

THE CONCEPT OF THE NATIONAL CHURCH
WITH PARTICULAR REFERENCE TO
THE CHURCH OF ENGLAND

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by
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To my wife

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PREFACE

If in the "Anglican dilemma" the counsels for reform have prevailed over the counsels for disestablishment, one reason at least may be found in the reassertion by the former of a trait in the English character.

Fifty years ago Bishop Creighton described the idea of the national church as the manifestation of the English people's ability to manage their own religious affairs without outside help. The recent Report of the Moberly Committee on Church and State stresses not simply the people's ability but their positive inclination. The genius of the establishment lies in what the Report calls "our inveterate national habit of spontaneous conformity." Certainly the event of June 2nd, 1953, produced a unanimity of national support and participation for which personal attractiveness and popularity alone will not account. There are those who would question the religious sincerity of many, if not most, of those who lined the route of her Majesty's progress. Faith may have come off second best to patriotism in the displays attending the Coronation. But the religious significance of the event was not lost on the great majority of her countrymen who felt drawn closer to the Crown and to each other in their common predisposition - however inarticulate - to uphold her in her role as "Defender of the Faith."

It is the contention of Mr. T. S. Eliot in his book, The Idea of a Christian Society, that even the majority of those Englishmen who consider themselves outside the Church would, if the choice were forced on them, choose in favor of Christianity as against paganism; and when they think of Christianity they think of what is meant in the phrase, "C. of E."

This thesis is an attempt to trace the growth of that bias in favor of a national religion and the Church that makes it articulate.

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PART I

INTRODUCTION

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CHAPTER I

THE RISE OF THE CONCEPT OF THE NATIONAL CHURCH

Unity through Papal Centralization

"In every class of objects the best is the most unified."¹

The classic principle of unity was canonized in the Middle Ages.

The medieval mind, identifying Christendom with mankind, conceived of a single, universal community, founded and governed by God Himself. The civitas Dei was one all-embracing universitas, constituting the Universal Realm. Whether it be called the Universal Church or the Commonwealth of the Human Race, to accomplish its purpose it needed but a single law and a single government.²

In practice, however, this ideal of the unity of mankind experienced a severance between the orders spiritual and temporal; nor was this duality conceived as without Divine decree. Corresponding to the doubleness of man's nature and destiny, there must be a separation of the orders. Here on earth man had to prepare not only for his temporal needs but also for his eternal welfare. "Each of these Orders necessarily appears as an externally

¹Dante, De Monarchia, ed. by Aurelia Henry (Boston: Houghton, Mifflin, 1904), Bk. I, chap. xv, citing Aristotle, Metaphysics, Bk. I, chap. v.

²Cf. Otto Gierke, Political Theories of the Middle Age, trans. F. W. Maitland (Cambridge, 1900), pp. 9-21.

separated Realm, dominated by its own particular Law, specially represented by a single Folk or People and governed by a single government."¹

The conflict between the apparent duality and the requisite unity was the source of all the speculation concerning the relation between clergy and laity, between sacerdotium and regnum. The plurality was never accepted as final but demanded reconciliation in a higher Unity. "Over the nature of the reconciling process the great parties of the Middle Age fell a-fighting."² Though the two orders may have existed independently and either one have held power immediately of God there was never any assertion by one that the other was not included in the whole. The argumentum unitatis concerned dominance, not exclusion.

The "high church" argument developed and nurtured the idea of the Church's supremacy within the civitas during the eleventh and twelfth centuries. The theory of the plenitudo potestatis of the Papacy was the final form it took. Confronted with the centuries-old tradition of the Eigenkirche, the Hildebrandine reform reacted by concerted attempts at centralization.³ Z. N. Brooke has shown that Gregory VII's principal objection to lay investiture was not to the ceremony as such but rather to the divisiveness implied in the imperial formula,

¹Ibid, p. 11.

²Ibid.

³Cf. Ulrich Stutz, "The Proprietary Church as an Element of Medieval Germanic Ecclesiastical Law," Studies in Medieval History, ed. by G. Barraclough (Oxford: Blackwell, 1938), pp. 35-70.

"Accipe ecclesiam."¹ The reform that stemmed from the Cluniac movement had centralization as its watchword.

The Papal theory begun by Pope Gregory VII was developed further in England by the subsequent Archbishops of Canterbury, Anselm, Theobald, and Becket. John of Salisbury was also influential in the Pope's cause. Though he placed the king in a highly exalted position, it was only to assert that the Gelasian sword he wielded was handed him by the Church.² With Pope Innocent III the "vicegerent of Peter" became the "vicegerent of Christ", and the primacy of the sacerdotium was established when the King of England became the Pope's man. What had before been an assertion now passed into the canon.³ Though Boniface VIII would proclaim "every human creature to be subject to the Roman pontiff",⁴ the Papacy had reached its zenith a century earlier.

It must be borne in mind that, whatever the personal pretensions of the men who exalted the Papacy, however worldly their motives, the growth of the plenitudo potestatis would have been impossible had it not been generally welcomed in its beginnings. Power may have been grasped but much of it was willingly given

¹Cf. Z. N. Brooke, "Lay Investiture and its Relation to the Conflict of Empire and Papacy," Proceedings of the British Academy, XXV (1939), pp. 223 ff.

²R. L. Poole, Illustrations of the History of Medieval Thought and Learning (London: S. P. C. K., 1920), p. 206.

³Gierke, op. cit., p. 106.

⁴Pope Boniface VIII, Bull, Unum Sanctam.

from below.¹

Thus, by the end of the thirteenth century the doctrine of Papal plenary power had won general acceptance as the means of reconciling the dualism. From the coronation of Charles the Great to the sixteenth century the concept of unity was unchallenged, least of all by Frederick II, who staked his crown in the attempt to establish the unity in his rex-sacerdos principle. As Figgis has it, when Pope and Emperor quarrelled, they "quarrelled as brothers."²

Resistance to the Papal Claim

The early years of the 14th century witnessed concerted resistance to the Papal claim. Boniface VIII developed the temporal antagonism, while John XXII nurtured the spiritual.³ The claim to universal dominion, severely compromised by the residence at Avignon, was further embarrassed in the anti-climactic contest over doctrinal interpretation.

The military contest between Pope John and Lewis of Bavaria was indecisive. What is remarkable was that this "final bout of decrepit adversaries" produced a most signal development in the exposition of the rival claims.⁴

¹Eg. In its relation to England the Papacy as an appeal judicatory attained its stature in popular esteem as the highest expositor of canon law. Cf. A. L. Smith, Church and State in the Middle Ages (Oxford, 1913), p. 45.

²J. N. Figgis, Churches in the Modern State (London: Longmans, Green, 1913), p. 199.

³Cf. his bull on apostolic poverty, Cum inter nonnullos of 12 Nov., 1323. Cited in Marsilius of Padua, The Defensor Pacis, ed. by C. W. Previté-Orton (Cambridge, 1928), p. 238, n. 2.

⁴C. W. Previté-Orton, "Marsiglio of Padua," English Historical Review, XXXVIII (1923), 2.

It may be that Marsilius of Padua, like his master, the Emperor Lewis, sided with the Spiritual Franciscans more for protection than for pious sympathy,¹ but the Franciscan cause provided a worthy vehicle to carry his doctrine. Marsilius directly controverted Pope John's condemnation of the poverty of Christ,² and showed a similar contempt for the claim to absolute dominion of Boniface VIII, which he declared "false from the beginning the most injurious of all imaginable falsehoods to the welfare of all civilized peoples."³

In fact, says Marsilius, Papal legislation claiming universal jurisdiction, results in

. . . division in the State and the plurality of the supreme executive government. . . . This is the root and origin of the plague of the Italian kingdom, from which all scandals have bred and proceed; while it lasts civil discords there will never cease.⁴

A new voice was crying in the wilderness! The centralization of power, defended by Augustinus Triumphus and Alvarius Pelagius, received its severest attack in Marsilius's proposal of the rights of

¹Ephraim Emerton, "The Defensor Pacis of Marsiglio of Padua," Harvard Theological Studies. VIII, (Cambridge: Harvard University Press, 1920), 43.

²Marsilius of Padua, The Defensor Pacis, ed. by C. W. Previté-Orton (Cambridge, 1928), Dictio II, chap. xiii, sec. 33.

³"Nunc autem eam ab initio nunc et semper constat esse falsam, erroneam, cunctisque civiliter viventibus praeiudicialissimam omnium excogitabilium falsorum." (Ibid., Dictio II, chap. xx, sec. 8)

⁴" . . . civile schisma et principatum supremorum pluralitatem inducentes ex ipsis. . . . Haec enim pestilentiae Italici regni radix est et origo, ex qua cuncta scandala germinaverunt et prodeunt, et qua stante numquam civiles ibidem cessabunt discordiae." (Ibid., Dictio II, chap. xxiii, sec. 11.)

the lay state. Chapter Twelve of Dictio Prima is probably the most important of The Defensor Pacis for it contains his teaching on the location of sovereignty:

We declare that according to the Truth and to the opinion of Aristotle. . .the lawgiver, that is, the primary, essential and efficient source of law, is the people, that is the whole body of citizens or a majority of them, acting of their own free choice openly declared in a general assembly of the citizens. . . . I say a majority, having in mind both the number and the quality in the community over which the law is to be exercised. (It makes no difference) whether the whole body of citizens or its majority acts of itself immediately or whether it entrusts the matter to one or more persons to act for it.¹

Here he is not "setting out some new and revolutionary democratic doctrine", as A. J. Carlyle reminds us.² Rather, he is expressing in admittedly drastic form the normal judgment of the Middle Ages that monarchy, however absolute, always retained a representative character.³ Nevertheless, we do have here in qualified form an assertion of popular sovereignty.

When Marsilius speaks of the civium universitatem he has in mind those who make up what the medieval mind conceived as the

¹"Nos autem dicamus secundum veritatem atque consilium Aristotelis. . .legislatores seu causam legis effectivam primam et propriam esse populum seu civium universitatem, aut eius valentio-rem partem per suam electionem seu voluntatem in generali civium congregatione per sermonem expressam, . . .valentio-rem inquam partem considerata quantitate personarum et qualitate in communitate illa super quam lex fertur; sive id fecerit universitas praedicta civium aut eius pars valentior per seipsam immediate, sive id alicui vel ali- quibus commiserit faciendum" (Ibid., Dictio I, chap. xii, sec. 3).

²A. J. Carlyle, A History of Medieval Political Theory in the West, VI (Edinburgh: Blackwood, 1936), 9. The et qualitate illustrates that Marsilius is no advocate of mere head-counting.

³Gierke, op. cit., p. 61.

perfect State.¹ His concept was doctrinaire but it was not without an earthly prototype. Born and bred in Padua, he took the Italian commune as his model, while Aristotle's city-State afforded him his inspiration. Doubtless, he was influenced by the greater States, like France, but a "National" community, as such, did not provide the mould. For one thing, it could not provide the minute supervision that his ideal demanded. Being an apologist for the Emperor, he had difficulty denying the rightfulness of a world-State of Christendom. He evaded the problem, however, in a manner that did not disguise how little he thought of Dante's concept of Empire. Such a basis as Empire would be inconvenient to his theories in every way save one, as we shall see, the summoning of a General Council. Thus, while allowing for the need of Imperial unity, the following passage shows what he held to be the true political unit:

Whether it befits all civilized men in the whole world to have one single government supreme over all, or whether (on the contrary) it befits men in the different regions of the world almost necessarily separated by situation, and especially those who have no common language and who are diverse in manners and custom, to have different supreme governments at any given time. . .deserves a rational inquiry; yet that inquiry is alien to my present purpose.²

¹Cf. C. W. Previté-Orton, "Marsilius of Padua," Proceedings of the British Academy, XXI (1935), pp. 148 ff.

²"Utrum autem universitati civiliter viventium et in orbe totali unicum numero supremum omnium principatum habere conveniat, aut in diversis mundi plagis locorum situ quasi necessario separatis, et praecipue in non communicantibus sermone, ac moribus et consuetudine distantibus plurimum, diversos tales principatus habere conveniat tempore quodam, ad hoc etiam forte movente causa caelesti, ne hominum superflua propagatio fiat, rationabilem, habet perscrutationem, aliam tamen ab intentione praesenti" (Marsilius of Padua, op. cit., Dictio I, chap. xvii, sec. 10.

"Is there a better summary," asks Professor Previté-Orton, "for the arguments for separate nation-States?"¹ Marsilius was unwilling and unable to be more explicit in advocating the fragmentation of society, but he provided an effective fillip to the opponents of papal centralization.² Professor D'Entrèves sees this "territorialism" as Marsilius's true claim to modernism. "It is the vindication of the right of several petty governments to exercise the supreme authority and control of religious matters within the boundaries of their several states."³ A consequence of this territorialism may be seen in one phrase dealing with religious persecution in which we are tempted to see a hint of toleration. While he holds the traditional view as to the necessity of persecution he insists that the clergy have not power to act in this respect.

We do not, however, mean to say that it is incongruous for heretics or unbelievers in general to be coerced but that the authority to do this, if it be permitted, belongs solely to the human legislator.⁴

¹C. W. Previté-Orton, "Marsilius of Padua," Proceedings of the British Academy, XXI (1935), 150.

²It is likely that Thomas Cromwell had this passage before him as he drafted the preface to Henry VIII's Act in Restraint of Appeals in 1533. Cf. F. M. Powicke, The Reformation in England (Oxford, 1941), p. 45.

³Alexander Passerin D'Entrèves, The Medieval Contribution to Political Thought: Thomas Aquinas, Marsilius of Padua, Richard Hooker (Oxford, 1939), p. 82.

⁴"Nec tamen ex hiis dicere volumus inconveniens esse coerceri haereticos aut aliter infideles, sed auctoritatem hanc, si liceat hoc fieri, esse solius legislatoris humani" (Marsilius of Padua, op. cit., Dictio II, chap. v, sec. 7).

The phrase, "if it be permitted", is as D'Entrèves points out, curious and significant. What teaching is this that permits the magistrate of a territory such power of discrimination and dispensation?

As we should expect, Marsilius's teaching on church constituency is directed by his constitutionalism:

The word Church is used...for the whole body of faithful who believe in and invoke the name of Christ, and for all the parts of this body in every community, even in the household.¹

Similarly, the term viri ecclesiastici ought to be applied to all the faithful of Christ, non-priests as well as priests.²

The principle directing church organization should be the same as that directing the political:

I wish to show that. . .the communities of the faithful being now perfected, the appointment and choice of a prelate... belongs and ought to belong to the whole body of believers of that place, or to him or those to whom the said body has granted the power of making these appointments.³

Not only does this theory lead to a complete dependence of the Church on the human legislator, but a logical question presents

¹" . . .dicitur hoc nomen ecclesia. . .de universitate fidelium credentium et invocantium nomen Christi, et de huius universitatis partibus omnibus in quacumque communitate, etiam domestica" (Ibid., Dictio II, chap. ii, sec. 3).

²"Et propterea viri ecclesiastici, secundum hanc verissimam et propriissimam significationem, sunt et dice debent omnes Christi fideles, tam sacerdotes, quam non-sacerdotes" (Ibid., loc. cit.).

³" . . .ostendere volo. . .communitatibus fidelium iam perfectis, huius institutionis seu determinationis praesidis. . . causa factiva immediate sit seu esse debeat universa eius loci fidelium multitudo per suam electionem seu voluntatem expressam, aut ille vel illi, cui vel quibus iam dicta multitudo harum institutionum auctoritatem concesserit" (Ibid., Dictio II, chap. xvii, sec. 8).

itself: Under these conditions what was to prevent the fission of the Church into a multiplicity of communitates perfectae fidelium? The catholicity of the Church demanded some focus for centralization. Marsilius provided for it in the General Council and here fell back on the need of empire.¹ For the interpretation of doctrine, for the explanation of Scripture, for the maintenance of union and united action the Church may look, as the Apostles themselves looked, to the General Council.²

The Council, however, must be really general. It must contain laity³ and clergy, elected by the legislators of all the independent Christian states. The Council should appoint a chief bishop of all, preferably the Pope of Rome, and his functions should be advisory, not those of a ruler.⁴ But the decisions of the Council itself remain purely human, and reversible if necessary. However high its

¹Thus, "Romanii Imperii legislator humanus supremus" (Ibid., Dictio II, chap. xxx, sec. 8).

²Cf. ibid., Dictio II, chaps. xvi, xviii, xix, and especially xx.

³Cf. Georges de Lagarde's estimate of Marsilius's responsibility for providing a permanent base from which the lay movement sprang: "Ainsi, dès que nous abordons l'aspect négatif de l'œuvre marsilienne, nous voyons s'affirmer une rigueur logique, une force d'argumentation et un radicalisme auxquels ses premiers essais ne nous avaient pas habitués. Que ce soit dans la critique de l'institution ecclésiastique, dans la théorie des usurpations reprochées à l'Eglise, dans celle, enfin, de son incompatibilité avec toute notion d'ordre social ou politique, à toutes les étapes de sa pensée, nous allons retrouver l'annonce géniale des idées qui ont été et restent encore la base permanente de la lutte menée par la cité laïque contre l'Eglise" (La Naissance de l'Esprit Laïque au Déclin du Moyen Age, II [Paris: Editions Béatrice, 1934], 203).

⁴Marsilius of Padua, op. cit., Dictio II, chap. xxii, secs. 6-9.

authority, its decrees can only be enforced by the legislator.

Thus, we are led back to the independent state. The various legislators should be informed by the Council, but to the former alone belongs coercive power.¹ "In spite of ambiguities," comments this modern editor, "his conciliar theory is self-consistent, and we may add, both democratic and Erastian in essence."²

When we come to the Councils of the fifteenth century, the influence of Marsilius will be plainly evident. The ease with which the movement won its way to general acceptance was largely due to the work of this man whose name, ironically enough, was anathema to its most ardent supporters. In fact, until 1522³ when the Defensor Pacis was first edited by the German "Licentius Evangelus, priest,"⁴ Marsilius was stigmatized by almost every Papalist writer as the fons et origo of the anti-clerical theory of the State. Wycliffe is charged with propagating the errors damnatae memoriae Marsilii de Padua⁵ and there is evidence that the Popes feared him more than Ockham.⁶

¹Ibid., Dictio II, chap. xxi, sec. 4.

²C. W. Previt -Orton, "Marsilius of Padua," Proceedings of the British Academy, XXI (1935), 161.

³The Defensor Pacis came to England in 1535 in the form of a translation by William Marshall, who apparently hoped thereby to ingratiate himself in royal circles.

⁴Cf. James Sullivan, "Marsiglio of Padua and William of Ockham," American Historical Review, II (October, 1896--July, 1897), 600.

⁵Pope Gregory XI's bull against Wycliffe, 31 May, 1376. W. W. Shirley (ed.), Fasciculi Zizaniorum Magistri Johannis Wyclif cum Tritico, Rolls Series (London: Longmans, Green, 1858), 243.

⁶Cf. Sullivan, op. cit., 609.

Though both Nicholas of Cusa and Richard Hooker would disavow him, they owed him more than they would admit.

Marsilius's fellow-campaigner in the camp of the Emperor Lewis was William of Ockham. More of a traditionalist he brought to the fore all the resources of latent Christianity. His pen earned the protection of his patron's sword with a doctrine that defined sovereignty as "the power by virtue of which the ruler can do anything that is not expressly contrary to the law of God and of nature."¹

In Ockham's concept of unity the whole society comprised the Church universal and acted now as a Church, now as a State. Claiming more extensive rights for the laity than Marsilius, he argued that since infallibility was guaranteed only to the Church universal, the true faith theoretically might perish in heretical Pope, cardinals, clergy, "all male and indeed all reasonable members of the Church. . . and yet might survive in the rest of the Church, perhaps in women and babes."² Thus, it remained that the laity might of their own accord summon a General Council and themselves take part in it. Indeed, in Ockham's theory, the rights of laymen are subject to very little limitation. Final authority rests with

the discretion and counsel of the wisest men sincerely zealous for justice without acceptance of persons, whether they be poor or rich, subjects or superiors.³

¹ . . . ut omnia possit quae non sunt expresse contra legem Dei neque ius naturae." Quoted in W. A. Dunning, A History of Political Theories Ancient and Medieval, (New York: Macmillan and Co., 1902), 249.

²Gierke, op. cit., p. 59.

³" . . . discretionem et consilium sapientissimorum virorum iustitiam sincerissime sine omni personarum acceptione zelantium, si possunt haberi, seu pauperes sint seu divites, seu subiecti seu praelati." William of Ockham, The De Imperatorum et Pontificum Potestate of William of Ockham, ed. C. K. Brampton (Oxford, 1927), cap. xiii.

In actual practice, however, Ockham was met with the divide-and-conquer technique with which the Popes drew the separate princes into subservience. Therefore, the rights of the laity, as with other rights pertaining to the communitas fidelium, Ockham "made over to the Emperor, 'Roman and Catholic', who, as the Community's Christian Head might act vice omnium, in the name of and under a commission from All."¹ Ockham, in accordance with the general practice, established the temporal magistrate as the lay representative in the Church.

It is difficult to determine the relative influence of these two men.² Together they established the theory on which the Councils of the next century would build. In arriving at their similar conclusions each travelled by a different road. As Professor Poole said, "Neither is really in love with the imperial idea."³ Marsilius dislikes it because it tends to divorce the legislator from the principans; Ockham because in the last analysis disloyalty to the Papacy is abhorrent to him. What is important to each is to establish the spiritual autonomy of the state.

¹Gierke, op. cit., p. 60.

²On the basis of Sullivan's findings (supra, p. 12), we must take issue with Troeltsch who declares that "the influence of Occam is naturally much greater than that of M. The Defensor Pacis was only published in 1522" (Ernest Troeltsch, The Social Teaching of the Christian Churches, trans. by Olive Wyon [London: Allen and Unwin, 1931], I, 375, n. 192b). If we are more familiar with Ockham's name it is because of his philosophical writings, but it was Marsilius who confounded "high church" politicians.

³Poole, op. cit., p. 244.

Although it is difficult to assess the influence Marsilius and Ockham had on their day, there is no doubt that neither reached the masses as did Wycliffe.¹ His theories reached a large audience through preaching and a larger audience through the medium of John Huss. Wycliffe's theory of dominion is illustrated in these two statements that do violence to the Papal claim of vice-gerency: First,

God rules not mediately through the rule of subject vassals, as other kings hold dominion, since immediately and of himself he makes, sustains, and governs all that which he possesses.²

His second main principle is that "every righteous man is lord over the whole sensible world."³ Since, then, the individual is directly dependent upon God, and through Him the "lord over the sensible world", it follows that the Church's position is one of convenience rather than prerogative. Implicit is the notion that the Church's mediation is not necessary to salvation, since the individual has direct access to his Maker. Thus, all men are priests and ecclesiastical rights are demolished at a stroke. When the Church becomes a voluntary, rather than a necessary, organization the way lies open to "the dogma of territorial sovereignty."⁴ Thus, by theological deduction Wycliffe arrived at the same goal that Marsilius did by political. Dr. Laski's verdict of Wycliffe's teaching on sovereignty is that "no more radical

¹Cf. Sullivan, op. cit., p. 610.

²John Wycliffe, Of the Divine Dominion, quoted in Poole, op. cit., p. 254.

³John Wycliffe, Of Civil Dominion, quoted in Poole, op. cit., p. 257.

⁴H. J. Laski, "Political Theory in the Later Middle Ages," Cambridge Medieval History, ed. by H. M. Gwatkin et al., Vol. VIII (1936), p. 633.

blow at ecclesiastical privilege was struck in the Middle Ages."¹

It was on the assertion of constitutional principles that the Council of Constance would convene, but Wycliffe's writings were burned at Prague and Huss himself was burned at Constance because they made the power of the office dependent on the morality of the officeholder.² D'Ailly and Sigismund himself were unable to see in this further manifestation of constitutionalism an additional weapon to combat the absolutism which they counselled to destroy. Nor is this to be wondered at, for Wycliffe himself had no intention of overthrowing the Papacy. When he said that dominion is "founded in grace",³ the implication did not occur to him.⁴ These men were walking down a road whose end they could not see.

We have come far enough with them, however, to see that the doctrine of popular sovereignty at work in the Church manifested itself in what is well described as territorialism. The practical result of this idea was that the faith was entrusted to the tender mercies of the prince. But implicit in such a teaching was all the material that Machiavelli would need to fashion his State's religion as the instrumentum regni. Thus, on the one hand Wycliffe was sheltered by John of Gaunt; on the other, Huss was deserted by the Emperor Sigismund.

¹Ibid.

²On Huss cf. Mandell Creighton, A History of the Papacy from the Great Schism to the Sack of Rome (6 vols.; London: Longmans, Green, 1907), II, 42.

³Poole, op. cit., p. 258.

⁴Quoted ibid., p. 264. He goes so far as to assert that "no one can have even the goodwill of his fellow-men. . .except by grant of the pope."

Though Marsilius came uncomfortably close to his sixteenth century successor,¹ the majority of those who followed his train were not so cynical. And the appeal to the General Council was the forerunner of a politico-ecclesiastical theory that would reach its climax at Augsburg with the formula, cuius regio, eius religio.

The Conciliar Movement

The disintegration of the Papal supremacy was accomplished in three great waves. The first was the struggle between Boniface VIII and Philip the Fair under whom it may be said that Gallicanism became conscious. The second, and in itself less significant, attack was that of Lewis of Bavaria against Pope John XXII. The third was the Conciliar Movement in which for the first time there was attempt to force constitutionalism on an absolute sovereign.

When Pope John XXIII ascended the chair of Peter in 1410, a distressed Christendom was confronted with the spectacle of three popes each claiming a monopoly on the divine authority of a thousand years. The Council that opened at Constance on November 5, 1414, had as its prime raison d'être the necessity of healing the Schism. Its other objects were the extirpation of heresy and the reform of the Church. Confronted by the flagrant breach of unity it had no other recourse but to claim for itself a direct divine commission based, not on still another form of absolutism, but rather on what Figgis aptly calls a "tepid constitutionalism."² Early in its proceedings it decreed in

¹Cf. The Defensor Pacis, Dictio I, chap. v, sec. 11, wherein he states why the idea of God had to be "invented."

²J. N. Figgis, Studies of Political Thought from Gerson to Grotius (Cambridge, 1916), p. 41.

a remarkable document that

This Synod, lawfully assembled in the Holy Spirit, and forming a general Council representing the catholic church militant, has its power directly from Christ, and every one, of whatever rank and office, even the pope, is obliged to obey it in the things that pertain to the faith, in the removal of schism, and in the general reformation of God's church in head and members.¹

While this statement in context refers only to the affairs of the moment and therefore cannot be construed as a general statement of sovereignty, its inference is highly significant.

That the men who met at Constance did not invent the conciliar principles should be evident from what we have heretofore tried to illustrate. In addition to the unorthodox whom we have mentioned, another forerunner, Henry of Langenstein, whose authority at the Council was unchallenged, had in the year 1381 advocated the calling of a General Council. In his Concilium Pacis he had declared that "the authority of the General Council is greater than that of the Pope or of the Cardinals".² Thus, to the extent that the Conciliar Movement rested on constitutional principles dating well back into the lay investiture struggle it is fair to regard it primarily as a medieval movement. Only to the extent that it raised constitutionalism to a higher power can it be called modern.

The Schism of the Church cried out for healing. Whatever may have been the mental reservations harboured by the delegates in the

¹"Ipsa Synodus in Spiritu sancto congregata legitime, generale Concilium faciens, ecclesiam catholicam militantem repraesentans, potestatem a Christo immediate habet, cui quilibet cujuscumque status vel dignitatis, etiam si papalis existat, obedire tenetur in his quae pertinent ad fidem & extirpationem dicti schismatis (& reformationem generalem ecclesiae Dei in capite & in membris)." (J. D. Mansi, Sacrorum conciliorum nova, et amplissima collectio. . . quae Joannes Dominicus Mansi Archiepiscopus Lucensis evulgavit. 1409-1418 [Venice, 1784], Vol. XXVII, col. 585).

²Quoted in J. L. Connolly, John Gerson (London: Herder, 1928), p. 173.

extremities to which they would permit themselves to be drawn, whatever may have been the mixture of motives that brought them hither, one idea dominated all else: peace was to be had, no matter what the cost. It was to be expected, then, that the doctrine of utility would govern the rules of play. As the Church is a divine Society, its end is the salvation of souls, and expediency is to be sanctified. The question at issue was one of life or death: To what did a Papal excommunication amount? It is not even a matter of balance of power between two sovereigns but of nothing less than the difference between the ruin and the salvation of human nature. Thus, Figgis who has done most to draw attention to the significance of this doctrine in the Councils, states, "If the command, 'Feed my sheep', may be interpreted as the gift of an authority to starve them, it was not poverty, or disease, that would result but the eternal destruction of the soul."¹

For deliverance from the impasse Gerson and D'Ailly could see no other way than assertion of the prime factor - the good of all the people. They found it in the principle of utilitarianism from which Henry of Langenstein had worked: salus populi suprema lex esto. If neither Pope nor cardinals will summon the Council when need arises, the Christian king may do so; in default of him any member of the Christian commonwealth. Necessity rules. And the delegates who assemble, lacking Papal authorization, have power by virtue of their commission from their respective territories or "nations."

The question of procedure early presented itself in the business of the Council of Constance. Late in January, 1415, with the arrival of

¹J. N. Figgis, Gerson to Grotius, p. 65.

the English deputation it was decided that the method, formerly used on certain occasions, that of division by "nations", should become the authorized arrangement. This scheme of voting by "nations" was apparently adopted without formal decree, each "nation" seeming to have determined which of its own members might vote and share in deliberations. When the four "nations"-- France, England, Italy and Germany - had voted independently, the issue was laid before the Council as a whole and the decision was confirmed in what was known as a "General Session."¹ It is not without significance that the proposal to adopt this scheme originated with the English delegation under Robert Hallam. By this means and not by the fifty bishops with whom John XXIII tried to pack the Council,² the idea of territorialism became explicit.

When the Council meets the general will is law and a majority of the Council is the very voice of God Himself deposing tyrants and purging heresy. Thus, vox populi becomes in its truest sense vox Dei. In fact, toward the close the movement became well-nigh "Presbyterian."³

This, of course, does not take the form of democracy. Implied in the decree Frequens⁴ is a complete constitution which conceived of

¹W. T. Waugh, "The Councils of Constance and Basle," Cambridge Medieval History, ed. by H. M. Gwatkin et al., Vol. VIII (1936), p. 5.

²Creighton, op. cit., I, 317.

³After Cardinal Cesarini left Basle on 9 January, 1438, Council business degenerated to little more than a petty attack on the Papacy. The new president, Cardinal d'Allemand, and his friends "in search of a majority, were compelled to argue (or thought they were) for the fundamental equality of priests and bishops" (Cf. J. N. Figgis, "Politics at the Council of Constance," Transactions of the Royal Historical Society, N. S., XIII [1899], p. 104, n. 2).

⁴It is printed in Mansi, op. cit., col. 1159, the proceedings of the Thirty-Ninth Session.

the plenitude of ecclesiastical power as indivisible and inalienable in substance, and given to the Universal Church. The promise, "The gates of hell shall not prevail against it," refers to the whole Church, not the Holy See. Now the Council represented the whole Church and therefore possessed the plenitudo. But when circumstances forced the reformists to distribute the exercise of that power between Council and Pope, there was no way to divide what seemed patently indivisible. The indefinite relationship that resulted between Pope and Council was not static and prompted further attempts at definition. Notable was the attempt of Gerson and D'Ailly to compound the ideal of a mixed constitution out of Aristotle's three "good polities," with the Pope standing for monarchy, the College of Cardinals for aristocracy, and the Council for democracy. In truth, however, these writers were committed to the full sovereignty of the Council as representing the unity of Christendom, while Gerson found himself in the unhappy position of being bound at the same time to the divine origin of the Papal monarchy.¹

On reading the history of Constance and its failure we are tempted to the conclusion that the conflicts that agitated the reformists displayed a petty spirit and an undue attention to formalities. A more considered study, however, reveals that we are witnessing the signs of the growth of nationalistic feelings that were causing the capitals of Europe to think in unaccustomed patterns. Indeed, the very origin of the Council was political: The French attempt to capture the Papacy for her own interest had provoked the Schism. Now the same

¹Cf. Gierke, op. cit., pp. 53 f.

nationalism was working to undo the attempt at healing. As Creighton remarks, "The ideal unity of the Church when embodied in a European congress could not rise superior to the actual antagonisms of contending nations."¹ The extent to which nationalism dominated ecclesiastical business is revealed in the English reply to the French demand that the English "nation" should be added to the German "nation" as a voting unit. The English, styling themselves "the ambassadors of the King of England and France," presented crushing statistics to prove the superiority of the English kingdom. The realm of the English King contained 110 dioceses, that of the French "adversary" only 60.

Britain was 800 miles long, or forty days' journey, and France was not generally supposed to have such a great extent. France had not more than 6000 parish churches, England had 52,000. England was converted by Joseph of Arimathea, France only by Dionysius the Areopagite.²

Two of the Council's three objectives had apparently been achieved. Heresy in Bohemia seemed to have been quelled with the removal of Huss and Jerome, and the Schism was formally closed with the election of Pope Martin V. But the moment the Council had ended the Schism the forces of nationalism that had been manifested throughout came to the surface to undo it. When the new Pope was elected the Council lost its hold on public opinion for the mainspring of Conciliar power was competition from the Pope. When that ceased to exist both Constance, and Basle after it, had only academic importance.

Looking at the controversy from this distance it is easy to say that the issue was whether the ultimate authority resided in Pope or

¹Creighton, op. cit., II, 78.

²Ibid., II, 80 f.

Council, but this way of putting it fails to appreciate that the issue only developed as the controversy progressed. We must remember that for the Conciliar fathers this was a temporary emergency to be treated without prejudice to the fundamentals of existing government. This is the only way that the contradiction of such a man as Gerson could be reconciled. In its success the Council failed to confirm its own sovereignty; in its failure it succeeded in confirming the Pope's.

Certainly there was no deliberate attempt to foster absolutism. There was little magnification of the office of the temporal magistrate. Indeed Gerson, in contradistinction to Marsilius and Wycliffe, held to an extremely institutional view of the Church. Sigmismund was useful as the Council's Protector but when he began to press for ecclesiastical reform the Council complained of interference. In theory the Council was truly representative; in practice the laity were merely secondary and without ultimate coercive power. While the Council suffered from all the ills of national and political antagonism, "it was unwilling to receive any of the benefits which it might have obtained from the same source."¹ On the other hand, as long as these adherents to the Emperor or any other prince admitted the legitimacy of the Pope's spiritual jurisdiction, they were powerless against Papal interpretations that with faultless logic extended it over every department of human regimen.

A generation later at the Council of Basle a fresh attempt at reconciliation was given by Nicholas of Cusa in his De Concordantia Catholica, one of the last books that treats Christendom as a single,

¹ Ibid, II, 127.

organic system. Probably the most learned man of his time, he borrowed largely from Marsilius whom, of course, he would not acknowledge.¹ Nicholas is important for us as representing the dilemma of this time as regards the location of sovereignty.

The De Concordantia takes harmony rather than authority as its keynote. The unity of the whole is revealed in and through the differences existing between the secular and the spiritual. The writer sets himself to harmonize the divine and human origins of authority. If authority is mediately from God, immediately it is from man. The origin of sovereign authority is the consent and agreement of the Christian community, manifested in what Figgis calls "the constructive federalism of Nicolas of Cues."²

Our further purpose in citing this writer is to show that in its last days of hope the Conciliar Movement still failed to answer the question of authority. Nicholas would eschew committing himself to a choice and press, rather, for cooperation. We consider his classic statement on government by consent in order to mark the influence this man would have on Richard Hooker a century and a half later:

Accordingly, since by nature all men are free, any authority by which subjects are prevented from doing evil and their freedom is restrained to doing good through fear of penalties, comes solely from harmony and from the consent of the subjects, whether the authority reside in written law or in the living law which is in the ruler. For if by nature men are equally strong and equally free, the true

¹Cf. Sullivan, op. cit., p. 599. Dietrich of Niem was another conciliarist heavily indebted to Marsilius.

²J. N. Figgis, Churches in the Modern State, p. 146.

and settled power of one over the others, the ruler having equal natural power, could be set up only by the choice and consent of the others, just as a law also is set up by consent.¹

Obviously, it is an anachronism to read into this any theory of powers delegated by a supreme authority. Nor in Hooker's day had the right of private conscience sufficient force to justify that theory. Nicholas was not yet prepared to allow any absolute claim of sovereignty in a society that cried for renovation.²

The substance of the Conciliar theory, then, modelled after the medieval theory of constitutional monarchy, is that the Church (i.e. universitas) is self-governing and that its power resides in the whole body.

It is the result of the failure of this theory, however, which commands our interest in this paper. It was this failure that would be particularly significant in sixteenth century England. The immediate results were evident before the Council of Basle met, nay, even before the adjournment of Constance.

¹"Unde cum natura omnes sint liberi, tunc omnis principatus, sive consistat in lege scripta, sive viva apud principem, per quem principatum coercentur a malis subditi, & eorum regulatur libertas ad bonum metu poenarum: est a sola concordantia, & consensu subiectivo. Nam si natura aequae potentes & aequae liberi homines sunt: vera & ordinata potestas, unius communis aequae potentis naturaliter, non nisi electione & consensu aliorum constitue potest, sicut etiam lex ex consensu constituitur di lex di quae contra" (Nicholas of Cusa, "De concordantia Catholica," D. Nicolai de Cusa Cardinalis, utriusque Iuris Doctoris, in omnique Philosophia incomparabilis viri Opera [Basle: Henric Petrina, 1565], Lib. II, cap. xiiii, p. 730).

²In the conduct of his office after he became a cardinal (1448) Nicholas revealed, as so often happens in political and ecclesiastical history, an arbitrary absolutism totally inconsistent with his professed theory. (Cf. Baron Acton, Essays on Church and State, ed. by Douglas Woodruff [London: Hollis and Carter, 1952], p. 246 f.).

For one thing, "Whiggism", in prenatal growth for over four centuries, was stillborn at the Councils. How dead it was by 1460 is revealed in Pius II's bull "Execrabilis", which declared that any appeal to a future Council was an "execrable abuse, unheard of in former times."¹ How easily one forgets! In its place the Papal absolutism "rose like a phoenix from the ashes."² The Papal plenitudo potestatis was stronger than ever for having done battle; it was the beginning of the triumph of modern centralized bureaucracy. The call for a General Council had lost its terror for the Pope, and Martin V as well as Leo X could patronize any Church Council by giving it a few innocuous questions on which to expend its reforming urges, and by means of concordats buy off recalcitrant princes.

If the failure of the Councils illustrated the confusion of constitutionalism, the triumph of the Popes proved the efficiency of pure monarchy. The earliest systematic exponent of this reaction was John of Torquemada. His De Potestate Papae³ begins with a negation of popular sovereignty, and is in reality the first statement of the divine right of the sovereign.

Now, the symbol for the whole Conciliar Movement may be found in the career of Aeneas Sylvius Piccolomini.⁴ Beginning on the side of the

¹Quoted in Creighton, op. cit., III, 239.

²Figgis, "Politics at the Council of Constance," op. cit., p. 104.

³Gierke, op. cit., p. 57.

⁴Figgis, "Politics at the Council of Constance," op. cit., p. 105.

reformists he discerned the signs in time to save himself. He left the fathers of Basle to their impotent strivings, and after a judicious period of neutrality, showed up on the side of papal power. He who had begun life as a constitutionalist ended it with all state as the occupant of the papal throne. That he was a moral profligate, who unblushingly took the name of Pius, only served to illustrate how deeply Wycliffe's theory of dominion lay entombed.

But his assertion of Papal authority at the same time indicates that Aeneas Sylvius is the symbol of the principle of expediency which was the going principle throughout all the proceedings. This was, as we have seen, not vulgar expediency. Aeneas's switch, entirely apart from its lack of moral justification, was done in the interests of the Church whose business is the salvation of the world. "It is curious," writes Figgis, "that about a century before Machiavelli was to win for himself a welt-historisch reputation as the annihilator of the foundations of morality, the theologian reformers of Constance should have elevated the principle of utility into the position of the highest religious importance, and made it the pivot of their political system."¹

The cardinal truth at the bottom of all ideas of constitutionalism that Marsilius, Ockham, Wycliffe, and the reformists represented was that, in the last resort, when abuses become intolerable it is necessary to go to the people. Over and over came the assertion that the whole is greater than its parts (orbis major urbe). The Conciliar theory

¹Ibid., p. 112.

proclaims "the divine right of commonsense in politics."¹

Stutz has pointed out that the history of the development of diocesan law in the Germanic Church illustrates the maxim that law can only arise where two or more powers contend for conflicting interests.² Similarly, the enactment of the law whose theory has been developed in the Conciliar Movement must await another contestant to stand against the successors to Aeneas Sylvius. The materials of ultramontaniam on the one hand and Protestant sectarianism on the other have been provided. The signs all point to "federalism."³ The realization simply lacks a leader astute enough to see what is before him, ruthless enough to be utilitarian, sanguine enough to lead down unknown paths, and fortunate enough to have a people united behind him.

Ecclesia Anglicana

If independence from the Papacy had matured as early and as rapidly in England as in France it is possible, at least, that there never would have been an English national Church.⁴ The traditional

¹Ibid., p. 113.

²Cf. Stutz, "The Proprietary Church as an Element of Medieval Germanic Ecclesiastical Law," op. cit., pp. 40 f.

³"Roughly speaking, the ideals of Gerson and his congeners were those of a reformed Episcopal communion, with nationalism recognised in the Church as a real thing, with a constitution limiting the dangers of centralised bureaucracy. . . in a word, with federalism in the Church preserving the unity of the whole while securing the independence of the parts" (J. N. Figgis, Churches in the Modern State, p. 236).

⁴One Roman Catholic writer affirms that it was the Gallicanism of the sixteenth century that "saved France from Protestantism, for it served to maintain her personality as conceived by the ecclesiastics, by the friars and the laymen of the Sorbonne" (Luigi Sturzo, Church and State, trans. B. B. Carter [London: Geoffrey Bles, 1939], p. 246).

"Gallican liberties", claimed by the Pragmatic Sanction of St. Louis IX in 1268, were confirmed in 1438 when Charles VII summoned a national Synod to meet at Bourges with the purpose of enacting such of the Conciliar decrees as would maintain French autonomy. This was the first step in the assertion of the rights of national churches to arrange their own ecclesiastical organization.¹ The Gallican policy was that the Pope was necessary to French catholicity, but he was to be kept at arm's length. Thus, while France grew up in the spirit of independence she never outgrew the hierarchy. France counted heavily on the Conciliar Movement.

England, on the contrary, took almost no notice of it, and her stake in its success was correspondingly less. Besides, England had her own ways of getting on with the Papacy. To this relationship, prevailing between the Conquest and the Reformation, we now turn, considering first the attitude of Rome toward England.

The Popes had always expected something more from England than the normal obedience due from the Church at large. First, the English Church owed its foundation and organization to the Roman See, for it was at the direction of Pope Gregory the Great that Augustine had undertaken the mission to this country, and it was from Gregory that the government had arisen. Throughout all subsequent relations this early subordination was never forgotten nor denied. As Z. N. Brooke writes, "If Rome was the mother of all the churches, she was in a particular sense the mother of the English Church."² In the second place, Rome continually

¹Cf. Creighton, op. cit., III, 7.

²Z. N. Brooke, The English Church and the Papacy from the Conquest to the Reign of John (Cambridge, 1931), p. 178.

made good her claim to an unusual pecuniary obligation, the annual payment of a silver penny from each hearth, the Peter's Pence, which amounted to a sum of three hundred marks save one each year.¹ The Papacy considered this as a feudal payment, implying protection from the one party and fealty from the other. Though William the Conqueror had owned to the payment while disowning its implication, the Papacy continued to link them together.

