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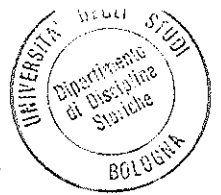
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Widerstandsrecht in der frühen Neuzeit

Erträge und Perspektiven der Forschung
im deutsch-britischen Vergleich

Herausgegeben von

Robert von Friedeburg



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Vorwort

Die hier versammelten Beiträge gehen auf die Ergebnisse einer Arbeitsgruppe zum Thema „Widerstandsrecht im deutsch-britischen Vergleich“ am Zentrum für Interdisziplinäre Forschung der Universität Bielefeld im September 1999 zurück. Vielfacher Dank ist abzustatten. Die Gutachter des Zentrums für interdisziplinäre Forschung halfen mit ihrer Kritik bei der Formulierung des Projektantrags weiter, auf dessen Grundlage das Zentrum die Arbeitsgruppe großzügig unterstützte. Wolfgang Mager, Ulrich Meier und Barbara Stollberg-Rilinger befruchteten die Diskussion und trugen in mehrfacher Hinsicht zu dem Ergebnis bei. Johannes Kunisch ermutigte und förderte, wie auch schon bei anderer Gelegenheit.

Robert v. Friedeburg

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I. Konzeptionen und Forschungsprobleme

**Religious War and Constitutional Defence:
Justifications of Resistance in English Puritan Thought,
1590-1643***

By Glenn Burgess, Hull

In 1642 English puritans (and others) embarked on what would turn out to be a protracted war with their king, Charles I. In the eyes of at least one modern historian, this was "England's last war of religion".¹ Justifications of it poured from the printing presses in abundance; but it is arguable that the puritans were not at all well prepared for this intellectual task. Important features of puritan political culture served, from the late Elizabethan period onwards, to inhibit the development of theories of resistance. This essay will explore both the character of these inhibitions and the means by which they were overcome. Its central claim is that studying the re-emergence of resistance theory within puritan political thought is not predominantly an inquiry that can be conducted in terms of *influence* (Scottish or Continental) or in terms of *continuity* (between the ideas of the 1640s and a "pre-revolutionary" political culture); instead, it requires us to understand the conditions that activate a dormant body of discourse or theory.

Of course, puritanism was not the only strand that went into the making of the English Revolution or its political thought, but it can be argued that a focus on puritan political culture provides us with the most direct approach to a Civil War in which the two sides were most clearly identified by their religious character. The clash of the 1640s was for many of those involved a clash between those who wanted to reform the Church of England and those who wanted to preserve it in a purified pre-Laudian form, to preserve, that is, the Elizabethan-Jacobean church. There are, of course, exceptions. More obviously, most defences of the Civil War were cast in legalistic rather than religious language. That is as true of those written by puritan ministers as it is of those written by such Erastian lawyers as Henry Parker and William Prynne. It is possible,

* I am grateful to Professor Colin Davis (East Anglia) and to Professor John Morrill (Cambridge) for their comments on a draft of this essay.

¹ John Morrill, *The Religious Context of the English Civil War*, in: *Morrill, The Nature of the English Revolution*, London 1993, 45-68.

however, to see that these legalistic arguments existed *within* a world in which political arguments were activated by religious considerations. The subject that takes us most directly into this world is casuistry.

I. The Centrality of the Casuistical Mode

English political culture in general – and puritanism in particular – were fundamentally casuistical.² For the greatest of puritan casuists, William Perkins, the paradigmatic casuistical situation was that involving the clash between the conscientious duty to obey God and the conscientious duty to obey the king.³ Well before the emergence of puritanism, the first English proponents of protestant “resistance” theory, the Marian exiles, cast their thought in precisely this way. Christopher Goodman, for example, presented his call for the slaying of his idolatrous queen as a sermon on the text (Acts, 5.29) requiring Christians to obey God before man.⁴ Much resistance theory, and many political writings that addressed the question of obedience, was cast in the same mould, as a conflict between rival duties each with genuine claims on the conscience. This meant of course, that obedience to human authority could never have been total or automatic. That was true for everyone, conformist and puritan, Catholic and Protestant: the casuistic approach, though central to puritanism, was (of course) by no means confined to it.

Puritan casuistry was addressed to all (true) “Christians”. There were, naturally, ways of avoiding the populist consequences of this (the doctrine of callings, for example; and more importantly a conception of conscience that emphasised its public and shared quality as opposed to its private or inner dimensions); but in principle casuistry invited everyone, the common man and perhaps even the common woman included, to exercise his (or her) own judgement. It gave to everyone some duty in conscience to assess the demands and impositions laid upon them. Again, the Marian exiles of the 1550s, in their zeal and desperation, express the point less guardedly than their seventeenth-century successors. As John Ponet put it, obedience to human laws clearly was not straightforward or without

² For introductions to this theme see: *Keith Thomas, Cases of Conscience, in: Public Duty and Private Conscience in Seventeenth-Century England. Essays Presented to G. E. Aylmer, eds John Morrill/Paul Slack/Daniel Woolf, Oxford, 1993, 29–56; Perez Zagorin, Ways of Lying. Dissimulation, Persecution and Conformity in Early Modern Europe, Cambridge, Mass. 1990, 221–54.*

³ *Thomas F. Merrill, William Perkins 1558–1602. English Puritanist, Nieuwkoop 1966, 11.*

⁴ *Christopher Goodman, How Superior Powers Oght to be Obeyd of Their Subjects: and Wherein They May Lawfully by Gods Worde be Disobeyed and Resisted, Geneva 1558.*

limit. The fact that a law was made by properly constituted authority did not by itself make that law right, and every individual Christian was required to examine the substance of a law before he obeyed it. No human command or duty could command automatic obedience.

It is not the mannes waraunt that can discharge the[e], but it is the thinge it self that must justifie the[e]. It is the mater that will accuse thee, and defende thee: acqyute thee, and condemne thee: whan thou shalt come before the throne of the highest and everlasting power, wher no temporal power will appeare for thee, to make answer for thy self, and for what so ever thou hast done. And therefore christen men ought well to considre, and weighe mennes commaundementes, before they be hastie to doo them, to see if they be contrarie or repugnant to goddes commaundementes and justice: which if they be, they are cruell and evill, and ought not to be obeyed.⁵

Political authority was always conditional, and obedience had inescapable limits. Christians needed always to assess their conscientious duties carefully. Of course, these arguments did not always (indeed, did not usually) lead to theories of resistance, active disobedience or tyrannicide. They were commonplaces of Christian thought, and yet they still provided a simple framework within which political theories of resistance could be activated, as circumstances required. Catholics were accused of doing just this, though for the most part the accusation was unjust.⁶ It is important to remember that in most cases, for Catholics, conformists and presbyterians (though not for all puritans), it was not individual conscience that mattered, but the well-informed conscience, publicly shared, and guarded and shaped by the church. Among the conformist divines, Hooker fully understood his puritan opponents when he recognised the need to construct an argument that would show why the public conscience of the state-church should override the claims of private conscience.⁷ Notwithstanding all of these qualifications, though, casuists were compelled to face the *conditional not absolute* nature of all human judgement, and to speak in ways that could suggest the capacity of individual Christians to judge of the commands imposed on them.

