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**The Church  
Defended: the  
reformation of the  
laws and orders  
ecclesiastical in  
the Church of  
England: Volume 3**

**Richard Hooker**





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and orders ecclesiastical in the Church of England:  
Volume 3**

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**Author(s):** Hooker, Richard (c. 1554-1500)

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OF THE  
L A W S  
OF  
ECCLESIASTICAL POLITY.

BOOK VI.

CONTAINING THEIR FIFTH ASSERTION, WHICH IS<sup>a</sup>, THAT OUR LAWS ARE CORRUPT AND REPUGNANT TO THE LAWS OF GOD, IN MATTER BELONGING TO THE POWER OF ECCLESIASTICAL JURISDICTION, IN THAT WE HAVE NOT THROUGHOUT ALL CHURCHES CERTAIN LA-ELDERS ESTABLISHED FOR THE EXERCISE OF THAT POWER<sup>b</sup>.

THE same men which in heat of contention do hardly either speak or give ear to reason, being after sharp and bitter conflict<sup>b</sup> retired to a calm remembrance of all their former proceedings; the causes that brought them into quarrel, the course which their stirring<sup>a</sup> affections have followed, and the issue whereunto they are come; may peradventure, as troubled waters, in small time, of their own accord, by certain easy degrees settle themselves again, and so recover that clearness of well-advised judgment, whereby they shall stand at the length indifferent, both to yield and admit any reasonable satisfaction, where before they could not endure with patience to be gainsayed. Neither will I despair

BOOK VI.  
Ch. i. s.  
—  
The ques-  
tion be-  
tween us,  
whether all  
congrega-  
tions or  
ought to  
have lay-  
elders in-  
stituted with  
power of  
jurisdiction  
in spiritual  
causes.

<sup>a</sup> The words which is, are inserted from the Dublin MS. (which will be designated in these notes by the letter E.) <sup>b</sup> conflicts Ed. 1631. <sup>c</sup> stirring E.

<sup>1</sup> [Although the present editor is convinced, for the reasons assigned in the preface, that the sixth book completed by Hooker is now almost or altogether lost, still he has judged it best on consideration to leave the following pages in their usual place: first, because the early part of them does appear to have formed part of some rough draft of the book on lay elders; secondly, because it seemed safer to await the judgment of literary men in general, before expunging so large a portion of the treatise; thirdly, because he believes the whole to be Hooker's, though wrongly inserted into his great work.]

VOL. III.

BOOK VI.  
Ch. 1. s. 3.

of the like success in these unpleasant controversies touching ecclesiastical policy; the time of silence which both parts have willingly taken to breathe<sup>1</sup>, seeming now as it were a pledge of all men's quiet contentment to hear with more indifferency the weightiest<sup>2</sup> and last remains of that cause, Jurisdiction<sup>3</sup>, Dignity<sup>4</sup>, Dominion Ecclesiastical<sup>5</sup>. For, let not<sup>6</sup> any man imagine, that the bare and naked difference of a few ceremonies could either have kindled so much fire, or have caused it to flame so long; but that the parties which herein laboured mightily for change, and (as they say) for Reformation, had somewhat more than this mark only<sup>7</sup> whereto to aim<sup>8</sup>.

[1.] Having therefore drawn out a complete form, as they supposed<sup>9</sup>, of public service to be done to God, and set down their plot for the office of the ministry in that behalf; they very well knew how little their labours so far forth bestowed would avail them in the end, without a claim of jurisdiction to uphold the fabric which they had erected; and this neither likely to be obtained but by the strong hand of the people, nor the people unlikely to favour it; the more<sup>10</sup>, if overture were made of their own interest, right, and title thereunto. Whereupon there are many which have conjectured this to be the cause, why in all the projects of their discipline (it being manifest that their drift is to wrest the key of spiritual authority out of the hands of former governors, and equally to possess therewith the pastors of all several congregations) the people, first for surer accomplishment, and then for better defence thereof, are pretended<sup>11</sup> necessary actors in those things, whereunto their ability for the most part is as slender, as their title and challenge unjust.

[3.] Notwithstanding whether they saw it necessary for

<sup>1</sup> not om. E.    <sup>2</sup> only om. E.    <sup>3</sup> suppose E.    <sup>4</sup> favour it the more.    <sup>5</sup> Fulman in the margin of a copy of the first edition in C. C. C. library.

<sup>6</sup> [After 1593, in which year Hooker's work, and the two treatises of Bancroft, there was a pause for a while in the Puritan controversy.]    <sup>7</sup> [It may seem that there is some omission here: for the following sentence implies that a summary had been given of the Puritan "plot" set down for the office of the "ministry," as being the end, for which the objections about ceremonies were a pretence, and the agitation for lay elders a means.]

<sup>8</sup> [See Pref. iv. s.; and note 17. (8), which is note 1, p. 166, in vol. i. of this Ed.]

<sup>9</sup> Lib. vi.  
<sup>10</sup> Lib. vii.  
<sup>11</sup> Lib. viii.

[See Bancroft's *Deag.* Pos. b. iv. c. 12.]

*Twofold Advantage of their claiming divine Right.* 3

them so<sup>b</sup> to persuade the people, without whose help they could do nothing; or else, (which I rather think,) the affection which they bare<sup>c</sup> towards this new form of government made them to imagine it God's own ordinance, their doctrine is, "that by the law of God, there must be for ever in all congregations certain lay-elders, ministers of ecclesiastical jurisdiction<sup>d</sup>," inasmuch as our Lord and Saviour by testament (for so they presume) hath left all ministers or pastors in the Church executors equally to the whole power of spiritual jurisdiction, and with them hath joined the people as colleagues. By maintenance of which assertion there is unto that part apparently gained a twofold advantage; both because the people in this respect are much more easily drawn to favour it, as a matter of their own interest; and for that, if they chance to be crossed by such as oppose against them, the colour of divine authority, assumed for the grace and countenance of that power in the vulgar sort, furnisheth their leaders with great abundance of matter, behoveful for their encouragement to proceed always with hope of fortunate success in the end, considering their cause to be as David's was, a just defence of power given them from above, and consequently, their adversaries' quarrel the same with Saul's by whom the ordinance of God was withstood.

[4.] Now on the contrary side, if this their surmise prove false; if such, as in justification whereof no evidence sufficient either hath been or can be alleged (as I hope it shall clearly appear after due examination and trial), let them then consider whether those words of Corah, Dathan and Abiram against Moses and against Aaron<sup>e</sup>, "It is too much that ye take upon you, seeing all the congregation is holy," be not the very true abstract and abridgment of all their published Admonitions, Demonstrations, Supplications, and Treatises whatsoever, whereby they have laboured to void the rooms of their spiritual superiors before authorized, and to advance the new fancied sceptre by lay presbyterial power.

II. But before there can be any settled determination, whether truth do<sup>a</sup> rest on their part, or on ours, touching

<sup>a</sup> 100 ps. E.

<sup>b</sup> 100 ps. E.

<sup>c</sup> 100 ps. E.

<sup>d</sup> [Ecc. Disc. fol. 120-125.]

<sup>e</sup> Numb. xvi. 3.





naturally warranted to enforce upon their own subjects particularly those things which public wisdom shall judge expedient for the common good: so it were absurd to imagine the Church itself, the most glorious amongst them, abridged of this liberty; or to think that no law, constitution, or canon, can be further made either for limitation<sup>a</sup> or amplification<sup>b</sup> in the practice of our Saviour's ordinances, whatsoever occasion be offered through variety of times and things, during the state of this unconstant<sup>c</sup> world, which bringing<sup>d</sup> forth daily such new evils as must of necessity by new remedies be redrest, did both of old enforce our venerable predecessors', and will always constrain others, sometime to make, sometime to abrogate, sometime to augment, and again to abridge sometime; in sum, often to vary, alter, and change customs incident into the manner of exercising that power which doth itself continue always one and the same. I therefore conclude, that spiritual authority is a power which Christ hath given to be used over them which are subject unto it for the eternal good of their souls, according to his own most sacred laws and the wholesome positive constitutions of his Church.

In doctrines<sup>e</sup> referred unto action and practice, as this is which concerneth<sup>f</sup> spiritual jurisdiction, the first step towards<sup>g</sup> sound and perfect understanding is the knowledge of the end, because thereby both use doth frame, and contemplation judge all things.

III.<sup>h</sup> Seeing then<sup>i</sup> that the chiefest cause of spiritual jurisdiction is to provide for the health and safety of men's souls, by bringing them to see and repent their grievous offences committed against God, as also to reform all injuries offered with the breach of Christian love and charity, towards<sup>j</sup> their brethren, in matters of ecclesiastical cognizance<sup>k</sup>; the

<sup>a</sup> limitation made limitation by *Alp. Elcker de D.*    <sup>b</sup> ampliation D.    <sup>c</sup> inconstant E.    <sup>d</sup> bringeth E. which *quod* the *statu*. *Falsitas conjectura* offered; though *locus* of offered through.    <sup>e</sup> predicament E.    <sup>f</sup> doctrine E.    <sup>g</sup> concern E.    <sup>h</sup> step towards *con. E.*    <sup>i</sup> Penitency E.    <sup>j</sup> to. D.    <sup>k</sup> then *con. E.*    <sup>l</sup> toward E.

<sup>1</sup> [This clause, "in matters of ecclesiastical cognizance," is no doubt inserted with especial purpose of qualifying the general expression before, of "referring all injuries, " &c." and so avoiding the claim of extreme prerogative, which the Facians urged in order to draw all causes into their spiritual courts. See Pref. c. vii. 4. In the statement

6 *Distinction between the Virtue and Discipline of Repentance.*

BOOK VI. use of this power shall by so much the plainlier appear, if  
 CH. III. first the nature of repentance itself be known.

Penitency; We are by repentance to appease whom we offend by sin.  
 the one a For which cause, whereas all sins deprive<sup>b</sup> us of the favour  
 private of Almighty God, our way of reconciliation with him is the  
 duty to- inward secret repentance of the heart; which inward repen-  
 wards God, tance alone sufficeth, unless some special thing, in the quality  
 the other a of sin committed, or in the party that hath done amiss,  
 duty of ex- of sinne more. For besides our submission in God's sight,  
 ternal dis- cipline. Of Repentance must not only proceed to the private contentation  
 cipline. Of of men, if the sin be a crime injurious; but also further,  
 the Virtue where the wholesome discipline of God's Church exacteth a  
 of Repen- move exemplary and open satisfaction<sup>c</sup>. Now the Church  
 tance, from being satisfied with outward repentance, as God is with  
 which the inward, it shall not be amiss, for more perspicuity, to term  
 former the latter always the Virtue, that<sup>d</sup> former the Discipline of  
 duty pro- Repentance: which discipline hath two sorts of penitents to  
 ceedeth; work upon, inasmuch as it hath been accustomed to lay the  
 and of offices of repentance on some seeking, others shunning them;  
 Customs, on some at their own voluntary request, on others altogether  
 the first against their wills; as shall hereafter appear by store of  
 part of this ancient examples. Repentance being therefore either in the  
 duty. sight of God alone, or else with the notice also of men:  
 without the one, sometimes thoroughly performed, but always  
 practised more or less, in our daily devotions and prayers, we  
 have no remedy for any fault; whereas the other is only  
 required in sins of a certain degree and quality: the one

<sup>b</sup> sin deprives E.      <sup>c</sup> further E.      <sup>d</sup> the E.

supposed to be the Lord Keeper  
 Fulker's, Stryp. An. iv. 201,  
 among other opinions held by the  
 Puritans against the state and policy  
 of the realm, is set down, "That all  
 matters arising in their several  
 limits, (though they be mere civil  
 and temporal,) if there may happen  
 to be breach of charity, or wrong  
 offered by one unto another, may  
 and ought to be composed by the  
 eldership." <sup>1</sup>

<sup>1</sup> "Penitentia secunda, et unius,  
 quanto in actu [arcto] negotium  
 est, tanto operose [paucior] E."

"probatio est, ut non sola con-  
 scientia proferatur, [proferatur,  
 D.] sed aliquo etiam actu admi-  
 nistretur." "Second penitency,  
 following that before baptism, and  
 being not more than once admitted  
 in one man, requireth by so much  
 the greater labour to make it  
 manifest, for that it is not a work  
 which can come again in trial, but  
 must be therefore with some open  
 solemnity executed, and not left  
 to be discharged with the privacy  
 of conscience alone." Tertull. de  
 Penit. [c. 9.]

*Office of Fear in producing Repentance.* 7

necessary for ever, the other so far forth as the laws and orders of God's Church shall make it requisite; the nature, parts, and effects of the one always the same; the other limited, extended, varied by infinite occasions<sup>1</sup>.

[2.] The virtue of repentance in the heart of man is God's handy work, a fruit or effect of divine grace. Which grace continually offereth itself, even unto them that have forsaken it, as may appear by the words of Christ in St. John's Revelation<sup>2</sup>, "I stand at the door and knock;" nor doth he only knock without, but also within assist to open<sup>3</sup>, whereby access and entrance is given to the heavenly presence of that saving power, which maketh man a repaired Temple for God's good Spirit again to inhabit. And albeit the whole train of virtues which are implied in the name of grace be infused at one instant<sup>4</sup>; yet because when they meet and concur unto any effect in man, they have their distinct operations rising orderly one from another; it is no unnecessary thing that we note the way or method of the Holy Ghost in framing man's sinful heart to repentance.

A work, the first foundation whereof is laid by opening and illuminating the eye of faith, because by faith are discovered the principles of this action, whereunto unless the understanding do first assent, there can follow in the will towards penitency no inclination at all. Contrariwise, the resurrection of the dead, the judgment of the world to come, and the endless misery of sinners being apprehended, this worketh fear; such as theirs was, who feeling their own distress and perplexity, in that passion besought our Lord's Apostles earnestly to give them counsel what they should do<sup>5</sup>. For fear is impotent and unable to advise itself; yet this good it hath, that men are thereby made desirous to prevent, if possibly they may, whatsoever evil they dread. The first thing that wrought the Ninivites' repentance, was

\* \* D.

<sup>1</sup> [Judging by internal evidence, to a treatise on lay-elders, (which is almost all we have,) it may perhaps appear that at this point, if not before, the collections of Hooker for the 6th book cease, and that what remains is taken indeed from papers of his, but wrongly assigned

to a treatise on lay-elders.]

<sup>2</sup> [Rev. iii. 20.]

<sup>3</sup> [Comp. Fragment of an Answer to a Christian Letter, above, t. ii. p. 340.]

<sup>4</sup> [See E. P. V. l. i. 12.]

<sup>5</sup> [Acts ii. 37. {om. D.}]



8 *Hope of Pardon, the second Step in Repentance:*

BOOK VI  
CH. III  
fear of destruction within forty days<sup>1</sup>; signs and miraculous works of God, being extraordinary representations of divine power, are commonly wont to stir any the most wicked with terror, lest the same power should bend itself against them. And because tractable minds, though guilty of much sin, are hereby moved to forsake those evil ways which make his power in such sort their astonishment and fear; therefore our Saviour denounced his curse against Corazin and Bethsaida, saying, that if Tyre and Sidon had seen that which they did, these signs which prevailed little with the one would have brought<sup>2</sup> the other's repentance<sup>3</sup>. As the like thereunto did in the men given to curious arts, of whom the apostolic history saith<sup>4</sup>, that "fear came upon them, and many which had followed vain sciences, burnt openly the very books out of which they had learned the same." As fear of contumely and disgrace amongst men, together with other civil punishments, are a bridle to restrain from many<sup>5</sup> heinous acts wherinto men's outrage would otherwise break; so the fear of divine revenge and punishment, where it taketh place, doth make men desirous to be rid likewise from that inward guiltiness of sin, wherein they would else securely continue.

[3.] Howbeit, when faith hath wrought a fear of the event of sin, yet repentance hereupon ensueth not, unless our belief conceive both the possibility and means to avert evil: the possibility, inasmuch as God is merciful, and most willing to have sin cured; the means, because he hath plainly taught what is requisite and shall suffice unto that purpose. The nature of all wicked men is, for fear of revenge to hate whom they most wrong; the nature of hatred, to wish that destroyed which it cannot brook; and from hence ariseth the furious endeavour<sup>6</sup> of godless and obdurate sinners to extinguish in themselves the opinion of God, because they would not have him to be, whom execution of endless woe doth not suffer them to love. Every sin against God abateth, and continuance in sin extinguisheth our love towards him. It was therefore said to the angel of Ephesus having sinned<sup>7</sup>, "Thou art

<sup>1</sup> *J. wrought. Fals.*      <sup>2</sup> *any E.*      <sup>3</sup> *endeavour E.*  
<sup>4</sup> [Jonah iii. 5. [om. D.]      <sup>5</sup> [Acts six. 17, 19.]  
<sup>6</sup> *S. Math. xi. 21. [om. D.]*      <sup>7</sup> [Rev. ii. 4.]

*grounded on Thoughts of God as a God of Mercy.* 9

"fallen away from thy first love;" so that, as we never decay in love till we sin, in like sort neither can we possibly forsake sin, unless we first begin again to love. What is love towards God, but a desire of union with God? And shall we imagine a sinner converting himself to God, in whom there is no desire of union with God presupposed? I therefore conclude, that fear worketh no man's inclination to repentance, till somewhat else have wrought in us love also. Our love and desire of union with God ariseth from the strong conceit which we have of his admirable goodness. The goodness of God which particularly moveth unto repentance, is his mercy towards mankind, notwithstanding sin: for let it once sink deeply into the mind of man, that howsoever we have injured God, his very nature is averse from revenge, except unto sin we add obstinacy; otherwise always ready to accept our submission as a full discharge or recompense for all wrongs; and can we choose but begin to love him whom we have offended? or can we but begin to grieve that we have offended him whom we now<sup>1</sup> love? Repentance considereth sin as a breach of the law of God, an act obnoxious to that revenge, which notwithstanding may be prevented, if we pacify God in time.

The root and beginning of penitency therefore is the consideration of our own sin, as a cause which hath procured the wrath, and a subject which doth need the mercy of God. For unto man's understanding there being presented, on the one side, tribulation and anguish upon every soul that doth evil; on the other, eternal life unto them which by continuance in well-doing seek glory, and honour, and immortality: on the one hand, a curse to the children of disobedience; on the other, to lovers of righteousness all grace and benediction: yet between these extremes, that eternal God, from whose unspotted justice and undeserved mercy the lot of each inheritance proceedeth, is so inclinable rather to shew compassion than to take revenge, that all his speeches in Holy Scripture are almost nothing else but entreaties of men to prevent destruction by amendment of their wicked lives; all the works of his providence little other than mere allurements of the just to continue steadfast, and of the unrighteous to change their

<sup>1</sup> now and. E.

BOOK VI.  
Ch. II. 2.

BOOK VI  
Ch. III.  
course; all his dealings and proceedings such towards true converts, as have even filled the grave writings of holy men with these and the like most sweet sentences: "Repentance (if I may so speak<sup>1</sup>) stoppeth God in his way, when being provoked by crimes past he cometh to revenge them with most just punishments; yea, it tieth as it were the hands of the avenger, and doth not suffer him to have his will." Again, "The merciful eye of God towards men hath no power to withstand penitency, at what time soever it comes in presence." And again, "God doth not take it so in evil part, though we wound that which he hath required us to keep whole, as that after we have taken hurt there should be in us no desire to receive his help." Finally, lest I be carried too far in so large a sea, "There was never any man condemned of God but for neglect, nor justified except he had care, of repentance."

[4.] From these considerations, setting before our eyes our inexcusable both unthankfulness in disobeying so merciful, and foolishness in provoking so powerful a God, there ariseth necessarily a pensive and corrosive desire that we had done otherwise; a desire which suffereth us to foreslow no time, to feel no quietness within ourselves, to take neither sleep nor food with contentment, never to give over supplications, confessions, and other penitent duties, till the light of God's reconciled favour shine in our darkened soul.

Fulgentius asking the question, why David's confession should be held for effectual penitence, and not Saul's; answereth<sup>2</sup>, that the one hated sin, the other feared only punish-

<sup>1</sup> Cassian. Col. 20. c. 4. [Bibl. Biblioth. Patr. Par. 1624. t. I. p. Patr. Colon. t. v. p. 2. 206. "Ita ut Deo, preteritis facinoribus offensis, jamque justissimum poenam pro tantis criminibus inferens, (si dici fas est) quodammodo obstinat, et quasi inviol (in sa diversis) dev- tram suspendat alteris."]  
<sup>2</sup> Basil. Episc. Seleuc. (circ. 435.) p. 106. [ed. Commenio. 1596.] Ἐκείνου θύλακος ἀνομιῶν ἀδικίας ἐπέσπευον. Chry. in 1 Cor. Hom. 8. [t. 4. c. 8. p. 71. C. ed. Bened.] Οὐ τοῦ ἐπιβουλεύειν αὐτῷ θανάτῳ, ἀλλὰ τοῦ ἐπιβουλεύειν αὐτῷ θανάτῳ. Marc. Erem. († circ. 410) [de Penit. ap. Biblioth. Patr. Par. 1624. t. I. p. 913 D.] Ὁδὴν ἀπεκρίθη, εἰ μὴ μετανοῶν καταβύβασε, καὶ οὐδέ ἐλάσθη, εἰ μὴ καὶ τὴν ἀνομιάν ἠγάπησεν.  
<sup>3</sup> Fulg. (Ep. of Ruape, 467-533.) de Remis. Peccat. lib. II. cap. 15. [Ecce Saul dixit, Peccavi: David quoque dixit, Peccavi. Cum ergo in confessione peccati utriusque una vox fuerit, cur non una est utriusque concessa remissio? nisi quia in similitudine confessionis videbat Deus dissimilitudinem voluntatis.] in Bibl. Patr. Colon. vi. 119.]

*Three Parts of it: Contrition, Confession, Satisfaction.* 11

ment in this world: Saul's acknowledgment of sin was fear, David's both fear and also love. This was the fountain of Peter's tears, this the life and spirit of David's eloquence, in those most admirable hymns entitled Penitential, where the words of sorrow for sin do melt the very bowels of God<sup>a</sup> remitting it, and the comforts of grace in remitting sin carry him which sorrowed rapt as it were into heaven with ecstasies of joy and gladness. The first motive of the Ninivites unto repentance was their belief in a sermon of fear, but the next and most immediate, an axiom of love<sup>b</sup>: "Who can tell whether God will turn away his fierce wrath, that we perish or not?" No conclusion such as theirs, "Let every man turn from his evil way," but out of premises such as theirs were, fear and love. Wherefore the well-spring of repentance is faith, first breeding fear, and then love; which love causeth hope, hope resolution of attempt<sup>c</sup>; "I will go to my Father, and say, I have sinned against heaven and against thee;" that is to say, I will do what the duty of a convert requireth.

[5]<sup>d</sup> Now in a penitent's or convert's duty, there are included, first, the aversion of the will from sin<sup>e</sup>; secondly, the submission of ourselves to God by supplication and prayer; thirdly, the purpose of a new life, testified with present works of amendment: which three things do very well seem to be comprised in one definition, by them which handle repentance, as a virtue that hateth, bewalleth, and sheweth a purpose to amend sin. We offend God in thought, word, and deed. To the first of which three, they make contrition; to the second, confession; and to the last, our works of satisfaction, answerable.

<sup>e</sup>Contrition doth not here import those sudden pangs and convulsions of the mind which cause sometimes the most forsaken of God to retract their own doings; it is no natural passion or anguish, which riseth in us against our wills, but a deliberate aversion of the will of man from sin; which being always accompanied with grief, and grief oftentimes partly with tears, partly with other external signs, it hath been thought, that in these things contrition doth chiefly consist:

<sup>a</sup> God's D.      <sup>b</sup> vi. D.      <sup>c</sup> vii. D.

<sup>d</sup> Jen. c. iii. 9.      <sup>e</sup> [Luke xv. 18.]      <sup>f</sup> Senten. lib. 4. d. 14.

12 *Contrition. Transition to the Discipline of Repentance.*

BOOK VI. whereas the chiefest thing in contrition is that alteration  
CL. III. A. whereby the will, which was before delighted with sin, doth  
IN. C. now abhor and shun nothing more. But forasmuch as we  
 cannot hate sin in ourselves without heaviness and grief, that  
 there should be in us a thing of such hateful quality, the will  
 averted from sin must needs make the affection suitable; yea,  
 great reason why it should so do: for sith the will by con-  
 ceiving sin hath deprived the soul of life; and of life there is  
 no recovery without repentance, the death of sin; repentance  
 not able to kill sin, but by withdrawing the will from it; the  
 will impossible to be withdrawn, unless it concur with a con-  
 trary affection to that which accompanied it before in evil: is  
 it not clear that as an inordinate delight did first begin sin, so  
 repentance must begin with a just sorrow, a sorrow of heart,  
 and such a sorrow as renteth the heart; neither a feigned  
 nor a slight<sup>a</sup> sorrow; not feigned, lest it increase sin; nor  
 slight, lest the pleasures of sin overmatch it.

[6.] Wherefore of Grace, the highest cause from which  
 man's penitency doth proceed; of faith, fear, love, hope, what  
 force and efficiency they have in repentance; of parts and  
 duties thereunto belonging, comprehended in the schoolmen's  
 definitions; finally, of the first among those duties, contrition,  
 which disliketh and bewalleth iniquity, let this suffice.

\*And because God will have offences by repentance not  
 only abhorred within ourselves, but also with humble suppli-  
 cation displayed before him, and a testimony of amendment  
 to be given, even by present works, worthy repentance, in that  
 they are contrary to those we renounce and disclaim: although  
 the virtue of repentance do require that her other two parts,  
 confession and satisfaction, should here follow; yet seeing  
 they belong as well to the discipline as to the virtue of repen-  
 tance, and only differ for that in the one they are performed  
 to man, in the other to God alone; I had rather distinguish  
 them in joint handling, than handle them apart, because in  
 quality and manner of practice they are distinct\*.

Of the Dis- IV. \* Our Lord and Saviour in the sixteenth of St. Matthew's  
 cipline of Gospel giveth his Apostles regiment in general over God's  
 Repent- Church<sup>1</sup>. For they that have the keys of the kingdom of  
 -ance in-

<sup>a</sup> nor slight E. \* III. D. \* A space of half a page is left here in D. \* I. D.

<sup>1</sup> Matt. xvi. 19.



BOOK VI. transgressors by putting them unto offices of open penitence ;  
 CH. II. 3. especially confession, whereby they declared their own crimes  
 --- in the hearing of the whole Church, and were not from the  
 time of their first convention capable of the holy mysteries of  
 Christ, till they had solemnly discharged this<sup>4</sup> duty.

Offenders in secret, knowing themselves altogether as  
 unworthy to be admitted to the Lord's table, as the others<sup>5</sup>  
 which were withheld, being also persuaded, that if the Church  
 did direct them in the offices of their penitency, and assist  
 them with public prayer, they should more easily obtain that  
 they sought, than by trusting wholly to their own endeavours ;  
 finally, having no impediment to stay them from it but bash-  
 fulness, which countervailed not the former inducements, and  
 besides was greatly eased by the good construction which the  
 charity of those times gave to such actions, wherein men's  
 piety and voluntary care to be reconciled to God, did pur-  
 chase them much more love, than their faults (the testimonies  
 of common frailty) were able to procure disgrace ; they made  
 it not nice to use some one of the ministers of God, by whom  
 the rest might take notice of their faults, prescribe them con-  
 venient remedies, and in the end after public confession, all  
 join in prayer unto God for them.

[3.] The first beginners of this custom had the more follow-  
 ers, by means of that special favour which always was with  
 good consideration shewed towards voluntary penitents above  
 the rest. But as professors of Christian belief grew more in  
 number, so they waxed worse, when kings and princes had  
 submitted their dominions unto the sceptre of Jesus Christ,  
 by means whereof persecution ceasing, the Church immedi-  
 ately became subject to those evils which peace and security  
 bringeth forth ; there was not now that love which before  
 kept all things in tune, but every where schisms, discords,  
 dissensions amongst men, conventicles of heretics, bent more  
 vehemently against the sounder and better sort than very  
 infidels and heathens themselves ; faults not corrected in  
 charity, but noted with delight, and kept for malice to use  
 when deadliest opportunities should be offered. Whereupon,  
 forasmuch as public confessions became dangerous and pre-  
 judicial to the safety of well-minded men, and in divers

<sup>4</sup> their.      <sup>5</sup> other E.

respects advantageous to the enemies of God's Church, it seemed first unto some, and afterwards generally, requisite, that voluntary penitents should surcease from open confession.

\* Instead whereof, when once private and secret confession had taken place with the Latins, it continued as a profitable ordinance, till the Lateran council<sup>1</sup> had decreed, that all men once in a year at the least should confess themselves to the priest. So that being thus made a thing<sup>2</sup> both general and also necessary, the next degree of estimation whereunto it grew, was to be honoured and lifted up to the nature of a sacrament; that as Christ did institute Baptism to give life, and the Eucharist to nourish life, so Penitency<sup>3</sup> might be thought a sacrament ordained to recover life, and Confession a part of the sacrament.

They define therefore their private penitency<sup>3</sup> to be "a sacrament of remitting sins after baptism;" the virtue of repentance, "a detestation of wickedness<sup>4</sup>, with full purpose "to amend the same, and with hope to obtain pardon at "God's hands." Wheresoever the Prophets cry *Repent*, and in the Gospel Saint Peter maketh the same exhortation to the Jews as yet unbaptized, they will have the virtue of repentance only to be understood; the sacrament, where he adviseth Simon Magus to repent, because the sin of Simon Magus was after baptism.

Now although they have only external repentance for a sacrament, internal for a virtue, yet make they sacramental repentance nevertheless to be composed of three parts, contrition, confession, and satisfaction: which is absurd; because

\* iii. D.      \* a thing thus made E.      \* Penitence E.

<sup>1</sup> [Concil. Later. iv. A. D. 1215, under Innocent III. can. 21. "Omnia utriusque sexus fidelia, postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter, saltem semel in anno, proprio sacerdoti et insanciam sibi penitentiam videat pro virtutibus adimplere, suscipiens reverenter ad missam in Pascha Eucharistiae sacramentum." l. xi. p. 172, 3.]

<sup>2</sup> Soto Spanish Dominican, 1494-

1560] in iv. Sent. d. 14. q. 1. art. 1. [2] Est enim penitentia, sacramentum remissionis peccatorum quae post baptismum committuntur." p. 344. ed. Douay, 1613.]

<sup>3</sup> Idem, ead. dist. q. 2. art. 1. [p. 359. "Est detestatio, et odium, et abominatio commisi peccati, cum firmo proposito emendandi vitam, spe veniae divinitus obtinendae." Haeec namque pro penitentiae virtutis definitione habenda est.]



BOOK VI  
CH. IV. 3  
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contrition, being an inward thing, belongeth to the virtue and not to the sacrament of repentance, which must consist of external parts, if the nature thereof be external. Besides, which is more absurd, they leave out absolution; whereas some of their school-divines<sup>1</sup>, handling penance in the nature of a sacrament, and being not able to espy the least resemblance of a sacrament save only in absolution (for a sacrament by their doctrine must both signify and also confer or bestow some special divine grace), resolved themselves, that the duties of the penitent could be but mere preparations to the sacrament, and that the sacrament itself was wholly in absolution. And albeit Thomas with his followers have thought it safer, to maintain as well the services of the penitent, as the words of the minister, necessary unto the essence of their sacrament; the services of the penitent, as a cause material; the words of absolution, as a formal<sup>2</sup>; for that by them all things else are perfected to the taking away of sin; which opinion now reigneth in all their schools, sithence the time that the council of Trent<sup>3</sup> gave it solemn approbation; seeing they all make absolution, if not the whole essence, yet the very form whereunto they ascribe chiefly the whole force and operation of their sacrament; surely to admit the matter as a part, and not to admit the form, hath small congruity with reason.

Again, forasmuch as a sacrament is complete, having the matter and form which it ought, what should lead them to set down any other part<sup>4</sup> of sacramental repentance, than confession and absolution, as Durandus<sup>4</sup> hath done? For

\* parts E.

<sup>1</sup> Scot. [John Duns, Franciscan Schoolman, † 1308.] *Sent.* iv. d. 14. q. 4. [<sup>o</sup> Pono hanc rationem nominis: penitentia est absolutio hominis penitentis, facta certis verbis, cum debita intentione prolata a sacerdote, jurisdictionem habente ex institutione divina, efficaciter significantibus absolutionem animae a peccato.] t. ix. p. 81. ed. Wadding. This reference is by Usher.]

<sup>2</sup> Tho. Aquin. *Summ. Theol.* p. iii. de Sacram. q. xxx. ar. 84. art. iii. Oportet quod ea que sunt ex parte penitentis, sive sint verba

<sup>3</sup> sive facta, sive quedam materia hujus sacramenti, ea vero, que sunt ex parte sacerdotis, se habent aut per modum forme. p. 291. Venet. 1592.]

<sup>4</sup> Sess. xiv. c. 3. Docet sancta Synodus sacramenti penitentiae formam, in qua precipue ipsius vis sita est, in illis ministri verbis positam esse, *Ego te absolvo*. Sunt autem quasi materia hujus sacramenti ipsius penitentis actus, nempe contritio, confessio, et satisfactio.

[In iv. sess. d. xvi. q. 1. § 4. Præter materiam et formam in sa-

touching satisfaction, the end thereof, as they understand it, is a further matter, which resteth after the sacrament administered, and therefore can be no part of the sacrament. Will they draw in contrition with satisfaction, which are no parts, and exclude absolution, a principal part, yea, the very complement, form, and perfection of the rest, as themselves account it?

[4.] But for their breach of precepts in art, it skilleth not, if their doctrine otherwise concerning penitency, and in penitency<sup>a</sup>, touching confession, might be found true. "We say, let no man look for pardon, which doth smother and conceal sin, where in duty it should be revealed. The cause why God requireth confession to be made to him is, that thereby testifying a deep hatred of our own iniquities<sup>b</sup>, the only cause of his hatred and wrath towards us, we might, because we are humble, be so much the more capable of that compassion and tender mercy, which knoweth not how to condemn sinners that condemn themselves. If it be our Saviour's own principle, that the conceit we have of our debt forgiven, proportioneth our thankfulness and love to him at whose hands we receive pardon<sup>c</sup>, doth not God foresee, that they which with ill-advised modesty seek to hide their sin like Adam<sup>d</sup>, that they which rake it up under ashes, and confess it not, are very unlikely to requite with offices of love afterwards the grace which they shew themselves unwilling to prize at the very time when they sue for it; inasmuch as their not confessing what crimes they have committed, is a plain signification, how loth they are that the benefit of God's most gracious pardon should seem great? Nothing more true than that of Tertullian<sup>e</sup>, "Confession doth as much abate the weight of men's offences, as concealment doth make them

<sup>a</sup> In penitency D.      <sup>b</sup> In D.      <sup>c</sup> Iniquity E.

<sup>d</sup> sacramenti non est dare alias partes  
<sup>e</sup> proprie dictas; sed contritio et  
<sup>f</sup> satisfactio non sunt materia neque  
<sup>g</sup> forma sacramenti penitentiae;  
<sup>h</sup> forma enim consistit in verbis ab-  
<sup>i</sup> solutionis; materia vero signa sit  
<sup>j</sup> in verbis confessionis, quibus po-  
<sup>k</sup> nitens suam conscientiam aperit  
<sup>l</sup> sacerdoti; ergo contritio et satis-  
<sup>m</sup> factio non sunt partes sacramenti  
<sup>n</sup> penitentiae, proprie loquendo.  
<sup>o</sup> Luc. vii. 47.  
<sup>p</sup> Job xxxi. 33.  
<sup>q</sup> Tantum relevat confessio de-  
<sup>r</sup> betorum, quantum dissimulatio ex-  
<sup>s</sup> agerat. Confessio autem [enim]  
<sup>t</sup> satisfactiois consilium est, dissi-  
<sup>u</sup> mulatio contumaciae.<sup>v</sup> Tertull. de  
<sup>w</sup> Penit. [c. 8. fn.]  
<sup>x</sup> vii. iii.



once every year was made, both severally by each of the people for himself upon the day of expiation, and by the priest for them all<sup>1</sup>, acknowledging unto God<sup>2</sup> the manifold transgressions of the whole nation, his own personal offences likewise, together with the sins, as well of his family, as of the rest of his rank and order.

They had again their voluntary confessions, at all<sup>3</sup> times and seasons, when men, bethinking themselves of their wicked conversation past, were resolved to change their course, the beginning of which alteration was still confession of sins.

Thirdly, over and besides these, the law imposed upon them also that special confession which they in their books call<sup>4</sup> *וְדָוָה יָלַד עֵלְיוֹן מִיְיָוִי*, confession of that particular fault for which we namely seek pardon at God's hands. The words of the law<sup>5</sup> concerning confession in this kind are as followeth: "When a man or woman shall commit any sin<sup>6</sup> that men commit, and transgress against the Lord, their sin<sup>7</sup> which they have done" (that is to say, the very deed itself in particular) "they shall acknowledge." In Leviticus, after certain transgressions there mentioned, we read the like<sup>8</sup>: "When a man hath sinned in any one of these things, he shall then confess, how in that thing he hath offended." For such kind of special sins they had also special sacrifices, wherein the manner was, that the offender should lay his hands on the head of the sacrifice which he brought, and should there make confession to God, saying<sup>9</sup>, "Now, O Lord, that I have offended, committed sin and done wickedly in thy sight, this or this being my fault; behold I repent me, and am utterly ashamed of my doings; my purpose is, never to return more to the same crime."

<sup>1</sup> Finally, there was no man amongst them at any time,

<sup>2</sup> at the times E.

<sup>3</sup> book c&ll E.

<sup>1</sup> "All Israel is bound on the day of expiation to repent and confess." R. Mos. in lib. Misnoth haggadol, par. 2. pr. 16. [Comp. Tract. Teshuboth, c. ii. § 9. p. 32.]

text. See Clavering's notes, p. 137. and Talmud, Cod. Joma, as cited by him.]

<sup>2</sup> Num. v. 6.

<sup>3</sup> Lev. v. 5.

<sup>4</sup> Misne Tora, Tractatu Teshuba,

cap. i. [i. l. fol. 7. Venet. 1550] et

R. M. in lib. Misnoth, par. 2. cap. 16.

<sup>5</sup> "On the day of expiation the high-priest maketh three express confessions." Idem, eodem loco.

<sup>6</sup> Mos. in Misnoth, par. 2. pr. 16. [This note in E. is part of the

BOOK VI.  
Ch. IV. 3  
either condemned to suffer death, or corrected, or chastised with stripes, none ever sick and near his end, but they called upon him to repent and confess his sins.

Of malefactors convict by witnesses, and thereupon either adjudged to die, or otherwise chastised, their custom was to exact, as Joshua did of Achan, open confession: "My son, now give glory to the Lord God of Israel; confess unto him, and declare unto me what thou hast committed; conceal it not from me."

Concerning injuries and trespasses which happen between men, they highly commend such as will acknowledge before many. "It is in him which repenteth accepted as an high sacrifice, if he will confess before many, make them acquainted with his oversights, and reveal the transgressions which have passed between him and any of his brethren; saying, I have verily offended this man, thus and thus I have done unto him; but behold I do now repent and am sorry. Contrariwise, whosoever is proud, and will not be known of his faults, but cloaketh them, is not yet come to perfect repentance; for so it is written, 'He that hideth his sins shall not prosper,' which words of Salomon they do not further extend, than only to sins committed against men, which are in that respect meet before men to be acknowledged particularly. "But in sins between man and God, there is no necessity that man should himself make any such open and particular recital of them:" to God they are known, and of us it is required, that we cast not the memory of them carelessly and loosely behind our backs, but keep in mind, as near as we can, both our own debt and his grace which remitteth the same.

[5] Wherefore, to let pass Jewish confession, and to come unto them which hold confession in the ear of the priest commanded, yea, commanded in the nature of a sacrament, and thereby so necessary that sin without it cannot be par-

\* = D.

text. Comp. Tract. Teshuboth, c. i. § 3. "None of them, whom either the house of judgment hath condemned to die, or of them which are to be punished with stripes, can be clear by being executed or scourged, till they repent and con-

"less their faults." [Tib.] "To him which is sick and draweth towards death, they say, Confess."

<sup>1</sup> Jos. vii. 19.

<sup>2</sup> Maimonid. in Tract. Teshuboth, c. ii. § 6.

<sup>3</sup> [Prov. xxviii. 13.]

done; let them find such a commandment in holy Scripture, and we ask no more. John the Baptist was an extraordinary person; his birth, his actions of life, his office extraordinary. It is therefore recorded for the strangeness of the act, but not set down as an everlasting law for the world<sup>1</sup>; "that to him" Jerusalem and all Judæa made confession of their sins;" besides, at the time of this confession, their pretended sacrament of repentance, as they grant, was not yet instituted; neither was it sin after baptism which penitents did there confess. When that which befell the seven sons of Sceva<sup>2</sup>, for using the name of our Lord Jesus Christ in their conjurations, was notified to Jews and Grecians in Ephesus, it brought an universal fear upon them, insomuch that divers of them which had believed before, but not obeyed the laws of Christ as they should have done, being terrified by this example, came to the Apostle, and confessed their wicked deeds. Which good and virtuous act no wise man, (as I suppose,) will disallow, but commend highly in them, whom God's good Spirit shall move to do the like when need requireth. Yet neither hath this example the force of any general commandment or law, to make it necessary for every man to pour into the ears of the priest whatsoever hath been done amiss, or else to remain everlastingly culpable and guilty of sin; in a word, it proveth confession practised as a virtuous act, but not commanded as a sacrament.

Now concerning St. James his exhortation<sup>3</sup>, whether the former branch be considered, which saith, "Is any sick amongst you? let him call for the ancients of the Church, and let them make their prayers for him;" or the latter, which stirreth up all Christian men unto mutual acknowledgment of faults among themselves, "Lay open your minds, make your confessions one to another;" is it not plain, that the one hath relation to that gift of healing, which our Saviour promised his Church, saying<sup>4</sup>, "They shall lay their hands on the sick, and the sick shall recover health;" relation to that gift of healing, whereby the Apostle imposed his hands on the father of Publius<sup>5</sup>, and made him miraculously a sound

<sup>1</sup> Matt. iii. 6.  
<sup>2</sup> Acts xix. 18. [Alleged by Bel-  
larmine, de Pœnit. iii. c. 4.]

<sup>3</sup> James v. 14, 15.  
<sup>4</sup> Mark xvi. 18.  
<sup>5</sup> Acts xxviii. 8.

BOOK VI. man; relation, finally, to that gift of healing, which so long  
 Ch. II. 5 continued in practice after the Apostles' times, that whereas  
 the Novatianists denied the power of the Church of God in  
 curing sin after baptism, St. Ambrose asked them again<sup>1</sup>,  
 "Why it might not as well prevail with God for spiritual as  
 "for corporal and bodily health; yea, wherefore," saith he,  
 "do ye yourselves lay hands on the diseased, and believe it  
 "to be a work of benediction or prayer, if happily the sick  
 "person be restored to his former safety?" And of the other  
 member, which toucheth mutual confession, do not some of  
 themselves, as namely Cajetan<sup>2</sup>, deny that any other confession  
 is meant, than only that, "which seeketh either associa-  
 "tion of prayers, or reconciliation, and pardon of wrongs?"  
 Is it not confessed by the greatest part of their own retinue<sup>3</sup>,  
 that we cannot certainly affirm sacramental confession to have  
 been meant or spoken of in this place? Howbeit Bellarmine,  
 delighted to run a course by himself where colourable shifts  
 of wit will but make the way passable, standeth as formally for  
 this place<sup>4</sup>, and no less for that in St. John, than for this.

St. John saith<sup>5</sup>, "If we confess our sins, God is faithful  
 "and just to forgive our sins, and to cleanse us from all un-  
 "righteousness;" doth St. John say, If we confess to the  
 priest, God is righteous to forgive; and if not, that our sins  
 are unpardonable? No, but the titles of God, *just* and  
*righteous*, do import that he pardoneth sin only for his pro-  
 mise sake: "And there is not" (they say) "any promise of  
 "forgiveness upon confession made to God without the  
 "priest<sup>6</sup>." Not any promise, but with this condition, and yet

<sup>1</sup> Ambros. de Poesitissia, lib. i. cap. 8. ["Cur ergo manus imponi-  
 "tis, et benedictionis opus creditis,  
 "si quis forte revalerit agrotus?"  
 "Cur presumitis aliquos a colla-  
 "tione Diaboli per vos mundari  
 "posse? Cur baptizatis, si per  
 "hominem peccata dimitti non li-  
 "cet?"]  
<sup>2</sup> [In loc. "Nec hic est sermo  
 "de confessione sacramentali: (ut  
 "patet ex eo quod dicit, 'confite-  
 "mini invicem. Sacramentalis enim  
 "confessio non fit invicem, sed  
 "sacerdotibus tantum;) and de con-  
 "fessione, qua mutuo fitetur non

"peccatores, ut oretur pro nobis;  
 "et de confessione hinc et inde er-  
 "ratorum, pro mutua placatione et  
 "reconciliatione." Est. 419. Ludg.  
 1355.]  
<sup>3</sup> Annot. Rhem. in Jac. 5. ["It  
 "is not certain that he speaketh  
 "here of sacramental confession,  
 "yet the circumstance of the letter  
 "well beareth it, and very probable  
 "it is that he meaneth of it." p.  
 613. ed. 1582.]  
<sup>4</sup> [De Poesit. lib. iii. c. 4.]  
<sup>5</sup> John i. 9.  
<sup>6</sup> Bellarm. ubi sup. "Verba  
 "illa, 'Fidelis est et justus,' refe-

this condition no where exprest? Is it not strange, that the Scripture speaking so much of repentance, and of the several duties which appertain thereunto, should ever mean, and no where mention, that one condition, without which all the rest is utterly of none effect? or will they say, because our Saviour hath said to his ministers, "Whose sins ye retain," &c. and because they can remit no more than what the offenders have confest, that therefore, by virtue of this<sup>a</sup> promise, it standeth with the righteousness of God to take away no man's sins, until by auricular confession they be opened unto the priest?

[6.]<sup>b</sup> They are men that would seem to honour antiquity, and none more to depend upon the reverend judgment thereof. I dare boldly affirm, that for many hundred years after Christ the Fathers held no such opinion; they did not gather by our Saviour's words any such necessity of seeking the priest's absolution from sin, by secret and (as they now term it) sacramental confession: public confession they thought necessary by way of discipline, not private confession, as in the nature of a sacrament, necessary.

For to begin with the purest times, it is unto them which read and judge without partiality a thing most clear, that the ancient *ἑξουσιάζουσα* or Confession, defined by Tertullian<sup>1</sup> to be a discipline of humiliation and submission, framing men's behaviour in such sort as may be fittest to move pity, the confession which they use to speak of in the exercise of repentance, was made openly in the hearing of the whole both ecclesiastical consistory and assembly. <sup>2</sup>This is the reason

<sup>a</sup> in E.

<sup>b</sup> et D.

<sup>a</sup> runtur ad promissionem divinam :  
<sup>b</sup> ideo enim Deus fidelis et justus  
<sup>c</sup> dicitur, dum peccata confidentibus  
<sup>d</sup> remittit, quia stat promissis suis,  
<sup>e</sup> nec fidem fallit. At promissio de  
<sup>f</sup> remittendis peccatis his qui confi-  
<sup>g</sup> tentur Deo peccata sua, non vide-  
<sup>h</sup> tur ulla existere in divinis literis :  
<sup>i</sup> existat autem promissio aperta-  
<sup>k</sup> ma in his qui ad illos accesserunt, qui-  
<sup>l</sup> bus dictum est Joannis XX<sup>ms</sup>,  
<sup>m</sup> Quorum remisistis peccata, re-  
<sup>n</sup> mittentur eis. <sup>1</sup> Tertull. de Pœ-  
<sup>o</sup> nis. c. ix. <sup>2</sup> Exomolo-  
<sup>p</sup> gesis prostermendis et humiliandi  
<sup>q</sup> hominis disciplina est, conversa-  
<sup>r</sup> tionem injungens misericordie il-  
<sup>s</sup> licet. <sup>3</sup> Plerisque hoc opus ut publi-  
<sup>t</sup> cationem sui aut suffigere, aut de  
<sup>u</sup> die in diem differere pressant pe-  
<sup>v</sup> doris magis memores quam salu-  
<sup>w</sup> tis; velut illi qui, in partibus ve-  
<sup>x</sup> recumbentibus corpora contracta  
<sup>y</sup> vexatione, conscientiam inedia-  
<sup>z</sup> tum vitiosi, et ita cum erubescen-  
<sup>aa</sup> tia sua preceunt. Tertull. de Pœ-  
<sup>ab</sup> nit. [c. 10.]



BOOK VI.  
Ch. II. 6.  
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wherefore he perceiving that divers were better content their sores should secretly fester and eat inward, than be laid so open to the eyes of many, blameth greatly their unwise bashfulness, and to reform the same, persuadeth with them, saying', "Amongst thy brethren and fellow-servants, which are partakers with thee of one and the same nature, fear, joy, grief, sufferings; (for of one common Lord and Father we all have received one spirit,) why shouldst thou not think with thyself, that they are but thine ownself? wherefore dost thou avoid them, as likely to insult over thee, whom thou knowest subject to the same haps? At that which grieveth any one part, the whole body cannot rejoice, it must needs be that the whole will labour and strive to help that wherewith a part of itself is molested."

St. Cyprian, being grieved with the dealings of them, who in time of persecution had through fear betrayed their faith, and notwithstanding thought by shift to avoid in that case the necessary discipline of the church, wrote for their better instruction the book intituled *De lapsis*; a treatise concerning such as had openly forsaken their religion, and yet were loth openly to confess their fault in such manner as they should have done: in which book he compareth with this sort of men, certain others which had but a purpose only to have departed from the faith; and yet could not quiet their minds, till this very secret and hidden fault was confest: "How much both greater in faith," saith St. Cyprian<sup>1</sup>, "and also as touching their fear better are those men, who although neither sacrifice nor libel<sup>2</sup> could be objected against them, yet because they thought to have done that

<sup>1</sup> [Idem ibid. "Inter fratres atque conservos, ubi communitis spes, metus, gaudium, dolor, passio, (quia communis spiritus de communi Domino et Patre) quid tu hos aliud quam te opinaris? Quid consortes casuum tuorum ut plures fugis? Non potes coram deo de unius membri vexatione sum, et ad remedium conlabere necesse est."] <sup>2</sup> [De lapsis c. 14. "Quanto et fide majores et timore meliores sunt, qui quamvis nullo sacrificii aut libelli facinore constructi, quantum tamen de hoc vel cogitaverunt, hoc ipsum apud sacerdotes Dei dolenter, et simpliciter confitentis, exomologesis conscientie faciunt, animi sui pondus exponunt, salutarem medicinam parvis licet et medicis vulneribus exquisierunt."] <sup>3</sup> [Qui necessitatem sacrificandi pecunia apud magistratum redimebant, accepta securitatis syngrapha Libellatici dicebantur.]

" which they should not, even this their intent they dolefully  
 " open unto God's priests ; they confess that whereof their con-  
 " science accuseth them, the burden that presseth their minds  
 " they discover, they foreslow not of smaller and slighter evils  
 " to seek remedy." He saith, they declared their fault, not to  
 " one only man in private, but they revealed it to God's priests ;  
 " they confess it before the whole consistory of God's ministers.