With this claim to special obedience the Popes were doubly shocked when confronted by displays of English resistance. Gregory VII complained indignantly in 1079 that "no king, not even a pagan king, has presumed to act against the apostolic see in the way that William unblushingly has acted."² Four centuries later Martin V voiced his resentment of the English attitude in a consistory of 1427 that "amongst Christians no States have made ordinances contrary to the liberties of the Church save England and Venice."³ Thus, we see that the Papacy felt a special attachment to England and exhibited a corresponding sensitiveness to any actions that tended to deny it.

Turning to the other party in the relationship, an examination seems to justify the following conclusions. First, although the Norman kings of England had shown a consistent opposition to Papal demands, it may be stated that the first "national" resistance was awakened in English hearts when Pope Innocent III used his powers in the aid of King John against the old liberties of the land. Creighton asserts that this was the first instance of a country showing a spirit of resistance at

¹On the origin of this tradition cf. O. Jensen, "The 'Denarius Sancti Petri' in England," Transactions of the Royal Historical Society, N. S. XV (1901), pp. 171-89.

²Quoted in Brooke, English Church and the Papacy, p. 137.

³Quoted in Creighton, op. cit., II, 158.

anything that may be called a national level.¹ Second, it is clear that from the fourteenth century the English kings preferred to protect their Church from Papal encroachment by means of national legislation rather than by grants or privileges given by the Pope. We shall return to this point again. Here we need but state that English indifference to reform in the later years of the Conciliar period is reflected in the trivial Concordat of April 17, 1419, between the Pope and the English nation.² That it was so ineffective reveals more than Papal apathy, for the several "national" concordats were largely drawn up by the "nations" themselves in their own interests. However, English reforming interest waxed or waned at Constance, she relied on national laws rather than on Council or concordat for safeguards against Papal claims.³ The abuse of Papal dispensations, uncorrected by Martin V's Concordat, became the first items of Henry VIII's reform legislation.⁴

The third factor in England's relation with Rome concerns the question, what is the intention behind English resistance? Does it imply the desire, even the unconscious desire, for an independent

¹Cf. ibid., I, 53. The Germanic tradition of proprietary churches is no exception for its autonomy was based on the Grundherrschaft in the days antecedent to nationalism. Cf. Stutz, "The Proprietary Church as an Element of Medieval Germanic Ecclesiastical Law," op. cit., p. 41.

²On the English zeal for reform at Constance, particularly before Bishop Hallam's death, cf. E. F. Jacob, "Some English Documents of the Conciliar Movement," Bulletin of the John Rylands Library, XV (1931), pp. 358-94.

³Cf. Creighton, op. cit., II, 112 f.

⁴The articles of the Concordat are outlined in Felix Makower, The Constitutional History and Constitution of the Church of England, translated (London: Swan Sonnenschein, 1895), p. 45, n. 127.

existence? The motives behind the opposition we shall consider in a moment. Here, let it be stated that, though we use the word "independent" in describing England's attitude at various times up to the Reformation, independence in its precise sense was not even conceived by any responsible churchman. Brooke has shown that the phrase ecclesia Anglicana carried no patriotic significance up, at least, to the signing of Magna Charta. It is used by Pope Alexander III as meaning nothing more than "the archbishops, bishops, and other prelates, and all the clergy and people constituted in England."¹ It is frequently found in the correspondence of Becket, who, of all churchmen, would have avoided it had it had any nationalistic connotation. It may be that as Papal abuses grew the English attitude approached the idea of independence, but it is only the Reformation that actualized this concept.²

The attempt to read into the tendency any implication that was not present is to ignore inevitable compromises and the variety of local custom that was permitted to survive in various parts of the Church³ with no prejudice to the Church's essential unity. Dvornik, a Roman Catholic, reminds us that long before the Nestorian and Monophysite

¹Quoted in Brooke, English Church and the Papacy, p. 20.

²How strenuously Henry VIII clung to the conception of papal supremacy is revealed, as Lindsay reminds us, by his full appreciation that the validity of his marriage, and the legitimacy of his children by Catherine of Aragon, depended on the Pope's holding possession of the very fullest powers of dispensation. Cf. T. M. Lindsay, A History of the Reformation (Edinburgh: T. & T. Clark, (1906), II, 321.

³We have mentioned papal toleration of lay patronage in Germany and Gallicanism in France. In addition, F. Dvornik cites an outstanding example, prevailing briefly in Moravia in the 9th century, the blessing of the liturgical books written in Slavonic (F. Dvornik, National Churches and the Church Universal [London: Dacre Press, 1944], p. 29). Finally, there was the element of compromise that prevailed between each country and the papacy with no prejudice to the Church's essential unity (Cf. F. M. Powicke, The Reformation in England [Oxford, 1941], p. 10 f.).

heresies Christianity had grown into national churches in Persia, Armenia, and Abyssinia without any impairment of their orthodoxy. "This is important," he states, "for it proves that Christianity, for all its universal and supra-national character, is not averse to nationality and that even in the Church Universal, there is elbow room and scope for the national idiosyncracies of every nation."¹ A case in point in England is the revolt of the Berkshire rectors against paying revenue to the Pope. A reading of the proceedings strikes one with the outspokenness of the language and ferocious determination not to pay. But, as A. L. Smith² shows, what is really striking is, first, that the criticism is only criticism, not mutiny; and, second, that Innocent IV paid little heed to it, never doubting that the payment would be made. All criticisms of Papal taxation and interference with the rights of patronage were made by Englishmen with the Englishman's dislike of the foreigner and within the firmament of the absolute acceptance of the Papal plenitudo potestatis. Those who resisted sensed no inconsistency; they resisted "because they were English, not because they had worked out any theory of a separate English Church."³ The strife was always

¹ Dvornik, op. cit., p. 15.

² A. L. Smith, Church and State in the Middle Ages (Oxford, 1913), p. 29.

³ F. M. Powicke, op. cit., p. 12. The outstanding exception to this generalization was the "Anonymous of York" who categorically affirmed the royal power as superior to the sacerdotal. But he is an isolated case, and, as Brooke writes, "cannot be said to represent anyone but himself" (Z. N. Brooke, English Church and the Papacy, p. 160).

and only between English courts secular and the courts ecclesiastical either in England or in Rome.

Our final observation concerning England's view of its relationship with the Papacy brings us to the question raised above. If English resistance in the Middle Ages carried no intention of disrupting the unity, what were the forces that prompted it? The first, of course, was the desire English churchmen shared with Christians of every land, the reform of the appalling abuses in Papal administration. From the days of St. Bernard to the days of Luther the mass of testimony compiled by ecclesiastics of every land pointed to the need for cleansing the Church in head as well as in members. Now what was usually meant by cleansing was strengthening, that is, raising the Papacy above trafficking in earthly alliances. So the medieval English reformist found himself in what we would consider the paradoxical position of advocating a strong Papacy in order to attain a strong Ecclesia Anglicana. Thus, Bishop Grosseteste preached before Innocent IV at Lyon an audacious sermon which called for the renunciation of worldliness by the Papacy in order that it might be exalted to its rightful place in men's hearts. It is his "Anglicanism", manifesting a sincere desire for reform, that is partly responsible for his exaltation of the Papal office, for only a strong Pope can control, purify, and reform the Church in England.¹

The second force also was not peculiar to England but was what we may call an inherent weakness in the Papacy itself. The Papal office

¹Smith, op. cit., p. 120 f.

was finite. However successful the Papacy might be in asserting its absolutism, men were continually reminded of its vulnerability, and the period of the Councils confirmed it. "The election of a Pope," as Gierke states, "was always recalling the idea that when the see was vacant the power of the Pope reverted to the Community. . . (and) that in matters of faith only the Church is infallible, and that the Pope can err and be deposed for heresy."¹ Thus, it was natural that the vicissitudes of the See of Rome did not pass unnoticed at London or Paris or Florence.

Four other factors lay behind the critical attitude that England took to Rome and were unique to this country. The first of these was the insular patriotism of the English, more democratic than feudal, that reached a peak at the close of the Hundred Years' War. Second was the influence of "Anglicanism"² with its protest against "Papal encroachments." The Statutes of Provisors and Praemunire under the later Plantagenets are the indications of how thoroughly imbued Englishmen were and how far they would go to assert their autonomy. The third source of English antipathy was the lay spirit that was never quite dormant, gently fostered at first by the preaching of the friars in the thirteenth century, passionately preached by the Lollards in the fifteenth century. Finally, we have to take account of the growth of the Common Law that generation by generation took shape beside the similarly growing Canon Law. Within England both Westminster and Canterbury had their ardent partisans. When Canterbury was backed by

¹Gierke, op. cit., p. 49 f.

²Meaning nothing more than English Churchmanship.

Rome the partisans became violent opponents.¹

We have seen, then, the influences behind the special bond of attachment that was conceived to prevail between the English Church and the Papacy. We have considered the forces that caused England to disrupt the unity that Rome sought to preserve. We now turn to a brief assessment of the stages in the historical relationship between the two from William I to Henry VIII.

The first stage may be said to last until the death of King Henry III and may be described as the period of the breaking down of the barriers established by William I. William was a traditionalist² before he was a reformer. In fact, his idea of reform was to bring the English Church into conformity with Christianity as he had known it in his own duchy and in Europe as a whole. Because he was a promoter of the Hildebrandine reform he was able with Lanfranc largely to dictate the form that the Church in England would take. He was successful in establishing and maintaining the barrier between England and Rome. It was mainly because he was a sincere supporter of the reform to which Gregory VII had committed himself³ that he was at the same time able to take full advantage of the particular notion of theocracy for which Henry IV on the continent was doing all the fighting.⁴ Now the gradual destruction of that barrier in the succeeding reigns represents the victory of one absolutism over another. Whatever

¹Smith, op. cit., p. 4.

²"The key to William's attitude is tradition" (Brooke, English Church and the Papacy, p. 145).

³Ibid., p. 146.

⁴However, toward the end of the eleventh century the only English contribution to the lay investiture struggle was made in the form of the extremely pro-imperial pamphlets of the "Anonymous of York." Cf. supra, p.33.

opposition there was to the increasingly successful inroads of Papal authority we may be sure it came only from the Crown, not from clergy. The victory of Papal over Royal absolutism was confirmed by the rapid increase in Papal taxation toward the end of this period. The decline of Royal power was accompanied by the rise, beginning with Anselm, and continuing through Theobald, Becket, and Grosseteste, of a strong Papal party within the English Church. From 1126 the incumbent of the archiepiscopal See of Canterbury was also designated as Papal legatus natus, and with the reign of Stephen the "freedom of the church" was attained. Now not only was the King subordinate to the Pope in spiritualities, but often in temporalities as well.

The second stage, extending from the reign of Edward I to that of Richard II, was marked by a stiffening of resistance to the pressure from Rome. The French captivity of the Papacy severely tempered its appeal to universality and established the Avignon Papacy as a national enemy. The first steps were taken by King Edward I in checking the arbitrary taxation of English monasteries and his successful repudiation of Boniface VIII's bull Clericis laicos. Even more determined was the resistance to the Papal provision to benefices as manifested in the several Statutes of Provisors¹ and Praemunire enacted during this period, which Sturzo claims were responsible for laying the foundations of national churches.²

¹On the necessity and practical benefits of papal provision in the years before Innocent IV cf. Geoffrey Barraclough, Papal Provisions, (London: Blackwell, 1935), pp. 104, 107, 163 f.

²Sturzo, op. cit., p. 149. Certainly the Great Statute of 1393, as interpreted after its reappearance, was the most serviceable weapon that Henry VIII could lay his hands on. Cf. W. T. Waugh, "The Great Statute of Praemunire, 1393," English Historical Review, XXXVII (1922), 173-205.

Though Waugh warns us against over-emphasizing the degree of defiance that was actually intended, these statutes did provide a sure base of legislation on which to do business with the Papacy in succeeding years. It was by this means, rather than by dependence on Council or Papal grant, as we have seen, that English nationalism would be developed. Indicative of the relative strength of England and the Papacy at this time was the impunity with which the feudal tribute, incurred by King John and unpaid since 1333, was formally disallowed by parliament in 1366.¹ From this time on England's temporal independence of Rome was never seriously questioned. Parliament, in fact, in 1399 declared the Crown and the realm free.²

The outstanding significance of the Edwardian period was that through the instrumentality of the Crown in parliament the English "state" developed a stronger sense of nationality than the English Church. Had this not occurred there could have been "no national reformation and therefore no national church."³

The last stage in Anglo-Roman relations preceding the Reformation was one of comparative peace. Both sides retained their mutually irreconcilable views. Thus, parliament undertook the defense against Papal action considered prejudicial to "oure aller Moder ye cherche of Canterbury"⁴ and Archbishop Chichele satisfied fifteenth century piety and

¹Cf. Makower, op. cit., p. 42.

²William Stubbs, The Constitutional History of England (5th ed.; Oxford, 1887-1903), III, 301.

³A. F. Pollard, The Evolution of Parliament (2nd ed.; London: Longmans, Green, 1926), p. 201.

⁴Rolls of Parliament, IV, 322.

patriotism by founding a pilgrimage to the shrine of St. Thomas. However, though England never acceded to Papal demands to abolish the hateful Statutes, subsequent kings and parliaments saw fit for reasons of state or convenience to grant dispensation or temporary suspension of enforcement.¹ Ultimately, the winning trick went to Martin V, so that his successors had no reason to complain of any independence in the English episcopate. But, all in all, the period was not one of pitched battles, but of small skirmishes, in which neither side staked all. The statutory weapon was there and a strong king could use it at his pleasure.

We have examined the factors influencing the relationship between the English "nation" and Papacy; we have briefly outlined the three stages in the manifestation of their interaction. If the significance of Henry VIII's revolt is to be seen in the fulness of perspective, we must also examine the pre-reformation period in England from the standpoint of the two theories that reached maturity in Henry's action. Summarizing the tendencies of all medieval political doctrine Professor Gierke states, "The Sovereignty of the State and the Sovereignty of the Individual were steadily on their way towards becoming the two central axioms from which all theories of social structure would proceed."² And in the field of public law, "men found the essence of all political organization in a separation of Rulers and Ruled."³ Let us examine the development in England of these two theories of popular sovereignty, on the one

¹W. T. Waugh, "The Great Statute of Praemunire, 1393," op. cit., p. 187 f.

²Gierke, op. cit., p. 87.

³Ibid., p. 92.

hand, and the absolutism of the State as represented by a strong monarchy on the other.

What are now called "constitutional ideas" were growing slowly but steadily throughout the thirteenth century. According to Trevelyan, the English constitution was "the child of Feudalism married to the Common Law."¹ The significance of Magna Charta was that a King had been brought to order, not by a posse of outlaws, but by the community of the land under baronial leadership. "A process had begun," he writes, "which was to end in putting the power of the Crown into the hands of the community at large."²

With the development of the Edwardian Parliaments in the fourteenth century the ideal of the Charter was replaced by the more representative idea. For the reign of Edward I saw the beginning of Statute Law and with it the development into full vigor of the Parliament which reached its prime under Edward III. By the beginning of the latter's reign it was an established principle that commons and lords, as well as king, were necessary to the enactment of statutes.³

Naturally, this expansion of parliamentary prerogative was jealously regarded by the clergy and just as jealously preserved by parliament itself. The animus of "nationalist" legislation was as much against ecclesiastical courts in England as against the curia at Rome. From the days of Edward III the commons held the Church in check and,

¹G. M. Trevelyan, History of England (London: Longmans, Green, 1945), p. 167 f.

²Ibid., p. 171.

³F. W. Maitland, The Constitutional History of England (Cambridge, 1911), p. 186.

in fact, the latter was forced to acquiesce that in principle "the law of parliament must. . .decide upon the competence of spiritual as well as of temporal authorities."¹ This phenomenon is unaccountable except for the amazing development of the Common Law which finally came to the point where for the average Englishmen it obviated the long-standing dilemma of having two sets of laws to obey. If, for example, a man refused to accept the decision of an ecclesiastical court against him, he was now forced to obedience by the secular power. Or, the relative strength of the Common Law may be illustrated another way. When Martin V suspended Archbishop Chichele from his legatine office, Parliament, because it represented English national feeling and not because of sympathy for Chichele, sided with the unhappy Archbishop. This is significant, indicating not only that what the Papacy had originally intended as a symbol of its absolutism had come to be interpreted rather as a symbol of English right; but also that the English Common Law was powerful enough to nullify the Canon Law - and at the expense of the English episcopate.²

However, for all the strength of the law of the land this was not only not a time of democracy; it was a time highly unfavorable to the growth of representative government. The Edwardian Parliament included no villeins. The peasants themselves, totally unprepared to share in sovereignty, preferred redress of their grievances through direct action such as the Uprising of 1381. Also, for the first time, society

¹Makower, op. cit., p. 44.

²Creighton, op. cit., II, 159.

included a large class of men with both money and enterprise. For obvious reasons this class was the natural enemy of nobility and of all the divisions they represented. Their interests were on the side of "strong" government and hence their natural political affinity was with the King. For the time being, they were content to see his power increase at the expense of the constitutionalism that had made its beginning. In the words of R. H. Tawney, "It was. . .eager and prosperous peasants who in England first nibbled at commons and undermined the manorial custom."¹ This stalemate in popular sovereignty prevailed at the time of the Councils and is behind their failure. As Figgis truly wrote, the cardinal truth of the Councils is "that of the necessity, in the last resort, of appealing to the ordinary sense of the average man against prescriptive rights which have been abused to the point of becoming intolerable."²

We will not go further into the cause of constitutionalism save to mention that its earlier growth in secular politics was not matched in ecclesiastical. The Church continued to repress the individuality that the Renaissance developed.³ Whereas, in the early Middle Ages popular sovereignty in the Church was manifested solely by the emperor in his capacity of representative layman, any actual display of what we know as popular sovereignty in the Church had its beginnings among the disenfranchised.

¹R. H. Tawney, Religion and the Rise of Capitalism (A reprint London, 1948), p. 78.

²Figgis, "Politics at the Council of Constance," op. cit., p. 113.

³Cf. Lagarde, op. cit., IV, 156-9.

From the days of King Henry III representatives of the lower clergy appeared at provincial synods at more or less infrequent intervals.¹ But the only constitutionalism that provoked popular enthusiasm was that which took the form of anti-clericalism, or to put it positively, laicism.

The method of the early Franciscans was to seek out the poorest and the most neglected, those insufficiently provided for by the parish system. Their secret was preaching in words which the common people could feel and understand, and they revolutionized religion. The exclusive use of Latin in the Church was defensible only as long as nationalism and commerce were dormant. Its continued use by clergy and intellectuals only served further to antagonize the masses.² No wonder the "poor brothers" gained great following.

Directly anticipating the Lollards, individuals among the friars gave a relatively larger place to the sermon than to the Mass in the service. Also they accustomed the ears of the laity to open criticism of prelates and higher clergy. Finally, the political sermon was not unknown and the urge for much-needed reforms was accompanied by support of popular liberties.³ These and other characteristics of medieval popular preaching formed a legacy of popular enthusiasm which was bequeathed to succeeding generations and nourished by the Lollards when the Franciscans themselves had fallen from their founder's ideal.

¹Makower, op. cit., p. 34.

²Dvornik, op. cit., p. 42 f.

³G. R. Owst, Preaching in Medieval England (Cambridge, 1926), pp. 93-5, 134.

Wycliffe's idea of the priesthood of all believers meant to his followers that ecclesiastical administration could exist "withouten leefe of byschoppes."

How thoroughly this concept was ingrained into the laity is testified by the movement of spiritual reform represented in William Langland's Piers Plowman. What had been the inspiration first of the monastic orders, then of the friars, passed to the laity. And as Christopher Dawson writes, "the reforming ideal is not conceived in terms of ecclesiastical organization and government, but as a new way of life."¹

And in the apparel of a poor man and a pilgrim's likeness
Many times has God been met among poor people
And in a friar's frock once was he found
But it is far ago in St. Francis time.²

Thus, in spite of the eclipse of popular rights in political and ecclesiastical hierarchy, the ideal was kept alive. The personality of man, discovered by Dante, was not destitute despite appearances to the contrary. In the vernacular that Chaucer was writing and Caxton was printing the appeal to the people was going on in a way that neither Marsilius nor Ockham would have foreseen.

The other theory growing beside popular sovereignty was that of state absolutism personified in the monarch. We have seen how with the rise of commerce and nationalism the middle class tended to look to the Crown and magnify its office. In spite of the mutual jealousy that obtained between Pope and Crown, the two had the habit of working together

¹Christopher Dawson, Religion and the Rise of Western Culture (London: Sheed and Ward, 1950), p. 269.

²Quoted from Piers Plowman in Dawson, op. cit., p. 269.

to control the Church. The irony of this partnership is illustrated by the fact that after his capitulation in 1172 at Avranches King Henry II received from the Pope not only the right to subjugate Ireland, but the same source cleared the way for new taxes on his own clergy.¹ During the reign of Edward II, of the total yield of tenths paid by the clergy of England and Wales at the order of the Pope, the king received nearly 92 per cent and the Papacy eight.² Gradually, then, the King and the Pope arrived at a practical understanding as to division of the spoil, while the clergy had a foretaste of Tudor monarchy.

The give-and-take between Pope and King depended on the relative strength of each. It has been suggested that the main reason Henry V capitulated to French demands at Constance that election precede reform was in order to ingratiate himself with the new Pope when the latter's office was ascendant.³

One of the best illustrations of royal-papal collusion in the control of a national clergy is afforded by the abolition of the Pragmatic Sanction of France in 1516, by which Pope Leo X rooted out the last vestige of the Conciliar Movement, on the one hand, and King Francis I obliterated the last remnant of anything counter to royal

¹Cf. Makower, op. cit., p. 26.

²Powicke, op. cit., p. 12, n. 1. Cf. A. F. Pollard, op. cit., p. 190: "The papal yoke lay light upon the conscience of the average English prelate, perhaps because it bore so heavily on his pocket."

³Cf. Creighton, op. cit., II, 95. However, in this case, the new Pope did not reciprocate as hoped, but made Beaufort a cardinal - to his nephew's chagrin.

omnipotence¹ on the other.

The weakness of constitutionalism and the strength of absolutism conspired, as we have seen, to kill the Conciliar Movement. Thus, Martin V became the founder of the theory of Papal omnipotence that we know as Ultramontaniam, not simply because he was strong but because Europe was weak. The monarchic idea was growing and was nurtured by Roman curialists as well as legists of the Empire. "On both sides," writes Sturzo, "there was the endeavour to draw a veil over the conciliar period, to reduce to a minimum such electoral forms as still persisted, and to rebuild on a basis of absolutism the society that was developing under the aegis of Renaissance classicism."² The Pope approached the King through concordat and the King relaxed or enforced the barriers at his hand as need and opportunity arose.

As stated before, we are not to assume that constitutionalism was dead. Richard II had a theory of absolute monarchy and he was deposed. The Lancastrians were kings by act of Parliament³, but the idea of monarchic omnicompetence was growing.

After Boniface IX's protests had been repudiated the Papacy saw that in England it was useless to claim the right of provision to benefices; it could only be exercised with royal consent. The clergy did not regain the rights of which the Papacy had deprived them; the gain went to the Crown. "Here, as in many other matters," writes Creighton,

¹Cf. Creighton, op. cit., V, 263 ff.

²Sturzo, op. cit., p. 182.

³Cf. Maitland, op. cit., p. 188.

"the Papal despotism had overthrown the rights of the clergy, who had to turn. . .to the Crown; what the Crown recovered from the Pope it appropriated to itself."¹ Therefore, when at last England stood independent of Rome the Crown was found to be the Church's guardian in so many matters that the step to the recognition of its supremacy was short indeed.

We have been watching the growth of the doctrines of popular sovereignty and state absolutism as expressed in the Crown - all within the walls of the civitas Dei. However independent may have been the English spirit, the impulse to freedom could not clothe itself in reality - indeed, did so only reluctantly - until it was prepared to take seriously that toward which all the signs were pointing, what we now call federalism.

In order to justify the English Church since the Reformation, it is essential, as Figgis shows, to establish two conditions; first, that the parts, in this case a nation, have such inherent powers of life and self-development that the breach with the Papacy did not affect their vitality; second, that what the parts did was not of such a nature as to divorce them from the respublica generis humani, the Catholic Church.²

The forces expressed in the conflict between England and the Papacy, the desire for reform, the "finiteness" of the Papacy, the insular patriotism, the "Anglican" resentment of Papal pressure, the anti-clericalism, the growth of the Common Law - all these were

¹Creighton, op. cit., I, 131.

²Cf. J. N. Figgis, Churches in the Modern State, p. 156.

manifestations of one form or another of these developing tendencies towards absolutism and constitutionalism that together satisfied the above two conditions. With the decision of the King of England to appeal from the See of Rome to the Parliament of "this realm of England", federalism, implicit since the Councils, became explicit as the basis for the English Church's catholicity.¹

The Parliament of November 3, 1529, may have been packed by the King, and Henry himself may have been a despot, but the fact that he could not do without that body "roughly representative of an orthodox, priest-hating, crown-loving nation" is testimony to his dependence on it and tribute to its power.²

Undoubtedly the sixteenth century witnessed the triumph of the "State" over the "Church" and the fragmentation of the latter. But, as we shall see in Hooker, this was not the way it was intended nor the way an Erastian like Whitgift would interpret what was going on before his eyes. Power was not being taken out of the Christian society, but merely out of its clerical officials. "All coercive power was to be rested in the prince, but in theory it was always the godly prince 'most religious'."³

¹Thus, the statutes of the period 1529-36 were subsequently interpreted as viewing the change not so much as a revolution as a "restoration" to the Crown of the "ancient jurisdictions" which had been "usurped." Cf. 1 Elizabeth, 1.

²H. A. L. Fisher, The History of England from the Accession of Henry VII. to the Death of Henry VIII. 1485-1547, Vol. V (1906) of Political History of England, ed. Wm. Hunt and R. L. Poole (12 vols.; London: Longmans, Green), p. 292.

³J. N. Figgis, Churches in the Modern State, p. 220.

The doctrine of authority by centralization was repudiated. In its place stood authority based on the synthesis of all the living parts. True, the fragmentation of the unity was not complete, or it would be impossible to speak of the Catholic Church; but, as in St. Paul's day the Catholic Church was present equally in the churches of Ephesus, or Corinth, or Rome, or in Jerusalem at the center, so now the Catholic Church is fully present in every nation, province, diocese, and parish, and does not exist on papal suffrance.

The abortive failure of the Conciliar Movement was a straw in the wind. The developing theories of constitutionalism, expressed in the Whiggism of Constance, and absolutism, expressed in its failure, cast the mould for English Catholicism. Federalism, born out of season at the Councils, was reborn in England.

PART II

**THE CONCEPT OF THE NATIONAL CHURCH IN THE
SIXTEENTH CENTURY**

CHAPTER II

THE ATTEMPT TO DEFINE THE TUDOR CHURCH

Tudor Supremacy Reacts to Romanism

The claims of the unreformed Papacy presented the English King with a relatively minor obstacle in the establishment of English independence. Even among educated Catholics the political claim of the Head of the Church counted for little, while among the masses of English people papal loyalty was almost non-existent. Gauging the temper of his people with his instinctive sense of actuality, and true to his own inclination, Henry VIII disturbed his people's Catholic tradition as little as possible.

His greater task lay in the degradation of the clergy. The Act of Submission was the logical consequence of the Crown's relations with the clergy since the "freedom of the Church" had been imposed on King Stephen.

Neither of these manifestations of the independence of the Crown contained theses that were new. The motivation itself had been "sanctified" in that medieval doctrine that meant so much to English Church development and would see yet further use - the doctrine of expediency.

It may be that Wolsey was as uncompromising a churchman as Becket, but Becket's days were long extinct. From the 14th century,

as Pollard points out, the prelates were of the type of Wykeham and Morton - less single-minded as churchmen, but more serviceable as statesmen. As officers of the Council, "they tempered clerical zeal in convocation and secular anger in parliament."¹ They were the buffer and because of them the blow was delayed.

But when ecclesiastical jurisdiction, heretofore distributed among the prelates, was concentrated in the hands of one man and that man was Wolsey, popular resentment was unprecedented. Moreover, Wolsey's functions not only "short-circuited" the Papacy, but his extraordinary control over the English clergy must have been a source of inspiration to his sovereign.

It may be that the "sanctity" surrounding Henry's exercise of the doctrine of expediency wore a little thin, but the good of the commonwealth was at stake. If it was necessary to achieve national autonomy in church as well as state, and if a single command was to unite the offices secular and clerical, the history of a century and a half testified that the king, not a cardinal, was the natural head. Why should it be thought strange when facts are, as Powicke says, "more potent than theory"² that God intends a national king to rule a national church - particularly when the majority of the people are so inclined?

Thus, changing the structure as little as possible, Henry effected a reformation that claimed nothing more revolutionary than restoring the ecclesiastical establishment that had succumbed to the "pretended

¹Pollard, op. cit., p. 211.

²Powicke, op. cit., p. 2.



power and usurped auctorite of the Bisshop of Rome by some called the Pope."¹

By 1528 there was at least one person who saw with clarity and with alarm what the King's action meant. Regardless of what Thomas Cromwell chose to call it Sir Thomas More saw that the King's move amounted to revolution. It may be, as Figgis has said, that "the supreme achievement of the Reformation is the modern State,"² but in the process what had become of the Church Universal?

And albeit some nacions fal away (viz. from the Roman Church), yet likewise as how many boughes so euer fal from the tree, though thei fall more than be left thereon, yet thei make no doute which is the very tree, although eche of them were planted again in another place & grew to a gretter than the stock he came fyrst of, right so while we se & well know that all the companies & sectes of heretikes & scismatikes how gret so euer thei grow, came out of this church that I spake of, we know euermore that the heretikes be they that be seuered, & the church the stock that al thei came out of.³

Nor should any apparent success of revolt delude one as to the nature of the act. Since every branch severed from the tree loses the source of its nourishment, so

. . . we must nedes well know that all these branches of heretikes fallen from the church, the vine of Christes mysticall body, seme thei neuer so freshe & grene, bee yet in dede but witherlinges that wyther, & shal drye up, able to serve for nothing, but for the fyre.⁴

¹28 Henry VIII. x; found in Great Britain, Parliament. The Statutes of King Henry VIII. Vol. III of The Statutes of the Realm (9 vols.; Rolls Publication, 1810-22).

²J. N. Figgis, "Political Thought in the Sixteenth Century," Cambridge Modern History, ed. A. W. Ward et al., Vol. III (1904), p. 736.

³Thomas More, A Dialogue concernynge heresydes and matters of religion made in the yere of oure Lorde, MDXXVIII, ed. W. E. Campbell under title The Dialogue Concerning Tyndale by Sir Thomas More (London: Eyre and Spottiswoode, 1927), p. 185.

⁴Ibid., p. 186.

What Sir Thomas More could not stand, under any cloak of expediency, was that the unity of Christendom should be denied. You have no right to nationalize the "vine of Christes mysticall body." The silencing of More would not allay the problem that his logic had conjured. Under the English arrangement how could it claim to be a Catholic Church?

The necessary answer was supplied in 1543 by the anonymous writer of the "Necessary Doctrine and Erudition."¹ There it was asserted that the Catholic Church is a federation comprising localized churches, under their own respective heads, different in form, but united in their common Christian profession:

. . . .All these churches, in divers countries severally called. . . .as they be distinct in places, so they have distinct ministers and divers heads in earth, governors and rulers, yet be all these holy churches but one holy church catholic.²

The Catholic Church, then, is a visible organism and is fully present in any territory under a rightful head.³ There is no need for a single head over all the visible Church. England is fully Catholic apart from Rome.

Similarly, in a work dedicated to Henry VIII, fidei defensori, & immediate post Christum Ecclesiae Angliae & Hiberniae supremo capiti,

¹Samuel Halkett and John Laing attribute the work to Bishop Cuthbert Tunstall (Dictionary of Anonymous and Pseudonymous English Literature, 7 vols. (Edinburgh: Oliver and Boyd, 1926-34).

² Cuthbert Tunstall , The King's Book or a Necessary Doctrine and Erudition for any Christian Man, 1543, intro. by T. A. Lacey (London: S. P. C. K., 1932), p. 33.

³This view must be contrasted with both Luther's and Calvin's concept of the Catholic Church as an invisible body.

Joannis Bekinsau declared:

One typical people in a body politic divided from others, ruled by its own laws and magistrates is. . . a people chosen into the mystery and inheritance of that truth which is called the Church of God.¹

However, there was a problem of more immediate practical importance to be solved. It did not necessarily follow that the deprivation of the Pope implied the substitution of the King as ecclesiastical head. What was involved in the royal supremacy was a question of far greater importance to the Tudors than doctrinaire speculation about the Universal Church. The necessity of securing civil obedience demanded the propagation of a working theory of royal supremacy.

Of all the defenders of Henry's reformation none faced the issue more squarely than Christopher St. Germain who brought to his controversy with Sir Thomas More a lawyer's regard for the positive significance of the royal supremacy. In language strongly reminiscent of Marsilius of Padua² St. Germain declares the Catholic Church to consist of the whole body of professing Christians. The Catholic Church of England is composed of all within the realm who confess the true religion under their natural head and representative, the king.

In England, however, it is not the king alone but the king "with his people" who represents the Church. As a true exponent of the common law, St. Germain affirmed in 1534 that the king "may make no law to bind

¹"Unum populum typicum in rep. ab aliis divisam, suis civilibus legibus, & magistratibus regendam coegit: ita tamen. . . in mysterium assumptus populus huius verae & sinceræ haereditatis, quam Ecclesiam Die dicimus" (Ioannis Bekinsau, De Supremo et Absoluto Regis [London, 1546]). Printed in Melchior Goldastus, Monarchia S. Romani Imperii &c., Vol. I, p. 737, ll. 41-3.

²Cf. Marsilius of Padua, op. cit., Dictio II, chap. ii, sec. 3.

his subjects without their assent."¹ But the king in parliament has quite unlimited authority. Five years before writing the above statement, St. Germain had declared concerning parliament's infallibility:

It cannot be thought that a Statute that is made by Authority of the whole Realm, as well of the King and of the Lords Spiritual and Temporal, as of all the Commons, will recite a thing against the Truth.²

Because parliament represents the whole Church, that is, the whole realm, its authority is that of the Church and is unlimited:

It is holden by them, that be lerned in the lawe of this realme, that the parlyamente hath an absolute power, as to the possession of all temporall thynges within this realme, in whose handes so ever they be, spyrytuale or temporalle, to take them fro oone manne, and gyve them to an other, withoute anye cause or consideracion.³

When it comes to the essential question of political obligation, St. Germain unequivocally maintains that it is for the "Kynge's grace and his parlyamente" to define the Christian faith.⁴ This view of the king in parliament did not solve the basic question raised by More but it did provide the official version of the royal supremacy embodied in the Elizabethan Acts of Supremacy and Uniformity.

The standard work refuting the Romanist argument was Bishop Jewel's "Apology", first published in 1567. But besides denying that

¹Quoted from An Answer to a Letter in J. W. Allen, A History of Political Thought in the Sixteenth Century (London: Methuen, 1928), p. 167.

²Christopher St. Germain, Doctor and Student: or Dialogues between a Doctor of Divinity and a Student in the Laws of England, Containing the Grounds of those Laws, together with Questions and Cases concerning the Equity and Conscience thereof; also comparing the Civil, Canon, Common and Statute Laws, and shewing wherein they vary from one another (Savoy: Printed by Eliz. Nutt and R. Gossing, 1721), Dial. II, chap. lv, p. 342.

³[Christopher St. Germain], A Treatise concernynge the division betwene the spiryтуaltie and temporaltie (London: Printed by T. Berthelet, 1532), fol. 24.

⁴Ibid., fol. 21.

the Roman Bishop had exclusive possession of the keys and affirming that he "took the crown off from the head of our king Henry the Second"¹ there was little further attempt at an alternate basis for English catholicity. Indeed, after the execution of Mary, Queen of Scots, and the successful resistance of the Spanish invasion, the need for a definition temporarily diminished. Elizabeth² reigned supreme - at least with respect to foreign aggression.

Tudor Supremacy Reacts to Puritanism

But long before the Roman threat had passed Elizabeth's supremacy was called in question by Englishmen as opposed to Rome as the Queen herself. The vestiarian controversy coming on the heels of the publication of the papal bull of excommunication in 1570 made the Queen's Council very sensitive to the internal defection that had been developing since the days of Edward VI. Although the First Admonition to Parliament claimed to attack episcopacy simply as vestigial popery, Puritanism was seen as a thinly veiled threat to ecclesiastical supremacy; its democratic tendencies threatened the stability of the State itself.³

It is not to be wondered at that the Tudor bishops should come but reluctantly to the defence of the Establishment. In addition to the extremely anomolous position in which the titular head of a diocese found himself, it was evident as the years of the Queen's reign wore on

¹John Jewel, The Works of John Jewel, D.D., Bishop of Salisbury, ed. R. W. Jelf (Vol. VIII; Oxford, 1848), p. 383 f.

²Omission of the numeral "I" as part of the Queen's title, occasioned by the accession of the present monarch, seems justified on the basis of historical usage.

³An analysis of the Puritan reaction will be given later. Infra, pp. 70 ff.

that the Crown's power to define the form of religion was being used for quite worldly ends.

However reluctant the bishops may have been to come into line, it was inevitable that they, like any who had departed from Rome but not yet arrived at toleration, should in the last analysis acknowledge the civil magistrate as essential to the constitution of any religious group.¹ Puritans and Churchmen found themselves, for opposing reasons, looking to the Crown's ecclesiastical jurisdiction. The answer to the question, What is involved in the royal supremacy, continued to shape the English Church long after its official "settlement".

Apart from the incomparable Hooker, the ablest reply to the Puritans was John Whitgift's "Defence of the Answer", first published in 1574, and later incorporated into Hooker's "Polity". Whitgift was one of the first to see the significance of the "Discipline" and suggest to Cartwright that "therein you shake hands also with the Papists."²

Likewise, Richard Bancroft in his famous sermon of February 8, 1588/9 unmasked the sedition of Martin Marprelate, and asserted boldly, "Her majesty is depraved. Her authority is impugned and Great Dangers are threatened."³

¹Even the Congregationalists required the service of the civil government to suppress forms of religion hostile to their own: "It is the office and duty of Princes and Magistrates. . . to suppress and root out by their authoritie all false ministries, voluntarie Relligions and counterfeyt worship of God" (A True Confession &c., Article 39; printed in Williston Walker, Creeds and Platforms of Congregationalism [New York: Scribners, 1893], p. 71).

²John Whitgift, The Works of John Whitgift, D. D., 3 vols. ed. John Ayre (Cambridge: Parker Society, 1851-53), III, 295.

³Richard Bancroft, "Sermon at Paul's Cross," quoted in R. G. Usher, The Reconstruction of the English Church (2 vols.; London: D. Appleton, 1910), I, 53.

But the effect of the most ardent champions of the Church was foreshortened and their defence circumscribed by the "crazy"¹ policy of church government of Elizabeth and her Secretary of State. Whether they could have maintained any alternative policy is questionable in the face of the political unknowns and before England had matched her strength as a world power. At any rate, the actual determinations in behalf of the religious settlement were largely negative. The one positive doctrine of royal supremacy was proscribed as "off limits" to debate. Apart from the Calvinism of most of the Queen's earlier bishops, there was no definite polity for a national church based on a theology or a political constitution. The Queen's "unheroic policy of crooked moderation"² was designed to include as many varying views as the opportunism of Tudor sovereignty and the political climate tended to promote.

The doctrine of expediency was in its hey-day. Elizabeth believed that Edward VI had moved too fast. Convocation's "Thirty-nine Articles" had lain unconfirmed for nine years before Puritan resistance to her Injunctions of 1559 forced her to require Parliament's confirmation of them, but even then subscription was required only of clergymen.

Not that the queen and state were careless of the spiritual good of others. . . , avers Fuller, but because charitably presuming that where parishes were provided of pastors orthodox in their judgments, they would, by God's blessing on their preaching work their people to conformity to the same opinions.³

¹Allen, op. cit., p. 183.

²H. M. Gwatkin, Church and State in England to the Death of Queen Anne (London: Longmans, Green, 1917), p. 262.

³Thomas Fuller, The Church History of Britain from the Birth of Jesus Christ until the Year MDCXLVIII (3 vols., 3rd ed.; London: Tegg, 1868), II, 535.

But that did not happen. The Elizabethan Church was the result of political exigency. In its logical form, as later expressed in Hobbes's "Leviathan", it was the negation of religion. At the time the politic use of religion was simply the demonstration of Elizabeth's Machiavellian tendencies.¹

The Queen, however, is not alone in the blame for the feebleness of church policy, for, as Professor Allen states, "it was not. . . spiritual bread for which the mass of English people were asking."² Elizabeth's policy neither to allow definition nor yet to enforce strict conformity was the course pointed by the events and character of the time.

The extent to which Anglicanism was impregnated with the spirit of expediency is illustrated in its contrast with the sure sense of direction possessed by the Puritans. After the Discipline was adopted by the Scots in 1560, English Puritanism possessed a definite model for use south of the border. That event also lent weight to the accusation that England's toleration of episcopacy to the exclusion of the Discipline was proof that she was only trifling in her break from Rome.³

¹"It is necessary for a prince, who wishes to maintain himself, to learn how not to be good, and to use this knowledge and not use it, according to the necessity of the case" (N. Machiavelli, The Prince, trans. L. Ricci [Oxford, 1935], p. 68).

Probably no political writer evoked such universal difference of opinion in the 16th century as Machiavelli: "Die politische Literatur des 16. Jahrhunderts wird nun zum grossen Teil durch den Gegensatz bezw. die Zustimmung zu Machiavelli charakterisiert" (Gottfried Michaelis, Richard Hooker als politischen Denker [Berlin: Verlag Dr. Emil Eberling, 1933], p. 104).

²Allen, op. cit., p. 181.

³Cf. "First Admonition to Parliament" printed in W. H. Frere and C. E. Douglas (ed.), Puritan Manifestoes (London: S. P. C. K., 1907).

The practical effect of the Queen's answer amounted more to a denial of Romanist attachment than to an affirmation of episcopal necessity. This attitude, inherited from her father, was abetted by the astute statesman, William Cecil, with his own anti-episcopal leanings. It provides the key for our understanding of the national church concept under the Tudors.

Elizabethan Supremacy: Absolute but Limited

Officially the settlement was set forth in the Acts of Supremacy and Uniformity¹, but many subsequent articles, canons and injunctions altered whatever settlement may have originally been intended.²

Burghley himself was under no illusions about the risks involved in the strategy of non-commitment and the retention of old forms when in the first year of Elizabeth's reign he prognosticated:

Many such as would gladly have the alteration from the church of Rome, when they shall see peradventure, that some old ceremonies shall be left still, or that their doctrine, which they embrace, is not allowed and commanded only, and all other abolished and disproved, shall be discontented, and call the alteration a cloaked papistry, or a mingle mangle.³

Tudor supremacy experienced the vindication of his fears.

Episcopacy was the form of church government the Tudors had inherited and there was no good reason to repudiate it when it should be

¹Elizabeth, i and ii.

²Cf. R. G. Usher, op. cit., passim for the legal chaos in which the Church was embroiled at the end of the reign.