Casuistry focuses our attention on duties rather than rights, and upon the conflict of duties. Although, as we have seen, it can suggest the Christian’s capacity to judge for himself, it also tends politically to construct the “common man” as the servant of two *duties* of subjection, one to God and one to man. Quentin Skinner’s brilliant analysis of post-Reformation theories of resistance is cast as a search for a “modern

⁵ *John Ponet, A Shorte Treatise of Politicke Power, [Strasburg] 1556, sig. D3.*

⁶ *Peter Holmes, Resistance and Compromise. The Political Thought of the Elizabethan Catholics, Cambridge 1982.*

⁷ *Mark Perrott, Richard Hooker and the Problem of Authority in the Elizabethan Church, in: Journal of Ecclesiastical History 49 (1998), 29–60.*

theory of revolution", based on something approaching a Lockean *right* to resist. It is cast as a movement from the duty to resist towards a right to resist.⁸ Clearly, this is an important theme, and a study of it necessary for any account of early modern political thought that wants to look forward. But for many political writers of the sixteenth and seventeenth centuries (as Skinner is well aware) obedience and the limits to it remained matters to be discussed in terms of conscientious duty. Duties were legitimately owed to God, and were discussed in terms of the dual imperative to obey God's commands, and to preserve social and political order (itself a divinely-imposed obligation). In this mental world rulers could never count on unconditional obedience. It is arguable – and the point will come up again – that for English puritans resort to a rights-based theory of resistance occurred only *within* an intellectual framework constituted by the exploration of conscientious duties.

Much of what I have said is obvious, pointing to the platitudes and commonplaces of the early modern world, but it easy to overlook what these commonplaces can tell us. They suggest that, at one level, resistance theory was simply an extreme application of ideas held by everyone. The idea of resistance was accessible to anyone who needed it, and was the object of almost obsessive fear by the authorities, precisely because it was so embedded in early modern religious-political culture. We do need to be reminded of the conditionality of the political loyalties of even the most *conformist* groups. Casuistry has been, for English historians, largely a subject of the margins (Catholics and puritans); but it is just as important for the understanding of conformist argument. Two examples can illustrate the point. No one would accuse Archbishop Laud of being a dangerous rebel; but even he could wrestle hypothetically with the problem. In matters of faith, he argued, neither the king (nor any other lay person) had authority; he could not therefore delegate any such authority to parliament. What would happen if he tried to do so?

But if it come to be matter of faith, though in his absolute power he may do what he will, and answer God for it after; yet he cannot commit the ordering of that to any lay assembly, Parliament or other, for them to determine that which God hath intrusted into the hands of His priests. Though, if he will do this, the clergy must do their duty to inform him and help that dangerous error if they can: but if they cannot, they must suffer an unjust violence how far soever it proceed; but they may not break the duty of their allegiance.⁹

⁸ *Quentin Skinner*, *The Foundations of Modern Political Thought*, Cambridge 1978, II 189–348.

⁹ Quoted in: *Paul Elmer More & Frank Leslie Cross*, *Anglicanism. The Thought and Practice of the Church of England, Illustrated from the Religious Literature of the Seventeenth Century*, London 1957, 690.

The conclusions, no more than those of the puritan casuist William Perkins or of most English Catholic casuistry, were hardly subversive or rebellious; but the problem of conflicting duties was nonetheless inescapable. Laud might be inconceivable as a theorist of active resistance, but not as a theorist of passive resistance. And, in the right circumstances, men like him could take a more active stance. There was a "High Church" casuistry, which functioned essentially to defend the church's autonomy, even (when necessary) the autonomy of the clergy against their supreme governor. And one Stuart king was to have particular cause to take note of this, James II. At more or less the time that Locke produced the classic argument in favour of a *right* of resistance, his monarch was unseated, in good part thanks to the decision by many Anglican-Tory gentlemen that their religious duties overrode their civil duties. Mark Goldie has written eloquently of what he calls the "Anglican Revolution" that preceded the coming of William III: it was, he says, "an act of the Reformation, conducted by the clergy against their ungodly king". He has rightly reminded us that it "would be misleading to suppose that in the absence of a theory of revolution or constitutional rights, churchmen were bereft of a considered case for resistance and that they must lamely acquiesce in despotism". Though an extreme example, this makes clear the extent to which even groups most committed to ideas of divine-right kingship and inviolable bonds of allegiance were able to justify the undertaking of acts of political resistance.¹⁰ The distinction between active and passive resistance is probably best seen as a sliding scale and not a polarity, in part because of the considerable resources of paradoxical argument, capable of redescribing acts of resistance in more passive and acceptable ways, that were available.¹¹ These resources enabled many to sidestep altogether the language of resistance.

II. The Absence of English Resistance Theory c. 1590–c. 1642

It would be an exaggeration to say that between the late Elizabethan period and the English Civil War resistance theory was absent from English political thought. Such a claim would certainly ignore the persistence of resistance ideas amongst English Catholics, for whom it was an accompaniment of the pope's indirect deposing power. But amongst Pro-

¹⁰ *Mark Goldie*, *The Political Thought of the Anglican Revolution*, in: *The Revolutions of 1688. The Andrew Browning Lectures, 1988*, ed. Robert Beddard, Oxford 1991, ch. 2.

¹¹ *Conal Condren*, *The Languages of Politics in Seventeenth-Century England*, Basingstoke 1994, 115–39; *Condren*, *Liberty of Office and its Defence in Seventeenth-Century Political Argument*, in: *History of Political Thought 19* (1997), 460–82.

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testants, until at least 1638, resistance theories were extremely rare.¹² In part, it was the association of resistance with Catholicism (and above all with the Jesuits) that helps to explain its rarity amongst Protestants. By about the 1590s resistance theory had largely been expunged from English Protestant political thought, and from puritan political culture; and events of 1605 (the Gunpowder Plot) and 1606 (the imposition of the antiCatholic Oath of allegiance, requiring disavowal of rights of resistance) ensured that it made no speedy return. In these years hostility became for many English controversialists, conformist and puritan, a mark of antiCatholic politics.

This should not be taken to imply that English puritans somehow managed to live in ignorance of the fact that resistance was a possibility, or that there were arguments capable of justifying it. That would be absurd. What I mean to say is the puritans in this period lived within a "loyalist" political culture; they fully accepted their duties to the king, and were willing to speak forthrightly against active resistance (though, not of course passive resistance, which for reasons already touched on was impossible to expunge). There are occasional exceptions to the rule, most notably David Willet's massive *Hexapla* or seven-fold commentary on Romans.¹³ In his commentary on Romans 13, in which he worked in close dialogue with the commentary of the Heidelberg theologian David Paraeus, Willet gave a very limited endorsement to a right of self-defence, while rejecting all of the more extreme claims advanced by Paraeus. Paraeus was also the inspiration for John Knight's Oxford sermon of 1622, which argued for resistance. In the early 1620s, Paraeus's own works were publicly burnt, and David Owen attempted to refute their arguments in 1622, in a Latin work that appeared in English at the outbreak of the Civil War.¹⁴ Paraeus seems throughout the period to have excited more official suspicion than any other possible Continental source of resistance theory, but we need have little doubt that many other writings advocating resistance were known and in circulation.

