taxes without their granting

\textsuperscript{21} Bucholz and Key, 233.
\textsuperscript{22} Ibid., 251.
\textsuperscript{23} Ibid., 229.
\textsuperscript{24} Ibid., 230.
consent damaged his place and some claimed it violated his coronation oath. Parliament’s violent response to one of the King’s closest advisors and immovability on foreign policy had begun the destruction of the foundation of civic society and stability in England.

John Pym had become the effective leader in the House of Commons and directed the parliamentary response to attacks by the king’s army. Pym supported the confiscation of Royalist property and issuance of both a county and excise tax to fund their army. Pym persuaded the Scots to fight on Parliament’s behalf in the Solemn League and Covenant of 1643. The attacks by the king’s army, his abandonment of parliament and absolutist personal rule lead Pym and parliament to believe that the King had violated the law of the ancient constitution and the Petition of Right, its reinforcement. Pym declared in 1641, “If you take away the law, all things will fall into a confusion, every man will become a law to himself, which in the depraved condition of human nature must needs produce many great enormities.”

There existed unification in parliament between Puritans and common lawyers who believed in an ancient constitution of immemorial liberties and rights. Supposedly, the coronation oath confirmed this constitution with its inclusion of an obligation to obey the law of St. Edward, and carrying on to the Magna Carta. In expressing parliamentarian support for an ancient constitution, John Pym said of the obligation,

the Conqueror …the assurance and possession of the Crown he obtained by composition, in which he bound himself to observe these and other ancient Laws and Liberties of the Kingdom, which afterwards he likewise confirmed by oath at his Coronation: from him the said Obligation descended to his Successors.

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25 Bucholz and Key, 241-43.  
26 Hill, World Turned Upside Down, 157.  
It is important to remember that the ‘English Scholars’ understood a pure Christian tradition to have existed in England prior to the corrupt “foreign, Romish domination not to be fully freed until the Reformation.”\textsuperscript{28} Thus, for seventeenth-century Englishmen, a defense of the ancient constitution included support for Protestantism.

Catholics and Protestants competed for domestic theological authority, though secularists’ views like those of Henry Parker and John Milton saw the Bible as a separate guide from one governing men in a civic manner. In 1641, Milton argued the Bible “ought to be so in proportion as may be wielded and managed by the life of man, without penning him up from the duties of human society.”\textsuperscript{29} In 1644, Parker offered the following in his pamphlet *Jus Populi*,

> When we are treating of worldly affairs...we ought to be very tender how we seek to reconcile that to God’s law which we cannot reconcile to men’s equity: or how we make God the author of that constitution which man reaps inconvenience from.\textsuperscript{30}

The connection between growing radicalism and readership can be seen in Christopher Hill’s *The World Turned Upside Down* (1975). Hill introduces the scale of radicalizing voices in pamphlets, public demonstrations and religious sensibilities whose members’ allegiances break with traditional discourse. On the other hand, Conrad Russell’s *Unrevolutionary England, 1603-1642* (1990) argued for the preeminence of England’s competing political factions who contributed to a war not motivated by social disorder. While population centers drew radical ideas, pamphleteers, their printers and the eye of the court, J.S. Morrill’s *The Revolt of the Provinces: Conservatives and Radicals*

\textsuperscript{28} Greenleaf, 195.  
\textsuperscript{30} Ibid., 264-265.
in the English Civil War, 1630-1650 (1976) considers the place of the overwhelming majority of England’s people in the countryside. These populations would largely make up the armies of the Civil War in which over 11 percent of the population of the British Isles died of “war-attributable” causes. Oliver Cromwell’s intentions in assuming the position of Captain General prior to the regicide and his being named Lord Protector following it, has been studied by Hill in God’s Englishman: Oliver Cromwell and the English Revolution (1970). The place of religious radical Gerrard Winstanley is debated among Christopher Hill, Lotte Mulligan, John K. Graham and Judith Richards in “The Religion of Gerrard Winstanley.” Winstanley represents religious radicalism and its transformative powers in seventeenth century England.

CHAPTER IV

CULTURAL TREATMENT

The role of culture as it represents domestic paradigms and the adoption of foreign ones is undoubtedly a component of political expression. The parliamentary debates of the 1640s began to turn away from the details of the ancient constitution, and toward the rhetorical tradition whose republican character emphasized the sovereignty of the people and constitutional government, as discussed above. The custom of the King-in-Parliament was confirmed by the ancient constitution and therefore created the point at which law could be created or denied. Common law courts’ dependence upon the ancient constitution and its immemorial character reinforced itself within England by setting new precedents through the confirmation of older ones. Combined with a divinely inspired image of the king according to common lawyers in Charles’s support, the ancient constitution effectively became an instrument of royalist policy. The response leveled by Parker is similar to the one made by François Hotman in *Francogallia* in 1573. Furthermore, the image of kingship Parker responded to in *The True Portraiture* represented an image no longer resonating with a growing number of the people of England.

The debate over the source and character of a sovereign state as it appeared in early modern Europe was contestable. Allegiances largely remained to local landlords, dukes or other nobility who arbitrated disputes within their part of the realm.
hardly existed a sensibility we would describe as patriotism or national loyalty.\(^1\) The literate, educated citizens of civic placement represent the small population capable of such a national identity and, therefore, the likeliest audience for the *Francogallia*. The role of the king was to maintain stability in the commonweal by continuous tutorship “magistrates were like tutors, and were appointed for the utility of their wards, not *vice versa*.”\(^2\) François Hotman argued that Kings were the stewards of the *civita* where citizens were related by law and the king “circumscribed by well-defined right and specific laws.”\(^3\) *Francogallia* argues for the liberty and original authority of the French public Henry Parker invokes this same argument nearly four generations later during the civil wars in England. The civic association Hotman describes in *Francogallia* is informed by antiquity and his sources are overwhelmingly composed of classical writers and medieval chroniclers. What I will discuss in the succeeding pages is the character of civic association *Francogallia* presents and its relationship to the work of Henry Parker, who himself declared “Power is secondary and derivative in Princes, the fountaine and efficient cause, and from hence the inference is just, the King, though he be *singulis Major*, yet he is *universis minor*.”\(^4\)

François Hotman renounced his Catholic family and became a major Huguenot legalist and author: first at the University of Orleans, then as professor of law in Bourges. He later taught classics at Lausanne outside Geneva and then as chair of law

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\(^3\) Ibid., 459.

at Strasbourg in 1556.\(^5\) Hotman surrounded himself with Calvinist and Huguenot writers who wrote to protect Protestantism from the growing threats of the Catholic Church and monarchy. Foremost alongside Hotman’s *Francogallia* was Philippe de Plessis Mornay’s 1579 *Vindiciae contra tyrannos*. Mornay defined the Huguenot commitment to deposing a tyrannical king. The works appeared in response to events; in early 1560 the Duke of Guise and his followers were declared to have “seized the person of the King and the power of France” such that the Crown, the office of kingship, had been corrupted to tyranny.\(^6\) In 1572 Charles IX executed the directive “to seek total annihilation of the ‘heresy’” resulting in the St. Bartholomew’s Day massacres.\(^7\) The publication of *Francogallia* follows immediately in 1573. This remarkable historical work, in contrast to Calvinist resistance theory, stays close to Aristotle and Cicero when discussing first principles. However, unlike Calvin’s philosophical focus on reason to argue abstract truths, Hotman uses historical context to argue specific rights and purpose. What emerges is a constitutional argument on behalf of the ancient authority of the French people in civic association.