³John Strype, Annals of the Reformation and Establishment of Religion and other various Occurrences in the Church of England, during Queen Elizabeth's Happy Reign (4 vols.; Oxford, 1824), Vol. I, part 2, p. 394.

evident to all that the power to define the faith and enforce obedience was not with the bishops but the Crown in parliament. "The Reformation in England," as Dr. Powicke says, "was a parliamentary transaction."¹ Elizabeth was no less able to dispense with Parliament than her father, and her use of it was as successful a denial of papistry as his. Underlying all the practical working of the royal supremacy was what Professor Pollard calls the "novel theory of an omnicompetent 'crown in parliament'."² Under this arrangement the retention of prelacy did not infer that English Churchmen were at all beholden to Rome. The burden of the defence of the Tudor Church against the Puritans was an attempt to establish this fact. That the argument should fail to convince was almost assured by the Puritans' deliberate blindness to the historical developments of the fourteenth and fifteenth centuries, preoccupied as they were with their attempt to re-create the polity of the first.

Since the days of Edward I, the decisive factor in the contest between regnum and sacerdotium had been the circumstance that English laymen found a voice in Parliament denied them in Convocation.³ Where Church and State are co-existent one constitutional body is competent for either and the church of the nation has the right to demand conformity from the citizens of the nation. To dissent is to be disloyal

¹Powicke, op. cit. p. 34.

²Pollard, op. cit., p. 215.

³Ibid., p. 198.

and deserve treatment as disloyal. Theoretically, the bishops could define new heresies, but in point of fact I Elizabeth I, xx, declares the definition of faith to lie with the High Court of Parliament, the Convocation only assenting. The Book of Common Prayer which was the standard of conformity was authorized by Parliament alone. In the next century John Selden described this arrangement in its barest and therefore most complete form: "Whether is the Church or the Scripture the Judge of Religion? In truth neither, but the State!"¹

Actually, Parliament enjoyed nothing like freedom in religious legislation. It was only toward the end of the Queen's reign that there appeared definite signs of the parliamentary independence that would confound the Stuarts. Her treatment of Parliament may have been no less despotic than Charles I's but she possessed what he did not - her people's love. Unlike him, she was strong enough and early enough to avoid the whirlwind she herself was helping to prepare. Looking toward Parliament she regarded any uninvited overtures in the direction of ecclesiastical legislation as threats to her prerogative. As late as 1593 her affirmation prevailed that "it is in my power to assent or dissent to anything done in Parliament."² But, subject to her own conditions practically absolute, she never affirmed that the Crown was constitutionally independent of Parliament. Such could not be said to apply to the Crown's relations with the Clergy. In that field the Queen

¹John Selden, Table Talk, ed. Edw. Arber (London: Alex. Murray, 1868), p. 102.

²D'Ewes' Journals, quoted in G. W. Prothero (ed.) Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I (Oxford, 1894), p. 125.

was answerable to no human authority, even in theory.

In order to comprehend the development of the national church idea in the 17th century we must examine briefly one factor in the 16th century church economy which was to provoke a reaction of lasting significance. The submission of the clergy had been obtained in 1534. By statute¹ the sovereign was assured that the clergy would never attempt to define or execute any ecclesiastical laws without the king's assent. Elizabeth's Act of Supremacy² confirmed this submission to herself, in addition to which her Injunctions of the same year secured her right of visitation. In the second place, absolute control of ecclesiastical appointments was authorized by her revival³ of the system her father had restored of appointment by cong  d' lire.⁴ The humiliation of the Church's highest officials could be no more abject than that affirmed by Archbishop Parker in his oath on the assumption of office.⁵ The third manifestation of clerical submission was the fact that Convocation could only be summoned by the Crown,⁶ and its subjects of discussion prescribed by the same authority. This particular restriction was the more keenly felt in light of the clergy's habit of dependence on Convocation before the Tudors deprived that body of its privileges. Pollard has shown that, especially after 1332, the clergy more and more

¹25 Henry VIII, xix.

²Section 2.

³1 Elizabeth i, 2.

⁴25 Henry VIII, xx.

⁵Prothero, op. cit., p. 243.

⁶Cf. Elizabeth's Summons to Convocation of 1562, Prothero, op. cit., p. 190.

forsook attendance at Parliament in favour of attendance at Convocation which met currently with it and had greater appeal for them.¹

Fourth, the judicial subordination of the clergy was expressed in two ways. By Acts of Parliament² several important classes of crimes were removed from the list of those for which clergy had previously been able to claim clerical immunity. Not only were clergy placed more under control of temporal courts, but the Crown tolerated less freedom in spiritual courts. The Queen did not choose to revive an Act of 1547³ which Mary had repealed which gave ecclesiastical courts the right to issue writs in the Crown's name. Further, in the course of time the High Commission ruled on cases that formerly had come under ordinary jurisdiction. The crowning blow to the Church's jurisdictional pretence lay in the fact that the supreme appellate body in all ecclesiastical cases was the High Court of Delegates, another embodiment of the royal prerogative.

Finally, the subordination of the clergy was made complete by the system whereby Crown revenues were gained from the clergy in the form of first-fruits, tenths, and subsidies.⁴ Thus, Bishop Bancroft in his first year in the See of London had to pay the Crown as first-fruits and subsidies 430 pounds of his annual revenue of 1000 pounds, his total expenses for the year exceeding his income by 450 pounds.⁵

¹Pollard, op. cit., pp. 199 and 207 f.

²Eg. 8 Elizabeth iv and 18 Elizabeth vii.

³1 Edward VI. ii.

⁴Cf., for example 1 Elizabeth iv and 5 Elizabeth xix.

⁵Great Britain, Public Record Office, Calendar of State Papers, Domestic Series, of the Reign of Elizabeth, 1598-1601 (London: Longmans, Green, 1869), p. 44.

Being an Elizabethan Churchman was an expensive luxury.

The net result of the relationship between Crown and clergy was, to say the least, frustrating and humiliating for the latter. The Crown demanded that national conformity be effected through the Church but withheld the weapons of enforcement. It is true that England's growing strength and the political struggle shaping up within the nation caused Elizabeth to look less to Parliament and more to the clergy than her father had done. Pollard is right in saying:

She cast her mantle over the church and changed the offensive alliance of crown and parliament, forged by Henry VIII, against the church, into a league for mutual defence between crown and church against parliament.¹

But we must remember that in this new alliance one partner was so weak - and at the other's connivance - as to be little more than a pawn.

Such, then, were the relative values that the Crown placed on Parliament and the clergy. What was the reaction of the great mass of the English laity to the ecclesiastical supremacy that the Crown enjoyed? It is impossible to assess with any accuracy the attitude of three to five million people,² in ten thousand parishes on an issue so nebulous even to those whose business it was to define it. If there was one positive subject to be preached from the pulpits in Elizabethan England, it was the virtue of the royal supremacy. But what clergyman -

¹A. F. Pollard, The History of England from the Accession of Edward VI. to the Death of Elizabeth (1547-1603), Vol. VI (1910) of Political History of England, ed. Wm. Hunt and R. L. Poole (12 vols.; London: Longmans, Green), p. 363.

²J. B. Black estimates England's population in 1558 at $2\frac{1}{2}$ to 3 million. The Reign of Elizabeth, 1558-1603 (Oxford, 1936), p. 195. A. J. Froude puts the figure at something under five million in 1588. History of England from the Fall of Wolsey to the Death of Elizabeth (London: Parker, 1856), I, 3.

not to say what laymen - knew quite what was meant when the incumbent swore "that the Queen's Highness is the only supreme governor of this realm. . .as well in all spiritual or ecclesiastical things or causes as temporal"?¹ Although we are disqualified from generalizing under circumstances so inadmissible of verification it does seem safe to affirm one conclusion as at least highly probable. In the last section we examined the attitudes present in the country that enabled the king to succeed in prosecuting his break from Rome. He could not have made good had there not been on the part of the mass of Englishmen at least a strong predisposition to believe in what he stood for. There was alive in the land a vigorous anti-sacerdotalism, and what real religion was felt must have been a kind of personal piety, such as is reflected in the "Vision of Piers Plowman." The English villager must have been relatively indifferent to and independent of the institutional metamorphosis only vaguely attested in his parish church. As G. R. Owst has written, "Round the family board, and in the hearts of the peasantry, the Reformation meant no such break with the past as many would have us believe."² What theology there was in the early Tudor years was Catholic. Thus, we may conclude that whatever was the growing influence of Calvinism in the preaching of the day, it is certain that it did not invoke the layman's concern for episcopacy in general or the higher clergy in particular. It was but a small step from indifference to hostility

¹ Elizabeth I, 9.

² Owst, op. cit., p. 280. Cf. supra p. 44.

where, indeed, hostility did not previously exist.¹

It was of this condition that Puritan influence made capital. For the Puritans knew as well as the Queen that anti-clericalism did not necessarily mean royal supremacy. It might well mean Presbyterianism. The Presbytery of Wandsworth (1572) testified that Travers and Cartwright were as determined as Bancroft and Whitgift that England should have a national church - under the authority of classes and synods.²

The Elizabethan concept of a national church, then, was moulded by the forces without and within that assailed it. Indubitably, it tended to take sides with the dissentient powers within in order to crush the great politico-ecclesiastical power without. Once for all the Tudor Church released itself from allegiance to Rome. But the battered warrior that survived the struggle for independence was a thing of uncertain identity, for it had been forced into an alliance it would now fain disown. Not only was Anglicanism shot through with the "taint" of Presbyterianism, but there was a disparity deep within of which Presbyterianism was only a symptom. For the royal supremacy of the Church represented the wedding of the two irreconcilable political philosophies that we have seen developing since the days of the Conciliar fiasco.

Elizabeth's legal position was outlined in her father's Act of 1545, whereby he, or she, "is thonly and undoubtedly supreamed

¹We shall return to this subject in Hooker's concept of English churchmanship. Infra, p. 131.

²Cf. Richard Bancroft, "Dangerous Positions," cited in Prothero, op. cit.

of the Church of Englande and also of Irelande, to whom. . .all auctoritie and power is holy geven to heare and determyne all manner cause ecclesiasticall."¹ Canon Shirley reminds us that William Maitland once wrote in reference to this revival of Henry's statute by his daughter: "Surely Erastianism is a bad name for the theory that King Henry approved; Marsilianism seems better, but Byzantinism seems best."² Strictly speaking, there was too much of the absolute in the Tudor position to permit of its being called Marsilian. The influence of the civilian conception of Tudor church government is what caused Maitland to call it Byzantine. However, it differed from traditional Byzantinism in its basic dependence on consent of the governed.³

Therefore, if Hooker's description of Anglican polity is not entirely consistent, one moment defending constitutionalism, the next asserting absolutism, the fault is not solely his. He is an authoritarian by temperament, but as a true 16th century historian he imbibed the medieval waters of constitutionalism. The system he was defending was effective, but it defied definition. Partly by the personal character of the author, but especially by the accuracy of his description, the Laws of Ecclesiastical Polity suffer from the same philosophical limitations as the Tudor monarchy it mirrored.⁴

¹ 37 Henry VIII. xvii.

² Cited in F. J. Shirley, Richard Hooker and Contemporary Political Ideas (London: S. P. C. K., 1949), p. 130.

³ For an historical background of Byzantinism see Steven Runciman, Byzantine Civilisation (London: Arnold, 1933), chap. v.

⁴ W. S. Holdsworth, A History of English Law (London: Methuen, 1924), IV, 212.

By 1593 when Hooker's first Books were published¹ it was evident to all who considered themselves Anglicans that there was something special about the reformation in England. What it was, as we have seen, eluded definition. Bishop Jewel had asserted that the national church was truly reformed. Bishops Whitgift and Bancroft declared it was reformed, but - .

Hooker undertook to complete the sentence. That he did not entirely succeed has already been suggested, but that he certainly did not fail subsequent centuries have attested. Gwatkin has well stated, "If Jewel is the Apologist of the Reformation, Hooker is the Apologist of the Church of England."²

In 1593 definitive Anglicanism had begun.

¹The eight books of the Polity appeared in the following order: Books I-IV in 1593, Book V in 1597, Books VI and VIII in 1648, and Book VII in 1662. The significance of these publication dates we shall remark in due order.

²Gwatkin, op. cit., p. 263.

CHAPTER III

RICHARD HOOKER DEFINES ECCLESIA ANGLICANA, SECTION A

The Puritan Provocation

Rightly to understand Hooker's concept of the National Church it is essential to bear two facts in mind: First, as an ecclesiastical thinker he was a child of the Middle Ages and Renaissance; his polity for his Church was conceived against that background and out of its interwoven fabric. Second, the treatise on The Laws of Ecclesiastical Polity was a livre de circonstance, written for the express purpose of confuting the Puritan claim of a right to disobey the laws of the Church of England.

Richard Hooker was one of the leading systematic thinkers of his age. Professor Allen has called him the "greatest Englishman of the 16th century" and compared him with Bodin in his breadth of view, with Bellarmine in his fairness in controversy, and in literary style with the totally dissimilar John Calvin.¹ Added to his intellectual equipment was his Christian graciousness; his reverent esteem of human nature, which separated him from other disputants. It has frequently been said that his greatness lies not in his novelty of thought but in his clear grasp of the classical and Christian traditions that came

¹Allen, op. cit., p. 184.

together in the great systems of medieval political philosophy.¹

Like Thomas Aquinas, to whose influence he responded, Hooker addressed himself to the problem of political obligation. To do so, he plumbed the depths of classical and Christian learning.

In his reply to the Puritans no simple point-by-point refutation would do. Archbishop Whitgift chose wisely when he named Hooker as the Church's champion. His opponents would find that if they followed Mr. Hooker into a question they had raised, they would be shown vistas in its meaning they never knew existed.²

True to his times Hooker reconciled every question of social significance with the concept that was the foundation of all medieval political philosophy - the idea of unity. Before one could undertake the defence of any form of polity - secular or temporal - one first had to come to terms with the all-pervading concept of universitas. Machiavelli himself intended no duality in the creation of his State, but rather the achievement of a single political entity. In fact, it

¹ Carlyle, op. cit., VI, 350 f.

² Eg. their criticism of keeping Holy Days draws forth from Hooker an entire philosophy of time. Cf. Richard Hooker, The Works of that Learned and Judicious Divine Mr. Richard Hooker with an Account of his Life and Death by Isaac Walton, arranged by John Keble, revised by R. W. Church and F. Paget (3 vols.; Oxford: Clarendon Press, 1888), Bk.V, chap. lxi. Subsequent references to the Laws of Ecclesiastical Polity will be taken from this edition by Keble, and will be indicated by the shortened title, followed by numerals representing book, chapter, and paragraph, thus: Polity, III, ii, 4.

was the crime of the Church that it had made for social disunion.¹

It was because it threatened this traditional concept that Puritanism was abhorred. The Puritan ideal was grounded in a revolutionary concept of the orders temporal and spiritual. Puritan argument claimed that the correct form of church polity was delivered in Scripture. That polity which Christ had authorized was rule by elected ministers and elders acting in assemblies or consistories. These consistories were to have jurisdiction over the "order of divine Service, Sermon, Prayers, Sacraments, Marriages and Burials."² Also the personal affairs of every member of the congregation were to come within the province of the elders to the end that each might conform to the godly life. To their claim of Scriptural authority for their discipline, Hooker drily comments: "Our persuasion is, that no age ever had knowledge of it but only ours; that they which defend it devised it; that neither Christ nor his Apostles at any time taught it."³

From 1572, the date of the "Admonition to the Parliament", Puritanism began to be an open, hostile force determined to displace the existing polity and worship of the Church of England, with its own form of National Church. Every temporal kingdom should be a theocracy and it is the Church's business to see that it is. Thus, while on the

¹Cf. Nicolò Machiavelli, The Discourses of Nicolò Machiavelli, trans. L. J. Walker (London: Routledge and Kegan Paul, 1950), I, xii, 5.

²Thomas Cartwright, A Directory of Church Government (London: John Wright, 1644).

³Polity, III, x, 10.

one hand Puritanism advocated complete separation of the temporal and spiritual, it could not get away from the necessity of using the magistrate to enforce the Church's dictates.¹

It is interesting to note that Whitgift, imbued as he is with the sense of unity, can hardly believe his eyes as he encounters Thomas Cartwright's notion of the two kingdoms.² Cartwright would have the State, as one society, execute the nasty business of discipline for the other. Whitgift's perception of the political implications involved in such a doctrine is revealed in his analysis:

For I must give thee to understand. . .that T. C. maketh the church and the commonwealth two such distinct and several bodies, as must of necessity have distinct and several magistrates and governors, and that the civil magistrate hath not to meddle in ecclesiastical matters, except his aid be required by the pastor and seigniory. . .wherein he flatly joineth with the papists, who say that the civil magistrate hath only potestatem facti, and not juris, that is, authority to execute such things as they decree, but not authority to make any laws in ecclesiastical matters.³

The Puritan attempt at separation was caught in a contradiction of its own making. For "when the Inquisition handed a heretic over to the secular arm, what was intended by the figure? Surely, that the two arms, the secular and spiritual powers, were arms of the same body - or else the metaphor makes nonsense."⁴ Puritanism was unable to resolve

¹A. F. Scott Pearson, Church and State: Political Aspects of Sixteenth Century Puritanism (Cambridge, 1928), p. 9 f.

²John Whitgift, Works, III, 181 f.

³Ibid., I, 27.

⁴J. N. Figgis, Churches in the Modern State, Appendix 1.

its conflict, determined as it was that England must become a societas perfecta, even as Geneva and Scotland were attempting.

To the Puritans, it was certain that a sanctified society would never come under the headship of an earthly king: First, the method of ministerial appointment was that of godless patronage. Second, the clergy were powerless to invoke discipline. Third, episcopacy represented all the old popish associations. Finally, prelates were more concerned that their clergy be properly vested than that they be godly enough to administer the sacraments or educated enough to preach the Word. In short, government by the ungodly must cease. "So God shall be glorified...and the flocke of Christ. . .edified," according to the "sinceritie and simplicitie of his Gospel."¹

The overwhelming tendency of the students of this period is to level harsh criticism upon this Puritan "Scripturalism". Thus, Professor D'Entrèves calls it "narrow and intolerant";² Canon Shirley rightly reminds us that "the cry, 'Back to the Apostles', is an absurdity";³ and Professor Allen says, "They found in the Scriptures what they looked for."⁴ Undoubtedly, these are accurate appraisals of the Puritan weakness. Yet it was natural that undue reliance should be placed on the only authority the Reformers possessed when they cast off from Rome. Hooker himself will belie his discomfiture that his opponents do possess

¹"First Admonition to Parliament," Frere and Douglas, op. cit., pp. 13 and 8.

²D'Entrèves, op. cit., p. 104.

³Shirley, op. cit., p. 65.

⁴Allen, op. cit., p. 217.

a large degree of truth when he undertakes his defense of the lack of preaching in the English Church.¹

Though Puritanism, built on the foundation of bibliolatry, would collapse in two or three generations, it would contribute something very precious to mankind before its demise - the concept that once for all the righteous God had visited His people and their lives were expected to reflect His righteousness. This moral consciousness was the driving force in the Puritan's being, and it was based on the belief that in Scripture a man could find a plan for daily living.² It was essential that the Word be preached. So far from the Romanist's priding himself in his Biblical ignorance, the Midlands weaver and the London merchant must learn the Bible's contents and be guided by its "pre-
scripts". Obviously, this insistence would blind the writers of Puritan polity to the fallacy of their "golden text": "If any man shall add unto these things, God shall add unto him the plagues that are written in this Book."³ As Pope Gregory had affirmed that temporal power apart from the Church is of the devil, so the Puritans ascribed all secular philosophy to the same source. The Christian, said Edward Dering, must avoid all "vain and curious searching of God's mysteries

¹ Polity, V, xxii, 17.

² For an excellent description and critique of the spirit of Puritanism cf. M. M. Knappen, Tudor Puritanism (Chicago: University of Chicago Press, 1939), pp. 339-53.

³ Rev. 22:18.

or measuring things revealed according to our understanding."¹ The correct form of Church polity was outlined in Scripture and was plainly visible to anyone not fleshly-minded.

The Legal Base of the Church

We now turn to the defense made by the Church of England against the charge of violating the principle of the Reformation "that nothing be don in this or ani other thing, but that which you have the expresse warrant of Gods worde for."² Because the Church of England was charged with betraying the spirit of the Reformation, Puritan disobedience to its laws was held to be justified. We may only mention that Jewel and Whitgift, as all the other apologists, had been content to meet the Puritans on their own ground, Scripture - exchanging text for text; or else they appealed to their commonsense by trying to show what would happen to the existing establishment if the demand for popular sovereignty were granted. Those who talk lightly of abolishing the royal supremacy should understand that the reason it exists is that "it being almost an impossible thing for all men in such a body to agree in one, and there being amongst men. . .a natural inclination to dissent, . . .there should never any law or order be made, if every singular man's consent should of necessity be had."³

Hooker's greatness lay in his ability to raise the discussion to a higher plane and explore the problem to the depths of its meaning. To

¹Cited in Knappen, op. cit., p. 357.

²Cited in Frere and Douglas, op. cit., p. 15.

³Whitgift, Works, I, 371.

do this he drew upon not only his own knowledge of Scripture, but his knowledge of the Fathers and his grounding in the philosophy of the great systematic writers, particularly Aquinas. His unacknowledged indebtedness to Marsilius will be evident in his "democracy" and Erastianism.¹ Further his very knowledge of history gave him a feel for the historical process that would manifest itself in his respect for change and development in the idea of Law.

His purpose was to meet the claim that Puritans could disobey the law of the Church. To do this he had to prove two propositions: First, that the ecclesiastical law of England was in no way inconsistent with the revealed law of God or with the law of Reason. Second, that for England, Church and Commonwealth were essentially identical; and that therefore the ecclesiastical law established under royal supremacy² was as binding as "secular" law and for the same reasons.³

The Preface and Book I contain the outlines of his political philosophy and his great concept of the dignity of Law. Whitgift rightly refused to claim to be a lawyer, but for Hooker there was nothing incompatible between law and theology. To him "the eye of law is the eye of God."⁴

We turn briefly to his concept of the law and note two characteristics, which give a unique stature to the Ecclesiastical Polity

¹Cf. C. W. Previté-Orton, "Marsilius of Padua," op. cit., pp. 137-83.

²1 Elizabeth i and ii.

³Cf. Allen, op. cit., p. 195.

⁴Polity, V, lxxxii, 6.

among all the literature of the controversy. The first is the grandeur of the idea of law, and the second is its provision for development.

Law is something far greater than a matter of command and obedience. His paeon of praise to law would do justice to his master, Aquinas:

Her seat is the bosom of God, her voice the harmony of the world: all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power; both Angels and men and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy.¹

There is a close connection between law and reason in the individual. "A law. . . is a directive rule unto goodness of operation,"² and by reason God illuminates men to know good from evil. Further, "having observed that the best things. . . produce the best operations, . . . it cannot be well unless the chiefest do command and direct the rest. The soul then ought to conduct the body, and the spirit of our minds the soul."³ Thus, in man the mind is supreme and is able to respond to natural reason and to be shown not only that there is a God but also His character, His relationship with men, and their duties toward their fellows. In this argument we find ourselves in the atmosphere of Thomas with his hierarchic concept of the universe. The mind by searching can discern the will of God since there is no fundamental disharmony between the natural and supernatural. For Hooker the law serves no less a function than bridging the gap between man's limitation and God's infinity. "All God's laws are the voices of right

¹Polity, I, xvi, 8.

²Polity, I, viii, 4.

³Polity, I, viii, 6.

reason."¹ It remains what a narrow and fragmentary thing is the Puritan concept of Divine law and their derision of reason. They think that to deprave mankind is to glorify God.

But by placing human reason side by side with Scripture Hooker was elevating the controversy to another level. He was also making himself vulnerable to the charge of rationalism. However, his deep historical sense, manifest in his approach to Scripture, makes him acknowledge the Word of Scripture as necessary for salvation.² Reason does have its limits, but so does Scripture. Hooker was content not merely to vindicate human reason but also to fortify the very authority of Scripture itself in a way that its self-styled champions were not. He did Scriptural authority good service by recognizing the limits to which biblical precepts may be literally applied. "A number of things there are for which the Scripture hath not provided by any law. . . What is so in these cases, partly Scripture and partly reason must teach."³ Professor D'Entrèves distinguishes him from "the rationalism of later days not only by the maintenance of the traditional theological background and the limits which he is careful to assign to the independence or autonomy of human reason, but also by his idea that rational constructions must stand the test of history and may not contradict the evidence of tradition and historical development."⁴

¹Polity, V, ix, 3.

²Polity, II, viii, 3 f.

³Polity, III, ix, 1.

⁴D'Entrèves, op. cit., p. 120.

The second main characteristic in Hooker's scheme of law that influences his Polity is the concept of the mutability of law. This concept supplies a philosophy for the doctrine of expediency. Law for the Puritans was "frozen" in the laws of Scripture. Because it ignored the ages of the growth of the Church and the adaptations necessitated by time it had no eye to future conditions as admitting or requiring change. The question underlying Puritan unrest was, What authority had the established Church for making these changes?

The problem of authority was not new. Medieval schoolmen had been wrestling with it when the Reformation came and left it still unsolved. Hooker allows for change and growth by distinguishing between natural and positive law. The "First Eternal Law" was unalterable for it involved the very character of God Himself. Similarly, there could be no deviation in the Laws of Nature which "do bind men absolutely."¹ Insofar as any positive law contained human regulations conditioned by natural law, it too was unalterable. But the laws made by human legislative act could also be unmade in the same manner. Thus, all laws of God that affect man in his supernatural capacity as a member of the religious hierarchy of mankind are above Nature and, though positive, are unchangeable. Those "determinations"² that control man as a member of a visible society are changeable and must vary with circumstance. Law, as stated before, is a living thing for Hooker. This marking of the formal and external character of law, however, will lead him into difficulties regarding freedom of conscience which we will note

¹Polity, I, x, 1.

²Aquinas's word.

later. D'Entrèves comments: "When it comes to the problem of a possible opposition or conflict between human law and the higher laws of nature and God, and of its consequences upon the bonds of obedience, Hooker's teaching is extremely guarded and shifting."¹

It will suffice at present to see the application that Hooker will make of his idea of the mutability of law. In Book V when he undertakes the point-by-point defence of the practices of the Church he posits four axioms which he asks his opponents to grant as standards for any questioning of established customs. The fourth axiom to which he refers again and again² is: "We lastly require that it may not seem hard, if in cases of necessity, or for common utility's sake, certain profitable ordinances sometime be released."³ Laws of doctrine, not laws of polity, are unchangeable.

I therefore conclude, that neither God's being author of laws for government of his Church, nor his committing them unto Scripture, is any reason sufficient wherefore all churches should for ever be bound to keep them without change.⁴

This provision for adaptation, grounded in a respect for historical development was foreign to Puritan thought, and was Hooker's acknowledgment of the doctrine of expediency. This recognition was one of his most valuable contributions to the philosophy of law.⁵

These two characteristics of Hooker's view of law give him his uniquely venerable position as the apologist for the Ecclesia Anglicana:

¹D'Entrèves, op. cit., p. 124.

²Eg. Polity, VI, ii, 2; V, lxxxii; I, xiv, 5.

³Polity, V, ix, 5. Italics mine.

⁴Polity, III, x, 7.

⁵Shirley, op. cit., p. 89.

The richness of the meaning of law and its adaptability when conditioned by Scripture, reason, and tradition.

It was with this concept of law that Hooker repudiated the stand of those who held the Scriptures to be the one authority "fully sufficient for all instruction and conviction, both for faith and conversation. . .or for other good use in church and commonwealth."¹ To interpret Scripture the Puritan, of course, had to use reason and tradition both, but he did it surreptitiously. Now, Hooker ennobled these elements and combined them into a rational doctrine of authority that would merit the obedience of all men. It would be his task to show that authority ultimately resided in the very consent of those governed, and that there was, in fact, more democracy in the royal supremacy than in government by consistories.

Hooker was not too explicit about the process by which "politic society" came into being. It is sufficient to note that he accepts the orthodox Christian causes of man's communal living; his natural gregariousness and human sin which necessitates formal laws to insure justice.² "Laws politic. . .frame his outward actions. . .unto the common good for which societies are instituted."³ The most obvious sign of their goodness is "if the general persuasion of all men do so account it."⁴ Thus, we have the basis for the authority of consent: Vox populi - vox Dei. Now, although all men desire happiness and

¹Cited in Knappen, op. cit., p. 356.

²Polity, I, x,1.

³Polity, I, x, 1.

⁴Polity, I, viii, 3.

happiness depends on the unimpeded use of right reason, Hooker has no illusions about man's natural goodness and will acknowledge that often is "his depraved mind little better than a wild beast."¹ When men organized themselves into societies to protect their life and property it was necessary to recognize authority, if only for the limited end of giving commands. As soon as this was recognized political society was in being.

Here Hooker departs from Aristotle in repudiating his theory that leadership arose as a result of human "inequality". It was apparent that "strifes and troubles would be endless, except they gave their common consent all to be ordered by some whom they should agree upon; without which consent there were no reason that one man should take upon him to be lord or judge over another."² Thus, through consent power is transferred from the collection of individuals to the ruler. This idea, fundamental to Hooker, is of the essence of Marsilius and Nicholas of Cusa.³

Nowhere in his work does he make explicit the manner in which consent was originally given. In one place he states that it arose from men's "deliberate advice, consultation, and composition."⁴ In another, it was "an order expressly or secretly agreed upon."⁵ In still another, dealing with the royal supremacy, he allows that

¹Polity, I, x, 1.

²Polity, I, x, 4.

³Cf. supra, pp. 7 and 24.

⁴Polity, I, x, 4.

⁵Polity, I, x, 1.

conquerors "by just and lawful wars do hold their power over. . . multitudes".¹ But here we do well to heed Allen's comment: "Hooker was not attempting to give definition to what evidently could not be defined."² Perhaps for us a more accurate word than "consent" would be "recognition". At any rate, he is preparing for his defense of Elizabeth's supremacy in things ecclesiastical by laying its foundations in the popular recognition of her right to govern. The important fact is not how consent was given but that it was given. This is not to presuppose the existence of any formal contract between ruler and people or even a pactum unionis among the people themselves. In fact, that no one is able to recall that there ever was any "recognition" of the king's right to rule is immaterial. What Hooker insists on is, simply, that "political authority can only be rationally conceived as derived from what we call consent."³

Hooker suggests that monarchy as a form of political government was probably taken from the example of patriarchy in family organization, although this is not necessarily the only kind of government.⁴

¹Polity, VIII, ii, 5.

²Allen, op. cit., p. 190.

³Ibid. Cf. D'Entrèves's criticism of Locke for building his thesis of social contract on this tendentious reading of Hooker. Op. cit., p. 125 f. Henry Hallam mistakenly supposes that Hooker and Locke both meant the same thing by "consent." The Constitutional History of England from the Accession of Henry VII to the Death of George II (7th ed.; London: Murray, 1854), I, 219 and 221.

⁴Polity, I, x, 4.

For Hooker, as for Bodin, sovereignty is "la puissance absolue et perpetuelle d'une République".¹ But he is nowhere explicit as to the original lodging of sovereignty. Hooker will reflect the same ambiguity when he comes to the limitation of the sovereign² and the Parliament.³ D'Entrèves quotes W. S. Holdsworth's remark that no Tudor lawyer or statesman "could have given an answer to the question as to the whereabouts of the sovereign power in the English State. The doctrine of sovereignty was a new doctrine in the sixteenth century."⁴ The power of making laws is of the essence of politic societies: "The public power of all societies is above every soul contained in the same societies."⁵

There is no earthly authority above that of the single body politic, except the very vague notion of super - or international law which he calls the "Law of Nations,"⁶ but which he does not fully develop. What we must mark here, however, is that he is laying the legal undergirding of the Church of England as an autonomous institution:

Unto me it seemeth almost out of doubt and controversy, that every independent multitude, before any certain form of regiment established, hath, under God's supreme authority, full dominion over itself, even as a man. . .hath over himself the like power.

¹Jean Bodin, Les Six Livres de la République (Paris: Jacques du Puys, 1577), Bk. I, chap. 9.

²Polity, VIII, ii, 11.

³Polity, VIII, vi, 11.

⁴D'Entrèves, op. cit., p. 135.

⁵Polity, I, xvi, 5.

⁶Polity, I, x, 12.

God creating mankind did endue it naturally with full power to guide itself, in what kind of societies soever it should choose to live.¹

This passage illustrates not only the autonomy of political groups but it also suggests that the right to legislate was, somehow, existent before the body came into being - a further denial, moreover, of formal contract. It is by natural law that the whole group comes by its power and for any potentate to "exercise the same of himself, and not either by express commission immediately and personally received from God, or else by authority derived at the first from their consent upon whose person they impose laws, it is no better than mere tyranny."²

Thus, we may sum up Hooker's teaching on consent by saying, "Laws they are not therefore which public approbation hath not made so."³ The man who consents to accept membership in a society thereby binds himself to accept its constitution. Nor does consent break down when the murderer protests the law by which he hangs. If you are content to live in England, Hooker seems to say to his opponents, then you have consented to the authority here established and the political obligation of a member of the realm.

"Unam sanctam ecclesiam catholicam. . "⁴ Hooker's thought was far from that of the one who spoke these words, yet they might have been his own. The Church, or rather the society, established by the Elizabethan settlement embodied what Hooker loved and set himself to defend.

¹Polity, VIII, ii, 5. Further manifestation of Marsilius's influence.

²Polity, I, x, 8.

³Polity, I, x, 8.

⁴Pope Boniface VIII, Bull Unam Sanctam.

One may protest that the existence of the Protestant "conventicles" belied the society as unam, and that the machinations of politicians ecclesiastical and secular belied it as sanctam; but it must not be forgotten that Richard Hooker loved this church, and what he loved he idealized. His work is the nobler for it and of deeper meaning for the future.

Having stated the authority on which his argument will rest he now turns to prove that the polity of the Church of England is no more than the exercise of this law in ecclesiastical affairs, and that in England, Church and State being the same, to transgress the law of one is to transgress the law of the other.

The Nature of the Church

The core of Hooker's view of the relation of Church to Commonwealth was identification. There is one God, one "people" (universitas), one Church (ecclesia universalis).¹ But the unity had suffered a shattering blow and had been splintered into fragments.

England was one of the fragments, and, as Shirley states, "the contest was between those who believed that the fragment retained a characteristic of unity within itself from the whole and those who proposed to carry on the process of disintegration."² Hooker holds the former position and justifies the Anglican claim as the via media.

¹Gierke, op. cit., p. 10.

²Shirley, op. cit., p. 127.

The word Church is one "which art hath devised thereby to sever and distinguish that society of men which professeth the true religion from the rest which profess it not. There have been in the world from the very first foundation thereof but three religions, Paganism. . . Judaism. . .(and) Christian Belief."¹ The distinctive feature of the Church is that it is the only group that believes in and worships Jesus Christ. Concerning this distinction there will be little argument from either Puritan or Roman Catholic.

A more important distinction is drawn between the "mystical" and the "visible" Church.² Bishop Jewel had affirmed his belief in the mystical Church but the failure to distinguish more clearly between the two had caused oversights "neither few nor light."³ The mystical Church cannot be sensibly discerned since some parts of it are already in heaven and the parts remaining on earth, though visible, are known only to God. The fact that we profess to love the Lord may be a sign of our membership in that body but "only the Searcher of all men's hearts. . .doth know." He assumes at the outset, however, that the mystical body "can be but one,"⁴ and consists of all persons belonging "by reason of that one Lord whose servants they all profess themselves, that one Faith which they all acknowledge, that one Baptism wherewith they are all initiated."⁵ The important difference is that a man is in

¹Polity, V, xviii, 6.

²This distinction is made in another place in terms of the "natural" and "supernatural" society. Polity, I, xv, 2.

³Polity, III, i, 9.

⁴Polity, III, i, 2.

⁵Polity, III, i, 3.

the visible Church on his own "consent", while he may or may not be in the mystical Church. But because his membership in the former is an act for which he is responsible the Church will be concerned with his "profession", and that he be signed with the mark, "one Lord, one Faith, one Baptism". He may be idolatrous; he may be heretical; he may even be under excommunication; but as long as he gives external profession, he is a member of the visible Church. This was something that Cartwright would never say of a Romanist.

But the Romanists themselves are to be refuted who ask us "where our Church did lurk, in what cave of the earth it slept for so many hundreds of years together before the birth of Martin Luther? As if we were of opinion that Luther did erect a new Church of Christ."¹ No, we were in the Church before the Reformation; we are in it still. That which was from the beginning is now and ever shall be. Let it be clear to those at Rome, the Reformation was no breaking-off from the main stream. England did what the Roman Church should have done.

The indisposition therefore of the Church of Rome to reform herself must be no stay unto us from performing our duty to God: even as desire of retaining conformity with them could be no excuse if we did not perform that duty.²

Hooker could not see that it was the very same spirit that prompted Robert Browne, looking at Anglican sloth, to proclaim "Reformation without Tarrying for anie."

Having defined the visible Church and asserted the catholicity of the English Church, we come to his classic definition of the

¹ Polity, III, 1, 10.

² Polity, III, 1, 10.

National Church:

As the main body of the sea being one, yet within divers precincts hath divers names; so the Catholic Church is in like sort divided into a number of distinct Societies, every of which is termed a Church within itself. . . Unto every of which the name of a Church is given with addition betokening severalty, as the Church of Rome, Corinth, Ephesus, England, and so the rest."¹

Hence, the federation of the Catholic Church. Hooker was not interested in developing a theory of the sovereignty of the whole Church as the sum of that of its parts. His concern is to show that the National Church is not indebted to the universal Church for its jurisdiction. The latter does manifest itself in the General Council, but Hooker's interest in it qua Council is as the agency which assures spiritual unity and uniformity,² rather than that from which authority is derived. By asserting the autonomy of the unit Hooker is resurrecting the incipient constitutionalism that proved the stumbling-block to the fifteenth century Councils.

Hooker's unique contribution to the idea of the National Church is this provision for complete local autonomy within the several "distinct Societies, every of which is termed a Church within itself". Then, as the basis for the Church's law and the political obligation of those who constitute it, he underlines that it is "not an assembly, but a society. . . that is, a number of men, belonging unto some Christian fellowship, the place and limits whereof are certain."³ As a society, one of its inherent responsibilities will be polity - ecclesiastical polity.

¹Polity, III, 1, 14.

²Polity, I, x, 14.

³Polity, III, 1, 14.

The Church, being a politic society and therefore capable of making its own laws, what is the difference between the "distinct" Church and the Commonwealth of England? It must follow that, since the Church is the religious aspect of the politic society and the religion of the Commonwealth is Christian, the Church and the Commonwealth are identical. It is unthinkable that the Commonwealth exists only for secular ends. "A gross error it is, to think that regal power ought to serve for the good of the body and not of the soul",¹ or that Parliament's duty was to "meddle with nothing but only leather and wool."² The duty of the Commonwealth is to advance religion.

We say that the care of religion being common unto all societies politic, such societies as do embrace the true religion have the name of the Church given unto every of them for distinction from the rest; so that every body politic hath some religion, but the Church that religion which is only true. . . as a politic society, it doth maintain religion; as a church that religion which God hath revealed by Jesus Christ.³

Thus, the chief end of the Church is to preserve the State, or, perhaps more accurately, the chief end of the State is to preserve true religion. Therefore, when we speak of the rights which belong to a State, we are at the same time speaking of those which belong to a Church. As the essence of the State's sovereignty is the right to make laws and as religious laws are within this province, then the State "must of necessity being Christian, have the same as touching laws for Christian religion."⁴

¹Polity, VIII, iii, 2.

²Polity, VIII, vi, 11.

³Polity, VIII, i, 2. Cf. Marsilius of Padua, The Defensor Pacis, Dictio I, chap. v, secs. 10-14.

⁴Polity, VIII, vi, 6.

Hooker describes the practical organization of the unity in the famous metaphor of the triangle:

We hold, that seeing there is not any man of the Church of England but the same man is also a member of the commonwealth; nor any man a member of the commonwealth, which is not also of the Church of England; therefore as in a figure triangular the base doth differ from the sides thereof, and yet one and the selfsame line is both a base and also a side; a side simply, a base if it chance to be the bottom and underlie the rest: so, albeit properties and actions of one kind do cause the name of a commonwealth, qualities and functions of another sort the name of a Church to be given unto a multitude, yet one and the selfsame multitude may in such sort be both, and is so with us, that no person appertaining to the one can be denied to be also of the other.¹

Church and State are one, but subject to one vital condition that saves the Church of England from falling into the Erastianism of a Hobbes:² Church and Commonwealth are coexistent only when the latter accepts the true religion and insures religious uniformity. The doctrine of cuius regio, eius religio does not authorize the prince to change religion at will.

Not only is the identity of Church and Commonwealth admissible, but under his terms it is inevitable:

If all that believe be contained in the name of the Church, how should the Church remain by personal subsistence divided from the commonwealth, when the whole commonwealth doth believe?³

There was no other stand that Hooker could take. This basis for identity informed his whole argument: "The whole commonwealth doth believe." But how could he be so naive as to assume that it did believe? Was not the very writing of his treatise an admission of the

¹Polity, VIII, 1, 2.

²Cf. Thomas Hobbes, Leviathan (Everyman ed.; London: Dent, 1914), Bk. II, chap. 17.

³Polity, VIII, 1, 4.

existence of dissent? That interpretation would be to misread him, however. Certain it was that the whole commonwealth did not believe what Hooker believed, but this was not what he meant. He meant that surely Romanist and Puritan could believe with him in those essentials of Christianity, "one Lord, one Faith, one Baptism."

However, granting this to be his intention, it is a little strange that a man so genuinely religious and with such intelligence should not have seen that he had "proved either too much or nothing at all."¹ The attempt to compile a list of the "essentials" would be hopeless enough without trying to agree on their interpretation. He should have known that to the Puritans the assertion, "The whole commonwealth doth believe," was a patent misreading of the contemporary state of religion. So imbued was he with the necessity of "unity" that he had not yet reached the more practical, if cynical, conclusion that the unity of which men spoke so reverently and wistfully never could exist. This assumption of unity was the single point on which the justification of his National Church rested - like an inverted pyramid. Within there was no flaw of construction but it could not maintain equilibrium on a false base. In France Montaigne and others of the Politiques had seen that to press for religious unity was to rend the country asunder for an impossible ideal. But for Hooker, it was impossible to conceive of a nation without a national religion.

That a similar unity be maintained in polity, Hooker did not insist. We shall treat this in detail later. It need only be mentioned

¹Allen's phrase, op. cit., p. 197.

here that he fails to satisfy Elizabeth's bishops by denying to episcopacy the distinction of being the "one certain form to be necessary" in all churches.¹ He does insist that, whatever the form, it be "of God", but here, of course, he displeases the Puritans by eschewing as a polity only that which Scriptures "actually. . .there set down".

The polity of the Church is administered by those whose special concern is spiritual law. The Church-Commonwealth which is a single body politic may, in fact, be differentiated in terms of its respective functions:

We mean by the commonwealth that society with relation unto all the public affairs thereof, only the matter of true religion excepted; by the Church, the same society with only reference unto the matter of true religion, without any other affairs besides.²

The distinction has no bearing on the organic unity; it is only a matter of terminology. Administering secular law it is a Commonwealth; administering spiritual law it is a Church. Therefore,

Forasmuch as these two laws contain so many and so different offices, there must of necessity be appointed in it some to one charge, and some to another, yet without dividing the whole, and making it two several impaled societies.³

Like Marsilius, he describes the clergy as officers of the State within its department of religion. Like Luther, he keeps Church and State functions separate. "Though the Church as a spiritual body was independent of the State, the Church on its social and economic side was subject to the laws of the State."⁴ "Yet," he reaffirms, "this is

¹Polity, III, ii, 1.