Salvianus, (for I willingly embrace their conjecture, who  
 ascribe those homilies to him, which have hitherto by common  
 error past under the counterfeit name of Eusebius Emese-  
 nus<sup>3</sup>.) I say, Salvianus, though coming long after Cyprian in  
 time, giveth nevertheless the same evidence for this truth, in  
 a case very little different from that before alleged ; his words  
 are these : " Whereas, most dearly beloved, we see that  
 " penance oftentimes is sought and sued for by holy souls  
 " which even from their youth have bequeathed themselves a  
 " precious treasure unto God, let us know that the inspiration  
 " of God's good spirit moveth them so to do for the benefit of  
 " his Church, and let such as are wounded learn to inquire  
 " for that remedy, whereunto the very soundest do thus offer  
 " and obtrude as it were themselves, that if the virtuous  
 " do bewail small offences, the other cease not to lament great.  
 " And surely, when a man that hath less need, performeth *zad*  
 " *sculis Ecclesie*, in the view, sight, and beholding of the  
 " whole Church, an office worthy of his faith and compunc-  
 " tion for sin, the good which others thereby reap is his own

<sup>3</sup>[For an account of the literary history of these Homilies, and of the various opinions which have been entertained regarding their origin, see Oudin. Comment. de Scriptor. Eccles. l. 390-426. He does not mention Salvian [? c. 485] as one of the supposed authors, but after deciding against the claims of Eusebius [of Lyons, ? c. 440.] and Hilary of Arles [? c. 440.] acquiesces in that of Faustus Regiensis [of Riez, ? 493].]  
 " Hom. l. de initio Quadragesimae, [tom. v. par. 1. p. 352. Biblioth. Patr. Col. Agripp. 1618. "Quod autem, charitatis, videmus aliquos etiam illas animas penitentiam petere, que ab ineunte

BOOK VI.  
 Ch. 16. 6.

" adolescentia consecrata pretiosum Deo thesaurum deoverant, insipere hoc Deum pro Ecclesia sontra profectibus novimus: ac medicinam quam invadunt sani discant querere vulnerati: ut bonis etiam parva defestibus, ingentia ipsi mala lugere consuescant: ac si quando jam illa persona que forte minus indiget penitentia aliquid fide dignum atque compunctum sub oculis Ecclesie gerit, fructum suum etiam de aliena adificatione multiplicat, et meritum suum de lucro profectientis accumulat: ut dum perfectione illius emendatur alterius vita, spiritali exore ad ipsum boni operis recurat usura."

BOOK VI.  
Ch. II. A.

"harvest, the heap of his rewards groweth by that which  
"another gaineth, and through a kind of spiritual usury, from  
"that amendment of life which others learn by him, there  
"returneth lucre into his coffers."

The same Salvianus, in another of his Homilies<sup>1</sup>, "If  
"faults happily be not great and grievous, (for example, if a  
"man have offended in word, or in desire, worthy of reproof,  
"if in the wantonness of his eye, or the vanity of his heart,)  
"the stains of words and thoughts are by daily prayer to be  
"cleansed, and by private compunction to be scourged out: but  
"if any man examining inwardly his own conscience, have  
"committed some high and capital offence, as, if by bearing  
"false witness he have quelled and betrayed his faith, and by  
"rashness of perjury have violated the sacred name of truth;  
"if with the mire of lustful uncleanness he have sullied the  
"veil of baptism, and the gorgeous robe of virginity; if by  
"being the cause of any man's death, he have been the death  
"of the new man within himself; if by conference with sooth-  
"sayers, wizards, and charmers, he hath enthralled himself to  
"Satan: these and such like committed crimes cannot throughly  
"be taken away with ordinary, moderate, and secret satisfac-  
"tion; but greater causes do require greater and sharper  
"remedies: they need such remedies as are not only sharp,  
"but solemn, open, and public." Again<sup>2</sup>, "Let that soul"  
"saith he, "answer me, which through pernicious shamefast-  
"ness is now so abasht to acknowledge his sin *in conspectu*

<sup>1</sup> Hom. 10, ad Monachos, [p. 86, 7. "Si levia sunt fortasse delicta; verbi gratia, si homo vel in sermone, vel in aliqua reprehensibili voluntate, si oculo peccavit, aut corde; verborum et cogitationum macule quotidiani oratione curanda, et privata compunctione tergendæ sunt. Si vero quisque conscientiam suam intus interrogans, facinus aliquod capitale commisit, aut si fidem suam falso testimonio expugnavit ac prodidit, ac sacrum veritatis nomen perjurii temeritate violavit: si velum baptismi vel tunicam et speciosam virginitalis holocausticam circum commaculati pudoris infecit: si in semet ipso novum hominem

"nece hominis occidit; si per angures et divinos atque incantatores captivum se Diabolo tradidit: hæc atque hujusmodi commissa explari penis communi et mediocri vel secreta satisfactione non possunt, sed graves causæ graviores et acriores et publicas curæ requirunt."  
<sup>2</sup> Hom. 8, ad Monach. [p. 84. "Respondet mihi illa anima, quæ peccatum suum condicione mortifera in conspectu fratrum sic agnoscere erubuit, quomodo vitare debuisset; quid faciet, cum ante tribunal divinum, cum ante cadaveris militie fuerit presentata commensusus?"

"fratrum, before his brethren, as he should have been before  
 "abashed to commit the same, what he will do in the presence  
 "of that Divine tribunal, where he is to stand arraigned in  
 "the assembly of a glorious and celestial host?"

I will hereunto add but St. Ambrose's testimony; for the  
 places which I might allege are more than the cause itself  
 needeth. "There are many," saith he<sup>1</sup>, "who fearing the  
 "judgment that is to come, and feeling inward remorse of  
 "conscience, when they have offered themselves unto peni-  
 "tency and are enjoined what they shall do, give back for  
 "the only scar which they think that public supplication  
 "will put them unto." He speaketh of them which sought  
 voluntarily to be penanced, and yet withdrew themselves  
 from open confession, which they that were penitents for  
 public crimes could not possibly have done, and therefore it  
 cannot be said he meaneth any other than secret sinners in  
 that place.

Gennadius, a Presbyter of Marsiles, in his book touching  
 Ecclesiastical Assertions, maketh but two kinds of confession  
 necessary: the one in private to God alone for smaller  
 offences; the other open, when crimes committed are heinous  
 and great<sup>2</sup>: "Although," saith he, "a man be bitten with  
 "the conscience<sup>3</sup> of sin, let his will be from thenceforward  
 "to sin no more; let him, before he communicate, satisfy  
 "with tears and prayers, and then putting his trust in the  
 "mercy of Almighty God (whose wont is to yield unto godly  
 "confessions) let him boldly receive the sacrament. But I  
 "speak this of such as have not burthened themselves with  
 "capital sins: them I exhort to satisfy first by public penance,

\* with conscience E.

<sup>1</sup> Lib. ii. de Penitentia, c. 9. "Domini miseratione, qui peccata  
 "perique futuri supplicii metu,  
 "peccatorum suorum consilii, peni-  
 "tentiam petunt; et cum accepe-  
 "rint, publicæ supplicationis revo-  
 "cantur rursus." l. ii. p. 434 e.]  
<sup>2</sup> [De ecclesiasticis dogmatibus,  
 in Appendix to S. Augustine's works,  
 scribent doubtfully to Gennadius,  
 \*493.] Cap. 33. ["Quamvis quis pec-  
 "cato molestat, peccandi non ha-  
 "beat cetera voluntatem, et com-  
 "municatur satisfaciatur lacrymis  
 "et orationibus, et confidens de  
 "Domi miseratione, qui peccata  
 "pne confessioni donare consuevit,  
 "accedit ad Eucharistiam intrepidi-  
 "tus et securus. Sed hoc de illo  
 "dico quem capitalia et mortalia  
 "peccata non gravant: nam quoniam  
 "mortalia crimina post Baptismum  
 "commissa prestant, horum prius  
 "publica penitentia satisfacere, et  
 "ita sacerdotis iudicio reconciliatum  
 "communioni sociari, si vult non  
 "ad iudicium et ad condemnationem  
 "sui Eucharistiam percipere."] ]

BOOK VI. "that so being reconciled by the sentence of the priest, they  
Ch. vi. 4. "may communicate safely with others."

Thus still we hear of public confessions, although the crimes themselves discovered were not public; we hear that the cause of such confessions was not the openness, but the greatness, of men's offences; finally, we hear that the same being now not held<sup>a</sup> by the church of Rome to be sacramental, were the only penitential confessions used in the Church for a long time, and esteemed as necessary remedies against sin.

They which will find auricular confessions in St. Cyprian<sup>1</sup>, therefore, must seek out some other passage than that which Bellarmine allegeth; "Whereas in smaller faults which are not committed against the Lord himself, there is a competent time assigned unto penitency, and that confession is made, after that observation<sup>b</sup> and trial had been had of the penitent's behaviour, neither may any communicate till the Bishop and clergy have laid their hands upon him; how much more ought all things to be warily and stayedly observed, according to the discipline of the Lord, in those most grievous and extreme crimes." St. Cyprian's speech is against rashness in admitting idolaters to the holy Communion, before they had shewed sufficient repentance, considering that other offenders were forced to stay out their time, and that they made not their public confession, which was the last act of penitency, till their life and conversation had been seen into, not with the eye of auricular scrutiny, but of pastoral observation, according to that in the council of Nice<sup>c</sup>, where, thirteen years being set for the penitency

<sup>a</sup> now held E.

<sup>1</sup> Cypr. Epist. 12. [al. 17. c. 1. "Domini observari oportet" l. ii. ap. Bellarm. de Penit. lib. iii. c. 7. 39, ed. Fell.]  
"non in Dominum committatur, "penitentiam."  
"penitentia agatur justo tempore, "Canc. Nic. par. 2. c. 12. "Pro  
"et exomologesi fiat, inspecta vita "fide et conversatione peniten-  
"ejus, qui agit penitentiam, nec "tium." [αὐτὸν δεῖν δεῖν εὐνοίας κρῖ-  
"ad communicationem venire quis "σει εὐσεβείας τῆς ἐπιπέρας καὶ τὰ  
"possit, nisi prius illi ab Episcopo καὶ φόβου καὶ διακρίσεως καὶ ἰσχυροῦς  
"et Clero manus fuerit imposita, καὶ ἀποκαταστάσεως τῆς ἐκκλησιαστικῆς ἐκ-  
"et moderate secundum disciplinam καὶ εὐσεβείας ἐπιπέρας, ἵνα καὶ εὐσεβείας ἐπιπέρας, ἵνα

of certain offenders, the severity of this decree is mitigated with special caution: "That in all such cases, the mind of the penitent and the manner of his repentance is to be noted, that as many as with fear and tears and meekness, and the exercise of good works, declared themselves to be converts indeed, and not in outward appearance only, towards them the bishop at his discretion might use more lenity." If the council of Nice suffice not, let Gratian, the founder of the Canon Law, expound Cyprian, who sheweth<sup>1</sup> that the stint of time in penitency is either to be abridged or enlarged, as the penitent's faith and behaviour shall give occasion. "I have easilier found out men," saith St. Ambrose<sup>2</sup>, "able to keep themselves free from crimes, than conformable to the rules which in penitency they should observe." St. Gregory Bishop of Nyse<sup>3</sup> complaineth and inveigheth bitterly against them, who in the time of their penitency lived even as they had done always before<sup>4</sup>: "Their countenance as cheerful, their attire as neat, their diet as costly, and their sleep as secure as ever, their worldly business purposely followed, to exile pensive thoughts from their minds, repentance pretended, but indeed nothing less exprest: these were the inspections of life whereunto St. Cyprian alludeth; as for auricular examinations he knew them not.

[7.]<sup>5</sup> Were the Fathers then without use of private confession as long as public was in use? I affirm no such thing.

<sup>1</sup> Nice E.

<sup>2</sup> vii. D.

<sup>3</sup> Ambros. de Penitentia, lib. ii. cap. 10. [<sup>1</sup> Facilius invenit qui honoris servaverint quam qui continentiam egerint penitentiam.] t. ii. 436.]

<sup>4</sup> Greg. Nyss. Orat. in eos qui alios acerbe judicant. [tom. ii. p. 136. ed. Pat. 1658. "Eadem in vultu hilaritas, idem in corporis cultu victuque splendor. Somno ad societatem usque indigemus, negotiis et occupationibus animo sedulitate oblivionem injicimus, penitentiae nomen inane duxerunt, et nullis expressum factis retinimus."]

<sup>5</sup> The heading of the last note inserted here. D.

BOOK VI.  
Ch. 7.

BOOK VI.  
CH. IV. 1.  
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The first and ancientest that mentioneth this confession is Origen, by whom it may seem that men, being loth to present rashly themselves and their faults unto the view of the whole Church, thought it best to unfold first their minds to some one special man of the clergy, which might either help them himself, or refer them to an higher court, if need were. "Be therefore circumspect," saith Origen<sup>1</sup>, "in making choice of the party to whom thou meaneest to confess thy sin; know thy physician before thou use him: if he find thy malady such as needeth to be made public, that others may be the better by it, and thyself sooner helpt, his counsel must be obeyed and followed."

That which moved sinners thus voluntarily to detect themselves both in private and in public, was fear to receive with other Christian men the mysteries of heavenly grace, till God's appointed stewards and ministers did judge them worthy. It is in this respect that St. Ambrose findeth fault with certain men which sought imposition of penance, and were not willing to wait their time, but would be presently admitted communicants. "Such people," saith he<sup>2</sup>, "do seek, by so rash and preposterous desires, rather to bring the priest into bonds than to loose themselves." In this respect it is that St. Augustine hath likewise said<sup>3</sup>, "When

<sup>1</sup> Origen. in Psal. xxxvii. [Hom. ii. § 6. "Circumspice diligentius cui debeas committere peccatum tuum. Proba prius medicum, cui debeas causam languoris exponere, . . . ut ita deum si quid ille dixerit, qui se prius et eruditum medicum ostenderit et misericordem, si quid consilii dederit, facias, et sequaris, si intellexerit, et praverit talem esse languorem tuum qui in conventu totius Ecclesie exponi debeat et curari, ex quo fortassis et ceteri edificari poterunt, et tu ipse facile sanari, multa hoc deliberatione, et satis periti medici illius consilio procurandum est." l. ii. 688.]

<sup>2</sup> Ambros. de Penitentia, lib. ii. cap. 9. "Hi non tam se solvere cupiunt quam Sacerdotem ligare."

<sup>3</sup> Aug. in Hom. de Penit. [Sermon. 351. c. 4. "Ab ipsa mente talis sen-

tentia proferatur, ut se indignum homo iudicet participatione corporis et sanguinis Domini: ut qui separari a regno celorum timet per ultimam sententiam summi iudicis, per ecclesiasticam disciplinam a sacramento celestis panis interim separatur. . . . Cum ipse in se pronulerit severissime medicinam, sed tamen medicine sententiam, veniat ad antistes, per quos illi in Ecclesia claves ministrantur; et tanquam bonas jam incipientes esse filius, maternorum membrorum ordine custodito, a prepositis sacramentorum accipiat satisfactionis sue modum." tom. v. 1356, 1359. Hooker quotes from the Decret. Gratian. de Penit. dist. l. c. "in actione." "Cum tanta est plaga peccati, atque impetus morbis, ut medicamenta corporis et sanguinis Domini differenda sint,

"the wound of sin is so wide, and the disease so far gone, BOOK VI.  
 "that the medicinable body and blood of our Lord may not Ch. 10. 1.  
 "be touched, men are by the Bishop's authority to sequester  
 "themselves from the altar, till such time as they have re-  
 "pented, and be after reconciled by the same authority."

Furthermore, because the knowledge how to handle our own sores is no vulgar and common art, but we either carry towards ourselves for the most part an over-soft and gentle hand, fearful of touching too near the quick; or else, endeavouring not to be partial, we fall into timorous scrupulosities, and sometimes into those extreme discomforts of mind, from which we hardly do ever lift up our heads again; men thought it the safest way to disclose their secret faults, and to crave imposition of penance from them whom our Lord Jesus Christ hath left in his Church to be spiritual and ghostly physicians, the guides and pastors of redeemed souls, whose office doth not only consist in general persuasions unto amendment of life, but also in the private particular cure of diseased minds.

Howsoever the Novatianists presume to plead against the Church, saith Salvianus<sup>1</sup>, that "every man ought to be his own penitentiary, and that it is a part of our duty to exercise, but not of the Church's authority to impose or prescribe repentance;" the truth is otherwise, the best and strongest of us may need in such cases direction: "What doth the Church in giving penance, but shew the remedies which sin requireth? or what do we in receiving the same, but fulfil her precepts? what else but sue unto God with tears and fasts, that his merciful ears may be opened?"

St. Augustine's exhortation is directly to the same purpose; "Let every man while he hath time judge himself, and

<sup>1</sup> auctoritate antistitis debet se quis- "sua procurat, neminem sibi per  
 "que ab altari removere ad agenda- "se sufficere posse confirmat. Er-  
 "penitentiam, et eadem auctoritate "rant itaque qui inter dantem et  
 "reconciliari." col. 1673. ed. Lugd. "accipientem vult corporale inter-  
 1572.] "venire arborantur officium. Quid  
<sup>2</sup> Hom. de Punit. Niniiv. [Ibid. "est enim dare, nisi remedia de-  
 Patz. Col. t. c. par. l. p. 369. "Dicit monstrare peccatis? Quod est acci-  
 "Novatianus, Penitentiam agere "pere, nisi obedire preceptis, lacry-  
 "debet, non accipere; necessaria "mis et jejuniis interpellare misera-  
 "militi non est vel admonitio vel "tiam auditum?"]  
 "intercessio sacerdotis." Non ita <sup>3</sup> Aug. Hom. de Punit. [i. Serm.  
 "est. Nam Deus qui erudienda 351, c. 4. § 9.] citatur a Grat. [de  
 "peccatoribus per prophetam adju- Punit.] dist. 1. c. *judicet*.



BOOK VI.  
CH. IV. 3.  
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"change his life of his own accord; and when this is resolved  
"upon, let him from the disposers of the holy sacraments<sup>1</sup>  
"learn in what manner he is to pacify God's displeasur."

But the greatest thing which made men forward and willing upon their knees to confess whatsoever they had committed against God, and in no wise to be withheld from the same with any fear of disgrace, contempt, or obloquy, which might ensue, was their fervent desire to be helped and assisted with the prayers of God's saints. Wherein as St. James<sup>2</sup> doth exhort unto mutual confession, alleging this only for a reason, that just men's devout prayers are of great avail with God; so it hath been heretofore the use of penitents for that intent to unburthen their minds, even to private persons, and to crave their prayers. Whereunto Cassianus alluding, counselleth<sup>3</sup>, "That if men possess with dulness of spirit be themselves unapt to do that which is required, they should in meek affection seek health at the least by good and virtuous men's prayers unto God for them." And to the same effect Gregory, Bishop of Nyssa<sup>4</sup>: "Humble thyself, and take unto thee such of thy brethren as are of one mind, and do bear kind affection towards thee, that they may together mourn and labour for thy deliverance. Shew me thy bitter and abundant tears, that I may blend mine own with them." But because of all men there is or should be none in that respect more fit for troubled and distressed minds to repair unto than God's ministers, he proceedeth further<sup>5</sup>: "Make the priest, as a father, partaker of thy affliction<sup>6</sup> and grief; be bold to impart unto him the things that are most secret, he will have care both of thy safety and of thy credit."

<sup>1</sup> Nise E.

<sup>2</sup> *thine affectus D.*

<sup>3</sup> ["Judicet ergo seipsum homo  
"in suis voluntariis, dum potest, et  
"mores convertat in melius: . . . et  
"tanquam bonus incipiens esse. . ."]  
<sup>4</sup> a prepositis sacramentorum acci  
"piat satisfactionis suae modum."  
<sup>5</sup> James v. 16.  
<sup>6</sup> Cassian. coll. 20. c. 8 [7. Bihk.  
Patr. Col. t. v. pars II. 207 E. "Si  
"te fragilem fecerit quolibet mentis  
"ignavis, oratione saltem atque in-  
"tercessionem sanctorum, remedia  
"vulneribus tuis humilitatis affectu  
"submitis implora."] *Greg. Nyss. Orat. in eos qui  
"alios acerbe judicant, [i. ii. p. 137.  
"Affige te, fratresque benevolos  
"atque unanimes adhibe, qui simul  
"doleant, adjumentoque sint, ut  
"libereris. Ostende mihi amaras  
"atque uberes lacrymas tuas, ut  
"meas ego quoque commisceam."*  
ed. Paris. 1678. This homily has  
not been published in Greek.]  
[Ibid.]

"Confession," saith Leo<sup>1</sup>, "is first to be offered to God, and then to the priest, as to one which maketh supplication for the sins of penitent offenders." Suppose we, that men would ever have been easily drawn, much less of their own accord have come unto public confession, whereby they knew they should sound the trumpet of their own disgrace; would they willingly have done this, which naturally all men are loth to do, but for the singular trust and confidence which they had in the public prayers of God's Church? "Let thy mother the Church weep for thee," saith St. Ambrose<sup>2</sup>, "let her wash and bathe thy faults with her tears: our Lord doth love that many should become suppliants\* for one." In like sort, long before him, Tertullian<sup>3</sup>, "Some few assembled make a Church, and the Church is as Christ himself; when thou dost therefore put forth thy hands to the knees of thy brethren, thou touchest Christ; it is Christ unto whom thou art a suppliant†; so when they pour out their\* tears over them, it is even Christ that taketh compassion; Christ which prayeth when they pray: neither can that be easily denied, for which the Son is himself contented to become a suitor."

[8.]\* Whereas in these considerations therefore, voluntary penitents had been long accustomed, for great and grievous crimes, though secret, yet openly both to repent and confess, as the canons of ancient discipline required; the Greek church first, and in process of time the Latin altered this order, judging it sufficient and more convenient that such offenders should do penance and make confession in private only. The cause why the Latins did, Leo declareth, saying,

\* suppliant E. † suppliant E. • their own E. • viii. D.

<sup>1</sup> Leo i. Ep. 7, 8. [al. 136, t. l. 718, ed. Quenecl.] ad Episc. Campan. citat. a Grat. de Pœnit. d. i. c. 1. §. 1. [Sufficit illa confessio, que primo Deo offertur, tum etiam sacerdoti, qui pro delictis penitentium peccator accedit.]  
<sup>2</sup> Ambros. lib. ii. de Pœnit. c. 10. [Fleat pro te Mater Ecclesia, et culpam tuam lacrymis lavet: videat te Christus morientem, ut dicat, *Beati tristes, quia gaudentes.*]  
<sup>3</sup> Tertull. de Pœnit. [c. 10. "In uno et altero Ecclesia est, Ecclesia vero Christus. Ergo cum te ad fratrum genus protendis, Christum contractas, Christum exoras. Æque illi cum super te lacrymas agunt, Christus patitur, Christus Patrem deprecatur. Facile impetratur semper, quod Filius postulat."]



"sin." And therefore they themselves admitted no man to their communion upon any repentance, which once was known to have offended after baptism, making sinners thereby not the fewer, but the closer and the more obdurate, how fair soever their pretence might seem.

[9.]<sup>4</sup> The Grecians' canon for some one presbyter in every Church to undertake the charge of penitency, and to receive their voluntary confessions which had sinned after baptism, continued in force for the space of about some hundred years<sup>1</sup>, till Nectarius, and the bishops of churches under him, began a second alteration, abolishing even that confession which their penitentiaries took in private. There came to the penitentiary of the Church of Constantinople a certain gentlewoman<sup>2</sup>, and to him she made particular confession of her faults committed after baptism, whom thereupon he advised to continue in fasting and prayer, that as with tongue she had acknowledged her sins, so there might appear in her likewise some work worthy of repentance. But the gentlewoman goeth forward, and detecteth herself of a crime, whereby they were forced to disrobe an ecclesiastical person, that is, to degrade a deacon of the same Church. When the matter by this mean came to public notice, the people were in a kind of tumult offended<sup>3</sup>, not only at that which was done,

BOOK VI.  
Ch. ix. p.  
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<sup>4</sup> is D.

<sup>1</sup> [From the schism of Novatian, circ. A.D. 253, to the episcopate of Nectarius, circ. 395.]  
<sup>2</sup> [Soc. v. 19. Εἶπε τοῦ τῶν εὐγενῶν πρῶτον ἐπὶ τοῦ ἐπιτομίου πρῶτον, καὶ ἀπὸ αὐτοῦ ἔβησαν λαοὶ τῆς Ἀνατολῆς, οἱ ἑσπεύοντες μὲν τὸ θάνατον. Ὁ δὲ πρῶτος ἐπεμύνην τὴν γυναικὴν ἁγνὴν καὶ ἀγαθὴν, ἣν οὐκ ἔβησαν ἀπὸ τοῦ ἐπιτομίου ἔβησαν. Ἡ δὲ γυνὴ πρῶτον ἐβησε καὶ ἄλλοι πολλοὶ ἔπειτα αὐτῆς ἔβησαν. Ἐπεὶ γὰρ, ὡς εἶπεν ὁ πρῶτος ἐπιτομίου ἁγνὴν καὶ ἀγαθὴν, τοῦτο χρεὼν εἶναι τῆς ἐκκλησίας διακονοῦν, ἐπειτα πορ' ἀδελφῆς θανάτου καταμύθησαν. By this latter account it appears not only that the exposure

gave offence, but also that the method of penance prescribed in the case led to a new crime. Such is the construction put on the words of Socratus by Nicéphorus, E. H. vii. 28, and in Hist. Tripart. ix. 35, as also by Valesius in his note on the place of Socrates.]

<sup>3</sup> E. H. v. 19. ἐπείσθησαν γὰρ οὐ μόνον αὐτῶν γυναικῶν, ἀλλ' οἱ καὶ τῆς ἐκκλησίας διακονοῦντες ἢ πρῶτον καὶ ἕτερα πολλοὶ ἄλλοι. ἀποστράφησαν δὲ ἐκ τούτου τῆς ἐκκλησίας οὐλοῦντες, ἀδελφὰς τῶν ἐπιτομίου ἁγνῶν, ἀδελφὰς τῶν γυναικῶν, καὶ ἄλλοι μὲν τοῦ ἐπιτομίου πρῶτον ἐπεμύνην ἁγνὴν καὶ ἀγαθὴν, τὴν οὐκ ἔβησαν ἀπὸ τοῦ ἐπιτομίου ἀδελφῆς θανάτου καταμύθησαν. This statement, made by Socrates of the

BOOK VI. but much more, because the Church should thereby endure  
 CH. 16. 6 open infamy and scorn. The clergy perplexed and altogether  
 doubtful what way to take, till one Eudamon, born in Alex-  
 andria, but at that time a priest in the church of Constanti-  
 nople, considering that the cause of voluntary confession,  
 whether public or private, was especially to seek the Church's  
 aid, as hath been before declared, lest men should either not  
 communicate with others, or wittingly hazard their souls, if so  
 be they did communicate, and that the inconvenience which  
 grew to the whole Church was otherwise exceeding great, but  
 especially grievous by means of so manifold offensive detec-  
 tions, which must needs be continually more, as the world did  
 itself wax continually worse (for antiquity together with the  
 gravity and severity thereof (saith Sozomen<sup>1</sup>) had already  
 begun by little and little to degenerate into loose and careless  
 living, whereas before offences were less, partly through bash-  
 fulness in them which opened<sup>2</sup> their own faults, and partly by  
 means of their great austerity which sate<sup>3</sup> as judges in this  
 business): these things Eudamon having weighed with himself,  
 resolved easily the mind of Nectarius, that the penitentiaries'  
 office must be taken away, and for participation in God's holy  
 mysteries every man be left to his own conscience; which  
 was, as he thought, the only mean to free the Church from  
 danger of obloquy and disgrace. "Thus much," saith  
 Socrates<sup>4</sup>, "I am the bolder to relate, because I received  
 "it from Eudamon's own mouth, to whom my<sup>5</sup> answer was  
 "at that time; Whether your counsel, sir, have been for  
 "the Church's good, or otherwise, God knoweth: but I see

<sup>1</sup> open E.      <sup>2</sup> thought E.      <sup>3</sup> miss E.

cause of the abolition of the office of penitentiary in the time of Nectarius, Hooker seems to have referred to its establishment in the third century.]      <sup>3</sup> [Socr. Hist. Eccles. lib. v. cap. 19. fin. Ταῦτα παρὰ τοῦ Εὐδαίμονος ἀκούσας ἐνὸς τοῦ γραφῆ τοῦ ἐπιμελούμενου ἑβδόμου· Ἐγὼ δὲ πρὸς τὴν εὐδοκίαν ἐκείνην ἔειπα, ὅτι οὐκ ἔστιν ἀπορία, ἀλλὰ ἡ ἀπορία ἐστὶν ἐν τῷ ἑαυτοῦ σκεπτικῷ, καὶ τὸ ἐκείνου ἀπορία ἐστὶν ἐν τῷ ἑαυτοῦ σκεπτικῷ, καὶ τὸ ἐκείνου ἀπορία ἐστὶν ἐν τῷ ἑαυτοῦ σκεπτικῷ.]

"you have given occasion, whereby we shall not now any more reprehend one another's faults, nor observe that apostolic precept, which saith, Have no fellowship with the unfruitful works of darkness, but rather be ye also reprovers of them." With Socrates, Sozomen<sup>1</sup> both agreeeth in the occasion of abolishing penitentiaries; and moreover testifyeth also, that in his time, living with the younger Theodosius, the same abolition did still continue, and that the bishops had in a manner every where followed the example given them by Nectarius.

[10.]<sup>2</sup> Wherefore to implead the truth of this history, Cardinal Baronius allegeth that Socrates, Sozomen and Eudemon were all Novatianists; and that they falsify in saying (for so they report), that as many as held the consubstantial being of Christ, gave their assent to the abrogation of the fore-rehearsed canon. The sum is, he would have it taken for a fable, and the world to be persuaded that Nectarius did never any such thing<sup>3</sup>. Why then should Socrates first and afterwards Sozomen publish it? To please their pew-fellows, the disciples of Novatian. A poor gratification, and they very silly friends, that would take lies for good turns. For the more acceptable the matter was, being deemed true, the less they must needs (when they found the contrary) either credit or affect him, which had deceived them. Notwithstanding we know that joy and gladness rising from false information, do not only make men forward<sup>4</sup> to believe that which they

<sup>1</sup> x. D.

<sup>2</sup> so forward E.

<sup>1</sup> [Sozom. Hist. Eccles. l. vii. c. 16. ἀποκαθάρσας τὰ ἄγρια, καὶ ἀποκαθάρσας... καὶ τὸ ἄγιον πνεῦμα ἀποκαθάρσας.]  
<sup>2</sup> Tanta hæc Socrati testanti præstantia est fides, quam ceteris hæreticis de suis dogmatibus tractantibus; quippe Novatianus sæcra cum fuerit, quam vere ac sincere hæc scripserit adversus penitentiam in Ecclesia administrari solitam, quælibet pato posse facile judicare." Baron. tom. I. ann. Chr. 56. [c. 26.]  
<sup>3</sup> Sozomenum eandem perocum causam fuisse certum est." Ibid.  
<sup>4</sup> Nec Eudæmonem illum alium quam Novatiane sectæ hominem

"fausse credendum est." Ibid. [c. 27.]

"Sacerdos ille merito a Nectario

est gradu amoveo officioque de-

positus, quo facto Novatiani (ut

mos est hæreticorum) quan-

cumque licet levem, ut sinceris

dogmatibus detrahant, accipere

ausu occasionem, non tantum

Presbyterum penitentiarum in

ordinem redactum, sed et peni-

tentiam ipsam una cum eo fuisse

proscriptam, calumniose admo-

dum conclamant, cum tamen

illa potius theatralis fieri interdum

solita confessio peccatorum fuerit

abrogata." Ibid. [c. 34.]



parts no less than the Bishop of Rome himself in the western churches, brought them both easily and speedily unto conformity with him; Arians, Eunomians, Apollinarians, and the rest that stood divided from the Church, held their penitentiaries as before. Novatianists from the beginning had never any, because their opinion touching penitency was against the practice of the Church therein, and a cause why they severed themselves from the Church: so that the very state of things as they then stood, giveth great show of probability to his speech, who hath affirmed<sup>1</sup>, "That they only which held the Son consubstantial with the Father, and Novatianists which joined with them in the same opinion, had no penitentiaries in their churches, the rest retained them."

By this it appeareth therefore how Baronius, finding the relation plain, that Nectarius did abolish even those private secret confessions, which the people had before been accustomed to make to him that was penitentiary, labourereth what he may to discredit the authors of the report, and to leave it imprinted in men's minds, that whereas Nectarius did but abrogate public confession, Novatianists have maliciously forged the abolition of private. As if the odds between these two were so great in the balance of their judgment, which equally hated and condemned both; or, as if it were not more clear than light, that the first alteration which established penitentiaries took away the burthen of public confession in that kind of penitents, and therefore the second must either abrogate private, or nothing.

[11.]<sup>a</sup> Cardinal Bellarmine therefore finding that against the writers of the history it is but in vain to stand upon so doubtful terms and exceptions, endeavourereth mightily to prove, even by their report, no other confession taken away than public, which penitentiaries used in private to impose upon public offenders<sup>2</sup>. "For why? It is," saith he, "very

<sup>a</sup> si D.

<sup>1</sup> Socrat. Hist. Eccles. lib. v. c. 19. [αὐτοὶ αὐτῶν ὁμοιωσίου φρονήσαντες, καὶ οἱ ἄλλοι κατὰ τὴν μίαν τὴν ἀποστολὴν ἡγουμένων, εἰς αὐτὴν ἐπιπέσαντες ἀποδοχὰς ἐσχησαν.]

<sup>2</sup> Bellarm. de Penit. lib. iii. c. 14. [p. 1399, 1400.] "Apud veteres nomine penitentium, soli publici penitentes, intelligi solebant."

<sup>3</sup> Nullo modo fieri potuit, ut unus

<sup>a</sup> This reference not in D.



BOOK VI. "certain, that the name of penitents in the Fathers' writings  
 Ch. IV. 11. "signifieth only public penitents; certain, that to hear the  
 "confessions of the rest was more than one could possibly  
 "have done; certain, that Sozomen, to shew how the Latin  
 "Church retained in his time what the Greek had clean cast  
 "off, declareth the whole order of public penitency used in  
 "the Church of Rome, but of private he maketh no mention."  
 And, in these considerations, Bellarmine will have it the  
 meaning both of Socrates and of Sozomen, that the former  
 episcopal constitution, which first did erect penitentiaries,  
 could not concern any other offenders, than such as publicly  
 had sinned after baptism; that only they were prohibited to  
 come to the holy communion, except they did first in secret  
 confess all their sins to the penitentiary, by his appointment  
 openly acknowledge their open crimes, and do public penance  
 for them; that whereas, before Novatian's uprising, no man  
 was constrainable to confess publicly any sin, this canon  
 enforced public offenders thereunto, till such time as Nectarius  
 thought good to extinguish the practice thereof.

Let us examine therefore these subtle and fine conjectures,  
 whether they be able to hold the touch. "It seemed good,"  
 saith Socrates, "to put down the office of these priests which  
 "had charge of penitency!," what charge that was, the

\* of em. D.

<p>"presbyter satisfaceret tantis multi-          tudini, quantum Constantiopolim,          vel in aliis civitatibus, penitentiae          remedio indigebat: non igitur          omnes eum Presbyterum adire          cogebantur, sed il solum, qui          penitentiam publicam suscipie-          bant."          "Sozomenus, ubi diarris verbis          affirmasset, constitutionem de          Presbytero penitentiali, quam          prius Episcopi invenerant, et Neo-          tarus postea Constantiopolim ab-          rogaverat, Romae potissimum ac-          curate servari; continuo explicare          cepit ritum penitentiae publicae,          quae Romae suo tempore serva-          batur: igitur constitutio illa ad          solos penitentes publicos perti-          nebat."          "Colligitur, constitutionem Epi-          scoporum, de qua historici loquun-</p>	<p>tur, id solum complexam, ut qui          publice lapsi essent post Eucha-          ristiam, illi ad sacram Eucharistiam          non accederent, nisi Presbytero          penitentiali privato omnia pec-          cata sua confessi essent, et deinde          ad ejus arbitrium publice coram          curia Ecclesiae peccata publica          denotassent, et poenitentiam publi-          cam episcopi . . . Ante exortam          haeresin Novati, nemo cogebatur          certum Presbyterum adire, neque          peccata ulla publice confiteri . . .          Ceterum post Novati haeresin          excitatam, placuit Episcopo ali-          quid addere, ne Novatiani Catho-          licos reprehendere possent quod          nimis facile lapsos ad commu-          nionem admitterent.]"          "Tunc tunc est permissa episcopi          penitentiis. [Hist. Eccles. lib. v.          c. 19.]</p>
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kinds of penitency then usual must make manifest. There is often speech in the Fathers' writings, in their books frequent mention of penitency, exercised within the chambers of our own heart, and seen of God, and not communicated to any other, the whole charge of which penitency is imposed of God, and doth rest upon the sinner himself. But if penitents in secret being guilty of crimes whereby they knew they had made themselves unfit guests for the table of our Lord, did seek direction for their better performance of that which should set them clear; it was in this case the Penitentiary's office to take their confessions, to advise them the best way he could for their soul's good, to admonish them, to counsel them, but not to lay upon them more than private penance. As for notorious wicked persons, whose crimes were known, to convict, judge, and punish them, was the office of the ecclesiastical consistory; Penitentiaries had their institution to another end. Now<sup>?</sup> unless we imagine that the ancient time knew no other repentance than public, or that they had little occasion to speak of any other repentance, or else that in speaking thereof they used continually some other name, and not the name of repentance, whereby to express private penitency; how standeth it with reason, that wheresoever<sup>†</sup> they write of penitents, it should be thought they meant only public penitents? The truth is, they handle all three kinds, but private and voluntary repentance much oftener, as being of far more general use; whereas public was but incident unto few, and not oftener than once incident unto any. Howbeit, because they do not distinguish one kind of penitency from another by difference of names, our safest way for construction is to follow circumstance of matter, which in this narration will not yield itself applicable only unto public penance, do what they can that would so expound it.

They boldly and confidently affirm, that no man being compellable to confess publicly any sin before Novatian's time, the end of instituting penitentiaries afterward in the Church was, that by them men might be constrained unto public confession. Is there any record in the world which doth testify this to be true? There is that testifieth the plain contrary. For Sozo-

<sup>?</sup> *conviat* E.      <sup>†</sup> *But* E.      <sup>†</sup> *wheresoever* E.

BOOK VI. men declaring purposely the cause of their institution, saith<sup>1</sup>.  
 CH. IV. 15. "That whereas men openly craving pardon at God's hands  
 " (for public confession, the last act of penitency, was always  
 " made in the form of a contrite prayer unto God), it could not  
 " be avoided but they must withal confess what their offences  
 " were; this in the opinion of their prelates<sup>2</sup> seemed from the  
 " first beginning (as we may probably think) to be somewhat  
 " burthensome; not burthensome, I think<sup>3</sup>, to notorious  
 " offenders; for what more just than in such sort to discipline  
 " them? but burthensome, that men whose crimes were un-  
 " known should blaze their own faults as it were on a stage,  
 " acquainting all the people with whatsoever they had done  
 " amiss. And therefore to remedy this inconvenience, they laid  
 " the charge upon one only priest, chosen out of such as were  
 " of best conversation, a silent and a discreet man, to whom they  
 " which had offended might resort and lay open their lives.  
 " He according to the quality of every one's transgressions ap-  
 " pointed what they should do or suffer, and left them to execute  
 " it upon themselves. Can we wish a more direct and evident  
 " testimony, that the office here spoken of was to ease voluntary  
 " penitents from the burthen of public confessions, and not to  
 " constrain notorious offenders thereunto? That such offenders  
 " were not compellable to open confession<sup>4</sup> till Novatian's time,  
 " that is to say, till after the days of persecution under Decius  
 " the emperor, they of all men should not so peremptorily  
 " avouch; with whom if Fabian bishop of Rome, who suffered  
 " martyrdom<sup>5</sup> the first year of Decius, be of any authority and  
 " credit, it must enforce them to reverse their sentence, his  
 " words are so plain and clear against them<sup>6</sup>. " For such as  
 " commit those crimes, whereof the Apostle hath said, They  
 " that do them shall never inherit the kingdom of heaven,

<sup>1</sup> *Prolati E.*      <sup>2</sup> *The following clause in the repetition of the word burthensome*  
*is omitted in E.*      <sup>3</sup> *confessions E.*      <sup>4</sup> *in the first E.*

<sup>5</sup> *Socrum. Hist. Eccles. lib. vii. c. 16. [vid. sup. p. 33, note 2.]*      <sup>6</sup> *si voluntarie noluerint, compelli-  
 " lenti; quia infamie maculis sunt  
 " asperi, et in barathrum delabun-  
 " tur, nisi eis sacerdotali socio-  
 " tate subventum fuerit." Conc. ed.  
 " Labb. et Cossart. l. 643. The epi-  
 " ste is believed to be spurious.]*  
<sup>6</sup> *Quoniam qui ista agunt regnum  
 " Dei non consequentur; valde ca-  
 " vendi sunt, et ad emendationem,*

"must," saith he, "be forced unto amendment, because they  
 "slip down to hell, if ecclesiastical authority stay them not."  
 Their conceit of impossibility, that one man should suffice to  
 take the general charge of penitency in such a church as Con-  
 stantinople, hath arisen from a mere erroneous supposal, that the  
 ancient manner of private confession was like the shrift at this  
 day usual in the Church of Rome, which tieth all men at one cer-  
 tain time to make confession; whereas confession was then neither  
 looked for till men did offer it, nor offered for the most part by  
 any other than such as were guilty of heinous transgressions,  
 nor to them any time appointed for that purpose. Finally,  
 the drift which Sozomen had in relating the discipline of Rome,  
 and the form of public penitency there retained even till his  
 time, is not to signify that only public confession was abro-  
 gated by Nectarius, but that the West or Latin Church held  
 still one and the same order from the very beginning, and had  
 not, as the Greek, first cut off public voluntary confession by  
 ordaining, and then private by removing Penitentiaries.

Wherefore to conclude, it standeth, I hope, very plain and  
 clear, first against the one Cardinal, that Nectarius did truly  
 abrogate confession in such sort as the ecclesiastical history hath  
 reported; and secondly, as clear against them both, that it was  
 not public confession only which Nectarius did abolish.

[12.]\* The paradox in maintenance whereof <sup>1</sup>Hassels<sup>1</sup> wrote  
 purposely a book touching this argument, to shew that Necta-  
 rius did but put the penitentiary from his office, and not take  
 away the office itself, is repugnant to the whole advice which  
 Eudæmon gave, of leaving the people from that time forward  
 to their own consciences; repugnant to the conference be-  
 tween Socrates and Eudæmon, wherein complaint is made of  
 some inconvenience which the want of the office would breed;  
 finally, repugnant to that which the history declareth concern-  
 ing other churches, which did as Nectarius had done before  
 them, not in deposing the same man (for that was impos-  
 sible) but in removing the same office out of their churches,  
 which Nectarius had banished from his. For which cause

\* xii. D.

† Hassels E.

<sup>1</sup> Theological professor at Lou- Hist. Eccl. l. 147. c. 104.) Not to  
 vain: present at the Council of be confounded with J. Hassels, v.  
 Trent, where he died 1551. (Fleury, Hist. Univ. Fleury, l. 170. c. 13.)

BOOK VI  
Ch. 13  
Bellarmine<sup>1</sup> doth well reject the opinion of Hessels, howso-  
ever it please Pamelius<sup>2</sup> to admire it as a wonderful happy  
invention. But in sum, they are all gravelled, no one of them  
able to go smoothly away, and to satisfy either others or  
himself with his own conceit concerning Nectarius.

[13.]<sup>3</sup> Only in this they are stiff, that auricular confession  
Nectarius did not abrogate, lest if so much should be acknow-  
ledged, it might enforce them to grant that the Greek church  
at that time held not confession, as the Latin now doth, to be  
the part of a sacrament instituted by our Saviour Jesus Christ,  
which therefore the Church till the world's end hath no power  
to alter. Yet seeing that as long as public voluntary confession  
of private crimes did continue in either church (as in the  
one it remained not much above two hundred years, in the  
other about four hundred) the only acts of such repentance  
were; first, the offender's intimation of those crimes to some  
one presbyter, for which imposition of penance was sought;  
secondly, the undertaking of penance imposed by the Bishop;  
thirdly, after the same performed and ended, open confession  
to God in the hearing of the whole church; whereupon \*en-  
sued the prayers of the Church; \*then the Bishop's imposi-  
tion of hands; and so \*the party's reconciliation or restitution  
to his former right in the holy sacrament: I would gladly  
know of them which make only private confession a part of  
their sacrament of penance, how it could be so in those times.  
For where the sacrament of penance is ministered, they hold  
that confession to be sacramental which he receiveth who  
must absolve; whereas during the fore-rehearsed manner of  
penance, it can no where be shewed, that the priest to whom  
secret information was given did reconcile or absolve any;  
for how could he, when public confession was to go before  
reconciliation, and reconciliation likewise in public thereupon to

\* xlii. D.    \* fourthly (su. E.    \* sixthly (su. E.    \* sixthly (su. E.

<sup>1</sup> [De Pœnit. lib. 14. p. 1399.]    <sup>2</sup> verit; uti amplissime dēdicit D.  
<sup>3</sup> Non [sic: E.] est quod sibi    Johannes Hasselius \* [su. E.; v.  
blandissimè illi de factò Nectarij,    note y above]. Pamel. in Cypri. lib.  
\* cum id potius secretorum pecca-    [de Lapsis, p. 351.] annot. 98. et in  
torum confessionem contropbet,    lib. Tertii, de Pœnit. annot. 1.  
\* et non aliud quam Presbyterum    [p. 200. Paris. 1598.]  
\* penitentiam illi officio suo mo-

ensue? So that if they did account any confession<sup>4</sup> sacramental, it was surely public, which is now abolished in the Church of Rome; and as for that which the Church of Rome doth so esteem, the ancient neither had it in such estimation, nor thought it to be of so absolute necessity for the taking away of sin.

But (for any thing that I could ever observe out of them) although not only in crimes open and notorious, which made men unworthy and incapable of holy mysteries, their discipline required first public penance, and then granted that which St. Hierom mentioneth, saying, "The priest layeth his hand upon the penitent, and by invocation entreateth that the Holy Ghost may return to him again, and so after having enjoined solemnly all the people to pray for him, reconcilth to the altar him who was delivered to Satan for the destruction of his flesh, that his spirit might be safe in the day of the Lord<sup>1</sup>;"—Although I say not only in such offences being famously known to the world, but also if the same were committed secretly, it was the custom of those times, both that private intimation should be given, and public confession made thereof; in which respect, whereas all men did willingly the one, but would as willingly have withdrawn themselves from the other, had they known how; "Is it tolerable," saith St. Ambrose<sup>2</sup>, "that to sue to God thou shouldst be ashamed, which blushest not to seek and sue unto man? Should it grieve thee to be a suppliant to him from whom thou canst not possibly hide thyself; when to open thy sins to him, from whom, if thou wouldst, thou

<sup>4</sup> *profession D.*

<sup>1</sup> "Sacerdos imponit manum  
"subjecto, reditum Spiritus Sancti  
"invocat, atque ita cum qui traditus  
"fuerat Satanae in interitum carnis,  
"ut spiritus salvus ferret, indicta  
"in populum oratione altari recon-  
"ciliat." Hieron. advers. Lucif.  
[§ 5 t. ii. p. 175. a. ed. Vallarsii.]  
<sup>2</sup> "Ambrosio de Fide, lib. ii. cap.  
10. ["An quisquam ferat ut eru-  
"beas Deum rogare, qui non eru-  
"beas rogare hominem? et pudeat  
"te Deo supplicare, quem non  
"laes, cum te non pudeat peccata  
"sua homini, quem laesas, confiteri?  
"An testes precationis et consocio

"refugis, cum si homini satisfa-  
"ciendum sit, multos necesse est  
"ambias obsecras, ut dignetur  
"intervenire; ad genus te ipse  
"prostermas, oculeris vestigia, fi-  
"lios offeras culpe adiacu ignaros,  
"paternae etiam veniae precatores?  
"Hoc ergo in ecclesia facere fasti-  
"dia, ut Deo supplices, ut patrio-  
"cium tibi ad obsecrandum sanctae  
"plebis requiras: ubi nihil est quod  
"pudori esse debeat, nisi non laeseris,  
"cum omnes simul peccatores; ubi  
"ille laudabilior, qui humilior, ille  
"justior, qui sibi abjectior." t. iii.  
435.]

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BOOK VI. CH. IX. 13. ———

" mightest conceal them, it doth not any thing at all trouble thee? This thou art loth to do in the Church, where, all being sinners, nothing is more opprobrious indeed than concealment of sin, the most humble the best thought of, and the lowliest accounted the justest:—"All this notwithstanding, we should do them very great wrong, to father any such opinion upon them, as if they did teach it a thing impossible for any sinner to reconcile himself unto God, without confession unto the priest. <sup>1</sup>Would Chrysostom thus persuaded have said, "Let the inquiry and presentment" of thy offences be made in thine own thoughts; let the tribunal whereat thou arraignest thyself be without witness: let God and only God see thee and thy confession?" Would Cassianus<sup>2</sup>, so believing, have given counsel, "That if any were withheld by bashfulness from discovering their faults to men, they should be so much the more instant and constant in opening them by supplication to God himself, whose wont is to help without publication of men's shame, and not to upbraid them when he pardoneth?" Finally, would Prosper<sup>3</sup>, settled in this opinion, have made it, as touching reconciliation to God, a matter indifferent, "Whether men of ecclesiastical order did detect their crimes by confession, or leaving the world ignorant thereof, would separate voluntarily themselves for a time from the altar, though not in affection, yet in execution of their ministry, and so bewail their corrupt life?" Would he have willed them as he doth "to make bold of it, that the favour of God being either way recovered by fruits

<sup>4</sup> punishment E.

<sup>1</sup> Chrys. Hom. Deuji perennis ad Corinthios. Παρὶ τῆς ἁγορῆς αὐτῶν γενεῶν τῶν νεκρολογησάντων ἢ ἐφ' ἑστέρας ἀποστολὰς ἐστὶν ὅτι ἀνεργήσαντες ἐπὶ τοῖς ἁμαρτίαις αὐτῶν ἔγνωσαν. [See hereafter on § 16.]

<sup>2</sup> Cassian. Collat. 20. c. 8. [7. Bibl. Pat. Colon. t. v. p. 11. 207.]

<sup>3</sup> Quod si verecundia retrahente re-velare coram hominibus erubescis, illi quem latere non possunt confiteri ea jurgi supplicatione non desinas, . . . qui et absque illius verecundia publicatione curare, et sine impetorio peccata donare conseruit.]

<sup>4</sup> Prosper de Vita Contempl. lib. II. c. 7. [Deum sibi facilis placantibus illi, qui non humano convicti iudicio sed sibi crimine cognoscunt: qui aut propriis illud confessionibus produnt, aut neciteribus aliis quales occulti sunt, ipsi in se voluntarie excommunicatiis sententiam ferunt: et ab altari cui ministrabant non animo sed officio separati vitam tanquam mortuam plangunt, certi quod reconciliatio sibi efficacis ponderantie fructibus Deo non solum amissa recipiant, sed etiam civis supernae civitatis effecti ad gaudia sempiterna perveniant.] Bibl. Pat. Colon. t. v. pars III. p. 63.]

*Judgment of the foreiga Protestants on Confession.* 47

"of forcible repentance, they should not only receive whatsoever they had lost by sin, but also after this their new enfranchisement, aspire to the endless joys of that supernal city?"

