

James I *TRUE LAW OF FREE MONARCHIES* AND A SPEECH TO PARLIAMENT

One of the most articulate defenders of the divine right of monarchy was James VI, who was king of Scotland (1567-1625) and as James I (1603-1625) also was king of England. A scholar as well as a king, James in 1598 anonymously published a widely read book called the *True Law of Free Monarchies*. He claimed that the king alone was the true legislator. James's notions of the royal prerogative and of the role of Parliament are detailed in the following passages from the *True Law* and a speech to Parliament.

TRUE LAW

Prerogative and Parliament.

According to these fundamental laws already alleged, we daily see that in the parliament (which is nothing else but the head court of the king and his vassals) the laws are but craved by his subjects, and only made by him at their [proposal] and with their advice: for albeit the king make daily statutes and ordinances, [imposing] such pains thereto as he thinks [fit], without any advice of parliament or estates, yet it lies in the power of no parliament to make any kind of law or statute, without his sceptre [that is, authority] be to it, for giving it the force of a law And as ye see it manifest that the king is over-lord of the whole land, so is he

master over every person that inhabireth the same, having power over the life and death of everyone of them: for although a just prince will not take the life of any of his subjects without a clear law, yet the same laws whereby he taketh them are made by himself or his predecessors; and so the power flows always from himself. ... Where he sees the law doubts orne or rigorous, he may interpret or mitigate the same, lest otherwise *summum jus* be *summa injuria* [the greatest right be the greatest wrong]: and therefore general laws made publicly in parliament may upon ... [the king's] authority be mitigated and suspended upon causes only known to him.

As likewise, although I have said a good king will frame all his actions to be according

to the law, yet is he not bound thereto but of his good will, and for good example-giving to his subjects So as I have already said, a good king, though he be above the law, will subject and frame his actions thereto, for example's sake to his subjects, and of his own free will, but not as subject or bound thereto

In a speech before the English Parliament in March 1610, James elaborated on his exalted theory of the monarch's absolute power.

A SPEECH TO PARLIAMENT

... The state of monarchy is the supremest thing upon earth: for kings are not only God's lieutenants upon earth and sit upon God's throne, but even by God himself they are called gods. There be three principal [comparisons] that illustrate the state of monarchy: one taken out of the word of God, and the two other out of the grounds of policy and philosophy. In the Scriptures kings are called gods, and so their power after a certain relation compared to the Divine power. Kings are also compared to fathers of families: for a king is truly *parens patriae* [parent of the country], the politic father of his people. And lastly, kings are compared to the head of this microcosm of the body of man

I conclude then this point touching the power of kings with this axiom of divinity, That

as to dispute what God may do is blasphemy, ... so it is sedition in subjects to dispute what a king may do in the height of his power. But just kings will ever be willing to declare what they will do, if they will not incur the curse of God. I will not be content that my power be disputed upon; but I shall ever be willing to make the reason appear of all my doings, and rule my actions according to my laws

Now the second general ground whereof I am to speak concerns the matter of grievances First then, I am not to find fault that you inform yourselves of the particular just grievances of the people; nay I must tell you, ye can neither be just nor faithful to me or to your countries that trust and employ you, if you do it not But I would wish you to be careful to avoid [these] things in the matter of grievances.

First, that you do not meddle with the main points of government: that is my craft ... to meddle with that, were to lesson me. I am now an old king ... ;

I must not be taught my office.

Secondly, I would not have you meddle with such ancient rights of mine as I have received from my predecessors, possessing them *more majorum* [as ancestral customs]: such things I would be sorry should be accounted for grievances. All novelties are dangerous as well in a politic as in a natural body: and therefore I would be loath to be quarrelled in my ancient rights and possessions: for that were to judge me unworthy of that which my predecessors had and left me.