²Polity, VIII, i, 6.

³Polity, VIII, i, 4.

⁴R. A. Houk, Hooker's Ecclesiastical Polity, Book VIII (New York: Columbia University Press, 1931), p. 65, n. 27.

no argument that they are two independent societies."¹

The Puritans who would separate the functions would also separate them "in subsistence". The fragmentation effected at the Reformation, they held, should not stop at the national boundary but should drive clean down the center. But can they not understand the rupture to the body politic if their counsel were heeded? The lords spiritual and temporal are so closely bound together that to tear away one would not only weaken the other, but also impair the good of the whole society.²

There are only two conditions under which complete separation could be tolerated: either when the Church of Christ exists in the "dominion of infidels" as Israel when in Egypt - a tolerated minority; or under Roman Catholic polity where the pope "doth divide the body into two diverse bodies, and doth not suffer the Church to depend upon the power of any civil prince or potentate."³

The fact "that with us one society is both the Church and the commonwealth" should bring Hooker's opponents to what he offers as the greatest blessing that could befall any man: the advantage of a single allegiance. Its opposite, divided allegiance, is the greatest bane, making for disobedience, the one force most destructive of unity and abhorrent to the medieval mind. With the same argument Stephen

¹Polity, VIII, i, 5.

²Polity, VII, xviii, 10.

³Polity, VIII, i, 7.

Gardiner had exhorted the Papists,¹ and John Whitgift the Puritans.² As D'Entrèves said, "It is an argument which could hold good against old Priest as well as against new Presbyter."³

Since the end for which all government exists is the bonum publicum

There must of necessity in all public societies be. . . a general mover, directing unto the common good, and framing every man's particular to it. . . Surely two supreme masters would make any one man's service somewhat uneasy in such cases as might fall out. Suppose that tomorrow the power which hath dominion in justice require thee at the court; that which in war, at the field; that which in religion, at the temple: all have equal authority over thee, and impossible it is, that thou shouldst be in such case obedient to all: by choosing any one whom thou wilt obey, certain thou art for thy disobedience to incur the displeasure of the other two.⁴

The question was indeed "one of dominion". Medieval political discussion sooner or later arrived at the problem of obedience. Politics could not be divorced from ethics and ethics is a part of theology. So here Hooker appeals to the reason of his opponents in his argument for unity. As Aquinas had said, law is aliquid rationis. But there is more in his argument than appeal to reason. There is also an "or else - !" Men may not transgress the law since they dare not transgress the will of God. "No medieval lawyer," writes Professor Laski, "ever lost the sense of natural law as a system of eternal principles by which all positive decrees were to be tested. It is the will

¹Stephen Gardiner, On True Obedience, ed. B. A. Heywood (London: Longmans, Green, 1870), p. 54 f.

²John Whitgift, Works, III, 295 f.

³D'Entrèves, op. cit., p. 140.

⁴Polity, VIII, ii, 18. These are the very arguments of Marsilius. Cf. The Defensor Pacis, Dictio I, chap. xvii, sec. 3, 4, 8.

of. . .God Himself."¹

So integrated are Church and Commonwealth that the Anabaptist doctrine of political quietism is nothing short of flagrant disobedience.

Unto laws. . .made and received by a whole church, they which live within the bosom of that church must not think it a matter indifferent either to yield or not to yield obedience. . . Let us not say we keep the commandments of the one, when we break the law of the other: for unless we observe both, we obey neither.²

The proof of the Christian faith is in civil obedience! But we should be doing Hooker less than justice to confine his vision of churchmanship to a legal system. After reading the deeply devotional passages of Book V it is impossible to consider Hooker as simply an ecclesiastical authoritarian. In fact, even those parts of the other books dealing with the "cold" matters of polity are touched with his high view of God and his warmth and charity with his fellow men, even his opponents. He was no lover of controversy and plainly felt uncomfortable in the contentious role that his Church's necessity had forced upon him. In the spirit of quiet and study and communion Book V was written. In that spirit too Richard Hooker would have us view his Church.

There is no need to apologize for the fact that England is a political society. As such, it is the very means whereby the love of God may be mediated. We shall have more to say about Hooker's elevation of the whole idea of secular politics. Let this passage speak for the present. He has been describing the participation of man's nature in

¹H. J. Laski, "Political Theory in the Later Middle Ages," op. cit., p. 641.

²Polity, III, ix, 3.

God's: "God is in Christ - Christ is in us":

We are therefore in God through Christ eternally according to that intent and purpose whereby we were chosen to be made his in this present world before the world itself was made, we are in God through the knowledge which is had of us, and the love which is borne towards us from everlasting. But in God we actually are no longer than only from the time of our actual adoption into the body of his true Church. . . For his Church he knoweth and loveth, so that they which are in the Church are thereby known to be in him.¹

Here was meat for saint and patriot alike! The Church rests on man's obedience, yes; but the very power of God Himself is in it.

The guarantee of this great benefit is unity, and the symbol of that unity is the royal supremacy. To the vindication of the royal supremacy he now turns.

The Royal Supremacy

"By the goodness of Almighty God and his servant Elizabeth we are!"²

In the single arch embracing the pedestals of Church and Commonwealth the keystone is the Crown. In the Crown the duality is reconciled. Through the Crown divine power is mediated. Book VIII defines the royal supremacy and the working of the Crown-in-parliament. Though we have seen how Hooker identifies Church and State it becomes evident in this doctrine that, by nature of function, the State is primary. England is not essentially a theocracy under a high-priest but an omniscient State under a king with religion as one of his concerns.

¹Polity, V, lvi, 7.

²Polity, V, Dedication, 10.

Hooker's treatise is the only one of the period explaining the principles underlying the Tudor monarchy, and theorizing on the State's constitution which would be tested in the following century.

The government Hooker was defending had the elements of medieval feudalism as well as the Renaissance contributions of rising nationalism and religious reformation. In some respects the monarch was only a magnified feudal lord, while the bishops retained something of their feudal functions, theoretically as members of the Council.¹ Hooker gave certain dignity to the bishops but yet maintained the theoretical sovereignty of the people. Although the medieval church comprised the clergy alone, the process of laicization had begun. Feudal unity had crumbled before nationalism; Catholicism was giving way to Protestantism. And the prerogatives of the Crown, beginning to be challenged by the people, called for vindication. "Suffer me, my Lord, I pray you," Lord North warned Bishop Cox in 1575, "to put you in mind who it is that you deny; it is our dread sovereign lady. . . our God on earth."² Hooker does not go this far, but he is plain that the sovereign's power and position are unique and that he is no "mere lay person."³

As the end of the State is to seek the public good - spiritual as well as temporal - so the responsibility of its supreme head is more than mundane, "as if God had ordained kings for no other end and purpose but only to fat up men like hogs, and to see that they have their ~~part~~."

¹ Eg. VII, xv, 7.

² Cited in Powicke, op. cit., p. 114.

³ Polity, VIII, i, 1.

mast."¹

The argument for royal supremacy begins with an appeal for order. In the process of fragmentation that had begun, there must be constant check lest the movement have its head and anarchy result. The want of order is the "mother of confusion" and its consequence, "inevitable destruction." The whole hierarchy of the universe testifies to the existence of order. Thus, unity is achieved by order; order works by power; and the functioning of power is known as polity.

Royal supremacy in ecclesiastical affairs is that form of polity by which kings govern things religious "within their own precincts."² In all affairs, not excepting religion, the king is the "highest uncommanded commander,"³ subject, of course, to God, the law, and "the states of those societies conjoined." The meaning of this last phrase Hooker does not elaborate any more than he did the theory of international law in Book I to which it refers. The first two limitations are basic to his doctrine of authority. "Rex non debet esse sub homine, sed sub Deo et lege."⁴ Regarding these limitations, the king's supremacy is "in causes ecclesiastical that ruling authority, which neither any foreign state, not yet any part of that politic body at home. . . can lawfully overrule."⁵

¹Polity, VIII, iii, 2.

²Polity, VIII, ii, 3.

³Polity, VIII, ii, 1.

⁴H. Bracton, De Legibus & consuetudinibus Angliae Libri quinque; in varios tractatus distincti, ad diversorum et vetustissimorum codicum collationem, ingenti cura, nunc primu typis vulgati: quorum quid cuique insit, proxima pagina demonstrabit (London: R. Tottell, 1569), Bk. I, chap. viii, fol. 5.

⁵Polity, VIII, ii, 3.

Within the realm the king has full authority, since by Hooker's concept of law, any body politic is endued by God with "full power to guide itself." What the responsibility of a Christian king is outside his own realm he does not say.¹ But the nation has every right to its own autonomy. Under God, the king is its rightful ruler, whether that branch of royalty be established by conquest,² by direct divine appointment, or indirectly by "men's discretion". Hooker's frankness as a controversialist is here illustrated by his refusal to claim that God has expressly commanded royal supremacy - nor has He forbidden it. It has become a divine office by God's ratification of human ordinances: "Unto kings by human right, honor by very divine right, is due."³ For Hooker, as for St. Paul, the powers that be are ordained of God.

He next proceeds to the limitations upon the king's supremacy and favors not "the most limited" but the "best limited power." The limitation on the Crown is expressed in the medieval formulae which he quotes approvingly, "Rex nihil potest nisi quod jure potest," for in fact, "Lex facit regem."⁴ This belief is the key to his teaching on

¹The Vindiciae contra Tyrannos would hold it to be the king's duty to relieve oppression wherever found regardless of national boundaries.

²Cf. also Polity, V, lxxx, ll and VIII, vi, l. For the explanation of government by consent still prevailing despite its original establishment by conquest cf. Gierke, op. cit., p. 40.

³Polity, VIII, ii, 6.

⁴Polity, VIII, ii, 13. A. J. Carlyle calls the latter "the principle of the Middle Ages." Carlyle, op. cit., VI, 512.

monarchic power and separates Hooker from subsequent Erastians. This constitutional limitation, of course, is almost nil. While it is true that the king is major singulis, universis minor, his sovereignty is in no sense an "estate in condition". Here he is condemning not only the Vindiciae contra Tyrannos, which he quotes directly,¹ but also "the whole left wing of sixteenth century political theory."² His teaching is neither the 18th century notion of popular sovereignty, nor yet the 17th century notion of divine right of kings. It may be represented as halfway between the two ideas.

The concept of regal limitation is vague. He could not avoid being so; he probably would not have been more specific if he could. If the king reigns by conquest, he makes his own charter³; if by compact, then he is limited by its terms, but in this case the power must be limited before it is granted.

The limitations that Elizabeth actually permitted were those "of the power of order", i.e., "power to administer word and sacraments, power to ordain, to judge as an ordinary, to bind and loose, to excommunicate, and such like."⁴ Further, in the Act of Supremacy⁵ it was agreed that the monarch shall not define heresy. It is implied that the king be a Christian, that he be orthodox in his beliefs and in good

¹Polity, VIII, 11, 8.

²D'Entrèves, op. cit., p. 134.

³Though he does insist that even William the Conqueror on his arrival in England did in some way recognize the existing laws of the commonwealth. Cf. Polity, VIII, vi, 1.

⁴Polity, VIII, 11, 16.

⁵1 Elizabeth 1, 20.

communion. But aside from these, and in point of fact, he is unbound, subject to no human law,¹ not even the excommunication of the Church.² He is responsible only to God.

As opposed to these limitations the people have no right to reject the lawful heir to the throne. Hooker here asserts the right of hereditary succession.³ Coronation is a mere induction into the powers he already possesses. The popular consent was given to the first king whence this branch has sprung. Now, there is no question of the people's bestowing power. Nor is there the possibility of withdrawing that power, once given, by refusing obedience. For Hooker, disobedience is inconceivable. Should it be attempted, the result would be, not disobedience, but the complete disintegration of that society. Theoretically, power resides in the people, "derivatively and practically it is in the King."⁴

There was current no denial of royal authority in secular affairs, but, as opposed to both papal and presbyterial claims that the civil magistrate is to be the clergy's lackey, Hooker concludes:

In a free Christian state. . .where one and the selfsame people are the church and commonwealth, God through Christ directing that people to see it for good and weighty considerations expedient that their sovereign lord and governor in causes civil have also in ecclesiastical affairs a supreme power.⁵

¹Polity, VIII, ix, 3.

²Polity, VIII, ix, 6. Herein Hooker shares Erastus's not Erastian views. Cf. J. N. Figgis, The Divine Right of Kings (2nd ed.; Cambridge, 1914), p. 310.

³He comes very close to Bodin's theory that the king never dies. Cf. Les Six Livres de la République, Bk. I, chap. viii.

⁴Shirley, op. cit., p. 116.

⁵Polity, VIII, iii, 6.

There is no reason for objection to the word "Head" as applied to the prince. The Puritan objection that it implies placing a mortal man on an equality with Christ is totally invalid. "If I term Christ and Caesar lords, yet this is no equalling of Caesar with Christ."¹ The difference between Christ's supremacy and the king's is one of "order, measure, and kind."² In order, Christ's headship is ὑπὲρ πάντα, including kings. In measure, Christ's dominion is over the whole earth. In kind, His dominion, unlike the king's, is not limited to "the external frame of the Church's affairs." It is precisely because Christ has divided His Kingdom into external regiments that those sundry churches need visible heads. To say that the Church is merely spiritual is to confuse the visible and the invisible Church and to create great disorder.³ Once again we see that the question is one of the residence of power. Shall it be in king or in synod? The terminology, Hooker suspects, is not really fundamental. He suggests that even the Puritans would assent to the Anglican version of supremacy, if such presented a means of easing the present Anglican clergy from their incumbencies:⁴

In truth the question is, whether the magistrate, by being head in such sense as we term him, do use or exercise any part of that authority, not which belongeth unto Christ, but which other men ought to have.⁵

¹Polity, VIII, iv, 3.

²Polity, VIII, iv, 5.

³Polity, III, i, 9.

⁴Polity, VIII, vi, 14.

⁵Polity, VIII, iv, 8.

It is interesting to note that, though Hooker uses the word "Governor"¹ in describing the prince's ecclesiastical jurisdiction, he does not consent to it as a suitable title, as Elizabeth herself had done. Had there been substance to the criticism that Hooker was pro-Romanist, there would have been a basis for it here. But Hooker does not choose to compromise his theory of supremacy even at this point, where he might have allayed the fears of many Catholics who were Elizabethans first and Romanists second.²

Having established the derivation of the royal authority from the body of the whole nation, Hooker next turns to the functioning of that power within the Church. There are three main offices in which this power is manifested, and the first is in the making of laws.

He brushes aside the Puritan claim that legislation be confined to the clergy and the Romanist claim³ that no secular ruler can override conciliar decrees. Once it be granted that Church and State are united, that indeed "the whole commonwealth doth believe", then it must follow as the night the day:

The parliament of England together with the convocation annexed thereunto, is that whereupon the very essence of all government within this kingdom doth depend; it is even the body of the whole realm; it consisteth of the king, and of all that within the land are subject unto him: for they all are there present, either in person or by such as they voluntarily have derived their very personal right unto.⁴

¹Polity, VIII, i, 7.

²John Selden distinguished between "head" and "governor" thus: "There is in the Kingdom of England a Colledge of Phisicians, the king is Supream Governour of those, but not Head of them, nor President of the Colledge, not the best Phisician" (Table Talk, p. 61).

³Polity, VIII, vi, 7 and 9.

⁴Polity, VIII, vi, 11.

It may be thought strange, in light of Elizabeth's practice¹ of casting her mantle over the Church to protect it from parliamentary encroachment, that Hooker would so openly magnify Parliament's position. Also the sudden introduction of Convocation as a legislative body is a bit bewildering. Why is Parliament's power so enlarged at the expense of the clergy, especially at a time when it was proving itself troublesome? It was probably due to the delicacy of the situation. Shirley² points out two other possible reasons: Hooker may have had difficulty in formulating a theory whereby Convocation would represent the laity in any manner in which Parliament was not already doing it. Second, to play into Puritan hands by attributing legislative power to the clergy would have dissipated his royalist argument. In addition to these, we must remember that Hooker's idea of Parliament is not that of a half-century later. His assertion of parliamentary sovereignty is one in which the king is prime mover. Parliamentary "rights" diminish the royal supremacy not one whit.

The duty of the clergy, by virtue of their peculiar fitness, is to give "admonitions and instructions" for the ordering of worship. But without consent of the whole Church³ these would be no more authoritative than the advice of physicians. To make these laws and "define

¹Eg. On May 22, 1572, she addressed the Commons as follows: "From henceforth no bills concerning religion shall be preferred or received into this House, unless the same should be first considered or liked by the clergy" (Cited in Prothero, op. cit., p. 120).

²Shirley, op. cit., p. 122.

³I.e., crown-in-parliament.

our own church's regiment, the parliament of England hath competent authority."¹

The king's legislative supremacy is principally manifested in his right of veto, says Hooker. This right is inherent in kingship and "doth belong unto kings, as kings."²

His view of the supremacy is essentially that of St. Germain, fifty years earlier, that the king-in-parliament represents the "whole catholyke church of Englande."³ Church law, consonant with the law of nature and of Christ, is derived

. . . .from power which the whole body of this realm being naturally possessed with, hath by free and deliberate assent derived unto him that ruleth over them. . . . So that our laws made concerning religion, do take originally their essence from the power of the whole realm and church of England.⁴

Wishful thought! In his attempt to strike the via media and make royal supremacy palatable to the Puritans he had spread his base as far as possible. But we shall see later that what is axiomatic for Hooker is hypothetical for his opponents. He was assuming all he had yet to prove. We may remark, incidentally, that in one sense Hooker's historic appreciation rendered him a disservice as a controversialist. The Puritans, rejecting the unity of history that meant so much to Hooker, believed, as Usher puts it, "that, from the invasion of the

¹Polity, VIII, vi, 11.

²Polity, VIII, vi, 11.

³An Answer to a Letter, quoted in Franklin Le Van Baumer, "Christopher St. Germain," American Historical Review, XLII (July, 1937), 631 ff.

⁴Polity, VIII, vi, 11.

barbarians to Luther's protest, the light of the world had been quenched."¹ Their constitutionalism which expressed itself in the jure divino consistories they believed to be independent of the historic developments of the preceding millenium. Thus, they had rejected Hooker's grounds before he began to speak.

In addition to his direction of the Church through Parliament, the king has two other ecclesiastical prerogatives. If the Puritans objected to his activities in Parliament, they will have greater cause for unrest in these other two, for in them he acts personally or through deputies without any human restraint or review.

The first of these is his appointment of bishops. At the outset, Hooker assures that kings do not "make, but that they only do place, bishops."² The bishop owes none of his spiritual authority to the king. But the king is solely responsible for assigning him his throne and his right to the benefits therefrom. The process by which the assignment is made is that of the old congé d'élire, whereby the chapters elect the bishop whose name has been presented to them by the king's letters patent. Hooker sees no reason for the capitular election and would prefer the direct appointment as in the days of Edward VI.³ Election of bishops is no more essential to his idea of popular sovereignty than that the king himself be elected. Royal appointment is merely an extension of his theory of consent,⁴ and history would prove that no greater good

¹Usher, op. cit., I, 82.

²Polity, VIII, vii, 1.

³Cf. 1 Edward VI. ii.

⁴Polity, VIII, vii, 2.

would accrue to the episcopacy if there were free election.¹ Thus, while retaining the rather complicated ceremony by which the king's pleasure is made known, he freely admits that "election is now but a matter of form: it is the king's mere grant which placeth, and the bishop's consecration which maketh, bishops."²

The second function of the royal supremacy which is above human review is that by which the supremacy insures its own survival and normally exercises itself. Hooker joins the common tendency to go behind the parliamentary position given to the Crown, and maintains the Queen's right to act apart from her parliament.

We may digress for a moment to note that the controversy with Rome had not yet matured to the proportions that would demand the divine right of kings as a doctrine in full bloom. Suffice it that the doctrine of royal supremacy was enough of a straw in the wind to arouse serious questioning in the minds of some of the bishops, and fears for their future status. The bishops in Elizabeth's day were not certain whence their authority came, but they were certain that the royal supremacy, whatever else it did, jeopardized such authority as they did enjoy.³ Hooker, as we shall see in the next section, was unable to give the bishops the assurance they needed.

¹Polity, VIII, vii, 6. It is of interest to find that the Archbishops' Commission on Church and State, reporting in 1935, heard testimony confirming the same opinion. Church and State: Report of the Archbishops' Commission on the Relations between Church and State (London: Press and Publications Board, 1935), I, 281.

²Polity, VIII, vii, 3.

³Bancroft's "Sermon preached at Paul's Cross" (1588/9) and the letter of Sir Francis Knollys to Lord Burghley (Strype, Annals, IV, 6) are of interest in illustrating opposing attempts to formulate the bishops' authority.

To return to the second independent manifestation of the Crown's ecclesiastical jurisdiction, we come to Hooker's teaching on the work of the Court of High Commission. Since spiritual affairs are within the province of the Crown, and the Crown is supreme, it follows that there must be no higher court of appeal. Ecclesiastical judgments are rendered by the clerical courts, termed Ordinaries, or by lay courts, termed Commissioners,¹ but these are both subject to royal review "whereby the king hath transcendent authority, and that in all causes, over both."²

He was alive to the need of reform within the English Church and he felt the active support of the Crown was indispensable to it. Visitation and reformation are the king's offices in the extermination of "errors, heresies, schisms, abuses, offences, contempts, enormities,"³ Hooker states, quoting the Act of Supremacy almost verbatim.

Here, then, is the royal supremacy at work. It is not synods or papal legates, but the sovereign himself who is to build and reform the Church. The agents through whom he acts are "commissionaries few or many. . .having the king's letters patent" and representing his super-eminent power.⁴

The Court of High Commission in Elizabeth's day was not the instrument of arbitrary tyranny that it would become under James I. However, there was still enough truth in Lord Burghley's remark to Archbishop

¹Polity, VIII, viii, 3.

²Polity, VIII, viii, 7. He does not distinguish between the appellate jurisdiction of the High Court of Delegates and that of the high Commission.

³Polity, VIII, viii, 4. Cf. 1 Elizabeth 1, 8.

⁴Polity, VIII, viii, 4.

Whitgift that his proceedings savoured of the "Romish Inquisition"¹ to prompt Hooker to reinforce his statement of sovereign limitation. The passage is worth quoting at some length because there is no better description of the royal supremacy, and there is no statement less satisfying to the question of limitation it purports to answer. Far from the king's power being arbitrarily exercised by the High Commission -

What power the king hath he hath it by law, the bounds and limits of it are known; the entire community giveth general order by law how all things publicly are to be done. . . The whole body politic maketh laws, which laws give power unto the king, and the king having bound himself to use according unto law that power, it so falleth out, that the execution of the one is accomplished by the other in most religious and peaceable sort.

Thus, we have seen that for Hooker the exercise of royal supremacy took three main forms; the control of legislation in Parliament, the appointment of bishops, and the maintenance of its own prerogative and the health of the Church through the visitation and reform functions of the Court of High Commission.

¹Cited by Prothero, op. cit., 213.

²Polity, VIII, viii, 9.

CHAPTER IV

RICHARD HOOKER DEFINES ECCLESIA ANGLICANA - SECTION B

Episcopacy

The royal prerogative was the manifestation of the "power of jurisdiction." There is in the Church a second kind of power, no less essential, which is called the "power of order."¹ This power belongs to the ordained ministry by virtue of the authority received at ordination. The sovereign's power is to control the ministry and assign prelates to their sees. He cannot impart to them their unique authority which comes only by ordination.²

Hooker's teaching on the nature of the ministry stems from his belief in the hierarchy of the natural order of things. The ministry is necessary to the practice of religion, and fits into the divine scheme whereby "all things which are of God he hath by wonderful art and wisdom sodered as it were together with the glue of mutual assistance."³ The assistance that the clergy renders is made possible through the authority it possesses. That authority comes from Christ and is "to be used over them which are subject unto it for the eternal good of their souls."⁴ The imperious terms by which Hooker defines the

¹Polity, VI, ii, 1.

²Polity, V, lxxvii, 5.

³Polity, V, lxxvi, 9.

⁴Polity, VI, ii, 2.

ministry are modified by his concept of the true nature of the pastoral office. The possession of this authority is far from being a cause for pride or inordinate desire in the clergyman, for in whatever capacity he acts or speaks, his actions or words are not his but the Holy Ghost's.

There will be no Romanist nor Puritan objection to Hooker's magnification of the clerical office nor to his marking it as a distinct order. Those who possess ministerial power are therein severed from all other men. Consecrated to the service of the Most High they deal with "things wherewith others may not meddle."¹ However, the Puritan wrath was bound to descend upon any further attempt to distinguish orders within the ministry itself.² According to Hooker the clergy are divided into presbyters and deacons. He deliberately chooses the word "presbyter" rather than "priest", not so much as a concession to the Puritans as an assertion of the comprehensive nature of the Anglican clergy. A presbyter is one to whom Christ has committed "the power of ministerial procreation."³ The primitive church knew three degrees of ecclesiastical order: apostles, presbyters, and deacons. From these there emerged the three degrees in the Church of England, bishops having taken the place of apostles.

This, then, is Hooker's concept of the "power of order." But it remains for another passage to bring out the depth of power that

¹Polity, V, lxxvii, 2.

²Eg. Polity, VII, xi, 1.

³Polity, V, lxxviii, 4.

that concept contains:

What angel in Heaven could have said to man as our Lord did unto Peter, 'Feed my sheep: Preach: Baptize: Do this in remembrance of me: Whose sins ye retain they are retained; and their offences in heaven pardoned whose faults you shall on earth forgive.' What think we? Are these terrestrial sounds, or else are they voices uttered out of the clouds above? The power of the ministry of God translateth out of darkness into glory, it raiseth men from the earth and bringeth God himself down from heaven, by blessing visible elements it maketh them invisible grace, it giveth daily the Holy Ghost, it hath to dispose of that flesh which was given for the life of the world and that blood which was poured out to redeem souls, when it poureth malediction upon the heads of the wicked they perish, when it revoketh the same they revive. O wretched blindness if we admire not so great power, more wretched if we consider it aright and notwithstanding imagine that any but God can bestow it!¹

In the functioning of a ministry so described there is no doubt that the part played by the bishops was integral; but the question that has confounded all students of Hooker is: how integral? Did Hooker conceive a divinely ordained episcopacy as the esse of such a ministry?

Before attempting to answer this question we shall have to examine his conception of the nature of the episcopal office. Traditionally, a bishop was "a principal ecclesiastical overseer."² In the Church of England he is a minister who continues to possess not only the power shared by other presbyters of administering the Word and Sacraments; he has the further power of ordination and the power of jurisdiction over presbyters and laymen. His relation to the former is as "a Pastor even to Pastors themselves."³ Confirmation is also the bishop's

¹Polity, V, lxxvii, 1.

²Polity, VII, ii, 2.

³Polity, VII, ii, 3.

prerogative, although it may not be reserved exclusively for him.

The effectiveness of the episcopate depends upon the caliber of the men who constitute it. Hooker lists three traits indispensable to the prelacy: sincerity of purpose in accepting the office, skill in governing, and the willingness to share in conference with other bishops. The last two represent Hooker's stress on the corporate nature of church office.

The final aspect of his concept of the nature of episcopacy concerns its advantages as a form of polity. In order to understand his position aright it is necessary to take into account one trait of Hooker as a man. That he was a man of modesty and not given to seeking worldly preferment is attested by his humble performance as a churchman. But the degree to which this self-effacement manifested itself in servile deference to those in high place is uncertain.¹ Shirley contrasts the flattering eulogy of the bishops in one part of Book VII with the condemnation of them in another² and declares the discrepancy as "unlike" Hooker and therefore a sign of Book VII's lack of authenticity. However this may be, it is not conclusive; and, as Dr. Paget has shown,³ there are good reasons behind what was undoubtedly an inordinate subservience to those over him.

Certain it is that this personal attitude did influence the six reasons he adduced to commend episcopacy as the form of government for his Church. First, with an eye to England's new-found prestige as a

¹Cf. Polity, V, lxxxix, 6; VII, xxiv, 3.

²Polity, VII, xxiv, 26, and VII, xxiv, 7, 8, 9 respectively.

³F. Paget, An Introduction to the Fifth Book of Hooker's Treatise of the Laws of Ecclesiastical Polity (2nd. ed.; Oxford, 1907), p. 256 f.

world power, it is essential to her reputation and the "beautifying unto the body of this commonweal in the eyes of foreign beholders" that her prelacy be exposed to the world's eye. Second, as the Church from antiquity has been benefited more from bishops than from lesser clergy, we owe to posterity the continuance of the office. Third, the prince, in his ordering of ecclesiastical affairs needs the benefit of consultation with "honourable personages ecclesiastical." Fourth, likewise in affairs of State, the government is accomplished by nobility and prelacy "being matched in a kind of equal yoke". Fifth, in his capacity as an ordinary the bishop is able to mediate in grievances between pastor and people. Finally, pastors themselves have over them as counselors those who are in the same profession and have walked the road before them. Thus, bishops are -

. . . .the temperature of excesses in all estates, the glue and soder of the public weal, the ligament which tieth and connecteth the limbs of this body politic each to other.¹

As edifying as Hooker's description of the nature of episcopacy is, the whole discussion is entirely academic unless one answers affirmatively the question around which the whole controversy raged: Is episcopacy essential to a valid polity?

Until the Restoration called forth the publication of Book VII in 1662 there was no indication that Hooker held episcopacy to be necessary nor the bishops to be sole heirs of divine grace by direct lineal descent.²

¹Polity, VII, xviii, 7-12.

²Thus, Shirley: "There is no theory of monarchical episcopacy; no doctrine of Apostolic Succession in the sense that a Church forfeits

The anti-clericalism of Elizabethan England found its expression in the attacks on the bishops which began in earnest in 1570 when battle was drawn between Cartwright and Whitgift. We have seen that the Elizabethan bishops had a good cause to feel disfranchised. On the one hand, the Puritans saw them as "the last rag of Popery", their fingers sticky with ecclesiastical plunder. On the other hand, the Queen's Council treated them as mere civil lackeys, holding office at the royal pleasure. Nor was the contempt totally unjustified. But without proper support of the Crown and subject to constant attacks from non-conformists, they began to assert their claim for status. With Bancroft's Sermon at Paul's Cross (1588) there began the progression of the idea of divine right of bishops that would reach its climax - and breaking point - in Archbishop Laud, and exemplified in James I's dictum: "No Bishop, No King". Bancroft's stand was speedily discerned by the Lord Treasurer as a challenge to the Elizabethan idea of royal supremacy.¹ Hooker himself declared that the orders of clergy "had their beginning from Christ."²

Canon Shirley rightly points out³ the importance of defining the word "bishop". In the sense of "senior presbyter", the term was as palatable to Calvin - if not to Cartwright - as it was to Jewel and Whitgift.⁴

its validity if an historic and lineal descent is not preserved: on the contrary, it is the presbyter who is credited with power of 'spiritual procreation'" (Op. cit., 108).

¹Supra, p. 109, n. 3.

²Polity, V, lxxviii, 12.

³Shirley, op. cit., p. 126, n. 2.

⁴Cf. John Calvin, Institutes of the Christian Religion, trans. John Allen (London: J. Walker, 1813), Bk. IV, chap. iii, sec. 8; Bk. IV, chap. iv, sec. 20.

This seems to be the meaning that Hooker ascribes to the word except in places in Book VII. What was anathema to Puritans was monarchical episcopacy, claiming for itself lordship and the exclusive channel of divine grace for the ministry, whereby the presbyters' power becomes merely "a certain light borrowed from the others' lamp."¹

An accurate assessment of Hooker's mind on the subject is prevented by the apparent discrepancy of viewpoint contained in Books I-V, published three years before his death, with that contained in Book VII, published sixty-two years after his death. Shirley, the chief doubter of Book VII's authenticity, asks, "What can have happened in three short and occupied years to enlighten his mind on this matter after a life of study on it?"² However, Book VII is not necessarily irreconcilable with its predecessors, and Shirley himself ultimately denies Hooker's belief in the need for bishops no more than the high church view of Keble affirms it.³

Aside from the shadow cast over the validity of this one book, however, there are other reasons for the ambiguity that one encounters in trying to arrive at Hooker's real teaching on episcopal divine right. Though his leanings are mainly high church, it is as if he himself were the battleground on which two views strove for mastery, now one gaining assent, now another. As Keble points out, Hooker's appearance on the field seemed to the contemporary defenders of apostolic order to be

¹Polity, VII, vi, 3.

²Shirley, op. cit., p. 110.

³Cf. Shirley, op. cit., p. 249; and Polity, Vol. I, p. lxxxiii.

worth everything. Also, it is clear from the manner in which he was attacked and the school with which he was associated by the Puritans that they considered him an advocate of episcopal necessity.¹

There are several reasons why he did not feel able to declare himself on the subject without equivocation. First, by education he was biased against high churchmanship.² His uncle, John Hooker, through whom he came under the sponsorship of Bishop Jewel, had been one of the Marian exiles in Strasbourg and there had been influenced by Peter Martyr. An even stronger force, relating directly to an abhorrence of episcopal authority, would have come from his tutor, John Reynolds, a leader of the Puritan cause. Reynolds would have done all in his power to direct his pupil's allegiance toward Genevan orthodoxy and away from Roman antiquity.

Second, Hooker would not have desired to depart from the cuius regio, eius religio maxim expounded by his master, Whitgift:

The Bishops of this realm do not. . .nor must not claim to themselves any greater authority, than is given them by the statute of the 25. of K. Henry VIII. revived in the first year of her Majesties reign; or by other statutes of this land. Neither is it reasonable that they should make other claims. For if it had pleased her Majesty, with the wisdom of the realm, to have used no Bishops at al we could not have complained justly of any defect in our Church.³

Third, it was a characteristic of Hooker to censure his opponents as tenderly as possible. Whatever he wrote, therefore, was more or less

¹Cf. "The Christian Letter" in Richard Hooker, Of the Laws of Ecclesiastical Polity: The Fifth Book, ed. Ronald Bayne (London: Macmillan, 1902), pp. 627-8.

²Polity, Vol. I, p. lxxxiii f. and Houk, op. cit., p. 75.

³Strype, Life of Whitgift, III, 222.

modified by his willingness to accept things as they were, and to hurt their partisans as seldom as possible.¹ Added to this third reason must be the consideration Hooker had of desiring to woo the Puritans to Anglican polity. Had he completely committed the Church to the theory of apostolic succession, he would have narrowed the entrance to such an extent as to exclude many whose conscience could not permit following their inclination to be within the Church. It would have been one thing to persuade the Presbyterians that bishops were not inconsonant with the law of the land; it would have been another to impose episcopacy as the sole means of divine grace. The symbol of the via media might well be the open door and its text, "He that is not against us is with us."

Fourth, in Book I and throughout the Ecclesiastical Polity, Hooker lodged sovereignty with the people. Book VIII continues his attempt - however satisfactory or unsatisfactory - to derive the king's sovereignty ultimately from popular consent. When he came to squaring the doctrine of apostolic succession with that whereby authority is derived from people to officers, he must have found himself in difficulty. Apostolic succession held that the episcopacy was derived not from the whole church, but from a class within the church.² Thus, such a teaching was

¹Witness his indulgence of the polity of "certain reformed churches, the Scottish especially and French, (which). . .have not that which best agreeth with the sacred Stripture, I mean the government that is by Bishops. . . . This their defect and imperfection I had rather lament in such case than exagitate, considering that men often times without any fault of their own may be driven to want that kind of polity or regiment which is best, and to content themselves with that, which either the irremediable error of former times, or the necessity of the present hath cast upon them" (Polity, III, xi, 16).

²I.e., the apostles.

incompatible with the two-fold concept that Hooker held to be fundamental to English government: popular sovereignty and royal supremacy.

The final reason why Hooker must have been chary to embrace episcopacy as the exclusive system was his consistent refusal to assert any form of polity as absolute:

He which affirmeth speech to be necessary among all men throughout the world, doth not thereby import that all men must necessarily speak one kind of language. Even so the necessity of polity and regiment in all Churches may be held without holding any one certain form to be necessary in them all.¹

As distinct from faith, polity was an outward thing and of merely human expediency.²

We come now to Hooker's teaching on the subject of episcopal divine right which, for the above reasons, we may expect to be inconclusive.

"A thousand five hundred years and upward the Church of Christ hath now continued under the sacred regiment of bishops."³ This

¹Polity, III, ii, 1.

²Besides these five reasons which were peculiar to Hooker himself, it should be recalled that he was living in an atmosphere of prevalently low church feeling, both in church and court. Underlying this feeling there were several causes: The desire for union with continental Protestants (G. W. Child, Church and State under the Tudors [London: Longmans, 1890], p. 274); the fear of priestly control which caused many of the leading Protestant divines to commit themselves to principles highly incompatible with episcopal primacy (Cf. Makower, op. cit., p. 114); the contemporary papal disparagement of all episcopal authority except that derived through itself (Cf. Cambridge Modern History, II, 680); finally, the Queen's own Erastianism (Cf. 13 Elizabeth, xii). See also Shirley, op. cit., p. 235, and Keble in Hooker's Polity, Vol. I, p. lxviii.

³Polity, VII, i, 4.

statement is entirely consistent with one who entertained as exalted an idea of the ministry as Hooker. Nor would his study of church history give him any cause to preclude his saying:

This we boldly. . .set down as a most infallible truth, 'That the Church of Christ is at this day lawfully. . .governed by Bishops, having permanent superiority, and ruling power over other ministers of the word and sacraments'.¹

A further affirmation "bold and peremptory" states that episcopal authority and origin "was from heaven, was even of God, the Holy Ghost was the author of it."² An even stronger indication is the approval with which he quotes Cyprian's dictum: Ecclesia est in Episcopo.³ All this is reinforced by his word that the position he now holds was reached as the result of developing thought. The pre-eminence of bishops, he admits, is denied by many reformers to whom Hooker himself is indebted. In fact, at one time he shared their "conjecture":

I. . .myself did sometimes judge a great deal more probable than now I do, merely that after the Apostles were deceased, churches did agree amongst themselves for preservation of peace and order, to make one presbyter in each city chief over the rest, and to translate into him that power by force and virtue whereof the Apostles, while they were alive did preserve and uphold order in the Church.⁴

Now, however, he deliberately aligns himself with "the general received persuasion held from the first beginning, that the Apostles themselves left bishops invested with power above other pastors."⁵

¹Polity, VII, iii, 1.

²Polity, VII, v, 10.

³Polity, VII, v, 2.

⁴Polity, VII, xi, 8.

⁵Ibid.

Keble draws attention to Hooker's specific dissent to the Waldenses, Marsilius, Wycliffe, Calvin, Bullinger, Fulke, and even Jewel.¹ By the deliberate rejection of these, each of whom stands, as it were, for a class or school, it would seem that he wished to disengage himself openly from servile acceptance of any school or party of Protestants. This would be in accord with his canons of judgment² whereby he claimed the right to conform his thought with whomsoever he might wish, ancient or modern.

Thus, Hooker's profession of episcopal necessity was not without a qualification that cast a permanent doubt over his true meaning. But the inconsistency that resulted was, by his standards, less odious than the price of winning the argument by other methods. The temptation as a religious controversialist was to overload Scripture with a responsibility it would not bear.

If therefore we did seek to maintain that which most advantageth our own cause, the very best way for us and the strongest against them were to hold even as they do, that in Scripture there must needs be found some particular form of church polity which God hath instituted, and which for that very cause belongeth to all churches, to all times. But with any such partial eye to respect ourselves, and by cunning to make those things seem the truest which are the fittest to serve our purpose, is a thing which we neither like nor mean to follow.³

Because he did not, his support of episcopal primacy is vitiated. But in the passage above what does Hooker actually concede? Not episcopacy, nor any other form of polity per se, but rather that method

¹Polity, Vol. I, p. lxxx. Book VII, chap. xi, sec. 8, n. 81.

²Polity, V, v-x.

³Polity, III, x, 8.

of reasoning from prior necessity, so confidently employed by the Puritans in behalf of their "one uniforme order grounded out of the word of God."¹ It is by exegesis, not by eisegesis, that the guidance of Scripture may be determined and followed. Those who superimpose their own traditions upon Scripture and reason "have not the truth, but are in error."² Thus, the above passage is more the waiver of a mode of argument than of a form of polity.

There may be a succession of authority through the bishops from the apostles themselves, but those who affirm it categorically cannot claim it as a commandment of God. The most satisfactory reconstruction of Hooker's own thought on episcopal authority and that which seems the closest to his personal preference is that the authority comes from the consent of the church itself, which "being a politic society. . .cannot possibly want the power of providing for itself."³ The continuance of episcopacy depends upon the "force of custom."⁴ The implication of this statement follows: "There may be sometimes very just and sufficient reason to allow ordination made without a bishop."⁵ For example, two such reasons might be a direct call of God, as in John 3:2,

¹Thomas Cartwright, Second Replie, cited by Scott Pearson, op. cit., p. 116.

²Polity, I, xiv, 5.

³Polity, VII, xiv, 3.

⁴Polity, VII, v, 8.

⁵Polity, VII, xiv, 11.

or an "exigence of necessity".¹

While "we are not simply without exception to urge a lineal descent from the Apostles by continued succession of bishops," an impartial view of Scripture and church history would seem to indicate that there always have been two sorts of ecclesiastical officers, bishops and presbyters, and the one subordinate to the other.²

Therefore, whatever else it might or might not be, episcopacy working by apostolic succession was of divine origin and authority. His teaching was that of the "middle way" of Anglican tradition. It was not that which later hardened into a position of exclusiveness toward other Protestant churches. Like Laud, Hooker held the episcopal office to be of divine origin, but unlike Laud, he shrank from the logical conclusion of his own premise: the necessity of apostolic succession to insure the validity of the sacraments. But because he equivocated on episcopal divine right theologians of the next century would find in him an authority for a new attack on royal supremacy. Divine right of bishops was a new crack in the "crazy structure of the

¹Polity, VII, xiv, 11. Keble (ibid., Vol. I, p. lxxxiv) has reminded us that these two exceptions are subject to severe qualification: The improbability of ever reaching such an extreme necessity; the desire not to exclude foreign Protestants not episcopally ordained (eg. Hooker's friend and confessor, Dr. Hadrian Saravia); and Hooker's personal bias for existing authority which admitted to the Church of his day many on the basis of a Presbyterian ordination. Cf. the view of Archbishop Cranmer, Edward VI, Archbishop Whitgift, et al. in Child, op. cit., Appendix, n. 6, pp. 293-304.

²Polity, III, xi, 20.

Elizabethan Church."¹ The alliance of the Stuarts with the Church party would be matched by a strong counter-alliance of the Puritans and the common lawyers.

The Layman in the National Church

To name the king as "the highest uncommanded commander" and the clergy as bearers of an authority "to be used over them which are subject unto it" is to leave little doubt as to the place of the Anglican layman in Hooker's scheme. Yet, for Hooker as for Marsilius,² the subservience of the individual contained in embryo the idea of individual dignity.

If man were able to live alone then the law of reason and the law of God would suffice and he could obey both without hindrance. The Church would be as unnecessary as it would be impossible, but we have seen³ that individual insufficiency is responsible for calling human society (i.e., the church) into being. Therefore, since men are joined in common society, and in England society is co-existent with Church, they are members of that Church.

Under these conditions the individual has three responsibilities: the natural, which he shares with all human beings and discharges simply by reason of his living; then the civil and spiritual responsibilities which he discharges by such performance as will forestall banishment from the State and excommunication from the Church, respectively. The proper performance, of course, is obedience. The layman's place in the

¹ Allen, op. cit., p. 183.

² Gierke, op. cit., p. 58.

³ Supra, p. 82.