Hotman’s focus is the authority of the French public. Once distinctly separate peoples, the Franks and Gauls were united in their election of Childeric whose father and king of the Franks recovered Celtic liberty from the Romans, leading to their coalescence as a single state.\(^8\) By beginning with Childeric’s election as king of *Francogallia* Hotman emphasizes historical context rather than abstract truths. The authority of the people,

\(^5\) Hotman, 5-16.
\(^7\) Ibid., 48.
\(^8\) Hotman, 217.
Hotman found, remained in the council of the people and in the first principle of the state “Let the welfare of the people be the supreme law,” salus populi suprema lex esto.

Hotman cites Cicero in the first principle of Francogallia, later assuring us its king is subject to “well defined right and specific laws.” This Aristotelian conception of “princeps politicus…meaning either a ruler who rules by law (rex) and neither by arbitrary decree (dictator) nor by virtue of lordship (dominus), or a ruler who holds office by election” would be familiar to Hotman’s audience. In Francogallia citizens (cives) were individually associated by laws administered by a council of all the estates. The sort of civic association Hotman describes can be called societas civitas where individuals within a legal pact choose “not to act in concert, but to acknowledge the authority of certain conditions.” From Roman private law, this understanding of association remained amongst scholars through their reading of Cicero, and was often “transferred by fifteenth-century writers to a realm and the subjects of a king.”

Hotman built a strong reputation as a legal scholar that extended beyond his peers in France into the Netherlands and Germany. In the introduction to De iure belli ac pacis, Grotius praised Hotman and Bodin for their work as foremost French jurists, “who had made law intelligible through history.” Hotman’s emphasis on historical context, the histories of medieval chroniclers and the ancient philosophers represent his constitutional focus. The Calvinist resistance movement focused on the right of citizens

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9 Hotman, 303. Hotman cites Aristotle and the governments of ancient Greece and Rome in support of Francogallia’s public council for the protection of the life and property of its citizens.
10 Ibid., 297.
12 Ibid., 201.
13 Ibid., 213.
14 Hotman, 114.
to take up arms against a ruler who had forfeited his place as magistrate by violating the condition of the rule of justice.\textsuperscript{15} They drew from Luther’s 1531 tract \textit{A Warning to His Dear German People} that declared if the emperor begins a war “it will be no longer possible to accept the emperor as a lawful magistrate…since his conduct will be ‘built exclusively on force.’”\textsuperscript{16} In contrast to Hotman, where the people’s civic authority resides within the council body, Calvinist supporters understood authority to reside in an unspecified body of the people themselves. That is, citizens, not their representatives, could act against a king who had violated the conditions of kingship when he forfeited his fictional persona as representative of the state. Further, they believed it their moral right to defend the lawfulness of the state since the state existed for the welfare of the people.\textsuperscript{17} Mornay’s \textit{Vindiciae contra tyrannos} invokes this sort of tone and theoretical standing. In contrast, \textit{Francogallia} relies on the representative body of the people to enforce the conditions of the realm and buttresses its council with concrete historical constitutional obligations rather than the abstract rights, which informed the Calvinist resistance movement.

Parker’s audience is the average literate Englishman and not a scholarly audience. Parker declares in the introduction of \textit{Some Observations} to discover the efficient and final causes of parliamentary and royal authority. He largely cites first principles such as Cicero’s \textit{salus populi} to denounce royal prerogative in favor of parliamentary supremacy. Hotman himself denounced royal prerogative, arguing that

\textsuperscript{16} Ibid., 316.
\textsuperscript{17} Ibid., 324.
public law required consent of the people and historical support. His Antitribonian of 1567 declared Justinian’s Corpus Juris Civilis inaccurate because it did not consider the historical Roman institutions from which it collected its laws.\textsuperscript{18} Hotman moved away from a Roman model in France and developed an argument for local custom, as he did in contrasting Germanic and Frankish history while preparing his Antitribonian. His support for French custom grew after discovering the lack of Roman law influence in France under the Merovingians.\textsuperscript{19}.

Unlike Hotman who describes civic association in Francogallia as societas civitas, Parker understands civic association in England as purposive; it was the common good. Parker feared a powerful Catholicism would sweep over the court and corrupt the office of king, turning Charles away from his people’s welfare and make him their enemy. By publishing The True Portraiture in 1650, Parker could defend the deposition of monarchy when the threat to the commonwealth was immediate. The king had already taken leave from his people and openly attacked them with his army. Charles had acted in the ways Calvinist supporters argued justified deposition of a tyrannical ruler. He had acted without regard for the law, which bound him to present himself to Parliament, bound him to protect the safety and welfare of his people and to reject benefiting Catholic authority.\textsuperscript{20}

Hotman and Parker shared a Roman conception of liberty and a fear of a malicious and united Catholicism. Parker’s 1650 inspiration for deposing Charles is consistent with Hotman’s constitutional arguments in Francogallia. What separate them

\textsuperscript{18} Hotman, 28.  
\textsuperscript{19} Hotman, 33, 36.  
\textsuperscript{20} Kupperman, 17-33.
are their contexts. Foremost among these contextual constraints were the audience and sophistication of Hotman and Parker’s respective works. Parker did not have the time to produce a work comparable to *Francogallia*, since his audience was watching and participating in on-going events. What separates Parker from Hotman in scholarship is also what distinguishes him in populist support. The anxiety and sense of immediacy within Parker’s work reflects a man whose talent must be contained abnormally within the tract format. As an agent of change, he must work quickly alongside the events in which he was emerged. It was an issue of focus. Unlike Hotman, Parker was working from within as parliamentarian and later Secretary to the Irish Army under Cromwell. His visibility remained high and placed him at some palpable threat. *Francogallia* will remain among the foremost texts of the religious wars in France and of constitutional theory in Europe. Parker has not received such attention until recent years and due to the limited content of his work, they do not offer so deep a reflection into the history of political ideas in sixteenth century Europe. *Some Observations* and *The True Portraiture* document Parker’s contribution to a campaign using the larger political ideas of the time, while *Francogallia* contains a fuller survey of their many sources.

In the seventeenth century, monarchs functioned constitutionally as both head of state and head of government. In the public and private personae of England’s James I and his son Charles, kingship concluded a dual majesty. The king was both *maiestas realis* and *maiestas personalis*.

That is, the king functioned as both ruler of his physical subjects and representative of the empire as head of state. In England, the king remained

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a private persona at court and a public persona as “King in Parliament.” During the Civil War years, Charles began to meld his two personas into a single authority, away from traditional civic order, and leading up to the proper limits of kingly authority.

The “King in Parliament” remained unique to England, and though the king had a public and private persona, his complete authority to make law demanded his being in parliament. Thus, in seventeenth century England the King was composed of his “immortal body politic and his material body natural.”

During the Civil War, this limited the capacity of parliament to request any component of the king’s body politic to move against his immortal body as head of state. Specifically, “it would have been next to impossible for Parliament to call…in the name and by the authority of Charles I, King body politic, the armies which were to fight the same Charles I, King body natural.”