To conclude, we every where find the use of confession, especially public, allowed of and commended by the Fathers; but that extreme and rigorous necessity of auricular and private confession, which is at this day so mightily upheld by the church of Rome, we find not<sup>1</sup>. It was not then the faith and doctrine of God's Church, as of the papacy at this present, 1. That the only remedy for sin after baptism is sacramental penitency. 2. That confession in secret is an essential part thereof. 3. That God himself cannot now forgive sin<sup>2</sup> without the priest. 4. That because forgiveness at the hands of the priest must arise from confession in the offender<sup>3</sup>, therefore to confess unto him is a matter of such necessity, as being not either in deed, or at the least in desire performed, excludeth utterly from all pardon, and must consequently in Scripture be commanded, wheresoever any promise of forgiveness is made. No, no; these opinions have youth in their countenance; antiquity know them not, it never thought nor dreamed of them.

[14]<sup>4</sup> But to let pass the papacy. Forasmuch as repentance doth import alteration within the mind of a sinful man, whereby through the power of God's most gracious and blessed Spirit, he seeth and with unfeigned sorrow acknowledgeth former offences committed against God, hath them in utter detestation, seeketh pardon for them in such sort as a Christian should do, and with a resolute purpose settieth himself to avoid them, leading as near as God shall assist him, for ever after, an unspotted life; and in the order (which Christian religion hath taught for procurement of God's mercy towards sinners) confession is acknowledged a principal duty; yea, in some cases, confession to man, not to God only; it is not in the reformed churches denied by the learned sort of divines<sup>5</sup>, but that even this confession, cleared from all errors, is both lawful and behoveful for God's people.

<sup>1</sup> First an. E.      <sup>4</sup> Secondly E; and the mistake is continued throughout this enumeration.      <sup>5</sup> sin E.      <sup>2</sup> offenders E.      <sup>3</sup> sicut D.

<sup>1</sup> Calv. Inst. lib. iii. cap. 4. § 7. "contendere confessionem de qua [<sup>1</sup> Miror autem qua fronte ausint "loquuntur juris esse divini; cujus



BOOK VI.  
CH. IX. 14.  
Confession by man to man being either private or public, private confession to the minister alone touching secret crimes, or absolution thereupon ensuing, as the one, so the other is neither practised by the French discipline, nor used in any of those churches which have been cast by the French mould. Open confession to be made in the face of the whole congregation by notorious malefactors they hold necessary; howbeit not necessary towards the remission of sins<sup>1</sup>, "but only in some sort to content the Church, and that one man's repentance may seem to strengthen many, which before have been weakened by one man's fall."

Saxonians and Bohemians in their discipline constrain no man to open confession<sup>2</sup>. Their doctrine is, that whose faults have been public, and thereby scandalous unto the world, such, when God giveth them the spirit of repentance, ought as solemnly to return, as they have openly gone astray: first, for the better testimony of their own unfeigned conversion unto God; secondly, the more to notify their reconciliation unto the church; and lastly, that others may make benefit of their ensample<sup>3</sup>.

But concerning confession in private, the churches of Germany<sup>4</sup>, as well the rest as Lutherans, agree all<sup>5</sup>, that all

<sup>1</sup> to man *om.* E.

<sup>2</sup> example E.

<sup>3</sup> all *om.* E.

<sup>4</sup> "equidem vetustissimum esse usum  
firmum, sed quem facile evincere  
"possumus olim fuisse liberum."  
<sup>5</sup> "Sed tantum ut Ecclesie sit  
"aliqua ratione satisfactum, et  
"omnes unius poenitentia confirmen-  
"tur, qui fuerant vitiosi peccatis et  
"scandalis vitiosissimi." Sadei, [i. e.  
Antoine la Roche de Chamévil, a  
leading French Protestant teacher,  
first at Paris, then at Geneva, 1534-  
1591. He hebraized his name—  
Sadei, "Chant de Dieu," Zamariei,  
"Champ de Dieu." Biog. Univ.] in  
Psal. xxxii. ver. 5. [Op. p. 906. ed.  
1599.]  
<sup>6</sup> Harm. Confess. sect. viii. ex 1.  
cap. Confess. Bohem. [p. 14]. Genev.  
1581. "Docetur et hoc apud eos;  
"quorum peccatum est publicum,  
"atque ideo scandalum publicum,  
"quando Deus eis largitur poeniten-

"tie spiritum, externam poeniten-  
"tia justificationem non debere  
"abesse; et hac quidem de causa,  
"ut sit argumentum et testimonium,  
"quo proleat seu plenum fiat hap-  
"tos peccatores, qui poenitentiam  
"agunt vere se convertere. Etiam  
"ut sit nota reconciliatio cum  
"Ecclesia et proximo; atque ex-  
"emplo aliis, quod reformident et  
"vereantur."

<sup>7</sup> [Ibid. "Ita instituunt poeniten-  
"tentes, ut curatores animarum su-  
"arum accedant, et coram ipsis  
"confiteantur Deo, peccata sua...  
"ut hoc modo dolorem suum, quo  
"afficiuntur, et quam sibi propter  
"peccata displiceant, indicare, et  
"consilium et doctrinam quomodo  
"detinere ea effugiant, et institu-  
"tionem atque consolationem im-  
"pedis conscientia suis, itemque

men should at certain times confess their offences to God in the hearing of God's ministers, thereby to shew how their sins displeaseth them; to receive instruction for the wariar carriage of themselves hereafter; to be soundly resolved, if any scruple or snare of conscience do entangle their minds; and, which is most material, to the end that men may at God's hands seek every one his own particular pardon, through the power of those keys, which the minister of God using according to our blessed Saviour's institution in that case, it is their part to accept the benefit thereof as God's most merciful ordinance for their good, and, without any distrust or doubt, to embrace joyfully his grace so given them, according to the word of our Lord, which hath said<sup>1</sup>, "Whose sins ye remit" "they" are remitted." So that grounding upon this assured belief, they are to rest with minds encouraged and persuaded concerning the forgiveness of all their sins, as out of Christ's own word and power, by the ministry of the keys.

[15.] It standeth with us in the Church of England, as touching public confession, thus:

First, seeing day by day we in our Church begin our public prayers to Almighty God with public acknowledgment of our sins, in which confession every man prostrate as he were before his glorious Majesty crieth guilty<sup>a</sup> against himself; and the minister with one sentence pronounceth universally all clear, whose acknowledgment so made hath proceeded from a true penitent mind; what reason is there every man should not under the general terms of confession represent to himself

<sup>a</sup> they em. D.      <sup>b</sup> xi. D.      <sup>c</sup> guilty em. E.

<sup>a</sup> absolutionem ex potestate clavium.      <sup>b</sup> nitentes, certi et animo confirmato  
<sup>c</sup> et remissionem peccatorum per      <sup>c</sup> esse debent per ministerium harum  
<sup>d</sup> ministerium evangelii a Christo      <sup>d</sup> clavium, de potestate Christi et  
<sup>e</sup> institutum peculiariter singuli ex      <sup>e</sup> verbo ipsius omnia ipsius peccata  
<sup>f</sup> petere possunt, et a Deo suo con-      <sup>f</sup> remitti." The Saxon confession  
<sup>g</sup> sequi se sciunt, et quando haec a      runs thus: "De confessione privata  
<sup>h</sup> ministris eis praestabitur, accipere      <sup>h</sup> facienda pastoribus adfirmamus  
<sup>i</sup> ab eis, tanquam rem a Deo ad-      <sup>i</sup> ritum private absolutionis in Ec-  
<sup>j</sup> commodandum ipsi et salubriter      <sup>j</sup> clia retinendum esse; et con-  
<sup>k</sup> inserviendum institutam, cum e-      <sup>k</sup> stanter retineamus, propter multas  
<sup>l</sup> dacia debent, et remissione pec-      <sup>l</sup> graves causas." Ap. Syntagm.  
<sup>m</sup> catorum sine dubitatione frui.      Confess. pars ii. p. 77. Genev.  
<sup>n</sup> secundum verbum Domini, <sup>o</sup> Qui      1614.]  
<sup>p</sup> peccata remiseritis, remittuntur      <sup>p</sup> [John xx. 23. ap.] cap. 5. Con-  
<sup>q</sup> eis. Anque hac fide indubitata      fess. Bohem.  
VOL. III.

BOOK VI. his own particulars whatsoever, and adjoining thereunto that  
 CH. IV. 15. affection which a contrite spirit worketh, embrace to as full  
 effect the words of divine Grace, as if the same were severally  
 and particularly uttered with addition of prayers, imposition  
 of hands, or all the ceremonies and solemnities that might be  
 used for the strengthening of men's affiance in God's peculiar  
 mercy towards them? Such complements are helps to sup-  
 port our weakness, and not causes that serve to procure or  
 produce his gifts. If with us there be "truth in the inward  
 parts," as David speaketh, the difference of general and  
 particular forms in confession and absolution is not so ma-  
 terial, that any man's safety or ghostly good should depend  
 upon it.

And for private confession and absolution it standeth thus  
 with us:

The minister's power to absolve is publicly taught and  
 professed, the Church not denied to have authority either of  
 abridging or enlarging the use and exercise of that power,  
 upon the people no such necessity imposed of opening their  
 transgressions unto men, as if remission of sins otherwise  
 were impossible<sup>1</sup>; neither any such opinion had of the thing  
 itself, as though it were either unlawful or unprofitable,  
 saving\* only for these inconveniences, which the world hath  
 by experience observed in it heretofore. And in regard  
 thereof, the Church of England hitherto hath thought it the  
 safer way to refer men's hidden crimes unto God and them-  
 selves only; howbeit, not without special caution for the  
 admonition of such as come to the holy Sacrament, and for  
 the comfort of such as are ready to depart the world.

First, because there are but few that consider how much  
 that part of divine service which consisteth in partaking the  
 holy Eucharist doth import their souls; what they lose by  
 neglect thereof, and what by devout practice they might  
 attain unto: therefore, lest carelessness of general confession

\* see E.

<sup>1</sup> As for private confession, and especially the priest being  
 abuses and errors set apart, we con-  
 demn it not, but leave it at liberty. "we mislike no manner confes-  
 Jewell, *Defens.* p. 156. [15th. ed. "anon, whether it be private or  
 1611. "Abuses and errors removed, "public."]

should, as commonly it doth, extinguish all remorse of men's particular enormous crimes; our custom (whenever men present themselves at the Lord's Table) is, solemnly to give them very fearful admonition\* what woes are perpendicularly hanging over the heads of such as dare adventure to put forth their unworthy hands to those admirable mysteries of life, which have by rare examples been proved conduits of irremediable death to impenitent receivers; whom therefore as we repel being known, so being not known we can but terrify. Yet with us, the ministers of God's most holy word and sacraments, being all put in trust with the custody and dispensation of those mysteries, wherein our communion is and hath been ever accounted the highest grace that men on earth are admitted unto, have therefore all equally the same power to withhold that sacred mystical food from notorious evil livers, from such as have any way wronged their neighbours, and from parties between whom there doth open hatred and malice appear, till the first sort have reformed their wicked life, the second recompensed them unto whom they were injurious, and the last condescended unto some course of Christian reconciliation, whereupon their mutual accord may ensue. In which cases, for the first branch of wicked life, and the<sup>4</sup> last which is open enmity, there can arise no great difficulty about the exercise of his power: in the second, concerning wrongs, there may, if men shall presume to define or measure injuries according to their own conceits, depraved oftentimes as well by error as partiality, and that no less in the minister himself, than in any other of the people under him. The knowledge therefore which he taketh of wrongs must rise as it doth in the other two, not from his own opinion or conscience, but from the evidence of the fact which is committed; yea, from such evidence as neither doth admit denial nor defence. For if the offender having either colour of law to uphold, or any other pretence to excuse his own uncharitable and wrongful dealings, shall wilfully stand in defence thereof, it serveth as a bar to the power of the minister in this kind. <sup>3</sup>Because (as it is observed by men

\* themselves fearful E.

<sup>4</sup> the om. D.

<sup>3</sup> " Nos a communione quæ- " quævis hæc prohibitio nondam  
 " quam prohibere non possumus. " sit mortalis, sed medicinalis, nisi

BOOK VI.  
Ch. IX. 13.

of very good judgment in these affairs) "although in this  
" sort our separating of them be not to strike them with the  
" mortal wound of excommunication, but to stay them rather  
" from running desperately headlong into their own harm ;  
" yet in us it is not\* to sever from the holy communion  
" but such as are either found culpable by their own con-  
" fession, or have been convicted in some public secular, or\*  
" ecclesiastical court. For who is he that dare take upon  
" him to be any man's both accuser and judge? † Evil  
" persons are not rashly, and as we list, to be thrust from  
" communion with the Church ; insomuch that, if we cannot  
" proceed against them by any orderly course of judgment,  
" they are rather to be suffered for the time than molested.  
" Many there are reclaimed, as Peter ; many, as Judas, known  
" well enough, and yet tolerated ; many, which must remain  
" undescried till the day of His appearance, by whom the  
" secret corners of darkness shall be brought into open  
" light."

Leaving therefore unto his judgment them whom we can-  
not stay from casting their own souls into so great hazard,  
we have in the other part of penitential jurisdiction, in our  
power and authority to release sin, joy on all sides, without  
trouble or molestation unto any. And if to give be a thing  
more blessed than to receive, are we not infinitely happier  
in being authorized to bestow the treasure of God, than when  
necessity doth constrain to withdraw the same ?

They which, during life and health, are never destitute of  
ways to delude<sup>r</sup> repentance, do notwithstanding oftentimes,  
when their last hour draweth on, both feel that sting which  
before lay dead in them, and also thirst after such helps as

\* it is not in us E.

\* or om. E.

† *for. whole. Falm.*

" aut sponte confessum, aut aliquo  
" sive seculari sive ecclesiastico ju-  
" dico accusatum atque convictum.  
" Quis enim sibi utrumque audet  
" assumere, ut cuiquam ipse sit et  
" accusator et iudex? † [Rheuan.  
Admon. de Dogm. Tertull. [Basel.  
1531. Paris 1566.] inter Opp. Tertull.  
p. 903, ed. Par. 1635.]

† " Nos enim temere et quodam-  
" modo libet, [quomodolibet] sed  
" per iudicium, ab Ecclesie com-

" munione separandi sunt mali, ut  
" si per iudicium auferri non pos-  
" sint, tollerentur potius, velut pa-  
" lee cum tritico." [et paulo supra.]  
" Multi corriguntur, ut Petrus ;  
" multi tolerantur, ut Judas ; multi  
" nesciuntur, donec veniat Domi-  
" nus, et illuminabit abscondita te-  
" nebrarum." Rheuan. [Beatus Rhe-  
" nanus 1485-1547] admonit. de  
" dogmat. Tertull. [ibid.]

have been always till then unsavoury. St. Ambrose's words touching late repentance are somewhat hard<sup>1</sup>, "If a man be penitent and receive absolution (which cannot in that case be denied him) even at the very point of death, and so depart, I dare not affirm he goeth out of the world well; I will counsel no man to trust to this, because I am loth to deceive any man, seeing I know not what to think of it. Shall I judge such a one a castaway? Neither will I avouch him safe. All I am able to say, is, Let his estate be left to the will and pleasure of Almighty God. Wilt thou be therefore clearly<sup>a</sup> delivered of all doubt? Repent while yet thou art healthy and strong. If thou defer it till time give no longer possibility of sinning, thou canst not be thought to have left sin, but rather sin to have forsaken thee." Such admonitions may in their time and place be necessary, but in no wise prejudicial to the generality of God's own high and heavenly promise, "Whosoever a sinner doth repent from the bottom of his heart, I will put out all his iniquity." And of this, although it hath pleased God not to leave to the world any multitude of examples, lest the careless should too far presume; yet one he hath given, and that most memorable, to withhold from despair in the mercies of God, at what instant soever man's unfeigned conversion be wrought. Yea, because to countervail the fault of delay, there are in the latest repentance oftentimes the surest tokens of sincere dealing; therefore upon special confession made to the minister of God, he presently absolveth in this case the sick party from all his sins by that authority which Jesus Christ hath committed unto him, knowing that God respecteth

<sup>a</sup> clearly *an. E.*

<sup>1</sup> Lib. iii. de Punit. [called in the old editions of St. Ambrose, "Exhortatio ad Penitentiam;" but omitted by the Benedictine editors on the ground of its being found word for word in St. Augustin's Works, t. v. 1506-8, Hom. ccccxlii ascribed by some to Caesarius of Arles. "Qui positus in ultima necessitate agnitivis suis accepit penitentiam, et mox reconciliatus fuerit, et vadit, i. e. exit de corpore; datur vobis, non illi negamus quod petit, sed non presumo di-

"cere quia bene hinc exit. Non presumo, non polliceor, non dico, non vos fallo, non vos decipio, non vobis promitto . . . Nusquid dico, damnabitur? non dico: sed nec liberabitur dico. . . Porro nec rescio de Dei voluntate. Vis te frater a diabolo liberari? vis quod incertum est evadere? Age penitentiam dum sanus es. . . si aures tunc agere vis ipsam penitentiam quando peccare jam non potes, peccata te dimiserunt, non tu illa."]

BOOK VI.  
Ch. 16. 15

BOOK VI. not so much what time is spent, as what truth is shewed in repentance.

[16.]\* In sum, when the offence doth stand only between God and man's conscience, the counsel is good which St. Chrysostom giveth<sup>1</sup>: "I wish thee not to bewray thyself publicly, nor to accuse thyself before others. I wish thee "to obey the Prophet, who saith, Disclose thy way unto the "Lord, confess thy sin before him, tell thy sins to him that "he may blot them out. If thou be abasht to tell unto any "other wherein thou hast offended, rehearse them every day "between thee and thy soul. I wish thee not to confess "them to thy fellow-servant, who may upbraid thee with "them; tell them to God, who will cure them; there is no "need for thee in the presence of witnesses to acknowledge "them; let God alone see thee at thy confession. I pray "and beseech you, that you would more often than you do "confess to God eternal, and reckoning<sup>2</sup> your trespasses "desire his pardon<sup>3</sup>. I carry you not into a theatre or "open court of many your fellow-servants, I seek not to "detect your crimes before men; disclose your conscience "before God, unfold yourselves to him, lay forth your "wounds before him, the best physician that is, and desire "of him salve for them." If hereupon it follow, as it did with David, "I thought, I will confess against myself my "wickedness unto thee, O Lord, and thou forgavest me the "plague of my sin," we have then<sup>4</sup> our desire, and there

\* xvi. D.      <sup>1</sup> reckoning up D.      <sup>2</sup> then om. E. inserted in D. by Archbishop Clesker.

<sup>1</sup> "Non dico tibi, ut te prodas "in publicum, neque ut te apud "alios accuses, sed obedire te volo "Prophete dicenti, (Ps. xxxi. 5.) "revela Domino viam tuam." Ante "Deum confitere peccata tua." Chrysost. Hom. 31. ad Hebr. [t. iv. p. 198. ed. Froben. Basil.] "Peccata tua dicito, ut ea deleat; si confiteris alicui dicere que peccasti, dicito ea quiescitis in anima. Non dico ut confitearis conservo qui expollet; Deo dicito qui ea cogitat." [Idem in Ps. l. t. i. p. 208. ed. Savile.] "Non necesse est presentibus tuis confiteri;

"solus te Deus confitentem videat." Id. Hom. de Punit. et Confess. [t. v. 312.] "Rogo et oro ut crebris Deo immortalis confiteamini, et enumeratis vestris delictis veniam petatis. Non te in theatrum conservorum diacon. non hominibus peccata tua conor detegere. [detegere cogit.] Repete coram Deo conscientiam tuam, te exsimo vulnera tua, et pete ab eo medicamentum." Hom. 5. de compreh. Dei Natura, itemque Homil. de Lazaro. [t. ii. 402; t. 77.] "Psalm. xxxi. 5.

Of Satisfaction, as Part of the Discipline of Repentance. 55

remaineth only thankfulness, accompanied with perpetuity of care to avoid that, which being not avoided we know we cannot remedy without new perplexity and grief. Contrariwise, if peace with God do not follow the pains we have taken in seeking after it, if we continue disquieted, and not delivered from anguish, mistrusting whether that we do be sufficient; it argueth that our sore doth exceed the power of our own skill, and that the wisdom of the pastor must bind up those parts, which being bruised are not able to be recured of themselves.

V<sup>d</sup> There resteth now Satisfaction only to be considered; Of Satisfaction a point which the Fathers do often touch, albeit they never aspire to such mysteries, as the papacy hath found enwrapped within the folds and plaits thereof. And it is happy for the Church of God, that we have the writings of the Fathers, to shew what their meaning was. The name of Satisfaction, as the ancient Fathers meant it, containeth whatsoever a penitent should do in the humbling himself unto God, and testifying by deeds of contrition the same which confession in words pretendeth. "He which by repentance for sins" (saith Tertullian<sup>1</sup>, speaking of fickle-minded men) "had a purpose to satisfy the Lord, will now by repenting his repentance make Satan satisfaction; and be so much more hateful to God, as he is unto God's enemy more acceptable." Is it not plain, that satisfaction doth here include the whole work of penitency, and that God is satisfied when men are restored through<sup>2</sup> sin into favour by repentance? "How canst thou," saith Chrysostom<sup>3</sup>, "move God to pity thee, when thou wilt not seem as much as to know that thou hast offended?" By appeasing, pacifying, and moving God to pity, St. Chrysostom meaneth the very same with the Latin Fathers, when they speak of satisfying God. "We feel," saith St<sup>4</sup> Cyprian<sup>5</sup>,

<sup>1</sup> Tertull. de Penit. [cap. 5. *επιγ επι της ελπιουμενης, ανα*  
<sup>2</sup> Qui per delictorum penitentiam *per se ipsum esse; l. x. 71 E.*  
<sup>3</sup> insisterat Domino *satisfacere.* ed. Brouss.  
<sup>4</sup> diabolo per aliam penitentiae poe-  
<sup>5</sup> nitentiam *satisfacit: eritque tan-* <sup>6</sup> Cyp. Ep. 8. [al. 11. c. 2. "Vir-  
<sup>7</sup> to magis perosus Deo, quanto <sup>8</sup> gas et flagella sentimus, qui Deo  
<sup>9</sup> armulo ejus acceptus.] <sup>10</sup> nec bonis factis placemus, nec pro <sup>11</sup> peccatis *satisfacimus.*" li. 23. 24.  
<sup>12</sup> Chrysost. in 1 Cor. Hom. 8 <sup>13</sup> ed. Fell.]

<sup>14</sup> D. with a considerable blank after the last line. *See from Palm.*  
<sup>15</sup> St. am. E.



56 *Christ, the only Satisfaction.—Faith and Repentance ;*

BOOK VI  
Ch. 11.  
—

" the bitter smart of his<sup>a</sup> rod and scourge, because there is  
" in us neither care to please him with our good deeds, nor  
" to satisfy him for our evil." Again<sup>b</sup>, " Let the eyes which  
" have looked on idols, sponge out their unlawful acts with  
" those sorrowful tears, which have power to satisfy God."  
The Master of Sentences allegeth out of St. Augustine that  
which is plain enough to this purpose<sup>c</sup>: " Three things  
" there are in perfect penitency, compunction, confession,  
" and satisfaction ; that as we three ways offend God, namely  
" in heart, word, and deed, so by three duties we may satisfy  
" God."

Satisfaction, as a part, comprehendeth only that which the  
Baptist meant by *works*<sup>d</sup> *namely of repentance*; and if we  
speak of the whole work of repentance itself, we may in the  
phrase of antiquity term it very well satisfaction.

[2.] Satisfaction is a work which justice requireth to be  
done for contentment of persons injured : neither is it in the  
eye of justice a sufficient satisfaction, unless it fully equal the  
injury for which we satisfy. Seeing then that sin against  
God eternal and infinite must needs be an infinite wrong ;  
justice in regard thereof doth necessarily exact an infinite  
recompense, or else inflict upon the offender infinite punish-  
ment. Now because God was thus to be satisfied, and man  
not able to make satisfaction in such sort, his unspeakable  
love and inclination to save mankind from eternal death or-  
dained in our behalf a Mediator, to do that which had been  
for any other impossible. Wherefore all sin is remitted in

<sup>a</sup> chis E.

<sup>b</sup> works *sc.* E.

<sup>c</sup> li. D.

<sup>d</sup> Cyp. Ep. 26 [al. 31. c. 1. " Illi  
" ipsi oculi, qui male simulacra con-  
" spexerunt, que illicita commis-  
" rant, satisfaciuntur Deo sletibus  
" delectant." p. 54.]  
<sup>e</sup> Sent. lib. iv. dia. 26 [cap. 1.  
" In perfectione penitentiae tria  
" observanda sunt : s. compunctio  
" cordis, confessio oris, satisfactio  
" operis, . . . ut sicuti tribus modis  
" Deum offendimus, sc. corde, ore,  
" et opere, ita tribus modis satis-  
" faciamus. Sunt enim tres pec-  
" catorum differentie : (ut ait Augusti-  
" nus : [De Serm. Dom. in Monte,  
" 12. t. iii. pars ii. p. 180.] " in

corde, et in factis, et in consuetu-  
dine vel verbo ; tanquam tres  
" mores. Una quasi in domo, cum  
" in corde consentitur libidini ; al-  
" tera quasi prolata jam extra po-  
" tam, cum in factum procedit libi-  
" dini assensus ; tertia cum male  
" consuetudinis tanquam mole pre-  
" mitur animus, vel noxiæ defen-  
" sionis clypeo armatur, quasi in  
" sepulchro jam fixata. Hæc sunt  
" tria genera mortuorum, que Deus  
" legitur suscitasse. Hinc ergo tri-  
" plici morti triplici remedio occuri-  
" tur." fol. 174. ed. Colon. 1513.]

satisfactory, as making Sinners capable of Mercy. 57

the only faith of Christ's passion, and no man without belief thereof justified<sup>1</sup>. Faith alone maketh Christ's satisfaction ours; howbeit that faith alone which after sin maketh us by conversion his. \*For inasmuch as God will have the benefit of Christ's satisfaction both thankfully acknowledged and duly esteemed of all such as enjoy the same, he therefore imparteth so high a treasure unto no man, whose faith hath not made him willing by repentance to do even that, which of itself how unavailable soever, yet being required and accepted with God, we are in Christ made thereby<sup>1</sup> capable and fit vessels to receive the fruit<sup>2</sup> of his satisfaction: yea, we so far please and content God, that because when we have offended he looketh but for repentance at our hands, our repentance and the works thereof are therefore termed satisfactory, not for that so much is thereby done as the justice of God can exact, but because such actions of grief and humility in man after sin are *illicite divinae misericordiae* (as Tertullian<sup>3</sup> speaketh of them), they draw that pity of God towards us, wherein he is for Christ's sake contented upon our submission to pardon our rebellion against him; and when that little which his law appointeth is faithfully executed, it pleaseth him in tender compassion and mercy to require no more.

[3.]<sup>4</sup> Repentance is a name which noteth the habit and operation of a certain grace or virtue in us: Satisfaction, the effect which it hath, either with God or man. And it is not in this respect said amiss, that satisfaction importeth acceptance, reconciliation, and amity; because that through satisfaction, on the one part made, and allowed on the other, they which before did reject are now content to receive, they to be won again which were lost, and they to love unto whom just cause of hatred was given. We satisfy therefore in doing

\* Et. D.    <sup>1</sup> thereby made E.    \* finis E.    \* iv. D.

<sup>1</sup> Bonavent. [S. Bonaventura, great Franciscan Scholastic, 1221-1274] in Sent. lib. iv. dist. xv. q. 9 [q. i. t. iii. pars ii. p. 199.]  
<sup>2</sup> Est divina misericordia relin-  
 quat offensam homini dando  
 gratiam, non tamen ita omnino  
 relinquit, quin etiam exigit de  
 offensam satisfactionem per justitiam. Et quia homo non potuit  
 pro tanta offensa satisfacere, ideo  
 Deus dedit et mediatorem qui  
 satisfaceret pro offensa. Unde in  
 sola fide passionis Christi remitti-  
 tur omnis culpa, et sine fide eyes  
 nullus justificatur. Et secundum  
 hoc dicunt, quod omnis satisfactio  
 nostra virtutem habet a satisfac-  
 tione Christi." Ed. Rom. 1596.]  
<sup>3</sup> [De Paenit. c. 9.]

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Ch. v. 3  
→ that which is sufficient to this effect; and they towards whom we do it are satisfied, if they accept it as sufficient, and require no more: otherwise we satisfy not, although we do satisfy: for so between man and man it oftentimes falleth out, but between man and God, never. It is therefore true, that our Lord Jesus Christ by one most precious and propitiatory sacrifice, which was his body, a gift of infinite worth, offered for the sins of the whole world, hath thereby once reconciled us to God, purchased his general free pardon, and turned away divine indignation from mankind. But we are not for that cause to think any office of penitence either needless or fruitless on our own behalf: for then would not God require any such duties at our hands. Christ doth remain everlastingly a gracious intercessor, even for every particular penitent. Let this assure us, that God, how highly soever displeas'd and incens'd with our sins, is notwithstanding for his sake by our tears pacified, taking that for satisfaction which is due [done?] by us, because Christ hath by his satisfaction made it acceptable. For, as he is the High-priest of our salvation, so he hath made us priests likewise under him<sup>1</sup>, to the end we might offer unto God praise and thankfulness, while we continue in the way of life, and when we sin, the satisfactory or propitiatory sacrifice of a broken and contrite heart<sup>2</sup>. There is not any thing that we do that could pacify God, and clear us in his sight from sin, if the goodness and mercy of our Lord Jesus Christ were not; whereas now beholding the poor offer of our religious endeavour meekly to submit ourselves as often as we have offended, he regardeth with infinite mercy those services which are as nothing, and with words of comfort reviveth our afflicted minds, saying, "It is I, even I, that take away " thine iniquities for mine own sake." Thus doth repentance satisfy God, changing his wrath and indignation unto mercy.

<sup>1</sup> Apoc. i. 6.  
<sup>2</sup> Casuar. col. 20. c. 8. [Höll.  
Patr. Colon. t. v. p. 8. 307. "Etiamsi  
" hac omnia fecerimus, non erunt  
" idonea ad expiationem scelerum  
" nostrorum, nisi ea bonitas Domini  
" clementiae deleverit. Qui cum  
" religiosi conatus obsequia supplici  
" mente a nobis oblata perspexerit,  
" exiguos parvosque conatus im-  
" mensa libertate persequitur, di-  
" cens, Ego sum, ego sum, qui deleo  
" iniquitates tuas propter me, et  
" peccatorum tuorum jam non re-  
" cordabor."] ]

[4.]<sup>a</sup> Anger and mercy are in us passions; but in him not so. "God," saith St. Basil,<sup>1</sup> "is no ways passionate, but "because the punishments which his judgments do inflict "are, like effects of indignation, severe and grievous to such "as suffer them, therefore we term the revenge which he "taketh upon sinners, anger; and the withdrawing of his "plagues, mercy." "His wrath," saith St. Augustine<sup>2</sup>, "is not as ours, the trouble of a mind disturbed and dis- "quieted with things amiss, but a calm, unpassionate, and "just assignation of dreadful punishment to be their portion "which have disobeyed; his mercy a free determination of "all felicity and happiness unto men, except their sins remain "as a bar between it and them." So that when God doth cease to be angry with sinful men, when he receiveth them into favour, when he pardoneth their offences, and remem- bereth their iniquities no more (for all these signify but one thing), it must needs follow, that all punishments before due in revenge of sin, whether they be temporal or eternal, are remitted. For how should God's indignation import only man's punishment, and yet some punishment remain unto them, towards whom there is now in God no indignation remaining? "God," saith Tertullian<sup>3</sup>, "taketh<sup>b</sup> penitency "at men's hands, and men at his in lieu thereof receive "impunity;" which notwithstanding doth not prejudice the chastisements that<sup>4</sup> God after pardon hath laid upon some offenders<sup>4</sup>, as on the people of Israel, on Moses, on Miriam, on David, either for their own<sup>5</sup> more sound amendment, or

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Ch. v.  
—+—

\* c. D.      \* taken E.      \* which E.

<sup>1</sup> Basil. Hom. in Psalm. xxxvii. Πενία γάρ πάσης ἀλλότριος ἐστὶ θεῷ. [Παλλήσιος δὲ φρονεῖν δι' ἄγρι καὶ θυμῷ τοῦ θεοῦ λεγόμενα ἐν ταῖς διατάξεσιν γράφεται ὡς πάσης ἀλλότριος (παρὰ τοῦ θεοῦ) ἀλλότριος δὲ ἐστὶ τοῦ θεοῦ] κατὰ μεταφυσικὴν δὲ ἐν τοιαύ- τα εἰδητο ἰσοπέθει δὲ τῆς γρηθῆς λέ- γου. ἢ καὶ ἀφ' ἑαυτοῦ θεοῦ, κ. κ. λ.

... οἷον οὐκ ἐστὶ τῆς ἰσχυροῦς ἐπι- ρροῦς τοῦ ἀποστόλου, κατὰ θεοῦ ἔστιν, σπουδαῖος οἷον καὶ ἀγνο- ρία τοῦ σάρακονου, ὡσαύτ' ἐξ ἀγνο- ρίας καὶ θεοῦ ἰσχυροῦς ἰσχυροῦς, ἄγρ. ad t. l. p. 265. h. c. The Homily is considered spurious.]

<sup>2</sup> Cum Deus irasci dicitur, [irascitur E.] non ejus significat- tur perturbatio qualis est in animo irascens hominis, sed ex humanis motibus translato vocabulo, vin- dita ejus, que non nisi justa est, "ize nomen accepit." Aug. t. 3. Ench. c. 35. [t. vi. 200.]

<sup>3</sup> Penitentia compensatione re- dimendam proponit impunitatem Deus. Tertull. de Penitent. [c. 6.]

<sup>4</sup> Num. xiv. [22.] ; ex. 12 ; xl. 14 ; 2 Sam. xii. 14.

<sup>5</sup> Cui Deus vere propitius est, non solum condonat [dona] pec- cata ne nocent ad futurum secu-

BOOK VI  
Ch. 4.  
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for example<sup>1</sup> unto others in this present world (for in the world to come punishments have unto these intents no use, the dead being not in case to be bettered by correction, nor to take warning by executions of God's justice there seen); but assuredly to whomsoever he remitteth sin, their very pardon is in itself a full absolute and perfect discharge for revengeful punishments<sup>2</sup>; which God doth nowhere<sup>3</sup> threaten, but with purpose of revocation if men repent, nowhere inflict but on them whom imp<sup>4</sup>enitency maketh obdurate.

Of the one therefore it is said<sup>5</sup>, "Though I tell the wicked, Thou shalt die the death, yet if he turn<sup>6</sup> from his sin, and do that which is lawful and right, he shall surely live and not die." Of the other<sup>7</sup>, "Thou according to thine hardness, and heart that will not repent, treasurest up to thyself wrath against the day of wrath, and evident appearance of the just judgment of God." If God be satisfied and do pardon sin, our justification restored is as perfect as it was at the first bestowed. For so the Prophet Isaiah witnesseth<sup>8</sup>, "Though your sins were as crimson, they shall be made as white as snow; though they were all<sup>9</sup> scarlet, they shall be as white as wool." And can we doubt concerning the punishment of revenge, which was due to sin, but that if God be satisfied and have forgotten his wrath, it must be even as St. Augustin reasoneth, "What God hath covered he will not observe, and what he observeth not he will not punish." The truth of which doctrine is not to be shifted off by restraining it unto eternal punishment alone. For then would not David have said<sup>10</sup>, "They are blessed to whom God imputeth no<sup>11</sup> sin;" blessedness having no part or fellowship at all with malediction: whereas to be subject to revenge for sin, although the punishment be but temporal, is to be under the curse of the law: wherefore, as one and the same fire consumeth

<sup>1</sup> punishment E. <sup>2</sup> now here D. E. <sup>3</sup> turneth E. <sup>4</sup> as E. <sup>5</sup> not E.

<sup>6</sup> Iam, sed etiam castigat, ne semper peccare delectet." Aug. in Psal. xcvi. [§ 11. iv. 1067.]  
<sup>7</sup> "Flectuntur quidam, quo ceteri corrigantur; exempla sunt omnium tormenta paucorum." Cyr. de Lapso [c. 13.]  
<sup>8</sup> Ezech. xxxiii. 14.  
<sup>9</sup> Rom. ii. 5.  
<sup>10</sup> Isai. i. 18. [Alp. Ussher in E.]  
<sup>11</sup> "Si tetit Deus peccata, noluit advertere; si noluit advertere, noluit animadvertere." [in Psal. xxxi. [Heb. xxxii.] i. l. iv. 175.]  
<sup>12</sup> [Psal. xxxii. 2.]

stubble and refineth gold, so if it please God to lay punishment on them whose sins he hath forgiven, yet is not this done for any destructive end of wasting and eating them out, as in plagues inflicted upon the impenitent, neither is the punishment of the one as of the other proportioned by the greatness of sin past, but according to that future purpose whereunto the goodness of God referreth it, and wherein there is nothing meant to the sufferer but furtherance of all happiness, now in grace, and hereafter in glory. St. Augustine, to stop the mouths of Pelagians arguing, "That if God had imposed death upon Adam and Adam's posterity, as a punishment of sin, death should have ceased when Christ had procured sinners their pardon;" answereth first, "It is no marvel, either that bodily death should not have happened to the first man, unless he had first sinned (death as a punishment following his sin), or that after sin is forgiven, death notwithstanding befalleth the faithful; to the end that the strength of righteousness might be exercised by overcoming the fear thereof! So that justly God did inflict bodily death on man for committing sin, and yet after sin forgiven took it not away, that his righteousness might still have whereby to be exercised." He fortifieth this with David's example, whose sin he forgave, and yet afflicted him for exercise and trial of his humility. Briefly, a general axiom he hath for all such chastisements, "Before forgiveness, they are the punishment of sinners; and after forgiveness, they are exercises and trials of righteous men." Which kind of proceeding is so agreeable with God's nature and man's comfort, that it sheweth even injurious to both, if we should admit those surmised reservations of temporal wrath in God appeased towards

\* God E. \* This word is erased by Alp. Cister in D, and seemeth written in its place.

"Mirandum non est, et mortem corporis non fuisse eventuram homini, nisi processisset peccatum, cuius etiam talis poena consequeretur, et post remissionem peccatorum eam fidelibus evenire, ut eas timorem vincendo exerceretur fortitudo justitie . . . Sic et mortem corporis propter hoc peccatum Deus homini inflicti,

"et post peccatorum remissionem propter exercendam justitiam non ademit." Aug. de Pecc. Mer. et Rem. lib. ii. c. 24 [l. 8. 69].

"Anno remissionem esse illa supplicia peccatorum, post remissionem autem certamina exercitationesque iustorum." [August. ibid. p. 68.]

BOOK VI. reconciled sinners. "As a Father he delights in his children's  
 Ch. v. 5, 6. "conversion, neither doth he threaten the penitent with  
 "wrath, or them with punishment which already mourn;  
 "but by promise assureth such of indulgence and mercy<sup>1</sup>;"  
 yea, even of plenary pardon, which taketh away all both faults  
 and penalties: there being no reason why we should think  
 him the less just because he sheweth him<sup>a</sup> thus merciful;  
 when they which before were obstinate labour to appease his  
 wrath with the pensive meditations<sup>b</sup> of contrition, the meek  
 humility which confession expresseth, and the deeds where-  
 with repentance declareth itself to be an amendment as well  
 of the rotten fruits<sup>c</sup>, as the dried leaves and withered root of  
 the tree. For with these duties by us performed, and pre-  
 sented unto God in heaven by Jesus Christ, whose blood is a  
 continual sacrifice of propitiation for us, we content, please,  
 and satisfy God.

[5.] Repentance therefore, even the sole virtue of repen-  
 tance, without either purpose of shrift, or desire of absolu-  
 tion from the priest; repentance, the secret conversion of  
 the heart, in that it consisteth of these three, and doth by  
 these three pacify God, may be without hyperbolic terms  
 most truly magnified, as a recovery of the soul of man from  
 deadly sickness, a restitution of glorious light to his darkened  
 mind, a comfortable reconciliation with God, a spiritual  
 nativity, a rising from the dead, a day-spring from out the  
 depth of obscurity, a redemption from more than the Egyptian  
 thralldom, a grinding of the old Adam even into dust and  
 powder, a deliverance out of the prisons of hell, a full resto-  
 ration of the seat of grace and throne of glory, a triumph  
 over sin, and a saving victory.

[6.]<sup>d</sup> Amongst the works of satisfaction, the most respected  
 have been always these three, Prayers, Fasts, and Alms-  
 deeds: by prayer<sup>e</sup>, we lift up our souls to him from whom  
 sin and iniquity hath<sup>f</sup> withdrawn them; by fasting, we re-  
 duce the body from thralldom under vain delights, and make  
 it *servigibile* for parts of virtuous conversation; by alms,  
<sup>g</sup> himself E. (?) <sup>h</sup> meditation E. <sup>i</sup> fruit E. <sup>k</sup> et. D. <sup>l</sup> Prayers E. <sup>m</sup> have E.

<sup>1</sup> Cyp. Epist. 33 [32 ed. Pamel. <sup>n</sup> penitentibus, aut plangentibus et  
 33 ed. Fell. p. 111. <sup>2</sup> Utrum ille et <sup>o</sup> lamentantibus pensam comminua-  
 verus Pater... letatur in peni- <sup>p</sup> tur, sed veniens magis et indul-  
 tentia filiorum suorum; nec iram <sup>q</sup> gentiam pollicetur.]

we dedicate to charity these\* worldly goods and possessions, which unrighteousness doth neither get nor bestow well : the first, a token of piety intended towards God ; the second, a pledge of moderation and sobriety in the carriage of our own persons ; the last, a testimony of our meaning to do good to all men. In which three, the Apostle by way of abridgment comprehendeth whatsoever may appertain to sanctimony, holiness, and good life : as contrariwise the very mass of general corruption throughout the world, what is it but only forgetfulness of God, carnal pleasure, immoderate desire after worldly things ; profaneness, licentiousness, covetousness ?

All offices of repentance have these two properties ; there is in performance of them painfulness, and in their nature a contrariety unto sin. The one consideration causeth them both in holy Scripture<sup>1</sup> and elsewhere to be termed judgments or revenges taken voluntarily on ourselves, and to be furthermore also preservatives from future evils, inasmuch as we commonly use to keep with the greater care that which with pain we have recovered<sup>2</sup>. And they are in the other respect contrary to sin committed ; contrition, contrary to the pleasure ; confession, to the error, which is mother of sin ; and to the deeds of sin, the works of satisfaction contrary ; therefore they all<sup>3</sup> the more effectual to cure the evil habit thereof. Hereunto it was that St. Cyprian referred his earnest and vehement exhortations<sup>4</sup>, "That they which had fallen " should be instant in prayer, reject bodily ornaments when " once they have stripped themselves out of Christ's attire, " abhor all food after Satan's morsels tasted, follow works of " righteousness which wash away sin, and be plentiful in " alms-deeds wherewith souls are delivered from death." Not, as if God did, according to the manner of corrupt

\* these E.

\* are E.

<sup>1</sup> 2 Cor. vii. 11.

<sup>2</sup> ἡμῶν γὰρ οὐκ ἔστιν ἀδύνατον ἀπομαρτυρεῖν ἑαυτοὺς ἀνακατασκευάζειν τὴν ἐπιθυμίαν. Chrys. Hom. 35. [31.] in Ep. ad Heb. [l. ii. 26. &]

<sup>3</sup> Cypri. de Lapsis. [c. ult. "Orare oportet impensus et rogare, . . in clicito et sordibus velutari ; post

"indumentum Christi perditum, nullum hic iam velle vestitum ; post diaboli cibum male jejunitum ; iustis operibus incumbere, quibus peccata purgantur ; elemosynis frequenter ministrare, quibus a morte animæ liberantur." l. i. p. 137, 138.]



64 *Restitution, a necessary Part of Satisfaction.*

BOOK VI. judges, take so much<sup>1</sup> money to abate so much in the punishment of malefactors. "These duties must be offered," saith Salvianus<sup>1</sup>, "not in confidence to redeem or buy out sin, but as tokens of meek submission; neither are they with God accepted, because of their value, but for the<sup>2</sup> affection's sake, which doth thereby shew itself."

Wherefore concerning Satisfaction made to God by Christ only, and of the manner how repentance generally, particularly also, how certain special works of penitency, both are by the Fathers in their ordinary phrase of speech called satisfactory, and may be by us very well so acknowledged; enough hath been spoken.

[7.] Our offences sometimes<sup>3</sup> are of such nature, as requireth that particular men be satisfied, or else repentance to be utterly void, and of none effect. For, if either through open rapine or cloaked fraud, if through injurious or unconscionable dealings<sup>4</sup>, a man have wittingly wronged others to enrich himself; the first thing evermore in this case required (ability<sup>5</sup> serving) is restitution. For let no man deceive himself: from such offences we are not discharged, neither can be, till recompense and restitution to man accompany the penitent confession we have made to Almighty God. In which case the law of Moses was direct and plain<sup>6</sup>. "If any sin and commit a trespass against the Lord, and deny unto his neighbour<sup>7</sup> that which was given<sup>8</sup> him to keep, or that which was put unto him of trust; or doth by robbery or by violence oppress his neighbour; or hath found that which was lost, and denieth it, and sweareth<sup>9</sup> falsely: for any of these things that a man doth wherein he sinneth, he that doth thus offend and trespass, shall restore the robbery that he hath taken, or the thing he hath gotten by violence, or that which was delivered him to keep, or the lost thing which he found; and for whatsoever he hath sworn falsely, adding perjury to injury, he shall both restore the whole sum, and shall add thereunto a fifth part more, and deliver

<sup>1</sup> some E. <sup>2</sup> our E. [not sfgh] <sup>3</sup> vi. D. <sup>4</sup> sometime E. <sup>5</sup> dealing E.  
<sup>6</sup> habiōne D. <sup>7</sup> neighbours E. <sup>8</sup> taken D. <sup>9</sup> swear E.

<sup>1</sup> Salv. ad Ecd. Cathol. lib. i. p. 362. tom. v. par. iii. Biblioth. Patr. Colon. "Nec offerat cum re-  
 demptionis fiducia, sed cum sup-  
 plicationis officio: . . . Non pretio, sed affectu placens." <sup>2</sup> Levit. vi. 2.



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CH. V. 1.

[8]\* Now although it suffice<sup>3</sup>, that the offices wherewith we pacify God or private men be secretly done; yet in cases where the Church must be also satisfied, it was not to this end and purpose unnecessary, that the ancient discipline did further require outward signs of contrition to be shewed, confession of sins to be made openly, and those works to be apparent, which served as testimonies of<sup>4</sup> conversion before men. Wherein<sup>5</sup>, if either hypocrisy did at any time delude their judgment, they knew that God is he whom masks and mockeries cannot blind, that he which seeth men's hearts would judge them according unto his own evidence, and, as Lord, correct the sentence of his servants concerning matters beyond their reach; or if such as ought to have kept the rules of canonical satisfaction would by sinister means and practices undermine the same, obtruding presumptuously themselves to the participation of Christ's most sacred mysteries before they were orderly readmitted thereunto, the Church for contempt of holy things held them incapable of that grace, which God in the Sacrament doth impart to devout communicants; and no doubt but he himself did retain bound, whom the Church in those cases refused to loose.

The Fathers, as may appear by sundry decrees and canons of the primitive Church, were (in matter specially of public scandal) provident that too much facility of pardoning might not be shewed. "He that casteth off his lawful wife," saith St. Basil<sup>6</sup>, "and doth take another, is adjudged an adulterer "by the verdict of our Lord himself; and by our fathers it is "canonically ordained, that such for the space of a year shall "miseri, for two years' space *hear*, three years *be prostrate*,

\* vii. D.      \* suffos.      \* for E.

<sup>1</sup> Cyp. Ep. li. [al. 55. c. 30.      μενε, ἀπὸ τοῦ κυρίου ἀπέθετο,      ἢ τῆς μοικρίας ἑταίρια κρίσιν"      ἀκαταίτητος ἢ παρ' αὐτῶν ποίηται  
<sup>2</sup> Si non aliquis penitentiae simu-      "deridetur, et qui cor hominis      ἴσως, τοῖς τοιαύτοις ἔσονται προση-  
<sup>3</sup> intantur, de his quae nos minus      "perplexum iudicat, et severum      ἔλασμα ἁγίου ἑκαταετήθου, τριτίου      ἑταίριας  
<sup>4</sup> "penitentiam Dominus emendet."      ἑταίριας ἢ ἡ ἔθελον, ἑκατα-      ἑταίρια τοῖς ποικίλοις καὶ ἄλλοις τῆς  
<sup>5</sup> t. ii. p. 108.]      προσηφίαι καταβασίθου, ἢ καὶ μετὰ      ἀποστολῆς μετανοήσαντες" ἢ ἢ ἀπὸ τοῦ  
<sup>6</sup> Basil. Ep. ad Amphil. c. 26.      [77. ep. 217. t. iii. 329. "Ὁ κατα-      ἑταίρια καὶ ἐπὶ τοῦ τοῦ τοῦ τοῦ      ἀλλήλων λαμβάνεται εἰς ἀκαταίτητος,      εἰ καὶ ἀπὸ ἑαυτῶν κρίσιν.]



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 CH. 18  
 2.  
 3.  
 4.

to approach it was not lawful; they stood as miserable forlorn men, the very patterns of perplexity and woe. In the second, when they had the favour to wait at the doors of God, where the sound of his comfortable word might be heard; none received it with attention like to theirs. <sup>4</sup>Being taken and admitted to the next degree of prostrates, at the feet yet behind the back of that angel representing God, whom the rest saw face to face; their tears, and entreaties both of Pastor and people, were such as no man could resist. After the fourth step, which gave them liberty to hear and pray with the rest of the people; being so near the haven, no diligence was then slack'd which might hasten admission to the heavenly table of Christ, their last desire. It is not therefore a thing to be marvelled at, though St. Cyprian took it in very evil<sup>5</sup> part, when open backsliders from the faith and sacred religion of Christ laboured by sinister practice to procure from imprisoned saints those requests for present absolution, which the Church could neither yield unto with safety of discipline, nor in honour of martyrdom easily deny. For, what would thereby ensue they needed not to conjecture, when they saw how every man which came so commended to the Church by letters thought that now he needed not to crave, but might challenge of duty, his peace; taking the matter very highly, if but any little forbearance or small delay were<sup>6</sup> used. "He which is overthrown," saith St<sup>7</sup> Cyprian<sup>1</sup>, "menaceth them that stand, the wounded them that were never toucht; and because presently he hath not the body of our Lord in his foul imbrued hands, nor the blood within his polluted lips, the miscreant fumeth at God's priests: such is thy madness, O thou furious man; thou art angry with him which laboureth to turn away God's anger from thee: him thou threatenest, which sueth unto God for grace and mercy on thy behalf."

<sup>4</sup> Thelty, being E.    <sup>5</sup> III E.    <sup>6</sup> was E.    <sup>7</sup> St. om. E.

<sup>1</sup> [De Laps. c. 12.] "Jacens  
 "stantibus, et integris vulneratus,  
 "monatur, et quod non statim Do-  
 "mini corpus inquinatis manibus  
 "accipiat, aut ore polluto Domini  
 "sanguinem bibat, sacerdotibus sa-  
 "crilegus irascitur. Atque O tuam  
 "simiam, furiose, dementia, iras-  
 "ceris ei qui alio te averter e Dei  
 "iram nititur, et minaris qui pro te  
 "Domini misericordiam deprecatur."  
 "tur."]

Touching Martyrs he answereth<sup>1</sup>, "That it ought not in  
"this case to seem offensive, though they were denied, seeing  
"God himself did<sup>2</sup> refuse to yield to the piety of his own  
"righteous saints, making suit for obdurate Jews."