Church, then, as also the king's and the clergy's, is conceived in terms of political obligation.

The members of the Church as members of a politic society are best viewed through the eyes of their king for, as a German writer puts it, "Kirche ist für den König die Gesamtheit der Untertanen bezüglich ihrer religiösen Angelegenheiten".¹ The good churchman is the good subject: "Let every soul be subject unto the higher powers. For . . .the powers that be are ordained of God."² The Apostle's authority is invoked to prove that disobedience of church and civil law is the disobedience of God.³

Without obedience there is no possibility of social life in the world.⁴ The only possible justification for disobedience is a commandment directly contrary to the law of reason or of God. However, for Hooker this is only a theoretical possibility. Rebellion does not even cross his mind. The possibility of any organized resistance to the Queen, much less regicide, finds no place in the serious discussion of a sober, God-fearing Anglican. The closest he comes is to ask, "May a body politic . . .withdraw in whole or in part that influence of dominion

¹Michaelis, op. cit., p. 93.

²Rom. 13:1.

³The state to which St. Paul is here referring is, of course, a pagan state, but the justification for obedience for him and for Hooker are not dissimilar. "A view is here presupposed (by the Apostle) according to which the State, not by nature, but only by its being placed in a definite order, is God's servant and fulfills his will" (O. Cullman, Christ and Time, trans. by Floyd V. Filson [London: S. C.M. Press, 1951.] p. 201). Cf. pp. 191-210 for an excellent interpretation of Romans 13:1 f.

⁴Polity, VIII, ii, 2. Cf. Marsilius's Defensor Pacis, Dictio I, chap. iv, sec. 4: "Verum quia inter homines sic congregatos eveniunt

which passeth from it, if inconvenience do grow thereby?"¹ He answers in the affirmative as only he consistently could. However, in his thinking this is no exception to the rule that no action justifies tyrannicide. When to live by one man's action is the cause of all men's misery, then authority has simply ceased to exist, society no longer recognizing it. But for the individual to undertake resistance is simply to illustrate society's responsibility in putting down those who create confusion.

When he comes to the kind of obedience a man is to render, he does allow a certain freedom of conscience. "Reason is not so plain wherefore human laws should appoint men what to believe." Nor is law able to turn false opinions into truth. Therefore, "it is not in the power of any human law to command them, because to prescribe what men shall think belongeth only unto God."²

The definition of true religion was probably the main subject of Elizabethan procrastination; and treason, not heresy was the crime the State could not tolerate. Although the Queen demanded only the external compliance of her subjects, Hooker was embarrassed by the claim of the human conscience. His acknowledgement that only God can command the conscience and that "obedience with professed unwillingness to obey

contentiones et rixae, quae per normam iustitiae non regulatae causarent pugnas et hominum separationem et sic demum civitatis corruptionem, oportuit in hac communicatione statuere iustorum regulam et custodem sive factorem."

¹Polity, VIII, ii, 10.

²Polity, VIII, vi, 5.

is no better than manifest disobedience"¹ revealed a dilemma for which Averroism would have suggested a solution. But such a solution Hooker, like Aquinas, would hardly grasp. Rather, the dilemma that such half-tolerance created Hooker would probably resolve by saying that a true churchman would obey the law willingly, partly because of threatened penalties, but partly also because he recognizes in them the embodiment of a natural justice. To the extent that this recognition is given by succeeding generations, to that extent consent is a continuing process and law a vital phenomenon.

His picture of the Anglican layman was the outcome of his doctrine of popular sovereignty which went only part way toward what we now know as representative government. The point at which it stopped was the doctrine of royal supremacy.² The reason he did not advance beyond the stage of royal supremacy was also the reason that governed his attitude toward the individual churchman: he distrusted private judgment. If the Church permitted every man to follow a private revelation the result would surely be "the utter confusion of his Church under pretence of being taught, led, and guided by his Spirit".³ He had looked askance at what he considered the crude results in Geneva of the right of private judgment and private interpretation of Scripture. He had regarded with horror the Anabaptists in his own land: their complete break with the immediate past. They had rejected all the

¹Polity, V, xxix, 8; V, xviii, 7.

²The sovereign, however absolute, still retained a "representative character" (Cf. Gierke, op. cit., p. 61).

³Polity, V, x 1.

Catholic doctrine that Hooker held dear. "It is a loose and licentious opinion, which the Anabaptists have embraced, holding that a Christian man's liberty is lost. . .if any law be now imposed besides the Gospel of Christ. . . . As against this sort, we are to maintain the use of human laws."¹

Though Hooker's view of human nature is conspicuously lofty in consideration of the times in which he lived, his view of the common man is very little different from that of medieval schoolman or sixteenth century Puritan. The common man was regarded as the pawn of nobility or clergy, from whom obedience was to be exacted in the name of order, and for which purpose human laws existed.

A vivid illustration of Hooker's indifference to the importance of the individual man as a subject of social action comes in his treatment of the Puritan complaint of the lack of preaching. For thirty years prior to the publication of Books I-V (1597) there had been no adequate ministry in the English parishes owing to non-residence. A whole generation had grown up untaught in Scripture and doctrine.²

¹Polity, Book VIII, appendix 1.

²Daniel Neal reports the results of a survey made by the Puritans of preachers resident in parishes, tabulated according to counties:

<u>County</u>	<u>Church livings</u>	<u>Preachers</u>
Cornwall	160	29
Lincolnshire	590	121
Oxfordshire	127	29
Buckinghamshire	210	30
Surrey	140	24
Essex	335	12
Warwickshire	188	41
Middlesex	60	14
London	123	93
Total	1933	397

(From The History of the Puritans, revised by Joshua Toulmin [2 vols.; Bath: Cruttwell, 1793] I, 417) In spite of the fact that non-residence

Although the Puritans exaggerated the wrong in their complaints of the neglect, on reading Hooker's reply¹ we feel that he has done less than justice in meeting their claims. One gets the distinct impression that the common man was not to worry his head about Elizabethan policy, but only to obey the laws that the Settlement brought forth.

This attitude, which Hooker shared with his sovereign and which failed to see the need of taking the common people along every step of the way marked one contrast between the English Reformation and that in Scotland. In the days of the "new learning" such a policy would inevitably lead to an eruption, for in spite of the Queen's prohibition her "unlearned people" were bound "to be hearers of. . .new devised opinions upon matters of divinity."² Hooker's defense of the lack of preaching is weakened by his failure to make adequate confession of the very grave situation.³ In short, the hearers of sermons are not that important. Here his exaggerated deference for those above him protrudes itself: It is those of high estate, civil and spiritual, that the Church of God "esteemeth. . .more worth than thousands."⁴

However, there is no reason to hold Hooker to a more severe standard than the whole tenor of the times in which he lived, when

was far more prevalent than wisdom would allow, Neal's figures, prompted perhaps by his Puritan sympathies, are an exaggeration (Cf. Usher, op. cit., I, 211).

¹Polity, V, xviii-xxii.

²"Queen's Letter against Propheesyings, 1577," cited by Prothero, op. cit., p. 205. See also the limitations on preaching in Archbishop Parker's "Advertisements, 1566," in Prothero, pp. 191-3.

³Cf. Paget, op. cit., pp. 167-75, for an excellent evaluation of the Puritan complaint.

⁴Polity, V, lxxxi, 6.

human life was cheap and religious controversy evaluated in terms of public regulation. Undeniably, Hooker was confused and uncertain in his thinking on sovereignty, yet because of him the ultimate dignity of man shone brighter. There was a fundamental law that enshrined his rights. A political pawn he might be, but political society does not exist for the sole splendor of prince or prelate. The benefit of the governed, however rudimentary, is a fact; and his consent, however nominal, is vital to all legislation.

If the above discussion of the place of the Anglican layman has seemed to be concerned solely with his duties and responsibilities, we may ask, what of his privileges? The answer to this is simply the satisfaction of having solved the problem of political (i.e. religious) obligation. By uniting the seats of civic and religious sovereignty the churchman is delivered of the frustration of trying to serve two masters.¹ For Hooker this was the greatest good to which the layman could aspire.

The Worship of the National Church

In defending the Church that resulted from the Elizabethan compromise, Hooker's primary aim had been to undergird her with a polity that would legitimate her claim upon the regard of her sons. He knew that if the claim to obedience was not acknowledged in the parish it was not acknowledged at all. However indifferent he may

¹Polity, VIII, ii, 18.

have been to the value of preaching as a way of gaining men's assent, his whole effort was bent to what we now call the problem of communication. The Church must reach and move her people. This is the "politic use of religion": "To qualify all sorts of men, and to make them in public affairs the more serviceable, governors the apter to rule with conscience, inferiors for conscience' sake the willinger to obey."¹ The problem of conformity was to the Puritans also a problem of communication, their answer to which lay in the Apostle's rhetoric: "How shall they hear without a preacher?"²

Hooker and the churchmen answered the problem of communication after the manner of King Hezekiah commanding Israel's priests "to sing praise unto the Lord with the words of David. . . . So the service was set in order."³ Week by week the Church encountered her laymen in the liturgy. Week by week she spoke to them through the same. We turn now to Hooker's teaching on the National Church's instrument of worship that was at the same time her standard of conformity - The Book of Common Prayer.⁴

The Queen's churchmanship was at first marked with certain concessions to the Puritans.⁵ Despite these concessions Puritan demands became more hostile. The chief battleground on which the conflict raged

¹Polity, V, i, 2.

²Rom. 10:14.

³II Chron. 29:30. Cf. Polity, V, xxv, 5; and V, xxvi, 2.

⁴"As if you would know how the Church of England serves God," wrote John Selden, "Go to the Common prayer-Book" (Table Talk, p. 68).

⁵Eg. Archbishop Parker's "Advertisements" (1566) attempted to enforce as vestments only the surplice in parish churches and the cope at

was the Prayer Book, as ordered by Elizabeth's Act of Uniformity.¹ Over it Anglican churchmen contested with both Romanists and Puritans. Or, to change the metaphor, it was the door through which Romanists and Puritans were urged to enter the national fold. Against the former the door was not shut until it was slammed from the outside by Pius V's Bull excommunicating their Queen.

The origin of Puritan recalcitrance lay in the history of the Marian exiles. The dislike of the Prayer Book among English exiles at Frankfort is well described by William Whittingham.² The opposition which mustered around Knox claimed the authority of Calvin, and the honor of martyrdom by the fact of its having to remove to Basel, Geneva, and other places of asylum. Knox's Form of Prayers became their model for a Christian service. Thus, when they returned to England on the accession of Elizabeth the Genevan or Puritan party was as prepared to find fault with the Prayer Book as with episcopacy. Nor was Puritan chagrin mollified to see the Prayer Book of 1559 discarding certain Puritan reforms that had been inserted in Edward's Book of 1552.

As early as 1563 the Puritans demanded that Convocation revoke such practices as kneeling at Communion, the cross at Baptism, and the

Holy Communion in cathedral and collegiate churches. Cf. Prothero, op. cit., p. 193.

¹Francis Procter, A New History of the Book of Common Prayer, revised by W. H. Frere (London: Macmillan and Co., 1902), passim.

²William Whittingham, A Brief Discourse of the Troubles at Frankfort, 1554-1558 A.D., ed. by Edw. Arber (London: privately printed, 1907).

use of organs in services.¹ Nor was their criticism only negative. There was no reason, they felt, why the marvelous happenings at Geneva should not be duplicated in England. Puritans were as determined as Anglicans that England should have a National Church with a uniform liturgy. Thus, "To our Brethrene in Englande, and els where, which love Jesus Christe", Knox presented, "a forme and order of a reformed churche, lymited within the compasse of God's Woorde."² Plainly, their desire was not to separate from the Church of England but to bring that Church into conformity with themselves. The words with which Hooker begins his work reveal how close he feared they were to succeeding:

Though for no other cause, yet for this; that posterity may know we have not loosely through silence permitted things to pass away as in a dream, there shall be for men's information extant thus much concerning the present state of the Church of God established amongst us, and their careful endeavour which would have upheld the same.³

Nothing so weakened the Church's ability to resist and was so eagerly grasped by her opponents as the widespread neglect of duty within the Church. Ignorance and inability,⁴ non-residence, plurality, and avarice⁵ were flagrant. It is no wonder that the Puritan restiveness grew apace when the parish minister could barely read the service,

¹Cf. Prothero, op. cit., p. 191.

²John Knox, The Works of John Knox, ed. by David Laing (Edinburgh: Bannatyne Club, 1855), IV, 157, 160.

³Polity, Preface, i, 1. The reader will find that the resignation herein expressed is foreign to the spirit of hope that permeates the body of the Treatise.

⁴For the attempt of the Convocation of 1586 to improve these shortcomings cf. Edward Cardwell, Synodalia (Oxford, 1842), II, 562.

⁵Cf. "Admonition," art. I, sect. 18, cited by Frere and Douglas, op. cit., p. 32.

certainly never preached, and perhaps had never seen the faces of those for whose souls he was responsible.

Thus, the attack Hooker had to withstand for his Church was no desultory firing of criticisms at this or that abuse that could be corrected by a change here and there in the Prayer Book. Rather, it had been sustained for twenty-five years by the time Book V went to the printer. The movement had lost none of its youthful ardor, and nine years after the first demand to Convocation the deliberate verdict of the Puritans upon the Prayer Book was that it was "an unperfected booke, culled and picked out of that popishe dunghil, the Masse booke full of all abominations."¹ Of all that was hateful the Prayer Book was the symbol.

This was a most unhappy Event of this Controversy; whereby People of the same Country, of the same Religion, and of the same Judgment too, concerning the Errors of Popery, and the Evangelical Doctrine, parted Communion, and went aside into Secret Houses and Chambers, to serve God by themselves. . . . And at these Meetings, rejecting wholly the Book of Common Prayer, they used a Book of Prayers framed at Geneva. . . .²

Hooker begins his defence by setting forth the true conception of prayer as the handmaid of doctrine, the "two ghostly exercises." "For what is the assembling of the Church to learn (doctrine), but the receiving of Angels descended from above? What to pray, but the sending of Angels upward?"³ The act of prayer is entered in two ways,

¹ Ibid., p. 21.

² John Strype, The Life and Acts of Matthew Parker, the First Archbishop of Canterbury in the Reign of Queen Elizabeth (London: Printed for John Wyat, 1711), Bk. III, chap. xvi, p. 241; and The History of the Life and Acts of the Most Reverend Father in God, Edmund Grindal (London: Printed for John Wyat, 1710), Bk. I, chap. xii, p. 114.

³ Polity, V, xxiii, 1.

individually and corporately, "joined as parts to that visible mystical body which is his church."¹

To the second way there are certain helps attached, the power and beauty of the sanctuary and the assistance of the godly minister in the "authority of his calling."² But of all the helps, the greatest is the Prayer Book. There is no doubt that it is the work of God Himself, and that it is a sign of His care and providence. There is no doubt "that the Church hath evermore held a prescript form of common prayer."³ Though the form used in England need not be the same as that used elsewhere, for the most part the liturgies of all the "ancient churches" throughout the world are cast from the same mold. Just as we should expect from our authoritativian writer, extemporaneous prayer is abominable, the source of "irksome deformities whereby through endless and senseless effusions of indigested prayers they oftentimes disgrace. . .the worthiest part of Christian duty to God."⁴

It is apparent that Puritan opinion was not united as to the use of a "prescript form" of prayer book. Hooker addresses only briefly the Anabaptists who oppose, as a superstition, any kind of ordered service. The greater attention is given to those who do accept a form, but

¹Polity, V, xxiv, 1.

²Polity, V, xxv, 2, 3.

³Polity, V, xxv, 4.

⁴Polity, V, xxv, 5.

not the established form.¹

Although the Admonitioners retracted their first objection to any kind of prayer book and, indeed, "proposed to the world a form such as themselves like,"² Hooker was under no illusions as to the agreement between them. In their form they make it clear that "pre-
scription" is not intended to tie the minister to a book. To begin with "some like confession," or to pray "as the Spirit of God shall move his heart"³ is not what the Act of Uniformity means by Common Prayer.

However, this apparent agreement on a set form briefly diverted the controversy. Therefore, Hooker does not reveal his mind on the subject of the Prayer Book as a whole as thoroughly as we would wish. Instead he defends the details of the liturgy it contains.

The full list of Puritan grievances is given in Book V, Chapter xxvii, but the principal criticism is that which he met in Book IV, Romanist sympathy. The Prayer Book, said the Puritans, is the vehicle of "Popish Ceremonies" whose "translator bounde himselfe to the Masse booke."⁴ Hooker's answer is in accord with his previously established axioms for the testing of established ceremonies.⁵ Cloud of controversy

¹Bancroft, writing in 1593, recorded the Puritan attempt eight years earlier to secure from Parliament the approval of "A booke of the forme of Common prayers, etc." This was based on Knox's Genevan Service-book and later Scottish book called "The Book of Common Order." Later editions were submitted to Parliament in 1587 and 1589 - still in vain. See Paget, op. cit., p. 312; and Knappen, op. cit., p. 287.

²Polity, V, xxvii, 1.

³Polity, V, xxviii, 2.

⁴"Admonition," cited by Frere and Douglas, op. cit., p. 25.

⁵Polity, V, v-x.

and blindness of passion are pierced with his common sense:

To say that in nothing they may be followed which are of the church of Rome were violent and extreme. Some things they do in that they are men, in that they are wise men and Christian men some things, some things in that they are men misled and blinded with error. As far as they follow reason and truth, we fear not to tread the selfsame steps wherein they have gone, and to be their followers. Where Rome keepeth that which is ancients and better, others whom we much more affect leaving it for newer and changing it for worse; we had rather follow the perfections of them whom we like not, than in defects resemble them whom we love.¹

In all of Hooker there is no finer illustration of the law of reason at work than this which here vindicates the use of the established Prayer Book.

Finally, its divine authority is manifested in accordance with the principle of the royal supremacy which is at the heart of the polity. It is the duty of the king in Parliament "in matters of God, to set down a form of public prayer, a solemn confession of the articles of Christian faith, rites and ceremonies meet for the exercise of religion."²

Via Media: The Defence of a Compromise

"What is Anglicanism?" is a question that the modern churchman feels constrained to answer. The fact that it is being asked³ implies that there is, or ought to be, a system of theology for the Anglican Church to set alongside that of the Reformed or Roman Churches.

¹ Polity, V, xxviii, 1.

² Polity, VIII, vi, 11.

³ Cf. J. H. Jacques, "Confessional Theology and the Anglican Church," Theology, XLVII (March, 1944), 51-55; also subsequent correspondence on the subject appearing in following issues.

According to Alec Vidler,¹ the basic reason for the question seems to be that during the last century Anglicans have tended to forget that Anglican divinity has traditionally refused to confound church loyalty with doctrinal loyalty. Or if they have not forgotten that the separation existed they have tended to doubt its validity.

But Anglicanism is not a system. It is a direction, and that accounts for its elusiveness of definition.² The English Church, casting off from Rome, found itself beset by the claims of Geneva. Sailing between Scylla and Charybdis, Jewel, Whitgift, and Hooker took their turns at the helm of a vessel under the aggressive commands first of Henry, then of his daughter. From that day to this via media has been the Church's watchword. Hooker wrote the Polity, but he did not plot the course. To that extent, he must not be called the "founder of the via media,"³ but because he fixed and glorified the compromise he may take his share of the credit - and the blame.

It was his purpose to provide an irenicon for all religious parties. To one for whom the law of reason was supreme there seemed to be no possibility of any reasonable man's dissent. We must bear this in mind in order to avoid the mistake of blaming him for the refusal to go

¹Alec R. Vidler, The Theology of F. D. Maurice (London: S. C. M. Press, 1948), p. 208 f.

²P. E. More and F. L. Cross, Anglicanism (London: S. P. C. K., 1935), xxi. It may be significant that this book, described by Jacques (Cf. supra, n. 3) as "one of the finest presentations of the faith of the Church of England issued since the time of the Tractarians," takes the form of a symposium, rather than being the work of a single writer.

³As Jacques has done. Cf. op. cit.

to extremes simply for fear of committing himself to one party. He did not desire to "be all things to all men"; he did not deliberately set out to be lukewarm. True, by nature and by nationality he tended to moderation, but it was primarily for another reason that he thrived in the middle way. He was the embodiment of his own law of reason. Because of the immense sweep of his erudition he was able to see all around his subject, reveal its fallacies and its truths, and accept for his Church only that portion that he wanted. Such discrimination was maddening to any extreme partisan.

Hooker's compromise under the aegis of reason would be so linked with the Church's tradition, so consonant with Scripture and the Fathers, so impregnated with the stores of the "new learning" that every reasonable man would own it as the way deserving of obedience:

Think not that ye read the words of one who bendeth himself as an adversary against the truth which ye have already embraced; but the words of one who desireth even to embrace together with you the self-same truth, if it be the truth.¹

Perhaps Hooker would be surprised if he knew the number of all creeds and parties of Church and State that have claimed him as their own.²

To underline the comprehensiveness of Hooker's approach it is well to contrast it with Bancroft's, even if subsequent history has shown the latter's view to be more realistic. It was Bancroft's contention that the Puritans were in the Church but not of it; between Puritans and Churchmen there was so great a gulf fixed as to thwart any

¹Polity, Preface, i, 3.

²E.g. R. G. Usher, op. cit., I, 76; A. F. Pollard, Political History of England, VI, 214. For his apparently pro-Romanist effect on James II, cf. Henry Hallam, op. cit., I, 218.

attempt at bridging. No real compromise would help, and toleration within the existing Church was impossible. No mere yielding of this or that point could effect reunion. In fact, their "Discipline" was nothing short of treason.¹

Hooker, too, knew the breach was deep wherein "it came to pass that one church could not but accuse and condemn another of disobedience to the will of Christ, in those things where manifest difference was between them,"² but in spite of the hard feelings, he believed that, by means of his polity, compromise was possible.

His own personality was eminently suited for such a task. Except for an occasional and probably very justifiable outburst of temper³ his disposition was entirely in harmony with his method:

There will come a time when three words uttered with charity and meekness shall receive a far more blessed reward than three thousand volumes written with disdainful sharpness of wit.⁴

This spirit that permeates the Treatise fully justifies our speaking of its author as the "sweetly reasonable" Hooker.⁵

¹Richard Bancroft, Dangerous Positions and Proceedings published and practised within this Iland (London: Young and Badger, 1640), Bk. IV, passim.

²Polity, Preface, ii, 2.

³E.g. Polity, V, xxii, 7; VII, xxiv, 26.

⁴Polity, Preface, ii, 10.

⁵It is true that one of his later fragments, though possibly of dubious authenticity (On authenticity cf. Hooker's Works, ed. Keble, Vol. I, p. xlvi), does indicate that he too may have arrived at Bancroft's cynicism: "We have used all other means, and behold we are frustrate, we have laboured in vain. . . . We have spoken and written enough of peace: there is no way left but this one, 'Pray for the peace of Jerusalem'" (A Discovery of the Causes of the Continuance of these Contentions concerning Church Government, "Hooker's Works", ed. Keble, Vol. III, p. 464 f.). See

To open the door of the Church and hold it open was his task. Rejecting Bancroft's exclusion of the Puritans and the Puritans' exclusion of the Romanists,¹ he sought to provide a polity in which the nation could be at home by welding together the best elements of each. The result for Anglicanism was a minimising of the severity of the break with the past.

The continuity maintained with the past during Henry's revolution and Elizabeth's settlement was a manifestation of the depth to which English roots were nurtured in Catholic soil. That Catholicism was enshrined by Hooker, and an Anglican today will say, "Hooker has authority with us insofar as he succeeded in recovering the doctrine of the catholic fathers."²

The Puritans will have to make out a far stronger case against the Church than that its practices happen also to have been used by Rome. The very moderation in which the Settlement was effected was a sign of God's approval, whatever "some few men" may think.³ This, he maintains, is not simply that we are borrowing something that Rome invented. Rather, we are receiving that which they themselves received from "the people of God."⁴ In the sense that they have transmitted to us

also Hooker's despair, reflected in the Preface, supra, p. 135.

However possible it may be that this represents his attitude at his death, it is not characteristic of Hooker, nor is it reflected in the body of his Treatise that so influenced Anglicanism.

¹"Heretics they are, and they are our neighbours" (Polity, IV, vi, 2).

²G. B. Bentley to Editor, Theology, June, 1944.

³Polity, IV, xiv, 6. Cf. also V, xxviii, 1.

⁴Polity, IV, v, 1.

the rites of the primitive church they are our fathers in the faith. In fact, these ceremonies are the same kind as those observed by the Genevan church. "We follow the church of Rome in more things; yet they in some things of the same nature about which our present controversy is."¹

In Book V and Book VII is found the essence of Hooker's Catholic teaching. The former is his defence of the Church's doctrine as it is set forth in the Prayer Book, treating especially the Catholic sacraments and orders. The latter is a vindication of that Catholic polity wherein "a thousand five hundred years and upward the Church of Christ hath now continued under the sacred regiment of bishops." Both in doctrine and in government Hooker's Anglicanism claims to be completely Catholic, in full conformity with tradition. The English Church is the legitimate representative and on-going manifestation of the Church of God's saints in all ages. Anglican Catholicity is fully justified in her confession with the whole body of Christendom of "one Lord, one Faith, one Baptism."

We are amazed that Hooker could withstand the full tide of the new nationalism that surged about the English Queen, reaching its flood with the Armada,² and that through this he could still see the value of the Catholic tradition. We must be equally amazed that, cherishing this tradition as he did, he was not a hide-bound conservative, fettered to

¹Polity, IV, vi, 1.

²A. O. Meyer, England and the Catholic Church under Queen Elizabeth, trans. J. R. McKee (London: Kegan Paul, Trench, Trubner & Co., 1916), p. 314 f.

the past; for Hooker's Church is also fully reformed.

As much as he desired Catholic conformity, if Rome will not reform herself that must not deter the Church of England from performing her duty to God. "If Israel play the harlot, let not Judah sin," he quotes.¹ Regardless of the opinion of the Admonitioners, the English Church has broken with Rome, and insofar as she is truly Catholic she is showing herself truly reformed. Hooker refuses to accept the charge of schism for his Church. By her own failure to reform, Rome herself is schismatic. As for those who hate the English Church "because it doth not sufficiently seem to hate Rome," they should take note that Rome itself certainly does not think the Anglicans conform!² How far Hooker is from Rome is illustrated by a modern Jesuit. Writing about Hooker's treatment of the doctrine of the Real Presence at the Eucharist, he sees little hope of Hooker's "Catholicism" leading to any reunion with Rome.³

Hooker claims that his polity is more serviceable to the process of Christian reformation than Puritan extremism, for judged by its final results he has no doubt but that Anglican moderation is truer to God's purpose than Puritan reaction. "He that will take away extreme heat by setting the body in extremity of cold, shall undoubtedly remove the disease, but together with it the diseased too."⁴

¹Polity, III, i, 10.

²Polity, IV, xii, 5.

³M. Bevenot, "The Catholicism of Richard Hooker - Does it Point to a Reunion?" Hibbert Journal, XLI (October, 1942), pp. 73-80.

⁴Polity, IV, viii, 1.

Hooker's rebellion against Rome is principally manifested in the replacement of the Pope by the English sovereign. That action takes on its distinctly Protestant character in that the new supreme head of the Church is a layman - a very special layman, it is true, but one who is, at least, not a cleric. Other reformed features particularly relevant to his ecclesiasticism are his belief in the openness and simplicity of the worship services, with the liturgy in the vulgar tongue. Hand in hand with the English Prayer Book goes the English Bible which is essential and complete for a saving knowledge of Jesus Christ. The last reformed doctrine directly connected with English Church government is his belief in the freedom of the individual conscience. It may be requisite for the Church to enforce the layman's outward conformity, but it is intolerable, if not impossible, to command his conscience. Moreover, his consent is, in some manner, essential to all government.

However, there is not one of the continental reformed teachings that Hooker did not modify when he wrote it into a polity for his island Church. These qualifications, of course, proved unacceptable to many within the Church, but, as chronicler of a compromise, he could do no other, nor would not if he could. For instance, the ecclesiastical supremacy was far from what either Anabaptists or Calvinists meant by freedom from clerical interference; and, on the other hand, simply to hold the reformed belief that Scripture is sufficient for salvation is to ignore Hooker's dread of what would happen when Anabaptists "and their

Bibles were alone together."¹

Whether the Catholic or the Reformed influence is the greater in Hooker's thought is an argument of indifferent value. Much depends upon definition. However, in light of the subject of this paper, undoubtedly the Reformed influence predominates. For the composite of both Reformed and Catholic influence is a phenomenon that, however repugnant to the "reformers", is anti-Roman in its essence; initiated by Henry, confirmed by Elizabeth, and sealed by Pius V. To the extent that Hooker presses the Church's right to national allegiance, to that extent he is denying what a Romanist would call Catholicity. Hooker's polity is the logical expression of reformed church government in a national medium. Because it attempted to actualize an ideal it had to be a compromise. His ideal was impossible of realization; he believed too much in human reason.

His Polity is a compromise, then, because it is the description of a compromise. It is also a compromise because the philosophical structure he erected to sustain it was itself inconsistent. We have mentioned the difficulty he had in reconciling divine right with consent of the governed. True, he developed neither to the degree that was seen in the next century, but he was groping in both directions. He asserted his English caution in pushing neither to the extremity. Besides, as Elizabeth knew, Tudor England was no place for defining the true faith. It was for the next reign to court disaster with clear-cut definitions. But Hooker's attempt at a via media sowed the seeds. "More

¹Polity, Preface, viii, 7.

than he realized, Hooker had his feet in two camps," says Canon Shirley.¹ And a Roman Catholic contemporary describes him as "a solid Hooker, so skilful that, with one only hook, he fisheth of both sides."²

The strategy of the via media was to reconcile as many irreconcilable views as possible in order to secure conformity. "To sign the required papers under compulsion when confronted by the Bishop. . .to read the greater part of the Prayer Book, to wear the surplice occasionally, to say nothing in open derogation of the Church or of the royal authority. . .this was Elizabethan conformity."³ Its failure was inevitable.

Final Assessment

We come now to a final assessment of Hooker's ideal of the National Church. What forces are explicit and implicit within it that influenced the English Church? We turn first to the forces that made for disruption.

The disruptive influences that were at work in the Tudor supremacy and that Hooker built into his polity are two, and one follows from the other. If one admits the validity of his view of law expressed in Book I, then the conclusion is inevitable that "the parliament of England. . .is the body of the whole realm (and) consisteth of the king and of all that within the land are subject unto him."⁴ By the authority

¹F. J. Shirley, op. cit., p. 227.

²Edmond Richer, A Treatise of Ecclesiasticall and Politike Power, trans. by Δ(London: Sold by John Budge, 1612).

³Usher, op. cit., I, 206.

⁴Polity, VIII, vi, 11.

of this Parliament the laws of the English Church command the allegiance of all within "the whole realm."¹ That no man has a rational right to disobey was all that Hooker set out to establish. In spite of thus limiting his field, however, subsequent struggles showed he failed.

He might take pains to distinguish between things essential to Christianity and things indifferent, and consign to the latter the whole matter of polity as something not expressly commanded in Scripture.² On the validity of this distinction would depend his whole argument on the right of refusal to conform. Yet that is exactly where his argument fell. Neither Hooker nor anyone else was able to make the distinctions he assumed to be valid and demonstrable. By what right could he say that this belief was essential and that was indifferent? Especially what right had he to throw polity into the class of non-essentials or of things indemonstrable, when the Puritan "Discipline" claimed above all else to be the form of polity expressly "described in the Word of God"? As Professor Allen observed, "There was hardly a single doctrine associated with Christianity that was not, at the time he wrote, being denied by one sect or another. Then, as now, it would have been impossible to arrive at any definition of 'essentials' which would have been accepted by all who professed themselves Christians."³ This impossibility of distinguishing essentials from non-essentials, on which so much depended, was speedily discerned and violently attacked before Hooker died

¹Polity, VIII, vi, 11.

²See Polity, III, ii, 2.

³Allen, op. cit., 197.

and Books VI, VII, and VIII were printed.¹ Assuming the possibility of the distinction was the first logical fallacy on which he built.

His second fallacy was his basis for uniting Church and State in England. The identification of the one with the other rested on the assertion that "the whole commonwealth doth believe."² The fact is, it was not true - not even in Hooker's sense of limiting belief to the "essence of Christianity." He may have had the right to idealize the concept of a National Church, but he did not have the right to build that picture on that which he knew was not true. So much that the Puritans regarded as essential, he regarded as indifferent. So much that they regarded as proved he regarded as impossible of proof. He held that there was no justification for non-conformity with State (i.e., Church) laws unless a man could present demonstrable reason; and that was precisely what the Puritans claimed they could do. Both agreed that it was intolerable "that men should do anything which in their hearts they are persuaded they ought not to do."³ Yet the Puritans maintained they were required to do just this.

Hooker saw the logic of the Puritan position and he did not dare face it frankly. For all his sweetness and judiciousness he was not quite the complete philosopher.⁴ He feared, with good reason, the full

¹Cf. the attack on Hooker's teaching on transubstantiation by the author of the "Christian Letter," cited in Hooker's Works, ed. Keble, Vol. II, p. 353, n. 2.

²Polity, VIII, 1, 4.

³Polity, Preface, vi, 3.

⁴"He glossed over or passed over in silence difficulties for which he had no solution; he refused to ask questions he was wise enough to know he could not answer" (Allen, op. cit., p. 186).

liberty of private revelation. Although he was willing to submit private reason to public reason, legislatively determined, he was not prepared to make the further step that the reasons of one position may be as good as those of another. Because he was not, persecution for the sake of conformity he felt to be justified. He was very close to a theory of toleration but was prevented from it by every instinct and force of his age. This does not excuse the fallacy. If the whole commonwealth had believed then Hooker's failure to arrive at toleration would not have mattered. But because it did not believe, persecution was untenable - and on Hooker's own argument.

The disruptive force of these two fallacies has been magnified in subsequent Anglicanism by two conditions that existed in Hooker's own time. Although he recognized them in his Treatise, he failed to do them justice. Therefore, he must bear his share of the responsibility for their plaguing of the Church from that day to this.

The Puritans were Scripturalists. They insisted that people learn the Bible. Their method of education was by preaching. Hooker was a champion of reason, and reason, no less than Scripture, needs channels of communication and intercourse.¹ We have seen that the reason of the Puritan complaint was the lack of resident, educated preachers. Even if it had been true that the whole commonwealth did believe, how could he expect belief to be maintained when preaching was

¹"What is the assembling of the Church to learn (doctrine), but the receiving of Angels descending from above? What to pray, but the sending of Angels upward?" (Polity, V, xxiii, 1)

so neglected.¹ How much greater the need when the whole commonwealth did not believe! If the Christian faith was not being taught owing to non-residence, ignorance, and plurality, and if the prime duty of the National Church was to teach it, a fundamental question arises: Where a National Church is not prepared to do its duty, is it justified in requiring national conformity? Hooker did not see the significance of the plight, nor how it played into the hands of non-conformity.

The second condition which he did not adequately treat went hand-in-hand with the first, the undue dependence of the Church on the State. Undoubtedly, the first chapters of Book V formally and emphatically repudiate the Machiavellian "politic use of religion." That a deeply pious mind like Hooker's should envisage the government of the Church as prompted by "reasons of State" is unthinkable. However, Hooker is liable for the Hobbesian version of Erastianism that developed from his system even though such a development was farthest from his thoughts. To localize the will of God in the human executive power was to expect too much of human nature - or foresee too little. Implicit in Hooker, as in all Tudor churchmen, is the unlovely and inevitable spectacle of a Church whose voice and influence is vitiated by political expediency. This was the price of royal supremacy. It would have been strange had it been otherwise. The Anglican Church owed much to the destruction of its Roman predecessor, and the State powers from the

¹"After 28 years establishment of the church of England, there were only 2000 preachers to serve near 10,000 parish church," wrote the Puritan historian, Daniel Neal (The History of the Puritans [2 vols.; Bath; Cruttwell, 1793], I, 417).

In 1603 the Bishops themselves reported a total of 4710 licensed preachers of the 9244 clergymen in the combined provinces of Canterbury and York (Usher, op. cit., I, 207).

sovereign downward who had promoted the condition had great stake in its welfare. After Parliament replaced the Crown in ecclesiastical supremacy there was again and again occasion to note the hampering effects of the unequal alliance.¹ Hooker may theoretically equate the authority of Church and State and claim the king's authority to be directed by God Himself, but practically the dependence of the Church on the good graces of the sovereign implies the subservience of its authority. It is an unequal yoking, with the Church intensely conscious of its dependence and its voice in social affairs strongly conservative and authoritarian.

But if Hooker's polity contained the seeds of its own disruption, it also contributed a richness to Anglicanism that is being harvested today. It must be admitted that his only explicit, essential, and distinctive doctrine was that of royal supremacy, and even that was no more than a defence of the received concept of Tudor monarchy. But it is not for this that Hooker holds modern churchmen in his debt. His main achievement is independent of the particular controversy in which he had to take part. It is for the vindication of reason, and in a manner that gives full place to Scripture and history that Hooker has achieved his permanent status. The Puritan disparagement of human reason dishonored God by denying one manifestation of His work as well as misrepresenting the way in which His Word reaches men. "A number there are, who think they cannot admire as they ought the power and authority of the word of God, if in things divine they should attribute

¹A. T. P. Williams, The Anglican Tradition in the Life of England (London: S. C. M. Press, 1947), pp. 24 ff.

any force to man's reason."¹ Hooker was not only able to penetrate to the fundamental mistake of the Puritan position, but also to establish the three-fold source of Anglican authority - reason, Scripture, and tradition, "all alike of God, alike emanating from Him, . . . each in certain matters bearing a special and prerogative sanction from Him, all in certain matters blending and cooperating."²

Stemming from this basis five other indirect contributions must be acknowledged. First, he gave the Church of England a theology of sound learning that has enabled it to claim with Bishop Creighton a special distinction of appealing to intellectual respectability.³ Hooker gave it a reply for the taunt that when its argument was weak it was saved by force. The reply might have been unavailing and even unnecessary in his day, but for its future welfare it was profoundly important that thoughtful men know that the Church could hold its own on the intellectual frontier.

The second contribution arising from the vindication of reason was his furtherance of religious toleration. Although he did not reach the conclusion his premises demanded, he did go farther than anyone in the controversy. The finest evidence of his personal tolerance may be found in his liberal view of salvation. That salvation was exclusive to its own communion was the claim of each other sect, Protestant and Roman. Hooker's admission to the contrary, that salvation was possible

¹Polity, III, viii, 4.

²Paget, op. cit., p. 284.

³Cf. Mandell Creighton, The Church and the Nation (London: Longmans, Green, 1901), pp. 175 and 211.

A. J. Mason refers to Book V of the Polity as "nothing less than a masterly summa of dogmatic theology" ("Richard Hooker," Typical English Churchmen from Parker to Maurice, ed. by W. E. Collins [London: S. P. C. K.,

outside his Church in either direction was a distinct step forward. However disappointed we may be with his practical conclusions we are indebted to him for this manifestation of the glory of reason. By the gift of reason God illuminates everyone coming into this world. Using reason men distinguish between truth and error, good and evil, and thereby determine the will of God. Hooker may have been unable to match steps with the child that he has fathered, but by begetting a place for reason, toleration becomes inevitable; for, in the words of H. T. Buckle, "As theology became more reasonable, it became less confident, and therefore more merciful."¹

Third, the appeal to reason, Scripture, and tradition manifests itself in a basis for Christian reunion. As the steward of these divine gifts, the Church of England has a special responsibility. Hooker does not claim that God requires uniformity from all branches of His Church, but He does require unity. With this the solemn obligation and with reason, Scripture, and tradition as the only ground of common principles on which real agreement is possible, Hooker takes his place as proponent and enabler of Christian ecumenicity.

A fourth outcome of his threefold authority is the realization of the Church's setting within the historical process. The reason his influence abides today is that he interpreted his own intense age in terms of Eternity, that is, above the fever and malice that blinded other eyes to its relation with the whole of time. Therefore, his

1902], p. 33).

¹Cited from H. T. Buckle by W. K. Jordan, The Development of Religious Toleration in England, Vol. 1 (London: Allen and Unwin, 1932), p. 232.

philosophy, if not his conclusions will always be contemporary. Time and change are not something that the Church is to resist, but rather something in which the Church itself is to participate. Reason, Scripture, and tradition are not invalidated, but are fulfilled, in the process:

In these things the experience of time may breed both civil and ecclesiastical change from that which hath been before received, neither do latter things always violently exclude former, but the one growing less convenient than it hath been, giveth place to that which is now become more.¹

The last gift to result from his concept is probably the greatest, the ennobling of the State. The verdict of F. D. Maurice was that "no one has done so much as he to vindicate the dignity of the civil government."² Whatever his failure to trace the boundary between the two provinces, with the consequent temptations to which men would succumb, his ideal is untarnished. The State was to the Church as the body to the soul. Statesmen, no less than churchmen, were ministers of a divine economy, filling different places in the same body politic, performing different functions, but both equally under the authority of reason, Scripture, and tradition. True religion is the goal of the State, and true religion is its guide. There need be no fear of the condition of the State as long as the National Church keeps faith with Christianity. It was Gladstone who summarized Hooker's greatest contribution as expressing "the great doctrine that the State is a person, having a conscience, cognisant of matters of religion, and bound by all constitutional and natural means to advance it."³ A concept like this has

¹Polity, VII, xiv, 7.

²F. D. Maurice, Modern Philosophy (London: Griffin, Bone and Co., 1862), p. 196.

³Quoted by D'Entrèves, op. cit., p. 142.

revolutionary consequences for our day as well as for his. Thus, all Christendom is indebted to Richard Hooker, not for his plan of the National Church, but for his ideal.

To rebut the Puritan denial Hooker wrote his Polity affirming the reformed character of the Church of England. The fact of the royal supremacy was the earnest of his affirmation. But the monarchy he advocated was a "limited monarchy," and the Puritans of the next century eagerly grasped the weapon this theory afforded them. Opposing parties within the Church would read in Hooker what suited their needs, for at his death the official polity was only half-formed.

PART III

THE CONCEPT OF THE NATIONAL CHURCH IN THE
SEVENTEENTH CENTURY

CHAPTER V

TOWARDS ECCLESIASTICAL AUTONOMY

Introduction

The Tudor role in the development of the National Church concept was, first, to receive and then to actualize by legislation the opposing forms of sovereignty that we have attempted to trace from their medieval generation. The resulting "settlement" was an artificial arrangement bound to give way when subjected to actual use. Referring to the two Tudor acts of supremacy¹ Professor Pollard touches the sensitive spot when he says that those acts "united two incompatible forms of sovereignty - the absolute jurisdiction of the pope. . .and the limited jurisdiction of the king."² The doctrine of ecclesiastical supremacy, then, we may describe as the foundling - not the offspring - of the Tudors.

Before the death of Elizabeth the fact that the settlement had settled nothing was made evident in two phenomena. The first was the legal chaos that had developed during the reign. When the Queen died who was to say what the law of the Church was? Professor Usher makes abundantly clear the extent of the confusion.³ No legal document existed to prove that the Queen had expressly confirmed any ecclesiastical

¹Henry VIII's of 1534 and Elizabeth's of 1559.

²A. F. Pollard, Evolution of Parliament, p. 213.

³Usher, op. cit., I, 191 f.

canons for a period longer than her own reign. She had "approved and confirmed" the Articles of 1585 and Canons of 1597. She had "assented and consented" to the Thirty-Nine Articles, while the Articles of 1575 she had allowed to be published under her authority. But the Canons of 1571 had been issued by Convocation, while the High Commission had sponsored the Advertisements of 1564, and the Articles of 1583 stood on the sole authority of Whitgift's archiepiscopal seal. While it is inaccurate for us to say that this arrangement was illegal or voided by the Queen's death it is clear that until James I took some action there was no certainty as to what was or what was not law.

