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Abstract: In early modern England, the family was understood as emblematic of the social and political order; thus, during the Civil Wars, the protection of the family -- both private and political -- was presented as the surest way of assuaging God's wrath and re-establishing order in the three kingdoms. The following article will explore the ways that patriarchy was used to legitimise the authority and actions of the men sentenced to death for high treason during and immediately following the Civil Wars.

In January 1649, at the end of the Second British Civil War, King Charles I was tried and found guilty of high treason and condemned to be "put to death, by the severing of his Head from his Body."¹ On the morning of his execution Charles I was attended by Dr. Juxon, Bishop of London, who prayed with the King and read from Matthew 27, which describes the Passion of Christ. The King, once the service was complete, thanked the Bishop for his choice of texts, stating that it was especially applicable to his own situation. The Bishop replied: "May it please your gracious Majesty, it is the proper Lesson for the day, as appear by the Calender.' Upon hearing this reply, the King "was much affected and thought it a providential Preperation for his Death."² The event simultaneously suggested Charles' own election and divine sanction for the Book of Prayer, proving the justice of his cause. The King was being portrayed as martyr: a man soon to die a witness to the truth and a champion of God's cause.

The practice of depicting oneself or one's ally as a martyr was not restricted to the King and his supporters, called the royalists. The regicides – those who were involved in the King's trial and execution – also used scripture to suggest their righteousness and forthcoming salvation.³ Royalists and regicides were working within the same

¹ Thomas Bayly Howell, William Cobbett, David Jardine, eds., *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors: From the Earliest Period to the Year 1783* (London, 1816), Vol. IV, 1128.

² Howell, State Trials, Vol. IV, 1132.

³ Those referred to loosely in this article as "regicides" were the ten men executed as the result of the 1660 trials that followed the restoration of the monarchy. Of these men, six – Thomas Harrison, Adrian Scroop, John Jones, John Carew, Gregory Clement and Thomas Scot - were members of the high court and signed the King's death warrant. At their trial, they refused to express any feelings of remorse for their actions. Another four - Hugh Peters, Francis Hacker, John Cook and Daniel Axtell - were not directly involved in the King's trial, and thus not technically regicides, but their actions were deemed to have contributed to his sentencing.

systems of beliefs. This is most clearly illustrated in the accounts of their trials and executions; regardless of their allegiance, condemned men were primarily concerned with 'dying well.' This meant the same thing for all concerned: dying "calmly, bravely, and without passion, or rancour."⁴ Cheerfulness in the face of death was proof of divine intervention. These conventions were shaped in part by sixteenth-century martyrologies. Brad Gregory has argued that Protestant martyrologists, such as John Foxe, were primarily concerned with delineating "a community of Protestant martyrs broader than the martyr's respective confessional groups" who would testify to the "unity characteristic" of "God's restored truth."5 This ideal proved unattainable as conflict between confessional groups remained a reality. While royalists and regicides all claimed to be Protestants, there were disagreements amongst them. This is often reflected in the different emphases of their last dying speeches. Royalists tended to focus on charity to others, while the "hotter sort" of parliamentarian (in the case of this chapter, the regicides) focused instead on their own election. Such differences influenced the way the nature of authority was viewed and contributed to the construction of the patriarchal and political philosophies espoused by each camp.

In the last few decades, the dichotomy between Puritans and Anglicans as an explanation for the Civil Wars has fallen out of favour amongst historians. Patrick Collinson has argued that it is a mistake to write "the history of [the Protestant Church] in the anachronistically dichotomous terms of an Anglicanism not yet conceived and an alien puritanism not yet clearly disowned." ⁶ In focusing on religious disparity among Protestants, I do not wish the resurrect the Anglican vs. Puritan binary model, nor do I necessarily wish to argue, as John Morrill has, that the "English Civil War…was the last of the Wars of Religion."⁷ Religion was not the only factor that influenced people's allegiance; it is undeniable, however, that religion played a profound role in shaping the Civil Wars.

Charity

In early modern England, 'charity' was understood as a state of Christian love and harmony. Jesus commanded that: "Thou shalt love

⁴ Andrea McKenzie, *Tyburn's Martyrs: Executions in England 1675-1775* (London, 2007), 36.