As for the parties, in whose behalf such shifts were used ;  
to have their desire was, in very truth, a way to make them  
the more guilty<sup>3</sup>; such peace granted contrary to the vigour<sup>4</sup>  
of the Gospel, contrary to the law of our Lord and God, doth  
but under colour of merciful relaxation deceive sinners, and  
by soft handling destroy them ; a grace dangerous for the  
giver, and to him which receiveth it nothing at all available.  
"The patient expectation that bringeth health is by this  
"means not regarded ; recovery of soundness not sought for

<sup>1</sup> *id.* himself E.<sup>2</sup> *id.* E.

<sup>3</sup> "Mandant aliquid martyres  
"ferri, sed si iusta, si licita, si non  
"contra ipsum Dominum a Dei  
"sacerdote facienda, si obtemperan-  
"tis facilis et prona consentio, si  
"petentis fieri religiosa moderatio  
"... Quid vero iustus Noe?...  
"Quid gloriosus Daniele?... Quid  
"Job in operibus promptus?...  
"Nec his tamen, si rogarent, com-  
"cessuram se Deus dixit... Adeo  
"non omne quod petitur in prepu-  
"dicio petentis sed in dantis arbitrio  
"est." p. 187, ed. Baluz. Exod. xii.  
"xxxii.] 31; Jerem. vii. 15. [16;]  
"Ezek. xvi. 14.  
"[Ibid. p. 186. "Emerit, fratres  
"dilectissimi, novum genus cladis ;  
"et quasi parum persecutionis pre-  
"cella sevierit, accessit ad cumulum  
"sub misericordia titulo malum  
"fallax et blanda pernicio. Contra  
"evangelii vigorem, contra Domini  
"ac Dei legem temeritate quorun-  
"dam laxatur incanis communis-  
"catio, irrita et falsa pax, periculosa  
"dantibus, et sibi accipientibus  
"profutura. Non querunt sanitatis  
"patientiam, nec veram de satisfac-  
"tione medicinam. Punitentia de  
"pectoribus excussa est, gravissimi  
"extremique delicti memoria sublata  
"est. Operantur morticium vul-  
"nera, et plaga lethalia alitis et pro-  
"fundis visceribus infixa disimu-  
"lato dolore contegunt. A diaboli  
"aris revertentes ad sacrum Domini  
"secedunt. Mutilos idolorum  
"cibus adhuc pene ructantes, ex-  
"halaribus etiam nunc scelus suum  
"facibus, et contagia funesta redol-  
"entibus, Domini corpus invadunt,  
"quando occurrit scriptura divina  
"et clamat et dicit... "Quicumque  
"ederit carnem aut biberit calicem  
"Domini indigne, reus erit corporis  
"et sanguinis Domini. Spiritus his  
"omnibus atque conscriptis, ante  
"expiata delicta, ante exomologesin  
"factam criminis, ante purgatam  
"conscientiam sacerdotis et manus  
"sacerdotis, ante offensam placatam  
"indignantis Domini ac minantis, vis  
"inferitur corpori ejus et sanguini...  
"Facem putant esse, quam quidam  
"verbis fallacibus vendunt... Quid  
"aquasiam beneficium vocant? Quid  
"impietatem vocabulo pietatis ap-  
"pellant?... Non concedit pacem  
"facilis iota, sed solis;... Perse-  
"cutio est hac alia et alia tentatio,  
"per quam subtilis inimicus impug-  
"nandis adhuc lapsis occultis popu-  
"latione grassatur; ut lamentatio  
"conquiescat, ut dolor sileat, ut  
"delicti memoria evanescat, ut  
"comprimatur pectorum gemitus,  
"stannatur fletus oculorum, nec  
"Dominum quasi iter offensum longa  
"ac plena penitentia deprecatur."

BOOK VI  
Ch. x. 8  
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"by the only medicine available, which is satisfaction; penitency thrown out of men's hearts; the remembrance of that heaviest and last judgment clean banisht; the wounds of dying men, which should be healed, are covered; the stroke of death, which hath gone as deep as any bowels are to receive it, is overcast with the slight show of a cloudy look. From the altars<sup>a</sup> of Satan to the holy of the Lord men are not afraid to come even belching in a manner the sacrificed morsels they have eaten; yea, their jaws yet breathing out the irksome savour of their former contagious wickedness, they seize upon the blessed body of our Lord, nothing terrified with that dreadful commination, which saith<sup>1</sup>, "Whosoever eateth and drinketh unworthily, is guilty of the body and blood of Christ." They vainly think it to be peace, which is gotten before they be purged of their faults, before their crime be solemnly confest, before their conscience be cleared by the sacrifice, and imposition of the priests' hands, and before they have pacified the indignation of God. Why term they that a favour, which is an injury? Wherefore cloak they impiety with the name of charitable indulgence? Such facility giveth not, but rather taketh away peace; and is itself another fresh persecution or trial, whereby that fraudulent enemy maketh a secret havock of such as before he had overthrown; and now to the end he may clean swallow them, he casteth sorrow in a dead sleep, putteth grief to silence, wipeth out the memory of faults newly done, smothereth the sighs that should arise<sup>1</sup> from a contrite spirit, drieth up eyes which ought to send forth rivers of tears, and permitteth not God to be pacified with full repentance, whom heinous and enormous crimes have displeas'd."

By this then we see, that in St. Cyprian's judgment, all absolutions are void, frustrate, and of no effect, without sufficient repentance first shewed; whereas contrariwise, if true and full satisfaction have gone before, the sentence of man here given is ratified of God in heaven, according to our Saviour's own sacred testimony, "Whose sins ye remit, they are remitted."

<sup>a</sup> *Mat. E.*<sup>1</sup> *Mat. E.*<sup>1</sup> *1 Cor. xii. 27.*

[9.]<sup>m</sup> By what works in the Virtue, and by what in the BOOK VI.  
Discipline of Repentance, we are said to satisfy either God CH. V. 8  
or men, cannot now be thought obscure. As for the inventors CH. V. 8  
of sacramental satisfaction, they have both altered the natural CH. V. 8  
order heretofore kept in the Church, by bringing in a strange CH. V. 8  
preposterous course, to absolve before satisfaction be made, and CH. V. 8  
moreover by this their misordered practice are grown into CH. V. 8  
sundry errors concerning the end whereunto it is referred. CH. V. 8

They imagine, beyond all conceit of antiquity, that when God doth remit sin and the punishment eternal thereunto belonging, he reserveth the torments of hell-fire, to be nevertheless endured for a time, either shorter or longer, according to the quality of men's crimes. Yet so that there is between God and man a certain composition (as it were) or contract, by virtue whereof works assigned by the priest to be done after absolution shall satisfy God, as touching the punishment which he otherwise would inflict for sin pardoned and forgiven<sup>n</sup>.

Now because they cannot assure any man, that if he CH. V. 8  
perform what the priest appointeth it shall suffice; this (I CH. V. 8  
say) because they cannot do, inasmuch as the priest hath no CH. V. 8  
power to determine or define of equivalency between sins and CH. V. 8  
satisfactions; (and yet if a penitent depart this life, the debt CH. V. 8  
of satisfaction being either in whole or in part undischarged, CH. V. 8  
they steadfastly hold that the soul must remain in unspeakable CH. V. 8  
torment till all be paid :) therefore for help and mitigation in CH. V. 8  
this case, they advise men to set certain copesmates on work, CH. V. 8  
whose prayers and sacrifices may satisfy God for such souls CH. V. 8

<sup>m</sup> in. 13.

<sup>n</sup> [Here the *Dublin MS.* goes on. — For against 1<sup>st</sup> guiltiness of sinne, and 1<sup>st</sup>  
danger of everlasting condemnation thereby incurred, confession and absolution  
— according 1<sup>st</sup> same, are, as they take it, a remeial sufficient, and therefore,  
— what their penitentiaries doe think good to impose further, whether it be  
— a matter of Ave Marias daily to be recited up, a journey of pilgrimage to bee  
— undertaken, some few dishes of ordinarie dyet to be exchanged, offerings to  
— be made untill 1<sup>st</sup> stations of halles, or a little to be straggled off from men's  
— superfluities, for reliefe of poore people, as in law or exchange w<sup>th</sup> God,  
— whose Justice oweth as well they say notwithstanding our penitence, some  
— temporall punishment, to be sustained in 1<sup>st</sup> life to come, except wee quit  
— ourselves here with workes of 1<sup>st</sup> larger kind, continued till 1<sup>st</sup> ballance of  
— God's most strict severity, shall finde 1<sup>st</sup> paynes wee have taken, equivalent,  
— with 1<sup>st</sup> halles for which wee satisfy. — *See this passage sup. Under the  
dotted line through and a row, untill his pen; and noted in the margin.* — This  
— followeth sheweth, more properly, in the sixth section of the next book,  
— touching absolution.] — See below, pp. 82, 84.]



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BOOK VI.  
CH. 2.  
as depart in debt. Hence have arisen the infinite pensions of their priests, the building of so many altars and tombs, the enriching of Churches with so many glorious and costly gifts, the bequeathing of lands and ample possessions to religious companies, even with utter forgetfulness of friends, parents, wife, children\*, all natural affection giving place unto that desire, which men doubtful of their own estate have to deliver their souls from torment after death.

\* The ground of satisfying by the Pope's indulgences.

Yet behold, even this being also done, how far forth it shall avail they are not sure; and therefore the last upshot unto all their former inventions is, that as every action of Christ did both merit for himself, and satisfy partly for the eternal, and partly for the temporal punishment due unto men for sin; so his saints have obtained the like privilege of grace, making every good work they do, not only meritorious in their own behalf, but satisfactory too for the benefit of others. Or if, having at any time grievously sinned, they do more to satisfy God than he in justice can exact or look for at their hands; the surplussage runneth to a common stock, out of which treasury, containing whatsoever Christ did by way of satisfaction for temporal punishment, together with the satisfactory force which resideth in all the virtuous works of saints, and in their satisfactions whatsoever doth abound, (I say,) "From hence they hold God satisfied for such arrarages as men behind in account discharge not by other means; and for disposition hereof, as it is their doctrine that Christ remitteth not eternal death without the priest's absolution, so without the grant of the Pope they cannot but teach it alike impossible\* that souls in hell should receive any temporal release of pain; the sacrament of pardon from him being to this effect no less necessary, than the priest's absolution to the other." So that by this postern-gate cometh in the whole mart of papal indulgences<sup>†</sup>; a gain inestimable<sup>‡</sup> unto him, to others a spoil; a scorn both to God and man. So many works of satisfaction pretended to be done by Christ, by saints, and martyrs; so many virtuous acts possessed with satisfactory force and virtue; so many

\* and children E.      † This marginal note om. E.      ‡ satisfaction E. (?)  
 † indulgence E. (?)      ‡ responsible E.      † unestimable E.  
 † See below, p. 84.

supererogations in satisfying beyond the exigence of their own necessity; and this that the Pope might make a monopoly of all, turning all to his own gain, or at the least to the gain of them\* which are his own. Such facility they have to convert a pretended sacrament into a true<sup>8</sup> revenue.

VI.<sup>7</sup> Sin is not helped but by being assured of pardon. It resteth therefore to be considered what warrant we have concerning forgiveness, when the sentence of man absolveth us from sin committed against God. At the words of our Saviour<sup>1</sup>, saying to the sick of the palsy, "Son, thy sins are forgiven thee," exception was taken by the Scribes, who secretly reasoned against him, "Is any able to forgive sins, but only God?" Whereupon they condemned his speech as blasphemy<sup>2</sup>; the rest, which believed him to be a Prophet sent from God, saw no cause wherefore he might not as lawfully say, and as truly, to whomsoever amongst them, "God hath taken away thy sins," as Nathan (they all knew) had used the very like speech; to whom David did not therefore impute blasphemy, but embraced, as became him, the words of truth with joy and reverence.

Now there is no controversy but as God in that special case did authorize Nathan, so Christ more generally his Apostles and the ministers of his word in his name to absolve sinners. Their power being equal, all the difference between them can be but only in this, that whereas the one had prophetic evidence, the other have the certainty partly of faith, and partly of human experience, whereupon to ground their sentence: faith, to assure them of God's most gracious pardon in Heaven unto all penitents; and touching the sincerity of each particular party's repentance, as much as<sup>4</sup> outward sensible tokens or signs can warrant.

[2.]\* It is not to be marvelled that so great a difference appeareth between the doctrine of Rome and ours, when we teach repentance. They imply in the name of repentance much more than we do. We stand chiefly upon the true<sup>b</sup> inward conversion of the heart; they more upon works of external show. We teach, above all things, that repentance which is one and the same from the beginning to the world's

\* those E.    <sup>a</sup> true and E.    <sup>b</sup> I. D.    <sup>c</sup> much as om. E.    <sup>d</sup> H. D.    <sup>e</sup> due E.

<sup>1</sup> Matt. ix.

<sup>2</sup> Marc. v. 21. [ii. 7]; Luc. v. 21.

BOOK VI.  
CH. XLII.  
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end; they a sacramental penance of their own devising and shaping. We labour to instruct men in such sort, that every soul which is wounded with sin may learn the way how to cure itself; they, clean contrary, would make all sores seem incurable, unless the priest have a hand in them.

Touching the force of whose absolution they strangely hold, that whatsoever the penitent doth, his contrition, confession, and satisfaction have no place of right to stand as material parts in this sacrament, nor consequently any such force as to make them available for the taking away of sin, in that they proceed from the penitent<sup>1</sup> himself without the privy of the minister, but only, as they are enjoined by the minister's authority and power. So that no contrition or grief of heart, till the priest exact it; no acknowledgment of sins, but that which he doth demand; no praying, no fasting, no alms, no recompense or restitution for whatsoever we have done, can help, except by him it be first imposed. It is the chain of their own doctrine, no remedy for mortal sin committed after baptism but the sacrament of penance only; no sacrament of penance, if either matter or form be wanting; no ways to make those duties a material part of the sacrament, unless we consider them as required and exacted by the priest. Our Lord and Saviour, they say, hath ordained his priests judges in such sort, that no man which sinneth after baptism can be reconciled unto God but by their sentence<sup>2</sup>. For why? If there were any other way of reconciliation, the very promise of Christ should be false, in saying<sup>3</sup>, "Whatsoever ye bind "on earth, shall be bound in heaven; and whose sins soever "ye retain, are retained<sup>4</sup>." Except therefore the priest be willing, God hath by promise so hampered himself<sup>5</sup>, that it is not now in his own power to pardon any man. Let him which hath offended crave as the publican did<sup>6</sup>; "Lord, be thou

<sup>1</sup> hampered himself so E.

<sup>1</sup> "Ipius (penitentis scilicet) actio  
" non est pars sacramenti, nisi qua-  
" tenua potestati sacerdotali subji-  
" tur, et a sacerdote dirigitur vel  
" jubetur." Bellarmin. de Punit.  
lib. 5. c. 16. [p. 102.]

"conciliari possit." Bellarmin. de  
Punit. lib. 5. c. 2. [p. 102.]

<sup>2</sup> [Matt. xviii. 18; John xx. 23.]

<sup>3</sup> "Quod si possent rei [et E.]

" sine sacerdotum sententia absolvi,

" non [enim E.] esset vera Christi

" promissio, Quaecumque," &c. Bel-  
larm. ibid. [p. 103.]

<sup>4</sup> [Luke xviii. 13.]

<sup>5</sup> Christus instituit sacerdotes  
" iudices super terram cum ea po-  
" testate, ut, sine ipsorum sententia,  
" nemo post baptismum lapsus re-

"merciful to me a sinner;" let him, as David, make a thousand times his supplication<sup>1</sup>, "Have mercy upon me, O God, according to thy loving-kindness; according to the multitude of thy compassions<sup>2</sup> put away mine iniquities:" all this doth not help, till such time as the pleasure of the priest be known; till he have signed us a pardon, and given us our *quæta est*, God himself hath no answer to make but such as that of his angel unto Lot, "I can do nothing<sup>3</sup>."

[3]<sup>4</sup> It is true, that our Saviour by those words, "Whose sins ye remit, they are remitted," did ordain judges over sinful souls, give them authority to absolve from sin, and promise to ratify in heaven whatsoever they should do on earth in execution of this their office; to the end that hereby, as well his ministers might take encouragement to do their duty with all faithfulness, as also his people admonition, gladly with all reverence to be ordered by them; both parts knowing that the functions of the one towards the other have his perpetual assistance and approbation. Howbeit all this with two restraints, which every jurisdiction in the world hath; the one, that the practice thereof proceed in due order; the other, that it do not extend itself beyond due bounds; which bounds or limits have so confined penitential jurisdiction, that although there be given unto it power of remitting sin, yet not such sovereignty of power, that no sin should be pardonable in man without it. Thus to enforce our Saviour's words, is as though we should gather, that because whatsoever Joseph did command in the land of Egypt, Pharaoh's grant was<sup>5</sup>, it should be done; therefore he granted<sup>6</sup> that nothing should be done in the land of Egypt but what Joseph did command, and so consequently, by enabling his servant Joseph to command under him, disableth himself to command any thing without Joseph.

But by this we see how the papacy maketh all sin unpardonable, which hath not the priest's absolution; except peradventure in some extraordinary<sup>7</sup> case, where albeit absolution be not had, yet it must be desired.

<sup>1</sup> compassion E.    <sup>2</sup> li. D.    <sup>3</sup> is E.    <sup>4</sup> granteth E.

<sup>5</sup> [Psalm li. 1.]    <sup>6</sup> extraordinariam sibi reservavit.

<sup>7</sup> [Gen. xix. 22.]    <sup>8</sup> Ordinaria enim remedia in Ecclesia ad restituenda peccata sunt.

<sup>9</sup> Christus ordinariam suam    <sup>10</sup> cæsa ad restituenda peccata sunt potestatem in apostolos transtulit;    <sup>11</sup> ab eo instituta, sacramenta; sine

BOOK VI. [4.]<sup>b</sup> What is then the force of absolution? What is it which the act of absolution worketh in a sinful man? Doth it by any operation derived from itself alter the state of the soul? Doth it really take away sin, or but ascertain us of God's most gracious and merciful pardon? The latter of which two is our assertion, the former theirs.

<sup>1</sup> At the words of our Lord and Saviour Jesus Christ, saying unto the sick of the palsy, "Son, thy sins are forgiven thee," the Pharisees, which knew him not to be the "Son of the living God," took secret exception, and fell to reasoning with themselves against him; "Is any able to forgive sins but God only?" "The sins," saith St. Cyprian, "that are committed against him, he alone hath power to forgive, which took upon him our sins, he which sorrowed and suffered for us, he whom the Father delivered unto death for our offences." Whereunto may be added that which Clemens Alexandrinus hath, "Our Lord is profitable every way, every way beneficial, whether we respect him as man<sup>1</sup>, or as God; as God forgiving, as man instructing and learning "how to avoid sin." For it is "I, even I, that putteth away "thy iniquities for mine own sake, and will not remember "thy sins," saith the Lord.

Now albeit we willingly confess with St. Cyprian, "The sins that are committed against him, he only hath power to forgive, who hath taken upon him our sins, he which hath sorrowed and suffered for us, he whom God hath given for our offences;" yet neither did St. Cyprian intend to deny

<sup>a</sup> iv. D.

<sup>1</sup> a man D.

"quibus peccata remittere Christus potest, sed extraordinarie et multo rarius hoc facit, quam per sacramenta. Nulius igitur homines [eos E.] extraordinarius remediis remissionis peccatorum confidere, quae et rara sunt et incerta: sed ordinaria, et ut ita dicam, visibilia sacramentorum querere remedia." Matt. ix. 2; Mark ii. 7; Luke v. 21; Cypri. de Laps. c. 11.<sup>a</sup>.  
<sup>2</sup> *Enchiridion de Repone sui erroris aedificat, nisi de Reipone, nisi de Reipone. Tu pax Reipone ut Reipone, nisi de Reipone Reipone Reipone Reipone.* Clem. Alexandr. Paedag. lib. I. cap. 3.  
<sup>3</sup> Esai. xlii. 25.  
<sup>4</sup> Veniam peccatis, qui in ipse sum commissi sunt, solus potest dare largiri, qui peccata nostra portavit, qui pro nobis dedit, quem Deus tradidit pro peccatis nostris. [de Laps. c. 11.]

<sup>a</sup> 14. D.

the power of the minister, otherwise than if he presume beyond his commission to remit sin, where God's own will is it should be retained; for against such absolutions he speaketh (which being granted to whom they ought to have been denied, are of no validity;) and, if rightly it be considered how higher causes in operation use to concur with inferior means, his grace with our ministry, God really performing the same which man is authorized to act as in his name, there shall need for decision of this point no great labour.

[5]<sup>a</sup> To remission of sins there are two things necessary; grace, as the only cause which taketh away iniquity; and repentance, as a duty or condition required in us. To make repentance such as it should be, what doth God demand but inward sincerity joined with fit and convenient offices for that purpose? the one referred wholly to our own consciences, the other best discerned by them whom God hath appointed judges in this court. So that having first the promises of God for pardon generally unto all offenders penitent; and particularly for our own unfeigned meaning, the unfallible<sup>1</sup> testimony of a good conscience; the sentence of God's appointed officer and vicegerent to approve with impartial judgment the quality of that we have done, and as from his tribunal, in that respect to assol us of any crime: I see no cause but that by the rules of our faith and religion we may rest ourselves very well assured touching God's most merciful pardon and grace; who, especially for the strengthening of weak, timorous, and fearful minds, hath so far endued his church with power to absolve sinners. It pleaseth God that men sometimes should, by missing this help, perceive how much they stand bound to him for so precious a benefit enjoyed. And surely, so long as the world lived in any awe or fear of falling away from God, so dear were his ministers to the people, chiefly in this respect, that being through tyranny and persecution deprived of pastors, the doleful rehearsal<sup>1</sup> of

<sup>a</sup> v. D.

<sup>1</sup> unfallible E.

<sup>1</sup> Victor de Persecut. Vandal. the number of 4961. "Quantae  
[ib. ii. ap. Bibl. Patr. Colon. t. v. "tunc multitudines de diversis re-  
pars iii. p. 635-6. Huneric, king "gionibus et civitatibus ad visendas  
of the Arian Vandals in Africa, had "Dei martyres occurrerent populo-  
by one edict driven into exile bi- "rum testantur viae vel semitae;  
shops, priests, deacons and other "que cum agmina venientium in-  
members of the church catholic to "quam caperent, per vertices

BOOK VI.  
Ch. vi. 5.

their lost felicities hath not any one thing more eminent, than that sinners distrest should not now know how or where to unlade their burthen. Strange it were unto me, that the Fathers, who so much every where extol the grace of Jesus Christ in leaving unto his Church this heavenly and divine power, should as men whose simplicity had generally<sup>u</sup> been abused, agree all to admire and magnify a needless office.

The sentence therefore of ministerial absolution hath two effects: touching sin, it only declareth us free<sup>f</sup> from the guiltiness thereof, and restored into God's favour<sup>f</sup>; but concerning right in sacred and divine mysteries, whereof through sin we were made unworthy, as the power of the Church did before effectually bind and retain us from access unto them, so upon our apparent repentance it truly restoreth our liberty, looseth<sup>l</sup> the chains wherewith we were tied, remitteth all whatsoever is past, accepteth us no less, returned, than if we never had gone astray.

For inasmuch as the power which our Saviour gave to his Church is of two kinds, the one to be exercised over voluntary penitents only, the other over such as are to be brought to amendment by ecclesiastical censure<sup>c</sup>; the words wherein he hath given this authority must be so understood, as the subject or matter whereupon it worketh will permit. It doth not permit that in the former kind, (that is to say, in the use of power over voluntary converts,) to bind or loose, remit or retain, should signify any other than only to pronounce of sinners according to that which may be gathered by outward signs; because really to effect the removal or continuance of sin in the soul of any offender<sup>o</sup>, is no priestly act, but a work which far exceedeth their ability<sup>a</sup>. Contrariwise, in the latter

<sup>u</sup> universally E.    <sup>f</sup> freed E.    <sup>f</sup> favours E.    <sup>l</sup> loosened D.    <sup>c</sup> censures E.  
<sup>o</sup> offenders D.    <sup>a</sup> habilite D.

<sup>u</sup> mentionem et vallium occurrens  
<sup>f</sup> turba fidelium inextimabilis de-  
<sup>f</sup> scendebat, ceros manibus ge-  
<sup>f</sup> stantes, siveque infansulus vesti-  
<sup>f</sup> giis martyrum projicientes, ista  
<sup>f</sup> voce clamabant: 'Quibus nos  
<sup>f</sup> miseris reliquitis, dum pergitis  
<sup>f</sup> ad coronam? qui hos baptizati  
<sup>f</sup> sunt parvulus fustibus aque per-  
<sup>f</sup>ennis? qui nobis penitentiae mo-  
<sup>f</sup> tus collati sunt, et reconcilia-

<sup>f</sup> tionis indulgentia obstrictis pec-  
<sup>f</sup> catorum vinculis soluti? quia  
<sup>f</sup> vobis dictum est, 'Quaecumque  
<sup>f</sup> solveritis super terram erunt so-  
<sup>f</sup> luta et in caelis.' Qui nos solenni-  
<sup>f</sup> bus orationibus sepeliri sunt mo-  
<sup>f</sup> rentes? a quibus divini sacrificii  
<sup>f</sup> ritus exhibendus est, consuetus?  
<sup>f</sup> vobiscum et nos licebat pergere, si  
<sup>f</sup> liceret ut tali modo filios a patri-  
<sup>f</sup> bus nulla necessitas separaret.]

kind of spiritual jurisdiction, which by censures constraineth men to amend their lives; it is true, that the minister of God doth more than<sup>1</sup> declare and signify what God hath wrought. And this power, true it is, that the Church of Christ hath invested in it.

[6]<sup>2</sup> Howbeit, as other truths, so this hath both by error been oppugned, and depraved through abuse. The first of name, that openly in writing withstood the Church's authority and power to remit sin, was Tertullian, after he had combined himself with Montanists, drawn to the liking of their heresy through the very sourness of his own nature, which neither his incredible skill and knowledge otherwise, nor the very doctrine of the gospel itself, could but so much alter, as to make him savour any thing which carried with it the taste of lenity. A sponge steeped in wormwood and gall, a man through too much severity merciless, and neither able to endure nor to be endured of any. His book entitled *Concerning Chastity*, and written professedly against the discipline of the Church, hath many fretful and angry sentences, declaring a mind very much offended with such as would not persuade themselves, that of sins, some be pardonable by the keys of the Church, some incapable of forgiveness<sup>3</sup>; that middle and moderate offences having received chastisement, may by spiritual authority afterwards be remitted, but greater transgressions must (as touching indulgence) be left to the only pleasure of Almighty God in the world to come<sup>4</sup>; that as idolatry and bloodshed, so likewise fornication and sinful lust

<sup>1</sup> then more E.

<sup>2</sup> vi. D.

<sup>3</sup> [De Pudicit. c. ii. "Causas penitentiae delicta condicimus. Haec dividimus in duos exitus. Alia erunt remissibilia, alia irremissibilia. . . . Secundum quod nemini dubium est alia castigatorem mereri alia damnationem. Omne delictum aut venia expungit aut poena: venia ex castigatione: poena ex damnatione. . . . Secundum hanc differentiam delictorum, penitentiae quoque conditio discriminatur. Alia erit, quae veniam consequi possit, in delicto scilicet remissibil. Alia, quae consequi nullo modo possit, in delicto

scilicet irremissibil." And, c. xvii. "Penitentia ad se clementiam invitat, salva illa penitentiae specie post idem, quae aut levioribus delictis veniam ab episcopo consequi poterit, aut majoribus et irremissibilibus a Deo sola."]

[Ibid. c. iii. "Ad Dominum prostrata, hoc ipso magis operatur veniam, quod eam a solo Deo exorat, quod delicto suo humanam pacem sufficere nec credit, quod Ecclesie mavult erubescere quam communicare."]



80 *The Unchaste excluded from Absolution by Tertullian.*BOOK VI  
Ch. vi. 6

are of this nature<sup>1</sup>; that they which so far are fallen from God, ought to continue for ever after barred from access into his sanctuary, condemned to perpetual profusion of tears, deprived of all expectation and hope to receive any thing at the Church's hands, but publication of their shame<sup>2</sup>. "For," saith he, "who will fear to waste out that which he hopeth he may recover? Who will be careful for ever to hold that, which he knoweth cannot for ever be withheld from him? He which slackeneth the bridle to sin, doth thereby give it even the spur also<sup>3</sup>. Take away fear, and that which presently succeedeth instead thereof is licentious desire. Greater offences therefore are punishable, but not pardonable, by the Church. If any Prophet or Apostle<sup>4</sup> be found to have committed such transgressions, they did it not by the ordinary course of discipline, but by extraordinary power. For they also raised the dead, which none but God is able to do; they restored impotent<sup>5</sup> and lame men, a work peculiar to Jesus Christ; yea, that which Christ would not do, because executions of such severity becomed not him who came to save and redeem the world by his sufferings, they by their power struck Elymas and Ananias, the one blind, and the other dead. Approve first yourselves to be as they were

<sup>1</sup> the impotent E.

<sup>1</sup> [Ib. c. v. "Est et mali dignitas, quod in summo aut in medio pessimorum collocatur. Pomen quamdam atque suggestum adspicio mortis, hinc ductum idololatrie antecedentis, hinc commotum homicidii insequens." Tertullian's copies, as many of the LXX do now, apparently transposed the sixth and seventh commandments. Comp. Rom. xiii. 9.]

[Cap. i. "Durissime nos inanimatus. Pascietum discipline enormitati, dignos foris status: eundem limitem liminis mortis quoque et fornicatoribus figuris; se Jonas pacis lacrymas profusoris, nec amplius ab Ecclesia quam publicationem dedecoris relaxaris."]

[Ibid. cap. 9. "Quis enim timebit prodigere quod habebit potesta recuperare? Quis curabit perpetuo conservare quod non perpetuo poterit amittere? Securus filias delicti, etiam libido est ejus."

<sup>2</sup> [Ibid. c. xxi. "Si et ipsos beatos Apostolos tale aliquid indulsisse constaret, cupis venia a Deo, non ab homine, competere, non ex disciplina, sed ex potestate fecissent. Nam et mortuos suscitaverunt, quod Deus solus; et debiles redintegraverunt, quod nemo nisi Christus: immo et plagas induerunt, quod solus Christus. Non enim decebat eum serviri, qui pati venerat. Percussus est Ananias et Elymas; Ananias morte, Elymas cecitate. . . . Exhibe igitur et tunc mihi, Apostolice, prophetica exempla, et agnoscam divinitatem; et vindicam tibi delictorum ejacemodi remissionum potestatem. Quod si disciplinam solius officia sortitus es, nec imperio praevidere sed ministerio, quis aut quantus es indulgere? qui neque Prophetam nec Apostolum exhibens, careas ea virtute cupis est indulgere?"]

"Apostles or Prophets, and then take upon you to pardon all men. But if the authority you have be only ministerial, and no way sovereign, over-reach not the limits which God hath set you; know that to pardon capital sin is beyond your commission."

Howbeit, as oftentimes the vices of wicked men do cause other their commendable qualities to be abhorred, so the honour of great men's virtues is easily a cloak to their errors. In which respect Tertullian hath past with much less obloquy and reprehension than Novatian; who, broaching afterwards the same opinion, had not otherwise wherewith to countervail the offence he gave, and to procure it the like toleration. Novatian, at the first a stoical philosopher, (which kind of men hath always accounted stupidity the highest top of wisdom, and commiseration the deadliest sin,) became by institution and study the very same which the other had been before through a secret natural distemper, upon his conversion to the Christian faith and recovery from sickness, which moved him to receive the sacrament of Baptism in his bed. The bishop contrary to the canons of the Church<sup>1</sup> would needs in special love towards him ordain him presbyter, which favour satisfied not him who thought himself worthy of greater place and dignity. He closed therefore with a number of well-minded men, and not suspicious what his secret purposes were, and having made them sure unto him by fraud, procureth his own consecration to be their bishop. His prelacy now was able as he thought to countenance what he intended to publish, and therefore his letters went presently abroad to sundry churches, advising them never to admit to the fellowship of holy mysteries such as had after baptism offered sacrifice to idols.

There was present at the council of Nice, together with other bishops, one Acesius a Novatianist<sup>2</sup>, touching whose diversity in opinion from the Church the emperor desirous to hear some reason, asked of him certain questions; for answer whereunto Acesius weaveth out a long history of things that

<sup>1</sup> Concil. Neocesari. c. 12. [l. 1144.]  
 "ἄνθρωπος τὸ θεῶν, οὐκ ἐπιπέσει  
 πρὸς ἑαυτὸν ἢ ἑαυτὸν αὐτὸν, ἀλλ' ἐξ  
 ἀλλοτρίου." et sic videtur hanc esse sententiam  
 hanc esse sententiam. A. D. 314.]

<sup>2</sup> Socr. [Socrat. D.E.] lib. iv.  
 cap. 22. Concil. Nicen. c. 38. [In  
 this reference the editor apprehends  
 some mistake.] Socrat. lib. i. cap.  
 7. [Quoted from the Bibl. Patr. in  
 Valesius' edition it is Socr. i. 20.  
 Socr. i. 22.]

BOOK VI.  
Ch. vi. 7.

happened in the persecution under Decius, and of men, which to save life forsook faith. But the end was a certain bitter canon framed in their own school<sup>1</sup>, "That men which fall into deadly sin after holy baptism, ought never to be again admitted to the communion of divine mysteries; that they are to be exhorted unto repentance, howbeit not to be put in hope that pardon can be had at the priest's hands; but with God, which hath sovereign power and authority in himself to remit sins, it may be in the end they shall find mercy."

Those followers of Novatian, which gave themselves the title of καθαρῶν, clean, pure, and unspotted men, had one point of Montanism more than their master did profess; for amongst sins unpardonable they reckoned second marriages, of which opinion Tertullian making (as his usual manner was) a salt apology, "Such is," saith he<sup>2</sup>, "our stony hardness, that defaming our Comforter with a kind of enormity in discipline, we dam up the doors of the church no less against twice-married men than against adulterers and fornicators." Of this sort therefore it was ordained by the Nicene Synod<sup>3</sup>, that if any such did return to the catholic and apostolic unity, they should in writing bind themselves to observe the orders of the Church, and communicate as well with them which had been often married, or had fallen in time of persecution, as with other sorts of Christian people. But further to relate, or at all to refer the errors of misbelieving men concerning this point, is not now to our present purpose greatly necessary.

[7.] The Church may receive no small detriment by corrupt practice, even there where doctrine concerning the substance of things practised is free from any great or dangerous

<sup>1</sup> vii. D.

<sup>1</sup> Γὰρ ἄρα οὐ χροὶ τοῖς μετὰ τὸ βάπτισμα ἁμαρτανῶν ἀμαρτίαις, ἐκ τῶν ἁμαρτιῶν ἐκλείουσι αἱ θείαι γρηγορίας, τῆς κοινότητος τοῦ θεοῦ μετὰ τῶν ἁγίων· ἀλλ' ἐπὶ μετάνοιαν μόνον αἰνεῖται προσηύχεται· ὅτι οὐκ ἐστὶν τῆς ἀφίξεως πρὸς τὸν θεὸν ἕως ἄρα τῆς ἀφίξεως πρὸς τὸν θεὸν ἁμαρτανῶν διακρίματα. Conc. i. 101.

<sup>2</sup> [De Pudic. c. 1. 66. : vii. sup. titos 2, p. 66.]

τοῦ μὲν ἁμαρτανῶν καθαρῶν οὐκ, προσερχόμενος ἐπὶ τῆ καθαρῶν ἐκλείουσι, ἵνα τῆς ἐκείνου καὶ μετὰ τὸν πῦρ, ἀλλὰ ἐπὶ μετάνοιαν μόνον αἰνεῖται ἁμαρτανῶν αἰνεῖται ἐγγράφου προσηύχεται, ὅτι οὐκ ἐστὶν τῆς ἀφίξεως πρὸς τὸν θεὸν ἕως ἄρα τῆς ἀφίξεως πρὸς τὸν θεὸν ἁμαρτανῶν διακρίματα. Conc. ii. 32.]

yet practically, a Relaxation of Discipline. 83

corruption. If therefore that which the papacy doth in matter of confessions and absolutions<sup>a</sup> be offensive; if it palpably swerve in the use of the keys; howsoever that which it teacheth in general concerning the Church's power to retain and forgive sins be admitted true, have they not on the one side as much whereat to be abasht, as on the other wherein to rejoice?

They bind all men, upon pain of everlasting condemnation and death, to make confession to their ghostly fathers of every great offence they know, and can remember that they have committed against God. Hath Christ in his Gospel so delivered the doctrine of repentance unto the world? Did his Apostles so preach it to nations? Have the Fathers so believed or so taught? Surely Novatian was not so merciless in depriving the Church of power to absolve some certain offenders, as they in imposing upon all a necessity thus to confess. Novatian would never<sup>a</sup> deny but God might remit that which the Church could not; whereas in the papacy it is maintained, that what we conceal from men, God himself shall never pardon. By which oversight, as they have surcharged the world with multitude, but much abated the weight of confession, so the careless manner of their absolution hath made discipline for the most part amongst them a bare formality; yea, rather a mean of emboldening unto vicious and wicked life, than either any help to prevent future, or medicine to remedy present evils in the soul of man. The Fathers were slow and always fearful to absolve any before very manifest tokens given of a true penitent and contrite spirit. It was not their custom to remit sin first, and then to impose works of satisfaction, as the fashion of Rome is now; inasmuch that this their preposterous course, and misordered practice<sup>b</sup>, hath bred in them also<sup>c</sup> an error concerning the end and purpose of these works. For against the guiltiness of sin, and the danger of everlasting condemnation thereby incurred, confession and absolution succeeding the same, are, as they take it, a remedy sufficient; and therefore what their penitentiaries do think good to enjoin<sup>d</sup> farther,

<sup>a</sup> absolution E. <sup>a</sup> not E. <sup>b</sup> practices E. <sup>c</sup> also in them E. <sup>d</sup> al. impose. *Archbishop Clarke in MS. D, uses the word impose. His uncertainty for the correction was probably the way of the word in the same MS. where this passage had before occurred: see above, c. v. § 9. p. 71.*

BOOK VI.  
Ch. vi. 8.

whether it be a number of Ave-Maries daily to be scored up, a journey of pilgrimage to be undertaken, some few dishes of ordinary diet to be exchanged, offerings to be made at the shrines of saints, or a little to be scraped off from men's superfluity for relief of poor people, all is in lieu or exchange with God, whose justice, notwithstanding our pardon, yet oweth us still some temporal punishment, either in this or in the life to come, except we quit<sup>a</sup> it ourselves here with works of the former kind, and continued till the balance of God's most strict severity shall find the pains we have taken equivalent with the plagues we<sup>b</sup> should endure, or else that<sup>c</sup> the mercy of the pope relieve us. And at this postern gate cometh in the whole mart of papal indulgences<sup>d</sup>, so infinitely strewed, that the pardon of sin, which heretofore was obtained hardly and by much suit, is with them become now almost impossible to be escaped.

[8]<sup>e</sup> To set down then the force of this sentence in absolving penitents; there are in sin these three things<sup>f</sup>: the act which passeth away and vanisheth; the pollution wherewith it leaveth the soul defiled; and the punishment whereunto they are made subject that have committed it. The act of sin, is every deed, word, and thought against the law of God. "For sin is the transgression of the law<sup>g</sup>;" and although the deed itself do not continue, yet is that bad quality permanent, whereby it maketh the soul unrighteous and deformed in God's sight. "From the heart<sup>h</sup> come evil cogitations, murders, adulteries, fornications, thefts, false testimonies, slanders; these are things which defile a man." They do not only, as effects of impurity, argue the nest to be unclean, out of which they came, but as causes they strengthen that disposition unto wickedness which brought them forth; they are both fruits and seeds of uncleanness, they nourish the root out of which they grow, they breed that iniquity which bred them. The blot therefore of sin abideth, though the act be transitory. And out of both ariseth a present debt, to endure what punishment soever the evil which we have done deserveth;

<sup>a</sup> quite E.    <sup>b</sup> which we E.    <sup>c</sup> that om. E.    <sup>d</sup> vii. D.  
<sup>e</sup> [See above, pp. 71, 72.]    pars. i. art. i. q. 3. [p. 240 e. Rom. 1596.]  
<sup>f</sup> In peccato tria sunt; actio  
"mala, interior macula, et sequela."<sup>g</sup>    <sup>h</sup> John iii. 4.  
Bonav. Sent. lib. iv. d. 17. [Q. 4.    <sup>i</sup> Matt. xv. 19.



BOOK VI. OPINION OF THE MASTER OF SENTENCES<sup>1</sup>, "it may be soundly affirmed and thought that God alone doth remit and retain sins, although he have given the Church power<sup>m</sup> to do both: but he one way, and the Church another. He only by himself forgiveth sin, who cleanseth the soul from inward blemish, and looseth the debt of eternal death. So great a privilege he hath not given unto his priests, who notwithstanding are authorized to loose and bind, that is to say, to<sup>a</sup> declare who are bound, and who are loosed. For albeit a man be already cleared before God, yet he is not in the face of the Church so<sup>a</sup> taken, but by virtue of the priest's sentence; who likewise may be said to bind by imposing satisfactions<sup>b</sup>, and to loose by admitting to the holy communion."

Saint Hierome also, whom the Master of the Sentences<sup>4</sup> allegeth for more countenance of his own opinion, doth no less plainly and directly affirm<sup>3</sup>: "That as the priests of the law could only discern, and neither cause nor remove leprosy; so the ministers of the Gospel, when they retain or remit sin, do but in the one judge how long we continue guilty, and in the other declare when we are clear or free." For there is nothing more apparent, than that the discipline

<sup>m</sup> power to the Church E.    <sup>a</sup> in am. E.    <sup>a</sup> in the Church of God so E. satisfaction E.

<sup>1</sup> Sent. [Peter Lombard, †1164.]    <sup>2</sup> cont. vel per eam purgatos ad lib. iv. dist. 18. [c. iii. iv. fol. 178.]    <sup>3</sup> sacramentum communionem admittunt."    <sup>4</sup> [Ibid.]  
<sup>2</sup> Hoc sane dicere ac sentire possumus, quod solus Deus dimittit peccata et retinet; et tamen Ecclesie commissa potestatem ligandi et solvendi: verum aliter ipse solvit vel ligat, aliter Ecclesia. Ipse enim per se tantum dimittit peccata: quoniam et animas mundat ab interiori macula, et a debito eterne mortis solvit. Non autem hoc sacerdotibus concessit, quibus tamen tribuit potestatem solvendi et ligandi, id est ostendendi homines ligatos vel solutos. . . . Quoniam etsi aliquis apud Deum sit solutus, non tamen in facie Ecclesie solutus habetur nisi per iudicium sacerdotis. . . . Ligant quoque sacerdotes dum satisfactionem penitentiae confitentibus imponunt: solvunt cum de ea aliquid dimittunt, vel per eam purgatos ad sacramentum communionem admittunt."    <sup>3</sup> [Ibid.]  
<sup>4</sup> Hier. t. vi. Comment. in 16. Matt. ["Legimus in Levitico de Leprosis, ubi jubentur ut ostendant se sacerdotibus, et si leprosum habuerint, tunc a sacerdote immundi fiunt: non quo sacerdotes leprosus faciant et immundos, sed quo habeant notitiam leprosi et non leprosi, et possint discernere qui mundus quive immundus sit. Quomodo ergo ibi leprosum sacerdos mundum vel immundum facit, sic et hic alligat vel solvit Episcopus et Presbyter, non eos qui immundi sunt vel nocui; sed pro officio suo, cum peccatorum audierit varietates, acit qui ligandus sit, quive solvendus." t. vii. p. 123, ed. Vallarsii.]

of repentance both public and private was ordained as an outward mean to bring men to the virtue of inward conversion ; so that when this by manifest tokens did seem effected, absolution ensuing (which could not make) served only to declare men innocent.

[9]<sup>1</sup> But the cause wherefore they are so stiff, and have forsaken their own master in this point, is for that they hold the private discipline of penitency to be a sacrament, absolution an external sign in this sacrament, the signs external of all sacraments in the New Testament to be both causes of that which they signify, and signs of that which they truly cause.

To this opinion concerning sacraments they are now tied by expounding a canon in the Florentine council<sup>2</sup> according to a former scholastic<sup>3</sup> invention received from Thomas. For his device it was, that the mercy of God, which useth sacraments as instruments whereby to work, endueth them at the time of their administration with supernatural force and ability to induce grace into the souls of men ; even as the axe and saw do serve<sup>4</sup> to bring timber into that fashion which the mind of the artificer intendeth<sup>5</sup>. His conceit<sup>6</sup>

<sup>1</sup> ix. D.    <sup>2</sup> ecclesiastical E.    <sup>3</sup> doth seem E.    <sup>4</sup> concept E.

<sup>1</sup> [i. e. in the degree of Pope Eugenius [v. 1431-47] addressed to the Armenians [in 1439]. l. xiii. § 34. "Sacramenta antiquae legis non causabant gratiam, sed eam solum per passionem Christi dandum esse figurabant : hac vero nostra et continent gratiam et ipsam digne suscipientibus conferunt."]    <sup>2</sup> [In 4 Sess. dist. 1. q. 1. art. 4. "Principale agens respectu justificationis Deus est, nec indiget ad hoc aliquibus instrumentis ex parte sua, sed propter contrarietatem ex parte hominis justificandi. . . . utitur sacris quasi quibusdam instrumentis justificationis. Haec instrumenta autem materialibus instrumentis competit aliqua actio ex natura propria, sicut aquae abluere, et oleo facere nitidam corpus : sed ulterius, in quantum sunt instrumenta divinae misericordiae justificantis, pertingunt instrumentaliter ad aliquem effectum

"in ipsa anima, qui primo cerebrosus, sicut est character, vel aliquid hujusmodi. Ad ultimum autem effectum, qui est gratia, non pertingunt etiam instrumentaliter, nisi dispositio, in quantum hoc, ad quod instrumentaliter effective pertingunt, est dispositio, quae est necessaria, quantum in se est, ad gratiae susceptionem. Et quia omne instrumentum agendo actionem naturalem, quae competit sibi in quantum est res quaedam, pertingit ad effectum, qui competit sibi in quantum est instrumentum, sicut delabrum dividendo suo acumine pertingit instrumentaliter ad formam scanni ; ideo etiam materialia elementa exerendo actionem naturalem, secundum quam est signum interioris effectus, pertingit ad interiorum effectum instrumentaliter. Et hoc est quod Augustinus dicit, quod aqua baptismi corpus tangit, et cor abluit :



BOOK VI. Scotus<sup>1</sup>, Occam, Petrus Alliacensis, with sundry others, do  
Ch. vi, ss. most earnestly and strongly impugn, shewing very good reason,  
wherefore no sacrament of the new law can either by virtue  
which itself hath, or by force supernaturally given it, be  
properly a cause to work grace; but sacraments are therefore  
said to work or confer grace, because the will of Almighty  
God is, although not to give them such efficacy, yet himself  
to be present in the ministry of the<sup>a</sup> working that effect,  
which proceedeth wholly from him without any real operation  
of theirs, such as can enter into men's souls.

[10.]<sup>a</sup> In which construction, seeing that our books<sup>b</sup> and  
writings have made it known to the world how we join with  
them, it seemeth very hard and injurious dealing, that Bel-  
larmine throughout the whole course of his second book  
*De Sacramentis in Genera<sup>c</sup>*, should so boldly face down his  
adversaries, as if their opinion were, that sacraments are  
naked, empty, and uneffectual signs; wherein there is no  
other force than only such as in pictures to stir up the mind,  
that so by theory and speculation of things represented, faith  
may grow: finally, that all the operation which sacraments

<sup>a</sup> them? Fdm.

<sup>b</sup> s. D.

<sup>c</sup> book E.

<sup>a</sup> et ideo dicitur quod sacramenta  
efficiunt quod figurant. Op. t. vii.  
ed. Venet. 1593.]  
Scot. Sent. lib. iv. Solut. ad  
4. Quest. et 5. [t. viii. 89. &c. ed.  
Wading. "Susceptio sacramenti est  
dispositio necessitatis ad effectum  
signatum per sacramentum, non  
quidem per aliquam formam in-  
trinsecam, per quam necessario  
causaret terminum vel aliquam  
dispositionem praevisam, sed tan-  
tum per assistentiam Dei causantis  
illum effectum, non necessario ab-  
solute, sed necessitate respiciente  
potentiam ordinatam: disposuit  
enim universaliter, et de hoc Ec-  
clesiam certificavit, quod susci-  
pienti tale sacramentum ipse con-  
ferret effectum signatum." p. 95.]  
Occam. in 1. qu. quest. [quanti D.  
in iv. Sent. q. 1. Lyons, 1475.]  
Alliac. Quest. 1. in 4. Sent. [64.  
214-6. ed. Paris.]  
<sup>b</sup> Lutherani in [de E.] hac re  
interdum ita scribunt ut videantur  
<sup>a</sup> a catholicis non dissentire; inter-  
dum autem apertissime scribunt  
contraria: at semper in eadem  
sententia manent. Sacramenta non  
habere immediate illam efficien-  
tiam respectu gratiae, sed esse suda  
signa, tamen mediate aliquid effi-  
cere quatenus excitant et alunt  
fidem. . . quod ipsum non faciunt  
nisi representando, ut Sacramenta  
per visum excitent fidem, quoad-  
modum pronuntio Verbe per au-  
ditum." Bellarm. de Sacram. in  
genere, lib. ii. c. 2. [t. iii. 112.]  
"Quaedam signa sunt theutica,  
non ad alium finem instituta, quam  
ad significandum; alia ad signifi-  
candum et efficiendum, quae ob id  
practica dici possunt. . . Contro-  
versia est inter nos et Haereticos,  
quod illi faciunt Sacramenta signa  
prioris generis. Quare si ostendere  
poterimus esse signa posterioris  
generis, obtinemus causam." Ib.  
c. vii. [p. 126. These two quotations  
are somewhat abridged.]

have, is a sensible and divine instruction. But had it pleased him not to hoodwink his own knowledge, I nothing doubt but he fully saw how to answer himself; it being a matter very strange and incredible, that one which with so great diligence had\* winnowed his adversaries' writings, should be ignorant of their minds. For, even as in the person of our Lord Jesus Christ both God and man, when his human nature is by itself considered, we may not attribute that unto him, which we do and must ascribe as oft as respect is had unto both natures combined; so because in sacraments there are two things distinctly to be considered, the outward sign, and the secret concurrence of God's most blessed Spirit, in which respect our Saviour hath taught that water and the Holy Ghost are combined to work the mystery of new birth<sup>1</sup>; sacraments therefore as signs have only those effects before mentioned; but of sacraments, in that by God's own will and ordinance they are signs assisted always with the power of the Holy Ghost, we<sup>2</sup> acknowledge whatsoever either the places of Scripture, or the authorities of councils and fathers, or the proofs and arguments of reason which he allegeth, can shew to be wrought by them. The elements and words have power of infallible signification, for which they are called seals of God's truth; the spirit affixed unto those elements and words, power of operation within the soul, most admirable, divine, and impossible to be express. For so God hath instituted and ordained, that, together with due administration and receipt of sacramental signs, there shall proceed from himself grace effectual to sanctify, to cure, to comfort, and whatsoever is else\* for the good of the souls of men.

Howbeit this opinion<sup>3</sup> Thomas rejecteth, under pretence that it maketh sacramental words and elements to be in themselves no more than signs, whereas they ought to be held as causes of that they signify. He therefore reformeth

\* hath E.

\* else is E.