If this settlement be dignified by the appellation, "constitution," we may see that it did have one advantage - it was elastic enough to meet the political and ecclesiastical needs of the moment. We have already remarked that the doctrine of expediency was the governing theory; ambiguity had a purpose. Tudor government was best served not by stating what the Church was but what it was not. English constitutionalism had traditionally succeeded when left to the imagination of individual men.

The second phenomenon which marked the instability of Tudor supremacy was the existence of the politico-ecclesiastical alliances which arose. We have already noted how by the third decade of the sixteenth century, a common lawyer had declared Parliament's competence

to treat with ecclesiastical legislation.¹ In 1547 Bishop Gardiner recorded with dismay the growing self-consciousness of the common lawyers' role in this realm. The Lord Chancellor Audley, he wrote, had stood by the common lawyers' determination that the royal ecclesiastical prerogative should not invade their field:

'And this were not,' quoth he, 'you bishops would enter in with the king, and, by means of his supremacy, order the laity as ye listed. But we will provide. . .that the praemunire shall ever hang over your heads; and so we laymen shall be sure to enjoy our inheritance by the common laws, and acts of parliament.'

The sensitiveness of the lawyers was not limited to clerical and royal intrusion but, as Allen points out,³ to Parliament itself. For if they did not doubt Parliament's omnicompetence as a high court, they certainly did as regards its claim to be a legislative body. The lawyers were disposed to regard the common law as fundamental and unalterable and, at least, reluctant to admit the right of any power radically to alter the sacred rules. Thus, when after 1585, in the form of the Commission for Causes Ecclesiastical, the Church began to enter the field of ecclesiastical law there was a body prepared to challenge its action by writs of prohibition. This was the beginning of that strange alliance between the Puritans and the common lawyers.

In spite of the Millenary Petition that greeted the new King on his southward progress, the Puritans were not a great party in 1603. According to Usher's calculations, so far as it could be called a party

¹Supra, pp. 54-5.

²John Foxe, The Acts and Monuments of John Foxe, ed. by S. R. Cattley, Vol. VI (London: Seeley and Burnside, 1838), p. 43.

³Allen, op. cit., p. 170.

at all, it consisted of about three hundred and fifty clergy supported by the active adherence of about fifty thousand laymen and the more or less apathetic interest of their congregations rather well distributed over the eastern counties, the Midlands and the South.¹ London, of course, was the stronghold. Industry and Puritanism flourished together.

The Puritans conceived that the realization of their national church ideal was primarily impeded by the institution of episcopacy.² Their opposition was bound to throw them into the same camp with the common lawyers. Their willingness to enter such an alliance reveals that the Puritans were not above compromise in the interests of expediency, for, as Figgis declares, "the thing most hateful to the Presbyterians in England was the insistence by Parliament (during the Interregnum) on a right of final appeal to the civil power."³ But well before Elizabeth's death the Puritans' and lawyers' community of animosity promised strong measures on a united front. The Crown's pressure for conformity, entrusted to the bishops, served to cement the tie and draw into the cause Parliament as well.

Parliament had early attracted the advanced and active adherents of Puritanism so that "before long it became not only impossible to legislate against Puritanism, but difficult to prevent legislation

¹Usher, op. cit., I, 280.

²For a list of the Puritan complaints prior to 1604 cf. Usher, op. cit., II, 355-7.

³J. N. Figgis, Divine Right of Kings, pp. 327-8.

in its favour."¹ By 1600 the identification of Puritanism with republicanism was well-nigh complete. William Stoughton's dedication of his Assertion for true and Christian Church-Policie to the common lawyers of the realm indicates the source from whence the Puritans of 1604 looked for their help.

The other alliance which we have already remarked in some detail was, in its turn, further cemented by opposition. Probably nothing in her reign so disenchanted the Queen as to the real source of her troubles as Bancroft's unmasking of Martin Marprelate and the sedition of the Puritan platform. Professor Usher has shown that after Bancroft's Sermon at Paul's Cross,² he, at least among the clergy, recognized the necessity for maintaining the closest ties between those who had the most to lose by the combine arrayed against them. If the Queen did not give visible proof of the Crown's acknowledgement of the relationship, her successors would spare no efforts to make amends.

Thus, the instability of the ecclesiastical supremacy which James inherited had two direct consequences which had already ripened when he assumed the throne - a legal confusion and a rather well-defined set of partnerships.

In addition, we must mention another incidental but direct result of Tudor supremacy, namely, the low morale besetting clergy high and low. Royal supremacy, not episcopacy, was the vital factor symbolizing the strength and unity of the national State in its secular and

¹Prothero, op. cit., p. xxxiii.

²February 9, 1588/9.

spiritual aspects. Nowhere did the Thirty-Nine Articles require episcopacy as the esse of a Church. Cranmer had declared that he valued his episcopal title no more than "the paring of an apple":

I would that I, and all my brethren the bishops would leave all our styles, and write the style of our offices, calling ourselves apostolos Jesu Christi.¹

Nowhere was episcopacy so reminded of the inferior position of its prerogative as when it conflicted with the Crown.

An outstanding manifestation of impotence was felt in the induction of candidates to benefices. Elizabeth instructed her bishops not to haggle over ecclesiastical qualifications when there were eight or nine thousand benefices to be filled. Enough that they require candidates to take the Oath of Supremacy and promise to read the new Prayer Book. There can, indeed, have been few positions less enviable than that of an Elizabethan bishop, harassed by his fellow officers of State, abused and maligned by his enemies, armed with totally insufficient power, and beset behind and before with poverty - his own and his clergy's. This last factor alone accounted for most of the ignorance, plurality, and non-residence against which the Puritans inveighed, and perpetuated the clergy's despondency.

The Church which James inherited was clinging to the State for protection, not only because the latter had insisted on being the dominant partner, but because it was too weak to stand alone. The English Reformation had enervated the Church by imposing on it new and unforeseen problems with which the traditional organization was unfit

¹Quoted by Usher, op. cit., I, 68, 69.

to cope. If any human agency was to blame it was Elizabeth and her courtiers, but let us recognize that there is no reason why Tudor policy should have been wise enough to stem the tide of the tradition of half a millenium.

Repudiation of Hooker's Ideal
of Comprehension

The Church had neither the will nor the power to lay the blame for its condition at the feet of the Crown where it rightly belonged. In fact, even to expect that it should have so analyzed its plight is to expect that Tudor Churchmen were so oblivious to the sacerdotal implications of Henry's action as deliberately to unchurch themselves.¹ What standing they had was derived from the Crown, as Whitgift had testified.²

To ameliorate its circumstances the Church lashed out at its obvious foes - Rome and the conventicles. Because of the relative political weakness of the one and strength of the other, the latter was the main threat. We now direct our attention to the results of that attack that eventuated in the alienation of most of the nation from the national Church, and gave a distinct alteration to the English concept of establishment.

Richard Hooker had met the Puritan threat with a plea for comprehension based on reason, but even before Hooker's death Richard Bancroft had met it with another weapon and another idea. As reasonable

¹Supra, p. 48 f.

²Supra, p. 119.

as Hooker's appeal was it was less realistic than Bancroft's, for the latter realized, as Hooker did not, that a compromise based on reason was impossible with the Puritans. Neither Puritans nor Churchmen, believing as they did in the exclusive right of their form of polity, would be satisfied with anything less than complete establishment of their own tenets. Professor Usher has assessed the superiority of Bancroft's insight: "He realized that the Puritans were sincere in their beliefs and not merely ignorant or consciously blind to the truth set before them."¹ Whereas Hooker placed his ultimate trust in reason, Bancroft - with more cynicism - placed his in law. The fact that compromise gave way to exclusivism had a permanent and powerful effect on Anglican polity.

We have seen² that the form by which Bancroft sought to implement his theory of ecclesiastical defence was by enlarging the authority of the episcopal office. Already by 1588 his enhancement of the office was viewed with alarm by members of the Queen's Council. Though he was preaching unpopular doctrine it was to him the only way out of an intolerable position. The reconstruction of the Church he saw to depend on the promulgation of episcopacy as an explicit polity:

A very strange matter, if it were true, that Christ should erect a Form of Government for ruling of his Church to continue from his departure out of the world until his coming again: and that the same should never be once thought of or put in practice for the space of 1500 years.³

¹Usher, op. cit., I, 77.

²Supra, p. 117.

³Quoted by Usher, op. cit., I, 73.

Here then is the argument from historical expediency which Bancroft saw to be the only one to use with the Puritans. We must remember that this was spoken seventy-four years before Book VII of Hooker's Polity was published. But enough of the Polity was published before 1600 for Hooker to supply a real contribution to Bancroft's stand that episcopal government was the expedient form. When the Puritans asked why, Bancroft had no reason to give. Hooker came to the fore by saying that the form of government and actions of men must be consonant with the law of nature. But the law of nature is the law of God; and since man's use of reason through the ages increased his knowledge of this law of nature, so from time to time he must change the outward forms of society to keep pace with his growing understanding.¹

That Bancroft was not alone in his use of expediency is revealed by Bishop Joseph Hall's liberal judgment on polity. Referring to sacerdotal rites in the Jewish Temple, he stated that

matters of good order, in holy affairs, may be ruled by the wise institution of men, according to reason and expediency.²

Whatever dignity Bancroft would bestow upon the institution of episcopacy, however, was moderated by his refusal to make an absolute claim. The Canons of 1604³ were the high-water mark in the dogmatic reconstruction under his hand, but Canon viii went no further than asserting that "the form and manner of making and consecrating bishops" contains nothing "repugnant to the word of God."

¹Cf. Polity, III, x, 7.

²Joseph Hall, Contemplations on the Historical Passages of the Old and New Testament, Vol. III (Edinburgh: R. Fleming, 1749), p. 3.

³Printed in Cardwell, Synodalia, Vol. I.

We have seen to what extent Hooker was indebted to the Middle Ages for the constitutional framework he supplied Tudor Erastianism. So Bancroft's Canons, contributing to the fabric of ecclesiastical autonomy, are, as Usher shows, in no sense original with him but represent not only the sum of administrative experience since the Reformation but much of the essence - if not the form - of the pre-Reformation episcopate. To Bancroft belongs the credit for seeing that the task was done.¹

The real issue behind Bancroft's new resistance to the Puritans was that, motivated by the principle of expediency, he - unlike Hooker - took the initiative in putting it to work. The Puritans held that reformation could and should be accomplished once for all. The Churchmen said that it was a process involving constant adjustment to the exigencies of time. The Canons of 1604 represent one man's decision to take this view seriously. That half a loaf is better than none may seem a cynical code for a Churchman, but every force in his tradition conspired to that conclusion.

Further elaboration of episcopal autonomy was made by the Canons of 1606², which, though drafted under the direct supervision of Bishop Overall acting in Bancroft's absence, had the Archbishop's general approval. Though the phrase "divine right" is never applied to either kings or bishops, it is asserted with increasing frequency that priests were not elected by people but were made by God's ordinance.³ Bancroft is

¹ Cf. Usher, op. cit., II, Appendix I.

² Printed in Cardwell, Synodalia, Vol. 1.

³Bk. I, art. ii, vi, and xvii. Cf. Cardwell, op. cit., I, 330 ff.

attempting nothing revolutionary. It is everywhere declared that, though the present State and Church have God's approval, they are not the only possible forms of government which might receive His commendation. As Usher writes, "The leaven of Arminianism had begun to appear."¹

We are still far from Laudian divine right episcopacy. No trace of an exclusive claim for episcopacy is found in any writings with which Bancroft had to do. What we do want to note is that from 1588 a notion that was both old and new began to gain currency, namely, that episcopacy was of apostolic institution.

Whatever may have been the mind of Bancroft himself, the Jacobean clergy conceived of the royal prerogative as exercising itself not through Parliament but through Convocation. The Church is still included within the State but there appears the tendency to depart from Hookerian Erastianism and conceive of the Church as a society radically distinct from the State; it is a society with a life of its own and rightfully governed by its own officers.

Reminding ourselves again that this development in polity reflects a development in strategy to meet principally Puritan opposition, we now turn to examine the growing independence and dignity of the Church in the reign of James I.

¹Usher, op. cit., II, 128.

Growing Independence and Dignity

Probably no single accomplishment of Bancroft did more to create a sense of the Church's autonomy than the Convocation's drafting of the Canons of 1604. For the first time since the Reformation, the administration of the Church was entrusted to the clergy. The fact that severe penalties were attached showed that the bishops had a weapon with teeth. Now, not only political sedition, but ecclesiastical unfitness became grounds for ejecting an incumbent from his living.

Bishop Overall's "Convocation Book" is, as we have seen a further step in this direction. Canon Addleshaw calls it "the most useful exposition" of the views of the "High Church divines."¹ Here the Church is seen as a community with an organic life of its own. Far from originating at the Reformation the Church has been coexistent with the nation from its birth:

If any man shall affirm, either that during the continuance of the Old Testament, the merits of Christ's death actually to come, were not sufficient to save all true believers; or that there was then no catholic church;. . .or, that the said catholic church, after the members of it were dispersed into all places of the world, was otherwise visible than per partes. . .he doth greatly err.²

¹G. W. O. Addleshaw, The High Church Tradition (London: Faber and Faber, 1941), p. 155.

²Bk. I, Canon xxxvi. We may agree with Canon Addleshaw's claim that the authority of these Canons of 1606 is basic to the High Church tradition, but it is difficult to accept his assignment of Hooker to the same category. It is true that the unity of Church and State "finds its classical expression in the last book of Hooker's Ecclesiastical Polity,"

Probably the essential factor indicating which way the tide was running is to be found in Bancroft's conviction, implemented in April and May, 1604, by a strategy requiring the utmost skill and diplomacy¹ that ecclesiastical affairs were no proper concern of the House of Commons. Nor are we to assume that Bancroft was alone in his conviction. Dr. Usher has shown that on the basis of Visitation Records the laity as a whole were not unfavourably disposed to the kind of Established Church that the Archbishop envisaged. When they did differ it was more frequently to espouse Romanism than Puritanism. Lay indifference, owing to a variety of factors, was giving way to real pride in and love for the English Church as representing that which was best in English life. Bancroft was motivated by the belief that the great majority of the clergy and the overwhelming majority of the laity favoured the kind of Church his labours were attempting to reconstruct.

but that expression for Hooker is always through King in Parliament, not Convocation. Cf. Addleshaw, op. cit., pp. 154, 194-5.

Also, it may be asked, if Hooker's Book VIII is such a High Church classic why does Canon Addleshaw immediately dismiss Hooker and affirm that "the most useful exposition of their (sc. the High Church divines') views is to be found in Bishop Overall's Convocation Book?" Surely one reason must be that Hooker could never have consented to the proposition of the 1606 Canons that the one who believes "all civil power, jurisdiction and authority, was first derived from the people. . . or either is originally still in them, or else is deduced by their consents naturally from them. . . doth greatly err" (Canons of 1606, No. ii).

¹Cf. Usher, op. cit., I, 344-6. By reading between the lines of the Commons Journal for April 16-18, 1604, we can picture the back-stage activity of Bancroft in restraining Commons from ecclesiastical legislation by a process of procrastination on the one hand, and, on the other, prompting the King so as to channel the royal prerogative through the episcopal body, viz.: "Mr. Speaker took occasion to deliver his Majesty's . . . Pleasure: That Touching those matters (of religion), he had given

Assuming that the Establishment as it was in 1604 represented the majority of the English nation at worship - that the Church was at one with its people - we are now to look in further detail at that Church to which the people gave their blessing. It was a Church which had broken from Elizabethan domination. Still dominated by the Crown, still co-existent with the State, it was an organism containing the roots from which would spring an ecclesiastical common law, looking neither to King nor Parliament. Though such a concept was foreign to Bancroft's thinking, here was the foreshadowing of the Church's independent legal status.

The fullest expression of this position by the year 1610 was George Carleton's Jurisdiction, Regall, Episcopall, Papall. He begins by saying that the ecclesiastical authority of the King has been overrated.

Stephen Gardiner. . . found this massie crown of Jurisdiction upon the Popes head, so he tooke it with gold, silver, coper, drosse and all: and set it upon the Kings head.¹

The trouble all began with the power that the Pope usurped in the first place. Carleton reminds his readers that William of Ockham and Marsilius of Padua had decried the resulting confusion of jurisdiction.² Now the same confusion has been bequeathed to the King in his exercise of ecclesiastical supremacy.

Power by his Letters Patents to the Members of the Convocation-house, to debate, consider, and determine" (House of Commons, Great Britain, Journals of the House of Commons, [Beginning: In Anno primo Regni Regis Edwardi Sexti, &c.; 1547-1607], Entry for 18 April, 1604, p. 176).

¹George Carleton, Jurisdiction Regall, Episcopall, Papall, wherein is declared how the Pope hath intruded upon the Jurisdiction of Temporall Princes, and of the Church (London: J. Norton, 1610), Epistle Dedicatorie.

²Ibid., p. 4.

Rightly, the civil magistrate has no spiritual jurisdiction. That belongs to the Church itself. Whereas the Catholic Church is perfectly known only to God and is but one in all times and places, the visible churches are in many times, in many places. Therefore they must have heads or governors. These governors are either spiritual or temporal, and it is essential that there be sharp distinction between the two, what he calls the internal and external ecclesiastical powers. The proposition he sets out to prove is

that Ecclesiastical coercive power, by force of lawe and corporall punishments, by which Christian people are to be governed in external and contentious courts, is a power which of right belongeth to Christian Princes. Concerning the power of orders and institutions, of excommunication and deposition, and of internall jurisdiction in the court of Conscience, and in administration of Sacraments, and absolution by power of the keyes; this we give not to Princes: but Princes. . . are to see that Bishops and all inferiour ministers performe their faithfull duties.¹

The Church's authority is vested in its clergy and is administered by the bishops. Without equivocation he declares that "government of Bishops placed by the Apostles (was) to stand and continue till the end of the world."² Owing to precedent the bishops possess their own prerogative for calling councils to define matters of faith and religion.³

What, then, remains as the function of the royal prerogative? First, since the Church is without coercive power the duty of maintaining the true religion falls upon the King. Further, his sanction is necessary

¹Ibid., p. 10.

²Ibid., p. 41.

³Ibid., pp. 42 f.

to give effect to ecclesiastical canons. Also, he may establish his own courts for the same purpose, but here Carleton cautions us to remember that these are merely royal courts and are no substitute for Church courts. Indeed, the King may appoint clergy to this bench without prejudice to this principle.

I speak not nowe of Spirituall government by the lawes of God, executed within the court of Conscience, but of Ecclesiasticall government in the execution of lawes Ecclesiasticall, wherein there is use of coactive power.¹

The royal supremacy is in no way minimized. Indeed, whatever coercive power a bishop seems to exercise is, in reality, only by virtue of royal appointment, not episcopal prerogative. However, a new note is being struck. The great watchmen of the Church are now the bishops:

Herein they are authorized by God. If Princes withstand them in these things, they have warrant not to obey Princes, because with these things Christ hath put them in trust.²

A further step toward ecclesiastical ascendancy was advocated by Richard Field between the years 1606 and 1610. Dedicating his book, Of the Church, to Richard Bancroft, he too conceived of the Catholic Church as a group of particular, autonomous churches. But for him the clerical responsibility was even more decided. Matters that are "merely Ecclesiasticall" are to be decided solely by clergy in council, completely independent of the civil sovereign.³ Only in cases of a "generall failing" may the sovereign interpose, but then only to the extent to which the clergy themselves acknowledge they ought to have

¹ Ibid., p. 20.

² Ibid., p. 44.

³ Richard Field, Of the Church, five bookes (3rd ed.; Oxford: Turner, 1635), p. 680.

done.¹ As we should expect, our author pays fealty to the doctrine of expediency in leaving with the Prince suppression of "grosse errours, contrary to the common sense of Christians;"² and he may suppress such heresies as have been formerly condemned by proper authorities. He concludes:

We do not make our Princes with their Civill States, supream in the power of commanding in matters concerning God, and his Faith and Religion, without seeking the direction of their Clergie. . .nor with them, so, as to command what they thinke fit, without advising with others. . .when a more generall meeting for farther deliberation may bee had, or the thing requireth it.³

So they preached and so the Church believed. Due to this influence the Church did attain new dignity and Bancroft's prediction was fulfilled that she "is yet to be acknowledged for the Mother of the Faithful."⁴ It was his belief that the majority of non-conformist defections could be detected and treated by the Church itself through ordinary ecclesiastical censures, provided the clergy were informed - as they were by frequent Visitations, and provided they were armed - as they were by the Canons of 1604.

Beneath the exclusive or narrowing effect of his policy lay Bancroft's conception of church membership. He thought the Church would never be institutionally strong until the Puritans were excluded from it and until belief in and consent to its tenets was a basic condition of membership. Whereas Hooker had disowned Averroism in theory,

¹Ibid., p. 681.

²Ibid., 681.

³Ibid., pp. 680 f.

⁴"Sermon at Paul's Cross," cited in Usher, op. cit., I, 54.

Bancroft tried to disown it in practice.¹ No person is to be interrogated as to his faith and as long as he held his peace he could believe what he chose, but as soon as he taught or publicly proclaimed

that the government of the Church of England under his majesty by archbishops, bishops, (etc.) . . . is anti-christian, or repugnant to the word of God; let him be excommunicated ipso facto.²

Here was no inquisition; the man was out by his own choice. The Church had stated its terms.

"It now became clear beyond doubt to those in authority," writes Usher, "that the vast majority of the English people . . . were in favour of the national Church, as by law established."³ Without doubt George Herbert was speaking for the nation when he exulted over his Church:

I joy, dear Mother, when I view
Thy perfect lineaments and hue
Both sweet and bright. . .
Blessed be God, whose love it was
To double-moat thee with His grace,
And none but thee.⁴

Thanks largely to the influence of Bancroft the Country Parson attained a stature - perhaps more old than new - and he could affirm:

Religion stands on tiptoe in our land.⁵

¹Cf. supra, p. 128 for the dilemma created by Hooker's acknowledgement that "obedience with professed unwillingness to obey is no better than manifest disobedience."

²Canons of 1604, No. vii.

³Usher, op. cit., II, 18.

⁴George Herbert, "The British Church," The Works of George Herbert, in prose and verse, with a Memoir by Izaak Walton (London: Bell and Daldy, 1861).

⁵George Herbert, "The Church Militant," ibid.

It is not our purpose here to enlarge upon the degree of popularity that Bancroft very evidently had behind his church policy, except to recognize it as a fact. What is more significant is the particular bent the process of Anglican development derived from him and those who worked with him. He denied absolutely the right of Parliament to define the faith. Similarly, Carleton and Field set aside the claims of the Crown. As Professor Allen states, the "repudiation of traditional Elizabethan Erastianism was all but complete."¹

Further, when Canon iii² asserted the "true and apostolical" character of the English Church there followed an increasing insistence on the continuity of the visible Church from Apostolic times. To whatever extent the Puritans viewed the Reformation as a clean break with the past, to that extent did the Church's insistence on historical continuity antagonize. By 1625 the newer school which included most of the learned clergy saw the Church as continuing uninterrupted from the first century to the seventeenth with the Reformation as simply the removal of accumulated abuses. Thus, Field represents the view "that the number of Lawes, Canons, and Customes formerly in use, and by us taken away, was a burthen to the Church."³

In close connection with the sense of the Church's autonomy and continuity went an increasing stress on the traditional view of

¹J. W. Allen, English Political Thought, 1603-1660 (London: Methuen, 1938), p. 158.

²Canons of 1604.

³Field, op. cit., Bk. III, chap. xii, p. 91.

Compare this with the view reflected in 1 Elizabeth I, which considered the Reformation as, not primarily a removal of accumulated customs, but rather a restoration of usurped privileges (Supra, p. 48, Note 1).

priesthood and sacrament with their concomitant accent on ritual. Of even greater moment for its doctrinal development, Anglicanism was looking with more and more favour upon Arminianism, by which term we mean nothing more than the denial of Calvin's doctrine of grace and predestination. The development of this doctrine guaranteed an eventual, complete break with Calvinism.¹

We may say, then, that between the last decade of the sixteenth century and the first of the seventeenth there was explicit and developing within the Church what may be called a "neo-Catholic faith."² The opposition which its ascendancy would evoke was to have a profound effect on what the nation's concept of church establishment should be. From the beginning Bancroft was not unaware of his opposition; his whole policy was determined by it.

The Church's Attitude to Nonconformity

The Church had not long to wait to learn the mind of its new supreme head toward the Roman Catholics. King James began with a genuine desire to relieve his Romanist subjects of at least part of their

¹Thus, although Field maintains that Calvin "confesseth the will of man to be free to doe evill; and he denieth it not to be free to performe acts civilly good, or morally good ex genere" (Of the Church, Bk. III, p. 282), Peter Heylyn wrote at the flowering of Arminianism at the Restoration, "Though many have taken much pains (none more than industrious Dr. Field) to absolve and free him (viz. Calvin), yet by his doctrine of Predestination, he hath laid such grounds as have involved his followers in the same guilt also." This decree, continues Heylyn, provides a screen for all sorts of sins, "injurious to God, . . . destructive of piety (etc.);" (Quoted in More and Cross, op. cit., pp. 314 f.).

²Allen, Political Thought, 1603-1660, p. 159.

plight. The one who acknowledged Rome to be "our Mother Church"¹ set the pattern for that process of toying with Rome that was to be a hallmark of Stuart monarchy and failing of Stuart supremacy. Even the Gunpowder Plot did not so unnerve the King as to stay his resolution seventeen years later "to grant some grace to the imprisoned Papists."² If the King had been allowed to have his way that condition would doubtless have continued which Cecil described to Nicolo Molin, the Venetian Ambassador:

The King's excessive clemency has ended in this, that priests go openly about the country, the city, and private houses, saying Mass.³

More important than the predilection of the King was the considered policy of the Churchmen. As the dogmatic Reformation had come later to England than to the Continent, so had the Counter-Reformation. While on the Continent it had left re-installed Catholicism in much of its wake, in England "the strength of political Protestantism precluded its achieving more than the emphasizing of those resemblances to Catholic ritual and dogma which Elizabeth had so carefully preserved."⁴ Of course, the Papal connection had little appeal for any at this early date, but the Roman ideals of order and justice were viewed with a

¹James I, "Speech of 1603," The Political Works of James I, intro. by C. H. McIlwain, reprinted from ed. of 1616 (Cambridge, Mass.: Harvard University Press, 1918), p. 274.

²James I, "Letter of Indulgence to Papists," cited in Prothero, op. cit., p. 422.

³Commissioners of H. M. Treasury, Great Britain, Calendar of State Papers and Manuscripts, Relating to English Affairs, Existing in the Archives and Collections of Venice, and in other Libraries of Northern Italy, Vol. X(1603-1607), London: H. M. Stationery Office, 1900), No. 353.

⁴Usher, op. cit., II, 268.

particular longing by those who were made aware of the growing social anarchy. Here where the Church paused to get its second wind the conviction began to grow that perhaps for social reasons - if for no other - the Reformation had gone too far.

It was on the grounds of this feeling that Bancroft approached the Romanists of England in 1606 with the Oath of Allegiance. The accumulated pressure of the defeat of the Armada in 1588, the penal laws of Parliament, the quarrels between Jesuits and seculars, the accession of James I - climaxed by the Gunpowder Plot - served to soften many of the Romanist laity for subscription. Since the Oath was designed to pry the layman loose from his Papal allegiance Bancroft was further induced to make his new Church seem as much like home for him as possible. Let the Romanist consider that what he was rupturing was only a political bond; his religious dilemma was in a fair way of being solved.

Whatever significance the Oath had in the history of English Romanism, it had even greater significance for the National Church. Although the Established Church was not even mentioned in the Oath, the acknowledgement of the Jacobean government and the promise to obey were tacit acquiescence to the existence of Protestantism in England. The acceptance of the Oath was "a recognition by the Catholics of the legal right of the Established Church to exist."¹

Although Bishop Burnet would look back on this as a day when "the Bishops lean to popery,"² Bancroft's considered strategy was to win

¹ Ibid., II, 191.

² Gilbert Burnet, The History of my own Times (Oxford, 1823), I, 10.

recognition of the Church's right to exist by both Romanist and Puritan recusants. He was more successful among the former than among the latter.

The King's displeasure of Puritanism was concealed no longer than his toleration of Romanism. While James's fear of the democratic principle of Presbyterianism was grounded in unhappy memories, he did make the tactical mistake of dignifying Puritanism by consenting to the Hampton Court Conference. Whether he thought to humble the mighty in a contest where he chose the playing-field and drew up the ground rules or whether he had a genuine desire to ameliorate the plight of what he feared might be a large segment of his realm, it is impossible to state decisively.

Bancroft, at least, was under no illusion. He knew the true strength of Puritan opposition. He believed that most Englishmen favoured the Church as it was; and still more would countenance it as he meant it to be. The Canons of 1604 were designed so as not to offend the moderate Puritans, but - as with the Romanists - to woo them away from their more radical partisans. It was a kind of policy embracing the sagacious use of negatives, a kind of strength through non-commitment about which we will have more to say later.

Opposition to Ecclesiastical Autonomy

We have witnessed the growth of an idea of ecclesiastical independence different from that which characterized Tudor churchmanship. We have presumed to venture over this well-worn ground for the purpose

of showing that whatever degree of popular acceptance - and it must have been considerable - this "neo-Catholicism" enjoyed among clergy and laity, it also aroused virulent opposition from all strata of society - and well before William Laud became its protagonist. Before Bancroft was able to anneal the mould of his concept it was subjected to unwanted blasts from the refiner's fire at the hands of King, Romanists, Parliament, and the Law Courts. In the Church's relations with each of these the question was the same: How can the Church's status be magnified without minimizing that of the other?

No one denied that the English monarch was accountable to no human for his actions. When Elizabeth in 1585 had spoken of Princes as "not bound to yield account or render the reasons of their actions to any others but to God,"¹ her people rejoiced in this proof of England's independence, and were comforted in the further assurance of not monarchic, but national absolutism. But when James I gave to Tudor utterances the conclusions that logic demanded, he was listened to with resentful amazement. James's Trew Law of Free Monarchies is a transformation of the received concept of divine right.

His peculiar ideas of his own position wherein "Kings are justly called Gods"² has been accurately assessed in Welwood's indictment. After remarking Elizabeth's ability to convey to her people the

¹"A declaration of the causes moving the Queene of England to give aid to the defence of the people afflicted and oppressed in the Low Countries," quoted in Allen, Political Thought in the Sixteenth Century, p. 252.

²James I, "Speech of 1609," Works, p. 307.

impression that they shared in her "greatness" he states that James "grasp'd at an immoderate power, but with an ill Grace; and if we believe the Historians of that time, with a design to make his People little."¹

Now, the Church shared with Parliament and the Law Courts the onus of the royal detraction. That the King was above the law and the law proceeded from him had implications for the Church as real, if not as immediately perceived or resented, as it did for parliamentarians and jurists. In 1622 James informed Archbishop Abbot that he wanted no clerical tampering with definitions of royal supremacy. Presumably his proscription applied to Churchmen as well as to Puritans:

No preacher. . . shall presume in any auditory within this Kingdom to declare, limit or bound out, by way of positive doctrine. . . the power, prerogative and jurisdiction, authority or duty of sovereign princes.²

Dr. Prothero says that "the whole quarrel between the Stewarts and their Parliaments lies" in the definition of the prerogative. "Beyond the definite prerogative and outside the area occupied by the law," James reserved "a vague and undefined power to act for the good of the State,"³ and we may also add - of the Church. Here again we see that salus populi, as the monarch would choose to define it, suprema lex esto.

¹James Welwood, Memoirs of the Most Material Transactions in England, for the Last Hundred Years, Preceding the Revolution in 1688 (4th ed.; London: Printed for Tim. Goodwin, 1702), p. 19.

²James I, "Letter to the Archbishop of Canterbury" (1622), cited in Prothero, op. cit., p. 423.

³Prothero, op. cit., pp. cxxv, cxxiii.

In spite of the King's "No bishop, no king" ultimatum in 1603, he was determined by 1606 - if not before - that he could do very well without Convocation's delving into the mysteries of royal supremacy. Doubtless, the Canons of that year represented a sincere attempt to give a logical and historical basis to the King's relations with the Church, but in formulating them Convocation had intruded upon what James felt to be the King's arcana imperii.¹ In James's ears these episcopal affirmations had a ring reminiscent of that "two kingdom" theory he had come south to escape.² He refused them his assent.

Two centuries earlier Conciliarists had asked themselves what was involved when confronted with an interdict from the Church's acknowledged head. Here again when the Church - without desire of diminishing the ecclesiastical supremacy - felt the need of more authority, its elbow-room was crowded by the Defender of the Faith.

A less subtle source of opposition came from the Jesuits. Canon xxxvi³ denies that the Catholic Church "was otherwise visible than per partes." In other words, catholicity is comprised in a federalism in which particular churches have co-existed with particular groups of people since the time they "were dispersed into all the places of the world."⁴

¹Cf. James's letter to Dr. Abbot, cited in Welwood, op. cit., pp. 38-41.

²Cf. especially Canons of 1606, Bk. I, No. xxix.

³Canons of 1606.

⁴It may be that I misunderstand him but I find it difficult to reconcile Canon Addleshaw's acknowledgement of this interpretation (Op. cit., p. 157) with his statement that "the Catholic Church is not a federation of national churches. . . The bonds of unity are not uniformity in government and worship" (Op. cit., p. 159). Why does lack of

Now, the Jesuits were realists; they recognized the Reformation as a fait accompli, and governed their tactics accordingly. By conceding the fact of independence in secular matters, they dreamed of saving for the Pope some sort of spiritual leadership over a society consisting of various partes. Bellarmine in 1581¹ admitted that the division had been accomplished and that the King was supreme in the political sphere, but that the ecclesiastical sphere had any claim to catholicity apart from the Papacy he absolutely denied. Moreover, the very power of the King in his own realm was derived from secular sources. Thus, whether the English Church manifested its own dignity or relied on the coactive power of the prince, it was totally out of touch with the Catholic religion. Other Jesuits like Suarez² might agree with Hooker that political power is derived from the community, but in exalting the Pope over the King he set politics apart from theology. The result was as abhorrent to religionists as it was to politicians.

The argument Robert Parsons brought to bear against the alliance between Church and King was significant as an appeal to conscience:

Supposing ther is but one only religion that can be true among christians. . .and moreover seing, that to me ther can be no other fayth or religion avaylable for my salvation then only that which I my selfe do beleeve, for that my owne conscience must testifie for me, or against me: certaine it is, that unto me and my conscience he which in any pointe beleeveth otherwise then I do, and standeth wilfully in the same is an infidel.³

uniformity prejudice federation - or catholicity, for that matter?

¹Cf. Disputationes: De summe pontifice, Vol. I (1581).

²Cf. Tractatus de legibus ac deo legislatore (1612).

³R. Doleman, A Conference about the next Succession to the Crowne of England (Imprinted at N. with Licence, 1594), p. 214.

Having taken a creedal stand, a man's subsequent actions are determined,
for

I affirme and hold, that for any man to give his helpe, consent or assistance towards the making of a king, whom he judgeth or believeth to be faultie in religion, and consequently would advance either no religion, or the wrong. . . is a most grevous and damnable sinne to him that doth it.¹

This, of course, is not an appeal for toleration of any conscience, only the Roman. Whether he was sincere or not, he was asserting Bancroft's belief - from the other side of the fence - that a man should not be expected to act or speak in contradiction to his own belief. Obviously, he had to be resisted for he would use his argument to cover the right of deposing monarchs and releasing subjects from appearance at the High Commission. Though this view seems representative of only a minority of English Romanists it portends a continuing ecclesiastical reaction throughout the seventeenth century.

James I leaves us in no doubt that out of the same cloth as Jesuits are the Puritans cut.² It was primarily as King not as Christian that he feared them both. Perhaps, as McIlwain says, "his own training and convictions in matters purely doctrinal were not essentially different from those of Doctor John Reynolds."³ His approbation of episcopacy is evidently based on political rather than religious reasons. Or, put another way, religion was for him a means toward a political end. Theoretically, he could sacrifice one to gain the

¹Ibid., p. 216.

²James I, "A Premonition to all most Mightie Monarchies, Kings, Free Princes, and States of Christendome," Works, p. 126.

³McIlwain, "Introduction", ibid., p. xc.

other:

I would with all my heart give my consent that the Bishop of Rome should have the first Seate: I being a westerne King would goe with the Patriarch of the West. And for his temporall Principallitie over the Signory of Rome, I doe not quarrell it neither; let him in God his Name be Primus Episcopus inter omnes Episcopos, and Princeps Episcoporum.¹

But the same toleration could not be said to obtain among the Churchmen. At this stage of the seventeenth century they were committed both to the religion and the politics: a developing doctrine of episcopacy depended on the exercise of the royal prerogative. They had even more to lose at the hands of Jesuit and Puritan dissent than the King. From the time of Martin Marprelate to 1641 writers of the latter party continued to make the "stupid assertion" that the bishops persisted in episcopacy knowing full well that it contradicted New Testament law.²

By 1604 it was evident that, for all that men like William Stoughton thought, Richard Hooker had written in vain. His Assertion for True and Christian Church-Policie proposed to prove that a transformation to the polity of Cartwright and Travers could be "planted without any derogation to the Kings Royal prerogative, any indignitie to the three Estates in Parleament. . . then may well be made without damage to the people."³ The dedication of this Puritan author's book to "the most worthy and christian gentlemen, the Apprentices and students of the Innes of Court" is, as Allen says, "perhaps the cleverest thing in the book."⁴

¹James I, "A Premonition," ibid., p. 127.

²Allen, Political Thought, 1603-1660, p. 145.

³William Stoughton, An Assertion for true and Christian Church-Policie (N. p., 1604), Title page.

⁴Allen, Political Thought, 1603-1660, p. 147.

Our concern with this book is not primarily in its description of how Parliament should transform the "Papal Prelacie to a christian Aristocracie,"¹ but rather in its claim that episcopal pretensions violated the reforming legislation of 25 Henry VIII and confirmed by Elizabeth.² We are to note that he strikes at the very root of the Elizabethan bishop's sole source of power: Because sixteenth century episcopacy was wounded in its Achilles' heel, seventeenth century bishops were looking for new succor:

Now that this power properly called spirituall, could have bin drawn from the person of our late Sovereigne Ladie the Queene unto Archbb. and Bishops, we denie. For the Queenes Royall person, being never capable of any parte of this spirituall power, how could the same be derived from her person unto them?³

Since any independent power was denied by Tudor legislation and no spiritual power could be derived from the Crown, what justification was there for an independent spiritual authority? No, the jus divinum of episcopacy was an invasion of the very plenitudo potestatis.⁴

Then too, episcopal authority was doubly odious to the Puritan owing to the spiritual independence that was his reformed legacy. To the man who had assumed the crushing burden of responsibility for his own salvation, how could the corporate conscience of the Church, mediated through a hierarchy, be anything but a stumbling-block along what was at best a steep and narrow way?

¹Stoughton, op. cit., p. 351.

²Ibid., p. 47 f.

³Ibid., p. 50.

⁴Cf. ibid., p. 56.

The contradiction between his isolated conscience and the Established Church was epitomized in his refusal to take the ex officio Oath. This Oath simply required that he assent to answer truly the questions to be put to him regarding his conformity. If Usher is right, the reason he objected affords an excellent insight into why the royal-episcopal alliance had such hard going: "At the bottom of the Puritans' contention, lay the consciousness that he was really guilty of what was technically a crime when he did not believe that it ought to be considered a crime."¹

It is not within our scope to pursue further this aspect of Puritan casuistry, but it is necessary to recognize that the Churchmen's bid for autonomy was countered not simply by a perverseness which solid persuasion could hope to overcome. There was a psychological disparity between the two positions. The Puritan may have professed to turn a deaf ear and blind eye to medieval history, but English tradition meant as much to him as it did to his opponent. Consciously or unconsciously, he grounded his refusal of the Oath on the common law tradition. His dilemma would have to wait till 1689 for solution. In the meantime, he could only protest his loyalty to the King and try to drive a wedge between Crown and Church by pointing out to each his partner's usurpation. Naturally, neither partner took kindly to the warning and the Church's progress was not only unimpeded, but was stimulated as a suppressor of anarchy.

¹Usher, op. cit., I, 364.

Puritan opposition so far as it expressed itself in Parliament was primarily directed against the King's legal right to give law to the Church. The "Apology" of Commons of 1604 was a reminder to the King that he was also a partner of Parliament and would be "misinformed" if he believed that English sovereigns

have any absolute power in themselves, either to alter religion. . .or to make any laws concerning the same, otherwise than. . .by consent of parliament.¹

Because Bancroft had tried to unravel and simplify the legal morass, the stigma fell on the clergy. Nor was anti-clericalism abated by the bishops' pressure in defeating the bill of 1606 which would have brought Convocation under Parliament's control, or their interference with the burning, secular issue of indirect taxation in 1614.²

Not the least interested spectator in the famous controversy between His Majesty and the Lord Chief Justice on 13 November, 1608, was the Archbishop of Canterbury. Everything that Bancroft was striving for hung on James's reply to Coke's dictum: "The comon lawe protecteth the King."³ For if Parliament wanted to take a share in the Church's administration, the common lawyers would have taken over its law - lock, stock, and barrel - as good disciples of Henry Bracton.⁴

As Fuller's case illustrates, the conflict between the King's Bench and the High Commission had at stake the legality of the royal

¹"Apology of the House of Commons," cited in Prothero, op. cit., pp. 290 f.

²Cf. Prothero's remarks, ibid., p. lx f. Cf. Great Britain, Journals of the House of Lords, Vol. II, pp. 447, 705 f.

³For the best reconstruction of the controversy cf. Usher, op. cit., II, 213 f.

⁴Cf. Edward Coke, The Reports of Sir Edward Coke, Knt. in

prerogative and provided one of the most efficient causes of the friction which culminated in the rebellion of 1642.

It is worth remarking the similarity of the fundamental beliefs of Coke and Hooker. In Bonham's case Coke asserted,

It appears in our books, that in many cases, the common law will controul acts of parliament, and sometimes adjudge them to be utterly void: for when an act of parliament is against common right and reason, or repugnant, or impossible to be performed, the common law will controul it, and adjudge such act to be void.¹

As G. H. Sabine reminds us,² this view though extreme was not peculiar to Coke. For him the common law was indigenous to the realm. For Hooker, the philosopher, it was a manifestation of the law of nature. In practice, the difference between the two men was not very great.

Because the common law was dearer to Coke than his own promotion the ranks against the Church were closed. For the sake of the common law he stepped "down off the Bench to make on the floor of the Lower House his alliance with the Puritan squires."³

However Coke's writs of prohibition belied his endorsement of the distinct character of temporal and ecclesiastical law by extending the common law over matters properly considered as spiritual, Coke claimed to do as he did in the interests of the Church itself. If you permit the High Commission, he maintained, to try subjects outside their proper

Thirteen Parts, ed. by J. H. Thomas and J. F. Fraser (London: Joseph Butterworth and Son, 1826), VI, 282.

¹Ibid., Part VIII, sec. 118a, p. 375.

²G. H. Sabine, A History of Political Theory (London: Harrap, 1949), p. 382 f.