⁵ Brad Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge, Mass., 1999), 183, 184.

⁶ Patrick Collinson, *The Religion of Protestants: The Church in English Society 1559-1625* (Oxford, 1982), ix.

⁷ John Morrill, *The Nature of the English Revolution* (Harlow, 1993), 68.

the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This it the first great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself' (Matt 22: 37-39).⁸ All royalists were faithful to this divine commandment and were careful to die in a state of Christian harmony. They forgave 'all the world,' including the authors of their death, before their execution.⁹ Royalists were also careful to instruct their families to forgive those responsible for their deaths. The earl of Strafford told his son "to bear no private grudge, or revenge toward any man concerning me," while Lord Capel commanded his son "never to revenge his death, though it should be in his power, the like he said unto his wife."¹⁰

Not only was charity central to royalists' dying speeches, it was also used to characterise their lives. The King was described as having exhibited great charity during his trial. Once his sentence had been read, he was escorted out of the courtroom. It was reported that "as he passed down the stairs, the insolent Soldiers scoffed at him, casting the smoke of their tobacco...in his face...and one more insolent than the rest, spitting in his face."¹¹ The comparison with Christ was none too subtle. Like Jesus, who had withstood the abuse of soldiers "who spit on him, and took the reed, and smote him on the head" (Mathew 27:30), King Charles I reacted calmly and with great charity, forgiving the soldiers who "for a piece of Money...would do so for their commanders."¹² James, the Duke of Hamilton, one of the King's greatest Scottish allies, was also described as charitable. Gilbert Burnet, who wrote a biography of Hamilton, described an altercation that took place between the Duke and a 'zealous woman' who threw a rock at him. When it was ordered that

⁸ "charity, *1.b.*" *The Oxford English Dictionary, 2nd ed. 1989, OED Online*, Oxford University Press (April 12th 2009). According to Keith Wrightson, during the early modern period 'charity' was reinterpreted in the context of the politics of subordination. The definition of 'charity' evolved from describing a state of Christian harmony to describing an act of kindness towards the poor. See Keith Wrightson "The Politics of the Parish in Early Modern England," in *The Experience of Authority in Early Modern England*, eds. Paul Griffiths, Adam Fox and Steve Hindle (New York, 1996), 33. See also John Bossy, *Christianity in the West* (Oxford, 1985), 168-69.

⁹ See Howell, A Complete Collection of State Trials, Vol. IV, 601 (Laud), 1138 (Charles I), 1190 (Hamilton), 1193 (Holland), 1239-1240 (Capel); Howell, A Complete Collection of State Trials, Vol. III, 1517, 1522 (Strafford); The chiefe heads of Mr. John Sares speech and other passages at the time of his execution at West-Chester; he being the portliest man the three kingdomes afforded, whose coffin was two yards and a halfe in length, yet too short to containe his corps; he suffered the 20th day of October (London, 1652), 1.

¹⁰ Howell, *A Complete Collection of State Trials*, Vol. III, 1523, Howell, *A Complete Collection of State Trials*, Vol. IV, 1231.

¹¹ Howell, A Complete Collection of State Trials, Vol. IV, 1130.

¹² Howell, A Complete Collection of State Trials, Vol. IV, 1130.

her hand should be cut off "he procured her Pardon, and said, *The Stone* has missed him, therefore he was to take care that their Sentence might miss her."¹³ These stories were used to show the royalists' charity - their ability to forgive those who had injured them.

The King's charity was used by his supporters as an indication of his royal authority. Political patriarchal theorists, all of whom were royalists, argued that God had vested absolute authority in the earliest patriarchs who had also been the first rulers; regal authority was rooted in paternal authority and the powers of fathers and kings were identical. This assumed congruity between domestic and political patriarchy led to the publication of an abundance of printed material idealising the King's family life. His ability to successfully govern his household was offered as proof of his ability to govern his kingdom. Charles I was especially commended for his relationship to his wife. Clarendon wrote that "he was so great an example of *Conjugal Affection*, that they who did not imitate him in that particular durst not brag of their liberty."¹⁴ In *Eikon* Basilike, the love and happiness that is shared by Charles and Henrietta Maria is explicitly expressed: "Her sympathie with Me in my afflictions, will make her vertue shine with greater lustre, as starrs in the darkest nights; and assure the envious world, that she loves me, not my fortunes."¹⁵ Shortly before his execution, Charles asked his daughter, Elizabeth, to tell his wife that "his thoughts never strayed from her, and that his love should be the same to the last."¹⁶ This further attests to the conjugal affections shared by the royal couple. It also shows that Charles' children were witness to this love and, in a sense, participated in it.