Clearly, English writers were not unaware or ignorant of resistance theory, nor were they unaware of the arguments for resistance theory advanced in other places. The point is simply that in the period 1590–

¹² J. P. Sommerville, *Politics and Ideology in England 1603–1640*, London 1986, 69–77; Glenn Burgess, *Absolute Monarchy and the Stuart Constitution*, New Haven 1996, 10–12.

¹³ Andrew Willet, *Hexapla. That is, A Six-Fold Commentarie upon the Most Divine Epistle of the Holy Apostle S. Paul to the Romans*, Cambridge 1611.

¹⁴ David Owen, *Anti-Paraeus, or, A Treatise in the Defence of the Royall Right of Kings*, York 1642.

1620 (and later, as we shall see) very few English writers chose to advance a theory of active resistance, or even a theory of justified self-defence. This situation may have been, in part, a product of the repressions of the 1590s, when Richard Bancroft had expended his not inconsiderable polemical vigour in smearing Presbyterians with the charge that they supported resistance to the crown.¹⁵ Puritan writers came to be locked into a polemical style that required them to emphasise their political loyalty. But the absence of resistance theory also reflected (after 1603) a broad sense that if reform of the church were ever to happen, it was more likely to do so with the king's support than without it. While James ruled, that sense was probably a sound one.¹⁶ However we explain the fact, in this period non-resistance became deeply entrenched in puritan political culture.

One feature of this pattern of thought deserves some further elucidation. The Presbyterian idea of a sharp distinction between the "two kingdoms", the spiritual and the temporal, was inimical to the development of a religiously-based theory of resistance.¹⁷ What mattered to these writers was the claim that the secular prince did not rule the church as she ruled the state, but was a subject in Christ's church, in much the same position as any other believer, though with certain additional duties that required her to defend the church from its worldly enemies. Resistance theory was not relevant to this argument. One of the polemical advantages of the two-kingdoms theory was that it enabled a challenge to the crown's ecclesiastical authority to be coupled with an elevated view of its temporal authority. But it also decoupled ecclesiastical and civil politics in such a way that, when resistance theory existed in late-Elizabethan Presbyterian argument, it was as a theory of civil resistance in the temporal kingdom.¹⁸ It seems possible to argue that from a very early point in the puritan tradition there was a marked avoidance of religiously-based theories of resistance, though a full explanation cannot be provided here. Certainly, Willet was adamant that those suffering for religion could never defend themselves by force, while "if it be a civill

¹⁵ Richard Bancroft, *Dangerous Positions and Proceedings, Published and Practised within this Iland of Brytaine, under Pretence of Reformation, and for the Presbiteriall Position*, London 1593; also *Bancroft, A Survey of the Pretended Holy Discipline*, London 1593.

¹⁶ Cf. Peter Lake & Kenneth Fincham, *The Ecclesiastical Policies of James I and Charles I*, in: Fincham (ed.), *The Early Stuart Church, 1603–1642*, Basingstoke 1993, 23–49.

¹⁷ A. F. Scott Pearson, *Church and State. Political Aspects of Sixteenth Century Puritanism*, Cambridge 1928; Peter Lake, *Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker*, London 1988.

¹⁸ Especially Dudley Fenner, *Sacra Theologia*, London 1586, 184–7.

matter, resistance may more safely be used".¹⁹ As we shall see, the puritan divines of the early 1640s mostly adopted the same view.²⁰ There might be circumstances in which violence could legitimately be used for civil purposes, but there were none that justified its use for religious objectives.

Theories of religious war were advanced by some puritan writers, especially from the early 1620s, and in relation to those events that we know as the Thirty Years' War. There emerged within the puritan world demands for involvement in the Continental conflicts, demands usually cast primarily in religious terms as a casuistry of religious war. The most famous of the English propagandists who wrote, as one historian long ago put it, against England's "appeasement of Spain",²¹ was Thomas Scott.²² In a series of works, Scott exposed the evil and cunning of the Spanish monarchy, its influence at the English court, and its attempt both to reassert papal authority throughout Europe and to build a Spanish universal monarchy. Scott urged the politics of religious war on the English king, but it should not be forgotten that he was no resistance theorist either. He retained an emphasis on the duty in conscience to obey the king, and sought to encourage the view that the English nation should together involve itself in the war with Antichrist.²³

Other writers, some less well known than Scott, began to explore in these years the idea of religious war, but (like him) they did not import into English domestic politics the language of religious war. The Scot, Alexander Leighton in *Speculum Belli Sacri: or the Looking Glass of Holy War* (1624), Thomas Barnes in *Vox Belli, or An Alarme to Warre* (1626), and, a bit later William Gouge in *Gods Three Arrowes* (1631) all defended religious war, and all did so with an eye to England's involvement in continental conflicts.²⁴ It is important, though, to understand exactly what they are saying. Roland Bainton pioneered the view that these puritan writers advanced what he called a theory of "crusade".²⁵ This theory, in his view, stood altogether outside the just-war tradition,

¹⁹ Willet, *Hexapla*, 593.

²⁰ Glenn Burgess, Was the English Civil War a War of Religion? The Evidence of Official Propaganda, in: *Huntington Library Quarterly*, 61 (2000), 173-202.

²¹ Louis B. Wright, Propaganda against James I's "Appeasement" of Spain, in: *Huntington Library Quarterly*, 6 (1943), 149-72.

²² Peter Lake, Constitutional Consensus and Puritan Opposition in the 1620s. Thomas Scott and the Spanish Match, in: *Historical Journal*, 25 (1982), 805-25.

²³ Glenn Burgess, The Politics of the Ancient Constitution. An Introduction to English Political Thought, 1603-1642, Basingstoke 1992, 137-8.

²⁴ James Turner Johnson, Ideology, Reason, and the Limitation of War. Religious and Secular Concepts, 1200-1740, Princeton NJ 1975, 117-33; Johnson, The Holy War Idea in Western and Islamic Traditions, University Park PA 1997, 57-60.

and abandoned all of the careful constraints on the legitimate use of violence in that tradition. All that was needed to legitimate religious war was that it served the purpose of religion. Such wars did not have to be defensive: an offensive religious war was permissible. In the casuistry that surrounded this idea, these writers emphasised that God commanded these wars, and imposed a duty on Christians to engage in them. The point was to leave the English people and the English realm with no option but to agree that it had a religious duty to join in the war against Antichrist.