³Trevelyan, op. cit., p. 391.

dioceses you not only violate 1 Elizabeth 1,¹ you also

confound the jurisdiction of the Ordinary, who is an officer and minister so necessary, that in divers cases the courts of the King cannot administer Justice to subjects without him.²

We may concede that Coke actually intended no such altruistic interest, but was, indeed, bent upon the destruction of the total fabric of ecclesiastical law. But the vehemence of his feeling reveals the extent to which parliamentarians and the coming generation at the Inns of Court hated and feared the phenomenon represented by Richard Bancroft. Assisted by the higher power's favourable view of a jus divinum episcopacy, there came into respectability among a considerable number of clergy and laity what may, for want of a better term, be called a High Church point of view.³

In 1607 Thomas Ridley, one of the civilians who probably helped Bancroft draft the 1604 Canons, wrote:

Now as things are, neither Jurisdiction knowes their owne bounds, but one snatcheth from the other, in maner, as in batable ground lying betweene two Kingdomes.⁴

That being the case, the situation could only go from bad to worse.

¹Reviving 23 Henry VIII, ix.

²Coke, op. cit., Vol. VI, p. 257.

³In fact, Allen does so call it, Political Thought, 1603-1660, p. 135.

⁴Thomas Ridley, A View of the civile and ecclesiastical law, and wherein the practise of them is streitned, and may be relieved within this Land (London: Company of Stationers, 1607), Dedication.

CHAPTER VI

THE ALIENATION OF THE CHURCH

Critique of the Stuart Arrangement

If the Tudor concept of monarchy was metaphysical, then the Stuart was material. As G. M. Trevelyan reminds us, the Tudors alone knew the secret of "English king-worship."¹ Moreover, when the national independence was released from foreign threat, the need for absolute monarchy became obsolete. The nation could safely take its internal as well as external destiny out of royal tutelage and into its own hands. "Had the Stewarts been far-seeing statesmen," affirms Prothero, "the political change might have been long deferred, and despotism might have been almost insensibly metamorphosed into constitutional monarchy."²

Instead, blind to national developments, they abused their rights, strained the law, and perverted custom. Rights, so abused, cannot be maintained. In 1624 James I had to yield on every Protestation that the House of Commons had made in 1621. He was no tyrant by

¹Trevelyan, op. cit., p. 380.

²Prothero, op. cit., p. xxix.

nature but because he was out of touch with national policy, early in his reign it became impossible to regard him as in any sense a leader of national action.¹

As a thorough-going subscriber to Byzantinism his exercise of the royal prerogative was not legal and constitutional, but religious and personal. The issue, as we have seen, was the definition of royal prerogative. Dr. Cowell spoke after the King's heart when he described it as

that especial power, pre-eminence or privilege that the King hath in any kind, over and above other persons and above the ordinary course of the common law.²

In this law did James meditate day and night.

"No bishop, no king" was the practical expression of Cowell's definition. This arrangement was as reasonable and essential to Bancroft as it was to James. Inversely, when the King lost the nation so did the Church. That kind of an ecclesiastical administration which best ministered to Bancroft's ideal served itself of a doctrine of royal supremacy involving the very personality of the Christian prince. The belief in the King as the Lord's anointed is a rather different thing from Hooker's prominent belief in the representative and constitutional character of monarchy. The Jacobean and Caroline ecclesiastics who appropriated Hooker's work and reputation were, as Bishop Henson states, "men of another spirit."³

¹Cf. S. R. Gardiner, The Constitutional Documents of the Puritan Revolution, 1625-1660 (3rd ed.; Oxford, 1936), p. xii.

²John Cowell, "Interpreter," quoted in Prothero, op. cit., p. 410. Italics mine.

³H. H. Henson, Studies in English Religion in the Seventeenth Century (London: Murray, 1903), p. 144.

That they pursued the only course open is beside the point. When James declared, "I will have one doctrine, one discipline, one religion, in substance and in ceremony," no one need have been surprised;¹ but when Bancroft made that dream his own and reconstructed on definite and logical lines a Church that was also to comprehend the nation, he was committing himself to an impossible ideal. If the Church was to include the nation it had to remain as formless and incoherent as Elizabeth had left it. The almost fatal flaw of trying to maintain the Church's comprehensive character by force was only aggravated by the jealousy as to the whereabouts of jurisdiction.

Bancroft left no doubt that the ship's officers intended her to be a full-fledged man-o'-war. But the fact of a disloyal crew and conflicting sailing orders could not be neutralized by military discipline. Mutiny was in the offing.

The Church's Commitment to the Crown

Of equal force with his conviction that the majority of Englishmen cherished his concept of church establishment was Bancroft's belief that the connection between Church and State was not only unavoidable, but, indeed, essential. Reformation depended on the godly prince. But no sooner did the Canons of 1604 come under the protective custody of the High Commission than James formally exposed the vulnerability of the alliance. Perhaps this partnership was no more false than had existed during the preceding post-Reformation reigns, but now

¹Fuller, op. cit., III, 208.

Parliament was stronger than then.

It probably occurred to no one on either side that religion and politics do not mix, but the times were wiser than the men. When, for instance, on 7 July, 1610, the Lower House petitioned the King for relief from "performance of whatsoever shall be by the commissioners ordered,"¹ and His Majesty, in the interests both of the episcopate and the existence of his very throne, turned a deaf ear, the Commons replied by bringing to an end the financial treaty known as the Great Contract. It is here that religion and politics became fused in a way that would have been unknown in the preceding reign.

In the field of law this confusion had been abetted by such an argument as that put forward by Dr. Cowell in 1605. In his Institutiones Juris Anglicani he maintained the essential unity of both the common and ecclesiastical law. Pursuing his logic he concluded that since ecclesiastical jurisdiction was not united with the Crown, the temporal courts should desist their hostility and their writs of prohibition, and admit ecclesiastical courts to practical as well as legal equality.²

Let it be said that in this wedding of Church and Crown the burden of the wooing was rather well distributed between both parties. The King needed the Church, but the Church's bid for ascendance prompted its own initiative. Dr. Cowell wrote his book at the behest of Bancroft.

¹Petyt, "Jus Parliamentarium," quoted by Prothero, op. cit., p. 302 f.

²Cf. Usher, op. cit., II, 211.

Theological considerations among Anglican clergy or laity regarding concepts of church establishment at this period contributed relatively little to its development, for the Church had hitched its destiny to a political star. Bishop Frere concludes:

The struggle between puritanism and churchmanship was now beginning to become more a political than an ecclesiastical **question**: the bishops leaned on the commission, the commission on the king; and thus the Church entered on a false alliance with untenable royal claims to prerogative and absolute government.¹

A question that may well be asked at this point is, how did the Crown take to the way it was being "used" by the Church? Though James rebuked Dr. Abbot for Convocation's delving into explanations of the royal supremacy, there is no indication that at any time during his reign he had occasion to go back on his original intention that "while I am in England I will haue Bishops."² His son's view on the subject is dramatically illustrated in his promotion of Richard Mountagu in 1628.

This divine had written A New Gagg for an Old Goose in 1624 for the purpose of showing to what extent the English Church's teaching differed from Rome and had succeeded in drawing from his opponents the verdict that it differed very little indeed. He went no further than the position represented by Carleton and Field that the Church alone (i.e., the clergy) has the right to decide on doctrine. Rejecting the

¹W. H. Frere, The English Church in the Reigns of Elizabeth and James I (London: Macmillan and Co., 1904), p. 323.

²Harleian MSS 828, f. 32, quoted in Usher, op. cit., II, 351.

Crown's right to declare the faith he dedicated his book to James I with the very words used by Ockham to Lewis of Bavaria: Domine Imperator, defende me gladio et ego te defendam calamo.¹ The following year he propounded neo-catholicism² with the concession that

the Church of Rome is a true, though not a sound Church of Christ, as well since, as before the Councell of Trent; a part of the Catholick, though not the Catholick Church.³

"In Essentials and Fundamentals" Romanists and Anglicans are in agreement. His second book, rebutting attacks on its predecessor and dedicated to the new King, was significantly entitled Appello Caesarem. Two years later Charles I was pleased to acknowledge the appeal in the teeth of the tempest it had provoked by appointing its author to the See of Chichester. "The King was making very clear his determination," writes Allen, "to secure ascendancy in the Church for the High Church party."⁴

¹Richard Mountagu, A Gagg for the new Gospell? No: A New Gagg for an Old Goose. . .or An Answer to a late Abridger of Controversies, and Belyar of the Protestants Doctrine (London: Printed by T. Snodham for Matthew Lownes and Wm. Barret, 1624), Dedication.

²Eleven years later he declared his exclusive doctrine of episcopacy: "Non est sacerdotium nisi in ecclesia, non est ecclesia sine sacerdotio. Illud autem intelligo per *χειροθεσίαν* episcopalem ordinarium. Neque enim admittendam censemus extraordinariam aliquem seu vocationem seu *λειτουργίαν*, nisi miraculosam. . .Nam quod praetendunt, ordinariam vocationem retinendam, adhibendam, eique adhaerendum, nisi in casu necessitatis, absurdum est, et suppositione innititur impossibilitatis" (Richard Mountagu, "Origenes Ecclesiasticae," II, 463, quoted by A. J. Mason, The Church of England and Episcopacy [Cambridge, 1914], p. 152).

³Richard Mountagu, Appello Caesarem. A Just Appeale from two Unjust Informers (London: Printed for Matthew Lownes, 1625), p. 113.

⁴Allen, Political Thought, 1603-1660, p. 168.

Admittedly, Mountagu stands at the head of an extremist position. As Professor Sykes has shown,¹ this stand was as unrepresentative of the main body of Anglican tradition as the Latitudinarian on the other side. Between were the majority of Anglicans. If it were our business to trace a history of the teaching on episcopacy at this period it would be to this group that we would look. Sykes has demonstrated that the prevalent belief on the necessity of episcopacy, including the position of William Laud, may be expressed in the dichotomy: Episcopacy is essential in the Church of England; but continental reformed churchmen are not to be unchurched for their lack of it.

Whatever may have been the popularity of moderation in the two decades preceding the Civil War, our concern is with the actual relationship obtaining between the Established Church and its people. Because the extremist position predominated the Church lost its people. Thus, we deviate from the main stream into the high church channel not to determine the Anglican consensus on Church-State relations, but rather to ascertain why the prevailing concept did not work. The loss of its people by the Church played a vital role in determining the concept that would work.

The destiny to which Bancroft committed the Church was fulfilled at the hands of William Laud. To say that Laud propped the Church with a broken reed is to misunderstand his concept of the role of the godly

¹Norman Sykes, "The Church of England and Non-Episcopal Churches in the Sixteenth and Seventeenth Centuries," Theology, Occasional Papers, N. S., No. 11 (London: S. P. C. K., 1948), p. 14 ff.

prince, but it is true that to William Laud goes the responsibility for tying the Church to the Crown precisely at the time when the Crown was losing contact with the national sentiment. The process had begun under James; it was accelerated and consummated by his son. With the Stuart predilection for taking the concept of divine right personally, Charles openly played the part of an ecclesiastical partisan. The party which His Majesty favoured, "however rich in personal distinction, however strong its intellectual position and equipment, was not that which, to the view of ordinary Englishmen, seemed most morally impressive."¹

The outstanding doctrinal contributions to the cause which Laud represented were variations on the old theme, the thirteenth chapter of Romans. "It is evident," Laud declared, "that the office and person of the King is sacred."² We may imagine with what grace the Parliament of the year before had taken to his opening sermon:

All judges and courts of justice, even this great 'congregation,' this great council now ready to sit, receive influence and power from the King, and are dispensers of his 'justice', as well as their own. ³ .., the King God's High Steward, and they stewards under him.³

Fifteen years later the obnoxious Canons of 1640 would declare in the face of Romanists and Puritans alike, "The most high and sacred order of kings is of divine right."⁴

¹Henson, op. cit., p. 30.

²William Laud, "Sermon of 5 July, 1626," The Works of the Most Reverend Father in God, William Laud (Library of Anglo-Catholic Theology; 7 vols., Oxford, 1847-60), I, 132.

³Laud, "Sermon of 19 June, 1625," Works, I, 100 f.

⁴Canons of 1640, i, printed in Cardwell, op. cit., Vol. I.

R. H. Tawney has drawn attention to that side of Laud's life which has been neglected by historians and which helped conspire to his undoing, namely, his social policy.¹ If building up the honour of the Church appealed only to Churchmen, so, championing the cause of the poor appealed only to the politically unorganized and impotent. Thus, Laud turned to the only authority he knew to underwrite his ecclesiastical and social ventures. "Thorough" was a blanket policy for national reform:

The only way to make God 'arise'. . . is, for both King and people, State and Church, to weave their 'cause' and God's together.²

In his impatience and thoroughness he had bitten off more than he could chew, and if the parties whose banners he carried were grateful, they were inarticulate. "The very monopolisation of power, which proved his personal success, was proof also of his isolation. He laboured alone in a cause," writes his modern biographer.³

In Hooker's identification of Church and Commonwealth the administration of spiritual and secular law is in the hands of separate officers,⁴ but in Laud the distinction is lost:

Both Commonwealth and Church are collective bodies, made up of many into one; and both so near allied, that the one, the Church, can never subsist but in the other, the Commonwealth;

¹R. H. Tawney, Religion and the Rise of Capitalism, chap. iii.

²Laud, "Sermon of 5 July, 1626, on the text, Ps. 74:22," Works, I, 145.

³H. R. Trevor-Roper, Archbishop Laud, 1573-1645 (London: Macmillan and Co., 1940), p. 296.

⁴Cf. Hooker, Polity, VIII, i. 4.

may, so near that the same men, which in a temporal respect make the Commonwealth, do in a spiritual make the Church.¹

Presumably human effort could do no more than when in 1635 he succeeded in having Bishop Juxon of London appointed to the Privy Council as Lord High Treasurer, the first time an ecclesiastic had held the post since the Bishop of Ely's appointment in 1469. "And now," Laud wrote in his diary, "if the Church will not hold up themselves under God, I can do no more."²

In spite of his high view of the episcopal office, Laud was careful to observe the practice of the time not to trespass upon the royal authority upon which he leaned:

Our being bishops jure divino. . .takes nothing from the King's right or power over us. . . . We may not exercise that power, either of order or jurisdiction. . .in. . .any Christian king's kingdoms, but by and under the power of the King.³

In all Laud's controversies with Prynne, he stands out as defender of the "coactive" power of the Crown, while the latter resists him in behalf of Parliament. Did Laud actually believe absolutism justified in the hands of the Sovereign? His actions certainly point to the affirmative but that he cherished absolutism as an ideal is to be doubted. Professor Allen declares, "I see no sign in his writings of such a belief or hope. I was never such a fool", he said, 'as to embrace arbitrary government'. . . . So far as his personal action goes he seems always to have desired to keep within what he regarded

¹Laud, "Sermon of 16 June, 1621, "Works, I, 6.

²Laud, Works, III, 226.

³Laud, "Speech at the Censure of Bastwick, Burton, and Prynne," Works, VI, 43.

as law."¹

As common law had been the all-consuming passion for Coke and as republicanism had been for Prynne, so Laud lived and moved and had his being in pursuit of national religious unity:

Ever since I came in place, he wrote during his final imprisonment, I laboured nothing more, than that the external public worship of God. . . might be preserved, and that with as much decency and uniformity as might be; being still of opinion, that unity cannot long continue in the Church, where uniformity is shut out at the church door.²

In 1622 he had "had a hand" in James's declaration limiting freedom of religious discussion. This was in keeping with his character as well as his ideal. The way to secure orthodoxy was not to prove true belief but to enforce it, to overwhelm by authority. Star Chamber and High Commission, not the parish pulpit, were the means of conformity.

Now, the corollary to the divine right of kings is passive obedience. In Presbyterian soil the Churchman was plowing fertile ground. Preaching at Westminster, 6 February, 1625/6, Laud laid the direction of his furrow:

They, whoever they be, that would overthrow sedes Ecclesiae, the "seats of ecclesiastical government", will not spare, if ever they get power, to have a pluck at the "throne of David".

¹Allen, Political Thought, 1603-1660, p. 183. In fact, Laud's belief in the necessity of governmental control of economic individualism, which he considered as a religious and patriotic question, was one of the causes evoking the wrath of the squirearchy. It was the old question, not of the necessity of law, but of who benefits thereby: "If any man be so addicted to his private, that he neglect the common State, he is void of the sense of piety, and wisheth peace and happiness to himself in vain. For whoever he be, he must live in the body of the Commonwealth, and in the body of the Church" (Laud, "Sermon on the King's Birthday, 19 June, 1621," Works, I, 28 f.).

²Laud, "History of the Troubles and Trial," Works, IV, 60.

And there is not a man that is for "parity", - all fellows in the Church, - but he is not for monarchy in the State.¹

The identification of religious and political obligations was left in no doubt by Dr. Sibthorpe in 1626, preaching on the text, Romans 13:7:

If princes command anything which subjects may not perform, because it is against the laws of God or of nature, or impossible, yet subjects are bound. . .to yield a passive obedience.²

The following year brought from Dr. Maynwaring the declaration indicating that the theory of divine right kingship had reached its zenith:

No subject may, without hazard of his own damnation in rebelling against God, question or disobey the will and pleasure of his Sovereign.³

The idea of unity of religion and politics, then, was complete in this theory - but there was a limitation to it. It only applied to England. For Laud the ideal of the unity of Christendom held little appeal. In 1634 an appeal for exemption from Laud's ecclesiastical strictures was addressed to Charles by the foreign congregations residing "within his diocese".

We can never believe, they petitioned the King, you will endure to see in your reign so great a desolation to arise; that such a number of poor Christian people, who having fled the fire, massacres, and persecutions abroad, and being come hither. . .should on a sudden be thus cast out.⁴

¹Laud, "Sermon III," Works, I, 83.

²Sibthorpe, "Sermon on Apostolic Obedience," quoted in Prothero, op. cit., p. 437.

³Maynwaring, "Sermon I, 4 July, 1627," quoted in Prothero, op. cit., p. 438.

⁴David Wilkins, Concilia Magnae Britanniae et Hiberniae, a

"Especially at this time wherein the churches of Germany do even swim in their natural blood, and the churches of France in their own tears - ".¹ But appealing to a conception of the unity of Protestantism, as was effective in the days of the St. Bartholomew Massacre, was in this day to touch the English Archbishop where he had no feeling. Laud's interest in religious unity was confined to the national Church, not in any scheme for bringing together episcopal and non-episcopal Protestants - as John Durie had learned to his dismay.²

This was unfortunate, for ecclesiastical isolationism at this period of England's history was not only alien to the spirit of the time, but like all introversion, it was also self-stultifying. Laud lacked the comforting assurance that religious nonconformity did not jeopardize political obedience. Professor Gardiner writes:

As the leader of a governing minority, he was beset with fear that his work would crumble away the moment the strong hand of Government was withdrawn from its support. . . . In proportion as his weakness grew more evident his intolerance increased. The true word and thought could not proceed from one who was occupying the ground on which he was standing.³

Synodo Verolamiensi A. D. CCCXLVI ad Londinensem A. D. CDDCCXVII. Accedunt Constitutiones et alia ad Historiam Ecclesiae Anglicanae spectantia (Vol. IV; London, 1737), p. 491.

¹Ibid.

²Public Record Office, Great Britain, Calendar of State Papers, Domestic Series, of the Reign of Charles I., 1633-1634 (London: Longmans, Green, 1863), Vol. CCLIX, No. 23.

³S. R. Gardiner, History of England from the Accession of James I to the Outbreak of the Civil War, 1603-1642 (London: Longmans, Green, 1884), VIII, 166.

As the proceedings against Burton, Bastwick, and Prynne illustrate, the Star Chamber was more and more forced to rely on arbitrary administration propped up by legal pronouncements from a judiciary dependent on the government.

It is important that we note how far we have come from Tudor Erastianism: Now the Church is using the Crown to secure the ends it deems necessary to its own well-being. Divine right kingship may have been an end of preaching, but it was not an absolute end. It was also a means to a higher end - divine right episcopacy.

Displacement of Parliament as the
Ecclesiastical Lawmaker

A true perspective of the ascent of the episcopate can only be reached if it be appreciated that it attained its position at the expense of Parliament. The true development of Hooker's theory was towards that supremacy of Parliament as did finally obtain, but its growth was momentarily stunted by men preoccupied with the realization of an ideal inadvertently held up to them by Richard Bancroft.

But whereas Bancroft had departed from Hooker in denying Parliament's right to ecclesiastical legislation, he refused to grant complete autonomy to the Church by asserting that the Convocation of bishops was the Church's sole lawmaking body as ordained by God. That conclusion was developed by Field, Carleton, and Laud.

Professor Sykes has shown that Andrewes, Laud, Bramhall, Hall, and others, exculpated foreign churches lacking episcopacy,¹ but for

¹Sykes, op. cit., pp. 16 ff.

Laud, at least, let it be admitted that such toleration was largely academic. In England no such excuse for lack of episcopacy could be argued as for the continental churches.¹ Thus, under Laud's hand episcopacy became the esse of the Church of England:

All. . .forensical jurisdiction, I and all bps. in England derive from the Crown. But my order, my calling, my jurisdiction in foro conscientiae, that is from God, and from Christ, and by divine and apostolical right.²

With the Etcetera Oath (1640) Laud's divine right theory became the Church's, and for the first time a Convocation committed itself to government by bishops as a thing "necessary to salvation."³ Unlike Hooker in the arresting of historical development, but like him in appreciating the value of history to prove his point, Laud rooted English episcopacy in the Apostolic tradition. However his persecutors might stigmatize it as the "Archbishop's pedigree", it was

a great honour to the Church of England, and a great stopple in the mouths of the Romanists, that her bishops can derive their calling successively from S. Peter.⁴

Rome has no exclusive right to St. Peter, Laud wrote in his "Conference with Fisher."⁵

In turning from the Canons of 1604 and 1606 to the Canons of 1640, the reader is immediately aware that he is on different ground and

¹Ibid., p. 34.

²Laud, "History of the Troubles and Trial," Works, IV, 196.

³Cardwell, op. cit., I, 402.

⁴Laud, "History of the Troubles and Trial," Works, IV, 340.

⁵Laud, Works, II, 205.

partaking of a different spirit - entirely apart from the contents. The 1640 Canons are cast in the form of affirmative statements rather than negations of errors or heretical beliefs. This, in itself, is a departure from the expedient policy of noncommittal which until Laud's time had marked the official way of getting things done "unofficially." As Trevor-Roper comments, the publication of the 1640 Canons transformed high-churchmanship from a policy into a principle and "immediately drew attention to a state of affairs which had already persisted for several years."¹

Canon 1, "Concerning the Regal Power", shows the extent to which the King is separated from his Parliament. It is not even mentioned. Nor is there any law save the vague and indefinite "sacred ordinance." Perhaps Laud thought he had closed the book on Parliamentary interference when he noted in his diary on 10 June, 1637:

My book of the Records in the Tower, which concerned the Clergy, and which I caused to be collected, and written in vellum, was brought me finished.²

The Venetian Ambassador explains:

In addition to the sentences of the lawyers, the Archbishop of Canterbury has had a careful collection made of all the Councils held in England, of which the manuscripts have been preserved till now, to cause them to be printed with an introduction by himself, in which he undertakes to demonstrate the antiquity of the church for the satisfaction of the people, and proves that all ecclesiastical matters may be defined by councils of bishops without parliament having any cognisance or interest therein, so that. . .parliament is deprived of authority and the

¹Trevor-Roper, op. cit., p. 391.

²Laud, Works, III, 228.

king, as head of the Church, will never have occasion to summon it for that purpose.¹

Now Laud's ideal was not an absolutism, yet that is what his life's work implies. Where did he find his authority and inspiration for such a theory of legislation out of keeping with England's recent and more remote past? Surely not from Hooker.

It is far more likely that he worked from present to past, from his own unstable position to the surer footing of such "orthodox" reformed authorities whose writings would admit of such tendentious interpretation as he might assign. Hooker's third and fifth Books were in circulation and would have tended to counteract whatever use he might have made of the manuscript of Book VII, had it been in his possession and had it expressed his view.² Rather, it was to Bishop Bilson's "The Perpetual Government", to the Preface to the Ordinal as confirmed by an enactment of Elizabeth,³ and even to John Calvin to whom he turned for support of jure divino episcopacy during his trial.⁴

In spite of the testimony of the Venetian Ambassador Laud apparently never stated that Parliament should be completely dispensed with in favour of Convocation. On this subject his language is confused and ambiguous. "The determining power for the truth or falsehood of the doctrine, heresy, or no heresy, is in the Church."⁵ But who was the

¹Commissioners of H. M. Treasury, Great Britain, Calendar of State Papers and Manuscripts, Relating to English Affairs, Existing in the Archives and Collections of Venice, and in other libraries of Northern Italy, Vol. XXIV (1636-1639), (London: H. M. Stationery Office, 1923), No. 168.

²Cf. F. J. Shirley, op. cit., p. 111.

³8 Elizabeth 1.

⁴Laud, "History of the Troubles and Trial," Works, IV, 309 ff.

⁵Ibid., p. 352.

Church? Carleton and Field had distinguished sharply between Church and State. Laud had used almost the words of Hooker in describing the co-existence of the two, but clearly his conclusion was much closer to Field's than to Hooker's. Hooker had maintained that since they are one society, "to define our Church's regiment the Parliament of England hath competent authority."¹

Laud conceded that "the King and his High Court of Parliament may make any law what they please", even to the substitution of "Turkism" for Christianity.² But he absolutely denied that Parliament had the power to determine true doctrine without assent of "the Clergy in their Convocation."³ In other words, Parliament can legalize enforcement, but that is all. If, with Hooker, he held that Parliament represents the whole nation in its spiritual aspect, what is the need for Convocation's assent? If, with Carleton and Field, he held that Convocation with the King's assent is sufficient for enacting positive law, why is Parliament necessary? Why did Laud who was otherwise so meticulous equivocate here?

We cannot tell, but doubtless the fact of his opposition, present from the beginning, played a large part. The unity of Church and State, which was a fact for Richard Hooker, safe in the seclusion of his study, was only an ideal for William Laud, the man in office whose job it was to put it to work. Hooker could always retreat from the "accessories"

¹Hooker, Polity, VIII, vi, 11.

²Laud, "History of the Troubles and Trial," Works, IV, 353.

³Ibid., p. 352.

to "the very essence of Christianity." That was an academic luxury denied to Laud for whom it was only too obvious that, however he narrowed his field, the House of Commons would never agree with him even as to "essentials."

Validity of Laud's Position

In spite of his confusion it is evident that Laud's practical conclusion was that Church legislation could be very well handled without Parliament's interference, as his approval of the proceedings of the Convocation of 1640 indicates. Convocation, not Parliament, represented the Church. Now, there was evidence of the validity of this opinion, for Parliament also distrusted the very individualism it was supposed to represent.

Undoubtedly, the Puritan's feeling that rendered him "more fearful of displeasing God than all the world"¹ made him a natural republican, impatient of any power standing between him and his soul's salvation. Canon i of 1604 had registered the Church's reaction to irresponsible membership thus engendered by insisting that to the Head of the Church all Englishmen "do by God's laws owe most loyalty and obedience, afore and above all other powers and potentates in earth."

Notwithstanding, Parliament itself at this stage did not trust the nation, as its reservation of Parliamentary action in the Agreement

¹Richard Baxter, Reliquiae Baxterianae: or, Mr. Richard Baxter's Narrative of the most Memorable Passages of his Life and Times, publ. by Matthew Sylvester (London: Printed for T. Parkhurst, et al., 1696), Bk. I, part i, p. 31.

of the People (1649) indicated.¹ It had shown the same reluctance in debating the Nineteen Propositions made to Charles I (1642), when to neither party within the Houses did the possibility occur to diminish the sphere of governmental authority by enlarging the sphere of individual right. "The execution of Charles I," writes Trevelyan, "marks the moment at which the failure to carry on government by consent was admitted and proclaimed, and the 'forced power' established."²

The fact that the Discipline could have taken any grip on the Long Parliament is evidence that those who supported it, at least, did not consider themselves as stewards of individual religious liberty. Nor is there reason to believe that the Erastians were any more inclined to receive their mandate from the people. It is probably true that to the depopulating landlord who felt the weight of Laud's social policy the thought occurred that his oppressor was intruding upon his individual rights,³ but, these considerations apart, the Parliament that bought its victory by submission to the Scottish Covenant was in no position to quibble about the right of private conscience.⁴

So, if Laud did not trust the people, Parliament did not either. The power of individual persuasion at this period of the seventeenth century was, as T. H. Green says, a "spirit without a body."⁵ Laud did

¹Cf. Gardiner, Constitutional Documents, pp. 1-11.

²Trevelyan, op. cit., p. 416.

³Cf. supra, p. 202, n. 51; and R. H. Tawney, op. cit., p. 176.

⁴Cf. Figgis, Divine Right of Kings, p. 335, n. 1.

⁵T. H. Green, Four Lectures on the English Revolution (London: Longmans, Green, 1912), p. 51.

not work out a political philosophy but there was a justification for his Byzantinism when viewed in the light of its alternate. We may go further: Religious toleration was furthered by the conflict of such mutually exclusive claims as those of Laud and his opponents.

The Church Discredited by
Personal Antipathy to Laud

When Parliament assembled on 1 January, 1629/30, it was clear that it intended to waste no more time remonstrating Churchmen for their pretensions but was going to lay the axe at the root of the tree. One name led all the rest in infamy and that name was Laud. Sir John Eliot touched the nerve of the disaffection and expressed the feelings of many of his colleagues when, referring to the Episcopal Bench, he declared, "I reverence the order, though I honour not the man."¹ Laud, not episcopacy qua tales, was the hare the hounds were pursuing. This Parliament lasted only three months but it was long enough to make its intention clear.

The Parliament which was broken up this March 10, laboured my ruin, Laud wrote in his diary, but. . .found nothing against me.²

During the eleven years of personal rule which followed, the bond between King and Church grew firmer while the breach between both and the nation grew wider. "Not only Puritans but ordinary Protestants were alienated by Laud's efforts to enforce uniformity in the Church,"

¹Trevor-Roper, op. cit., p. 93.

²Laud, "Diary," Works, III, 210.

writes Dr. Gardiner.¹ To the religious dissentients were added those who resented the extra-Parliamentary levies on their pocket-books in the form of the Tonnage and Poundage payments (1629) and the imposition of Ship-money (1634). Laud's social policy touched the same pockets and shared the resulting wrath.

When the Long Parliament assembled the attack by legislation was renewed, against the Church with the Clerical Disabilities Act (1641/2), and against the Crown with the Nineteen Propositions (1642).

Underneath all of Parliament's animosity toward Laud lay the fear of popery. The Root and Branch petition of December, 1640, referred to the Canons of the Convocation of the same year as intending "to propagate Popery," while the Liturgy was attacked in language reminiscent of the Admonition of 1572 as "framed out of the Romish Breviary, Rituals, Mass-book."²

Indeed, there was good reason for their fears, for however true Laud was to reformed Protestantism,³ he did not satisfactorily dissociate himself from the responsibility for which he was charged. By accepting - not to say demanding - Star Chamber backing in defence of the bishops and their ecclesiastical jurisdiction, the whole method smacked of inquisition. Also his royal patronage further implicated him. The King's intercourse with the Papal agents, particularly with Con who assured him that in the eyes of Catholics he was above Parliament, the Romanist conversions in Court that in 1636-7 reached alarming proportions under the

¹Gardiner, Documents, pp. xxiii, f.

²"The Root and Branch Petition," Nos. 19 and 18, cited in Gardiner, Documents, p. 141.

³Cf. his defence of the charge of Romanism at his trial, Works, IV, 61 f.; and the statement in his will, Works, IV, 449.

benevolent nurturing of the Queen, the licensing and circulation of books of near-Romanist doctrines - all of this climaxed in 1640 by the discovery of Strafford's readiness to use his army in Ireland "to reduce this kingdom"¹ - made Parliament alive to the threat.

Whatever other significance may attach to the serious division which the Root and Branch Petition caused in the Commons, it is evident that in December, 1640, Parliament was not yet prepared to abolish episcopacy as an ecclesiastical office. At the beginning of this session many petitions poured in from the counties on the general subject of grievances over the increase of Popery, the renewing of frivolous and idle ceremonies, and the non-Parliamentary Canons. "It is such petitions," writes Dr. Shaw, "rather than in those advocating the abolition of Episcopacy, that can be discerned the true measure of reformation desired by the country at large."²

Bishop Henson calls the Etcetera Oath the "last straw" of Laudianism.³ Until this time the Puritans could complain that the royal prerogative was unsatisfactory or impolitic. They could, for instance, say that Charles's arbitrary ruling in the St. Gregory's Church case was a violent departure from Elizabeth's policy of expedient compromise. But because he had not infringed an act of Parliament, they could not claim that the exercise of the prerogative was illegal.

When the prerogative was called upon to enforce the dictates of the non-Parliamentary Canons and Oath, however, the legality was, to

¹Gardiner, History of England, IX, 229.

²W. A. Shaw, A History of the English Church during the Civil Wars and under the Commonwealth: 1640-1660 (London: Longmans, Green, 1900), I, 8.

³Henson, op. cit., p. 148.

say the least, dubious; and the impolicy of the vague abbreviation "etc." opened the door to infinite possibilities of dissent. Richard Baxter's reaction was typical:

The Et caetera Oath. . . was a chief means to alienate me and many others from it (sc. English episcopacy). For now our drowsie mindlessness of that subject was shaken off by their violence; and we that thought it best to follow our business, and live in quietness and let the Bishops alone, were rowzed by the terrours of an Oath to look about us, and understand what we did.¹

Although the full responsibility for the Oath does not lie with Laud alone, as Trevor-Roper reminds us,² it was on Laud that the vituperation fell.

Mr. Harbottle Grimston, whom Shaw calls "the very embodiment of a constitutional Conservative,"³ attacked Laud not primarily on the religious question but on parliamentary privilege.

They would have us. . . swear to a damnable heresie, that matters necessary to Salvation are contained in the Discipline of our Church. . . And whatsoever may be said of the Function of Bishops, it is one thing: But for their Jurisdiction, it is merely humana institutione, and they must thank the King for it.⁴

A month later Mr. Grimston was for grinding "the Viper" into the dust. On the floor of the House he asserted:

I conceive it most necessary and fit that we should now take up a resolution to do somewhat, to strike while the Iron is hot, and to go up to the Lords. . . and to accuse him of High-Treason.⁵

In the debate on the London Petition (11 December, 1640) the speeches of Lord Digby and Lord Falkland are suggestive. The latter's

¹Baxter, op. cit., Bk. I, part 1, p. 16.

²Trevor-Roper, op. cit., p. 392.

³Shaw, op. cit., I, 10.

⁴John Rushworth, Historical Collections (London: Chiswell and Cockerill, 1692), IV, 35.

⁵Ibid., pp. 122 f.

argument, particularly, representing the least fanatical and best informed public opinion, expresses the thought that episcopacy, stripped of temporal functions, should be preserved:

Mr. Speaker, I do not believe them (sc. bishops) to be Jure divino. . .but neither do I believe them to be Injuria humana; I neither consider them as necessary, nor as unlawful, but as convenient or inconvenient. . . My Opinion is, That we should not root up this Ancient Tree, as dead as it appears, till we have tried whether by this, or the like lopping of the Branches, the Sap which was unable to feed the whole, may not serve to make what is left both grow and flourish.¹

Popular petitions and speeches in Parliament indicate that it was Laud, not episcopacy, who by November, 1640, had fallen into such disrepute.

Alienation Completed

Then laying his head upon the block and praying silently to himself he said aloud, "Lord, receive my soul". . .²
Thus, Laud fell, and the Church fell with him.

It was inevitable that this should have been so. Laud encouraged his Church in its concept of independent status, co-existing with the nation; but jus divinum episcopacy depended for its survival on a political power that had already forfeited national leadership. Laud, having entered the political arena, failed to arm himself with the weapons of political power: self-defence and self-sufficiency.

His Church reform depended on the royal prerogative as did his social reform, but in the pursuit of reformation he succeeded in alienating those on whom his defence depended. His influence with the Court,

¹Ibid., p. 186; Lord Digby's speech is on p. 170.

²Peter Heylyn, Cyprianus Anglicus: or the History of the Life and Death of the most Reverend and Renowned Prelate William by Divine Providence, Lord Archbishop of Canterbury (London: A. Seile, 1668), pp. 537, 539.

particularly with the Queen, worsened in proportion as Romanist conversions multiplied. He increased the animosity of those who had political power for all the good-will he created among those who had none.

The mortal blow to Laud's Church was not struck of a sudden. "It would not be easy," writes Trevor-Roper, "to assign it to a precise date. But it was delivered with deadly aim for it struck at the very foundations of his power - the government."¹

Besides, the very backward look of Laudianism was alien to the English mind:

English churchmen, writes Bishop Henson, were invited to turn their backs on the present and to seek their precedents and ideals in a distant and ill-understood antiquity.²

And this, at a time when political development was in full vigour. His ideal of a national Church would have "frozen" religion in its tracks. The union between Church and State was so close it could not but prove itself oppressive and obstructive.³ And it involved a clerical autonomy and authority that was a complete reaction to Henry VIII's Act for Submission. With Laudianism the majority of English Protestants were offended and whatever else the Church of England gained thereby, it lost forever its national character.

In the descent from the Anglicanism of Hooker to that of Laud is represented the metamorphosis from what T. H. Green calls a "statesmanlike endeavour to reconcile the protestant conscience to the necessities

¹Trevor-Roper, op. cit., p. 296.

²Henson, op. cit., p. 34.

³Cf. Nicolas Berdyaev's excellent chapter, "Man and Caesar - Authority," with its assertion that "monism, whether religious or anti-

of the state and society" to the "jesuitical conscience. . .which is fatal to true loyalty."¹

James I and his son never rose beyond a Byzantinism which they expected religion to justify and serve. The same policy was as beneficial to Churchmen caught up in the enthusiasm of a neo-catholic reaction.

Thus there arose that combination, by which the catholic reaction had everywhere worked, of a court party and a church party, each using the other for the purpose of silencing the demand for a 'reason why' in politics and religion.²

The result was a Byzantine "diarchy",³ abhorrent to Laud himself. For of one virtue history has been unable to strip Laud - his sincere desire to purify and glorify God's Church. But his ideal was irreconcilable with the means he used to attain it. He lost everything.

Don Luigi Sturzo's description of what he calls "caesaro-papism" as the dove-tailing of religious interest and economico-political interests in the same social structure is an analysis of the English ecclesiastical concept of the first half of the seventeenth century. The passage is worth quoting at some length: Caesaro-papism, he says,

tends to make the Church coincide with the boundaries of the State or nation. And it naturally follows that once the political head has been invested with a higher form of religious authority, even though external, the Church. . . ceases to have any real authority over peoples politically alien if not hostile to the State. Even against the will of the ecclesiastical heads, the consequence of a diarchy of this type is implicitly a practical denial of the universality of the Church or of her unity. Another consequence of

religious, always tends toward tyranny" (The Realm of Spirit and the Realm of Caesar, trans. by D. A. Lowrie [London: Gollancz, 1952], pp. 69 ff.).

¹Green, op. cit., p. 11.

²Ibid.

³The term belongs to Luigi Sturzo, op. cit., pp. 46 ff.

caesaro-papism is the close union between State and Church so that in the normal course a crisis in one means a crisis in the other, the fall of the one the fall of the other.¹

Thus, the Church lost her people.

¹Ibid., p. 48.

CHAPTER VII

RECONCILIATION OF CHURCH AND NATION

Failure of the Presbyterian Experiment

Before traditional Anglicanism was again to enjoy the loyalty of the English people, anti-Laudianism had to work itself out in the Presbyterian attempt at establishment. In order to appreciate the significance of the Laudian restoration we must understand what lay behind the Presbyterian failure.

Apart from the political causes of its inability to retain possession,¹ Presbyterianism was first introduced and tolerated as an alternative to Laudianism. Its initial ascendance was far more a negation of Laudianism than an affirmation of Presbyterianism.

Parliament remained essentially Erastian and would have endorsed John Selden's opprobrium, "Presbyters have the greatest power of any clergy in the world and gull the laity most."² Indeed, the whole country, remaining Erastian to a large extent during the Interregnum,

¹On the causes of the Presbyterian failure cf. two chapters by W. A. Shaw, "The Westminster Assembly," Cambridge Modern History (Cambridge, 1906), Vol. IV, chap. xii, and in A History of the English Church, 1640-1660, Vol. II, chap. iii. Cf. also T. H. Green, op. cit. On the economic causes contributing to the failure cf. R. H. Tawney, op. cit., pp. 232 ff.

²John Selden, op. cit., p. 98.

viewed Presbyterianism as something exotic. The people presented a sullen resistance which clerical pressure only succeeded in aggravating. When Charles II declared that Presbyterianism was no religion for a gentleman he hit upon the cause of its failure. Presbyterianism was essentially democratic. England's history had not prepared her people for this, and the Presbyterians lost the battle in the homes of the nation. The attempt to occupy this castle which was the way the Englishman conceived of his home evoked, not hospitality, but resistance.

Richard Hooker's insight of the previous century had been a foresight:

It may justly be feared whether our English nobility, when the matter came in trial, would contentedly suffer themselves to be always at the call, and to stand to the sentence of a number of mean persons assisted with the presence of their poor teacher, a man. . . though better able to speak, yet little or no whit apter to judge, than the rest: from whom, be their dealings never so absurd. . . no appeal may be made unto any one of higher power.¹

The fundamental shortcoming of Presbyterianism in England was that economically and socially it was a foreign phenomenon. According to G. M. Trevelyan:

In the economic and social history of England the squire was still in the ascendant, the yeoman freeholder was about to decline, and the agricultural labourer could not, like the Scottish peasant, rise to the height of the argument of human equality, and attain through a democratic Church to self-reliance and self-respect.²

Not only was the democracy "out of joint" with the times, but the very nature of Calvinism, as distinct from Presbyterian polity, made

¹Hooker, Polity, Preface, viii, 2.

²G. M. Trevelyan, England under the Stuarts, Vol. V of A History of England, ed. by Charles Oman (8 vols.; London: Methuen, [Vol. V, 1947]), p. 285.

Presbyterians vulnerable to the charge of hypocrisy. To the extent that Calvinists perverted their faith by forgetting that God's children are elected for service and acted as if their "election" gave them the right to judge the religion and morality of their fellows - to that extent were they laying themselves open to the charge of hypocrisy. At the beginning of the war Presbyterianism had been the struggling and noble impulse, the expression of a people's constitutional control of their own religious practice. But it had not understood its own nobleness. Now with success it forgot its divine mission and had, as Professor Green writes,

hardened into an interest; its inarticulate idea had become a shallow, though articulate formula; and it was seeking to suppress the spiritual force in which it had itself originated.¹

Finding themselves beset with opposition Presbyterian ministers performed the remarkable contortion of becoming Royalists. From that time all possibility for unity among the republicans was jettisoned. Milton described the feeling of the Commonwealth men at the spectacle of preaching Presbyterian Royalists:

Divines, if we observe them, have their postures and their motions no less expertly than they that practise feats in the artillery ground. Sometimes they seem furiously to march on, and presently march counter; by-and-by they stand, and then retreat; or if need be, can face about or wheel in a whole body, with that cunning and dexterity as is almost unperceivable, to wind themselves by shifting ground into places of more advantage. And providence only must be the drum; providence the word of command, that calls them from above, but always to some larger benefice.²

¹T. H. Green, op. cit., p. 56.

²John Milton, "The Tenure of Kings and Magistrates," Prose Works of John Milton (London: Bohn, 1848), II, 45.