Charles I was also portrayed as a good father. His last meeting with his youngest son, Henry, and his daughter, Elizabeth, is related in way that conveys a sense of domestic happiness. He addresses both his children as 'sweetheart.' He takes his son upon his knee, demonstrating the affection he holds for him. Elizabeth makes show of her love for her father when she pours "forth abundance of Tears" at the thought of his

¹³ Burnet, *The memoires of the lives and actions of James and William, Dukes of Hamilton*, 413.

¹⁴ Clarendon, Edward Hyde, Earl of, *Memoirs of Kings Charles I and the loyalists who suffered in his cause; chiefly extracted from Lord Clarendon's History of the rebellion* (London, 1795), 4.

¹⁵ Eikon Basilike: The Pourtrature of His Sacred Majestie (London, 1649), 43-44. Eikon Basilike was published in 1649, and purported to be King Charles I's last testimony.

While this work was almost certainly not written by Charles, but by John Gauden, it was nonetheless authorised and probably closely overseen by the King. For a more extensive discussion of the *Eikon Basilike* see Andrew Lacey, *The Cult of King Charles the Martyr* (Rochester, 2003), esp. 77-87.

¹⁶ Eikon Basilike, 282.

impending death.¹⁷ Charles, in this last meeting, is concerned for his children's future safety. He instructs his youngest son to refuse the crown even if it is offered to him, for if he does "they will cut off your Brothers heads...and cut off thy head too at the last."¹⁸ His depiction as "virtuous, chaste, pious, a good father, husband and master" made him an "example of holy living."¹⁹

As military leaders, other executed royalists also commanded obedience, and their family life similarly demonstrated their capacity to rule. James, the Duke of Hamilton, was portrayed as a loving husband and father. His relationship to his wife is said to have started in a less than ideal way when he was fourteen and she seven. But, "her excellent qualities did afterwards overcome that Aversion into as much Affection as he was capable."²⁰ The Hamiltons' matrimonial relationship was described as one that epitomised the ideals of the time. Hamilton's character and behaviour as a husband ensured his wife's continued love and obedience. "She was a most affectionate and dutiful wife ... she had the greatest reason to bless God, for having given her such a Husband, whom as she loved perfectly, so she was not ashamed to obey."²¹ As Alexandra Sheppard has argued, "the self-government expected of manhood was the basic of men's claims to authority."22 Hamilton's capacity to so perfectly govern his household implied that he was a patriarch who, because he could govern himself, was fit to command.

The political patriarchal model described by royalists at their execution was also informed by ideas concerning domestic household governance. Before his execution, Capel adressed the crowd, stating: "I die, I take it, for maintaining the fifth commandment, enjoin'd by God himself, which enjoins Reverence and Obedience to Parents."²³ Like Capel, other royalists, expressed the belief that they were dving for their loyalty to England's political patriarch. The earl of Strafford instructed

¹⁷ Eikon Basilike, 280.

¹⁸ Eikon Basilike, 280-81.

¹⁹ Lacey, "Charles the First, and Christ the Second," 208.

²⁰ Burnet. The memoires of the lives and actions of James and William, Dukes of Hamilton, 406.

²¹ Burnet, *The memoires of the lives and actions of James and William, Dukes of* Hamilton, 407.