It is true that all of these ideas can be found in the puritan writings that have been mentioned. But we should hesitate (as James Turner Johnson has shown) before accepting Bainton's categorical distinction between "crusade" and "just war" theories. Certain elements of the just war tradition remained evident in the puritan writers. In particular, they do not seem to have challenged the view that wars could only be made by legitimate, usually princely, authority, not by private individuals or associations. There is no doubt that at least some of the puritans would have defended offensive religious war. Wars – in Gouge's words – for the 'maintenance of Truth, and purity of Religion' were legitimate; and so therefore "in this respect the warres of the Kings of the earth against Anti-Christ are commended"; and both Leighton and Barnes also defended offensive war against irreligious sinners.

But, their arguments were not designed to undermine any distinction between religious war and rebellion. The wars that they were advocating were wars led by kings. William Lamont has written much about the "protestant imperialism" of puritan culture, and the puritans responding to the Continental conflicts shared in that ideal. If they wanted a crusade or holy war, it was a crusade of the English nation under its Godly prince, against the forces of Antichrist.²⁶

Therefore these "holy war" arguments, designed to explore and produce casuistical justification for the duty to wage war against Antichrist were not a threat to the domestic political order. They still assumed, albeit sometimes tacitly, that the English protestant nation would act collectively, under the leadership of its king. Another feature of these discussions – in fact, it was revealed most fully in Thomas Fuller's *The*

²⁵ Roland Bainton, Congregationalism and the Puritan Revolution from the Just War to the Crusade, in: *Bainton, Studies in the Reformation*, London 1963, ch. 18; Bainton, Christian Attitudes Toward War and Peace. A Historical Survey and Critical Re-Examination, London 1961, 136-51.

²⁶ William Lamont, Godly Rule. Politics and Religion 1603-60, London 1969; Lamont, Marginal Prynne 1600-1669, London 1963; Lamont, Richard Baxter and the Millennium. Protestant Imperialism and the English Revolution, London 1979.

Historie of the Holy Warre (1639) – was the role played by Anti-Catholicism in binding puritan writer into modes of political loyalism. This work, and some others, explored the papal misuse of religious war. It anatomised the hypocrisy and deceit that had encouraged the papacy to claim religious and moral purpose for the wars it sponsored, showing that these wars served only the purpose of enhancing or consolidating the worldly power and wealth of the Catholic church. Fuller did not say that no religious war was ever legitimate, but he did write in such a way that he encouraged considerable suspicion of the idea that religious wars not sanctioned by temporal rulers – indeed often made against temporal rulers – could be acceptable.²⁷ Anti-Catholic propaganda, then, further encouraged the view that violence should only be unleashed on the authority of temporal rulers. Violence authorised only by churches or by ecclesiastical authority was dangerous.

It is scarcely a surprise to discover that in the 1630s, during the Laudian drive for conformity, those puritan controversialists who took the risk to speak out in print were at pains to emphasise their loyalty to the crown. Clearly, there were likely to be tactical considerations behind the adoption of such a stance; but equally there is little reason to doubt the sincerity of this loyalist stance. The Laudian dominance of the church created a difficult situation with which to deal, while staying loyal to both God and King. Puritans needed to advance arguments against the innovations of Laud and the episcopate, innovations fully supported by the king, while avoiding any challenge to the king's own authority. Puritanism should not be underestimated. For reasons already indicated, it is probably true, as Kevin Sharpe has argued, that some historians have reacted too strongly against the old view that puritanism was a revolutionary movement. The evidence that they challenged civil authority, even on an indulgent view of it, is slim;²⁸ but nonetheless there was always the potential for puritan casuistry, troubled by the conflict of duties to God and king, to go further. In 1629 one anonymous author stated that it was contrary to conscience for a man to hold civil office under a prince who was guilty of idolatry or heresy.²⁹ The greater the burden placed upon the conscience, the more likely it was that difficult choices would need to be faced. There was, then, a sense in which puritanism was implicitly “revolutionary”; but it is equally true that in a confessionally-divided casuistical political culture so were all other confessional groups, even conformists. The tension in puritanism was between a genuine political loyalism and a painful religious conscience.

²⁷ Johnson, *Ideology, Reason, and the Limitation of War*, 95–7.

²⁸ Kevin Sharpe, *The Personal Rule of Charles I*, New Haven 1992, 736–7.

²⁹ Sharpe, *Personal Rule*, 737–8.

The most instructive exchange in these years was the debate between Henry Burton, puritan minister, and Peter Heylyn, eventually to become Laud's biographer. In 1636 Burton printed two sermons under the title *For God and the King*. The work was essentially a piece of casuistry, an attempt to reconcile the two duties referred to in its title, while justifying a puritan refusal to conform to the Laudian liturgical innovations. Burton challenged the episcopal government of the church, and he tried to argue, for example, that the Laudian changes were illegal, that they ran directly counter to the king's own ecclesiastical laws. Episcopal authority was a usurpation of the royal prerogative. Therefore, one could serve the king faithfully by refusing to serve Archbishop Laud. Heylyn was outraged. His reply appeared in 1637 as *A Briefe and Moderate Answer, to the Seditious and Scandalous Challenges of Henry Burton*. Part of Heylyn's strategy was an effort to read Burton's careful casuistry as if it were an attempt to present a theory of resistance. Burton, for example, objected – as any casuist ought – to the attempt by the Laudian divines to “make a change in the doctrine of obedience to Superiours ... setting man so in Gods Throne, as all obedience to man must bee absolute, without regard to God, and conscience, whose only rule is the Word of God”.³⁰ Burton was objecting to the view that men could ever be removed from responsibility for the performance of their own duties. But for Heylyn, this was evidence that Burton believed that monarchs were ministers of the people who need not be obeyed. “You expresse your disaffection unto the sovereignty of princes, and in effect leave them no greater power then every private man shall thinke fit to give them. The position was linked to that of the great resistance theorists, Buchanan, “Junius Brutus” (i.e. the author of the *Vindiciae contra Tyrannos*), and Paraeus.³¹ In fact, Heylyn's response was not altogether comfortable. He, of course, shared Burton's starting point, that God must be obeyed before man; but claimed that in judging this matter Burton was guilty of “misapplying, or misunderstanding the word of God”.³² Yet, on the matter of the king's authority to alter religion, Heylyn could do no more than reassure us of “his majesties pietie and zeale, being too well knowne to give occasion to such *quares*”.³³

³⁰ Henry Burton, *For God and the King. The Summe of Two Sermons Preached on the Fifth of November Last in St Matthewes Friday-Streete 1636*, London 1636, 126.

³¹ Peter Heylyn, *A Briefe and Moderate Answer*, in: Joyce Lee Malcolm (ed.), *The Struggle for Sovereignty. Seventeenth-Century English Political Tracts*, Indianapolis 1999, 79–80.

³² Heylyn, *Briefe and Moderate Answer*, 81.

³³ Heylyn, *Briefe and Moderate Answer*, 86.