<sup>1</sup> John iii. 5. [em. E.]      <sup>2</sup> sicut quam figurant, illos impro-  
<sup>3</sup> <sup>4</sup> <sup>5</sup> <sup>6</sup> <sup>7</sup> <sup>8</sup> <sup>9</sup> <sup>10</sup> <sup>11</sup> <sup>12</sup> <sup>13</sup> <sup>14</sup> <sup>15</sup> <sup>16</sup> <sup>17</sup> <sup>18</sup> <sup>19</sup> <sup>20</sup> <sup>21</sup> <sup>22</sup> <sup>23</sup> <sup>24</sup> <sup>25</sup> <sup>26</sup> <sup>27</sup> <sup>28</sup> <sup>29</sup> <sup>30</sup> <sup>31</sup> <sup>32</sup> <sup>33</sup> <sup>34</sup> <sup>35</sup> <sup>36</sup> <sup>37</sup> <sup>38</sup> <sup>39</sup> <sup>40</sup> <sup>41</sup> <sup>42</sup> <sup>43</sup> <sup>44</sup> <sup>45</sup> <sup>46</sup> <sup>47</sup> <sup>48</sup> <sup>49</sup> <sup>50</sup> <sup>51</sup> <sup>52</sup> <sup>53</sup> <sup>54</sup> <sup>55</sup> <sup>56</sup> <sup>57</sup> <sup>58</sup> <sup>59</sup> <sup>60</sup> <sup>61</sup> <sup>62</sup> <sup>63</sup> <sup>64</sup> <sup>65</sup> <sup>66</sup> <sup>67</sup> <sup>68</sup> <sup>69</sup> <sup>70</sup> <sup>71</sup> <sup>72</sup> <sup>73</sup> <sup>74</sup> 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BOOK VI. it with this addition, that the very sensible parts of the Sacraments do instrumentally effect and produce, not grace (for the schoolmen<sup>1</sup> both of these times and long after did for the most part maintain it untrue, and some of them impossible, that sanctifying grace should efficiently proceed but from God alone<sup>2</sup>, and that by immediate creation<sup>3</sup> as the substance of the soul doth;) but the phantasy which Thomas<sup>4</sup> had was, that sensible things through Christ and the priest's benediction receive a certain supernatural transitory force, which leaveth behind it a kind of preparative quality or beauty within the soul, whereupon immediately from God doth ensue the grace that justifieth.

Now they which pretend to follow Thomas, differ from him in two points. For first, they make grace an immediate effect of the outward sign, which he for the dignity and excellency thereof was afraid to do. Secondly, whereas he to produce but a preparative quality in the soul, did imagine God to create in the instrument a supernatural gift or ability<sup>5</sup>; they confess, that nothing is created, infused, or any way inherent, either in the word or in the elements; nothing that giveth them instrumental efficacy, but God's mere motion or application. Are they able to explain unto us, or themselves

<sup>1</sup> habitus D; habitus E.

<sup>1</sup> Alexand. pars iv. q. 8. memb. 3. art. v. sec. 1. et 2. [p. 94. ed. Col. Agrip. 1622.] Th. de Verit. q. 27. art. 11. [q. 7.] "Si sic se habeant sacramenta novae legis ad gratiam, sequitur quod sint solum signa = gratiae, et ita nihil habebunt praeter sacramenta veteris legis." t. viii. 474.] Alliac. in iv. Sent. qu. 1. Capreolus in 4. d. 1. q. 1. [In Sacramenta novae legis est aliqua virtus gratiae causativa." p. 2. Vernet. 1838.] Palud. [i. e. Petrus de Palude.] ibidem. Ferraz. [Ferrarius in Tho. Aquin.] lib. iv. cont. Gent. c. 37. [Op. Aquin. t. ix. 493.]  
<sup>2</sup> Eph. ii. [8.]  
<sup>3</sup> [Tho. Aquin. de Verit. 27. art. 3.]  
<sup>4</sup> "Necesse est posere aliquam virtutem supernaturalem in Sacramento." [Aquino in] Sent. iv. d. 1. q. 1. art. iv. [fol. 4. g.] "Sacramen-

tum consequitur spirituales virtutes cum benedictione Christi, et applicatione ministri ad usum Sacramenti." [Id. Summ. Th.] pars iii. q. 62. art. iv. Concil. [t. xii. 193 G.] "Virtus sacramentalis habet esse transiens ex uno in aliud et incompletum." Ibidem. "Ex Sacramento duo consequuntur in anima, scilicet character, sive aliquis ornatu; aliud est gratia. Respectu primi, sacramenta sunt causae aliquo modo efficientes; respectu secundi, sunt dispositivae. Sacramenta causant dispositionem ad formam ultimam, sed ultimam perfectionem non inducunt." [Ibidem in] Sent. iv. d. 1. q. 1. art. iv. [p. 4 A.] "Solum Deus efficit gratiam, adeo quod nec angelus, qui sunt nobiliores sensibilibus creaturis, hoc communicat." Ibid. [pag. 3. l.]

<sup>5</sup> [Alexander of Hales, † 1245. Peter d'Alilly, 1254-1225. John Capreolus, Dominicus of Toulouse, † 1444. Peter de la Palu, Dominicus of Paris, † 1242.]

not by Endowment of the Sign with any physical Virtue. 91

to conceive, what they mean when they thus speak? For example, let them teach us, in the sacrament of Baptism, what it is for water to be moved till it bring forth grace. The application thereof by the minister is plain to sense; the force which it hath in the mind, as a moral instrument of information or instruction, we know by reason; and by faith we understand how God doth assist it with his Spirit: whereupon ensueth the grace which Saint Cyprian did in himself observe, saying<sup>1</sup>, "After the bath of regeneration having scoured out the stained foulness of former life, supernatural light had entrance into the breast which was purified and cleansed for it: after that a second nativity had made me another man, by inward receipt of the Spirit from heaven; things doubtful began in marvellous manner to appear certain, that to be open which lay hid, darkness to shine like the clear light, former hardness to be made facility, impossibility easiness: insomuch as it might be discerned how that was earthly, which before had been carnally bred, and lived, given over unto sins; that now God's own, which the Holy Ghost did quicken."

[11.]<sup>2</sup> Our opinion is therefore plain unto every man's understanding. We take it for a very good speech which Bonaventure hath uttered in saying<sup>3</sup>, "Heed must be taken, that while we ascribe too much to the bodily signs in way of their commendation, we withdraw not the honour which is due to the cause which worketh in them, and the soul which receiveth them:" whereunto we conformably teach, that the outward sign applied hath of itself no natural efficacy towards grace, neither doth God put into it any supernatural

<sup>1</sup> *ibid.* E.

<sup>2</sup> *ibid.* D.

<sup>3</sup> Ad Donat. c. 3.<sup>a</sup> ["Postquam unde genitalis auxilio superioris avi labe deterata, in expiatum pectus serenum ac purum desuper se haren infudit; postquam colitus Spiritu hausto in novum me hominem natiuitas secunda reparavit; mirum in modum proximas confirmare se dubia, patere clausa, iussere tenebrosa, facultatem dare quod prius difficile videbatur, genisse posse quod impossibile putabatur, ut esset agnoscere terrenum fuisse quod prius carnaliter natum de licis obnoxium viveret, Dei esse crepisse quod iam Spiritus Sanctus animaret." p. 2. ed. Baluzii.]

[In 4 Sent. d. 1. pars 1. art. 1. qu. 4. p. 12.] "Cavendum est ne dum hominis damus corporalibus signis ad laudem, subtrahamus honorem causae curanti et animae suscipienti."

<sup>4</sup> *Epist.* 1. D.

BOOK VI. inherent virtue. And, as I think, we thus far avouch no more  
Ch. vi. 11. than they themselves confess to be very true.

If any thing displeaseth them, it is because we add to these premisses another assertion; that with the outward sign God joineth his Holy Spirit, and so the whole instrument of God bringeth that to pass, whereunto the baser and meaner part could not extend. As for operations through the motions of signs, they are dark, intricate, and obscure; perhaps possible; howbeit, not proved either true or likely, by alleging<sup>1</sup> that the touch of our Saviour's garment restored health, clay sight, when he applied it. Although ten thousand such examples should be brought, they overthrow not this one principle; that, where the instrument is without inherent virtue\*, the effect must necessarily proceed from the only agent's adherent power.

It passeth a man's conceit how water should be carried into the soul with any force of divine motion, or grace proceed but merely from the influence of God's Spirit. Notwithstanding if God did himself teach his Church in this case to believe that which he hath not given us capacity to comprehend, how incredible soever it may seem, yet our wits should submit themselves, and reason give place unto faith therein. But they<sup>2</sup> yield it to be no question of faith, how grace doth proceed from sacraments; if in general they be acknowledged true instrumental causes, by the ministry whereof men receive divine grace; and that they which impute grace to the only operation of God himself, concurring with the external sign, do no less acknowledge the true efficacy of the sacrament, than they that ascribe<sup>3</sup> the same to the quality of the sign

\* virtue est. E.

<sup>1</sup> Luke xviii. [viii.]; John ix.  
<sup>2</sup> Bellarm. de Sacri. in genere, lib. ii. c. i. [Having quoted Luther for the words, " Omnes in hoc consentiunt, sacramenta esse efficacia signa gratiæ," he goes on, " Hoc sufficit ad fidem, et ad legitimum usum Sacramentorum; quomodo in miraculis Christi non requiritur, ut homines qui curandi essent scirent in quo genere causæ fimbria Christi sanaret; . . . neque opus erat ut ipsi Apostoli, qui manus imponendo curabant, scirent quomodo id fieret: ita quoque non est necesse ut vel ministris vel qui suscipiunt sacramenta sciant quomodo Sacramenta sint causæ justificationis."]  
<sup>3</sup> " Dicimus gratiam . . . sed producti . . . ex agilitudine et potentia naturali animæ, sicut cætera omnia que proceduntur in subjectis talibus, que sunt apta nata ad suscipiendum accidentia." Allen. [of Christ College, Oxford, 1532-1594. Cardinal, 1587. Archbp. Mechlin, 1589.] de Sacri. in Gen. c. 37. [p. 132. Antwerp, 1576.]

applied, or to the motion of God applying, and so far carrying it, till grace be thereby<sup>1</sup> not created, but extracted out of the natural possibility of the soul. Nevertheless this last philosophical imagination (if I may call it philosophical,) which useth the terms, but overthroweth the rules of philosophy, and hath no article of faith to support it, but whatsoever it be, they follow it in a manner all; they cast off the first opinion, wherein is most perspicuity and strongest evidence of certain truth.

The Council of Florence<sup>2</sup> and Trent<sup>3</sup>, defining that sacraments contain and confer grace, the sense whereof (if it liked them) might so easily conform itself with the same opinion, which<sup>4</sup> they drew without any just cause quite and clean the other way, making grace the issue of bare words in such sacraments as they have framed destitute of any visible element, and holding it the offspring as well of elements as of words in those sacraments where both are, but in no sacrament acknowledging grace to be the fruit of the Holy Ghost working with the outward sign and not by it; in such sort as Thomas himself teacheth<sup>5</sup>; that the Apostle's imposition of hands caused not the coming of the Holy Ghost, which notwithstanding was bestowed together with the exercise of that ceremony; yea, by it, (saith the Evangelist,) to wit, as by a mean which came between the true agent and the effect, but not otherwise.

<sup>1</sup> thereby *om. E.*

<sup>1</sup> [Decc. Eugen. ap. Concil. t. xiii. p. 134. "Hac nostra [sacramenta] et continent gratiam, et eam digne suscipientibus conferunt."] removed by leaving out the word "which." <sup>2</sup> The. de Verit. q. 27. art. iii. resp. ad 16. ["Manus impositio non causat Sp. Sancti aduentum; sed simul cum manus impositione Sp. Sanctus advenit. Unde non dicitur in textu quod Apostoli imponentes manus darent Sp. Sanctum, sed quod imponebant manus, et illi accipiebant Sp. Sanctum. Si aliquo modo causa acceptiois Sp. Sancti per modum quo Sacramenta sunt causa gratie . . . hoc non habebat manus impositio in quantum est ab homine, sed ex institutione divina." t. viii. 472. l.] Acts viii. 18.

<sup>3</sup> [Sess. vii. de Sacram. can. 6. "si quis dixerit, sacramenta novae legis non continere gratiam quam significant, aut gratiam ipsam non ponentibus obicem non conferre; quasi signa tantum externa sint acceptae per fidem gratiae vel justitiae, et notae quaedam Christianae professionis quibus apud homines discernantur fideles ab infidelibus, anathema esto." xiv. 777.] The obvious corruption of the text here may perhaps be rightly

BOOK VI. Many of the ancient Fathers, presupposing that the faithful  
 Ch. vi. 11. before Christ had not till the time of his coming that perfect  
 life and salvation which they looked for and we possess,  
 thought likewise their sacraments to be but prefigurations of  
 that which ours in present do exhibit. For which cause the  
 Florentine council comparing the one with the other, saith<sup>1</sup>,  
 "That the old did only shadow grace, which was afterward  
 "to be given through the passion of Jesus Christ." But the  
 after-wit of later days hath found out another more exquisite  
 distinction, that evangelical sacraments are causes to effect  
 grace, through motion of signs legal, according to the same  
 signification and sense wherein evangelical sacraments are  
 held by us to be God's instruments for that purpose. For  
 howsoever Bellarmine hath shrunk up the Lutherans' sinews,  
 and cut off our doctrine by the skirts; <sup>2</sup>Allen, although he  
 term us heretics, according to the usual bitter venom of his  
 proud style, doth yet ingenuously confess, that the old school-  
 men's<sup>3</sup> doctrine and ours is one concerning sacramental  
 efficacy, derived from God himself assisting by promise those  
 outward signs of elements and words, out of which their  
 schoolmen of the newer mint<sup>4</sup> are so desirous to hatch grace.  
 Where God doth work and use these outward means, wherein  
 he neither findeth nor planteth force and aptness towards his  
 intended purpose, such means are but signs to bring men to

<sup>1</sup> [l. viii. 154. "Illa non causa-  
 bant gratiam, sed eam solum per  
 passionem Christi dandam esse  
 figurabant."] <sup>2</sup> "Quod ad circumcissionem se-  
 quebatur remissio, fiebat, [per ac-  
 cidens ratione signi,] ratione rei  
 adjuncte et ratione pacti divini,  
 eodem plane modo quo non so-  
 lum Hæretici, sed etiam aliquot  
 vetustiores Scholastici volebant  
 nova Sacramenta conferre grati-  
 am." Allen de Sacz. in Gem. c. 39.  
<sup>3</sup> "Bonaventura, Scotus, Duran-  
 dus, Richardus, Occamus, Mar-  
 silius, Gabriel, — volunt solum  
 Deum producere gratiam ad præ-  
 sentiam Sacramentorum." Bel-  
 larm. de Sacz. in Gem. lib. ii. c. 11.  
<sup>4</sup> "Puto longe probabiliorum et  
 mentis veram efficientiam. Primo  
 quia Patres passim docent, sacra-  
 menta non agere nisi prius a Deo  
 virtutem seu benedictionem seu  
 sanctificationem accipiant, et re-  
 ferunt effectum sacramenti ad om-  
 nipotentiam Dei, et conferunt cum  
 veris causis efficientibus. Secundo,  
 quia non esset differentia inter  
 modum agendi sacramentorum,  
 et signorum magicorum. Tertio,  
 quia tunc non esset homo Dei  
 minister in ipsa actione sacramen-  
 tali, sed homo præberet signum  
 actione sua, et Deus alia actione  
 viso eo signo indanderet gratiam,  
 ut cum unus ostendit syngrapham  
 mercatori, et ille dat pecuniam. At  
 Scripturæ docent, quod Deus  
 baptizat per hominem." Bellarm.  
 lib. ii. cap. 11.

the consideration of his own<sup>a</sup> omnipotent power, which without the use of things sensible would not be marked. At the time therefore when he giveth his heavenly grace, he applieth by the hands of his ministers that which betokeneth the same; nor only betokeneth, but, being also accompanied for ever with such power as doth truly work, is in that respect termed God's instrument, a true efficient cause of grace; a cause not in itself, but only by connexion of that which is in itself a cause, namely God's own strength and power. Sacraments, that is to say, the outward signs in sacraments, work nothing till they be blessed and sanctified of God. But what is God's heavenly benediction and sanctification, saving only the association of his Spirit? Shall we say that sacraments are like magical signs, if thus they have their effect? Is it magic for God to manifest by things sensible what he doth, and to do by his own most glorious Spirit really what he manifesteth in his sacraments? the delivery and administration whereof remaineth in the hands of mortal men, by whom, as by personal instruments, God doth apply signs, and with signs inseparably join his Spirit, and through the power of his Spirit work grace. The first is by way of concomitance and consequence to deliver the rest also that either accompany or ensue.

It is not here, as in cases of mutual commerce, where diverse persons have divers acts to be performed in their own behalf; a creditor to shew his bill, and a debtor to pay his money. But God and man do here meet in one action upon a third, in whom, as it is the work of God to create grace, so it is his work by the hand of the minister to apply a sign which should betoken, and his work to annex, that Spirit, which shall effect it. The action therefore is but one, God the author thereof, and man a cooperator<sup>b</sup> by him assigned to work for, with, and under him. God the giver of grace by the outward ministry of man, so far forth as he authorizeth man to apply the sacraments of grace in the soul, which he alone worketh, without either instrument or co-agent.

[12.] Whereas therefore with us the remission of sin is ascribed unto God, as a thing which proceedeth from him only, and presently followeth upon the virtue of true repentance appearing in man; that which we attribute to the virtue,

<sup>a</sup> own. *ms. E.*

<sup>b</sup> cooperator. *E.*

<sup>c</sup> *ms. D.*



BOOK VI. they do not only impute to the sacrament of repentance, but  
 CH. VI. 12. having made repentance a sacrament, and thinking of sacra-  
 ments as they do, they are enforced to make the ministry of  
 his priests and their absolution a cause of that which the sole  
 omnipotency of God worketh.

And yet, for mine<sup>a</sup> own part, I am not able well to conceive  
 how their doctrine, that human absolution is really a cause  
 out of which our deliverance from sin doth ensue, can cleave  
 with the council of Trent, defining<sup>1</sup>, "That contrition per-  
 fected with charity doth at all times itself reconcile offenders  
 to God, before they come to receive actually the sacrament  
 of penance:" how it can stand with those discourses of the  
 learnedest rabbins<sup>2</sup>, which grant<sup>3</sup>, "That whosoever turneth  
 unto God with his whole heart, hath immediately his sins  
 taken away; that if a man<sup>b</sup> be truly converted, his pardon  
 can neither be denied nor delayed:" it doth not stay for  
 the priest's absolution, but presently followeth. Surely, if  
 every contrite sinner, in whom there is charity and a sincere  
 conversion of heart, have remission of sins given him before  
 he seek it at the priest's hands; if reconciliation to God be a  
 present and immediate sequel upon every such conversion or  
 change: it must of necessity follow, seeing no man can be  
 a true penitent or contrite which doth not both love God and  
 sincerely abhor sin, that therefore they all before absolution  
 attain forgiveness; whereunto notwithstanding absolution is  
 pretended a cause so necessary, that sin without it, except in  
 some rare extraordinary case, cannot possibly be remitted.  
 Shall absolution be a cause producing and working that effect  
 which is always brought forth without it, and had before  
 absolution be sought? But when they which are thus before-  
 hand pardoned of God shall come to be also absolved by the

<sup>a</sup> my E.    <sup>1</sup> Rabbins E.    <sup>b</sup> if man D.    <sup>c</sup> thought E.

<sup>1</sup> Conc. Trid. Sess. xiv. c. 4.  
 [Docti . . . etsi contritionem hanc  
 aliquando caritate perfectam esse  
 censent, hominesque Deo re-  
 conciliari, priusquam hoc sacra-  
 mentum actu suscipiatur; ipsam  
 nihilominus reconciliationem ipsi  
 contritioni sine sacramenti voto,  
 quod in illa includitur, non esse  
 ascribendam.] t. xiv. 817.]

<sup>2</sup> Bellarm. de Penit. lib. ii. c. 13.  
 [Scriptura passim docet, eos qui  
 toto corde ad Deum conver-  
 tuntur sine mora veniam peccato-  
 rum accipere." "Veram conver-  
 sionem nullas pati venie moras,  
 proinde continuo remitti contrita  
 peccata, etiam antequam absoluto  
 sacerdotali accedat.]

priest, I would know what force his absolution hath in this case? Are they able to say here that the priest doth remit any thing? Yet when any of ours ascribeth the work of remission to God, and interpreteth the priest's sentence to be but a solemn declaration of that which God himself hath already performed, they scorn at it; they urge against it, that if this were true, our Saviour Christ should rather have said, "What is loosed in heaven, ye shall loose on earth," than as he doth, "Whatsoever ye loose on earth, shall in heaven be loosed." As if he were to learn of us how to place his words, and not we to crave rather of him a sound and right understanding, lest to his dishonour and our own hurt we misexpound them. It sufficeth, I think, both against their constructions to have proved that they ground an untruth on his speech, and in behalf of our own, that his words without any such transposition do very well admit the sense we give them; which is, that he taketh to himself the lawful proceedings of authority in his name, and that the act of spiritual authority in this case, is by sentence to acquit or pronounce them free from sin whom they judge to be sincerely and truly penitent; which interpretation they themselves do acknowledge, though not sufficient, yet very true. Absolution<sup>1</sup>, they say, declareth indeed, but this is not all, for it likewise maketh innocent; which addition being an untruth proved, our truth granted hath we<sup>2</sup> hope sufficiency without it, and consequently our opinion therein neither to be challenged as untrue, nor as insufficient.

[13.]<sup>3</sup> To rid themselves out of these briers, and to make remission of sins an effect of absolution, notwithstanding that which hitherto hath been said, they have two shifts. As first, that in many penitents there is but attrition<sup>4</sup> of heart, which attrition they define to be grief proceeding from fear without love; and to these they say absolution doth give that contri-

<sup>1</sup> I D.

<sup>2</sup> xiii. D.

<sup>3</sup> "Hæc expositio, Ego te absolvo, id est, Absolutum ostendo, parum quidem vera est, non tamen perfecta. Sacramenta quippe nove legis non solum significant, sed efficiunt quod significant." Soto, sent. lib. iv. dist. 14. q. 1. art. 11. [p. 330. Douay, 1613.] from Aquin. VOL. III.

<sup>4</sup> Summ. q. 84, art. 3, resp. ad 1.]

<sup>5</sup> "Attritio solum dicit dolorem propter penas inferni; . . . dum quis accedit attritus, per gratiam sacramentalem fit contritus." Soto, sent. iv. dist. 14. q. 1. art. 1. [p. 347.]

BOOK VI.  
Ch. vi. 12

tion whereby men are really purged from sin. Secondly, that even where contrition or inward repentance doth cleanse without absolution, the reason why it cometh so to pass is<sup>1</sup>, because such contrites intend and desire absolution, though they have it not. Which two things granted; the one, that absolution given maketh them contrite that are not, the other, that even in them which are contrite, the cause why God remitteth sin is the purpose or desire they have to receive absolution<sup>2</sup>; we are not to stand against a sequel so clear and manifest as this, that always remission of sin proceedeth from absolution either had or desired.

But should a reasonable man give credit to their bare conceit, and because their positions have driven them to imagine absolving of unsufficiently-disposed penitents to be a real creating of further virtue in them, must all other men think it true<sup>3</sup>? Let them cancel henceforward and blot out of all their books those old cautions touching necessity of wisdom<sup>4</sup>, lest priests should inconsiderately absolve any man in whom there were not apparent tokens of true repentance<sup>5</sup>; which to do was, in Cyprian's<sup>6</sup> judgment<sup>7</sup>, "pestilent deceit" and flattery, not only not available, but hurtful to them that "had transgress; a frivolous, frustrate and false peace, such as "caused the unrighteous to trust to a lie, and destroyed them "unto whom it promised safety." What needeth observation whether penitents have worthiness and bring contrition, if the words of absolution do infuse contrition? Have they borne us all this while in hand that contrition is a part of the

<sup>1</sup> *due E.*

<sup>2</sup> *St. Cyprian's E.*

<sup>3</sup> "Dum accedit vere contritus propter Deum, illa etiam contritio non est contritio, nisi quatenus prius natura informetur gratia per Sacramentum in voto." *Soto, Sent. iv. dist. 14. q. 1. art. 1.*  
<sup>4</sup> "Legitima contritio vocum Sacramenti pro suo tempore debet inducere, atque adeo in ritum futuri Sacramenti peccata remittit." *Idem, art. iii. [p. 350.]*  
<sup>5</sup> "Tunc sententia sacerdotis iudicio Dei et totius ecclesie curae approbatur, et confirmatur, cum illa ex discretionis procedit, ut rerum merita non contradicant."  
<sup>6</sup> *Sent. l. iv. d. 18. [¶ Quoscumque ergo solvunt vel ligant adhibentes clavem discretionis regum meritis, solvunt vel ligant in caelis: I. E. apud Deum.] c. 4. fol. 178.]*  
<sup>7</sup> "Non est periculosum sacerdoti dicere, Ego te absolvo, illis in quibus signa contritionis videt, que sunt dolor, de presentibus, et propositum de cetero non peccandi; alias absolvere non debet." *Tho. Opusc. 22. [c. 3. s. xvii. p. 195.]*  
<sup>8</sup> *Cyp. de Lapsis. [See above, p. 69, note 2.]*

matter of their sacrament\*, a condition or preparation of the mind towards grace to be received by absolution in the form of their sacrament? and must we now believe that the form doth give the matter? that absolution bestoweth contrition, and that the words do make presently of Saul, David; of Judas, Peter? For what was the penitency of Saul and Judas, but plain attrition; horror of sin through fear of punishment, without any loving sense, or taste of God's mercy?

<sup>1</sup>Their other fiction, imputing remission of sin to desire of absolution from the priest, even in them which are truly contrite, is an evasion somewhat more witty, but no whit more possible for them to prove. Belief of the world and judgment to come, faith in the promises and sufferings of Christ for mankind, fear of his majesty, love of his mercy, grief for sin, hope for pardon, suit for grace; these we know to be the elements of true contrition: suppose that besides all this, God did also command that every penitent should seek his absolution at the priest's hands; where so many causes are concurring unto one effect, have they any reason to impute the whole effect unto one? any reason in the choice of that one, to pass by faith, fear, love, humility, hope, prayer, whatsoever else, and to enthrone above them all a desire of absolution from the priest, as if, in the whole work of man's repentance, God did regard and accept nothing, but for and in consideration of this? Why doth the Tridentine council impute it to charity<sup>1</sup>, "that contrites are reconciled in God's sight before they receive the sacrament of penance," if desired absolution be the true cause?

But let this pass how it will; seeing the question is not, what virtues<sup>2</sup> God may accept in penitent sinners, but what grace absolution actually given doth really bestow upon them. If it were, as they will have it, that God, regarding the humiliation of a contrite spirit, because there is joined therewith a lowly desire of the sacrament of priestly absolution, pardoneth immediately and forgiveth all offences; doth this any thing help to prove that absolution received afterward<sup>3</sup>

\* sacraments D.      <sup>1</sup> sive D.      \* virtue E.      \* afterwards D.

<sup>1</sup> [Sess. xiv. c. 4: vid. supr. p. 96, note 1.]

BOOK VI.  
Ch. vi. 13.

from the priest, can more than declare him already pardoned which did desire it? To desire absolution, presupposing it commanded, is obedience; and obedience in that case is a branch of the virtue of repentance; which virtue being thereby made effectual to the taking away of sins without the sacrament of repentance, is it not an argument that the sacrament of absolution hath here no efficacy, but the virtue of contrition worketh all? For how should any effect ensue from causes which actually are not? The sacrament must be applied wheresoever any grace doth proceed from it. So that where it is but desired only, whatsoever may follow upon God's acceptation of this desire, the sacrament afterwards received can be no cause thereof. Wherefore the further we wade, the better we see it still appear, that the priest doth never in absolution, no not so much as by way of service and ministry, really either forgive the act, take away the uncleanness, or remove the punishment of sin: but if the party penitent come contrite, he hath by their own grant absolution before absolution; if not contrite, although the priest should ten thousand times absolve<sup>1</sup> him, all were in vain. For which cause, the ancients<sup>2</sup> and better sort of their school-divines, Abulensis<sup>3</sup>, Alexander Hales<sup>4</sup>, Bonaventure<sup>5</sup>, ascribe the real abolition of sin and eternal punishment to the mere pardon of Almighty God without dependency upon the priest's absolution as a cause to effect the same. His absolution hath in their doctrine certain other effects specified<sup>6</sup> but this denied.

<sup>1</sup> should seem a thousand times to absolve E.<sup>2</sup> Ancients E.

<sup>3</sup> "A reatu mortis eterne absolvitur homo a Deo per contritionem; ... manet autem reatus ad quandam poenam temporalem, et minister ecclesie quicumque virtute clavium tollit reatum culpam partis poenae illius." Abulensis. [Tostatus, Ep. of Avila, 1400-1455] in Defensor. p. 1. c. 7. [Oppos. ad calc. Comment. l. xiii. p. 9. Veset. 1596.]

<sup>4</sup> "Signum hujus Sacramenti est causa effectiva gratiae sive remissionis peccatorum; non simpliciter, sicut ipsa prima poenitentia, sed secundum quod, quia est causa efficacis gratiae qua fit re-

<sup>5</sup> missio peccati, quantum ad aliquem effectum in poenitente, ad minus quantum ad remissionem poenae." Alex. p. iv. q. 14. memb. 2. [art. 1. § 2. p. 407.]

<sup>6</sup> "Potestas clavium proprie loquendo non se extendit supra culpam. . . . Ad illud quod objicitur, Joan. 20: 'Quorum remisistis peccata,' dicendum, quod vel loquor de remissione dicitur quantum ad conscientiam vel solum quantum ad poenam." Bon. Sent. lib. iv. d. 18. [pars 1. art. 2.] q. 1. [p. 373.]

<sup>7</sup> "Ab aeterna poena nullo modo

Wherefore, having hitherto spoken of the virtue of repentance required; of the discipline of repentance which Christ did establish; and of the sacrament of repentance invented sithence, against the pretended force of human absolution in sacramental penitency: let it suffice thus far to have shewed how God alone doth truly give, the virtue of repentance alone procure, and private ministerial absolution but declare remission of sins.

[14.]<sup>a</sup> Now the last and sometimes hardest to be satisfied by repentance, are our minds; and our minds we have then satisfied, when the conscience is of guilty become clear. For as long as we are in ourselves privy to our own most heinous crimes, but without sense of God's mercy and grace towards us, unless the heart be either brutish for want of knowledge, or altogether hardened by wilful atheism, the remorse of sin is in it as the deadly sting of a serpent. Which point sith very infidels and heathens have observed in the nature of sin (for the disease they felt, though they knew no remedy to help it) we are not rashly to despise those sentences which are the testimonies of their experience touching this point. They knew that the eye of a man's own conscience is more to be feared by evil doers than the presence of a thousand witnesses, inasmuch as the mouths of other accusers are many ways stopt, the ears of the accused not always subject to glowing with contumely and exprobration; whereas a guilty mind being forced to be still both a martyr and a tyrant itself, must of necessity endure perpetual anguish and grief. For, as the body is rent with stripes, so the mind with guiltiness of cruelty, lust, and wicked resolutions. Which furies brought the Emperor Tiberius sometimes into such perplexity, that writing to the senate, his wonted art of dissimulation failed him utterly in this case; and whereas it had been ever his peculiar delight so to speak that no man might be able to sound his meaning, he had not

<sup>a</sup> xv. D.

<sup>a</sup> solvit sacerdos, sed a purgatoria;      <sup>a</sup> temporalis, non ita acriter puni-  
<sup>a</sup> neque hoc per se, sed per accidens,      <sup>a</sup> etur in purgatorio sicut si non es-  
<sup>a</sup> quod cum in persistente virtute      <sup>a</sup> set absolutus." [Bonav. in] Sent.  
<sup>a</sup> clavium minutur debitum poenae      lib. iv. d. 18. q. 3. [p. 274.]

<sup>a</sup> purgatorio E.



*the first, Dread of the Sin against the Holy Ghost.* 103

they be not men which\* have sinned against the Holy Ghost ; BOOK VI.  
the other to this, what repentance is sufficient to clear sinners, CH. VI. 15.  
and to assure them that they are delivered.

Such as by error charge themselves of unpardonable sin, must think, it may be they deem that unpardonable which is not. Our Saviour speaketh indeed of a<sup>b</sup> blasphemy which shall never be forgiven. But have they any sure and infallible knowledge what that blasphemy is? If not, why are they unjust and cruel to their own souls, imagining certainty of guiltiness in a crime concerning the very nature whereof they are uncertain? For mine own part, although where this blasphemy is mentioned, the cause why our Saviour spake thereof was the Pharisees' blasphemy, which were<sup>c</sup> not afraid to say, "He had an unclean spirit, and did cast out spirits by the power of Beelzebub<sup>d</sup>;" nevertheless I dare not precisely deny but that even the very<sup>e</sup> Pharisees themselves might have repented and been forgiven, and that our Lord Jesus Christ peradventure might but take occasion at their blasphemy, which as yet was pardonable, to tell them further of an unpardonable blasphemy, whereinto he foresaw that the Jews would fall. For it is plain that many thousands, at the first professing Christian religion, became afterwards wilful apostatas<sup>f</sup>, moved with no other cause of revolt, but mere indignation that the Gentiles should enjoy the benefit of the Gospel as much as they, and yet not be burthened with the yoke of Moses' law. The Apostles by preaching had won them to Christ, in whose name they embraced with great alacrity the full remission of their former sins and iniquities<sup>g</sup>; they received by imposition<sup>h</sup> of the Apostles' hands that grace and power of the Holy Ghost whereby they cured diseases, prophesied, spake with tongues: and yet in the end after all this they fell utterly away, renounced the mysteries of Christian faith, blasphemed in their formal abjurations that most glorious and blessed Spirit, the gifts whereof themselves had possess, and by this means sunk their souls in the gulf of that unpardonable sin, whereof as our Lord Jesus

\* that D.    <sup>b</sup> a. om. E.    <sup>c</sup> was E.    <sup>d</sup> very om. E.    <sup>e</sup> apostates E.  
= the imposition E.

<sup>f</sup> Matt. 21. [xii.] 31; Mark iii. 30.

<sup>g</sup> Acts ii. 38.



BOOK VI. Christ had told them beforehand, so the Apostle at the first  
 Ch. vi. 17. appearance of such their revolt putteth them in mind again<sup>1</sup>,  
 that falling now to their former blasphemies, their salvation  
 was irrecoverably gone. It was for them in this case impos-  
 sible to be renewed by any repentance: because they were now  
 in the state of Satan and his angels, the Judge of quick and  
 dead had passed his irrevocable sentence against them. So  
 great difference there is between infidels unconverted, and  
 backsliders in this manner fallen away, that always we have  
 hope to reclaim the one, which only hate whom they never  
 knew; but to the other, which know and blaspheme, to them  
 that with more than infernal malice accuse both the seen  
 brightness of glory which is in him, and in themselves the  
 tasted goodness of divine grace, as those execrable miscreants  
 did, who first received in extraordinary miraculous manner,  
 and then in outrageous sort blasphemed, the Holy Ghost,  
 abjuring both it and the whole religion, which God by it did  
 confirm and magnify; to such as wilfully thus sin<sup>2</sup>, after  
 so great light of the truth and gifts of the Spirit, there re-  
 maineth justly no fruit or benefit to be expected by Christ's  
 sacrifice.

For all other offenders, without exception or stint, whether  
 they be strangers that seek access, or followers that will  
 make return unto God; upon the tender of their repen-  
 tance, the grant of his grace standeth everlastingly signed  
 with his blood in the book of eternal life. That which in  
 this case over-terrifieth fearful souls, is a misconceit whereby  
 they imagine every act which we do knowing that we do  
 amiss, and every wilful breach or transgression of God's law,  
 to be mere sin against the Holy Ghost; forgetting that the  
 Law of Moses itself ordained sacrifices of expiation as well  
 for faults presumptuously committed, as things wherein men  
 offend by error.

[17.]<sup>3</sup> Now there are on the contrary side others, who  
 doubting not of God's mercy toward all that perfectly repent,  
 remain notwithstanding scrupulous and troubled with con-  
 tinual fear, lest defects in their own repentance be a bar

<sup>1</sup> xvii. D.

<sup>2</sup> Heb. vi. 6.

<sup>3</sup> Heb. x. 26.

against them. These cast themselves first into very great, and peradventure needless agonies, through misconstruction of things spoken about proportioning our griefs to our sins<sup>1</sup>, for which they never think they have wept and mourned enough; yea, if they have not always a stream of tears at command<sup>2</sup>, they take it for a sign of a heart<sup>3</sup> congealed and hardened in sin; when to keep the wound of contrition bleeding, they unfold the circumstances of their transgressions, and endeavour to leave out<sup>4</sup> nothing which may be heavy against themselves. Yet do what they can, they are still fearful, lest herein also they do not that which they ought and might. Come to prayer, their coldness taketh all heart and courage from them; with fasting albeit their flesh should be withered and their blood clean dried up, would they ever the less object<sup>5</sup>, What is this to David's humiliation<sup>6</sup>? wherein notwithstanding there was not any thing more than necessary. In works of charity and alms-deeds, it is not all the world can persuade them they did ever reach the poor bounty of the widow's two mites<sup>7</sup>, or by many millions of leagues come near the mark<sup>8</sup> which Cornelius<sup>9</sup> touched: so far they are off from the proud surmise of any penitential supererogation in miserable wretched worms of the earth.

Notwithstanding, forasmuch as they wrong themselves with over rigorous and extreme exactions, by means whereof they fall sometimes into such perplexities as can hardly be allayed; it hath therefore pleased Almighty God, in tender commiseration over these imbecillities of men, to ordain for their spiritual and ghostly comfort consecrated persons, which by sentence of power and authority given from above, may as it were out of his very mouth ascertain timorous and doubtful

<sup>1</sup> command E.    <sup>2</sup> for a heart E.    <sup>3</sup> out om. D, E.    <sup>4</sup> object om. D.  
<sup>5</sup> near to the mark E.

<sup>1</sup> Jer. vi. 26; Micah i. 8, 9; Lam. ii. 18. "Quam magna deliquimus, tam granditer defecimus. Alio vulnere diligens et longa medicina non desit; poenitentia crimine nisi non sit." Cyr. de Laps. [p. 102. ed. Babuz.] "Non levi agendum est contritione, ut debita illa redimantur, quibus mors aeterna

"debetur; nec transitoria opus est satisfactio pro malis illis propter que paratus est ignis aeternus." Euseb. Emisacenus, vel potius Salsian. l. 106. [Ad Monach. Hom. V. in Bibl. Patr. Colon. t. v. pars I. 382. §.]

<sup>2</sup> Paul. vi. 5.    <sup>3</sup> Mark xii. 42.  
<sup>4</sup> Acts x. 31.

BOOK VI. minds in their own particular, ease them of all their scrupulosity, leave them settled in peace and satisfied touching the mercy of God towards them. To use the benefit of this<sup>3</sup> help for our better satisfaction in such cases is so natural, that it can be forbidden no man; but yet not so necessary, that all men should be in case to need it.

[18]<sup>4</sup> They are of the two the happier therefore that can content and satisfy themselves by judging discreetly what they perform, and soundly<sup>5</sup> what God doth require of them. For having that which is most material, the substance of penitency rightly bred; touching signs and tokens thereof, we may boldly affirm that they err, which<sup>6</sup> imagine for every offence a certain proportionable degree in the passions and griefs of mind, whereunto whosoever aspireth not, repenteth in vain: that to frustrate men's confessions and considerations of sin, except every circumstance which may aggravate the same be unript and laid in the balance, is a merciless extremity, although it be true, that as near as we can such wounds must be searched to the very bottom: last of all, that<sup>7</sup> to set down the like stint, and to shut up the doors of mercy against penitents which come short thereof in the devotion<sup>8</sup> of their prayers, in the continuance of their fasts, in the largeness and bounty of their alms, or in the course of any other such like duties, is more than God hath himself thought meet, and consequently more than mortal men should presume to do. That which God doth chiefly respect in men's penitency<sup>9</sup>, is their hearts. The heart is it which maketh repentance sincere, sincerity that which findeth favour in God's sight, and the favour of God that which supplieth by gracious acceptation whatsoever may seem defective in the faithful, hearty, and true offices of his servants. "Take it" (saith Chrysostom<sup>10</sup>) "upon my credit, Such is God's merciful

<sup>3</sup> his D.    <sup>4</sup> xviii. D.    <sup>5</sup> secondly D.    <sup>6</sup> they doe, which E.

<sup>7</sup> that *scilicet* E.

<sup>8</sup> devotioni D.

<sup>9</sup> Jer. xxix. 13; Joel ii. 12.    <sup>10</sup> quis perveniat malorum, et inde  
<sup>11</sup> Chrys. de repar. Laps. lib. ad    <sup>12</sup> tamen velit reverti ad virtutis  
Theodor. [ap. Grat. Decr.] de Pen-    <sup>13</sup> viam, suscipit et libenter amplec-  
nit. dist. 3. c. *Talis*. [<sup>14</sup> Talis, mihi    <sup>15</sup> titur, facit omnia quatenus ad  
<sup>16</sup> crede, talis est erga homines parus    <sup>17</sup> proceri revocet salutem: et quod  
<sup>18</sup> Dei: nunquam spernit peniten-    <sup>19</sup> est adhuc prastantius et eminenti-  
<sup>20</sup> tiam si et sincere et simpliciter    <sup>21</sup> tus, etiam si non poterit quis  
<sup>22</sup> offeratur. Etiam ad summum    <sup>23</sup> explere in presentis satisfaciendi

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"inclination towards men, that repentance offered with a  
 "single and sincere mind he never refuseth; no not although  
 "we be come to the very top of iniquity. If there be a will  
 "and desire to return, he receiveth, embraceth, omitteth  
 "nothing which may restore us to former happiness; yea,  
 "that which is yet above all the rest, albeit we cannot in the  
 "duty of satisfying him attain what we ought and would,  
 "but come far behind our mark, he taketh nevertheless in  
 "good worth that little which we do; be it never so mean,  
 "we lose not our labour therein." The least and lowest step  
 of repentance in Saint\* Chrysostom's judgment severeth and  
 setteth us above them that perish in their sin. I will there-  
 fore end with St. Augustin's conclusion<sup>1</sup>, "Lord, in thy  
 "book and volume of life all shall be written, as well the  
 "least of thy saints, as the chiefest. Let not therefore the  
 "unperfect fear; let them only proceed and go forward."

\* Saint *roc. E*, not 1648.

<sup>1</sup> *ordinem, quantumcumque tamen* Benedictine Chrysostom, t. i. p. 6.]  
<sup>2</sup> *et quamlibet brevi tempore gestam* Aug. in Psal. cxxxviii. [§ 21.  
<sup>3</sup> *non respuit penitentiam. Suscipit* "In libro tuo omnes scribentur;  
<sup>4</sup> *etiam ipsam, nec patitur quamvis* "non solum perfecti sed etiam  
<sup>5</sup> *exigua conversionis perdere mer-* "imperfecti. Non timeant imper-  
<sup>6</sup> *cedam." See the original (from* "fecti, tantum proficiant." t. iv.  
 which this is much altered) in the p. 1546.]

## APPENDIX TO BOOK VI.

[Notes by George Cramer and Edwin Sandys, on B. VI. as sent to them in MS.]

George Cramer's notes on M. Hooker's<sup>1</sup>.

Notes upon the 6 Books.

- BOOK VI. P. 1. "It may suffice." I think if this booke began at the next sentence following, yt were not amisse. But then I could wishe that sentence to be divided into two; for yt is long. Which + may be done without any alteration thus: "As it is not enough "that our" &c.
- "Helpe be had; to this end." Here I could wishe the first + sentence to end but with a more full word then (had) as namely, "Helpe be provided," or, "procured." And the next sentence to go on, "To this end therefore."
- "Learned clerkes." The name clerkes (as I thinke) cometh from *Magis* inheritance<sup>2</sup>, and not as you seeme to say from their power of order. And although yt be true that the name be only given to them, yet is yt not given according to your speach, in that regard.
- + "Saith Ignatius<sup>3</sup>." Quote yt.
- "Obligatory declaration." By this word obligatory I understand such a kynd of declaration as either men must obey yt, or suffer punishment. But the word will not be generally understood.
- "So that these two things" &c. and afterwarde, to "Ys yt "within such compasse." It ys true that the power of Jurisdiction

<sup>1</sup>[This paper is preserved in the library of C.C.C. Oxford; "N<sup>o</sup>. 297." See St. Jerome, Ep. ad Nepotian. § 5. t. i. p. 256. ed. Vallars.]

"W. C. 2. 11." It is indorsed as follows; "Mr. S. and Mr. C. Notes upon the 6 and 7 bookes." There in Fulman's hand, "Written with their own hands and given me by my friend M. Isaac Walton 1673. W. F." which a citation from St. Ignatius [In Fulman's hand. The rest of occurs. See before, p. 4.]

is limited by Lawe, but those wordes ("So that") do seeme to argue that so much was implied in the definition before, wherein I thinke no such thing is contayned.

P. 2. "I will that younger women marry." Do you thinke this was a commandement, which to have neglected had been a sinne, or rather an admonition or advise.

"Or civill is." I would leave out ("Is").  
 "Cases of right to thinges," and, "esteemed such." I would say, "Cases of right belonging to thinges"—and, "esteemed spirituall," for the word such is not playne.

P. 3. "Non intendimus indicare de fodo" ["judicare de feudo," v. p. 131, n. 1]. This was the sentence of a Pope, as I conceive, challenging unto him self that which by us is denied him: and therefore yt may be this allegation is not so fit, although I very well understand in what sense yt is alleaged by you. But I may be deceived in this matter because yt is a matter of story, whereof I have no knowledge.

"Touching manner and form." Rather, "Touching the manner of exercising power ecclesiasticall." And in the end of the sentence, I would say, "Requisite is this also."

P. 4. "Namely to the end." I could wishe this were no parenthesis, and that the sentence did end at those wordes, ("As it were by force,") knitting the next wordes in this manner, ("which may serve as a reason why they,") for this sentence otherwise will be very long.

"Curia Christianitatis." I could wishe that as little as might be were in the margent but rather, if it be of moment, in the text. And it may be this were not amisse to be inserted.

P. 7. "Well or ill of good men." I thinke there is some fault in the writing. "That afterwarde whereas." I guesse there is a line left out here in the writing.

P. 8. "Fittest way." I would adde, "way of answer," because ("way") by yself alone seemeth not sufficient. But then yt must be sayd in the wordes immediatly going before, not "against," but "unto such presumptuous cavills."

"Easy, for your sake." quote yt.  
 "Pure handes." You remember D. Raynoldes note in the former booke.

"Last of all." This sentence I do not understand. Eyther yt is false written, or yt must be otherwise explained in my opinion.

P. 11. "Severe Lawgiver." Was yt Draco? Cite your author.  
 "Si quis privatus aut populus." Translate yt: and I thinke yt shall not neede to sett the Latine in the margine.

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"Elias the Levite." Quote the booke<sup>1</sup>.

P. 12. "It is the phancy of some." If they be men of any account, I would not say, ("phancy,") but opinion; or, "some are of opinion."

"Cut of from the stocks of faith, and soules rooted out." In the third<sup>2</sup> you may remember yt is sayd that excommunication doth not exclude from out the visible Church. It seemeth by theys words that the [Fathers<sup>3</sup>?] did make account of men so separated, as if they were utterly excluded. You may thinke upon these wordes whether they do not seeme to imply some repugnancy to the former: and although I know they may be reconciled, yet perhaps it were not amisse if before hand they were qualified.

"Self same kynd of anathema." You seeme by this wordes to understand St. Paul's meaning<sup>4</sup> of the lowest degree of three, whereas yt is commonly taken (you know) for a farre greater matter than the highest degree of excommunication can import. And yet in the beginning of this discourse you make anathema the second degree, and here in St. Paule's speech the first onely. But because [this] opinion is newe and contrary to that which hath been received, [I] could wishe that common opinion were sett downe and their reference to the speech of Moses<sup>5</sup> specified together with the reasons of your opinion on the other side, and the dissimilitude of Moses speech from the Apostles. Moreover because yt may seeme but a sleight kynd of endamage which the Apostle doth wishe unto himself, yf yt reach no farther than you seeme to understand it, especially in theis dayes wherein separation from the Church is taken for a matter of nothing: yt may be shewed how highly they accompted of the visible and outward communion of saintes, as may appeare in that Psalme where David extollethe the state of the sparrowe (as I remember) even in that respect because she had her nest in the temple. But of this enough.

P. 13. "Lett that nation." Quote it.

"To express those actions by." I would say, As names to expresse those actions of publique judgment: and so leave out those wordes ("in publique judgment") immediatly going before.

P. 14. "The Syrian language." Did they speake the Syriacke in Christis tyme *ordinarily* or only the learneders of them? for so I have heard.

<sup>1</sup>[See it quoted E. P. V. xx. 3. of the MS. which is defaced here.]  
note 6. lxxix. 6. note 4.]      <sup>2</sup>[Evidently in Rom. ix. 3.]  
<sup>3</sup>[c. i. 7. 13.]      <sup>4</sup>[See Exod. xxxii. 32.]  
<sup>5</sup>[The word comes in the margin

"St. Gregorie!" I would say in the very text for more authority St. Gregory Nyssene, because the later Gregory will otherwise be understood. BOOK VI. Appendix.

"Towardes thy self." This sentence is unperfect in the writing. P. 16. "Every open scandalous action." By this yt may seeme that because in the 4 booke<sup>s</sup> you have sett downe that all sinne hath a scandalizing nature, every open sinne is subject to the censure of the Church, so as it would seeme to followe that all causes might be brought under discipline. For myne owne part I do not conceave wherein the distinction lyeth betweene causes spirituall and temporall, although yt be manifest that a distinction there is betweene them. And in the practise of the commonwealth causes spirituall in some cases are determinable in civill courtes, as tithes, perjury; and causes temporall in the spirituall courtes, as testaments, which in my opinion are merely civill: so as I see the division with us is not according to the nature of the thing, but as lawe or custom hath prevayled.

"For this cause Tertullian." In the margine. It may be that this note might come in well into the text.

P. 17. "Whose flesh the tortures." If any auncient writer do autorise this opinion, yt were not amisse to quote him.

"The auncient fathers of the Church." The places here quoted in the margine do not (in my opinion) prove any such corporall plague as for which they are alleaged. It may be some more pregnant testimony might be found. For the thing (I thinke) is true. The place of Tertullian in the margine is false written, as I take yt.

P. 18. "Dischurched." I would say, "as it were dischurched," because the word is unusuall.

P. 19. "Howsoever." I would leave out this sentence wholly, because that for which you bring it in, is pertinent and short and needeth no qualifying or excuse.

"Very well then." I would leave out these wordes, and say, "Be it so," for they are to familiar.

P. 20. "Mariage feast in Cana?" Although yt be no necessary consequence, yet some presumption yt is that if any such thing had bene used in the Church before Victor, yt would at some tyme or other have bene mentioned. And therefore if any testimony could here be alleaged of the exercise of excommunication before Victor,

<sup>1</sup>[This may be noted as a second *possibly* refer to the sixth book as it instance in which the note might stands: p. 29.] <sup>2</sup>[c. xii. 2.]



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+ it would be very fit. For this and the like if you cannot call to remembrance any cleare testimony, it may be D. Raynoldes were able to furnish you, with a word writing unto him, when you send your booke.

P. 21. "Epicurus opinion." I could wishe for more perspicuity (for that is it which D. Some requireth in your booke<sup>1</sup>) that the opinion of the Epicure sett downe in the margine by Lucretius were in the text: and that the sentence were divided into two in this or the like manner; "A philosopher there is who in this regard especially magnifyeth his master Epicurus opinion, that the world was not created by God, for that it serveth as a present cure to such weake and feeble myndes as are continually perplexed with touch of conscience, and therefore in this sort he frameth his speach unto him, 'No sooner dost thou teach that the world,' &c.<sup>2</sup>" taking the marginall note into the text, and leaving the Latine only in the margine. The next sentence then must follow. "In like manner these good folke," &c. You may polish yt at your pleasure.