Charles commissioned several medallions in 1642 representing himself as King-in-Parliament to display his public persona to his subjects and parliament. On one side of the medallion was imprinted the King’s body natural represented by a portrait of Charles; on the obverse the inscription, PRO RELIGION LEGE REGE ET PARLIAMENT, to convey the notion that the king “Should Hear Both Houses of Parliament for True Religion and Subjects Freedom Stands.” Thus, Charles had extended to his subjects and parliament the recognition of his presence in parliament as a partnership for the creation of law and civic stability.

Charles melding of public and private personae extended the conception of kingship begun by his father King James I. James had understood himself as both public

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22 Kantorowicz, 21.
23 Ibid.
24 Ibid., 22.
and private king whose two roles should coincide to represent a king united in belief and action, “teach your people by your example,” he had said.25 Yet James understood himself obliged by the law according to his own willingness, even when not personally inclined to do so, once declaring, “a good King, although hee be above the Law, will subject and frame his actions thereto…of his owne free-will.”26 During Charles’s period of Personal Rule he had discarded traditional constitutional arrangements between himself and parliament, effectively separating himself from England’s lawmakers. Combined with the dismissal of the Short Parliament Charles had projected the image of a king of solidarity authority.

England’s constitutional crisis in the 1640s challenged the character and place of the monarchy. The parliamentarian cause sought liberty from an absolutist crown and law propelled by the subjects’ representatives in parliament. To defend this position the king’s opponents had to seek new sources and authorities for the time and proper form of the English monarchy. Thus, it is no surprise that Roman concepts of liberty revived during the Italian Renaissance informed the parliamentarian arguments against Charles and the Royalists.27 Maurizio Viroli28 and Peter Burke29 have shown arguments on behalf of reason of state appeared in the Italian city-states as early as the trecento and developed their modern meaning and came into use in England by the seventeenth century. Reason of state became a criticism levied by Englishmen to characterize a leader whose rule had

26 Ibid., 192.
27 Skinner, Liberty Before Liberalism, 50-51.
an absolutist character. Henry Parker was one of those Englishmen who identified *reason of state* as an emblem of rhetoric distinctly useful to tyrants and characteristic of the English experience with monarchy.

It may be useful to point out that by studying the linguistic contextual history of civic authority Skinner, Burke and Viroli each support the older approach to political and cultural history that was expressed in Kantorowicz’s work. In doing so, the work of these writers can be understood as drawing on an established historiography which has produced texts fundamental to our understanding of seventeenth-century political thought.

Henry Parker’s works drew on the growing rhetorical tradition of seventeenth-century England and distinguished his pragmatic approach. By appropriating ideas across cultural and historical contexts Parker moved his audience as civic circumstances demanded. The transition evident in Parker’s work, beginning with his common law arguments in *The Case of Shipmoney* and later rhetorical attack on the image of the King in *The True Portraiture*, exposes his diverse influences and flexibility. The cultural influence of Hotman’s *Francogallia* and the Roman orators allowed Parker to accomplish two critical effects. First, to connect past crises with his support for the importance of constitutional government, and second, to move away from the limitations of the ancient constitution and the support it received through custom in common law courts and the image of the king. Parker’s rhetoric unified themes for radical changes in thinking, particularly a world without monarchy.
CHAPTER V

SUMMARY OF MAIN WORKS: THE
KING’S AUTHORITY VERSUS
THE KING’S IMAGE

Henry Parker’s writings were a well-read, active citizen’s responses to specific situations. Parker’s intellectual development is a progression toward republicanism. The fundamental principle guiding Parker’s thought throughout his works is the Roman republican maxim salus populi suprema lex esto, let the safety welfare of the people be the highest law. Parker’s first major work appeared as The Case of Shipmoney Briefly Discoursed (1640). As previously noted, up to 1634 Ship-money was a tax on maritime counties to protect against pirates, that since 1636 had been attempted to be collected throughout England and, then, became an emblem of the king’s Personal Rule under prerogative. In The Case of Shipmoney Parker uses a Roman conception of liberty to show how the arbitrary authority of prerogative places the people of England in a state of slavery. Parker argued against the authority of the ancient constitution on behalf of neo-classical principles of law\(^1\) inherited by the English people from Roman sources

\(^1\) J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1987), 21-22. Pocock distinguishes neo-Bartolism writers, including Hotman, as searching for the original meaning of the fundamental principles of law as they were inherited from their Roman sources, including conceptions of liberty. In Francogallia, Hotman appealed to customary law on account of it belonging contextually to France.
such as the Corpus Juris Civilis and Cicero’s De Legibus.² From De Legibus, Parker invokes Cicero’s republican, salus populi suprema lex esto. Parker is echoing the humanist writers warning that if a people exist in a state of slavery, the virtues of justice, fortitude and temperance are diminished, their relationship to the ruler becomes that of master to servant and the vita activa is diluted. The result is a non-republican state, incapable of producing virtuous outcomes and contrary to the conception of liberty parliament supported.

The Case of Shipmoney is argued by Parker as a legal case whose constitutional foundations contradict parliament’s intended purpose and authority. According to Parker, the king was acting against the consent of the governed by using the ancient constitution’s support for prerogative over the safety and welfare of the people. Parker’s legal training is represented in his focus on the consent of the people as the first authority, the will of parliament as representative of the people and only temporarily residing in the king while in parliament. Scholastic and common law arguments frame the beginning of Parker’s intellectual development.

In June 1642, Charles I’s response to parliament’s Nineteen Propositions supported the accusation the people of England were living in servitude because in it Charles asserted the power over parliament by right of prerogative.³ By July 1, Charles

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³ Bucholz and Key, 172. In the Nineteen Propositions Parliament expressly requests “the great affairs of the kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn councilors, but that such matters as concern the public, and are proper for the high court of Parliament…, may be debated, resolved, and transacted only in Parliament…” Charles I’s response declares the authority of these appointments “placed in the king” without which the king would be “disabled to preserve the laws in their force, and the subjects in their liberties…” Charles I’s Answer to the Nineteen Propositions is assertive of his God-placed authority under the ancient constitution and dismissive of the place of Parliament.
issued his Commission of Array, which called the king’s subjects to defend the realm. This act prompted the Commons’ criticism that it “imposed ‘a heavier Yoke of Bondage upon the People, than that of Ship-money.’ ”⁴ Beyond the yoke of prerogative restricting parliament’s authority consistent with common law and Magna Carta, the king now wished “‘not only to impose Arms, but to command the Persons of the subjects at pleasure.’ ”⁵

In *The Case of Shipmoney* Parker describes the effect of prerogative as making England’s subjects “the most despicable slaves in the whole world.”⁶ Parker’s 1642 declaration in *Observations* is in support of the rule of law over that of religion, “man being depraved by the Fall of Adam grew so untamed and uncivil a creature that the law of God written in his breast was not sufficient to restrain him from mischief or to make him sociable.”⁷ Royalist religious supporters for the supremacy of God’s law in civic matters responded to Parker’s accusation that prerogative created a condition of slavery by defending it. William Ball’s 1642 reply to Parker’s *Observations, A Caveat for Subjects*, proclaimed “when God established ‘power and dominion,’ he not only intended ‘that some should bee masters and others servants,’ but that ‘some should become slaves to tyrants.’ ”⁸

Parker’s *Observations* expands his neo-classical arguments for liberty against prerogative and furthers his support for the sovereignty of parliament. *Observations* was

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⁵ Ibid., 293.
widely read and resulted in Charles I’ declaration that its author be punished.9 Parker contests royalist claims that Divine Right is the king’s primary source and purpose of authority. According to common law, God and ‘artificial law’ are the source of royal authority whose purpose is to serve the propriety of the state.10 Parker argues that the source of the king’s authority lies in the consent of the people with the purpose of protecting the safety and well-being of England’s subjects.11

Parker begins Observations by pledging a scholastic approach, to consider the “efficient and final causes” of royal and parliamentary authority. Here he invokes Aristotle’s concept of efficient and final causes. By efficient cause, Aristotle intends the primary source of a thing,12 and by final cause the natural and purposive source of a thing.13 By describing why a particular form exists in the natural world,14 Parker’s promise is to follow a logical description of the source and purpose of royal and parliamentary authority using Aristotle as his template. The Aristotelian syllogism aims to supply proofs to the reader15 and lacks an emphasis on eloquence. Parker’s style here is scholastic and direct and would have served him well within the context of Observations being published as a pamphlet whose larger audience was the English people.