The exchange is instructive in a number of ways. First, Heylyn, because he shared so many of the assumptions behind puritan politico-religious casuistry could not in all matters reply persuasively. Second, he therefore developed a tougher argument that read into Burton's words precisely the subversive and seditious doctrines that Burton had tried to keep his distance from. The strategy was similar to that employed by Bancroft in the 1590s. (It should be noted in passing that Heylyn was quite explicit that Burton did not actually state the doctrines in question: Heylyn's point was that they lurk beneath the surface – "you doe not say expresly".³⁴) And, third, to put the matter most generally, what this episode tells us about puritan political culture is that it had good reason to avoid any suggestion of resistance. Burton and Heylyn shared a perception that seditious resistance was evil; and that, in part, explains why Heylyn was so keen to find it in Burton's words. They shared the view that if sedition could be found, then this would be proof of Burton's error. Each was trying to hold together his duty to God and to the king; each therefore charged the other with failure. Burton claimed that the divines undermined royal authority by exaggerating their own; Heylyn claimed that Burton made the king's authority conditional and ministerial, and therefore open to challenge.

Thus, through into the 1630s that "royalist" dimension to puritanism, evident in John Foxe and normative after the 1590s, remained present. Many must have found it hard to stomach Charles I, an unlikely Godly prince for any puritan, but the task remained one of reconciling loyalty to God and man. Reconciling duties to God and man was a safer strategy than rejecting one in the name of the other.

III. Puritan Justifications of the Civil War

Defences of the legitimacy of parliament's struggle against the king's armies were largely cast in a casuistical mode, as John Wallace once showed us.³⁵ The tone was set by the pamphlet to which many early puritan-parliamentarian publicists were responding, Henry Ferne's *Resolving of Conscience upon this Question ... Whether Subjects May Take Arms and Resist?* Ferne addressed a broad audience, all Christian subjects of Charles I. His argument was essentially a tautology: They were *subjects*, and none of their duties required them to become anything else. No act of resistance (except prayer or flight) could be legitimate, because God had so determined.³⁶ The task left to the puritan writers was how to

³⁴ Heylyn, *Briefe and Moderate Answer*, 78.

³⁵ J. M. Wallace, *Destiny His Choice. The Loyalism of Andrew Marvell*, Cambridge, 1968, 9–43.

enlarge the range of possible acts of resistance, while still remaining respectful of the divinely-imposed command to respect civil authority. Philip Hunton, famously, found the neatest answer. In his *Treatise of Monarchy* he too addressed the individual conscience directly. But the question that the conscientious had to resolve was not whether to obey God or man. In any case, Ferne had suggested that to obey God one was required to obey man. Hunton's question was whether God was better served by obedience to *this* civil power (the king) or by obedience to *that* (parliament). Civil subjection was inescapable – it was merely a question of to whom it was owed.³⁷

Hunton's argument cohered well with the two chief lines of argument found amongst the puritan writers who defended parliament. One of these relied on basing the case for resistance upon the idea of legal emergency. In normal circumstances the king-in-parliament held sovereign authority. The king himself was the highest focus of allegiance; but now king and parliament had fallen apart, and in this emergency it was permissible for the Lords and Commons, the lesser magistrates, to use violence against the men who surrounded the king, in order to restore the normal political order and to rescue it from threat. Such an argument seems to be suggested in Henry Parker's brief comment that "Parliamentary government ... [serves] as Physicke not dyet". In its challenge to the king's evil advisers, parliament was acting in a "temporary capacity".³⁸ It is, of course, true both that there is more than this in Parker, and that he was by no means one of the puritan ministers in whom we are chiefly interested. Nonetheless, this aspect of his argument was mirrored in the attempts made by puritan publicists to defend the Civil War; and it encouraged them into efforts to redescribe resistance as a form of self-defence, justified in an emergency. As William Bridge put it, "the Subject may be said to take up armes either as an act of selfe preservation, or as an act of jurisdiction exercised towards his Prince. The first way we say it is lawfull; the second way we contend not for".³⁹

The argument was defensive and restorative. This position readily merged into a second one. Charles Herle was its finest exponent, and his case for parliament amounted to a genuine example of constitutionalism. The English constitution distributed power amongst the three estates of king, Lords and Commons. Normal government relied on a harmony

³⁶ Henry Ferne, *The Resolving of Conscience*, London 1642.

³⁷ Philip Hunton, *A Treatise of Monarchy*, London 1643.

³⁸ Henry Parker, *Observations upon some of His Majesties Late Answers and Expresses*, London 1642, 24.

³⁹ William Bridge, *The Wounded Conscience Cured, the Weak One Strengthened*, London 1642, 1.

between the three, but in an emergency it was legitimate for two of the estates to override the other one.⁴⁰ This may sound little different from Hunton's argument; but there is a crucial distinction to be drawn. Hunton clearly implied that one of the reasons why the conscience was in such doubt in 1642-3 was because there was no legal (or constitutional) solution to the problem: the ancient constitution was divided in itself, and no party to the Civil War had a clear claim on the obedience of the English people. For Herle, though the circumstances of 1642-3 were unusual, nonetheless the constitution did provide guidance. In a sense, violence was an implicit means provided by the English constitution for the control of an errant monarch. In the one view, violence dissolved constitutional order; in the other it did not. In the one view, resistance became emergency self-defence; in the other it could be re-described as the use of a properly legal power residing in parliament. In the one view, justification was sought for a temporary modification of the duties of civil subjection, but in the other view they remained intact.

Ferne's original argument could be understood as inviting a religious defence of the Civil War. It implied, in the very way that questions were raised, that one way of resolving the conscience might be to suggest that duties owed to God overrode those owed to the king. Roland Bainton, mentioned earlier, argued that the Puritan Revolution was defended as a crusade or holy war, and that those who justified it drew upon the holy war arguments advanced in the 1620s to urge England's involvement in the Thirty Years' War. But, as we have seen, Bainton's understanding of the puritan crusade ideal was flawed, and once we accept that it did not embrace the idea of a religious war made against *princely* authority we can see that the situation must be more complex. The idea could not readily be applied to an act of resistance against constituted authority. Historians working on the sermon literature might be tempted to affirm that religious zeal was a major justification for the war,⁴¹ but a different impression is given by the pamphlets actually written by ministers to justify the Civil War.⁴²

There were certainly some who defended religious war quite openly, and who thought that parliament's war against the king was justified as a religious war. Francis Cheynell, in his curious debate with the dying William Chillingworth, took great exception to Chillingworth's claim that religious wars were inherently illegitimate. "I desired," he tells us,

⁴⁰ Charles Herle, *A Fuller Answer to a Treatise Written by Doctor Ferne*, London 1642.

⁴¹ Stephen Baskerville, *Not Peace but a Sword. The Political Theology of the English Revolution*, London 1993.