"They would not be light." You knowe the manner of our excommunication which for this point specially is accused. And I thinke either something is to be sayd in defence thereof<sup>3</sup>, or this clause to be left out which doth seeme to blame the exercise of yt, as now it is used. You knowe that no man is excommunicate but for contumacy, which in the least thinges for the most part is greatest, because the more easily the thing is done, the greater is the contempt in neglecting yt. So as they cavil is but slander when they say, we are excommunicate for fees<sup>4</sup>: for it is not in that regard, but because the Church hath no other meanes to make men appeare or do theyr duties but this onely. This point may be thought upon. If other meanes were appointed whereby the

<sup>1</sup>[In some private letter: for of Some's published tracts the only one which from its date could have referred to Hooker is "Questions wherein is handled that Christ died for the elect alone," &c. Camb. 1596; in which Hooker is not mentioned.]  
<sup>2</sup>[Lucret. iii. 14, &c.]  
<sup>3</sup>[In the margin, opposite the words, "is to be sayd in defence thereof," is the following note, as it seems in Craumer's hand.  
<sup>4</sup>Excommunication with us you

"knowe is exercised by a lay commissary, although for fashion sake a minister be called in to reade the sentence. But in their discipline suppose the lay elders be of mynd to excommunicate any man, the pastor, not; Shall the pastor have a negative voice, or shall excommunication be exercised by the laymen only?"]  
<sup>5</sup>[See ad Admonition, p. 6, 7, ed. 1617; Milton, of Reform. in Engl. Prose Works, vol. i. p. 27. ed. 1738.]

spirituall courtes might punish contumacy in such cases, I thinke yt were not amisse, but no other being, that must be used.

"Magistratus executor." In the margine. It may be this marginal note might be brought into the text.

P. 23. "The people of God." I would leave out, "of God," because [even?] the optimates or elders are part of the people of God, but in division of the polity, as in this place it is understood, they are not a part of the people.

"There is not any man." I would say in the beginning, "Surely there is not any man."

"Looke for obedience." You meane in matter of fact; in matter of perswasion it is lawfull for any man to thinke as he list: so as the sentences do not seeme to be both made of the same thing.

"To compell by reason." I would say, enforce; for although both these wordes do imply force, yet compulsion is properly of things violent.

P. 24. "Importeth chiefly of dominion." I would say, "Importeth not power of jurisdiction, but chiefly of dominion." For so yt wilbe plainer. And in the margine for the better understanding what you meane by chiefly of dominion, you may sett, "That which the Grecians call ἐξουσία." Although this explication be only for the learned.

"Two things being necessary." This sentence is long: I would divide yt thus: "Two things are necessary:" and afterwards; "which two things are thought weaker in each particular," &c. The sentence may very well end at those wordes "the common good of all." And the next sentence may beginne, "By this"

"means therefore yt commeth to passe."

"That cable." I would say, "That threefold cable whereof Salomon speaketh."

"By Solon had not." You may quote some author for this; and if Machiavel be not an unfit author, it is his observation lib. i.

Disc. sop. Tit. Liv. [cap. 2. p. 9. ed. 1550.]

P. 25. "Annexed unto yt." In this place I could wishe something were added to this effect. "For in theys considerations it hath bene thought that the mixed state is best" otherwise (you know) yt is by [Aristotle?] confest l. 4. Polit. that if any one may be of so exceeding vertue as betwene him alone and the rest of the people jointly there be no comparison, he ought by the lawe of nature to have absolute and souerayne dominion. Which incomparable vertue because we cannot deny to our Saviour Christ,

<sup>1</sup>[Eccles. iv. 12. Comp. E. P. b. vii. c. 18. § 10.]

BOOK VI. we ought not to deny him any souerainety, nor to adioyne unto him any assistants.

Appendix.  
+ "According unto astrology." I would rather say, ("and the court of the Areopagites as yt were certayne optimates.") For that will better resemble they pretended mixture, than the heavens, so far removed.

P. 26. "Fourthly." This word is referred to the three generall branches before specified, whereas in this place it may seeme to followe upon the three specialtyes going immediatly before. Reade the sentence, and you shall perceave my meaning. You may say: furthermore, or, moreover.

"Will before." False written.  
"Imperiall power." I could wishe that in this discourse and in the whole body of your booke wheresoever mention is made of *regnes*, you should give yt the same name. You terme yt sometyes chieftey of dominion, sometyes souerainety, sometyes imperiall power. I thinke theys wordes (souerainety of dominion or souerayne dominion) are the fittest to be alwayes used, and plainest to be understood. If you be of this mynd, you may alter those places before, and make them all alike.

P. 29. "tribunes." Quote yt. Ll. i. Dec. l. 2. as I remember.  
"Power of Jurisdiction." I thinke it may in this place be added; that "if at any tyme any ecclesiasticall person have growen to so great aucthority as his power hath bene fearefull unto the state, lest thereby some alteration should ensue," whereof yet I remember no example; "this hath never come to passe by the meanes of his power of Jurisdiction, but by some other accidentall occasions, as favour of the prince, forrayne allyes," &c.

P. 28. "Likelihood of sound reason." If a brief collection were made in one sentence of all the five (fine?) absurdities of this reason before alleaged, it were not amisse, in my opinion. For the greater his aucthority is who alleageth it, the plainer I would have the inconsequence of his reason to be made.

"There is no one thing." It were good to sett down some of their sentences to this purpose in the margine in such places as you shall find meete. But of one thing I would wishe they were admonished, that in the question of lay elders they urge the Jewish polity, in the next of episcopall aucthority they will not stand to the lawe, so as when they thinke yt maketh for them they will maintayne it; when otherwise, they disclayne yt. This I leave to your consideration. [In margin] I thinke this may be sett in another place afterwarde more conveniently, as I have noted.

"Lay elders personally distinguished." In the margine. This clause I understand not, for whether those lay elders were the same with the auncients of the civill state or others, it commeth all to one passe in my opinion, if it appeare they dealt in causes spirituall. [In margin] In this point I do since understand your meaning upon reading the whole discourse.

"The rest were his [sonnes' sonnes?]. Had they no wives nor servants? If they had, then they were in the number. [This with a line drawn across it.]

"The whole into tribes." Quote yt and that which followeth of families and houses.

"The witt of man." If yt were the order of God, no marvayle if the witt of man could not have devised a better: if not of God + but of man, the wordes are well enough.

P. 29. "The congregation, and the whole people." Quote yt. +  
 "The representative body." I thinke it were meete to bring + some authority or proof hereof.

"Extend this." I would say, "Extend his wordes:" or, "theyr wordes."

P. 30. Looke to the quotations in the margine that they be right and rightly placed. And that care is to be had through the whole + booke.

P. 31. "Fathers." And afterwarde ["Decurion?"]. Quote theys things. +

"This was done by Moses." In the margine. I do not understand to what purpose this marginnall note serveth, if it be compared with the text, and for ought I see it may be spared.

"They prophcyed and ceased not." This coniecture I thinke will seeme straung, unlesse some auctory be given unto yt by testimony. If not, I thinke yt were not amisse to leave it out.

P. 32. "Judges before appointed." Quote where. +  
 "The Jewish co[n]jecture." Cite the author and quote where. +

P. 34. "Kinges have dominion." I could wishe that in this place for more perspicuity some such wordes were added, as these: "They are at the choice of the prince, the assistantes of Moses

"were not."  
 "Import souverainety." I had rather say, "Monarchicall or royall souverainety (for in that sense &c.) but that kynd of + souveraine power wherby the state of the Jewes was then go[ve]rned."

P. 35. "The Jewes tearme them." Quote yt. +  
 "Fifthly the reasons." This last braunch doth not seeme to be

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- a thinge to be noted in the lawe before alleaged, as in the first wordes you say, but rather to come in by collateral meanes through their disputes. And therefore you may say, "Lastly we are to examine the reasons which are alleaged."
- P. 37. "Doe every where." Quote some testimonies.  
"If it should." Perhaps it were better to say, "If it did not." And afterward, "questions of doubt inferior judges." The composition is hard. I would say, "Inferiour judges are willed to bring those questions of doubt," &c. Or some such alteration.
- "Of this sort likewise." It seemeth by this that the number was increased, and then could not the Jewes call yt the great court of 71. Some auctoritie must be alleaged for this point. Unlesse we may say that they were not of the body of the court, except they were also of the 70, but onely associates in judgment by way of advise.
- P. 38. "Of priestes onely." I do not understand what you meane by this word, onely, nor in regard of what it is in this place an exclusive.
- "Judicall assemblies." Do you thinke that in such causes as were brought to the court of 70 from out the cities abroad that all the 70 were present at judgment? It seemeth unlikely that such a number could all meete together to determine of so many causes at so many tymes.
- P. 39. "Did farther devise." Because this is contrary to their mayne position handled in the 3 booke, I could wishe that some instance were given wherein David or Salomon altered the prescript of Moses by addition or any other change. It may be sett in the margine.
- P. 41. "Touching causes they." I thinke there is some fault in the writing: for the word, "causes," doth not seeme to fill the sentence with perfect sense.
- P. 42. "Ordinary judges." This is a good coniecture; and if any of the Jewes do any where seeme to intimate so much, it were good to quote them.
- "His legates." I had rather say; "lieutenantes."  
"Th' aforesayd." You knowe Mr. Sandes mynd and myne of this word.
- P. 43. "In the 10 of Ezra." This marginall note perhaps may come well into the text.
- + P. 44. "Was lesse commodious." The reason were good to be shewed.
- + "Post [hoc?] et alia." English it; and I thinke the Latin should not stand in the margine, but ether nothing at all or the Greeke.

P. 46. "State regall." I cannot tell whether this word "regall," BOOK VI.  
and the placing of it in this sort, "state regall," be good. It may Appendix.  
be that, "monarchicall" or "royall state," were better.

"Chieftie of regiment." Of this you see what I have written O  
before. I could wishe that here were putt, "Souverainety of  
"dominion," or "souverayne dominion." And I thinke yt were  
playner. Afterwardes where it is sayd, "Either under that kingly  
"power," &c.; perhaps it were more perspicuous to say, "When  
"they lived under kinges either appointed by them selves or by  
"forrayne power placed over them." And yet it is to be considered  
that their 3 first kinges were chosen by God, the rest by succession O  
obtainyd the crowne, so as those wordes ("which them selves did  
"appoint") seeme not to be so proper.

P. 47. "Alladeth both unto those princes." It were perhaps not  
amisse to say this indefinitely rather then categorically.

P. 48. "The other of the 70." Mallem, "The rest of the 70."  
"Afterwardes Scribes." It may be remembered that there were  
prophets at the same tyme when there were Scribes, and therefore +  
that the Scribes were not interpreters of the lawe after the prophets  
but at the same tyme.

"Such a doctor was Gamaliel." Gamaliel as I remember was a  
Pharisee and therefore not a Scribe, as Scribes and Pharisees are  
opposed in division one to another. But if the name of Scribe do  
signify (as you seeme to say) any one professing skill in the lawe,  
in that sense a Pharisee may be called a Scribe, and the name of  
Scribe is ambiguous, applied both to the genus and species. If it  
be so, as I coniecture by your discourse, it were not amisse to sett  
the distinction plainly downe of the word, Scribe. +

P. 49. "Ναυαδ." Ναυαδ I thinke. And yet I cannot tell, be-  
cause I remember some such phrase in Plato, ναυαδ, referred to  
the person.

"The great synagogue." If this synagogue were that which  
Ezra founded, how can it be sayd to precede the prophets; if it  
were any other, yet because no mention nor speech hath been made  
of it in the former discourse, perhaps it will not be well conceaved +  
what you meane by that great synagogue.

"These are the genealogies." If you be not certayne hereof,  
speake it indefinitely; if you be, alleage some sufficient proof. And +  
afterwardes, "The masters of " I would say, "The teachers +  
"of "

"Of them that" I thinke it is false written. +  
"Senatus, sacerdotēs." Translate yt. +

BOOK VI. P. 50. "Th' arraignment of Herode." I would say, "Whereof  
Appendix. "we spake before," or some such reference.

P. 51. "Do intimate a difference." I could wish that this were  
+ made plainer by drawing the marginall note following into the text.

P. 52. "from tyme to tyme." In this place I thinke it were not  
amisse if some discourse were added to this effect. That the anti-  
quities of all nations, especially of the Jewes so farre removed from  
us both in place and tyme, are for the most part obscure and hard  
to be particularly sett downe, because being well knowne and not  
greatly regarded of all then living, men are not commonly willing  
to take paynes in delivering such thinges to posterity: but that  
partly out of Scripture, partly by probable coniecture and out of the  
writings of the Jewes you have collected and sett downe that which  
in your opinion is most consonant unto truth. Hereupon I could  
wish that a brief collection were made of all those mayne positions  
which are contayned in the former discourse. I will sett downe  
what I have conceaved of the Jewes estate out of your discourse;  
for otherwise I have no skill nor knowledge therein; but if I have  
mistaken ought, you may perceave wherein some explanation is  
requisite for other mens farther direction. I conceive therefore  
that your meaning is this, 1. that for the ease of Moses in inferior  
causes there were first appointed<sup>1</sup> inferior judges: 2. that after-  
wardes for his farther ease even in those waigthy affayres which he  
had reserved unto himself, other associates were joined<sup>2</sup> unto him;  
whereof I thinke one presumption may be that which you have  
+ omitted, that God indued those later with part of Moses spirite,  
which I thinke is not written of the former, and therefore it should  
seeme that as their gifts were more excellent, so their charge was  
more waigthy also: 3. that in Moses together with these 70 the  
soverainety of the Jewish state did remayne; and that the chief of  
this senate were Moses or his successor and the high priest; the  
rest were the princes of the tribes and other auncientes of greatest  
+ nobility; 5. that none of the common people were of this senate;  
6. that in this senate all high and principall affayres were handled  
whether ecclesiasticall or civill; 7. that in causes ecclesiasticall the  
High Priest was chief of this senate and might assemble them, in  
causes civill the judge or supreme civill governour: 8. that this  
High Court was afterwarde by Moses institution to be planted in  
Jerusalem and till they were governed by a king was the souerayne  
auctority and <sup>8</sup> *ἡ ἀρχὴ* of that common wealth; 9. that after their

<sup>1</sup> [Exod. xviii. 21, 26.]

<sup>2</sup> [Num. xi. 25.]

state was altered from an aristocracy into a monarchy and the sovereignty thereby removed, yet this court was the principall and highest court of justice; 10. That the king himself was chief of this court if he list to sitt therein, if not, then some of the princes by him appointed; 11. That the High Priest was the next in this court unto the King himself; 12. But sometyes it so fell out that the same person was both High Priest and supreme civil gouvornor, as Ely<sup>1</sup>, Ezra, Simon; 13. That the state of Jury being greatly decayed by the rent of the ten tribes the same was by Jehosaphat restored. In whose reformation these thinges I observe, first that he appointed<sup>2</sup> judges in all the cities according to the ordinance of Moses in Deuteronomy<sup>3</sup> which I take to awnswere in proportion unto those inferiour judges appointed by Moses upon Jethroes motion; secondly that in Jerusalem he established<sup>4</sup> the high senate of the 70, the same which before by Moses was instituted<sup>5</sup>; thirdly that he established but one high senate for both kind of causes, and not as they would have it, one for civil, another for ecclesiasticall. Whereof I have these presumptions, first because it is sayd by Jehosaphat to the judges of that court<sup>6</sup>; "In every cause that shall come unto you of your brethren shal dwell in their cities, betwene blood and blood." which wordes, "blood and blood," seeme to be a plaine reference to the institution of Moses in Deuteronomy<sup>7</sup> where the same wordes are used. If the court therefore by Moses there established were but one, as I thinke they confesse, or if they do not, the course of the text will convince it, because it is sayd, "The priestes and the judge," joyning them together as it were in the same high comission; if (I say) that court were but one, it seemeth that the court by Jehosaphat restored and reestablished with so plaine reference to the wordes of Moses was the same court, and therefore but one. Againe it is sayd<sup>8</sup>, "Behold Amariah the priest shalbe chief over you in all matters of the Lord, and Zebadiah for the kinges affayres." What shall Zebadiah be? chief over you: over whom? over the same persons over whom Amariah is also placed, as the wordes must needes enforce: so as Amariah was not chief of one court, Zebadiah of another, but both of the same in different causes. For it followeth in the text, "And the Levites shalbe officers before you:" before whom? Not before any civil judges where Zebadiah being a civil

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<sup>1</sup> [The MS. adds "Samuel," with a pen drawn across it.]  
<sup>2</sup> [2 Chron. xix. 5, 6, 7.]  
<sup>3</sup> Deut. xvi. [ver. 18.]

<sup>4</sup> [2 Chron. xix. 8-11.]  
<sup>5</sup> Deut. xvii. [ver. 8-13.]  
<sup>6</sup> [Ver. 10.] [xvii. 8.]  
<sup>7</sup> [Ver. 11.]



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magistrate did sit upon civil causes only; for that were not likely that Jehosaphat would appoint Levites to be under officers in such a court, but rather where together with Zebadiah the high priest did sit. Thirdly this I note that whereas it is always most likely that expresse mention should be made of any court at the first institution rather than at a restitution afterwards; they are fayne to fly from the bookes of Moses, (by whome if any such court as they conceive had been established, it is most likely that he would have expressly set downe the institution thereof,) and to picke out a court out of Jehosaphat's reformation; whome because they must suppose to have established nothing but that which by Moses was commanded, it were to be wished they would shewe where any such court was appointed by Moses. Which if they cannot, it seemeth a farre more naturall course to construe the reformation of Jehosaphat according to that which we find in the bookes of Moses, then to coniecture any newe thing of Moses doinges upon an after-ground of Jehosaphat's reformation<sup>1</sup>. But to conclude this point (for you may well thinke with yourself "Ne susur") I take it were not amisse after some brief collection of these positions concerning the Jewes estate to shewe the difference betweene that which they desire and that which was amongst the Jewes. The high senate of the Jewes was but one, it was a standing court, it was a court whereunto men might appeale from all inferiour courtes. One of the chief in the court was the high priest, and sometymes the onely chief in both kynd of causes, the rest were of the nobility, none of the common people; whereas they make a high senate in every parish, from whence although there lye an appeale, yet to no standing court, and in that court or synode no perpetuall chief governor. Moreover they take away superiority of ministers, and civil authority from ministers, and bestowe ecclesiasticall in part upon the common people. Many such differences you may conceive. But suppose the state of the Jewes were such as they would fayne have it; why should we be tyed to the Jewish polity in the matter of lay-elders, and they be free in the matter of inequality betweene ministers. Here may come in that which before I mentioned p. 28. One thing I have omitted in this discourse, which is, that if in any prophane or ecclesiasticall story you could exemplify where two presidents have bene over one court in causes of a different nature, I thinke it would greatly cleare that point of Amariah and Zebadiah in the

<sup>1</sup> [See Sutcliffe, "de Presbyteris," p. 20, 21; and "False Semblant," &c p. 86.]

story of Jehosaphat. I can call no example to my remembrance. I leave yt therefore to your consideration.

For this long discourse you shall pardon me, because I have done yt partly to settle that in my head by writing, which by bare reading perhaps would have flitted away the sooner, partly because if I be deceived in any part of your meaning, you may both reforme my opinion, and cleare the matter in such sort that others may not be deceived with me.

Whatsoever you shall thinke meete to be placed in your booke out of these observations, you may place them severally where you see cause; for I perceave they cannot well be ioyned altogether<sup>1</sup>.

"It resteth therefore." What their opinion is hath not benee plainly sett downe before in the beginning nor in this place it is not manifest, so as it will not so clearely appeare whether the dispute about Jehosaphat's reformation and this which followeth doth appertayne. I could wishe therefore that in the beginning of this discourse concerning Jewish regiment their opinion were plainly delivered and the point wherein you contradict them. As likewise I thinke it were meete that in the beginning of the booke, after you have refuted Erasmus, the state of the question in general concerning lay elders were layd open in most playne teames; which may be very well done in one or two sentences. I thinke those wordes of Mr. Cartwright p. 70 might be referred to that place, because they are the general description of lay elders in such sort as they would have them. And I like Mr. Sandes judgement very well in your second booke concerning the setting downe of the state of the question, and I thinke yt meete to be observed through this whole booke, both in the generall questions and in particular thereof, arising.

"The Evangelistes." Quote it; and with all their wordes. Lett + the force of their reason appeare and likewise of your awnswere both in this argument and those which followe.

"Ancients simply so named." Who these were you do not signify, nor give any coniecture whereby we may guess who they were.

"Sith Joseph." I would say of Arimathæa for distinction. - Againe, I perceave at all no force in this argument of theirs because there is no shadowe of proof that Joseph was not one [of] the 70, wherein the force of their argument should stand.

<sup>1</sup>[This sentence has a pen drawn across it in the MS.]

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- BOOK VI. P. 53. "Which condemned Christ." It were good to make this and the former reason together with your awnswares very plaine and manifest, for the lesse force there is in their allegations, the
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- + more I am desirous you should insist upon them and make their poverty apparent to the world. And in my opinion in these two places by them alleaged you are somewhat to short, as also in that last point concerning Jehosaphat, whereof I have written before my conceit. But in this place I thinke it should be made manifest that
- + Christ was condemned by the high senate of 70, and therefore Joseph not giving his consent to the sentence against Christ must needs be of the 70: else it were no cause to commend him for not consenting unto the sentence of that court, wherein he had nothing at all to do, as being a senatour of an ecclesiasticall court. This I conceive is your meaning, and this I could wishe to be plainly sett downe.
- + "Ecclesiasticall." Adde, "as they say, and those of the layty," &c.
- + "Power of life and death." I thinke you meane by the Romaynes, and it were not amisse to say so much.
- P. 55. "Priests and Levites." You seeme to say and also to bring some conjecturall arguments to prove that none of the grand senate of 70 were priests. Notwithstanding in the establishment thereof by Moses afterwarde in Jerusalem you shall reade, And thou shalt come unto the priests of the Levites: in the reformation of Jehosaphat it is likewise sayd, Jehosaphat did sett of the Levites and of the priests &c. So as I should thinke that besides the high priest some of the senate were of the tribe of Levi: and then the Jewish conjecture that Moses took 6 out of every tribe to make up this senate will not stand. Moreover because this court is by you supposed to be the highest court in causes both ecclesiasticall and civil, it seemeth very requisite that many priests should be associates to the high priest therein. For the causes among them determinable by priests were (as I conceive) ten tymes as many as those which by civil authority were to be decided, both because the temporal lawyers of Jury were the priests, and because in so many things belonging to their civil state they were to aske counsel of God by the meanes of the priest, as in making warre, peace, confederacyes, &c. The causes therefore which came to the high priest's handes being so many, it may be he had many associates.
- "Had a second high court." This one thing is now come to my mynd, that I thinke this may be a great presumption against their

<sup>1</sup> Deut. xvii.

conceit of two high courtes, that it were a great absurdity to establish two courtes of souveraine autority in one realme so as the one should no way depend of the other, for it were as much as to make *heris vs sipes*.

P. 55. "Were annexed." I would say, were joined, or associate, or such like.

P. 59. "To whom whereas." I thinke this sentence would be plainer if you sayd, And whereas finally; putting the wordes (to whom) after attribute.

"*Judicium Synodum*." Translate it. And *Synodus* I take it is of the feminine gender, so is not *damatum, nec illud, nec constitutum*. [In margin here.] It should be *Synodiam*, and then I am answered.

P. 60. "The power of excommunication." I would adde, in that place meant.

P. 61. "Persons not ecclesiasticall." I had rather say, lay persons, as in the former parte of the sentence you have done; and so beate upon the word, *lay*.

"*Quam per alium*." Translate it; and quote it. +  
P. 62. "Shewe it hath of probability." It is more than a shewe of probability, as I conceive, and therefore I would give it some wordes of greater authority; as, force of reason.

P. 63. "Of our faith." I knowe not what translation you followe, but the Greeke hath not the word, *our*. +

P. 65. "Wholesome exhortation." This word may seeme to savour of a scoffe, and therefore I would leave it out.

"Unto it alone." For more manifestation of their weakenes in this place I would adde, As though he which prayeth might not fast, nor he which fasteth bestow almes, nor he which bestoweth almes either fast or pray. And here because Mr. Chatterton in the fruitfull sermon<sup>1</sup> so highly magnified by them doth labour to

<sup>1</sup> [This seems to be a reference to Heb. xii. 2.]

A. Fruitfull Sermon upon Rom. xii. 3-8. Lond. Waldegrave, 1584. Especially p. 34, 35. "If you ask me, how many members there be in the body, what they be, and how they be named and called, and what be their duties and callings: the Apostle himself will answer plainly in the next verses, and perfectly and fully determine all these quotations, saying, "These members are either doctors  
"to teach, pastors to exhort, elders to rule, deacons to distribute, attenders upon the poor strangers and the sick; or else the people and saints, which are taught, exhorted, ruled, and receive alms and relief. These are all, no more, no fewer. So the necessity of relation plainly proveth; and these are such as are able to execute and perform any duty belonging to the perfect building of and adorning of the mystical body of Christ, as shall hereafter appear

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- prove out of this one place all partes of their discipline, and therefore interpreteth him that teacheth to be a doctor, him that exhorteth to be pastor, him that distributeth to be a deacon, him that ruleth a lay elder, him that sheweth mercy a widow, (for thus as farre as I remember he maketh St. Paul speake after his language.)
- + I could wishe you would reade over that fruitfull Sermon and lett it not pass without some remembrance by the way. Lett them knowe it is somewhat harder to prove all their discipline out of this text, then they tooke it to be. But I would wishe you rather to lessen the authority of [it?] then by direct opposition to refute so poor a conjecture. Your similitude of the Alchymist p. 71, would serve in this place very fitly.
- + P. 66. "Ech particular." It should be either, ech mans, or each particulars possession.
- "Ancientes." I thinke it were alwayes good to use the word elders or presbyters.
- "Regiments." I thinke the word governments is better, both because it is that which the Apostle useth<sup>1</sup>, and because the using of another word breedeth some obscurity. And I could wishe that for the better clearing and manifesting of their folly in this argument, it were shewed how the Church hath heretofore understood that place which may be done by alleaging one or two testimonyes
- + out of the fathers upon the same, if you find any meete for the purpose; for therein I thinke it were not amisse to yeeld now and then to the streame of the world. Afterwardes *de responsis* your answer will come in. But in some places, especially where their arguments are weakest, I thinke if you did at the last draw them into a short enthymeme, it would breed some shame in them and in
- o others a contempt of their kynd of reasoning. As, God hath left in his Church Apostles, teachers, aydes, gouvernements, ergo there must be in every congregation lay elders.
- "And have the matter." I would say, and hold the matter.
- P. 67. "For to the end." Because this place<sup>2</sup> only seemeth to favour their conceit, I am desirous it should be most fully answered. The common answer you knowe is, to distinguish betweene those
- When I  
speake with  
you, pray  
remember  
me to tell
- <sup>1</sup> more at large in the particular "heads, that is to say, unto prophets  
"handling of every severall office." "and officers, dividing either of them  
And p. 34. "He reduceth all the "into their severall branches."  
"ordinary functions which were or- [In 1 Cor. xii. 28; to which this  
"dained in the Church, and which note clearly refers. See b. v. c. 78.  
"are perpetually to be retained for § 8.]  
"the happy success and preserva- [Viz. 1 Tim. v. 17, comp. T. C.  
"tion thereof, unto two general i. 173; Def. 626; T. C. iii. 32.]

presbyters which teach, and those which teach with great labour and weariness. Which interpretation is taken from the force of that word, *seniores*, toying. And because this awnswere is not improbable, I could wish you did mention it. As for that which yourself alleage, I observe therein these things, which in their severall places you shall find prickt, but I have thought it better to sett them downe all together, first your distinction of presbyters, because it seemeth to favour an unlearned ministry, must be very sufficiently proved. For I somewhat doubt thereof, partly because it is not likely the Apostles having sett downe that rule that a 'presbyter should be able to teach would themselves transgresse it, partly because it seemeth that in the prime of the Church by the imposition of the Apostles handes the spirite of God was conferred, so as none by them ordayned could want those gifts which to a minister are requisite. Secondly, Mr. Cartwright's assertion is to be sifted more narrowly, and, in my opinion, more plainly to be sett downe, unlesse perhaps you meane to cite their very wordes in the margine; for as they are now delivered, the purpose, for which by them they are alleaged, doth not appeare, namely, to prove their lay elders\* to have been established in every Church, because these presbyters appointed by Paul and Barnabas could not all be preachers, as they presume<sup>1</sup>: out of which position of theirs it will follow that either St. Paul established a lay presbytery without a pastor, or if there were a pastor wheresoever there was a presbyter, then must they needes presume him a preacher, or no preacher. And which of two they list they may choose: for in both they contradict themselves. Their absurdities I could wish to be plainly sett downe. Thirdly, It shall not be amisse to shewe how the fathers heretofore have understood this text, and that none of them have ever so expounded it, excepting their Ambrose<sup>2</sup>, to whom afterwarde you make awnswere. Fourthly because this question of lay elders and the next of bishops are the most essentiall points of all this controversy, I could wish that although in the other bookes you have

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Vide D.  
Coeslines  
sermonem  
in this  
place, as I  
have heard  
from M.  
Sharpe.

<sup>1</sup> 1 Tim. iii. 2. " For at that tyme  
" I thinke the word presbyter and  
" episcopus were used promiscuous-  
" ly. And in episcopo it was re-  
" quired to be able to teach."  
<sup>2</sup> " In this point I perceive that  
" I have mistaken Mr. Car. mean-  
" ing. See what I have written in  
" the end of all."  
<sup>3</sup> [T. C. iii. 35; comp. Def. 628.]  
<sup>4</sup> [Pseud. Ambros. in 1 Tim. v. 1.

" Apud omnes utique gentes hono-  
" rabilis est senectus: unde et syna-  
" goga, et postea Ecclesia seniores  
" habuit, quorum sine consilio nihil  
" agebatur in Ecclesia. Quod quia  
" negligentia obsolescent, necio;  
" nisi forte doctorum desidia, aut  
" magis superbia dum soli volunt  
" aliquid videri." ed. Bossed. t. ii.  
App. 298. vid. Whiggitt's Answ. 132;  
T. C. l. 182; Def. 631; T. C. iii. 44.]

BOOK VI  
 Agoniz.

rather beaten backe their arguments then brought any proof for our assertions, yet in these two questions if you did deale with them  
 I thinke it were not amisse. And in the booke of B. I thinke you have done so. [Margin] In this point I have since considered, that the questions of B. being handled doth by way of consequence overthrowe their elders, and therefore the lesse shall neede to be sayd in this point. [Text] What proofes therefore you can alleage out of Scripture, or antiquity, or reason, to breake the neck of their presbytery, I thinke it were not labour lost to alleage them. This one thing I observe that whereas the thing is urged as most necessary, and as the absolute ordinance of God, yet no direct place can be brought, where any such authority is given to lay elders, but here and there a text is snatcht up by the way, and construed according to their purpose.

+ Bishops and deacons are described, of their elders there is no description, only out of a clause concerning their maintenance, a formall distinction is coyned, and an ecclesiastical court on the suddayne erected.

P. 68. "Whence," should be, Whome, as I take it.

"Touching propriety." I could wishe this sentence were somewhat altered. Touching propriety of speach they will not have it thought absurde in them selves when they divide, &c. nor when they affirme, &c. nor when they comprehend, &c., for this way in my opinion it is somewhat plainer.

"Labourd in." A proper division; as if there were in the Church a certayne kynd of men who might sitt still and have their salvation wrought out by other men to their hands; and another kynd who neede not looke to their owne salvation but only care for other men. And if some such clause were putt in by the way (for old acquaintance) I could like it very well.

"Leaders or presidents." I could wishe this point to be somewhat more stood upon. As, may a deacon be termed in their language a leader of the rest, beeing a meere layman and employed in nothing els but in the bestowing of Church almes, and is it an unproper speach in us to terme a presbiter though unable to preach, yet autorized to administer the holy Sacramentes, and present the prayers of the people unto God, a president in the Church? Polish it as you shall thinke meete, but some such thing I could wish were sayd. Then it may followe, if therefore in respect of prayers and Sacramentes onely we should call them leaders, &c.

P. 69. "Our meaning." The force of this whole sentence I do not perceave. Neither do I see what is sayd in it more than in the

former hath been said sufficiently. For where you say afterwarde, was nothing else, &c.; I do not perceave what other function they could have then to minister the Sacramentes and reade publique prayers.

BOOK VI.  
Appendix.

P. 72. "One chief bishop." I could wishe that in this place something were added, as, Thus much therefore we have learned of Ignatius, that bishops do, as it were, sustayne the person of God himself, that presbyters do resemble the blessed Apostles of God, that all reverence and submission is due to BB. But doth Ignatius any where teach, &c.

"President probati quique seniores!" Sett downe the place at large and in English.

"For of whom?" It doth not appeare by that which you have alleaged but that the names of seniores and presidentes were given to divers persons, nor that there were not two kyndes of presidents, which they urge. And therefore I thinke this point is to be cleared more sufficiently.

[Marg.] "This exception." Is the word exception well used in this place?

"Honor fratrum sportulantium." Lett it appeare by some evident proof out of Cyprian's<sup>1</sup> owne wordes that this is the meaning of these wordes, because you pinch Mr. Cartwright for it. Otherwise it may be said that Fratres sportulantes were not those which received allowance, but those which distributed the allowance to the presbyters.

"By which decree." To this clause, which is the most materiall, I do not perceave what you have answered. Pray consider of it.<sup>2</sup> [Marg.] I tooke these wordes to have bene the very wordes of Socrates, but I thinke they are T. C. and then they are sufficiently answered.

P. 86. "St. Jerome drawing." I could wish that the disputation betwene St. Jerome<sup>3</sup> and the Luciferians thus farre should stand, because it toucheth them very neare, but that which followeth, because it is one of the most absurd disputes that ever I read, and because it favoureth the papistes in some points, if it were cleane left out I should never misse it.

<sup>1</sup> [Tert. Ap. 39; T. C. iii. 41.] "no more teach: by which decree  
<sup>2</sup> [S. Cyp. Ep. 1. p. 2; T. C. iii. 42.] "they did as it were covertly confess  
42. Cf. V. lxxx. 11. note 1; VII. "that they had received the reward  
xxiii. 5) "of breaking the order of God, in  
<sup>3</sup> [T. C. iii. 43. quoting Socr. H. "permitting that the elder should  
E. v. 22. "At Alexandria, after "teach in the Church."  
"Arius was convicted of heresy, it " [Hier. adv. Lucif. 9; T. C. iii.  
"was decreed that the elders should 43]



BOOK VI. P. 83. "Are these the witnesses." Pray sift this place of Jerome a little more fully, for it maketh against them exceedingly in the point of episcopall authority, which I could wishe were noted. And in generall for ought I can see all the places by them alleaged do make against them, as that of Ignatius<sup>1</sup>, of Cyprian, of Posidonius<sup>1</sup>, Socrates, and this of Hierome.

"Elderly men." This in Latine is seniores I thinke, which they will say is translated amisse because you call them, elderly men, whereas it should be elders. And yet in regard of that exposition which afterwards you give it must be so. I could wishe that the distinction of this word seniores for elders and elderly men were expressly sett downe; and your awnswere somewhat enlarged.

P. 83. "Pamelius." Say, "A papiste, and therefore not likely to impeach the credit of any thing supposed to be written by the "ancient fathers."

O P. 85. "In withstanding them." I could wishe that something were said to this effect concerning their lay elders. That if they would plainly confesse that the first founder of this platforme was Mr. Calvin, that the B. of Geneva being banished he could not establish an episcopall regiment, that without some discipline the people could not be rayned, that unless they had bene persuaded + it had come from God they would not so willingly have obeyed it, that therefore in a religious kynd of polity he maintayned it to be commaunded of God; if they would confesse thus much, and yet argue for the conveniency thereof and shewe the great commodiyes therout arising, we would then enter into a politique conference with them, and on the other side declare unto them that if their lay elders should take place we are persuaded that divers inconveniencies would followe; contempt of the prince and nobility, insolency of the base people, &c. and such other as at your leisure you may conceive.

[Marg. just after the beginning of the last note.] "His councill "not to accept." I would say, not to accept his counsaile.

"Whether we thinke it so, yea or no." This clause will not be

<sup>1</sup>[T. C. iii. 45, quoting S. Ign. ad Trull. Ep. interp. c. 3. & tri-  
sonus, vel Hieron. via illas vires  
tegypte ad h. p. 200. 210. 220. 230.  
240. 250. 260. 270. 280. 290. 300.  
310. 320. 330. 340. 350. 360. 370.  
380. 390. 400. 410. 420. 430. 440.  
450. 460. 470. 480. 490. 500.]

"African church, in that he com-  
mited the office of teaching unto  
Augustin which was an elder."  
He refers to Posidonius, or Possi-  
dian, VII. Aug. c. 5. "Valerius  
Augustinus presbytero potestatem  
dedit curam se in ecclesia evange-  
lium predicandi contra usum...  
Africanarum ecclesiarum."

[T. C. iii. 43. "Valerius... did  
contrary to the custom of the



well understood. What if you sayd, As long as they perswade us by way of advise to that which they, &c.

[Text.] To conclude. I could wishe that through all the bookes you should be carefull of the quotations both of their sentences and of other auctorities alleaged (for in the former bookes you knowe there is a defect that way); 1. that in the margine you sett as little as may be; 2. that things onely probable be indefinitely affirmed; 3. that in answering their arguments you do not only satisfy yourself and those which are learned, but as farre as may be, even the simplest, which must be done by persecuting them when you have them at a lift, not by hard wordes but by laying open the inconsequence of their argumentes as plainly as may be.

Omitted, p. 67. Mr. Carthwright's argument is this. Paul and Barnabas appointed presbyters in every city, therefore more then one. But it is not likely they could appoint more then one preaching presbyter, therefore they appointed some unpreaching presbyters; ergo laymen. Out of this reason I do not see how you can take that advantage which you do, as if an unpreaching ministry could be concluded thereby. But to the reason itself it is no hard matter to answer, both because it might be truly sayd that Paul appointed presbyters in every city, though in every particular city he appointed but one, and also because it may be that the churches beeing at that tyme beeing [sic] great in cities needed more than one presbyter or pastor, and therefore it is not unlikely that more then one preaching presbyter was appointed.

P. 68. "With repugnancy unto their owne." This repugnancy I do not perceive.

P. 74. "After having mentioned." I thinke the place of Cyprian before alleaged were sufficient. This later sentence they may take some advantage at, because it seemeth to barre spirituall persons from secular affaires, which in BB. you knowe are ioyned together.

"Into the clergie." Yet by Cyprian's wordes it seemeth they were as yet no pastors. How that will agree together, I do not conceive. And that clause, for that they had bene most worthy, &c. I thinke might be omitted, both to make the sentence shorter, and because in my opinion it is not greatly materiall.

P. 78. "Arius troubled the Church." Some such thing may be added. So as that which by our opposites is urged as the universal practise of the primitive Church is by Socrates<sup>1</sup> alleaged as a strange custome observed in one Church onely for a tyme.

<sup>1</sup>[E. H. V. 12.]

BOOK, VI. P. 79. "Exhorted Nepotian." How this doth prove that for  
Appendix. which it is alleged I do not perceive; for it may be granted  
----- that Nepotian was a preaching presbyter, and yet their distinction  
of presbyters not contradicted.  
"Priests and BB." Did Arius make BB? being him self but a  
B. [P. ?] for so I conceive he was no more.  
P. 82. "A layman may baptize." It were not amisse to say,  
Wherein as they thought a layman might baptize.

## THE SIXT BOOKE.

*Edwin Sandy's.*

In Mr. Cramer's notes, those wherein I thoroughly agree with him, I will note with this mark \*. If I happen closely to dissent, I will note them with this mark o. The rest I will leave unmarked.

P. 1. This booke being generally intended against their whole plat for ecclesiastical jurisdiction wherein it is false; yet dealeth with no other part then only lay presbiters. If no other part be false; then well enough. If otherwise, then is it necessarie both that in the end of this booke other [tracts?] be added, and that this title be enlarged. What think you of deviding the pastor and doctour? Or where handle you that point? what of their consistorie? what of their Synodes?

A morall exordium and conclusion I should greatly commend in all your bookes.

P. 3. "Yea or no." The affirmative is included in the former words. And although I disallow not this form of speach; yet perhaps you use it verie often, as in your printed bookes.

"Why causes matrimoniall—is not obscure." Nor verie plaine. And therefore I pray you set it down. And add with all the reason why causes of legitimation and bastardie are spirituall. Moreover if you can, why matters testamentarie, which is the greatest point of all other. Wherein the nature and difference of causes *merely* ecclesiastical and *mixt* is to be opened<sup>1</sup>. These points are at this day verie strongly impugned; and therefore the truth in them most necessarie to be thoroughly unfolded.

<sup>1</sup> [*Edwin Sandy* in Fulman's <sup>2</sup> Vid. in p. 16. [referring to hand; the rest in Sandy's own hand.] Hooker's MS.]

"Non intendimus<sup>1</sup>." Translate this and the rest.

P. 4. "When they can take." When they can *securely* take.

"Unto the form." Here may fitly be handled the way of proceeding to these tryalls by oath: which the Precisians so much impugne. Some where it must needs be handled. But if the controversie of this and those other points you handle somewhere els: then needs they to be here only briefly touched, as conclusions of truth.

In marg. "The courtes, which in former tymes." For ought that I know they were the same courts then. And the spirituall courts were called Curie Christianitatis by the civill courts. And so it is often in our temporall law-bookes.

P. 5. "To this purpose." These words either are needeles, or their use is obscure.

"Our Saviour's speech in the Gospell." Add *Till the Church* or of complaying to the Church.

P. 7. "Of good men." Put out of.

P. 8. "Last of all it worketh." Put out *it worketh*.

P. 10. "Yet swearing apart." Quote the psalme "All that swear by him shall be commended."

"Preludize of *acceptation*." This should be some other word: *excommunication* I think.

P. 12. "Same kynd of anathema." It seemes by that which goeth before and cometh after that you make Anathema the genus of the three degrees: although most properly used for the second degree. And so may this shew of repugnance be reconciled, which would be specified immediately after the proposing of the three kynds.

P. 13. "Paul may probably." I like your opinion marvailously well: on condition that you can interpret Moses' speech to the same effect. Which it is fit you either doe: or shew reason of the diversitie. For my own part I must confesse it could never sink into my beleefe, that anie man would redeem the happiness of other men with his own spirituall. And therefore I conceived of those [The last line of the page is worn out.]

P. 14. "in the 18th." No quotations of chapters in the text. "Towards thy self." And offend thee.

"Of private admonition." Here you must needs insert the second degree which seemes omitted by the writers fault.

<sup>1</sup> [*Non intendimus judicare de* and Philip Augustus, A.D. 1204. "*Arduo*" is Innocent the Third's See Decretal. ix. l. 13. col. 489. ed. disavowal of temporal jurisdiction Lugd. 1577.]

BOOK VI.  
Appendix.

P. 16. "Is everie open." Add *and grievous*; for so you seeme to say and verie truly, page 3. And on that word you may ground an answer to the returning of your obiection against the precisians in your peface upon yourself: where you say that seeing in most civill controversies and suites in law, the law of charitie is broken on the one part or the other, they were likelie to draw all these causes to their consistories. Indeece as all things of this lyfe have their reference to the life to come; so all civill causes have something in them spirituall: whereupon riseth the difficultie of distinguishing the one kynd from the other. But I take first these two rules necessarie to be observed: one that in criminall causes where the temporall coort doeth proceede to the punishing of anie man, there the ecclesiasticall forbear, least one fault be twice punished: an other, that in causes litigious and not criminall, where the parties proceede by course of civill law, their doings be not censured by the ecclesiasticall coort, to avoid oppositions of the one court to the other. This ground being layd, and these rules set down; the distinguishing of causes doth ensue of his own accord. Some are merely civill, as the tryall of title of land: some merely ecclesiasticall, as crimes of heresie and schisme: other mixt, as matter of slander, incontinencie, testaments; wherein perhaps nature directing that the part predominant in the mixture doe carrie the cause with it to that court which this part predominant belongs to, yet the declaration hereof is to be made by positive lawe of the whole state: which positive lawe itself is neither ecclesiasticall nor civill, but mixt of both, even as the prince is a mixt person: which was verie well proved by Mr. Speaker<sup>1</sup> in the Parliament.

The canon law I know greatly urgeth that all mixt causes be ecclesiasticall, for honour of that part: which seemes hard to yeald to, at least wise it would be now hardly taken to require it. These things you must needs handle somewhere or other.

P. 17. "Both separation and excommunication." You make these two the divers kynds of excommunication, and seeme so to distinguish them, as that *excommunication a judice* is separation, and *excommunication a casone*, excommunication. If this be a true and an only distinction in the use of excommunication I would wishe it to be so playnly recollecte in the end of this passage. But if there be any other use of the difference of these kynds, it is verie necessarie that it be set

<sup>1</sup> [Probably Mr. Serjeant Yelverton, who was chosen Oct. 27, 1507, and continued in office till the 9th Feb. following, when the parliament was dissolved. Cobbett's Parliamentary Hist. i. 895.]

down here. And perhaps there is some more, as you seeme to insinuatē pag. 19, l. 9. BOOK VI.  
Appendix.

P. 19. "Being the subject of holy things." Interdiction seemes to be only separation, and so you seeme to make it here. Yet doe it somewhat more playnly.

P. 23. "Chiefly of dominion." Chiefly of dominion. In this discourse of Beza one may smell that which hath bene allwaie suspected of the Precisians that they confound their ecclesiasticall jurisdiction and dominion: and so exclude the soveraine of the estate from bearing anie soveraigntie in the Church. Which in England is to denie the princes supremacie in causes ecclesiasticall. And you know they hold the authoritie of their presbyterie immediately from God: and make the prince (even as the papists doe) a meere lay person. It seemeth verie necessarie that this be touched in this place, for els when you answer them by this distinction, they will say that you doe *petere principium*.

P. 24. "Are weaker." *Are for the most part weaker.* It cannot be simply held for trueth that the mixt regiment is of his own nature best: but by reason of the wickednes of men, and *de dei vā mōdi*. And therefore this must be qualified.

"Which are." Which *for the most part* are.

"Is either so good or so durable." *Is lightly both* so good and so durable.

P. 26. "A great deale better." A great deale *fitler* because of the repeating of the word better afterward.

P. 27. "By ministeriall power." *By the bare ministeriall power.*

P. 28. "His nephewes." Set this note in the margent [*that is dicitur sonnes sonnes*] because in English we abuse the word for brother sonnes.

"And here the Jewish nobilitie." What meane you by here? If you meane these first persons, then after the death of these they had no nobilitie. If all descended from these, then had they no communitie. If the first-born descended from these, then must you expresse it so.

P. 31. "Out of this number." You make here an exceeding greate number of the gentrie: which could afford *Discarions* [?] to the whole armie. You must therefore make prooffe of these things by the quotations in the margent.

"Were the chief Chiliarchs." Wherein was their chiefly, unlesse they were over the Chiliarchs, which should be likely? Els their chiefly was but *ordinis*. Expresse it in particular if you can, and quote it.

BOOK VI.  
Appendix.

P. 33. "Seeing Moses and Aaron." Add *and the successors of Aaron* (as you say afterward that the high priest was always of this senate): This, if you continue of the opinion that Levi was excluded. But this seemeth verie hard, that in the soveraigntie of the estate consisting of so manie persons, all the priests should be excluded but only the high priest. For Moses successour was not necessarily of that tribe, or of anie one other. Are not the priests often mentioned as judges in the highest causes? [marg.] This is holpen after p. 37 and 38, for deciding of causes of greatest doubt. But that point is the least part of soveraigntie. [Text.] As for the choosing of 6 out of each tribe, seeing it is but coniecturall; consider whether of the two is more waightie: especially seeing that number doeth not precisely meeke, and that of Eldad and Medad is but likewise coniecturall. Lastly may not both stand, by uniting the tribe of Joseph? for perhaps the dividing of it tooke no effect in the wilderness, but then when they came to division of the land: where Levi was then otherwise provided for then like the rest. But two things here are to be farther considered if it may be declared. One whether the high judge and the high priest were always of the 70, or besides that number, as you seeme afterwards to say, so that the whole were 72. And then what needes there anie excluding by lott? for they may be reckoned with the rest of their tribes. An other by whom these 70 were chosen and by what meanes. If it fall out that Levi was excluded, then have the Precisians an argument that ministers may not deale in civill causes. But truth must be [only?] aymed at.

P. 34. "Was the high priest." Was *always* the high priest.

P. 35. "In which law." *Concerning* which law.

P. 36. "Hurt and hurt." Before it is translated *plauge and plauge*; afterwards you interpret it damage. Looke that all these agree; which must be set down in some marginnall note. Remember your adversaries.

P. 37. "If it should not." *If in other citties and inferiour courts* it should not.

P. 38. "Of this sort." *Of these sorts*.

"Of priests only and of an high priest *and* the chief judge." It should be I think of priests only and of an high priest *and* the chief judge, for so it is in the law. But in all this law here being no mention of the 70 auncients, how prove you that the priests were annexed to those 70, and that they were not a coort by themselves. Do not some devines interpret the lawe to be of causes ecclesiasticall only and mixt? I would wish this point somewhat strengthened if it may be.

"That the high priest in such cases was to assemble." This is proved only for that the high priest is named before the judge and so would be specified. BOOK VI.  
Appendix.

"The ancients of Israel." Whom meane you here, the ancients personally or representatively, namely the 70 ancients?

"In marg. *permissum erat jura condere.*" Search the place. I think you have miscited it, [Marg.] It shold be *de iure respondere.*

P. 39. "Of the high priest." Or judge saith the text: which you must well consider.

P. 42. "The 12 princes." Where have you proove of these 12 princes now? If you have any, quote it.

P. 46. "Contempait." I would never have Greeke authos cited in Latin.

P. 47. "First of twelve." You say this may playnly be gathered. Not playnly the number of 12 out of that place.

"Alludeth." *Sermet* to allude. And perhaps best so to qualife your assertions of like nature immediately ensuing.

P. 48. "Were the heads." What authority for that? quote it.

"First named prophets, and afterwards scribes." I think there is an other and a greater difference of these names; for prophets were men extraordinarily inspired.

P. 49. "Lacarnim." Cite your authorities, both for this and other like antiquities. A bare narration, unquoted, uncredited.

"These seeme." These seeme to be.

P. 50. "Sagen." Quote it.

P. 51. "Power of life and death they had not." You may note here in the margent, that for this cause they were faine to have Pilate's consent for the crucifying of Christ.

P. 52. "Such ecclesiasticall ancients." Such *peculiar* ecclesiasticall ancients. Mr. Crammers conclusion upon this narration I cannot here but very especially commend unto you.

"Arch priests." In your note in the margent you say *priests* simply. Take heede you miscite not their opinion: but rather set it down more playnly and fully.

"Ancients of Jerusalem which are the same with ancients of the people." But not simply as ancients of the people are opposite to ancients of the priests as you say in the line before: for these ancients of Jerusalem comprehend also the ancients of the priests. It must therefore be qualified.

P. 53. "That famous councill." Specific of 70, and quote the words of Christ.

"At the south part." This discourse of the place of the greates



BOOK VI. senate seemes to me either unperfect or obscure. You seeme first  
Appendix. to make 2 places, one generall in the sanctuarie, an other particular  
for causes of life and death adjoining to the south part. After-  
wards having no use of this they choose out a third place *Hamiſh*,  
which hath the same use with the first. I pray you cleare these  
matters and quote your authorities.