In seventeenth century England the supremacy of common law adaptations of Roman law remained in dispute. In contrast to the common lawyers, the royalist aim had been to provide a history of the constitution that emphasized the king’s authority under

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9 Zaller, 268.
11 Ibid., 167-68.
13 Ibid., 35.
14 Ibid., 27.
15 Skinner, Visions of Politics, 2:36.
his prerogative. Royalists focused on the immemorial character of the ancient constitution and a search for precedents proving the like. Thus, the king becomes the constitution and remains the sole authority of the realm such that his word is the constitution. Common law becomes an insular institution dependent on the voice of the king for its meaning.

Many common lawyers themselves understood prerogative as a fundamental result of the process by which laws were created. In court, artificial reason stood for professional law and was manmade. In seventeenth-century century English thought natural reason was most frequently believed to represent custom as it was practiced within the community. When custom was addressed in court and a decision rendered, the barrister’s decision represented its transition into law. The distinction represented the expertise of the legal profession, and the ability of these barristers to take into account both natural and artificial law. This notion lead common lawyer Sir John Doddridge to declare “it is artificial reason; the reason of such as are…skilful in the affairs of men” that distinguishes reason of the common man from the professional. Because parliament was the highest common court and required the king’s consent or dissent to make law, the king represents the final constitutional approval, called prerogative.

In Observations, Parker argued against the law of royal prerogative, and asserted its subservience to the natural law of salus populi. Since Elizabeth’s reign, prerogative allowed the king to deploy a statute at his pleasure, but this statute could not go against the law of nature. Common lawyer Edward Coke declared arguments on

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16 Pocock, 148-149, 150-156.
19 Cromartie, 101.
behalf of the public good alone were not capable of dispensing a statute; government action could not be encumbered on behalf of the public good. Thus, Parker is arguing against fundamental principles of common law and royal prerogative.

The result is that Parker questioned the king as sole authority of the state. Parker agreed the king is the sole person the people have conveyed consent in; yet he argues the people themselves are the source and purpose of final authority in law by virtue of their consent. That is, the people hold a universal authority temporarily entrusted to the King, “though he be singulis Major, yet he is universis minor.”

Parker’s argument in Observations is an attack on the ancient constitution using the fundamental principles of law according to natural reason found in Roman sources. As previously notes, Parker uses the maxim salus populi to represent the original authority of the people according to natural reason. The consent of the people in the acclamation of the king at coronation constitutes the people’s ability to make law there after. Parker cites the word Eligerit in the coronation oath as evidence that the people’s election of the king was founded on ancient law. Since Edward II, the word eligerit within the context of the coronation oath is a promise to “accept and enforce laws which his subjects (the communitas) were to elect for him at a later date.” Observations emerges as a constitutional argument supporting the authority of the people in Parliament.

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20 Cromartie, 101.
22 Ibid., 169.
23 Ibid., 171.
Parker argues the basis of law is in the consent of the people by natural reason, and its purpose is their well-being. Thus, the people represent the end of good government in England. Parker believes royalist images of the king as God, father, husband or feudal lord were contrary to good kingship because they threatened the well being of the people.\(^{25}\)

\[\text{…as to themselves [kings] are most unlike God; for God cannot be obliged by anything extrinsecall, no created thing whatsoever can be of sufficient value or excellencie to impose any dutie or tye upon God, as subjects upon Princes: therefore granting Prerogative to be but mediate, and the Weale Publike to be finall…}^{26}\]

*Observations* presents Parker understanding parliament as the highest English court with the authority to make law and to have constitutionally bound the king’s acceptance and obedience in coronation. It is a response to Charles I’s 1642 challenge to these principles in *The Nineteen Propositions*. Charles asserted parliament’s role beyond a mere council would constitute control over the king, a thing “*not suitable to Royaltie.*”\(^{27}\)

The grounds for the king’s assertion can be found in a decision by Chief Baron Fleming under the king’s father James I. Fleming ruled in 1606 that James could impose customs duties by ‘absolute power,’ “to the general benefit of his people, and is *salus populi.*”\(^{28}\)

Although Fleming’s argument included the well-being of the people, it was understood extra-legal spheres existed where “the monarch had non-legal discretionary powers” in “matters too high for rational discussion.”\(^{29}\) Parker leaves his argument pointing to a contradiction between lower courts and parliament. If lower courts are capable of making

\(^{26}\) Ibid.  
\(^{27}\) Ibid., 175.  
\(^{28}\) Cromartie, 94.  
\(^{29}\) Ibid., 95-96.
law without the possibility of royal condemnation or controlling the king, how is it that
the two Houses of Parliament cannot?\footnote{Parker, “Observations,” 175.}

*Observations* and *The Case of Shipmoney* are responses to the events and
political debates surrounding the Civil War. Parker’s final tract, *The True Portraiture of
the Kings of England: Drawn from Their Titles, Successions, Raigns and Ends (1650)*,\footnote{Parker, “True Portraiture,” 1-48. Several editions were printed, including this 1688 edition to which was added *A Political Catechism*, wherein Parker defends the authority of the parliament against royalist claims.} imagines a world without monarchy. *The True Portraiture* is a direct assault on the image
of the king shortly after the execution of Charles I on 30 January 1649. *The True
Portraiture*’s significance is its historical criticism of the kings of England as reflected in
the mirror of King Charles I’s official image. Parker’s title implies that a false portrait of
kingship, of Charles himself, has been professed and accepted. It would have been
otherwise quite unnecessary for Parker to condemn an image of the king as wholly unaccepted. The image of Charles I represented a dramatic shift from the rule of his
father James I.\footnote{Roy Strong, *Van Dyck: Charles I on Horseback* (New York: Viking Press, 1972), 14. Colonel Hutchinson wrote the following description c. 1664 of Charles court compared with his father James’s: “The face of the court was much changed in the change of the king, for King Charles was temperate, chaste and serious; so that the fools and bawds, mimics and catamites, of the former court, grew out of fashion; and the nobility and courtiers, who did not quite abandon their debaucheries, had yet that reverence to the king as to retire into corners to practice them. Men of learning and ingenuity in all arts were in esteem, and received encouragement from the king, who was a most excellent judge and a great lover of paintings, carvings, gravings (sic) and many other ingenuities.”} James’s rule had been characterized by reckless indulgence, his
declaration of ‘absolute power’ in 1606\footnote{Cromartie, 94.} and his inability to control England’s radical Protestants.\footnote{James I (King of England). “Basilikon Doron,” in *The Political Works of James I*, ed. Charles Howard McIlwain (Cambridge: Harvard University Press, 1918), 3-52.} Unlike his father, Charles often remained secluded with a program to
deploy his royal image as publicly palpable.\textsuperscript{35} The king’s image was equivalent to the king himself, and public visibility of the king meant public authority, “for that any disgrace offered his Majesties figure is as much as to himself.”\textsuperscript{36} In 1631-1632, Charles printed coinage containing the following inscription, ‘CHRISTO AUSPICE REGNO,’ “I reign by Christ’s favor,” thus declaring his rule not by absolute power, but by divine right.\textsuperscript{37} Acknowledgement of Charles I’s authority by divine right continued until 1640 and the onset of the Civil War.