⁴² Burgess, *Was the English Civil War a War of Religion?*

"to know whether the Saints were not to make warre against the Whore and the Beast? ... Whether it be not an act of faith, to waxe valiant in fight for the defence of the faith, which was once delivered to the Saints?"⁴³ And there were others who advanced religious justifications of the civil war, including Joseph Boden, who in 1644 urged that "the people of God have a commission not onely for a defensive, but an offensive Militia, and posture of War ... in the present cause of God".⁴⁴

But theories of this sort were both rare and marginal. They serve only to highlight the very different views of most puritan ministers. If we look at the arguments of the great puritan divines, those invited to deliver Fast Sermons to the Commons, those whose political works were published with parliamentary approval, the situation is quite different. These puritan writers were careful to avoid the language of crusade or holy war, and were usually willing to endorse the principle that no use of violence for religious purposes was legitimate. That is true of Stephen Marshall, of Charles Herle, of Philip Hunton, of Jeremiah Burroughes, of John Bridge, and of Herbert Palmer.⁴⁵

Stephen Marshall's defence of parliament's war was based entirely on legalistic grounds. The very question he asked predetermined the character of his argument:

*Whether a people, especially the representative body of a State, may (after all humble Remonstrances) defend themselves against the unlawfull violence of the Supream Magistrate, or his Instruments, Endeavouring (and that in matters of great moment) to deprive them of their lawfull Liberties.*⁴⁶

To answer the question, Marshall looked to the law codes of particular kingdoms and commonwealths:

the bounds and limits of the Magistrates lawfull power of commanding, and the subjects necessary obeying, must be found, and taken out of the severall Laws, Customes, and Constitutions of those severall States, and Commonwealths: There are scarce two formes (especially of Regall government, in the world) but they differ one from the other, and that in matters of moment. Now I say, what the power of Magistrates in one Countrey differs from the power of Magistrates

⁴³ Francis Cheynell, *Chillingworthi Novissima. Or, the Sicknesse, Heresy, Death, and Buriall of William Chillingworth*, London 1644, sig. C3v.

⁴⁴ William Boden, *An Alarm Beat Up in Sion, to War against Babylon*, London 1644, 15-16.

⁴⁵ In addition to those discussed below see: Hunton, *Treatise of Monarchy*, 63-7; Herle, *Fuller Answer to a Treatise Written by Doctor Ferne*, 21-5; Bridge, *Wounded Conscience*, 32-4; [Herbert Palmer], *Scripture and Reason Pleaded for Defensive Armes*, London 1643, 47. See further: Burgess, *Was the English Civil War a War of Religion?*

⁴⁶ Stephen Marshall, *A Plea for Defensive Armes*, London, 1643, 3.

in another Countrey, and how the duty of Subjects differ in each, must be found only in the Laws of the respective places ...⁴⁷

In English law it was clear that Parliament did have the authority to resist the king's violent aggression.⁴⁸ Religion bound both magistrates and subjects to conscientious obedience to the law, leaving subjects with a right of armed defence when the king broke the law and ruled tyrannically.⁴⁹ Certainly, "the Fathers of the Primitive times knew no defence but *preces & lachrymae* in all their unjust sufferings"; but Marshall gave a simple answer:

Their liberties and Religion were not established by Law, and this was the cause, saith Abbot Bishop of Salisbury, why the Christians in the Primitive times, before their Religion was established by Law, *caedebantur non caedebant*, would rather be killed then kill: But after the times of *Constantine*, when Religion was established, they shook off the yoke of persecution from the Church, & *caedebant non caedebantur*; they did kill rather then be killed.⁵⁰

Religion could be defended only in so far as it was protected by the law of the land. The argument was legal-constitutional in nature: the two Houses could defend Englishmen's liberties against the king because they had a *legal* right to do so. There was no right to defend the faith as such. Clearly, Marshall's pamphlet provides us with a striking example of a legal, not of a *religious*, defence of the legitimacy of the English Civil War.

This, as I have emphasised, was not an unusual position. Most of these puritan writers accepted that Tertullian's testimony showed that the early Christians, while they had the power to resist persecution, refrained from using it; and that this was a pattern for all later Christians. Here is Jeremiah Burroughes:

we acknowledge we must not resist for Religion; if the Laws of the Land be against it, we must either suffer, or seek to enjoy our Religion in the uttermost parts of the earth, rather than resist.⁵¹

In response they argued that they were defending the religion *by law established*, that the right of Englishmen to defend the faith was a legal or civil right, arising from the legal establishment of the Church.

Though they could not altogether escape from the fact that they were fighting their own king, the great puritan divines were nonetheless willing to argue that they did so in the name of law and parliamentary

⁴⁷ *Marshall*, Plea for Defensive Armes, 3.

⁴⁸ E. g. *Marshall*, Plea for Defensive Armes, 6-8.

⁴⁹ *Marshall*, Plea for Defensive Armes, 4-6.

⁵⁰ *Marshall*, Plea for Defensive Armes, 20.

⁵¹ *Jeremiah Burroughes*, A Briefe Answer to Doctor Fernes Book, in: *Burroughes*, The Glorious Name of God, the Lord of Hosts, London 1643, 7.

authority. This is in some senses puzzling, for we can be fairly sure that the chief *motive* of many of these men was religious zeal. Their own sermons often go a long way in expressing this underlying zeal. So why were so many of them unwilling to say exactly what they were doing? Royalists certainly believed that their enemies were either inspired by religious zeal, or pretending to be so. The Royalist divine, John Bramhall, stressed this point repeatedly, and found that effective evidence was provided by repeated citation of a passage in a speech to the Lords by Robert Greville, Lord Brooke, of 19 December 1642.⁵²

They who think that humane Laws can bind the conscience, and will examine the Oathes they have taken, according to the interpretations of men, will in time fall from us: But such who religiouslie consider that such morall precepts are fitter for Heathens then for Christians, and that we ought to lead our lives according to the Rule of Gods Word; and that the Laws of the Land (being but mans invention) must not check Gods children in doing the work of their heavenlie Father, will not faint in their dutie.⁵³

In fact, the speech provides a nice illustration of the curious reluctance of the puritans to speak as they were expected to speak. Bramhall's clinching evidence was a forgery, a piece of Royalist propaganda written by Hyde.⁵⁴ Not surprisingly, the more sober puritans did not wish to provide genuine evidence, and therefore did not wish to advance an argument that allowed religious duty to trample on the duty to respect political, social and legal order. Their task was to reconcile the two duties of obedience that defined the subject, not to destroy one in the name of the other.

These same divines did not, however, abandon their exploration of Christian duty. In many sermons, especially those delivered to parliament on fast days, they urged a duty of reformation on the English, asked for repentance and self-denial, sought spiritual renewal through prayer. They encouraged Christians to have no mercy on sin, and to take up the struggle against God's enemies.⁵⁵ Historians have read into this

⁵² *John Bramhall*, The Serpent-Salve; or, A Remedy for the Biting of an Asp, in: *Bramhall*, The Works of the Most Reverend Father in God, John Bramhall, D. D., ed. A. W. H. Later, Oxford, 5 vols, 1842-5), III, 297-304.

⁵³ Two Speeches Made in the House of Peers, On Munday the 19. Of December, For, and Against Accommodation. The One by the Earl of Pembroke, the Other by the Lord Brooke, n.p. 1642, 6-7.