P. 54. "11 of Numbers—10 of Levit." Set the chapters in the  
margin.

P. 56. "Ut probabile est." Quote him upon the margin.

P. 58. "200 synagogues." Quote your author.

"Hadlalaham." Quote this and the rest.

P. 59. "As these men doe imagine." As these men *upon so slender similitude so untruly imagine*. If so then in the next line, for  
*have they had they*.

P. 61. "Recte omnia nostra facimus." Doe there not want some  
words after these, namely, *per eos, or per ab eis facti*!

P. 62. "T. C." I will here put you in mynd once for all, that  
you must needes set down Mr. Cartwrights and W. T.'s words at  
large in the margin of this booke wheresoever they are impugned.  
Els will your discourse want much credit of sinceritie: which in your  
former it hath especially by that meanes.

P. 65. "Let him that fasteth." They will replie that there is a  
difference in these speeches: for that St. Paule's words are in  
publick functions and services of the Church wherein *to vphold* to be  
observed: yours in private duties of all Christians, whose duties  
towards God and men are manifold. You must therefore either  
anticipate this objection, or rather if you can frame a meetter  
similitude.

P. 66. "Those verie ancients." Those verie *lay* ancients.

P. 67. "Two divers kynds." This answer of yours I think the  
only true answer, although not so plausible as some other: because  
it seems to encline to the tolerating of an unlearned ministrie: but  
it is only to a *toleration* thereof and that in case of necessitie, which  
is as farre from absurditie as this world and the church in this world  
are from perfection. Only I could wish you did somewhat more  
strengthen your interpretation. Two points for which purpose I  
will offer to your remembrance. One that St. Paule denieth that he  
used to baptise: and saith that he came not to baptise but to preach.  
And although he add, Least any man should think I baptized in my

<sup>1</sup> [Qu. Hamoth? vid. Lightf. t. i. p. 1062, and Buxtorf. voc. 212.]

<sup>2</sup> [i.e. Walter Travers.]

own name: yet I take not this to be the cause, but an effect of his so doing. Now whereas Christ gave loynt commission of preach- ing and baptizing: it is probable out of this place, that the<sup>1</sup> paucitie of men able to preach, was the cause that they which were able, did wholly attend to that, being the more principall part, and ordeined other grave men unable to preach, to supply those other religious duties which you mention. If some did only preach; why not other some only baptize, &c.? For that the Apostles by laying on their hands enabled men forthwith with sufficiency to preach, I neither reade nor believe.

An other point that by the name elder and other circumstances in the Actes and Epistles it is apparent that the Apostles in what cities they converted anie number to the faith, there appointed of the discreetest gravest and auncientest persons, to receive from them the care pastorall of guiding and feeding the Church (for so was it necessarie in those tymes of hethenisme and persecution, that the Church should have an inward government in it self). Now how likely is it that of those auncient pastors there might be manie, which though unable to use any greate continuant speech or discourse to deserve the name of preachers: yett were able to do especiall good service to the Church, what in devoutnes and praying and reverend administration of the sacraments, what in countenancing and assisting and upholding that inward government: and so which deserve double honour without preaching. How manie bishops have there bene excellent wise governors of the Church; having small gift in preaching. Neither hath it any manner of show of probabilitie, that this kynd of elders should be excluded from preaching for anie other want, save only of habilitie.

P. 68. "We collect." *We may with much more probabilitie and reason collect.*

"Double honor." Here perhaps you may fity draw in those other two points: and you must have care to answer their objection verie fully, that this upholds an ignorant ministerie. The answer is plaine: and riseth out of those two points.

"Whose salvation is laboured in." Rather *about whose salvation they labour.*

"Deacons under the name of Leaders." You must needs cite their wordes in the margent as generally for all other points, so in particular, and that very necessarily for this.

P. 69. "Not to signify that their function was nothing else,

<sup>1</sup> *The harvest greate, the labourers few: i. e. Preachers.*

BOOK VI.  
Appendix.

"saving to minister the sacraments only." Their function was also to govern. And here it is fit that somewhat be added, both generally to shew how farr fourth everie pastor is to govern his flock (in which respect our law doeth term persons of parishes *rectores*: which was objected in the Parliament house to shew that our persons not being governors were declined from their auncient degree in the church, having suffered bishops to usurp upon their office) and also in particular to show how in the first Church their government was a point of græte weight and necessitie; by reason of the estate of persecution.

These points being added, I shall think your answer to this objection verie perfit: which I greatly wish, by reason that this is their only argument of anie show.

P. 73. "Tertullian's words." It seemeth necessarie that you ad some briefe answer here likewise to their exception. But especially have care of well knitting together *seniores* and *presidentes*.

P. 76. "Honor fratrum sportulantium." It doeth not appeare to me in which of the texts before alleaged these words are found. Neither know I which is that other plan of more plainnes, whereof you speake page 73. This must be holpen by exact quotations, and setting text down at full in the margent. Without which the whole booke will greatly want perspicuitie. I have noted for the most part such places with my mark.

P. 79. "The selfsame heresie." This I take it is a rule in the canon law: that *ordinatus ab hæreticis* being reconciled to the catholick church, shall notwithstanding never teach or administer. Consider well hereof. Indeede the pope may dispense; and so I take it and no otherwise is their preaching.

P. 80. "This one is brought." Add for more perspicuitie [*on their side*].

P. 81. "Receiveth not the spirit." Are these St. Jeromes direct words? Is it possible he should with one breath speake so apparent contradictories; as to receive the spirit in baptisme, and not to receive it but by confirmation?

P. 82. "A lay man may baptise." A layman (*so they thought*) may baptise.

"Should authorise." Add *and sicuræ*, for that is St. Jerome's word<sup>1</sup>, which by interpreting thus you answer.

<sup>1</sup> [P] Si quis queris quare in ecclesia baptizatus nisi per manus Episcoporum non accipiat Sp. Sanctum, &c. Ad. Lucif. § p. t. ii. 181. ed. Val. larsii.]

<sup>2</sup> [U]i supra; (speaking of baptism;) "Frequentier, (si tamen cessatis cogit,) scimus etiam hæreticis" t. ii. 139. ed. Frob. Basil.]

P. 83. "Ambrose Bishop." Ambrose *Archiebop.* BOOK VI.  
P. 84. "Which may be thought." Add *by men that way already* *Approved.*

*affected.*  
"Ambrose last mentioned!" Add *but more than they have any*  
*new piece of proof for.* For so I would wish you alwaies where  
you grant any thing to them *in answer,* verie playnly to signifie  
that you grant it not for truth's sake, but admit it by way of  
disputation to shew their utter weakenes.

P. 85. I like very well that you close up this tract as Mr. Cranmer  
adviseth. Provided that you leave not out such other points touching  
their new officers and consistorie as are yet unhandled.

<sup>1</sup> [Os 1 Tim. v. 1.]

BOOK VII.

THEIR SIXTH ASSERTION, THAT THERE OUGHT NOT TO BE IN THE CHURCH, BISHOPS ENDUED WITH SUCH AUTHORITY AND HONOUR AS OURS ARE.

THE MATTER CONTAINED IN THIS SEVENTH BOOK.

- I. The state of Bishops, although some time oppugned, and that by such as therein would most seem to please God, yet by his providence upheld hitherto, whose glory it is to maintain that whereof himself is the author.
- II. What a Bishop is, what his name doth import, and what doth belong unto his office as he is a Bishop.
- III. In Bishops two things traduced; of which two, the one their authority; and in it the first thing condemned, their superiority over other ministers; what kind of superiority in ministers it is which the one part holdeth, and the other denieth lawful.
- IV. From whence it hath grown that the Church is governed by Bishops.
- V. The time and cause of instituting every where Bishops with restraint.
- VI. What manner of power Bishops from the first beginning have had.
- VII. After what sort Bishops, together with presbyters, have used to govern the churches which were under them.
- VIII. How far the power of Bishops hath reached from the beginning in respect of territory, or local compass.
- IX. In what respects episcopal regiment hath been gainsaid of old by Arians.
- X. In what respect episcopal regiment is gainsaid by the authors of pretended reformation at this day.
- XI. Their arguments in disgrace of regiment by Bishops, as being a mere invention of man, and not found in Scripture, answered.
- XII. Their arguments to prove there was no necessity of instituting Bishops in the Church.
- XIII. The fore-alleged arguments answered.
- XIV. An answer unto those things which are objected concerning the difference between that power which Bishops now have, and that which ancient Bishops had more than other presbyters.
- XV. Concerning the civil power and authority which our Bishops have.
- XVI. The arguments answered, whereby they would prove that the law of God, and the judgment of the best in all ages condemneth the ruling superiority of one minister over another.

- XVII. The second malicious thing wherein the state of Bishops suffereth obloquy, is their honour.
- XVIII. What good doth publicly grow from the Prelacy.
- XIX. What kinds of honour be due unto Bishops.
- XX. Honour in Title, Place, Ornament, Attendance, and Privilege.
- XXI. Honour by Endowment with Lands and Livings.
- XXII. That of ecclesiastical Goods, and consequently of the Lands and Livings which Bishops enjoy, the propriety belongs unto God alone.
- XXIII. That ecclesiastical persons are receivers of God's rents, and that the honour of Prelates is to be thereof his chief receivers, not without liberty from him granted of converting the same unto their own use, even in large manner.
- XXIV. That for their unworthiness to deprive both them and their successors of such goods, and to convey the same unto men of secular callings, now [were?] extreme sacrilegious injustice.

I HAVE heard that a famous kingdom<sup>4</sup> in the world being solicited to reform such disorders as all men saw the Church exceedingly burdened with, when of each degree great multitudes thereunto inclined, and the number of them did every day so increase that this intended work was likely to take no other effect than all good men did wish and labour for; a principal actor herein (for zeal and boldness of spirit) thought it good to shew them betimes what it was which must be effected, or else that there could be no work of perfect reformation accomplished. To this purpose, in a solemn sermon, and in a great assembly, he described unto them the present quality of their public estate by the parable of a tree, huge and goodly to look upon, but without that fruit which it should and might bring forth; affirming that the only way of redress was a full and perfect establishment of Christ's discipline (for so their manner is to entitle a thing hammered out upon the forge of their own invention), and that to make way of entrance for it, there must be three great limbs cut off from the body of that stately tree of the kingdom: those three limbs were three sorts of men; nobles, whose high estate would make them otherwise disdain to put their necks under

<sup>4</sup>[This anecdote must relate either to France or Scotland; the editor has not succeeded in tracing it in either history. From the tone in which Hooker describes the state of the country, it would seem that

BOOK VII  
Ch. i. s.  
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The state  
of Bishops  
although  
sometimes  
opposed,  
and that  
by such as  
therein  
would most  
glorify  
to please  
God, yet  
by his  
providence  
upheld  
liberty,  
whose  
glory it is  
to maintain  
that where-  
of himself  
is the au-  
thor.

BOOK VII. that yoke; lawyers, whose courts being not pulled down, the  
 Ch. i. v. 3  
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 new church consistories were not like to flourish; finally, prelates, whose ancient dignity, and the simplicity of their intended church discipline, could not possibly stand together. The proposition of which device being plausible to active spirits, restless through desire of innovation, whom commonly nothing doth more offend than a change which goeth fearfully on by slow and suspicious paces; the heavier and more experienced sort began presently threat to pull back their feet again, and exceedingly to fear the stratagem of reformation for ever after. Whereupon ensued those extreme conflicts of the one part with the other, which continuing and increasing to this very day, have now made the state of that flourishing kingdom even such, as whereunto we may most fitly apply those words of the Prophet Jeremiah<sup>1</sup>, "Thy breach is great like the sea, who can heal thee?"

[2.] Whether this were done in truth, according to the constant affirmation of some avouching the same, I take not upon me to examine; that which I note therein is, how with us that policy hath been corrected. For to the authores of pretended reformation with us, it hath not seemed expedient to offer the edge of the axe to all three boughs at once, but rather to single them, and strike at the weakest first, making show that the lop of that one shall draw the more abundance of sap to the other two, that they may thereby the better prosper.

All prosperity, felicity and peace we wish multiplied on each estate, as far as their own hearts' desire is: but let men know that there is a God, whose eye beholdeth them in all their ways; a God, the usual and ordinary course of whose justice is to return upon the head of malice the same devices which it contriveth against others. The foul practices which have been used for the overthrow of bishops, may perhaps wax bold in process of time to give the like assault even there, from whence at this present they are most seconded.

[3.] Nor let it over dismay them who suffer such things at the hands of this most unkind world, to see that heavenly estate and dignity thus conculcated, in regard whereof so many their predecessors were no less esteemed than if they had not been men, but angels amongst men. With

<sup>1</sup> [Lam. ii. 13.]

former bishops it was as with Job in the days of that prosperity which at large he describeth, saying<sup>1</sup>, "Unto me men gave ear, they waited and held their tongue at my counsel; after my words they replied not; I appointed out their way and did sit as chief; I dwelt as it had been a king in an army." At this day the case is otherwise with them; and yet no otherwise than with the selfsame Job at what time the alteration of his estate wrested these contrary speeches from him<sup>2</sup>, "But now they that are younger than I mock at me, the children of fools, and offspring of slaves, creatures more base than the earth they tread on, such as if they did shew their heads, young and old would shout at them and chase them through the streets with a cry, their song I am, I am a theme for them to talk on." An injury less grievous if it were not offered by them whom Satan hath through his fraud and subtilty so far beguiled as to make them imagine herein they do unto God a part of most faithful service. Whereas the lord in truth, whom they serve herein, is as St. Cyprian telleth them<sup>3</sup>, like, not Christ, (for he it is that doth appoint and protect bishops,) but rather Christ's adversary and enemy of his Church.

[4.] A thousand five hundred years and upward the Church of Christ hath now continued under the sacred regiment of bishops. Neither for so long hath Christianity been ever planted in any kingdom throughout the world but with this kind of government alone; which to have been ordained of God, I am for mine own part even as resolutely persuaded, as that any other kind of government in the world whatsoever is of God. In this realm of England, before Normans, yea before Saxons, there being Christians, the chief pastors of their souls were bishops. This order from about the first establishment of Christian religion, which was publicly begun through the virtuous disposition of King Lucie not fully two hundred years after Christ<sup>4</sup>, continued till the coming in of the Saxons; by whom Paganism being every where else replanted, only one part of the island, wherinto the ancient

<sup>1</sup> [Job xxix. 21, 22, 25.]

<sup>2</sup> [Job xxx. 1-6.]

<sup>3</sup> Cyp. lib. i. Ep. 3. [al. Ep. 59.

c. 3. "Exaltatio, et infatio, et arrogans ac superba jactatio non de

<sup>4</sup> Christ[us] magister, qui humilitatem

docet, sed Antichristi spiritu nas-

citur." li. 127. ed. Fell.]

<sup>5</sup> [Bed. Hist. Eccl. l. 4.]



BOOK VII.  
Ch. I. +  
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natural inhabitants the Britons were driven, retained constantly the faith of Christ, together with the same form of spiritual regiment, which their fathers had before received. Wherefore in the histories of the Church we find very ancient mention made of our own bishops. At the council of Ariminum<sup>1</sup>, about the year three hundred and fifty-nine, Britain had three of her bishops present. At the arrival of Augustine the monk<sup>2</sup>, whom Gregory sent hither to reclaim the Saxons from Gentility about six hundred years after Christ, the Britons he found observers still of the selfsame government by bishops over the rest of the clergy; under this form Christianity took root again, where it had been exiled. Under the selfsame form it remained till<sup>3</sup> the days of the Norman conqueror. By him and his successors thereunto<sup>4</sup> sworn, it hath from that time till now by the space of five hundred years more been upheld.

O nation utterly without knowledge, without sense! We are not through error of mind deceived, but some wicked thing hath undoubtedly bewitched us, if we forsake that government, the use whereof universal experience hath for so many years approved, and betake ourselves unto a regiment neither appointed of God himself, as they who favour it pretend, nor till yesterday ever heard of among men. By the Jews Festus<sup>5</sup> was much complained of, as being a governor

<sup>1</sup> Sulpit. Sever. lib. ii. [c. 55.  
<sup>2</sup> Missis per Ilyricum, Italian,  
<sup>3</sup> African, Hispaniam, Galliasque  
<sup>4</sup> magistris officialibus, acciti ac in  
<sup>5</sup> unum coacti quadringenti et ali-  
<sup>6</sup> quanto amplius Occidentales Epi-  
<sup>7</sup> scopi, Ariminum convenere; qui  
<sup>8</sup> bus omnibus annonas et cellaria  
<sup>9</sup> dare Imperator preceperunt; sed  
<sup>10</sup> id nonnulli, i. e. Aquitanis, Gallis ac  
<sup>11</sup> Britannis indecens visum, repu-  
<sup>12</sup> diatis fiscalibus, propriis sumpti-  
<sup>13</sup> bus vivere mabant. Tres tan-  
<sup>14</sup> tum ex Britannia, inopia proprii,  
<sup>15</sup> publico usi sunt. More than  
<sup>16</sup> three it seems were present from  
<sup>17</sup> Britain, but three only received the  
<sup>18</sup> public allowance.]  
<sup>19</sup> Beda Eccl. Hist. lib. ii. c. 2.  
<sup>20</sup> [Augustinus . . . convocavit ad  
<sup>21</sup> suum colloquium episcopos sive  
<sup>22</sup> doctores provincie Britonum pro-  
<sup>23</sup> vincie . . . Convenere, ut per-  
<sup>24</sup> tinerent septem Britonum episcopi  
<sup>25</sup> et plures viri doctissimi.]  
<sup>26</sup> An. 1066.  
<sup>27</sup> Alfredus Eboracensis Archi-  
<sup>28</sup> episcopus Guilelmum cognomento  
<sup>29</sup> Normannum spirantem ad huc minis-  
<sup>30</sup> rum et caedis in populum miserum  
<sup>31</sup> redditi: et religionis pro conse-  
<sup>32</sup> rvanda reipub. tuendaque ecclesias-  
<sup>33</sup> tica disciplina sacramentis ad-  
<sup>34</sup> strinxit. Neubrig. l. i. c. 1. [Wil-  
<sup>35</sup> liam of Newbridge, 1135-1208.]  
<sup>36</sup> [ap. Rer. Britannic. Script. Heidel-  
<sup>37</sup> berg, 1587, p. 357.]  
<sup>38</sup> [Rather Abbotus the successor  
<sup>39</sup> of Festus; of whom Josephus writes,  
<sup>40</sup> B. J. li. 14. ed. Hurd. Oia fora in de  
<sup>41</sup> rora sanonipis illis epularetur . . .  
<sup>42</sup> rousere in terra riva Adonem dei-  
<sup>43</sup> dibus et parit rousere Adonem  
<sup>44</sup> thaque epularetur ante cyperum.]

*What a Bishop is, what his name doth import, &c.* 145

marvellous corrupt, and almost intolerable: such notwithstanding were they who came after him, that men which thought the public condition most afflicted under Festus, began to wish they had him again, and to esteem him a ruler commendable. Great things are hoped for at the hands of these new presidents, whom reformation would bring in: notwithstanding the time may come, when bishops whose regiment doth now seem a yoke so heavy to bear, will be longed for again even by them that are the readiest to have it taken off their necks.

But in the hands of Divine Providence we leave the ordering of all such events, and come now to the question itself which is raised concerning bishops. For the better understanding whereof we must beforehand set down what is meant, when in this question we name a bishop.

II. For whatsoever we bring from antiquity, by way of defence in this cause of bishops, it is cast off as impertinent matter, all is wiped away with an odd kind of shifting answer, "That the bishops which now are, be not like unto them which were." We therefore beseech all indifferent judges to weigh sincerely with themselves how the case doth stand. If it should be at this day a controversy whether kingly regiment were lawful or no, peradventure in defence thereof, the long continuance which it hath had sithence the first beginning might be alleged; mention perhaps might be made what kings there were of old even in Abraham's time, what sovereign princes both before and after. Suppose that herein some man purposely bending his wit against sovereignty, should think to elude all such allegations by making ample discovery through a number of particularities, wherein the kings that are do differ from those that have been, and should therefore in the end conclude, that such ancient examples are no convenient proofs of that royalty which is now in use. Surely for decision of truth in this case there were no remedy, but only to shew the nature of sovereignty, to sever it from accidental properties, make it clear that ancient and present regality are one and the same in substance, how great odds soever otherwise may seem to be between them. In like manner, whereas a question of late hath grown, whether ecclesiastical regiment by bishops be lawful in the Church of

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CH. II.

What a  
Bishop is,  
what his  
name doth  
import, and  
what doth  
belong to  
his office  
as he is a  
Bishop.

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CH. II. 6.  
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Christ or no: in which question, they that hold the negative, being pressed with that general received order, according whereunto the most renowned lights of the Christian world have governed the same in every age as bishops; seeing their manner is to reply, that such bishops as those ancient were, ours are not; there is no remedy but to shew, that to be a bishop is now the selfsame thing which it hath been; that one definition agreeth fully and truly as well to those elder, as to these latter bishops. Sundry dissimilitudes we grant there are, which notwithstanding are not such that they cause any equivocation in the name, whereby we should think a bishop in those times to have had a clean other definition than doth rightly agree unto bishops as they are now. Many things there are in the state of bishops, which the times have changed; many a parsonage at this day is larger than some ancient bishoprics were; many an ancient bishop poorer than at this day sundry under them in degree. The simple hereupon lacking judgment and knowledge to discern between the nature of things which changeth not, and these outward variable accidents, are made believe that a bishop heretofore and now are things in their very nature so distinct that they cannot be judged the same. Yet to men that have any part of skill, what more evident and plain in bishops, than that augmentation or diminution in their precincts, allowances, privileges, and such like, do make a difference indeed, but no essential difference between one bishop and another? As for those things in regard whereof we use properly to term them bishops, those things whereby they essentially differ from other pastors, those things which the natural definition of a bishop must contain; what one of them is there more or less applicable unto bishops now than of old?

[2.] The name Bishop hath been borrowed from the Grecians<sup>1</sup>, with whom it signifieth one which hath principal charge to guide and oversee others. The same word in eccle-

<sup>1</sup> Οὗ σὺν ἄδελφοῖς ἐπὶ τῆς ἐκκλ-  
σίας πάλαι ἑπορεύθητο τὸ σὺν  
ἐπίσκοπος περιόριστον, Ἐπίσκοπος αὐτὸ  
φίλων ἐκκλησιῶν αὐτῆς ἢ ἡμετέρας  
ἐπαρχίας Δεῦρον. Σουλδ. [voc. ἐπί-  
σκοπος.] Κατὰ τὸν ἐπὶ ἐπίσκοπος  
[ἐπίσκοπος] τῆς πάλαι ἑπορευτο ἐπι-  
σκοπία τοῦ αὐτοῦ περιόριστος τῆς ἡμε-  
τέρας. Dionys. Halicar. de Noma  
Pompeio. Antiq. lib. ii. [c. 76.]  
Vult me Pompeium esse quem tota  
hæc Campania et maritima ora  
habet Ἐπίσκοπον, ad quem de-  
ferretur et negotii summa referatur.  
Cic. ad Antic. lib. vii. Epist. 11.



siastical writings being applied unto church governors, at the first unto all and not unto the chiefest only<sup>1</sup>, grew in short time peculiar and proper to signify such episcopal authority alone, as the chiefest governors exercised over the rest. For with all names this is usual, that inasmuch as they are not given till the things whereunto they are given have been sometime first observed, therefore generally<sup>2</sup> things are ancients than the names whereby they are called.

Again, sith the first things that grow into general observation, and do thereby give men occasion to find names for them, are those which being in many subjects, are thereby the easier, the oftener, and the more universally noted; it followeth that names imposed to signify common qualities or operations are ancients, than is the restraint of those names, to note an excellency of such qualities and operations in some one or few amongst others. For example, the name disciple being invented to signify generally a learner, it cannot choose but in that signification be more ancient than when it signifieth as it were by a kind of appropriation, those learners who being taught of Christ<sup>3</sup> were in that respect termed disciples by an excellency. The like is to be seen in the name Apostle, the use whereof to signify a messenger must needs be more ancient than that use which restraineth it unto messengers sent concerning evangelical affairs; yea this use more ancient than that whereby the same word is yet restrained further to signify only those whom our Saviour himself immediately did send. After the same manner the title or name of a Bishop having been used of old to signify both an ecclesiastical overseer in general, and more particularly also a principal ecclesiastical overseer; it followeth, that this latter restrained signification is not so ancient as the former, being more common<sup>4</sup>. Yet because the things themselves are always ancients than their names; therefore that thing which the restrained use of the word doth import,

<sup>1</sup> Acts xx. 28; Phil. i. 1. minister appropriated to a certain order of ministers.  
<sup>2</sup> And God brought them unto Adam, that Adam might see or consider what name it was meet he should give unto them.<sup>5</sup> Gen. ii. 19. \* The name likewise of a minister was common to divers degrees, which now is peculiarly among ourselves given only to pastors, and not, as ancients, to deacons also.

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—

is likewise ancients than the restraint of the word is, and consequently that power of chief ecclesiastical overseers, which the term of a bishop importeth, was before the restrained use of the name which doth import it. Wherefore a lame and an impotent<sup>1</sup> kind of reasoning it is, when men go about to prove that in the Apostles' times there was no such thing as the restrained name of a bishop doth now signify, because in their writings there is found no restraint of that name, but only a general use whereby it reacheth unto all spiritual governors and overseers.

[3] But to let go the name, and come to the very nature of that thing which is thereby signified. In all kinds of regiment whether ecclesiastical or civil, as there are sundry operations public, so likewise great inequality there is in the same operations, some being of principal respect, and therefore not fit to be dealt in by every one to whom public actions, and those of good importance, are notwithstanding well and fitly enough committed. From hence have grown those different degrees of magistrates or public persons, even ecclesiastical as well as civil. Amongst ecclesiastical persons therefore bishops being chief ones, a bishop's function must be defined by that wherein his chiefly consisteth.

A Bishop is a minister of God, unto whom with permanent continuance there is given not only power of administering the Word and Sacraments, which power other Presbyters have; but also a further power to ordain ecclesiastical persons, and a power of chiefly in government over Presbyters as well as Laymen, a power to be by way of jurisdiction a Pastor even to Pastors themselves. So that this office, as he is a Presbyter or Pastor, consisteth in those things which are common unto him with other pastors, as in ministering the Word and Sacraments; but those things incident unto his office, which do properly make him a Bishop, cannot be common unto him with other Pastors.

Now even as pastors, so likewise bishops being principal pastors, are either at large or else with restraint: at large, when the subject of their regiment is indefinite, and not tied

<sup>1</sup> [Othello, Act II. sc. 1. "O most Plaut. Mercator. 3. 4. 45. "Cecus, "lame and impotent conclusion!" "mulus, mancus, debilis." Liv. 7. 13. The date of this play is 1601. The "mancurus et debilis" ducem." Cic. pro Mil. o. "mancum ac debilem phrase is a translation of "manus et debilis," which had somehow become proverbial. Cf. in Facciolati, "Fructum."]

to any certain place; bishops with restraint are they whose regiment over the Church is contained within some definite, local compass, beyond which compass their jurisdiction reacheth not. Such therefore we always mean when we speak of that regiment by bishops which we hold a thing most lawful, divine and holy in the Church of Christ.

III. In our present regiment by bishops two things there are complained of, the one their great authority, and the other their great honour. Touching the authority of our bishops, the first thing which therein displeaseth their adversaries, is their superiority which bishops have over other ministers. They which cannot brook the superiority which bishops have, do notwithstanding themselves admit that some kind of difference and inequality there may be lawfully amongst ministers. Inequality as touching gifts and graces they grant, because this is so plain that no mist in the world can be cast before men's eyes so thick, but that they needs must discern through it, that one minister of the gospel may be more learned, holier, and wiser, better able to instruct, more apt to rule and guide them than another: unless thus much were confessed, those men should lose their fame and glory whom they themselves do entitle the lights and grand worthies of this present age. Again, a priority of order they deny not but that there may be, yea such a priority as maketh one man amongst many a principal actor in those things whereunto sundry of them must necessarily concur, so that the same be admitted only during the time of such actions and no longer; that is to say, just so much superiority, and neither more nor less may be liked of, than it hath pleased them in their own kind of regiment to set down. The inequality which they complain of is, "That one minister of the word and sacraments should have a permanent superiority above another, or in any sort a superiority of power mandatory, judicial, and coercive over other ministers." By us on the contrary side, "inequality, even such inequality as unto bishops being ministers of the word and sacraments granteth a superiority permanent above ministers, yea a permanent superiority of power mandatory, judicial and coercive over them," is maintained a thing allowable, lawful and good.

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CH. III. c.

In Bishops  
two things  
tradition;  
of which  
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and in it  
the first  
thing con-  
demned,  
their supe-  
riority over  
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ministers;  
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of superi-  
ority in  
ministers  
it is which  
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each and  
the other deni-  
eth as un-  
lawful.

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For superiority of power may be either above them or upon them, in regard of whom it is termed superiority. One pastor hath superiority of power above another, when either some are authorized to do things worthier than are permitted unto all, [or] some are preferred to be principal agents, the rest agents with dependency and subordination. The former of these two kinds of superiority is such as the high-priest had above other priests of the law, in being appointed to enter once a year the holy place, which the rest of the priests might not do. The latter superiority, such as presidents have in those actions which are done by others with them, they nevertheless being principal and chief therein.

One pastor hath superiority of power, not only above but upon another, when some are subject unto others' commandment and judicial controlment by virtue of public jurisdiction.

Superiority in this last kind is utterly denied to be allowable; in the rest it is only denied that the lasting continuance and settled permanency thereof is lawful. So that if we prove at all the lawfulness of superiority in this last kind, where the same is simply denied, and of permanent superiority in the rest where some kind of superiority is granted, but with restraint to the term and continuance of certain actions, with which the same must, as they say, expire and cease; if we can shew these two things maintainable, we bear up sufficiently that which the adverse party endeavoureth to overthrow. Our desire therefore is, that this issue may be strictly observed, and those things accordingly judged of, which we are to allege. This we boldly therefore set down as a most infallible truth, "That the Church of Christ is at this day lawfully, and so hath been sithence the first beginning, governed by Bishops, having permanent superiority, and ruling power over other ministers of the word and sacraments."

[1.] For the plainer explication whereof, let us briefly declare first, the birth and original of the same power, whence and by what occasion it grew. Secondly, what manner of power antiquity doth witness bishops to have had more than presbyters which were no bishops. Thirdly, after what sort bishops together with presbyters have used to govern the

churches under them, according to the like testimonial evidence of antiquity. Fourthly, how far the same episcopal power hath usually extended, unto what number of persons it hath reached, what bounds and limits of place it hath had. This done, we may afterwards descend unto those by whom the same either hath been heretofore, or is at this present hour gainsaid.

IV. The first Bishops in the Church of Christ were his blessed Apostles; for the office whereunto Matthias was chosen the sacred history doth term ἐπισκοπία, an episcopal office. Which being spoken expressly of one, agreeth no less unto them all than unto him. For which cause St. Cyprian<sup>1</sup> speaking generally of them all doth call them Bishops. They which were termed Apostles, as being sent of Christ to publish his gospel throughout the world, and were named likewise Bishops, in that the care of government was also committed unto them, did no less perform the offices of their episcopal authority by governing, than of their apostolical by teaching. The word ἐπισκοπία, expressing that part of their office which did consist in regiment, proveth not (I grant) their chieftly in regiment over others, because as then that name was common unto the function of their inferiors, and not peculiar unto theirs. But the history of their actions sheweth plainly enough how the thing itself which that name appropriated importeth, that is to say, even such spiritual chieftly as we have already defined to be properly episcopal, was in the holy Apostles of Christ. Bishops therefore they were at large.

[2.] But was it lawful for any of them to be a bishop with restraint? True it is their charge was indefinite; yet so, that in case they did all whether severally or jointly discharge the office of proclaiming every where the gospel and of guiding the Church of Christ, none of them casting off his part in their burden<sup>2</sup> which was laid upon them, there doth appear no impediment but that they having received their common charge indefinitely might in the execution thereof notwith-

<sup>1</sup> Meminisse diaconi debent, 65, p. 113, ed. Baluz.  
<sup>2</sup> quoniam apostolos, id est, epi-  
 scopos et presbiteros, Dominus  
 elegit. Cypri. l. iii. ep. p. [al. ep.]

BOOK VII.  
 Ch. ix. v. 4.

From  
 whence it  
 hath grown  
 that the  
 Church is  
 governed  
 by Bishops.



BOOK VII. standing restrain themselves, or at leastwise be restrained by  
 Ch. IV. A. the after commandment of the Spirit, without contradiction  
 or repugnancy unto that charge more indefinite and general  
 before given them : especially if it seemed at any time requi-  
 site, and for the greater good of the Church, that they should  
 in such sort tie themselves unto some special part of the flock  
 of Jesus Christ, guiding the same in several as bishops. For  
 first, notwithstanding our Saviour's commandment unto them  
 all to go and preach unto all nations ; yet some restraint we  
 see there was made, when by agreement between Paul and  
 Peter<sup>1</sup>, moved with those effects of their labours which the  
 providence of God brought forth, the one betook himself  
 unto the Gentiles, the other unto the Jews, for the exercise  
 of that office of every where preaching. A further restraint  
 of their apostolical labours as yet there was also made, when  
 they divided themselves into several parts of the world ;  
 John<sup>2</sup> for his charge taking Asia, and so the residue other  
 quarters to labour in. If nevertheless it seem very hard that  
 we should admit a restraint so particular, as after that general  
 charge received to make any Apostle notwithstanding the  
 bishop of some one church ; what think we of the bishop of  
 Jerusalem<sup>3</sup>, James, whose consecration unto that mother see

<sup>1</sup> Gal. ii. 8. " *mus et Joannis alumnus ecclesie.*  
<sup>2</sup> Him Eusebius doth name the " Nam etsi Apocalypsin ejus Mar-  
 governor of the churches in Asia, tion respici, ordo tamen episco-  
 lib. iii. Hist. Eccles. c. 16. [i. *Θάνας porum ad originem recensio in*  
*πίς, ὁ δὲ ἰσχυρότερος ἐπιπέτης, τῆς Joannem statit auctorem. Sic et*  
*ἐπιπέτης ἄλλοτε, ἡδὲ τῶν ἐκ τῶν Ζα- ceterarum generositas recognos-*  
*βῶν, ἰσχυρῶς τῆς Ἀσίας ἐπίς εἶναι citur.]*  
 ani διατίθει, ἐν Ἐφέσῳ ἐκείνῳ.] " Jacobus, qui appellatur frater  
 Tertullian calleth the same churches " Domini, cognomento Justus, post  
 St. John's foster-daughters, advers. " passionem Domini statim ab apo-  
 Marcion, [lib. iv. c. 3. " Si constat, stolis Hierosolymorum episcopus  
 " id verum quod prius, id prius " ordinatus est." Hieron. Scrip-  
 " quod et ab initio, id ab initio quod " Eccles. Catal. ii. [at. De Viris Illustre,  
 " ab apostolis ; pariter utique con- c. 2. t. ii. 875. ed. Vallars.] " Eodem  
 " stabit, id esse ab apostolis traditum " tempore Jacobum primum sedem  
 " quod apud ecclesias apostolorum " episcopalem Ecclesie, que est  
 " fuerit sacrosanctum. Videamus " Hierosolymis, obituisse memorie  
 " quod hoc a Paulo Corinthi habue- " traditur." [i. *ἵεροσολο-*  
 " rit ; ad quam regulam Galatiz " τῶν ἐκείνων ἐπιπέτης ἀποστόλων. -  
 " sint correcti ; quid legant Philip- " ἐπίσκοπος ἱεροπόλις τῆς ἐν ἱεροσολο-  
 " penes, Thessalonicenses, Ephesi ; " γων ἐκείνῳ τῆς τῆς ἀποστολικῆς  
 " quid etiam Romani de proximo " ἡγεμονίας ἐπίσκοπος.] Euseb. Hist.  
 " sonent, quibus evangelium et Pe- Ecclesiast. lib. ii. cap. 1. The same  
 " trus et Paulus sanguine quoque seemeth to be intimated, Acts xv.  
 " suo signatum reliquerunt. *Habe-* 13, xxi. 18.



of the world, because it was not meet that it should at any time be left void of some Apostle, doth seem to have been the very cause of St. Paul's miraculous vocation, to make up the number of the twelve again, for the gathering of nations abroad, even as the martyrdom of the other James, the reason why Barnabas in his stead<sup>1</sup> was called.

Finally, Apostles, whether they did settle in any one certain place, as James, or else did otherwise, as the Apostle Paul, episcopal authority either at large or with restraint they had and exercised. Their episcopal power they sometimes gave unto others to exercise as agents only in their stead, and as it were by commission from them. Thus Titus<sup>2</sup>, and thus Timothy, at the first, though afterwards endued with apostolical power of their own<sup>3</sup>.

[3] For in process of time the Apostles gave episcopal authority, and that to continue always with them which had it. "We are able to number up them," saith Irenæus<sup>4</sup>, "who by the Apostles were made bishops." In Rome he affirmeth that the Apostles themselves made Linus the first bishop<sup>5</sup>. Again of Polycarp he saith likewise<sup>6</sup>, that the Apostles made him bishop of the church of Smyrna. Of Antioch they made Evodius bishop, as Ignatius witnesseth<sup>7</sup>, exhorting that church to tread in his holy steps, and to follow his virtuous example.

The Apostles therefore were the first which had such authority, and all others who have it after them in orderly sort are their lawful successors, whether they succeed in any particular church, where before them some Apostle hath been

<sup>1</sup> Acts xii. 2; xiii. 2.

<sup>2</sup> Titus i. 5.

<sup>3</sup> This appeareth by those subscriptions which are set after the epistle to Titus, and the second to Timothy, and by Euseb. Eccles. Hist. lib. iii. cap. 4. [§ 2. Τιμόθεος ἦν ὁ ἐπίσκοπος ἐκείνου τῆς ἐκκλησίας ἐπειδὴ ἦν ἀποστόλος καὶ ἔδωκεν αὐτῷ τὴν ἐπίσκοπον ἐκείνου τῆς ἐκκλησίας ἐκείνης ὡς καὶ τῶν ἄλλων ἐπίσκοπων ἐκείνης τῆς ἐκκλησίας.]

<sup>4</sup> Iren. lib. iii. cap. 3. ["Habemus annuntiatum nos qui de Apostolis = instituti sunt Episcopi in Ecclesiis."]

<sup>5</sup> [Ibid. § 3. ἀναθεστήσαντες αὐτῷ ἐπίσκοπον, ἀλλὰ μὴ ἄλλου.]

ἡμεῖς οὖν ἀποστόλων τῶν ἀποστόλων, ὡς καὶ τῶν ἄλλων ἐπίσκοπων ἐκείνης τῆς ἐκκλησίας ἐκείνης.]

<sup>6</sup> [Ibid. § 4. Πολύκαρος . . . ὁ μόνος ἐκ τῶν ἀποστόλων μαθητευθείς, οὗ ἀναθεστήσαντος πολλοὶ τῶν τῆς ἐκκλησίας ἐκείνης ἐπίσκοποι, ἀλλὰ οὐκ ἐκ τῶν ἀποστόλων ἀναθεστήσαντες αὐτῷ τῆς ἐκκλησίας ἐκείνης.]

<sup>7</sup> In Ep. [ἐπιστολῆς] ad Antioch.

[c. 2. ἀναθεστήσαντος ἐκείνου τοῦ ἀποστόλου ἐπίσκοπος ἐκείνου, ὡς καὶ τῶν ἄλλων ἐπίσκοπων ἐκείνης τῆς ἐκκλησίας ἐκείνης.]

BOOK VII.  
Ch. IV. 3

seated, as Simon succeeded James in Jerusalem; or else be otherwise endued with the same kind of bishoply power, although it be not where any Apostle before hath been. For to succeed them, is after them to have that episcopal kind of power which was first given to them. "All bishops are," saith Jerome<sup>1</sup>, "the Apostles' successors." In like sort Cyprian<sup>2</sup> doth term bishops, "Præpositos qui Apostolicis vicaria ordinatione succedunt." From hence it may haply seem to have grown, that they whom we now call Bishops<sup>3</sup> were usually termed at the first Apostles, and so did carry their very names in whose rooms of spiritual authority they succeeded.

[4.] Such as deny Apostles to have any successors<sup>4</sup> at all in the office of their apostleship, may hold that opinion without contradiction to this of ours, if they well explain themselves in declaring what truly and properly apostleship is. In some things every presbyter, in some things only bishops, in some things neither the one nor the other are the Apostles' successors. The Apostles were sent<sup>5</sup> as special chosen eyewitnesses of Jesus Christ, from whom immediately they received their whole embassy, and their commission to be the principal first founders of an house of God, consisting as well of Gentiles as of Jews. In this there are not after them any other like unto them; and yet the Apostles have now their successors upon earth, their true successors<sup>6</sup>, if not in the largeness,

<sup>1</sup> Hieron. ep. 85. [al. 102, § 1.  
 "Omnes Apostolorum successores  
 sunt."  
<sup>2</sup> Cypr. Ep. ad Flor. [ep. 66. c. 3.  
 ed. Fell.]  
<sup>3</sup> Theod. in 1 Tim. iii. [1. *οὗτοι  
 ἀποστολῶν ἐσὶν οὗτοι ἡμετέροις καὶ  
 Ἰερουσαλῶν οὗτοι ἢ οὗτοι καθ' ἑαυτοὺς  
 ἐπιτοκίους, ἀποστολῶν δὲ οὐκ ἔστιν.*]  
<sup>4</sup> "Ipsius apostolatus nulla suc-  
 cessione. Finitur enim legatio cum  
 legatio, nec ad successores ipsius  
 transit." Stapl. [Thomas Staple-  
 ton, 1535-1598, a famous Roman  
 Catholic controversialist.] Doct.  
 Prin. lib. vi. cap. 7. [Opp. t. 213.]  
<sup>5</sup> Acts i. 21, 22; 1 John i. 3;  
 Gal. i. 1; Apoc. xxi. 14; Matt.  
 xviii. 19.  
<sup>6</sup> "Omnia Dei dona que fue-  
 runt in Apostolis et Evangelistis  
 propriis erunt inspicenda, ut scia-  
 mus, quid Apostolis eorumque  
 temporibus fuerit peculiare, quid  
 commune futurum sit cæteris om-  
 nibus Ecclesie ministris, usque  
 ad consummationem sæculi. Pri-  
 mum quod in Apostolis nobis est  
 considerandum, est vocatio illa  
 extraordinaria, que proxime a Deo  
 est facta; deinde, legatio nullis  
 circumscripta finibus; tertiam,  
 quod in his omnibus que ad ipso-  
 rum spectabant officium, infallibi-  
 lem habuerunt directorem, Sp.  
 Sanctum, qui suggestit ipsis que-  
 cunque prius à Domino audirent,  
 et omnia que ad hominum  
 salutem et ecclesie edificationem  
 erant necessaria, adeo ut in ipso-  
 rum potestate non fuerit a veritate  
 deflectere. Postremum est ipsius  
 apostolatus potestas.  
 Priora illa tria fuerunt necessa-



surely in the kind of that episcopal function, whereby they had power to sit as spiritual ordinary judges, both over laity and over clergy, where churches Christian were established.

V. The Apostles of our Lord did according unto those directions which were given them from above, erect churches in all such cities as received the word of truth, the gospel of God. All churches by them erected received from them the same faith, the same sacraments, the same form of public regiment. The form of regiment by them established at first was, that the laity or people should be subject unto a college of ecclesiastical persons, which were in every such city appointed for that purpose. These in their writings they term sometime presbyters, sometime bishops. To take one church out of a number for a pattern what the rest were; the presbyters of Ephesus, as it is in the history<sup>1</sup> of their departure from the Apostle Paul at Miletum, are said to have wept abundantly all, which speech doth shew them to have been many. And by the Apostle's exhortation it may appear that they had not each his several flock to feed, but were in common appointed to feed that one flock, the church of Ephesus; for which cause the phrase of his speech is this<sup>2</sup>, *Attendite gregi*, "Look all to that one flock over which the Holy Ghost hath made you bishops." These persons ecclesiastical being termed as then, presbyters and bishops both, were all subject unto Paul as to an higher governor appointed of God to be over them<sup>3</sup>.

"ria pensanda fundamentis ecclesi-  
"arum superque aliis superstruerent,  
"que nisi certam conjunctam Sp.  
"Sancti haberent firmitatem, labas-  
"ceret quicquid ab aliis postea su-  
"perstructum fuit. Edendi mira-  
"cula gratiam præterea, quod illa  
"data sit non Apostolis tantum  
"aliisque Ecclesiarum pastoribus, sed  
"quibusvis ut Deo visum fuit fide-  
"libus, ut de fide in Filium Dei  
"certam et indubitam fidem face-  
"rent. Ex omnibus his donis nihil  
"succes-ibus communicare potu-  
"erunt præter evangelii ministeriam:  
"quod cum Apostolica potestate  
"conjunctum sit, eam simul ad pos-  
"teroa transmiserunt: utpote que  
"necessaria. Sine verbi Dei præ-

"dicatione, et sacramentorum usu,  
"sc. ecclesiastico regimine, nulla  
"ecclesia recte potest subsistere,  
"Quomodum prædicatio verbi  
"Dei, baptismus, et carna Domini  
"non sunt data Ecclesie, ut tantum  
"servirent temporibus Apostolorum,  
"sed etiam futuris sæculis usque ad  
"Domini adventum; sic etiam re-  
"gimonia forma que ab ipso Domino  
"fuit instituta, et ab Apostolis tra-  
"dita, et usu patrum confirmata,  
"permanere debet. Illa autem ha-  
"buit inferiores et superiores pas-  
"tores: ergo id in Ecclesia Christi  
"retinendum est." Saravia de Div.  
"Minist. Grad. c. 14. p. 33.]  
"1 Acts xx. 28.  
"2 As appeareth both by his send-  
"ing to call the presbyters of Ephesus

BOOK VII.  
Ch. x. 5.

The time  
and cause  
of institut-  
ing every-  
where bi-  
shops with  
regiment.

BOOK VII.  
CH. V. 3.

[2.] But forasmuch as the Apostles could not themselves be present in all churches, and as the Apostle St. Paul foretold the presbyters of the Ephesians<sup>1</sup> that there would "rise up" from amongst their own selves, men speaking perverse things "to draw disciples after them;" there did grow in short time amongst the governors of each church those emulations, strifes, and contentions, whereof there could be no sufficient remedy provided, except according unto the order of Jerusalem already begun, some one were endued with episcopal authority over the rest, which one being resident might keep them in order, and have preeminence or principality in those things wherein the equality of many agents was the cause of disorder and trouble. This one president or governor amongst the rest had his known authority established a long time before that settled difference of name and title took place, whereby such alone were named bishops. And therefore in the book of St. John's Revelation<sup>2</sup> we find that they are entitled angels.

It will perhaps be answered, that the angels of those churches were only in every church a minister of the word and sacraments. But then we ask, is it probable that in every of these churches, even in Ephesus itself, where many such ministers were long before, as hath been proved, there was but one such when John directed his speech to the angel of that church? If there were many, surely St. John in naming but only one of them an angel, did behold in that one somewhat above the rest.

Nor was this order peculiar unto some few churches, but the whole world universally became subject thereunto; inasmuch as they did not account it to be a church which was not subject unto a bishop. It was the general received persuasion of the ancient Christian world, that *Ecclesia est in Episcopo*<sup>3</sup>, "the outward being of a church consisteth in the having of a bishop." That where colleges of presbyters were, there was at the first equality amongst them, St. Jerome

before him as far as to Miletum (Acts xx, 17) which was almost fifty miles, and by his leaving Timothy in his place with his authority and instructions for ordaining of ministers there (1 Tim. v. 22); and for proportioning their maintenance

(ver. 17, 18); and for judicial hearing of accusations brought against them (ver. 19) and for holding them in an uniformity of doctrine (ch. i. 3).  
<sup>1</sup> Acts xx. 36.   <sup>2</sup> Rev. ii.  
<sup>3</sup> Cypri. iv. Epist. 9. [al. ep. 66. c. 6.]

thinketh it a matter clear<sup>3</sup>; but when the rest were thus equal, so that no one of them could command any other as inferior unto him, they all were controllable by the Apostles, who had that episcopal authority abiding at the first in themselves, which they afterwards derived unto others.

The cause wherefore they under themselves appointed such bishops as were not every where at the first, is said to have been those strifes and contentions, for remedy whereof, whether the Apostles alone did conclude of such a regiment, or else they together with the whole Church judging it a fit and a needful policy did agree to receive it for a custom; no doubt but being established by them on whom the Holy Ghost was poured in so abundant measure for the ordering of Christ's Church, it had either divine appointment beforehand, or divine approbation afterwards, and is in that respect to be acknowledged the ordinance of God, no less than that ancient Jewish regiment, whereof though Jethro were the deviser<sup>4</sup>, yet after that God had allowed it, all men were subject unto it, as to the polity of God, and not of Jethro.

[3.] That so the ancient Fathers did think of episcopal regiment; that they held this order as a thing received from the blessed Apostles themselves, and authorized even from heaven, we may perhaps more easily prove, than obtain that they all shall grant it who see it proved. St. Augustine<sup>5</sup> setteth it down for a principle, that whatsoever positive order the whole Church every where doth observe, the same it must needs have received from the very Apostles themselves, unless perhaps some general council were the authors of it. And he saw that the ruling superiority of bishops was a thing universally established, not by the force of any council (for councils do all presuppose bishops, nor can there any council be named so ancient, either general, or as much as provincial, sithence the Apostles' own times, but we can shew that bishops had their authority before it, and not from it). Wherefore St. Augustine knowing this, could not choose but reverence the

<sup>3</sup> Hieron. epist. ad Evag. [101. ad Evag. "Cum Apostolus presbi- ros, quos et episcopos. . . Quod autem postea unus electus est, qui caeteris preponeretur, in schisma-

"is remedium factum est, ne unus- quisque ad se trahens Christi ec- clesiam rumpere."

<sup>4</sup> Exod. xviii. 19.

<sup>5</sup> Ep. ad Januar. [108. al. 34. c. 1. l. ii. 124.]

BOOK VII authority of bishops, as a thing to him apparently and most  
CH. XLV clearly apostolical.

[4.] But it will be perhaps objected that regiment by bishops was not so universal nor ancient as we pretend; and that an argument hereof may be Jerome's own testimony, who, living at the very same time with St. Augustine, noted this kind of regiment as being no where ancient, saving only in Alexandria; his words are these: "It was for a remedy of schism that one was afterwards chosen to be placed above the rest; lest every man's pulling unto himself should rend asunder the Church of Christ. For (that which also may serve for an argument or token hereof), at Alexandria, from Mark the Evangelist, unto Heraclas and Dionysius, the presbyters always chose one of themselves, whom they placed in higher degree, and gave unto him the title of bishop." Now St. Jerome<sup>1</sup> they say would never have picked out that one church from amongst so many, and have noted that in it there had been bishops from the time that St. Mark lived, if so be the selfsame order were of like antiquity every where; his words therefore must be thus scholied: in the church of Alexandria, presbyters indeed had even from the time of St. Mark the Evangelist always a bishop to rule over them, for a remedy against divisions, factions, and schisms. Not so in other churches, neither in that very church any longer than *usque ad Heraclam et Dionysium*,<sup>2</sup> till Heraclas and his successor Dionysius were bishops.<sup>3</sup>

[5.] But this construction doth bereave the words construed, partly of wit, and partly of truth; it maketh them both absurd and false. For, if the meaning be that episcopal government in that church was then expired, it must have expired with the end of some one, and not of two several bishops' days, unless perhaps it fell sick under Heraclas, and with Dionysius gave up the ghost.