Flemish painter Anthony Van Dyck joined the king’s court in 1632 with the rare grant of Knighthood.\textsuperscript{38} During his time at court, Van Dyck painted the definitive portrait of Charles I, \textit{Charles I on Horseback} (1637-1640).\textsuperscript{39} Roy Strong assures Van Dyck’s portrait “must also reflect the climate of the English court during the 1630s, the aims of Charles I and his circle as expressed in their artistic policies.”\textsuperscript{40} Van Dyck’s image of Charles served to extol a particular character of kingship that would itself be the basis of Charles’s later image as Christ and martyr.\textsuperscript{41}

On 30 January 1649, at the entrance of Whitehall Banqueting House, the king was executed and almost instantly declared a martyr. He had been set upon by the “barking dogs” in parliament, reduced from his rightly status as king, he had been “too

\textsuperscript{36} Ibid., 179.
\textsuperscript{37} Ibid., 183.
\textsuperscript{38} Strong, 18.
\textsuperscript{39} Ibid., Plate 1
\textsuperscript{40} Strong, 19.
\textsuperscript{41} Ibid, 30.
good for this world.”42 The image of Charles the martyr was represented in the frontispiece of *Eikon Basilike* distributed the very day of his execution.44 *Eikon Basilike*, ‘royal image,’ is believed to be the written response of Charles I to his subjects.45 It responded to allegations of the king’s tyranny, his abandonment of Parliament, his order to the army to engage the people’s militias, and his departure from London. *Eikon* means to represent the king’s loyalty to his subjects, especially to those who understood him as a guiltless victim of poor advice.46 By 1660, at the restoration of the monarchy, the cult of the Royal Martyr was sanctioned, and an official service ordered to be held annually in every parish church.47

*Eikon Basilike* was a “printed text and serves to complement the theatrical triumph on the scaffolds,”48 the king’s final earthly act. In a letter written 2 December 1642 to his cousin, the Marquis of Hamilton and early in the conflict, Charles I wrote he believed that he would not survive the Civil War, but would be “‘a Glorious King, or a Patient Martyr.’”49 Many of the events leading up to 1649 appear to have found a place in his thoughts in *Eikon*.

Charles’s confidant and Anglican clergyman Edward Symmons warned Charles against his writing, part of which, including ‘His Divine Meditations,’ were

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43 Ibid., Plate 2.
44 Strong, 30.
46 Raymond, 51.
47 Strong, 30-31.
48 Wilcher, 218.
49 Ibid., 219.
captured by Henry Parker’s forces at the Battle of Naseby in 1645 and later returned to the king in 1647. Symmons began composing a vindication of the king prior to Naseby and *The King’s Cabinet Opened*, as penned in part by Parker. Symmons would publish *A Vindication of King Charles: Or, A Loyal Subjects Duty* in 1647. In *A Vindication* Symmons explicitly compares the life of Christ to that of Charles and what the future may bring:

> In a word, as Christ was belyed, slandered, betrayed, bought and sold for money, reviled, mocked, scorned at, spit on…and at last put to death; even so hath the King been used in all respects, by his rebellious people, who have alreadie acted all the parts which the Jewes acted upon the *Son of God*…

Symmons’ theme contributed to a unique and successful imagery, and though the king’s own contribution is uncertain, it is expressly deployed in the final chapters of *Eikon* itself.

The text of *Eikon* includes the papers returned to the king in 1647 following their capture at Naseby. An associate of Symmons, John Gauden appears to have methodized the near final work, attempting to publish it under the name *Suspiria Regalia*, or *The Royal Plea*. It was not until it was in the printing-shop that the name *Eikon Basilike* was chosen. The king approved Gauden’s manuscript in October of 1648 and the bulk of the king’s papers appear to be written from the perspective of 1647. It has been suggested the title change from *Suspiria Regalia* to *Eikon Basilike* represents the acknowledgement that it was too late for any ‘plea’. *Eikon* remains a testament to the image of the king during the Civil War years and to its effectiveness resonating with the king’s subjects.

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50 Witcher, 219-227.
51 Ibid., 220.
To this day, over 350 years following the regicide, King Charles I is celebrated as a martyr and saint. *The Society of King Charles the Martyr*, whose patrons Lord Nicholas Windsor and Lord St. John Fawsley, celebrate Charles as martyr and saint during the annual Feast of Saint Charles held at the Banqueting House in Whitehall.\(^{53}\) Included in the society’s holdings are a liturgical manual instructing its reader in the lessons and hymns commemorating Charles. Furthermore, the society holds a pair of ornately decorated gloves given to the Bishop of London by Charles shortly before his execution. The collection of relics following Charles execution was fundamental to the establishment of cults such as this one. *The Society of King Charles the Martyr* represents the image of the king prior to the Civil War and his execution, which characterized the king as “the Lord’s Anointed’…as a knight in the service of both religion and love.”\(^{54}\)

The royal image of Charles I drew on themes developed by his father James in the early seventeenth century. On 21 March 1609, James addressed Parliament with a speech summarizing his arguments for Monarchy by Divine Right. James argued kings were the ‘parens patriae,’ or political father of their people and alike to God by representing divinity in their kingly authority; the “head of this Microcosm of the body of man.”\(^{55}\) Charles drew upon the royal image developed by his father and France’s Louis XIII to achieve the personification of virtue that “every act of his is an exemplification of one or other of his divine gifts.”\(^{56}\) Van Dyck’s *Charles I on Horseback* represents the

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\(^{54}\) Strong, 43.

\(^{55}\) Ibid., 43, 89.

\(^{56}\) Ibid., 90.
king’s virtue and authority as monarch by divine right, and the program of projecting the royal image in England prior to the regicide.

The ideas supporting the ritual and image of the king create coherence beyond their allegorical character. The theme of a single imperial prince portrayed in Van Dyck’s work represents the king’s successful union of Britain, Ireland, and Scotland under a single divine authority. On the portrait’s right side, a large plate reads CAROLVS I REX MAGNAE BRITANIAE, “Charles I King of Great Britain.” In 1604 Parliament debated whether James could present himself as Emperor and rename the states of England, Scotland, and Ireland Great Britain. James asserted his royal prerogative against parliament and declared himself King of Great Britain. Equestrian portraits themselves represent great distinction. The Roman Empire excluded anyone but the emperor alone from equestrian portraits, emphasizing majesty and virtue. The influence of ancient Rome remained powerful sustained by the belief that the past held ancient truths useful in resolving present conflicts. Therefore, Van Dyck’s portrait is recalling James’s declaration and presenting Charles as a virtuous emperor in the Roman tradition.