⁵⁴ *Graham Roebuck*, Clarendon and Cultural Continuity. A Bibliographical Study, New York 1981, 79-80; see Clarendon's own account of the forgery in his *Life*, in: *Edward Hyde, Earl of Clarendon*, The History of the Rebellion and Civil Wars in England ... Also His Life Written by Himself, Oxford, 1 vol. ed. 1843, 954-5.

⁵⁵ *Baskerville*, Not Peace but a Sword; *Bainton*, Congregationalism and the Puritan Revolution; *John F. Wilson*, Pulpit in Parliament. Puritanism during the Eng-

spiritual language defences of religious war; but the authors of the sermons in their other writings actually provided a very different, and much more circumscribed, justification for the war in which they were engaged.

IV. Understanding the Re-emergence of Resistance Theory

There can be no doubt that there are powerful lines of continuity connecting the legal arguments of the early 1640s with earlier common-law positions.⁵⁶ This whole subject has recently been clarified in an important article by Alan Cromartie.⁵⁷ As Cromartie has said, his argument is especially good in helping us to understand "why [some] non-puritans supported parliament". There remains, though, some difficulty in appealing to "legal values" in order to understand the divisions of the early 1640s, for (as Cromartie is aware) the same values could be found amongst many royalists. A legalism that can be portrayed as pervasive enough to be shared by Charles I and those who cut off his head provides only a partial explanation of the attitudes taken in the early years of civil war.⁵⁸ There is a prior question: why do some people find that their legalistic political culture justifies, in the end, obedience to the king, while others find that, in necessity, commonwealth is more important than king? That the arguments of Coke, St John and others were available for use is undeniable; but availability is not a sufficient explanation for the actual uses to which ideas were put. We need to know what is available, for that will shape the particular forms in which ideas were expressed; but that is not the end of the matter.

It should not be supposed that for all people the answer to the question just posed will be the same. Cromartie is no doubt right to suggest that for an important group of non-puritans, a particular reading of England's legal values may have been important as a framework within which to understand (and then to condemn) the actions of Charles I. But the puritans themselves are a different case. The ministers produced both legalistic tracts, and sermons of covenant, reformation, and self-abasement. Which give the better insight into their minds?

lish Civil Wars, 1640–1648, Princeton NJ 1969; *Michael Walzer*, *The Revolution of the Saints. A Study in the Origins of Radical Politics*, Cambridge MA 1965.

⁵⁶ Some are adumbrated in *Burgess*, *Absolute Monarchy and the Stuart Constitution*.

⁵⁷ *Alan Cromartie*, *The Constitutionalist Revolution in the Transformation of Political Culture in Early Stuart England in: Past and Present*, 163 (1999), 76–120.

⁵⁸ *Cromartie*, *Constitutional Revolution*, 77, 79, 118–20.

The answer is, presumably, neither or both. The debates of the early 1640s should be understood not in terms of any one category (law, theology, or whatever); but as essentially concerned with the interaction of two things, conscience and law. Space does not here permit a full exploration of this argument; but two important points should be emphasised.

First, if we are to understand the re-emergence of "secular" or jurisprudential resistance theory amongst English puritans we ought to do so primarily in terms of the way in which a well established casuistry of conscientious duty enabled them to draw upon existing reserves of legalistic argument. Puritan discussions of the rival duties to God and man had long affirmed, and continued to affirm, that neither religious persecution nor the need to advance the true faith ever justified the breaking of duties of civil obedience. This in itself tended to propel puritan argument onto secular-legalistic terrain, as the search for ways of resisting a king that *reconciled* duties to God and man. There was a predisposition to seek arguments that maintained legality and thus could redescribe acts of resistance as legal acts. This was so not just because of the nature of common-law assumptions, but because it was the normal way of casuistical justification. The need to maintain the duty of civil obedience was as important as the need to defend the faith, and the idea of the church by law established helped to do this, provided that loyalty was owed to the law and to the commonwealth that made it more than to the king.

Second, when it comes to the understanding of "motive", there is great value in maintaining a firm focus on casuistry. For many puritans – at least, so their sermons would suggest – a powerful force behind their hostility to Charles I was religious. Their determination was to follow God, to do what they understood to be his commands, and it seems arguable that this was a central motivating force that helped to shape the ways in which they drew upon secular and legal argument. This should not be understood as a claim that puritan arguments were insincere in their legalism (though over time the tensions between law and Godliness became very apparent), or served as rationalisations for religious objectives. Civil obedience was a duty owed in conscience to God himself. The search for civil grounds for resistance (or self-defence, or constitutional opposition) was genuinely an attempt to find conscionable grounds to withstand Charles I. The attempts to redescribe resistance as something more acceptable were genuine attempts to preserve the divinely-imposed duty to respect civil order. The troubled conscience had to be assuaged.

None of this is an argument against Cromartie's work. Rather it is the suggestion that if we are properly to understand the English Revolution we need to understand the ways in which puritans (and non-puritans) dealt with both religion and politics, conscience and law. Casuistry pro-

vides us, as it provided them, with an inescapable way of understanding the attempt to reconcile religious with political duties (though, of course, the terms are unsatisfactory: much of the difficulty that the individual conscience laboured under was produced by the fact that all duties, temporal and spiritual, were in the last resort religious ones.)

V. The Reach of Casuistry

It remains difficult to find concrete evidence for how the "common man" read or heard the propaganda or sermons aimed at him – and still harder to find out what women made of such material. But casuistry was potentially socially inclusive, aimed as it often was at the conscience of all Christians, and occasionally evidence can be found of how messages were understood by a broad audience of the middling sort, "the common man". One example of this sort of evidence will help us to understand the legal rather than religious character of puritan argument from another perspective. Religious argument, rooted in a casuistry aimed at all Christians, was difficult to control and potentially explosive. The gentlemen who controlled (or hoped that they controlled) the parliamentary and puritan cause were not men likely to welcome arguments that instructed the common man in his duty to challenge secular authority. It may have appeared safer to present a case that emphasised the (collective) right of the kingdom, as represented in parliament, to resist the misgovernment of their monarch. This "lesser magistrates" theory of resistance was less individualised and less socially threatening than a theory based on the duties of conscience, though, as we have seen, its re-emergence ought to be understood as governed by considerations of conscientious duty. Indeed, this perspective might help us further to appreciate why men led by their consciences should nonetheless argue in terms of the law. If this is so, then it is ironical that parliament quickly lost control of this "safer" argument as well.⁵⁹

A piece of evidence that suggests what the common man could do with the words of Stephen Marshall is provided by the royalist divine Edward Symmons. He had no doubt that religious zeal motivated his Parliamentary enemies. And he had evidence.

About Easter last, 1644. I did visit in the Prison at *Shrewsbury* some Prisoners, that had been taken at the Castle of *Brampton Bryan*, belonging to *Sir Robert Harley* in *Hereford-shire*: and questioning them about their taking up of Armes against their *Soveraigne*, they answered me, that they took up Armes against

⁵⁹ *David Wootton*, *From Rebellion to Revolution. The Crisis of the winter of 1642/3 and the Origins of Civil War Radicalism*, in: *The English Civil War*, eds Richard Cust/Ann Hughes, London 1997, 340–56.