²² Alexandra Shepard, *Meanings of manhood in early modern England* (Oxford, 2003),

^{70. &}lt;sup>23</sup> The Dying Speeches and Behaviour of the State Prisoners That have been Executed the last 300 years with their several characters from the best historian as Cambden. Spotswood, Clarendon, Sprat, Burnet &c. (London, 1720), 166; and The several speeches of Duke Hamilton Earl of Cambridge, Henry Earl of Holland, and Arthur Lord Capel, upon the scaffold immediately before their execution, on Friday the 9 of March (London, 1649), 38.

his son that if the King requested his service, "he should carefully undertake it, to testify his obedience, and withal to be faithful and sincere to his Master, though he should come to the same end that himself did."²⁴ John Morris, an army officer, stated that "if I had a thousand lives I would willingly lay them down for the cause of my King, the Lord Anointed: the Scripture commands us to fear God and honour the King.²⁵ The King was a father and a master; he was the 'Lord Anointed.' The executed royalists maintained their loyalty to the King right to the moment of death - their death itself was a powerful reminder of their loyalty to his person and to his cause. The death of these royalists was the ultimate act of subordination towards a political patriarch.

Salvation

While Charles' supporters portrayed him as a good patriarch, his enemies tried to undo this powerful image. In 1646, Parliament published a pamphlet entitled The Kings Cabinet Opened, a selection of Charles I's personal correspondence captured from the King's coach when royalist forces broke rank at the Battle of Naseby. In this pamphlet, Henrietta-Maria was portraved as a domineering wife. She exercised authority over her husband and held undue influence in matters of state. This was evidenced, according to the editors of the pamphlet, by a letter written by Charles in May 1645. In this letter, the King related to his wife that his eldest son (the future Charles II) had asked him to swear Sir John Greenfield as Gentleman of his Bedchamber. The King wrote to the Queen that he had "refused the admitting of him until I shall heare from thee."26 Thus, the King was portrayed as unable to make any decision, even on a seemingly unimportant matter, without first having consulted his wife. Therefore, the first conclusion the reader should draw from this personal correspondence was that "the Kings Councels are wholly managed by the Queen; though she be of the weaker sexe, born an Alian, bred up in a contrary Religion."²⁷ The King's submission visà-vis his wife was proof of his inability to govern. Although it was not stated explicitly, conjugal love could, in this case, be interpreted as a threat. It was Charles' love for his wife that had induced him into submission.

The parliamentarians' criticism of Charles reflects their concern with proper household governance. However, in preparing for death,

²⁴ England's black tribunal, 57-58.
²⁵ England's black tribunal, 122-123.

²⁶ The Kings cabinet opened: or, Certain packets of secret letters & papers, written with the Kings own hand, and taken in his cabinet at Nasby-Field, June 14. 1645 (London, 1645), 11.

²⁷ The Kings cabinet opened, 42.

regicides focused on that which is eternal instead of that which is temporal. They cast aside their families in order to concentrate on their forthcoming salvation. Thus, John Cooke defined love as something that was aimed exclusively at God: "A husband, wife, child, friends, and all creature-comforts are to be loved so far as we see God in them; so our affections and desires must not be fixed upon them, but terminate in God...our loves must only pass by the Creatures, and settle in God."²⁸ In jail, Hugh Peters, preached on the causes of despondency. He argued that by "over valuing our comforts, putting too much upon wife, children, estate or Life it self, a man is apt to be cast down when he thinks of parting with them."²⁹ It was better not to get attached to earthly things, for these attachments detracted one from the glories of the afterlife. Furthermore, despondency was proof of a lack of faith. Therefore, to hold earthly goods in high esteem distracted a person from the essence of worship and piety. Family and friends were depicted as potential obstacles in the regicide's final search for salvation and eternal happiness.

In their dying speeches, regicides were primarily concerned with salvation: "the saving of the soul; the deliverance from sin and its consequences, and admission to eternal bliss, wrought for man by the atonement of Christ."³⁰ They believed in the Calvinist doctrine of double predestination - that God exercised his prerogative in electing a select few for eternal salvation and others for reprobation.³¹ Atonement was limited, as Christ had only died to save the elect. In their final moments, regicides endeavoured to identify signs of their own election. Faith was what distinguished the elect from the rest of humanity; it was the gift of grace. However, predestination was understood differently amongst Protestants. Arminianism, said to have been embraced by some prominent royalists, most notably Kings Charles I, rejected the Calvinist doctrine of limited atonement, arguing instead that Christ has died for all, not just the elect. David R. Como argues that the 1630s concern with predestination was climacteric to later debates on the nature of politics and governance. To Arminians, the Calvinist doctrine of election was worrisome, as it seduced "Calvinist divines into assurance of their own elect status," which lulled them "into a dangerous state of security which absolved them from all moral obligations toGod, King, and neighbour."³²

²⁸ The speeches and prayers of some of the late King's judges, 50-51.