The breastplate Charles’s wears in the portrait is of Saint George of the Order of the Garter, declaring Charles Garter Sovereign. The significance of the Garter Sovereign connects to Saint George’s Day and the processional ceremony involving military, civil, and ecclesiastical leaders. The celebration was intended to “bind those of the highest rank in chivalrous loyalty to the Crown and its policies.”

57 Strong, 45-59.
58 Ibid., 59.
authority whereby Charles was represented as saint, warrior and emperor. The king as virtuous, capable of prerogative, divinely blessed, and ruler of his kingdom in matters military, civil and ecclesiastical characterized the royal image from 1629-1640.

Ecclesiastical authority is important in Parker’s work and has a place in his argument for right reason. Parker argues that in the legal world, as in the physical world, reason without God cannot yield peace or happiness. God, ecclesiastical authority, represents a necessary condition to avoid civil chaos. Thus to stray from God’s law is the “neglect of a right Sence.” Parker states it is the, “the pride and ambition of men,” that forgo God and lead civil society away from peace. Parker’s writing before The True Portraiture does not reveal a religious sense, however, because The True Portraiture was authored for a broader audience, scripture was necessary for the readership. At times pamphleteers were “speaking to plain men” not familiar with formal book knowledge “unless it was scripture or Magna Carta.” Parker illustrates pride and ambition as predominant in hereditary government, such that the people are punished when pride and ambition are chosen over God’s will and leads them to unhappiness.

The majesty of monarchy served as the conceptual center of royal religion. The belief that the king himself was anointed by God to rule by divine right and head of the Church of England dually placed him at the center of religious and civic authority. Parker’s attack on Charles’s image was equally an attack on royal religion and replaced it

59 Strong, 63.
60 Parker, “True Portraiture,” 2.
61 Ibid., 3.
62 Ibid.
63 Ibid., 3-4.
64 Ibid., 3.
65 Ibid., 5.
with the republican idea of *salus populi*. As mentioned, the place of ecclesiastical authority held importance for Parker. However, it was not to be supplanted or used to disguise tyranny. Parker argued for rule by civic law, produced by a representative body and legitimate through the consent of the people. Religious law had no place in guiding civic matters. Civic law was intended to protect the safety and welfare of the people.

The 1649 Parliament had succeeded in being rid of a king, but they continued to have trouble succeeding in uniting the kingdom. Civil war erupted in Ireland in the summer of 1649 and Henry Parker was appointed secretary to the Irish army under Cromwell, himself commander in chief. Parker’s political experience found favor in Parliament where he “enjoyed the full confidence and favor of the Commonwealth.”

Although Parker’s tenure in Ireland would be brief, it is believed he died there in 1652, where likely he penned *The True Portraiture*.

Parker’s “early and unequivocal attack upon the King and regality” began in 1644 with *Jus Populi*, a sharp critique of absolutist government. Parker had followed his family’s parliamentary tradition in arguing that royal authority was incomplete without parliamentary support in *Observations*. *The True Portraiture* differs from *Observations* in that it attacks the royal image, the very character of King Charles and kingship itself. It forcefully argues that England has been governed not by a tradition of rightful heirs but by a tradition of tyranny by royal deceit.

By 1649, Parker had transformed from a onetime loyal subject, common lawyer, the son of a parliamentarian and prominent family serving England, to a chief

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66 Jordan, 36, 37.
67 Ibid., 144-45.
political opponent of the king whose final work imagines a world without monarchy. Braced by republican virtues and intolerance for absolutism, Parker abandoned his common law and scholastic models to create a rhetorically styled response to the image of Charles I. This response perhaps can be attributed to the absolutist rhetorical style that had become the foundation of much of Charles I’s royal propaganda.

Parker begins *The True Portraiture* with a note to the reader, “There is no other study where the passions of men do more impetuously contravene, and overturn right Reason.” By the “passions,” he means private interest. He committed to reveal the freedom from oppression that the English constitution actually possessed. He promises to do this by “sensual proof, than from Syllogisms.” Aristotelian rhetoric, mastering syllogisms, had fallen out of favor in England and represented unnecessary confusion. Reason, was the name common law lawyers gave to their system. To overturn right reason would be to act against the law and violate the legal tradition he had been trained in. Parker must have continued to use neo-classical arguments for the supreme authority of the people without offending his parliamentarian supporters, “having an eye and due regard for justice, and a consideration of the commonwealth wherein they live.” Parker is asserting he will prove by his senses and law the true image of the king and the constitution, against the false image represented by Charles I.

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68 Parker, “True Portraiture,” A2.
69 Ibid.
71 Cromartie, 83.
72 Mendle, “Henry Parker,” 678. Henry Parker took the degree BA from St Edmund Hall in 1626, proceeding MA in 1628, and he was then admitted to Lincoln’s Inn in 1630 and called to the bar in 1638.
73 Cromartie, 83. Sir John Doddridge is quoted here from his work *The English Lawyer* (1631) emphasizing the superior nature of the uncodified common law system due to its ability to consider diverse elements of law, justice and the public good. Doddridge lived until 1628, about the time Parker would have been receiving his legal instruction at Lincoln’s Inn.
Parker attacked the character of the king and emphasized the meaning and use of the term “policy and craft.”  

Policy and craft represented a tradition of political language beginning in *quattrocento* Italy and moving north in the *cinquecento*. Policy was an act on behalf of *reason of the state*, or the knowledge required to maintain “stable rule over people.” *Craft* too was associated at this time with the making and interpreting of law. Taken from *artifex*, or craftsman, this term distinguished the professional character of the law maker in England in the seventeenth century. Parker’s intention was clearly negative and used to describe the process that tyranny, “what by power and force, and what by policy and craft, got the same power entailed on their heirs, and so by custom have made succession the only right.” For Parker the “right of succession” represented government without consent and therefore tyrannical government. In England Charles’s image exemplified craft because it employed rhetorical devices to display his authority as legitimate and benevolent when it was not. The *Eikon*, coinage and portraits represented his kingship contrary to its actual events. Eloquence used to disguise tyranny.

Maurizio Viroli has acknowledged the importance of the concept *reason of state* since its inception in Italy to modern notions by 1600. Viroli emphasizes “Reason of state” should be taken to mean “the derogation of ordinary law for the public good… on behalf of a higher and more universal norm.” The distinction between good and bad reason of state is in its use. Good reason of state intends for public well-being, bad reason of state involves the correction of law for private purpose. Reason of state must

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75 Viroli, 1-8.
76 Burke, 483, 488.
77 Cromartie, 83.
79 Viroli, 273-74.
acknowledge the supremacy of moral law and religion. Peter Burke, “True reason of state is limited by justice, piety, the law of God.” 80 In his 1609 work, *Dissertationes Politicae sive Discursus*, Scipione Ammirato argued that the prince should represent “justice and liberality,” but “the state ultimately is the prince.” 81 Submission of religion to ambition, Viroli argues, characterizes the modern notion of reason of state. 82 If religious law was to be considered in decisions justified by reason of state, it is clear that exceptions were common. Burke notes that Ben Johnson was one of the earliest men in England to use the term “reason of state.” He claims that its appearance in Johnson’s “Tom May (line 489), Cyrano de Bergerac (act I, scene 5), and Pierre Corneille (act I, scene I)” represent this modern meaning. 83 Johnson used the words ‘policy’ and ‘the times necessity’ to describe reason of state in the sense Louis the XI had employed the phrase “he who can’t feign, can’t reign.” 84 Johnson had identified *reason of state* as a rhetorical device used, “to provide some sort of justification for the art of the state,” 85 including the interest of the ruler. Thus, by “policy and craft,” Parker means to describe a tyrannical government led by the personal ambitions of its ruler. *The True Portraiture* follows the continuous destruction of the people’s liberties by the kings of England and the leaders of the Church.