Antichrist, and *Popery*; for (said they) 'tis prophesied in the Revelation, that the Whore of Babylon shall be destroyed with fire and sword, and what doe you know, but this is the time of her ruine, and that we are all men that must help to pull her downe.

Symmons did his best to persuade the prisoners that their actions were based on several theological misunderstandings. It was, he said, the work only of Kings to pull down the Whore of Babylon, and this would happen in Rome, not in England. The captured soldiers were unmoved:

they told me that *all the true Godly divines in England* (amongst whom they named in special M. Marshall []) *were of their opinion, that Antichrist was here in England as well as at Rome*, and that the *Bishops were Antichrist*, and all that did endeavour to support them, were *popishly affected, Babilonish and Antichristian too*, yea many professed *Papists were in our Armies who* (they said) *did fight against Christ and Protestant Religion*, and therefore they thought they were bound in Conscience to fight against them, and us that took part with them, and in so doing, they did but *help God against his Enemies*.⁶⁰

Asked to defend this opinion, the prisoners cited Judges, 5. *Curse ye Meroz*. They claimed that a parliamentary sermon by Stephen Marshall had taught them the true meaning of this text. Only later did Symmons come across a copy of Marshall's famous parliamentary fast sermon of 23 February 1642, *Meroz Cursed*, and recognise it as the sermon that had inspired the defenders of *Brampton Bryan*. Marshall had since 1642 preached this sermon up and down the country more than sixty times, and it had no doubt circulated widely in its printed form, too.⁶¹

Very likely, Marshall's *Plea for Defensive Arms*, which has been discussed above, had a small and educated readership. Its dry legalism would scarcely inspire anyone to do anything. This group of common men found rather more in his sermon *Meroz Cursed*, with its preaching of religious duties. They did not hesitate, as we might, to convert its language into a call to arms. They took literally Marshall's instruction that the people of England, like the people of *Meroz*, would be cursed if they "came not to the helpe of the Lord against the *Mighty*". No one should take sides "against the Lord or against his Church". Helping God's cause, Marshall said, might even require the shedding of blood.⁶² First preached in February 1642, Marshall's sermon was about the church and its business, its language metaphorical or symbolic. But its rhetoric, like

⁶⁰ *Edward Symmons*, *Scripture Vindicated*, from the *Misapprehensions, Misinterpretations and Misapplications of Mr Stephen Marshall*, Oxford 1644, preface. For the context see: *Jacqueline Eales*, *Puritans and Roundheads. The Harleys of Brampton Bryan and the Outbreak of the English Civil War*, Cambridge 1990, ch. 7.

⁶¹ *Patrick Collinson*, *The Birthpangs of Protestant England*, Basingstoke 1988, 127.

⁶² *Stephen Marshall*, *Meroz Cursed*, London 1642, 6–7, 10.

the casuistry of Christian duty generally, was inclusive – it seemed to place this duty on the conscience of all individual Christians – and it is perhaps not surprising that the “common man” found rather more in this than in the languages that tried to exclude him from political activism. The languages through which the puritan clergy addressed audiences in the 1640s were several, but this one episode should serve to make us ask questions about how audiences reused the words that they heard. Marshall was not in any direct sense an advocate of religious war; but those common soldiers inspired by him to defend the home of the puritan Harleys at Brampton Bryan were.

If this episode has any representative quality, it suggests that the casuistical exploration of duty was too deeply embedded in puritan culture to be easily sidestepped in the 1640s. Sermons no doubt reached a much broader audience than more formal political writings of the puritan ministers; and they could be understood to carry a more explosive message. It was not the politics of puritanism that was subversive; it was the religion. It is arguable that this sermon culture (more than any *political* thought) was the basis for the later development in Diggers and Quakers, and others, of what is sometimes called “religious radicalism”. This is another phenomenon that historians have over-secularised, but it too, like the fighting at Brampton Bryan, was rooted in the casuistical culture of puritanism. It was, in other words, a further exploration of the things that duty to God could lead a man to do. But it is also another story, and one that I do not have time to tell. Here we should not fail to note that the emergence of this radicalism was another sign of the failure to control the inclusiveness of casuistical language.

**Vom Widerstand zur Rebellion:
Praxis und Theorie des ständischen Widerstands
in den östlichen österreichischen Ländern
im Werden der Habsburgermonarchie
(ca. 1550–1650)**

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I. Einleitung

Der Zeitraum zwischen 1550 und 1650 stellt im Werden der Habsburgermonarchie eine entscheidende Phase dar, in der wichtige Schritte in der Entwicklung von einem Konglomerat ständisch geprägter Gemeinwesen zum „organisch-föderativen Absolutismus“ der *Monarchia Austriaca* des 18. Jahrhunderts absolviert wurden. In den sechziger und siebziger Jahren des 16. Jahrhunderts war die Qualität der Staatsbildung noch nicht entschieden, denn neben einer über die Dynastie erfolgenden Integration der Länder zu einem „frühneuzeitlichen Fürstenstaat“ war ebenso eine stärker von den Landschaften getragene Entwicklung möglich. Nach den machtpolitischen Veränderungen durch die Schlacht am Weißen Berg 1620 und der Ausweisung des oppositionellen protestantischen Adels in den zwanziger Jahren des 17. Jahrhunderts waren jedoch – für den Adel der böhmischen und österreichischen Länder – die Würfel gefallen: Die Stände waren nun zwar politisch keineswegs ausgeschaltet, denn sie erfüllten weiterhin wichtige staatliche Funktionen, ihr libertärer Anspruch und ihre politische Macht waren jedoch gezähmt, so daß sie in das habsburgische System integriert werden konnten.¹

¹ Auf das staatsbildende Potential der Stände in den österreichischen Ländern haben vor allem Hans Sturmberger und Winfried Schulze hingewiesen: *Hans Sturmberger*, Kaiser Ferdinand II. und das Problem des Absolutismus, Wien 1957; *ders.*, Der absolutistische Staat und die Länder in Österreich, in: Land ob der Enns und Österreich. Aufsätze und Vorträge, hrsg. v. Hans Sturmberger, Linz 1979, 273–310; *ders.*, Dualistischer Ständestaat und werdender Absolutismus, in: ebd. 246–272; *Winfried Schulze*, Das Ständewesen in den Erblanden der Habsburger Monarchie bis 1740: Vom dualistischen Ständestaat zum organisch-föderativen Absolutismus, in: Ständetum und Staatsbildung in Brandenburg-Preussen. Ergebnisse einer internationalen Fachtagung, hrsg. v. Peter Baumgart, (Veröffentlichungen der Historischen Kommission zu Berlin, 55: Forschungen zur preussischen Geschichte), Berlin/New York 1983, 263–279, hier 264 f.; *ders.*, Interpretationen,