²⁹ W. S. A compleat collection, 114.

³⁰ "salvation, *I.a.*" *The Oxford English Dictionary, 2nd ed. 1989, OED Online*, Oxford University Press (April 12th 2009).

³¹ The Westminster Assembly imposed the doctrine of double predestination in 1647.

³² David R. Como, "Predestination and Political Conflict in Laud's London," *The Historical Journal* 46, no. 2 (2003), 272.

So not only did Arminians disagree with the Calvinist doctrine of predestination, they also believed that it engendered treachery. Furthermore, the doctrine of election was accorded varying levels of importance amongst Calvinists. For example, Peter Marshall has identified two types of Calvinist. The first type, 'experimental Calvinists,' made predestination the 'centre of their piety' and continuously searched for signs of election. The second, 'creedal Calvinists,' believed in predestination, but since the identity of the elect was impossible to determine, they preferred to avoid the topic. It was seen as socially disruptive, as the search for proof of election could be divisive.³³ Therefore a more temperate approach to predestination existed in mainstream English Protestantism.

The regicides approach to election was anything but temperate. By focusing on their own depravity the regicides were arguing for God's goodness. John Carew "much admired the Depths of love of God to such an unworthy Worme."³⁴ Thomas Harrison shared in this sentiment, saying "Oh what am I poor worm that I should be accounted worthy to suffer anything for the sake of my Lord and Saviour Jesus Christ."³⁵ A just God could reasonably have condemned all men. But, God was merciful. With the blood of his only son, he saved the elect. John Carew, in his dying prayers, said: "The most holy and righteous God, that had but one onely begotten sonne that was the delight of his soul and should take pleasure to bruise him that we might be healed."³⁶ It was the wickedness of man that made their salvation so merciful – it was proof of God's love.

But, while regicides insisted on their own depravity they refused to admit any feelings of guilt. Their clear conscience was proof of the divinity of their cause. At his execution John Barkstead stated that he was with "no more trouble at this minute upon my spirit, then I had upon my wedding-day."³⁷ Thomas Harrison similarly stated that "as to the bloud of the King, I have not in the least any Guilt lying upon me…the thing was more of God then of Men."³⁸ There was no reason to be troubled by their actions towards the King since God commanded them. This absence of guilt also manifested itself in an unwillingness to repent.

³³ Peter Marshall, *Reformation England*, 1480-1642 (London, 2003), 129.

³⁴ The speeches and prayers of some of the late King's judges, 14.

³⁵ The speeches and prayers of some of the late King's judges, 10.

³⁶ W. S. A compleat collection, 50.

³⁷ The speeches and prayers of John Barkstead, John Okey, and Miles Corbet together with severa[l] passages at the time of their execution at Tyiburn [sic], the nineteenth of April, 1662, with some due and sober animadversions of the said speeches. (London, 1662), 3.

³⁸ The speeches and prayers of some of the late King's judges, 2.

A man came to visit Adrian Scrope in jail and beseeched him to repent. Scrope "put forth his hand, and thrust him from him, using these words AVOID SATAN."³⁹ Regicides equated repentance with a denial of their cause – God's cause.

The regicides' lack of penance can also be explained by their dismissal of the patriarchal political theory. Like patriarchal political theorists, they believed that fathers held power over their families. However, they denied any equivalency between fatherly and kingly authority. They argued that Monarchical authority was derivative, "committed to them [Kings] in trust from the people" and the people's right of "choosing, yea of changing thir own Government is by the grant of God himself in the People."⁴⁰ A Covenant existed between the people and God and every person had the obligation of protecting the law and true religion. They believed that the King was at the source of the kingdom's woes. By his tyrannical actions he destroyed traditional family structures and was the author of chaos and insecurity. The King's personal morality and conscience were untrustworthy, and he was unfit to "to continue a Father of the people."⁴¹ Regicides, in their dying speeches, spoke of their duty to obey their Master and their Father. Such language was used not to refer to the King of England, however, but rather to God, the King of Kings. God acted simultaneously as a master, a husband and a father. The patriarchal order they described was not earthly but divine.

