

FREEDOM

STORIES

*Sir Edward Coke**May 1628*

The Petition of Right and the Shield of English Liberty

Historical Spotlight

In the spring of 1628, England was in crisis. For three years, King Charles I had extracted forced loans from his subjects without Parliament's consent, imprisoning those who refused, quartering soldiers in private homes, and extending martial law over civilians. The ancient rights of Englishmen, built over four centuries, were being systematically dismantled by a king who thought he was above the law.

Sir Edward Coke, at seventy-six years old, a former Attorney General, Chief Justice, and Speaker of the House of Commons, stepped into that crisis to deliver one of the most consequential acts of his remarkable career. In May of 1628, he rose before Parliament and declared: "Magna Carta is such a fellow that he will have no sovereign." Within weeks, Charles I, desperate for funds to finance his wars, was compelled to sign the Petition of Right into law.

The Petition was not a radical document. That was precisely its power. Coke did not invent new rights; he reasserted old ones. The Petition rested on a foundation already four centuries deep, tracing its authority back to Magna Carta's Chapter 29, which declared that no free man could be imprisoned or stripped of his rights except by lawful judgment. Coke's genius was in applying that ancient principle with legal precision to the specific abuses of his own day. The result was a landmark reaffirmation of four

bedrock liberties: no taxation without parliamentary consent, no imprisonment without stated cause, no quartering of soldiers in private homes, and no martial law over civilians in peacetime.



These were not merely legal technicalities. They were the product of a profoundly biblical understanding of power. Coke's conviction that the king himself stands under God and under the law God ordains, was an ancient one. It echoed Samuel's warning to Israel that a king who seizes the property and labor of his people acts not under divine authority but against it. It reflected Deuteronomy's command that even the king must write out the law and read it all the days of his life, so that "his heart is not lifted up above his countrymen."

(Deuteronomy 17:20) The great thirteenth-century jurist Henry de Bracton had expressed it plainly: "The king ought not to be under man, but under God and the Law." This was the tradition Coke stood in. Not Enlightenment rationalism, but medieval Christian jurisprudence, the belief that law derives from the character of God and that rulers who violate it will answer to a higher court than any Parliament.

The Petition of Right was one link in a long chain. Magna Carta planted the seed in 1215 when English barons, shaped by the Christian legal tradition of Alfred, compelled King John to acknowledge that even the Crown must submit to law. The phrase "due process of law" first appeared in English statute in

Sir Edward Coke
 portrait by Gilbert Jackson, 1615

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No Man Above the Law

1354, building on principles already present in Magna Carta. In 1628, the Petition of Right built upon this long inheritance of English liberty. Then came the English Bill of Rights in 1689, enacted after the Glorious Revolution deposed another overreaching king, drawing directly on the Petition's language. Finally, the American Founders, who had studied this entire tradition with great care, enshrined its principles in the Fifth Amendment's guarantee that no person shall be deprived of "life, liberty, or property, without due process of law." The voice of Magna Carta's Chapter 29 was speaking across six centuries.

Coke paid personally for his convictions. Charles I, furious at the Petition's passage, had him arrested in 1634 and his papers confiscated. He died that same year. But his enemies miscalculated. His great commentary on Magna Carta was published by Parliament eight years later, in 1642, arriving precisely in time to arm the intellectual case of the English Civil War. Those who sought to silence him handed him instead to history.

C.S. Lewis understood what was truly at stake in this tradition. He warned that a government unbound from transcendent moral law does not become more free - it becomes more dangerous. Once the idea that law reflects objective moral reality is abandoned, only power remains, and whoever holds the power writes

the rules. The Petition of Right was a direct argument against that abuse. It insisted that there is a law above every king, older than any throne, and that rulers who ignore it do not merely break the law, they defy the God who authored it.



What This Means For Us

These age old ideas found in The Petition of Right is the foundation on which Western liberty was built. The rights we inherit are not grants from government, capable of being rescinded by the next election winner. They are, as the tradition from Sinai to Runnymede

to Philadelphia insists, gifts of God, rooted in the dignity of every human being made in His image. When that foundation erodes, rights do not merely shrink. They vanish, because there is nothing left to ground them in.

The question Coke asked in 1628 has not grown old: *Who is sovereign?* The king? The state? The majority? Or the God who made us? He answered it at seven-six years old, at personal cost, with legal precision and theological conviction. His answer has outlasted every king who tried to silence it. It will outlast ours as well, if we have the courage to repeat it.

Click [HERE](#) to read the Petition of Right