Milton considered despicable the manner in which their opportunism, chameleon-like, tempered their religion to suit political exigence:

Now that their censorious domineering is not suffered to be universal, truth and conscience to be freed, tithes and pluralities to be no more, . . . yet now to exclude and seize on impeached members, to bring delinquents without exemption to a fair tribunal by the common law against murder, is to be no less than Korah, Dathan, and Abiram. He who but erewhile in the pulpits was a cursed tyrant, . . . is now, though nothing penitent, a lawful magistrate, a sovereign lord, the Lord's annointed, not to be touched, though by themselves imprisoned.¹

It is not strange that the array of opponents thus created should conspire to overthrow a polity which was from the start alien to English soil. Bishop Henson concludes his analysis of the fall of Presbyterianism by saying: "In a word, the thoughtful, the tolerant, the sensitive, and the worldly, combined to overthrow, trample upon, and revile a system which had succeeded in wounding and exasperating them all."²

Thus, on 6 March, 1660, Samuel Pepys wrote, "Everybody now drinks the King's health."³

The Concept of the Distinct Society Crystallized

The word Puritan had long covered a group of strange bed-fellows. In the heat of the Civil War the cracks of the rather conglomerate mass were revealed and the various partisans - Presbyterian, Independent,

¹Ibid., p. 6.

²H. H. Henson, op. cit., p. 122.

³Samuel Pepys, Diary of Samuel Pepys, intro. by G. N. Pocock (London: Dent, 1929).

Squire, Erastian, Leveller, and Republican - looked with bewildered eyes on those with whom they had walked, and, as if for the first time, saw one another as total strangers. "When the mass had been heated in the furnace of the Civil War," writes Tawney, "its component parts were ready to be disengaged from each other."¹ It is with the heating and cooling of the Laudian lump which had never mixed with the above ingredients in the mass of the English State-Church that we are now concerned.

In his book, The Making of the Restoration Settlement, Dr. Robert S. Boshier develops the thesis that "militant High Anglicanism" triumphed in 1662 due to the work of the "Laudian party" during the Interregnum. By Laudian party he does not mean personal disciples of the Archbishop but rather "High Churchmen who shared the religious viewpoint of Laud, and who were in whole-hearted agreement in their method of defending the Church's interest both before and after the Restoration."² Now, the contribution of the Laudians was vital to the maturing of the strain of churchmanship we have been tracing from Richard Bancroft. It was during the Interregnum that the tendency toward ecclesiastical autonomy first succeeded in deliberately and self-consciously expressing itself as a distinct society.

Referring to the development of the idea of passive obedience as a reaction to the anarchy following the Civil War, Dr. Figgis has

¹R. H. Tawney, op. cit., p. 20.

²Robert S. Boshier, The Making of the Restoration Settlement, the Influence of the Laudians, 1649-1662 (London: Dacre Press, 1951), p. xv.

written:

Only, when the notion is expressly rejected by an influential section of the community, will it become necessary to re-affirm it. It is a truism that dogma never takes definite shape, save as a result of its denial by some thinker or leader.¹

Now, the expulsion of episcopacy had that effect on the Laudians. We are concerned with the high churchmanship that manifested itself, not in ritual or doctrine, but in the conception of the English Church as a society distinct from the State. It may coexist with it, but it stands on its own. During this time this idea was deliberated and put forward by a considerable body of Anglican clergy and supported by a growing number of the laity. They took their stand on the proposition that the "Church of England was. . .no haphazard product of political compromise, but the one pure and authentic embodiment of primitive tradition."²

A comparison with the Marian exile of the preceding century reveals the profound change in Anglican self-consciousness and self-confidence. Then, Elizabeth's bishops-to-be had sat at the feet of the continental reformers and learned to deprecate the office into which they would step and the Prayer Book to which the Council would require their reluctant conformity. It is perhaps no exaggeration to say that it took an exile to counteract an exile, for in the 17th century singing the Lord's song in a strange land begot assurance rather than doubt, hope rather than despair.

Truly, whereas the exile under Queen Mary was one of the greatest evils that ever befell the English Church, writes W. E. Collins, the

¹J. N. Figgis, Divine Right of Kings, p. 143.

²Bosher, op. cit., p. 57.

exile under the Commonwealth and Protectorate was one of the greatest blessings; for it purified and spiritualized men's conceptions of the Church, and made them realize their Churchmanship as they had never done before.¹

Due, primarily, to the need for theological justification in its time of adversity this period became what Bosher calls the "golden age of High Anglican theology and apologetic."² Under the inspiration and example of Dr. Henry Hammond the Laudian position was intellectually consolidated and given a base from which offensive operations could proceed.

Whereas, as we have noted, the Presbyterian "Establishment" was experiencing a multiplicity of disunion and even the Anglicans in England were falling apart over accomodating their Prayer Book to its new master, the Laudians on the continent had all the strength of an uncommitted dogmatic position - uncompromisingly opposed to the Cromwellian Church arrangement. It is for this reason that the extremists, to whose unfettered hands authority gravitated, became the pioneers of whatever policy the future Church should follow. The very fact that there was widespread Anglican conformity in England ministered to a further rejection of moderation by those at the left of center. The Laudian, Jasper Mayne, for example, does not attempt to veil his repugnance at the spectacle of those who "take for their pattern the prophet Jonas, and sleep securely in the storm."³

¹W. E. Collins, "John Bramhall," Typical English Churchmen from Parker to Maurice, ed. by W. E. Collins (London: S. P. C. K., 1902), p. 104.

²Bosher, op. cit., p. 36.

³A Remembrancer of Excellent Men (London, 1670), quoted in Bosher, op. cit., p. 24, n. 1.

It is Boshers's purpose to demonstrate that it was largely the Laudian concept of Establishment that was restored in 1660. While he has no difficulty in making his case, let it also be seen that it was just as truly a Bancroftian concept that was restored.¹ It would be futile to labour the distinction between a Bancroftian and a Laudian ideal. However, if credit be given where credit is due, it is to the former that the honour must go for inaugurating the ecclesiastical independence that the Interregnum exiles exploited. In 1655 Henry Ferne wrote:

Lest there be any mistake in names (because all the sects in this nation call themselves. . . Churches of England). . . by the Church of England is understood the Church of Christ in this land established upon the Reformation, holding out her doctrine and government in the 39 Articles, her liturgy and public divine service in the Book of Common Prayer.²

Henry Hammon maintained that, though driven from its official position, the Church of England was still visible. It was not to be so identified with the nation as to require popular approval or so dependent on the recognized head of the government as to be impotent when his fall removed the enabling prerogative.

As yet, blessed by God, the Church of England is not invisible; it is still preserved in the bishops and presbyters rightly ordained, and multitudes rightly baptized. . . Many men cannot any otherwise than in private families serve God after the Church way. . . The night meetings of the Primitive Christians in dens and caves are as pertinent to the justifying of our condition as they can be of any.³

Here, if anywhere, we may distinguish between the Bancroftian and Laudian ideals: Bancroft wanted the Church to have a definite polity with

¹J. W. Allen, Political Thought, 1603-1660, p. 126.

²Henry Ferne, A Compendious Discourse upon the Case, quoted in Boshers, op. cit., p. 32.

³Henry Hammond, Of Schism, quoted in Boshers, op. cit., p. 33.

known boundaries. Laud wanted all this, but insisted that the polity be episcopal, assent to which would determine the boundaries.

The working of this combined ideal is illustrated by Charles II's brief desertion to Presbyterianism when he subscribed to the Covenant in 1650. At the Reformation Anglicanism had been conceived on the basis of cujus regio, eius religio. Henry VIII's deviation from Rome had involved Archbishop Cranmer in no small dilemma; on the Tudor basis the conscience was to be adjusted to meet the royal religious inclination. But when Charles II saw fit to forsake the way of his predecessors it shook the strength of his Churchmen but not their conviction or their intent. Since Bancroft had given the Church the Canons of 1604 and Carleton, Field, and Laud had made clear who was the voice of the Church, the royal prerogative had a limited function. The King was no longer the promulgator; he was the defender of a faith which a divinely instituted episcopate had defined. The Church had come a long way from Hooker's indecisive endorsement of the necessity of Bishops to Ferne's assertion that "it cannot be conceived that the Church was left by the Apostles under any other government then Episcopall."¹

The Laudian movement represented as revolutionary a break with English tradition as the Reformation of the sixteenth century. Then, the claim to universalism had necessitated the substitution of federalism for centralization on the Marsilian basis of "territorialism." Although the substitute was, as we have seen, indigenous with the post-Norman English

¹Henry Ferne, Episcopacy and Presbytery Considered, according to several Respects, which may commend a Church-Government, and oblige good Christians to it (Oxford; L. Lichfield, 1644), p. 6.

Church, the act of substitution was in itself a revolution.

Now, in the Laudians we witness a further departure. Here, with the Church in exile is the conception of that idea that the Ecclesia Anglicana finds its essentia in something independent of geographical localization; church order tends to replace territorialism. Obviously, this point cannot be pressed too far, for the territorial aspect will continue to manifest itself in the place given to the royal supremacy. But there was substance behind the Puritan charge that the new prelatists were the real separatists and schismatics.¹

An illustration of this may be found in the deliberate rejection by the Laudians of the offer of re-establishment on moderated terms; Laudianism held out for all or nothing. If Baxter had been sold on episcopacy, the bishops in 1654-55 and again at Savoy in 1660 were not sold on Baxter's "moderate" episcopacy.

Baxter's voluntary Association Movement of 1653 was emphatically non-sectarian. The Worcester Association was in this regard typical, and of it Baxter comments:

In our Association in this County, though we made our Terms large enough for all, Episcopal, Presbyterians and Independants, there was not one Presbyterian joynd with us that I know of. . . nor one Independant. . . nor one of the New Prelatical way (Dr. Hammond's). . . All the rest (who joined the Association) were meer Catholicks; Men of no Faction, nor siding with any Party, but owning that which was good in all, as far as they could discern it; and upon a Concord in so much, laying out themselves for the great Ends of their Ministry, the Peoples Edification.²

¹Cf. Richard Baxter, Five Disputations of Church-Government, and Worship (London: Printed by R. W. for Nevil Simmons, 1659), Preface, p. 8.

²Baxter, Reliquiae Baxterianae, Bk. I, part i, p. 97.

Notwithstanding that Baxter's model came from a plan by the Archbishop of Ireland,¹ it had little appeal for the Laudians, and Baxter's overtures were met with firm rebuff by Dr. Hammond.² The followers of the latter had no intention of "joining with Schismatics in Schism."³

As to the Savoy Conference, Dr. Shaw declares that the Presbyterians went into it with the "fatal influence of the past seventeen years upon their spirits, (and) the Independents stood gloomily aloof."⁴ Since the Puritan débâcle had already taken place the Laudians could afford to display some moderation. At least, according to Boshier, they "did not embark on the Conference with a pre-determined attitude of non-possumus."⁵ Boshier further demonstrates that the actual changes incorporated in the 1662 Prayer Book show a remarkable lack of Laudian influence, and "of the seventeen concessions made by the bishops at the Savoy Conference, all but three were embodied in the new Book."⁶ In liturgical practice the bishops made a definite attempt to avoid offending Puritan consciences unnecessarily.

¹Cf. James Usher, The Reduction of Episcopacy Unto the Form of Synodical Government, Received in the antient Church, proposed in the Year 1641 (Reprint; Edinburgh, 1703).

²Cf. Baxter, Reliquiae Baxterianae, Bk. I, part ii, p. 208.

³Cf. Boshier, op. cit., pp. 46 f.

⁴Shaw, History of the English Church, II, 174.

⁵Boshier, op. cit., p. 228.

⁶Ibid., pp. 247 ff.

Whether liturgical moderation was intended as a genuine olive branch to the Presbyterians, or whether other motives tempered their Catholic persuasions, the Laudians could afford to be lenient. They had gained their objective. Episcopacy was adopted without equivocation or diminution. Doubtless, had Baxter acted with more moderation than he did the results of the Savoy Conference would have been no more favourable to Puritan preferences on polity, although it is evident that his performance alone exasperated the bishops.¹

Laudian intransigence was based on the fear of Presbyterianism. It might be more accurately stated that the Presbyterian threat exerted a visible and negative influence particularly during the Interregnum. Nor was Presbyterian antipathy the exclusive possession of the high church extremists. The mild William Sancroft vituperated, "I look upon that cursed Puritan faction as the ruin of the most glorious Church upon earth."²

There proved to be justification for Anglican apprehension for, though the Presbyterians combined with the Royalists to effect the Restoration, Presbyterian policy showed little promise of being "at home" with monarchy. The attempt in March, 1660, to impose Presbyterianism by wholesale legislation when the Long Parliament clearly lacked a popular mandate showed that self-interest was being put before the interests of the Crown. It also belied any intention to abide by the religious

¹Baxter was not unaware of the impression he made on his opponents: "That which displeased them most was the freedom of my Speeches to them, that is, that I spake to them as on terms of Equality as to the Cause; yet with all honourable Titles to their Persons" (Reliquiae Baxterianae, Bk. I, part ii, p. 343).

²Quoted in Bosher, op. cit., p. 47.

determinations of a free Parliament. They demonstrated no conversion from the traditional Presbyterian policy that religious guarantees could not come apart from limitations of the Crown.

If the Presbyterians were not to be trusted by the Churchmen, the Independents were no less odious. Bishop Morley preaching at the King's Coronation expressed the Anglican sentiment:

By this means the very name of Liberty and property, which were before pretended, were quite taken away. Onely there was liberty enough and too much, indeed a Lawless, boundless licence in matter of Religion; all wayes of worshipping God being allowed, but the true one; and all admitted to the Sacred Function, but such as were lawfully called unto it.¹

The Laudian treatment of Presbyterianism during the Interregnum varied according to the relative strength of each. In the early days after their expulsion Anglican policy was marked by opportunism. Negotiation was a political necessity, cooperation proffered with misgivings. Royalist attitude to the Restoration of Charles II on which Laudian plans depended was expressed by Viscount Mordaunt:

The chief wheelles of this motion being presbiterian, we ought so to comply with them as to perswade them if possible, that we approve of what we doe but connive at, and in truth cannot resist.²

Need we be reminded that when the King's business is at stake it is idle to scruple at deception? In any case, deception would hardly be the word Anglicans would have applied to their performance.

We have seen³ that on the question of the non-episcopal churches on the continent the Anglicans preferred to remain non-committal. It

¹George Morley, A Sermon preached at the Magnificent Coronation of the Most High and Mighty King Charles the IIId. &c. (London: Printed by R. Norton, 1661), p. 24.

²John Mordaunt, The Letter-Book of John Viscount Mordaunt, 1658-1660, ed. by Mary Coate (London: Royal Historical Society, 1945), pp. 169-170.

³Supra, p. 198.

can hardly be doubted that one factor which prevented the Laudians from saying episcopacy was universally necessary but which enabled them to act as if it were, was the Anglican tradition of ecclesiastical expediency. When pressed for an absolute answer regarding the validity of the continental churches, they could evade absolute definition and reply as Morley:

As we need not do the one, so we list not to do the other. . . We are sure our Church is truly Apostolical. . . Whether the Christian congregations in other Protestant countries be so or no, aetatem habent, respondeant pro semetipsis, et Domino suo stent vel cadant.¹

Bramhall's answer was equally unsatisfactory:

I cannot assent. . . that either all or any considerable part of the Episcopal divines in England do unchurch either all or the most part of the Protestant churches. No man is hurt but by himself. They unchurch none at all, but leave them to stand or fall to their own Master.²

Doubtless, the evasion did not appear so callous in their own sights since for the Laudians the question was largely academic. The exiles were concerned only with episcopacy in England. There was little doctrinal interest in foreign Protestantism. When it came to the practical point of intercommunion with the Huguenots Morley and Bramhall refused, while Cosin, to his later shame, consented.³

Again, Bramhall wrote: I

for my part am apt to believe, that God looks upon His people in mercy. . . and that there is a great latitude left to particular

¹Quoted in Bosher, op. cit., p. 83.

²John Bramhall, The Works of the Most Reverend Father in God, John Bramhall, D.D. (Library of Anglo-Catholic Theology; 5 vols., Oxford: Parker, 1842-45), III, 517.

³Cf. Bosher, op. cit., pp. 83 f. Also John Cosin, The Works of the Right Reverend Father in God John Cosin, Lord Bishop of Durham (Library of Anglo-Catholic Theology; 5 vols., Oxford: Parker, 1843-55), IV, pp. 397 f.

Churches, in the constitution of their ecclesiastical regiment, according to the exigence of time and place and persons, so as order and His own institution be observed.¹

Later Anglican treatment of Presbyterianism diminished neither in boldness nor in dissimulation. In spite of the King's assurance that Anglican Churchmen would rest content "for the re-settlement of our just rights. . .in a free Parliament,"² the Laudians had no such intention, as Boshier shows.³ The ambiguous promises of the Declaration of Breda were intended to provide a cover for the Anglican advance and its spirit, not its letter, was deliberate deceit.

If Anglican conduct was morally reprehensible at this period, then, we must bear in mind two considerations: First, as has been noted, Presbyterian action at the same period was hardly more justifiable; second, the re-establishment of Holy Mother Church was seen as justification for any warfare.

We have described Presbyterian influence on Anglicanism at this time as negative. Laudianism recoiled from it and crystallized in an absolute commitment to English episcopacy. By the same token, the influence of Romanism was positive. The fact that Anglicans took seriously the Romanist charge that Anglican orders were not valid does indicate how zealous English Churchmen were for the Catholicity of their Church. In 1650 John Cosin addressed himself to a defence of the "Validity of the Ordination of Priests in the Church of England."⁴ Two years later, at Hyde's request, he followed it with Regni Angliae Religio Catholica in

¹Bramhall, op. cit., III, 476.

²"The Declaration of Breda," cited by Gardiner, Documents, pp. 465-7.

³Boshier, op. cit., pp. 88, 124.

⁴Cosin, op. cit., IV, 241-318.

which he maintained that Ecclesia Anglicana was truly Catholic and truly Protestant:

Tam non Lutherum vel Calvinum sequimur, quam nec ipsum Papam, ubi hic vel illi a S. Scripturâ et veterum Patrum in Fide Catholicâ consentientium vestigiis discedunt.¹

True Catholicity, according to John Bramhall lay with Anglicanism, not with Romanism. Writing in 1653 to a French Romanist who had publicly commiserated with King Charles for being outside the Roman fold, Bramhall concluded:

The truths received by our Church, are sufficient in point of Faith to make him a good Catholic. More than this your Roman Bishops, your Roman Church, your Tridentine Council may not, cannot, obtrude upon him.²

It is difficult to assess the extent to which Anglicanism was influenced by its contact with Romanism during the Interregnum. Evaluations depend on the inclinations of the observers. But since Anglican orders, polity, and sacraments were disputed, the emphasis lay more and more on their Catholic character.

Defending itself against Rome it turned its back on Puritanism. In proving itself Catholic it presented little encouragement to the latter; the breach was widened and future accomodation prejudiced. According to Bishop Henson:

Anglican apologists, almost in spite of themselves, contracted from contact with the Roman adversary a habit and a temper which were incompatible with the larger and more reasonable Protestantism of the previous period.³

¹Ibid., IV, 350.

²Bramhall, "An Answer to M. de la Milletière," Works, I, 25.

³H. H. Henson, The Relation of the Church of England to the Other Reformed Churches (Edinburgh: Blackwood, 1911), p. 56.

Bishop A. T. P. Williams summarizes the results of the tensions of this period:

Anglicanism came to greater self-consciousness, not always an altogether healthy process. Because episcopacy was violently assailed, the virtues of episcopacy were violently asserted. . . Because "decency" and "order" were denounced as "rags of popery" there was irritating persistence in exactness of ceremonial.¹

Political Aspects

Laudian strategy for the re-capture of the Establishment rested on the complete identification of the Anglican and Royalist causes. The ten recommendations of Sir Robert Shirley, a friend of Dr. Hammond, for "promoting a right understanding among the King's friends" toward a satisfactory settlement are suggestive of the role the Church was to play.² Of the ten recommendations we may cite the first and third to illustrate how each side was committing itself to the other.

Recommendation one suggests that the King lift the penalty of Praemunire and allow free episcopal elections in order "to pass by one whom the major part of the bishops of the province shall think unfit" to prosecute the King's business. The third recommendation reads:

If any Bishop choose to leave his pastoral charge rather than incur danger in pursuance of the King's directions, he have leave so to do, and others of more active and passive courage be elected by the Bishops.³

Former episcopal impotence is now to be compensated with a vengeance. Four years later, in 1659, Lord Mordaunt voiced the Caroline

¹Williams, op. cit., p. 34.

²Edward Hyde, Calendar of the Clarendon State Papers Preserved in the Bodleian Library, ed. by O. Ogle, et al. (4 vols.; Oxford, 1869-1932), Vol. III, No. 139.

³Ibid.

version of King James's famous aphorism when he declared to Hyde,

"Nothing can secure the Crown which destroys the Mitre."¹

These were Hyde's own sentiments. In many ways he demonstrated his conception of the Restoration as a single crusade. Church and Crown which had fallen together must rise together. Professor Keith Feiling says:

In this lay his strength: that from 1641 to 1660 he pursued a single purpose, to restore the King and the Church on the old foundation of "those admirable and incomparable laws of government" bequeathed by Queen Elizabeth.²

Surely, Laud could have found no deeper gratification than to see the day when Englishmen would rally around a statesman who so believed in unity and order. Writing to Lord Hatton in 1647/8 Hyde declared his "conscientious affection and reverence to episcopacy" and concluded:

I would not to preserve myself, wife, and children, from the lingering pain of want and famine. . . consent to the lessening any part, which I take to be in the function of a bishop, or the taking away the smallest prebendary in the church, or be bound not to endeavour to alter any such alteration.³

Nor was Hyde alone in his devotion to episcopacy. Baxter observes that the Church that re-entered possession "was gone to a greater Distance, and grown higher than before,"⁴ but this was not the only change. The turn of events on which the Laudians had counted since the beginning took place when episcopacy was vindicated in public opinion.

¹Ibid., IV, 429.

²Keith Feiling, A History of the Tory Party, 1640-1714 (Oxford, 1950), p. 70.

³Edward Hyde, State Papers Collected by Edward, Earl of Clarendon, &c., ed. by R. Scrope and T. Monkhouse (3 vols.; Oxford, 1767-86), III, 3.

⁴Baxter, Reliquiae Baxterianae, Bk. I, part ii, p. 207.

Instances of the resurgence of Anglican loyalty are cited by Dr. W. K. Jordan.¹ Although Anglican disability during the Interregnum was severe its burden never assumed the proportions of religious persecution. Hardship had been severe but the services and continuity of the Church had continued, in many cases by subterfuge and ingenious adaptation of the Prayer Book. The leadership for the resistance movement had come from abroad and had kept in close touch with the pulse of the national feeling at home. It had watched with satisfaction and all the means with which to promote it the steady reaction in favour of the old order in Church and State. To the man in the street it seemed that the Church of England was suffering most of all from having too many doctors. Laudian prelacy might have been restrictive, but its order and uniformity seemed to many to offer the only hope of recovery.

If, as his biographer suggests, Samuel Pepys was a representative English layman, there was also a widespread satiety with the Puritan "blue laws" and hypocrisy behind them. "That which was sweet in the mouth of the fathers will be bitterness in that of their children."² As Pepy's own generation grew up during this period "they saw on every side witnesses of the lamentable failure that attends the efforts of those who seek to rule the terrestrial earth according to the laws, not of men, but of angels."³

As anti-clericalism had ousted Laud, it now turned out the "rule of the saints." Let us note here one feature in the re-establishment

¹Jordan, op. cit., III, 200 ff.

²Arthur Bryant, Samuel Pepys, the Man in the Making (London: Collins, 1947), p. 59.

³ Ibid.

of episcopacy that was a traditional hallmark of Anglican development. The Laudians had been busy underwriting episcopacy with positive declarations of its historical validity and present applicability. As important as that doctrinal basis should be for the future, it was not solely to positive "salesmanship" that Anglicanism owed its re-admission but, primarily, it was to a dislike of the intervening systems. In other words, negativism again came to the fore to shape the Church's history. What Laud was unable to do by positive affirmation, Puritanism did by building a gigantic repulsion, and the people backed themselves into prelacy.

Nor was the principle of expediency of which negativism was one aspect neglected at the same time. It directed that the restored Church should not insist on doctrinal conformity by the people. We have seen that the Prayer Book revision approved on 20 December, 1661, was non-Laudian in character. The Laudian ideal required assent only to creeds and Scripture and left wide room for divergence on lesser matters. Therefore, the Bishops' requirement in 1662 of outward conformity to Prayer Book requirements was in accord with Laud's as well as Elizabeth's tradition. The moderation of the Bishops' stand is seen when compared with the more stringent demands of the House of Lords.¹

The toleration implied in not requiring doctrinal assent was the Laudian's method of achieving peace and unity in the Church. Like the

¹C. A. Swainson, The Parliamentary History of the Act of Uniformity, 13 and 14 Charles II. Cap. 4 (London: George Bell and Sons, 1875), pp. 29 ff.

Presbyterians, the Anglicans held out a measure of toleration in order to secure popular support. Thus, although not the sole proprietor, Anglicanism once again renewed the lease on expediency. The following generation would experience the results in a dualism. G. R. Cragg, writing of the liberalism of Edward Stillingfleet, describes it thus:

Freedom of thought is divided from freedom of action; a man is at liberty to think as he likes provided he outwardly conforms to the patterns of conduct prescribed by the civil power.¹

This was the same dilemma faced by Hooker and Bancroft. The Laudians' only claim to be nearer a solution was that they were, chronologically, albeit unwittingly, closer to the Act of Toleration.

Laudianism returned to power, then, not only on the shoulders of the clergy but of statesmen and populace as well. And in one hand it held out the olive branch of semi-toleration. But what of the other hand? To be sure, it held the sword, but it was disguised and presented also as an olive branch; it was the dual concept of divine right and passive obedience.² The concept of royal absolutism was dead at the Restoration, but so was the ideal of republicanism, and passive obedience became the great theme of that period.

The author of The Whole Duty of Man, of 1658, one of the most widely read of contemporary devotional manuals argues that the supreme

¹G. R. Cragg, From Puritanism to the Age of Reason (Cambridge, 1950), p. 200.

²An illustration of the popularity of the divine right doctrine is revealed in John Evelyn's record of how on 6 July, 1660, five weeks after he arrived in England, Charles II began "to touch for the evil" (The Diary of John Evelyn, ed. by William Bray [London: Dent, 1907], I, 343).

magistrate is to be regarded as

one upon whom God hath stamped much of his own power and authority. . . We owe such an obedience to the supreme power that whoever is authorized by him we are to submit to. . . Obedience we must pay, either active or passive. . .¹

After the re-establishment had been secured in 1662, Hyde's and the Bishops' policy of alternating pressure with shows of toleration became unnecessary and obsolete. The "Clarendon Code" received its doctrinal apology in such pamphlets as Bishop Samuel Parker's A Discourse of Ecclesiastical Politie, of 1670. Dr. Cragg writes of this document:

One of the shrewdest statements of the case for repression started from the duty of proper obedience on the subject's part. Beyond any other factor, conscience has proved a source of trouble to governments and a threat to the supremacy of princes. Every man's whim is cloaked with the sanctity of conscience.²

Divine right-passive obedience had been forged as a double-edged weapon against the "old Priest" of Rome. At the Restoration it came back as a weapon against "new Presbyter." Not just Presbyterians but all claimants to religious toleration were rebutted when the Church spoke as Bishop Parker:

Whilst men contend for the Sovereign Empire of their Consciences, and invest it with the Royal supremacy, by making it subject and accountable to none but God alone, they do in effect but usurp their Prince's Crown.³

Thus, the clergy supplied the theory which it remained for Parliament to exploit. The High Commission was not restored at the Restoration. There was no need for it.

¹The Whole Duty of Man, cited by Cragg, op. cit., p. 163.

²Cragg, op. cit., p. 206.

³[Samuel Parker], A Discourse of Ecclesiastical Politie: wherein the Authority of the Civil Magistrate over the Consciences of Subjects in Matters of External Religion is Asserted &c. (London: Printed for J. Martyn, 1670), p. 7.

Restoration - With a Difference

If the Church was committed to the Monarch, so was Parliament. Now, however, Parliament held the prior sovereignty. Though the Church might preach divine right and the common lawyers might pretend Charles II's uninterrupted succession, "the fact was notorious," writes Trevelyan, "that monarchy had after a long interval been renewed in his person by the vote of the two Houses as the result of a general election."¹

Moreover, here at long last was the reconciliation of the "irreconcilable" ideas of absolutism and constitutionalism that we have watched warring since the Councils of the 15th century. Trevelyan continues, "Rivals they (sc. King and Parliament) might long remain, enemies they might on occasion become, but they would never again be two mutually exclusive methods of government."²

What was the consequence for the National Church that now Parliament had made good its claim to practical priority and to savour matters ecclesiastical? The fact that the royal prerogative was what it was because Parliament made it so was acknowledged by the King on 20 November, 1661. Speaking before the combined Houses on the difficulties of state, he declared,

Those which concern matters of Religion, I confess to you are too hard for me; and therefore I do commend them to your care and deliberation, which can best provide for them.³

¹Trevelyan, History of England, p. 446.

²Ibid., pp. 446 f.

³W. Cobbett (ed.), Parliamentary History of England (London: Hansard, 1808), IV, 224.

Parliament was not lacking confidence in its own ability so to provide. M. De Cominges, the French Ambassador, wrote to Louis XIV:

The members of Parliament are not only allowed to speak their mind freely, but also to do a number of surprising, extraordinary things, and even to call the highest people to the Bar. . . This government has a monarchical appearance because there is a King, but at bottom it is very far from being a monarchy."¹

The Restoration Parliament, then, was not unwilling to relieve the King of the administration of the royal prerogative. In fact, it had shown an early willingness to take the offensive in ecclesiastical affairs. On 17 May, 1661, the Lower House had resolved that the hateful Covenant should be publicly and ignominiously burned by the common hangman. The Bishops were re-admitted to their bench in the Lords, but squirearchical high churchmanship drew back from realizing the full Laudian ideal: Not only did they forebear resurrecting the high Commission, but they forbade the ex-officio oath and repudiated the Canons of 1640. In temporalities Parliament was to be supreme. Here was the essential difference between the Laudianism of Charles II and that of his father.

Belligerent Anglicanism passed from clergy to Parliament. Furthermore, the Romeward tide remained a danger to which Parliament considered itself more alive than the clergy. Throughout the Restoration period the fear of Popery increased rather than diminished. If, as Bishop Gilbert Burnet said,² it took the reign of James II to open the eyes of the clergy to Rome, the squires were under no illusions in 1662.

¹Cited in Trevelyan, England under the Stuarts, p. 282.

²Cf. W. H. Hutton, The English Church from the Accession of Charles I. to the Death of Anne (London: Macmillan and Co., 1903), p. 220.

In ecclesiastical legislation Parliament came into its own. The clergy's legislative importance showed a corresponding diminution. When Archbishop Sheldon surrendered the ancient privilege of Convocation's right to tax the clergy separately the role of that body was immediately prejudiced and from 1664 to 1689 it did not transact business.

The Royalist gentry might now entrust their spiritual welfare to their Laudian allies, but they were resolved that the temporal power of the Church should derive solely from the will of Parliament. Nonconformists should have the satisfaction hereafter of knowing that their persecution was inflicted by strictly legal means.¹

It cannot be said, however, that the Church was "captured" against its will. While Laudian policy dictated the identification with the Crown it soon became apparent that Parliament, not the King, would prove the strong champion of what the Laudians held dear. Here, of course, was the paradox of second generation Laudianism, for the supremacy of Parliament was what both Laud and his Sovereign had died to deny. For the sake of distinction it may be well to refer to this school who submitted to Parliament at the Restoration as the "Neo-Laudians".²

This altered political philosophy of the Restoration Church vindicated itself by avoiding two mistakes which, according to Trevor-Roper, Laud had made: He had overestimated his own strength, while at the same time, underestimating his enemies'.³ For all the strength

¹Bosher, op. cit., p. 224.

²J. C. Hardwick uses this term in his article, "Richard Baxter and the Bishops," The Modern Churchman, XVIII (Apr. 1928-Mar. 1929), p. 31.

³Trevor-Roper, op. cit., p. 435-6.

of conviction displayed by men like Sheldon, Morley, and Hammond, their successors were not the men that the Exiles had been - and they knew it. Of the "Neo-Laudians" Trevor-Roper writes: "Constrained to non-intervention, they preached non-resistance and practised non-criticism. . . They judiciously avoided emphasising those departments of his (sc. Laud's) activity which lacked appeal to their new masters, the gentry and merchants of England."¹

Whether this generalization be justified, it is true that, as compared with Laud, his successors were silent while evil was flagrant in high places. It is surprising that the profligacy of the Church's supreme Head caused so little embarrassment to its clergy. For example, on Easter, 1684, he with his three "natural sons" received the Sacrament at the hands of an unreproaching bishop.² The restored Church not only stayed on good terms with the King,³ but it also showed a distinct attempt to avoid any semblance of pitting itself against the people by adoption of such injudicious social reforms as Laud's or moral reforms as the condition of the Court demanded. It remained discreetly silent.

However, this discussion takes us beyond our proper bounds and also tends to present a picture of clerical moral indifference which, though later abundant, was anything but the case in 1660-62 when the settlement was in progress. Especially under the leadership of Gilbert

¹Ibid., p. 430.

²Cf. Sir John Evelyn's account, op. cit., II, 199.

³The well-known censures of Ken, Sheldon, and a few others, seem to be the exceptions that prove the rule.

Sheldon, whom Keith Feiling described as able to present a "front of iron"¹ to Romanists and Presbyterians, the Church was able to withstand the King to his face when its interest was jeopardized. Rejecting the King's Declaration of Indulgence, Sheldon threatened to go over the Sovereign's head to Parliament to secure enforcement of Anglican conformity.²

Chancellor Hyde might move away from his "No compromise" resolve and regret the ascendant popularity of the divine right of kings,³ but the Church held firm to the ground gained and looked now to its new protector, Parliament, to maintain the episcopal cause.

With Parliament in charge of the temporal enforcement of religious conformity, it may be said that the National Church reached the greatest degree of autonomy possible short of outright disestablishment. The fact that Parliament did not take a hand in the religious settlement until May, 1661, when settlement was virtually complete prompts Boshier to claim that even in death Laud was victorious.⁴ This becomes a significant detail for Anglo-Catholics today, and Canon Addleshaw will write:

In spite of all that High Churchmen say about the Act of Uniformity, they are quite clear that it is not the legislative enactment, which made the 1662 Prayer Book the liturgy of the Church. The Convocations are the proper bodies for this kind of legislation; but they would have added that the lack of Church discipline made it desirable for the conclusions of the Convocations to receive Parliamentary authority.⁵

¹Feiling, op. cit., p. 127.

²Cf. Boshier, op. cit., pp. 259-64.

³Cf. his detaching of himself from Sibthorpe's and Maynwaring's extreme position (Prothero, op. cit., p. 439, n. 1.).

⁴Cf. Boshier, op. cit., p. 216.

⁵Addleshaw, op. cit., p. 136. Italics added.

It might be put more emphatically and asserted that, although Laudianism in one sense had realized itself, the Church's lack of discipline made it essential to receive Parliamentary authority. Sheldon's personal weight could not suffice for the Church, and Churchmen depended on the good will of the secular government. Parliament, in its turn, found the Church's neo-Laudianism to its liking. Churchmen were now effectively settled in second place. As J. C. Hardwick states, "The bishops were well content to betray a principle, and compensated themselves for a lack of genuine freedom by elaborating high views of their own office. Ubi episcopus, ibi ecclesia became their motto."¹ And Parliament was nothing loath, since these views involved an implacable hostility towards the common enemy, Puritanism. Baxter could cite Elizabethan divines to testify to his Anglican orthodoxy,² but the Neo-Laudians had their own standards and Hooker and Cranmer were out of date.

The fact that the Church could do without the High Commission from 1660 meant that the majority of the nation recognized the legality of the Establishment and coercion by the Church became unnecessary. The distinctiveness of the re-established Church was achieved, paradoxically, by the narrowing process applied from without the Church and from within. From within, the Laudians set the ecclesiastical standards for membership. From without, the State encroached more and more on the episcopal jurisdiction; the common law courts successfully filched away the ecclesiastical

¹Hardwick, op. cit., p. 32. Eg. William Beveridge's sermon on apostolic succession in More and Cross, op. cit., pp. 372-4.

²Baxter, Five Disputations of Church-Government, Bk. I, p. 4.

jurisdiction; and the laity began the campaign of liberation from the 1604 Canons on the basis of their extra-Parliamentary nature.

The field of ecclesiastical administration, writes Usher of this period, was gradually narrowed to the supervision of the clergy, and the punishment of ecclesiastics for spiritual offences by purely spiritual penalties. Once more the powers of the Church became adequate for the performance of its functions, because those functions which it had not performed well, had been shorn off.¹

By direct and indirect means the Church was settled according to its capabilities; and its jurisdiction, so limited, was considered legal and its functioning autonomous.

Conclusion

By 1662 the present National Church concept was formed which the Act of Toleration twenty-seven years later did not fundamentally modify. The 1662 Act of Uniformity had created a logical dilemma. On the one hand, the Church by the non-representative voice of Convocation claimed the right to define the terms of a National Church membership. On the other hand, the State enforced the conformity of those who by the implication of the first condition had a logical right to be exempt from the Church's jurisdiction. Autocratic definition was inconsistent with democratic enforcement. The Act of Toleration, then, was an acknowledgment of and adjustment to a condition made untenable by the former statute. As a change in basic concept, however, it was merely an epilogue.

Now, the concept of the National Church by the end of the seventeenth century represented the result of a double reaction. Bishop

¹R. G. Usher, op. cit., II, 270.

Mandell Creighton states that the root idea of a national church is "that England can manage its own ecclesiastical affairs without interference from outside."¹ The Church's pre-Reformation history is the record of that self-assertion against extra-national powers. Its post-Reformation history is the record of the same resistance, this time against powers within. The Church's strategy in the struggle gave Anglicanism its present dual character, and the pounding of Puritan opposition in the sixteenth and seventeenth centuries gave the Church the constitution it has today. As Wordsworth put it:

As if a Church, though sprung from
heaven, must owe
To opposites and fierce extremes her life.²

Under the Tudors the Church was submissive and on the defensive. It replied to the Puritan accusation that it was unreformed with little more than a reaffirmation of its Protestant nature. Hookerian comprehension was based on compromise.

But James Stuart disliked negatives, and repudiated that strategy which told men what not to believe. The Church body was guided by its Head. Riding the wave of the Counter-Reformation it assumed the offensive. In place of comprehension there developed exclusivism, and the formula, Catholic - not Roman, was replaced with the aggressive assertion that it was Catholic - not Genevan.

The contrast between Tudor and Stuart policy may be symbolized by the different views regarding the necessity of episcopacy. Dr. Sykes

¹Mandell Creighton, "The Idea of a National Church," The Church and the Nation, p. 212. Compare this statement with D'Entreves's delineation of Marsilian territorialism (Supra, p. 9).

²William Wordsworth, "Sacheverel."

concludes his essay on the views of episcopal necessity during this period by saying that the Church's position of via media is manifested by a positive affirmation of its value on the one hand and a refusal to assert its exclusive nature on the other.¹ Tudor Churchmen are responsible for emphasising the latter view; Stuart Churchmen the former.

If, as Bishop Creighton suggests, the mission of the National Church today is to teach the nation in the things of God two questions of immediate practical importance arise: What is the lesson to be taught, and who defines the curriculum? The fact that the answers must remain indefinite is indigenous in the Church's history. It has no specific Anglican catechism and there is widespread dissatisfaction with Parliament's recent exercise of its ecclesiastical jurisdiction.² There is ample evidence that a substantial proportion of the Church's clergy and laity deplore the latitude of its constitutional, not to say doctrinal, position. Entirely apart from doctrine, the constitutional position of the Church of England as England's Christian Counsellor is highly tentative. The reason is that that position is a locus of the dialectic between two poles which exerted their repelling forces in the sixteenth and seventeenth centuries respectively - Rome and Geneva.

In the sixteenth century Marsilius's "territorialism" enabled Henry VIII to achieve "toleration" for English catholicity. The medieval

¹Sykes, op. cit., p. 44.

²Cf. Church and State: Report of the Archbishops' Commission on the Relations between Church and State (London: Press and Publications Board of the Church Assembly, 1935); Church and State: Report of a Commission appointed by the Church Assembly in June, 1949 (London: Church Information Board of the Church Assembly, 1952), together with the debates on the latter as contained in the Report of Proceedings, Spring and Summer

concept of unity by Papal centralization gave way to unity by federalism. But development was not arrested there. The fragmentation of religious unity which the sixteenth century expressed as federalism was itself replaced by a fragmentation which the seventeenth century represented as republicanism. So Marsilius's doctrine that the legislator was the populus at last reached maturity. In reality, under Elizabeth Marsilianism was diluted, perhaps even predominated, by Byzantinism.

Whatever Byzantinism returned to England with Charles II, however, was uprooted in the religious settlement that followed. The Church came back narrower and stronger than ever, but democracy replaced autocracy. The Marsilianism that was the enabler of Henry VIII now made intolerance itself intolerable; vox populi became very vox Dei.

Theory lagged behind actuality until 1689 when the Church determined to stand by a fixed polity rather than compromise any more ideals to Nonconformist idiosyncrasies. By the same Act also politics was secularized. Dr. Figgis has shown that before modern intellectual development could materialize men had to discover that religious uniformity was not essential to political stability.¹ Church and State each had to come to the realization, be it never so grudging, that the other had the right to independent existence as a societas perfecta. John Locke's peculiar contribution in the State's behalf was of inestimable value. As he enhanced the voice of reason the voice of tradition lost its hold, and though it must bear a share of responsibility for the spiritual

Sessions, 1952, XXXII, No. 1 (London: S. P. C. K., 1952). Cf. also Sir Henry Slessor, The Anglican Dilemma (London: Hutchinson, 1952), pp. 189-94.

¹Figgis, From Gerson to Grotius, pp. 21 ff., and Churches in the Modern State, p. 109.

sterility of the following century, Locke's work was ultimately as necessary for the Church as for the State.¹

The Revolution of 1688 focuses the influences that had been at work over the centuries. For one thing, the doctrine of divine right of kings, though continuing a shadow existence afterwards, was given a mortal blow on the strength of the principle of expediency. Since the expediency of the Church is the salvation of the world, its claim is universal. What Dr. Figgis says of its manifestation at Constance in the fifteenth century we may apply to London in the seventeenth: Expediency, he states,

cannot conflict with right in the true sense, whatever havoc it makes of rights. The antithesis between the right and the useful in politics is thus resolved.²

The same truth may be expressed in another way. According to Dr. J. H. Overton, the Church in James II's reign contained, nominally at least, nineteen-twentieths of the nation. As such, it realized its position and asserted its strength in a way which vindicated the high church claims of autonomy. "If one had to pick out a period when our Church was at its strongest and its best," he writes, "it would be hard to select a better than when its temporal defender was one of the bitterest foes it ever had."³

The Revolution of 1688 was the acknowledgement of the end of an idea. Now the nation could come or go as it pleased without prejudice to the Church's being. Whether or not "the whole commonwealth doth believe"

¹Cragg, op. cit., pp. 217 ff.

²Figgis, "Politics at the Council of Constance," op. cit., p. 112.

³J. H. Overton, Life in the English Church (1660-1714) (London: Longmans, Green, 1885), p. 11.

was a matter indifferent as compared with the existence of a valid episcopate and a new understanding of the royal supremacy.

The Church was strong because it was autonomous and that autonomy rested on popular approval. Absolutism and constitutionalism were reconciled in the irony of the settlement that followed the Revolution: The deposition of James II actually strengthened the Crown's ecclesiastical supremacy, for henceforth the Lord's anointed had the benefit of the people's voiced consent.

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