It was God who was to act as a patriarch to the regicides families after their deaths. John Carew told his wife, "I resigne thee up to Jesus Christ to be thee Husband, to whom also I am going to be married in glory this day."⁴² In a last conversation with his family John Cook referred to Jeremiah 49:11, in which God tells the inhabitants of Dedan: "Leave thy fatherless children, I will preserve *them* alive; and let thy widows trust in me." Carew and Cook both exhorted their wives - soon to be widows - to take God as a husband and to put their unrestrained trust in him. Axtel similarly told his daughter that "he had left Jesus Christ an Executor in trust of her" and that "*Get an interest in Christ, and keep close to him, he will be a better Father to thee then I.*"⁴³ After their deaths, God was to be a husband to their widow and a father to their children.

³⁹ The speeches and prayers of some of the late King's judges, 74.

⁴⁰ Milton, *The tenure of kings and magistrates*, 10, 15.

⁴¹ John Cook, *King Charles, His Case* (London, 1649), 12

⁴² W. S. A compleat collection, 53.

⁴³ W. S. A compleat collection, 165, 163.

This does not mean, however, that regicides believed they had no patriarchal duties. They understood their primary responsibility as providing religious instruction. J. Sears McGee has argued that puritans, while they believed in the importance of living in a state of Christian harmony, also believed that this outward state could be achieved by even the most unregenerate person.⁴⁴ Therefore, Puritans' acts of charity tended to target the soul, especially the souls of their co-religionist. They saw it as their duty to "to do all [they could] to help [their] fellow saints stay on the narrow path which leads to heaven."⁴⁵ The regicides, most of whom were puritans, instructed their families (who would, most likely, have been members of their godly community) not to mourn them but rather to trust in God's grace. Daniel Axtel told his daughter: "Where hast thou been all this while? I thought thou hadst been ashamed of my Chains, but they that will not bear the cross, shall not wear the Crown."46 When John Cook's wife began to cry and attempted to hold him back, he answered. "O doe not hinder me from to Jesus Christ."⁴⁷ It was an honour that God had chosen them to suffer for his cause. It was, therefore, considered an affront to God to mourn their deaths.⁴⁸

The royalists and regicides shared common values and conventions. At their execution, they used the same language and signs to suggest election and martyrdom. Their cheerfulness was proof of God's divine sanction and the righteousness of their cause. However, the centrepiece of each camp's religion was different. On the one hand, royalists gave primary importance to charity. Their domestic and political patriarchal models were based on maintaining a state of Christian harmony. This state could be best achieved, they believed, by defending Charles I, the anointed monarch who had proven himself a capable husband, father and ruler. On the other hand, regicides were primarily concerned with election. Their focus, therefore, was on their relationship to God. In

⁴⁴ J. Sears McGee *The Godly Man in Stuart England: Anglicans Puritans, and the Two Tables, 1620-1670* (New Haven, 1976), 193.

⁴⁵ McGee, The Godly Man in Stuart England, 194.

⁴⁶ W. S. A compleat collection, 164.

⁴⁷ The speeches and prayers of some of the late King's judges, 28.

⁴⁸ This was a characteristic of puritan piety and was not simply restricted to the execution of state prisoners. Nehemiah Wallington, a puritan artisan, wrote in his diary that "great is the grief of an husband that loseth a kind and virtuous wife, and who can express the sorrow of a father or mother for the death of their dear and only child. But yet the sorrow in the world is not like the sorrow and grief of heart for sin." Despite this assertion Wallingford became inconsolable after the death of his daughter, Elizabeth. Finally his wife, Grace, told him "Husband, I am persuaded you offend God in grieving for this child so much…it is your daughter's wedding day and will you grieve to see your daughter go home to her husband Jesus Christ." See Paul Seaver, *Wallington's World: A Puritan Artisan in Seventeenth-Century London* (Stanford, 1985), 85, 87.

their last moments, they were most concerned by that which is ethereal: their election and that of their families and friends. As patriarchs, they saw it as their responsibility to provide religious instructions and protect the spiritual well-being of their co-religionist.