Parker began chronicling the kings of England with Alfred, King of the West Saxons, and follows the Saxon/Danish competition for England. He notes only under Canutus the Dane, his sons Harold and Hardicanute, were the “Usurper, & immediately

80 Burke, 481.
81 Viroli, 253.
82 Ibid., 264.
83 Burke, 488.
84 Ibid., 487.
85 Viroli, 7.
interrupted the right of succession.” People were subjected to serve in wars not their own, obey laws “in an unknown language,” and “bound to maintain with our blood and lives the branches of his this rotten root.”

Parker’s accusations focus on the treatment of the people as means, not “the original and end of Government” by nature. Without the King’s recognition of subjects as themselves the beginnings of government of the people, it cannot be said to retain its original liberty. Of Henry I, son to William, Parker remarks he “was to bait the people, and sugar their Subjection, as his Predecessor.”

Parker claims the rivalry between the House of Lancaster and York “began the Bloody Wars and Contests…which made the World to ring of the misery of the Civil Wars of England, and all about a Title.” Parker’s claim draws upon his previous assertion that pride and ambition disrupts the peace and the well-being of the state. Further, pride and ambition represent the abandonment of ecclesiastical teachings, favoring the will of man over God. That is, Parker has preempted any claim made in the rest of the text by the kings of England who might cite reason of state for their motivations. The further implication if the House of York and Lancaster prefer to satisfy their own prejudice than the well being of the people and their liberty as granted by God in nature.

Parker paints the early kings of England as the progenitors to a vicious and deceptive line of rulers. Parker cites the murder of Edward V by his uncle, crowned Richard III, and the crowning of Henry VII, who without hereditary relation to the

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86 Parker, “True Portraiture,” 17.
87 Ibid., 3.
88 Ibid., 19.
89 Ibid., 14.
90 Ibid.
Lancastrian line becomes King while blood heirs existed.\textsuperscript{91} This, Parker concludes, exemplifies “murther and deceit being most common principles of the right of most of our kings.”\textsuperscript{92} Parker presents a simple but significant flaw in an attack on divine right dynasty: If even the earliest kings had not ruled by natural heir, then how could contemporary monarchs inherit authority or divine blessing?

Parker is concerned with the liberty of the people because he believes it characterizes their condition in nature prior to their consent to government and represents an original right therein. Parker describes the rule of England’s first Norman King, William the Conqueror, as tyrannical and destructive to both the liberties of the English people and their well-being.\textsuperscript{93} The notion had by 1652 become known as the Norman Yolk or perpetual impediment upon the original free condition of the English people. Specifically, the people were subjected to serve in wars not their own, laws “in an unknown language,” and “bound to maintain with our blood and lives the branches of this rotten root.”\textsuperscript{94}

The rule of Richard I, son of Henry I, represented the disobedience of the people’s consent. Richard’s sale of noble estates and titles, especially to clergy,\textsuperscript{95} in support of his crusades and the war with the Turks propelled Parker to decry the King’s

\begin{footnotes}
\item[91] Parker, “True Portraiture,” 15.
\item[92] Ibid.
\item[93] Ibid., 17-18. Parker identifies William I as “a most perfect tyrant,” changing the English law “especially wherein the English liberties were most transparent…and made new laws…writ them all in French.” Parker argues the well being of the people was diminished by the removal of the best and most faithful of the Nobility into Norman as Hostages…the most gallant of the English were transported to France to serve his Wars.”
\item[94] Ibid., 17.
\item[95] Ibid., 20-21. Parker notes the sale of the Earldom of Durham to “Hugh then Bishop of that that See.”
\end{footnotes}
consumption of the state. These properties Parker understands to be the peoples, and represent a trust not to be disposed of or alienated without their consent. Richard’s consumption of the state was not only the consumption of its resources, but consumption for a cause without the consent of the people. We recall that Parker argues the people’s consent through their representatives in Parliament constitutes an authority greater than royal prerogative. Thus, Richard’s sale of estates and titles violated his obligation to request the consent of his subjects and remained an illegal act.

Following the rule of Richard I, began the rule of King John. Parker immediately identified John’s rule as exemplary of reason of state. Parker characterizes John’s assent to the throne as, “…out of fear and policy of State, got the Crown with the expulsion of Arthur the right heir that through violence and oppression…made way to those great alterations in the government which followed.” Since by the seventeenth century reason of state meant the interest of the ruler, Parker uses the King’s confirmation as an example. Following his oath at St. Edmonds-Bury to restore the people’s liberties, Parker identifies King John’s “use of policy” as the tool of his deceit and states King John was “entertaining them with smooth and gentle Language.” Once he ensured his strength, he rejected his promise to restore the people’s liberties. The

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96 Parker, “True Portraiture,” 21. Parker states, “they [kings] more easily, and insensibly drain out their Blood, and purses, this was the end of this Rough and Lion like King.”
99 Viroli, 7.
100 Parker, “True Portraiture,” 22.
101 Ibid. Specifically Parker identifies John’s response to the people when provided a list of liberties to be restored, saying “Why do they not demand the Kingdom as well? And swore he would never grant these Liberties.”
suppression of the people’s liberty for the interest of the king remained principle targets of Parker’s criticism.

Parker claims the confirmation of Magna Charta formally established the people’s representatives in parliament as “joynt Regents with the King.”\textsuperscript{102} That is, a partnership between the king and his subjects, each capable of making demands on the other. When Henry III rejected the confirmation of Magna Charta\textsuperscript{103} the people responded with a call to ecclesiastical authority,

The People, knowing that no civil Promises or verbal Processions would hold in King’s raptured by Prerogative and devoted to Perjury to maintain their Tyranny, take a more ecclesiastical and divine way of obligation, swearing to excommunicate all that should be found infringers…\textsuperscript{104}

The threat of excommunication is the threat of falling out of God’s favor and handicapping the King’s ecclesiastical authority. In seventeenth century England, the king relied heavily on his influence within the church to persuade his subjects. Without support from the church the king would have lost a necessary ally. Parker ends the rule of Henry III with this instructive quotation from the book of Psalms, “put not your confidence in Princes, surely Men of a high degree are a lye.”\textsuperscript{105}

Throughout the work Parker grows more short tempered and cranky. He makes the following analogy regarding the relationship between kings and their subjects nearly two-thirds of the way through \textit{The True Portraiture}, “…if they give the People a little breadth, it…as they do with Men on the Rack, let them down, and give them Cordials, and Spiritful Liquors, that they may be the longer and more sensibly

\begin{itemize}
\item \textsuperscript{102} Parker, “True Portraiture,” 24.
\item \textsuperscript{103} Ibid., 25.
\item \textsuperscript{104} Ibid.
\item \textsuperscript{105} Ibid., 27.
\end{itemize}
tormented…” Parker cites the rule of Henry IV as characteristic of Kings’ interested in deceiving the people with liberties to gain support for his own projects of glory. Parker remains consistent in his description of ambition and glory as a poisonous pursuit. For Parker, the interests of the king are equivalent to the harm of his subjects.

Parker supports the importance of ecclesiastical law but often criticizes clergy in their support for the king’s acts against his people. Henry VIII, Parker praises for his “best Act,” the “Discovery of the Wickedness of the Clergy and casting off the Pope’s Supremacy.” It is curious that Parker does not criticize Henry VIII as viciously even though his rule was characterized by inconsistency and a court bankrupt by continuous wars. Parker is also remarkably gentle when describing Henry’s son, Edward VI, saying of him, “a Prince that was too good to live long.” Parker returns to sharp criticism, reporting on the rule of Queen Mary, “now both souls and bodies of the People are enslaved.” Henry VIII had established an independent church in England and overthrown the Pope, only to have Mary reassert Papal authority. The success of Henry VIII is thus undone by Mary.

It merits speculation that Parker has a dynamic history in mind. His legal attack on the ancient constitution in Shipmoney fundamentally challenged the legitimacy of common law authority based on the original intent in its Roman law sources. Parker’s argument appears to move from the belief that governments are obliged to progress. They are to remain conscious of past achievements and to build on them, not to retreat to the conditions which demanded their resolution. Observations emphasizes this belief in that

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106 Parker, “True Portraiture,” 32.
107 Ibid., 37.
108 Ibid.
109 Ibid.
the efficient and final cause of government is the people, and if abandoned citizens are returned to a condition of slavery. Parker’s attack on Charles I in *The True Portraiture* represents his rule as returning the people of England to a condition of slavery through prerogative, absolutism and the deceptions of royal religion. The continuity of Parker’s thought is in his conception of England experiencing decline and a retreat from progress.

With the death of Mary brings the reign of Elizabeth whereby, “England begins to flourish again.”[^110] Even with such a supportive comment, it is not surprising that Parker ends his discussion of Elizabeth here. He has again reserved space for those who demand no praise. James I is described by Parker as the image of royalty without the “Courage to prosecute it.”[^111] Parker considers the next heir, Charles I, as the greatest “Prosecutor of all the Designs of his Ancestors.”[^112] By “designs,” it is by now clear he means deceit and oppression, stating, “He lived an Enemy of the Common-wealth, and dyed a Martyr to Prerogative.”[^113] Parker ascribes the death of Charles I as by “Divine Providence.”[^114] That is, Charles was not a martyr to his people or the church, but to his own glory and private interest. His rule was not by divine right, for Parker it was his death divinely blessed.

Following his description of Charles I, Parker laments the religious war between France and England, ending with the suggestion that, “it behooves us to be the more careful, that we may not be said to dally with Divine Mercy.”[^115] He claims that for the faithful the sins of man can only be cleansed by the mercy of God. Our deceits and

[^111]: Ibid., 38.
[^112]: Ibid.
[^113]: Ibid., 39.
[^114]: Ibid., 38.
[^115]: Ibid., 48.
pursuits of pride, whether in matters private or public, stand as a testament to our character. Parker finds dissatisfaction in what he understands as an English tradition of deceit for private interest, one founded upon the falsity of royal succession.

In summary, the royal image in England programmed by James and Charles is attacked by Parker at its moorings. Parker has argued the true royal image is one founded upon deceit in its motivations, for personal glory and ambition; in its language, by reason of state; and in its actions, by violating the people’s natural condition as the end of government, its purpose to protect the well being and liberty of the people. Virtue is not found in kingship, but in the people’s struggle to maintain their liberty and well being against a dishonest institution. The people are portrayed by Parker as the heroes and warriors of liberty; they are both physically and constitutionally capable of defending their natural rights. Unlike James and Charles declaration of rule by divine right, Parker returned again to declare the authority of the people by the republican claim of salus populi suprema lex esto. Parker was a formidable influence at his time and shaped the ideas of the public and his peers during his years in parliament. The True Portraiture remains a document challenging the royal image in seventeenth century England and a profound example of royal criticism unlikely to have been published prior to the regicide. The True Portraiture belongs to its period and directly addressed issues of the period with a highly polemical style distinctive of its time. Without The True Portraiture, we would lack a sense of the innovations and range of thought that circumstance brings to the creation of political theories during the civil wars and the process behind the fortuitous rise and fall of political ideas and governments.

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116 Jordan, 22.
CHAPTER VI

CONCLUSION

Civil War England (1642-1649) was a world of civil crisis. His subjects perceived Charles’s army as a physical embodiment of his absolutist reign and an impediment to the king’s obligations according to the ancient constitution. Henry Parker published three significant tracts during this time, each representing his agency as a respondent to current circumstances and his attempts to resolve them. As discussed here, Parker’s writings aimed to persuade seventeenth-century English citizens of literary competence who were aware of the principle debates surrounding the king’s authority and the role of civil government by republican rhetorical inspiration. These principle debates struck fundamental attacks to the very paradigm of England’s cultural and civic identity. The continental influence of Hotman’s *Francogallia* challenged the theoretical legitimacy of the ancient constitution by examining the historical context in which civic institutions and law emerged in France. The Roman orators inspired a rhetorical language that Parker accessed to assert the original authority of the people in civil government. Parker’s intellectual development, as it connects to Hobbes, displays remarkable insight and casts the shadow of a talent not fully realized. The writings of Parker—on the spot—are not complete philosophies of state. They are particular responses to his connection to that threat of the state. Henry Parker needs to be seen as a significant figure whose works
The intellectual world of Henry Parker was defined by his circumstances. As discussed, his form of argument began as a common law criticism in *The Case of Shipmoney* (1640), moving toward an Aristotelian scholastic style in *Observations* (1642) and finally into a rhetorical style in *The True Portraiture* (1650). Parker in *The True Portraiture* is certainly at his best and most exhaustive, tracing the lineage of the English monarchy with skill and by their historical contexts. At the end of the work, Parker has imagined a world without monarchy, something Hobbes had not considered decisively. Like Hobbes, Parker understood civil government must have a sole authority whose legitimacy resides in the consent of its people and where liberty is the condition of existing within the state. Though the regicide took place in 1649, the motivations surrounding its fulfillment were not those of Henry Parker. Parker did not imagine a world without monarchy in England simply for the acts of one king; rather it was the shape of government he opposed. Monarchy meant rule, not for the safety and welfare of the people, but for the enrichment of an unconstitutionally bound class of rulers. For Parker, monarchy was inconsistent with the republican inspired model of government.

In this study, we see that Parker’s three major works changed in significance with circumstances. The very maxim Parker invokes, *salus populi suprema lex esto*, revives the Roman republican intent of *The True Portraiture* where Parker appears to argue for the release of the people of England from living solely under *potestate*. The title itself is a direct response to the king’s own portrayed image to the people of England. Parker’s language in *The True Portraiture* in usage of “reason of state” and “policy and
craft,” are criticisms of the corrupt continental language of politics that became common by the mid seventeenth-century. Parker returned to the past of the Roman republic to resolve his dissatisfaction in a government that had not progressed. From a rhetorical beginning, Parker challenged the very condition of monarchy and emphasized the importance of constitutional government.
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