Besides, it is clearly untrue that the presbyters of that church did then cease to be under a bishop. Who doth not

<sup>1</sup> Ep. c. ad Evagr. [ad Evan. § 1. "Nam et Alexandria a Marco Evangelista usque ad Heraclam et Dionysium: episcopos, presbyteri semper unum ex se electum, in eodem celsiore gradu collocatum, episco-

"pium nominabant." T. C. lib. l. p. 82. "It is to be

"observed that Jerome saith, it was

"so in Alexandria; signifying that

"in other churches it was not so."

know that after Dionysius, Maximus was bishop of Alexandria<sup>1</sup>, after him Theonas<sup>2</sup>, after him Peter, after him Achilles<sup>3</sup>, after him Alexander: of whom Socrates<sup>4</sup> in this sort writeth: "it fortun'd on a certain time that this Alexander "in the presence of the presbyters which were under him, and "of the rest of the clergy there, discours'd somewhat curiously "and subtilly of the holy Trinity, bringing high philosophical "proofs, that there is in the Trinity an Unity. Whereupon "Arius, one of the presbyters which were placed in that de- "gree under Alexander, oppos'd eagerly himself against those "things which were utter'd by the bishop." So that thus long bishops continued even in the church of Alexandria. Nor did their regiment here cease, but these also had others their successors till St. Jerome's own time, who living long after Heraclas and Dionysius had ended their days, did not yet live himself to see the presbyters of Alexandria otherwise than subject unto a bishop. So that we cannot with any truth so interpret his words as to mean, that in the church of Alexandria there had been bishops endued with superiority over presbyters from St. Mark's time only till the time of Heraclas and of Dionysius.

[6.] Wherefore that St. Jerome may receive a more probable interpretation than this, we answer, that generally of regiment by bishops, and what term of continuance it had in the church of Alexandria, it was no part of his mind to speak, but to note one only circumstance belonging to the manner of their election, which circumstance is, that in Alexandria they use to choose their bishops altogether out of the college of their own presbyters, and neither from abroad nor out of any other inferior order of the clergy; whereas oftentimes elsewhere the use was to choose as well from abroad as at home<sup>5</sup>, as well inferior unto presbyters as presbyters when they saw occasion. This custom,

<sup>1</sup> [Euseb. E. H. vii. 11.]

<sup>2</sup> [Id. vii. 12.]

<sup>3</sup> Socr. E. H. i. 5.

<sup>4</sup> [Ibid. Kai ωστε παρόντων τῶν ἐκείνου κληρικῶν, φιλοτιμώμενος περὶ τῆς ἁγίας Τριῆτος, ἡ Τριάδι Μονάδι εἶναι φιλοσοφῶν, ἰδιωτικῶν. Ἄριστος δὲ αὐτῶν κληρικῶν τῶν ἐκείνου κληρικῶν, ἀπὸ τῶν ἁμαρτῶν τῆς διαλεκτικῆς λέγειν . . . γὰρ ἡ ἐπιτομή]

ἡμεῖς ἐκ παρὰ τοῦ ἀποστόλου λέγομεν.]

<sup>5</sup> Unto Ignatius, bishop of Antioch, Hero a deacon there was made successor. [Euseb. E. H. iv. 36. 3. Ign. ep. adscr. ad Heron. t. ii. p. 108, ed. Coteler.] Chrysostom, being chosen to succeed Nectarius in the bishopric of Constantinople. [Socr. vi. 2.]





BOOK VII.  
Ch. v. 6.  
saith he, the Church of Alexandria did always keep, till in Hera-  
clas and Dionysius they began to do otherwise. These two were  
the very first not chosen out of their college of presbyters.

The drift and purpose of St. Jerome's speech doth plainly  
shew what his meaning was : for whereas some did over extol  
the office of the deacon in the church of Rome, where deacons  
being grown great, through wealth, challenged place above  
presbyters ; St. Jerome to abate this insolency, writing to  
Evagrius diminisheth by all means the deacon's estimation,  
and lifteth up presbyters as far as possible the truth might  
bear<sup>1</sup>. "An attendant," saith he, "upon tables and widows  
"proudly to exalt himself above them at whose prayers is  
"made the Body and Blood of Christ ; above them, between  
"whom and bishops there was at the first for a time no dif-  
"ference neither in authority nor in title. And whereas  
"afterward schisms and contentions made it necessary that  
"some one should be placed over them, by which occasion  
"the title of bishop became proper unto that one, yet was that  
"one chosen out of the presbyters, as being the chiefest, the  
"highest, the worthiest degree of the clergy, and not out of  
"deacons : in which consideration also it seemeth that in

<sup>1</sup> [Ep. cxxvi. ad Erag. " Quid  
" patitur mensarum ac vidualium  
" minister, ut supra eos se tumidus  
" effingat, ad quorum preces Christi  
" corpus sanguisque condicitur ? . . .  
" Manifestissime comprobatur, eun-  
" dem esse episcopum atque pres-  
" byterum. Quod autem postea  
" unus electus est, qui ceteris pre-  
" poneretur, in schismate remedium  
" factum est . . . Nam et Alexandria  
" . . . presbyteri semper unum ex se  
" electum . . . episcopum nominabant  
" . . . Nec altera Romanæ urbis ec-  
" clesia, altera totius orbis existi-  
" manda est. Et Gallia, et Britan-  
" nia, et Africa, et Persia, et Oriens,  
" et India, et omnes barbaræ nationes  
" unum Christum adorant, unam  
" observant regulam veritatis. Si  
" auctoritas queritur, orbis major  
" est urbe. Ubique fuerit epi-  
" scopus, sive Romæ, sive Zagubi,  
" sive Constantinopoli, sive Rhegii,  
" sive Alexandria, sive Tami, ejun-  
" dem meriti, eundem est et sacer-  
" dotis. Potentia divitiarum et pau-  
" pertatis humilitas vel sublimiorum  
" vel inferiorum episcopum non facit  
" . . . Sed dicere, quomodo Romæ ad  
" testimonium diaconi presbyter ordi-  
" natus ? Quid mihi proferat unius  
" urbis consuetudinem ? Quid pau-  
" citatem, de qua ortum est super-  
" cilium, in leges Ecclesie vindicet ?  
" . . . Diaconos paucitas honorabiles,  
" presbyteros turba contemptibiles  
" facit. Ceterum etiam in ecclesia  
" Romæ, presbyteri sedent et stant  
" diaconi . . . Qui provehitur, de  
" minori ad majus provehitur. Aut  
" igitur ex presbytero ordinatur dia-  
" conus, ut presbyter minor diacono  
" comprobetur ; aut si ex diacono  
" ordinatur presbyter, noverit se  
" lucris mutorem, sacerdotio esse  
" majorem. Et ut sciamus tradi-  
" tiones Apostolicas sanctas de ve-  
" teri Testamento ; quod Aaron et  
" filii ejus atque Levite in templo  
" fuerant, hoc sibi episcopi et pres-  
" byteri et diaconi vendicent in Ec-  
" clesia." t. l. 1074-77, ed. Vallars.]

" Alexandria even from St. Mark to Heraclas and Dionysius BOOK VII.  
 " bishops there, the presbyters evermore have chosen one of CH. V. 6.  
 " themselves, and not a deacon at any time, to be their bishop. ———  
 " Nor let any man think that Christ hath one church in Rome  
 " and another in the rest of the world ; that in Rome he allow-  
 " eth deacons to be honoured above presbyters, and otherwise  
 " will have them to be in the next degree to the bishop. If it  
 " be deemed that abroad where bishops are poorer, the pres-  
 " byters under them may be the next unto them in honour,  
 " but at Rome where the bishop hath ample revenues, the  
 " deacons whose estate is nearest for wealth, may be also for  
 " estimation the next unto him : we must know that a bishop  
 " in the meanest city is no less a bishop than he who is seated  
 " in the greatest ; the countenance of a rich and the meanness  
 " of a poor estate doth make no odds between bishops :  
 " and therefore, if a presbyter at Eugubium be the next in  
 " degree to a bishop, surely, even at Rome it ought in reason  
 " to be so likewise, and not a deacon for wealth's sake only to  
 " be above, who by order should be, and elsewhere is, under-  
 " neath a presbyter. But ye will say that according to the  
 " custom of Rome a deacon presenteth unto the bishop him  
 " which standeth to be ordained presbyter, and upon the  
 " deacon's testimony given concerning his fitness, he receiveth  
 " at the Bishop's hands ordination : so that in Rome the deacon  
 " having this special preeminence, the presbyter ought there  
 " to give place unto him. Wherefore is the custom of one  
 " city brought against the practice of the whole world ? The  
 " paucity of deacons in the church of Rome hath gotten the  
 " [them ?] credit ; as unto presbyters their multitude hath been  
 " cause of contempt : howbeit even in the Church of Rome,  
 " presbyters sit, and deacons stand ; an argument as strong  
 " against the superiority of deacons, as the fore-alleged reason  
 " doth seem for it. Besides, whosoever is promoted must  
 " needs be raised from a lower degree to an higher ; wherefore  
 " either let him which is presbyter be made a deacon, that  
 " so the deacon may appear to be the greater ; or if of deacons  
 " presbyters be made, let them know themselves to be in  
 " regard of deacons, though below in gain, yet above in office.  
 " And to the end we may understand that those apostolical  
 " orders are taken out of the Old Testament, what Aaron  
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BOOK VII.  
Ch. x. 2.  
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"and his sons and the Levites were in the temple, the same  
"in the Church may bishops and presbyters and deacons  
"challenge unto themselves."

[7.] This is the very drift and substance, this the true construction and sense of St. Jerome's whole discourse in that epistle: which I have therefore endeavoured the more at large to explain, because no one thing is less effectual or more usual to be alleged against the ancient authority of bishops; concerning whose government St. Jerome's own words elsewhere are sufficient to shew his opinion, that this order was not only in Alexandria so ancient, but even as ancient in other churches. We have before alleged his testimony touching James the bishop of Jerusalem. As for bishops in other churches, on the first of the Epistle to Titus thus he speaketh<sup>1</sup>, "Till through instinct of the Devil there  
"grew in the Church factions, and among the people it began  
"to be professed, I am of Paul, I of Apollos, and I of  
"Cephas<sup>2</sup>, churches were governed by the common advice

<sup>1</sup> V. 5. [l. vii. 604 E. "Ante-  
"quam Diaboli instructa studia in  
"ecclesia [religione] ferent, et di-  
"ceretur in populo, Ego sum  
"Pauli, ego Apollis, ego autem  
"Cepha; communi presbyterorum  
"consilio Ecclesie gubernabantur."  
"Postquam vero unusquisque eos  
"quos baptizaverat suos putabat  
"esse, non Christi, in toto orbe  
"decretum est, ut unus de presby-  
"teris electus superponeretur ceteris,  
"et ad quem omnia ecclesie cura  
"pertineret, et schismatum semina  
"tolerentur." Saravia remarks on  
"this passage, "Quod hic dicitur  
"communi presbyterorum consilio  
"ecclesias in principio fuisse gu-  
"bernatas, non distitor: sed hoc  
"non arguit dominice institutionis  
"episcopos non fuisse postea pre-  
"positos ecclesie, non magis quam  
"presbyteros et diaconos non ex  
"ordinatione divina, creatos ab  
"Apostolis, quia ecclesie abaque  
"presbyteris et diaconis sub apo-  
"stolis regerantur, antequam crea-  
"rentur diaconi et presbyteri."  
c. 23. p. 51. "Inde non sequitur,  
"ab apostolis, sibi viros idoneos  
"Deus dederit, non fuisse prefectos

"singulis ecclesiis singulos episco-  
"pos supra ipsos presbyteros, qui  
"in apostolorum locum succedere-  
"rent, et illa eadem prestatent,  
"quae ipsi praestiterunt, si ubique  
"semper praesentes ecclesiae adesse,  
"aut semper vivere potuissent."  
p. 52.]  
<sup>2</sup> [Sarav. Tract on diverse De-  
"gress of Ministers, Eng. Transl. p.  
"65. Lond. 1591. "But now those  
"factions begun under the apostles,  
"and therefore that custom began  
"in good time, and the Apostles  
"themselves for the avoiding of  
"schism altered (if not abrogated)  
"the Lord's institution. The which,  
"methinks, were more than absurd  
"to say. Our Saviour, no doubt,  
"who is the wisdom of His Father,  
"knew much better than the Apo-  
"stles what was needful and com-  
"modious for the preventing of  
"schism. Whom as it did not  
"become to seem more wise than  
"their master, so was it not  
"their parts for the default of one  
"church to alter God's institution.  
"Again, how knew Hierome, that  
"before those schisms brake forth  
"the church of Corinth had their

"of presbyters; but when every one began to reckon those whom himself had baptized his own and not Christ's, it was decreed in the whole world that one chosen out of the presbyters should be placed above the rest, to whom all care of the Church should belong, and so the seeds of schism be removed." If it be so, that by St. Jerome's own confession this order was not then begun when people in the apostles' absence began to be divided into factions by their teachers, and to rehearse, "I am of Paul," but that even at the very first appointment thereof [it] was agreed upon and received throughout the world; how shall a man be persuaded that the same Jerome thought it so ancient no where saving in Alexandria, one only church of the whole world?

[8.] A sentence there is indeed of St. Jerome's, which being not thoroughly considered and weighed may cause his meaning so to be taken, as if he judged episcopal regiment to have been the Church's invention long after, and not the apostles' own institution; as namely, when he admoniseth bishops in this manner<sup>1</sup>: "As therefore presbyters do know that the custom of the Church makes them subject to the Bishop which is set over them; so let bishops know<sup>2</sup> that custom, rather than the truth of any ordinance of the Lord's maketh

"elders, by whose council they were ruled. . . . Neither do we read at any time that the elders of the church of Corinth gave the occasion of this schism, but that it was taken of the people by reason of that opinion they had of their pastors and elders. . . . They for whose sake this schism was set abroad at Corinth were not at Corinth; so that for the avoiding of this schism the elders which were to be set in some better order under one bishop were Paul himself and Apollis and Cephas," &c. And p. 67. "The error of Hierom and Aetius grew of the . . . confused use of these titles (a Bishop and an Elder) as they were then in use. But when the same thing befallth the title of an Apostle also, is it not strange that they should rather err in the one than the other? For where-as Barnabas, Epaphroditus, and

"many others are called apostles; yet no man thereby ever thought that there was no difference between them and the twelve apostles."

<sup>1</sup> Ibid. v. 5. [vii. 605 E. "Sicut ergo Presbyteri sciunt se ex Ecclesie consuetudine ei qui sibi prepositus fuerit, esse subjectos; ita episcopi noverint se magis consuetudine, quam dispositionis Domini veritate, Presbyteris esse majores, et in commune debere Ecclesiam regere."] "

<sup>2</sup> Bishops be meaneth by restraint; for episcopal power was always in the Church instituted by Christ himself, the apostles being in government bishops at large; as no man will deny;—having received from Christ himself that episcopal authority. For which cause Cyprian hath said of them: "Meminisse diaconi debent quoniam apostolorum id est episcopi et prepositos,

BOOK VII.  
Ch. v. 8.

BOOK VII. "them greater than the rest, and that with common advice  
 Ch. v. l. "they ought to govern the Church."

To clear the sense of these words therefore, as we have done already the former : laws which the Church from the beginning universally hath observed were some delivered by Christ himself, with a charge to keep them to the world's end, as the law of baptizing and administering the holy eucharist ; some brought in afterwards by the apostles, yet not without the special direction of the Holy Ghost, as occasions did arise. Of this sort are those apostolical orders and laws whereby deacons, widows, virgins, were first appointed in the Church. \* [This answer to St. Jerome seemeth dangerous ; I have qualified it as I may by addition of some words of restraint : yet I satisfy not myself, in my judgment it would be altered.] " Now whereas Jerome doth term the government of bishops by restraint an apostolical tradition, acknowledging thereby the same to have been of the apostles' own institution, it may be demanded how these two will stand together ; namely, that the apostles by divine instinct should be, as Jerome confesseth, the authors of that regiment ; and yet the custom of the Church be accounted (for so by Jerome it may seem to be in this place accounted) the chiefest prop that upholdeth the same ? To this we answer, That forasmuch as the whole body of the Church hath power to alter, with general consent and upon necessary occasions, even the positive laws of the apostles, if there be no command to the contrary, and it manifestly appears to her, that change of times have clearly taken away the very reasons of God's first institution ; as by sundry examples may be most clearly proved : what laws the universal Church might

\* [A new paragraph begins here in Gauden's ed.]

" Dominus elegit : diaconos autem p. 46a. The following sentences, " post accessum Domini in caelos down to " perpetual continuance " apostoli sibi constituerunt episco- " thereof" are by Gauden printed " patres sui et ecclesie ministros." in Italics, probably because he found them underscored in Hooker's MS. Lib. iii. Ep. 9. [at Ep. 3. c. 2.] But the sense, it is apprehended, will be more exactly given by omitting the Italics, (which were probably an insertion of the critic,) and reading the whole as one paragraph with the exception of the supposed insertion by mistake into the rest of a note on the rough draft of the work, either by Hooker or by some friend (most probably the latter) : according to the remark of Dr. Mac Cris, *Life of Melville*, vol. i. marginal note.]

"change, and doth not, if they have long continued without  
 "any alteration, it seemeth that St. Jerome ascribeth the con-  
 "tinuance of such positive laws, though instituted by God  
 "himself, to the judgment of the Church. For they which  
 "might abrogate a law and do not, are properly said to uphold,  
 "to establish it, and to give it being. The regiment therefore  
 "whereof Jerome speaketh being positive, and consequently  
 "not absolutely necessary, but of a changeable nature, because  
 "there is no divine voice which in express words forbiddeth it  
 "to be changed; he might imagine both that it came by the  
 "apostles by very divine appointment at the first, and not-  
 "withstanding be, after a sort, said to stand in force, rather by  
 "the custom of the Church, choosing to continue in it, than by  
 "the necessary constraint of any commandment from the word,  
 "requiring perpetual continuance thereof." So that St. Jerome's  
 admonition is reasonable, sensible, and plain, being contrived  
 to this effect: The ruling superiority of one bishop over many  
 presbyters in each church, is an order descended from Christ  
 to the Apostles, who were themselves bishops at large, and  
 from the Apostles to those whom they in their steads ap-  
 pointed bishops over particular countries and cities; and even  
 from those ancient times, universally established, thus many  
 years it hath continued throughout the world; for which  
 cause presbyters must not grudge to continue subject unto  
 their bishops, unless they will proudly oppose themselves  
 against that which God himself ordained by his apostles,  
 and the whole Church of Christ approveth and judgeth most  
 convenient. On the other side bishops, albeit they may  
 avouch with conformity of truth that their authority hath  
 thus descended even from the very apostles themselves, yet  
 the absolute and everlasting continuance of it they cannot  
 say that any commandment of the Lord doth enjoin; and  
 therefore must acknowledge that the Church hath power by  
 universal consent upon urgent cause to take it away, if  
 thereunto she be constrained through the proud, tyrannical,  
 and unreformable dealings of her bishops, whose regiment  
 she hath thus long delighted in, because she hath found it  
 good and requisite to be so governed. Wherefore lest bishops  
 forget themselves, as if none on earth had authority to touch  
 their states, let them continually bear in mind, that it is

BOOK VII.  
 Ch. v. 8.

BOOK VII. rather the force of custom, whereby the Church having so  
 Ch. v. p. long found it good to continue under the regiment of her  
 virtuous bishops, doth still uphold, maintain, and honour  
 them in that respect, than that any such true and heavenly  
 law can be shewed, by the evidence whereof it may of a truth  
 appear that the Lord himself hath appointed presbyters for  
 ever to be under the regiment of bishops, in what sort soever  
 they behave themselves. Let this consideration be a bridle  
 unto them, let it teach them not to disdain the advice of  
 their presbyters, but to use their authority with so much the  
 greater humility and moderation, as a sword which the Church  
 hath power to take from them. In all this there is no let  
 why St. Jerome might not think the authors of episcopal  
 regiment to have been the very blessed apostles themselves,  
 directed therein by the special motion of the Holy Ghost,  
 which the ancients all before and besides him and himself  
 also elsewhere being known to hold, we are not without better  
 evidence than this to think him in judgment divided both  
 from himself and from them<sup>1</sup>.

[9.] Another argument that the regiment of churches by  
 one Bishop over many presbyters hath been always held  
 apostolical, may be this. We find that throughout all those  
 cities where the apostles did plant Christianity, the history  
 of times hath noted succession of pastors in the seat of one,  
 not of many (there being in every such Church evermore  
 many pastors), and the first one in every rank of succession  
 we find to have been, if not some Apostle, yet some Apostle's  
 disciple. By Epiphanius<sup>2</sup> the bishops of Jerusalem are  
 reckoned down from James to Hilarion then Bishop. Of  
 them which boasted that they held the same things which  
 they received of such as lived with the apostles themselves,  
 Tertullian speaketh after this sort<sup>3</sup>: "Let them therefore

<sup>1</sup> [Saravia's remark however is, "Privatam fuisse Hieronymi epis-  
 opeam, consentaneam cum Africo,  
 "et Dei verbo contrariam." c. 23.]  
<sup>2</sup> Lib. ii. Haeres. 66. [c. 20.]  
<sup>3</sup> De Prescrip. advers. Haeret. [c. 32. "Edant ergo origines eccle-  
 siarum suarum, evolvant ordinem  
 "episcoporum suorum, ita per suc-  
 "cessionem ab initio decurrentem,  
 "ut primus ille episcopus aliquem  
 "ex apostolis, vel apostolicis viris,  
 "qui tamen cum apostolis positive  
 "raverit, habuerit auctorem et ante-  
 "cessorem. Hoc enim modo Ec-  
 "clesiae apostolicae census suos  
 "deferunt: sicut Smyrnaeorum Ec-  
 "clesia Polycarpum ab Joanne con-  
 "locatum refert."]

*Bishops, the Gift of the Holy Ghost to the Church.* 167

"shew the beginnings of their churches, let them recite their  
 "bishops one by one, each in such sort succeeding other, BOOK VII.  
 CH. V. 10.  
 "that the first bishop of them have had for his author and  
 "predecessor some Apostle, or at least some apostolical per-  
 "son who persevered with the apostles. For so apostolical  
 "churches are wont to bring forth the evidence of their  
 "estates. So doth the Church of Smyrna, having Polycarp  
 "whom John did consecrate." Catalogues of bishops in a  
 number of other churches, \*(bishops, and succeeding one  
 another) from the very apostles' times, are by Eusebius and  
 Socrates collected; whereby it appeareth so clear, as nothing  
 in the world more, that under them and by their appoint-  
 ment this order began, which maketh many presbyters sub-  
 ject unto the regiment of some one bishop. For as in Rome  
 while the civil ordering of the commonwealth was jointly and  
 equally in the hands of two consuls, historical records con-  
 cerning them did evermore mention them both, and note  
 which two as colleagues succeeded from time to time; so  
 there is no doubt but ecclesiastical antiquity had done the  
 very like, had not one pastor's place and calling been always  
 so eminent above the rest in the same church.

[10.] And what need we to seek far for proofs that the  
 apostles, who began this order of regiment of bishops, did  
 it not but by divine instinct, when without such direction  
 things of far less weight and moment they attempted not?  
 Paul and Barnabas did not open their mouths to the Gentiles,  
 till the Spirit had said<sup>1</sup>, "Separate me Paul and Barnabas  
 "for the work whereunto I have sent them." The eunuch  
 by Philip<sup>2</sup> was neither baptized nor instructed before the  
 angel of God was sent to give him notice that so it pleased  
 the Most High. In Asia<sup>3</sup>, Paul and the rest were silent,  
 because the Spirit forbade them to speak. When they in-  
 tended to have seen Bithynia<sup>4</sup> they stayed their journey,  
 the Spirit not giving them leave to go. Before Timothy<sup>5</sup>  
 was employed in those episcopal affairs of the Church, about  
 which the Apostle St. Paul used him, the Holy Ghost gave  
 special charge for his ordination, and prophetic intelligence

\* [So printed, as a parenthesis, in Gaultier's ed.]

<sup>1</sup> Acts xiii. 2.    <sup>2</sup> Acts viii. 26.    <sup>3</sup> Acts xvi. 6.    <sup>4</sup> Ver. 7.  
<sup>5</sup> 1 Tim. i. 18.



BOOK VII. more than once, what success the same would have. And shall we think that James was made bishop of Jerusalem, Evodius bishop of the church of Antioch, the Angels in the churches of Asia bishops, that bishops every where were appointed to take away factions, contentions, and schisms, without some like divine instigation and direction of the Holy Ghost? Wherefore let us not fear to be herein bold and peremptory, that if any thing in the Church's government, surely the first institution of bishops was from heaven, was even of God, the Holy Ghost was the author of it<sup>1</sup>.

VI. "A Bishop," saith St. Augustine<sup>2</sup>, "is a Presbyter's superior:" but the question is now, wherein that superiority did consist. The Bishop's preeminence we say therefore was twofold. First he excelled in latitude of the power of order, secondly in that kind of power which belongeth unto jurisdiction. Priests in the law had authority and power to do greater things than Levites, the high-priest greater than inferior priests might do; therefore Levites were beneath priests, and priests inferior to the high-priest, by reason of the very degree of dignity, and of worthiness in the nature of those functions which they did execute, and not only for that the one had power to command and control the other. In like sort presbyters having a weightier and a worthier charge than deacons had, the deacon was in this sort the presbyter's inferior; and where we say that a bishop was likewise ever accounted a presbyter's superior, even according unto his very power of order, we must of necessity declare what principal duties belonging unto that kind of power a bishop might perform, and not a presbyter.

[2.] The custom of the primitive Church in consecrating holy virgins and widows unto the service of God and his Church, is a thing not obscure, but easy to be known, both

<sup>1</sup> [Sutcliffe de Presbyt. 119. "Ex  
"satis hæc elicuntur conclusiones:  
"episcoporum supra presbyteros  
"gradum, cum a synodis confir-  
"metur, a Patribus tanquam divina  
"prophetia, et perique Apostolorum  
"temporibus, et nunquam nisi nu-  
"condemnatâ fuerit, omnesque qui  
"contra senserunt pro hæreticis  
"habiti sint: divinam esse ejusdem  
"originem; presbyterum vero, cum  
"a synodis et Patribus igitur,  
"ignestum esse humanum."]  
<sup>2</sup> Aug. Ep. 19. [al. Ep. c. 4. fm.]  
ad Hieron. (l. ii. 202. "Quamquam  
"secundum honorum vocabula, que  
"jam Ecclesie usus obtinuit, episco-  
"patus presbyterio major sit, tamen  
"in multis rebus Augustinus Hie-  
"ronymo minor est." ] et de Hæres.  
53 [l. viii. 18. "Atrius . . . dicebat  
"etiam presbyterum ab episcopo  
"nulla differentia debere discerni."]

What  
manner  
of power  
Bishops  
from the  
first legi-  
sing have  
had.

by that which St. Paul himself<sup>1</sup> concerning them hath, and by the latter consonant evidence of other men's<sup>2</sup> writings. Now a part of the preeminence which bishops had in their power of order, was that by them only such were consecrated.

[3.] Again, the power of ordaining both deacons and presbyters, the power to give the power of order unto others, this also hath been always peculiar unto bishops. It hath not been heard of, that inferior presbyters were ever authorized to ordain. And concerning ordination, so great force and dignity it hath, that whereas presbyters, by such power as they have received for administration of the sacraments, are able only to beget children unto God; bishops having power to ordain, do by virtue thereof create fathers to the people of God, as Epiphanius<sup>3</sup> fitly disputeth. There are which hold that between a bishop and a presbyter, touching power of order, there is no difference. The reason of which conceit is, for that they see presbyters no less than bishops authorized to offer up the prayers of the Church, to preach the gospel, to baptize, to administer the holy Eucharist; but they considered not withal as they should, that the presbyter's authority to do these things is derived from the bishop which doth ordain him thereunto, so that even in those things which are common unto both, yet the power of the one is as it were a certain light borrowed from the others' lamp. The apostles being bishops at large, ordained every where<sup>4</sup> presbyters. Titus and Timothy having received episcopal power, as apostolic ambassadors or legates, the one in Greece<sup>5</sup> [Crete], the other in Ephesus<sup>6</sup>, they both did by virtue thereof likewise ordain throughout all churches deacons and presbyters within the circuits allotted unto them. As for bishops by restraint, their power this way incommunicable unto presbyters which of the ancients do not acknowledge?

<sup>1</sup> 1 Cor. vii. 25; 1 Tim. v. 9. *οἰκονομῶμεν τοὺς ἑαυτῶν τὰς ἀρχὰς αὐτοῦ ἐκείνων καὶ ἐκείνων*  
<sup>2</sup> Tertull. de vet. Virg. [c. 9. *Scio alicubi virginem in viduatu*  
<sup>3</sup> ab annis modum viginti collo- *θεωρεῖται; ἡ γὰρ γὰρ, ἐστὶν ἡλικία*  
<sup>4</sup> catam; cui si quid refrigerii de- *γεννησέτω ἑαυτῶν ἡλικίαν ἡλικίαν*  
<sup>5</sup> buerat episcopus, aliter utique *ἢ ἐκείνην; ἡ δὲ παρὰ τὴν ἀποστολὴν*  
<sup>6</sup> salvo respectu discipline prestare *γεννησέτω, καὶ τὴν αὐτῶν ἀποστολὴν*  
<sup>7</sup> potuerunt. *ἡλικίαν ἡλικίαν ἡλικίαν, ἡ δὲ παρὰ τὴν ἀποστολὴν*  
<sup>8</sup> Epiph. lib. iii. Hæc. 75. [c. 4. *speaking of Adriaus. Ὅτι πρὸς ἀποστολὴν*  
<sup>9</sup> ἐστὶν ἐστὶν τὸ εἶναι ἐκείνων, τὸ *ἡλικίαν ἡλικίαν, ἡ δὲ παρὰ τὴν ἀποστολὴν*  
<sup>10</sup> τὸ εἶναι ἐκείνων, τὸ *ἡλικίαν ἡλικίαν, ἡ δὲ παρὰ τὴν ἀποστολὴν*



BOOK VII.  
Ch. vi. 4-6  
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[4.] I make not confirmation any part of that power which hath always belonged only unto bishops<sup>1</sup>, because in some places the custom was that presbyters might also confirm in the absence of a bishop; albeit for the most part none but only bishops were thereof the allowed ministers.

[5.] Here it will perhaps be objected that the power of ordination itself was not every where peculiar and proper unto bishops, as may be seen by a council of Carthage<sup>2</sup>, which sheweth their church's order to have been, that presbyters should together with the bishop lay hands upon the ordained. But the answer hereunto is easy; for doth it hereupon follow that the power of ordination was not principally and originally in the bishop? Our Saviour hath said unto his Apostles<sup>3</sup>, "With me ye shall sit and judge the twelve tribes of Israel," yet we know that to him alone it belongeth to judge the world, and that to him all judgment is given. With us even at this day presbyters are licensed to do as much as that council speaketh of, if any be present. Yet will not any man thereby conclude that in this church others than bishops are allowed to ordain. The association of presbyters is no sufficient proof that the power of ordination is in them; but rather that it never was in them we may hereby understand, for that no man is able to shew either deacon or presbyter ordained by presbyters only, and his ordination accounted lawful in any ancient part of the Church; every where examples being found both of deacons and of presbyters ordained by bishops alone oftentimes, neither ever in that respect thought insufficient.

[6.] Touching that other chiefly, which is of jurisdiction; amongst the Jews he which was highest through the worthiness of peculiar duties incident unto his function in the legal service of God, did bear always in ecclesiastical jurisdiction the chiefest sway. As long as the glory of the temple of God did last, there were in it sundry orders of men consecrated

<sup>1</sup> "Apud Ægyptum presbyteri  
"consignant, si presens non sit  
"episcopus." Com. q. vulgo Am-  
brus. dic. in 4. ep. ad Ephes. [§] p.  
in App. 241. ed. Bened.]

<sup>2</sup> [Concil. Carthag. iv. can. 3. l. l.  
979. ed. Harduin. A.D. 398. "Pres-  
byter cum ordinator, episcopo  
"eum benedicente, et manum super  
"caput ejus tenente, etiam omnes  
"presbyteri qui presentes sunt  
"manus suas juxta manum episcopi  
"super caput illius teneant.]"

<sup>3</sup> [Matt. xix. 28.]

unto the service thereof, one sort of them inferior unto another in dignity and degree; the Nathiners subordinate unto the Levites, the Levites unto the Priests, the rest of the priests to those twenty-four which were chief priests, and they all to the High Priest. If any man surmise that the difference between them was only by distinction in the former kind of power, and not in this latter of jurisdiction, are not the words of the law manifest which make Eleazar the son of Aaron the priest chief captain of the Levites<sup>1</sup>, and overseer of them unto whom the charge of the sanctuary was committed? Again, at the commandment of Aaron and his sons are not the Gersonites themselves required<sup>2</sup> to do all their service in the whole charge belonging unto the Gersonites, being inferior priests as Aaron and his sons were high priests? Did not Jehoshaphat<sup>3</sup> appoint Amarias the priest to be chief over them who were judges for the cause of the Lord in Jerusalem? "Priests," saith Josephus<sup>4</sup>, "worship God continually, and the eldest of the stock are governors over the rest. He doth sacrifice unto God before others, he hath care of the laws, judgeth controversies, correcteth offenders, and who soever obeyeth him not is convict of impiety against God."

[7.] But unto this they answer, that the reason thereof was because the high priest did prefigure Christ<sup>5</sup>, and represent to the people that chieftly of our Saviour which was to come; so that Christ being now come there is no cause why such preeminence should be given unto any one. Which fancy pleaseth so well the humour of all sorts of rebellious spirits, that they all seek to shroud themselves under it. Tell the Anabaptist, which holdeth the use of the sword unlawful for a Christian man, that God himself did allow his people to

BOOK VII.  
CH. VI. 7.

<sup>1</sup> Numb. iii. 32.  
<sup>2</sup> Numb. iv. 27.  
<sup>3</sup> 2 Chron. xix. 11.  
<sup>4</sup> Joseph. Antiq. p. 612. [ἐπισημοὺς θεμελιωτάτους μὲν διὰ μαριῆς αἱ ἱερεῖς, ἕτερον δὲ ἑστῶτος ἃ ἑπαρχοὺς τοῦ ἁγίου γένους. ἄλλοι μὲν οὖν τῶν ἱερατικῶν θύρασι τῶν θεῶν, φιλῶντες τοὺς νόμους, διακονοῦντες καὶ τῶν ἀποβουλομένων, ἐκδίδουσι τοὺς ἀρχαίους τῶν ἄλλων· ἃ δὲ γε τοῦτο μὴ ποιοῦντες, ἐπιτίθει διακὸν ἄνθρωπος τῶν τοῦτο ἀνομήτων. Contr. Apom. II. 23.]  
<sup>5</sup> [E. g. Beza, Respons. ad Saraviam, De divers. Grad. Ministr. Evang. c. 14, § 2. in Tract. Sarav. p. 125. "Respondens non fuisse" "equale neque sacerdotum neque Levitarum inter se ministerium." "Fuerunt enim alii et eminentiores summi sacerdotis, quam aliorum" "infra ipsum, partes; ut cui soli" "sacrarum ingredi liceret, ut Iesu" "Christi ecclesie uxor capitis unci" "typo." comp. "De Triplici Sacerdotio," p. 66.]



BOOK VII.  
Ch. vi. p.  
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make wars<sup>1</sup>; they have their answer round and ready, "Those ancient wars were figures of the spiritual wars of Christ." Tell the Barrowist what sway David and others the kings of Israel did bear in the ordering of spiritual affairs, the same answer again serveth, namely, "That David and the rest of the kings of Israel prefigured Christ." Tell the Martinist of the high priest's great authority and jurisdiction amongst the Jews, what other thing doth serve his turn but the selfsame shift; "By the power of the high priest the universal supreme authority of our Lord Jesus Christ was shadowed."

The thing is true, that indeed high priests were figures of Christ, yet this was in things belonging unto their power of order; they figured Christ by entering into the holy place, by offering for the sins of all the people once a year, and by other the like duties: but that to govern and to maintain order amongst those that were subject to them, is an office figurative and abrogated by Christ's coming in the ministry; that their exercise of jurisdiction was figurative, yea figurative in such sort, that it had no other cause of being instituted, but only to serve as a representation of somewhat to come, and that herein the Church of Christ ought not to follow them; this article is such as must be confirmed, if any way, by miracle, otherwise it will hardly enter into the heads of reasonable men, why the high priest should more figure Christ in being a Judge than in being whatsoever he might be besides. St. Cyprian<sup>3</sup> deemed it no wresting of Scripture

<sup>1</sup> [De Irlis, "Racis, Source, et Fondement des Anabaptistes," p. 823. "Plusieurs de ses Anabaptistes pensent bien d'échapper de tant de témoignages qui sont cont'reux, disant, que tous ces témoignages sont pris du Vieil Testament, et qu'ils ne doivent avoir lieu au Nouveau, en tant que notre Seigneur requiert une perfection plus grande en l'église Chrétienne qu'il n'a pas fait au peuple Judaique." Comp. p. 825. "Les Anabaptistes pensent bien tout renverser, quand ils nous repliquent le dire du Prophète Esaié, II. 41. et 6." &c.]  
<sup>2</sup> Cyp. l. iii. Ep. 9 [6]. ed.

Baluz. ad Rogatianum. ["Tu quidem honorifice circa nos et pro solita tua humilitate fecisti, ut nullus de eo nobis conquere, cum pro episcopatus vigore et calore sine auctoritate habere potestatem qua posses de illo statim vindicari, . . . habens circa hujusmodi homines precepta divina, cum Dominus Deus in Deuteronomio dicat, 'Et homo quicumque fecerit in superbia, ut non exaudiat sacerdotem aut judicem quicumque fecerit in diebus illis,' &c. . . Et ut sciamus hanc Dei vocem cum vera et summa maiestate ejus processisse ad honorandos ac vindicandos sacerdotes suos, cum ad-

to challenge as much for Christian bishops as was given to the high priest among the Jews, and to urge the law of Moses as being most effectual to prove it. St. Jerome likewise thought it an argument sufficient to ground the authority of bishops upon<sup>1</sup>. "To the end," saith he, "we may understand Apostolical traditions to have been taken from the Old Testament; that which Aaron and his sons and the Levites were in the temple, Bishops and Presbyters and Deacons in the Church may lawfully challenge to themselves."

[8.] In the office of a Bishop Ignatius<sup>2</sup> observeth these two functions, *ἡγερέειν καὶ ἄρχειν*: concerning the one, such is a [the] preeminence of a bishop, that he only hath the heavenly mysteries of God committed originally unto him, so that otherwise than by his ordination, and by authority received from him, others besides him are not licensed therein to deal as ordinary ministers of God's church. And touching the other part of their sacred function, wherein the power of their jurisdiction doth appear, first how the Apostles themselves, and secondly how Titus and Timothy had rule and jurisdiction over presbyters<sup>3</sup>, no man is ignorant. And had not Christian bishops afterwards the like power? Ignatius bishop of Antioch being ready by blessed martyrdom to end his life, writeth unto his presbyters, the pastors under him, in this sort<sup>4</sup>: *Οἱ πρεσβύτεροι, ποιμαίνετε τὸ ἐν ἡμῶν ποιμαίνων, ἕως θανάτου ἢ Θεοῦ τὰς μέλλουσα ἔρχου ἡμῶν. Ἐγὼ γὰρ ἤδη σπένδομαι.* After the death of Fabian bishop of Rome, there growing some trouble about the receiving of such persons into the Church as had fallen away in persecution, and did now repent their fall, the presbyters and deacons of the same church advertised St. Cyprian thereof<sup>5</sup>, signifying, "That they

<sup>1</sup> versus Aaron sacerdotem tres de ministris, Choro, et Dauid, et Abiron ausi sunt superbe et cervicem suam extollere, et sacerdoti preposito se adsequere, hians terre absorpsi ac devorati penas statim sacrilege audacie percol- versum. . . . Ut probaretur sacer- dotes Dei ab eo qui sacerdotem facit vindicari." <sup>2</sup> Hier. Ep. 85. [al. 146. fin. vid. sup. c. v. § 6. p. 160, note 1.] <sup>3</sup> Ep. ad Smyr. [c. 6. vid. sup. b. vi. c. ii. § 1. p. 4, note 4.] <sup>4</sup> 1 Tim. v. 19. "Against a presbyter receive no accusation under two or three witnesses." <sup>5</sup> Ignat. [adscr.] Epist. ad Antioch. [c. 8.] <sup>6</sup> Apol. Cypri. Ep. ii. 7. [31. "Quamquam nobis differenda ho- jus rei necessitas major incumbat, quibus post excessum nobilissime memorie viri Fabiani nondum

BOOK VII.  
CH. VI. 1.  
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" must of necessity defer to deal in that cause till God did  
" send them a new bishop which might moderate all things."  
Much we read of extraordinary fasting usually in the Church.  
And in this appeareth also somewhat concerning the chieftly  
of bishops. "The custom is," saith Tertullian<sup>1</sup>, "that  
" bishops do appoint when the people shall all fast." "Yes,  
" it is not a matter left to our own free choice whether  
" bishops shall rule or no, but the will of our Lord and  
" Saviour is," saith Cyprian<sup>2</sup>, "that every act of the Church  
" be governed by her bishops." An argument it is of the  
bishop's high preeminence, rule and government over all the  
rest of the clergy, even that the sword of persecution did  
strike, especially, always at the bishop as at the head, the  
rest by reason of their lower estate being more secure, as  
the selfsame Cyprian noteth; the very manner of whose  
speech unto his own both deacons and presbyters who  
remained safe, when himself then bishop was driven into  
exile, argueth likewise his eminent authority and rule over  
them. "By these letters," saith he<sup>3</sup>, "I both exhort and  
" commend that ye whose presence there is not envied at,  
" nor so much beset with dangers, supply my room in doing  
" those things which the exercise of religion doth require."  
Unto the same purpose serve most directly those compar-  
sons<sup>4</sup>, than which nothing is more familiar in the books

<sup>1</sup> est episcopus propter rerum et  
temporum difficultates constitutus,  
qui omnia ista moderetur et eorum  
qui lapsi sunt possit cum auctori-  
tate et consilio habere rationem.]  
<sup>2</sup> Episcopi universae plebi man-  
dare jussa assolent." Tertull.  
advers. Psychic. [c. 13.]  
<sup>3</sup> Cypr. Ep. 27. [al. 33.] Domi-  
nus pastor, cujus praecepta et  
monita observare debemus, epi-  
scopi honorem et ecclesiae suae  
rationem disponentis in evangelio  
loquitur et dicit Petro, 'Ego tibi  
dico quia tu es Petrus,' &c. . . .  
<sup>4</sup> Inde per temporum et successio-  
num vicis episcoporum ordi-  
natio et ecclesiae ratio decurrit, ut  
ecclesia super episcopos consti-  
tuatur, et omnia actus ecclesiae  
per eosdem praepositos gubernetur.]  
<sup>5</sup> Cypr. Ep. 39. [al. 5. ed. Baluz.  
Fretus et dilectione et religione  
vestra, quam satis novi, his literis  
et hortor et moneo, ut vos, qui  
cum minime illis invidiosa et non  
adeo periculosa praesentia est, vice  
mea fungamini circa perenda ea  
que administratio religiosa de-  
ponit.]  
<sup>6</sup> Vide Ignat. ad Magnas. [c. vi.  
κρασιβαίοντος του θεου εις τα  
επιση μυστήρια των αποστόλων, και  
του δακιδου, του του γλαυκώ-  
του, και του κρησθένου εις  
Χριστού. . . c. vii. δαμασ ος δ  
Κι-  
ριος θεος του Πατρις ούκον  
τομαίνου θεο, ούκον δε, ούκον δε  
των Αποστόλων ούκον μεν  
θεος του θεου και του κρησθ-  
ένου μεν κρησθένου. . . c. xiii. θεο-  
ύκον του θεου και άλλου,



of the ancient Fathers, who as oft as they speak of the several degrees in God's clergy, if they chance to compare presbyters with Levitical priests of the law, the bishop they compare<sup>1</sup> unto Aaron the high priest; if they compare the one with the Apostles, the other they compare (although in a lower proportion) sometime to Christ<sup>2</sup>, and sometime to God himself, evermore shewing that they placed the bishop in an eminent degree of ruling authority and power above other presbyters. Ignatius<sup>3</sup> comparing bishops with deacons, and with such ministers of the word and sacraments as were but presbyters, and had no authority over presbyters; "What is," saith he, "the bishop, but one which hath all principality and power over all, so far forth as man may have it, being to his power a follower even of God's own Christ?"

[9.] Mr. Calvin himself, though an enemy unto regiment by bishops, doth notwithstanding confess<sup>4</sup>, that in old time the ministers which had charge to teach, chose of their company one in every city, to whom they appropriated the title of bishop, lest equality should breed dissension. He added farther, that look, what duty the Roman consuls did execute in proposing matters unto the senate, in asking their opinions, in directing them by advice, admonition, exhortation, in guiding actions by their authority, and in seeing that performed which was with common consent agreed on, the like charge had the bishop in the assembly of other ministers. Thus much Calvin being forced by the evidence of truth to grant, doth

ἄλλοτε ἑποῦς ἕνα ἕνα ἐκ τῶν πρεσβυτέρων ἐκλεῖται, καὶ αὐτὸν ἐπίσκοπον καλεῖται, καὶ αὐτὸν ἐκ τῶν πρεσβυτέρων ἐκλεῖται, καὶ αὐτὸν ἐκ τῶν πρεσβυτέρων ἐκλεῖται.

<sup>1</sup> "Quod Aaron et filios ejus, hoc episcopum et presbyteros esse noverimus." Hier. ad Nepotianum. ep. 2 [ad. 52. § 7. l. 1. p. 290. ed. Vallarsii.]

<sup>2</sup> Ita est, ut in episcopis Dominum, in presbyteris Apostolos recognoscatur. Auctor Opusc. de septem Ordinib. Eccl. inter Opera Hieron. [l. xi. 123.]

<sup>3</sup> Ignat. [interp.] Ep. ad Trall. [c. 7. v. 30.] ἕνα ἐπίσκοπον, ἀλλ' ἕνα πρεσβυτέρου καὶ ἑποῦς ἐπίσκοπον, καὶ αὐτὸν ἐκ τῶν πρεσβυτέρων ἐκλεῖται, καὶ αὐτὸν ἐκ τῶν πρεσβυτέρων ἐκλεῖται.

<sup>4</sup> Instit. lib. iv. cap. 4. § 2.

<sup>1</sup> "Quibus docendi manus injunctum erat, eos omnes nominabant presbyteros. Illi ex suo numero in singulis civitatibus unum eligebant, cui specialiter dabatur titulum episcopi; ne ex aequalitate, ut fieri solet, dissidia nascerentur.

<sup>2</sup> Neque tamen sic honore et dignitate superior erat episcopus ut dominium in collegas haberet; sed quas partes habet consul in senatu, ut referat de negotiis, sententias roget, consulendo, monendo, hortando, aliis praeerat, auctoritate sua totam actionem regeret, et quod decretum communi consilio ferret exequatur; id munus sustinebat episcopus in presbyterorum curia."

BOOK VII.  
CH. VI. 3





sostom had in those their speeches an eye no further than only to that function for which presbyters and bishops were consecrated unto God. Now we know that their consecration had reference to nothing but only that which they did by force and virtue of the power of order, wherein sith bishops received their charge, only by that one degree, to speak of more ample than presbyters did theirs, it might be well enough said that presbyters were that way authorized to do, in a manner, even as much as bishops could do, if we consider what each of them did by virtue of solemn consecration: for as concerning power of regiment and jurisdiction, it was a thing withal added unto bishops for the necessary use of such certain persons and people, as should be thereunto subject in those particular churches whereof they were bishops, and belonged to them only as bishops of such or such a church; whereas the other kind of power had relation indefinitely unto any of the whole society of Christian men, on whom they should chance to exercise the same, and belonged to them absolutely, as they were bishops wheresoever they lived. St. Jerome's conclusion thereof is<sup>1</sup>, "That seeing in the one kind of power there is no greater difference between a presbyter and a bishop, bishops should not because of their preeminence in the other too much lift up themselves above the presbyters under them." St. Chrysostom's collection, "That whereas the Apostle doth set down the qualities whereof regard should be had in the consecration of bishops, there was no need to make a several discourse how presbyters ought to be qualified when they are ordained; because there being so little difference in the functions, whereunto the one and the other receive ordination, the same precepts might well serve for both; at leastwise by the virtues required in the greater, what should need in the less might be easily understood. As for the difference of jurisdiction, the truth is, the Apostles yet living, and themselves where they were resident exercising the jurisdiction in their own persons, it was not every where established in bishops." When the Apostles prescribed those laws, and when Chrysostom thus spake concerning them, it was not by him at all respected, but his eye

<sup>1</sup> [Ep. ad Nepot. 2. al. §2. §7.]

BOOK VII. was the same way with Jerome's; his cogitation was wholly  
 CH. VI. 16. fixed on that power which by consecration is given to bishops  
 more than to presbyters, and not on that which they have over  
 presbyters by force of their particular accessory jurisdiction.

Wherein if any man suppose that Jerome and Chrysostom knew no difference at all between a presbyter and a bishop, let him weigh but one or two of their sentences. The pride of insolent bishops hath not a sharper enemy than Jerome, for which cause he taketh often occasions most severely to inveigh against them, sometimes for<sup>1</sup> shewing disdain and contempt of the clergy under them; sometime for not<sup>2</sup> suffering themselves to be told of their faults, and admonished of their duty by inferiors; sometime for not admitting<sup>3</sup> their presbyters to teach, if so be themselves were in presence; sometimes for not vouchsafing to use any conference with them, or to take any counsel of them. Howbeit never doth he in such wise bend himself against their disorders, as to deny their rule and authority over presbyters. Of Vigilantius being a presbyter, he thus writeth<sup>4</sup>: "Miro <sup>5</sup> sanctum episcopum in cuius parochia presbyter esse dicitur, <sup>6</sup> acquiescere furori ejus, et non virga apostolica virgaque <sup>7</sup> ferrea confringere vas inutile:" "I marvel that the holy <sup>8</sup> bishop under whom Vigilantius is said to be a presbyter, <sup>9</sup> doth yield to his fury, and not break that unprofitable <sup>10</sup> vessel with his apostolic and iron rod." With this agreeth most fitly the grave advice he giveth to Nepotian<sup>11</sup>: "Be

<sup>1</sup> "Velut in aliqua sublimi specu-  
 "la constituti, vix dignantur videre  
 "mortales et alioquin conservos suos."  
 In 4. c. Epist. ad Gal. [c. 13. l. v. 438.]  
<sup>2</sup> "Nemo peccantibus episcopis  
 "audet contradicere; nemo audet  
 "accusare majorem; propterea  
 "quasi sancti et beati et in præcep-  
 "tis Domini ambulantes audent  
 "peccata peccatis. Difficilis est  
 "accusatio in episcopum. Si enim  
 "peccaverit, non creditur; et si  
 "convictus fuerit, non puniuntur."  
 In cap. 8. Ecclesiast. v. 11. [l. 454.]  
 The later editions of St. Jerome  
 omit the first clause.  
<sup>3</sup> "Pessima consuetudo est,  
 "in quibusdam ecclesiis tacere  
 "presbyteros et presentibus epi-  
 "scopi non loqui; quasi aut invi-

"deant aut non dignentur audire."  
 Ep. ad Nepotian. [52. § 7.]

<sup>4</sup> Ep. 53. ad Ripar. [al. 109. § 2.  
 l. 720.]

<sup>5</sup> Hier. ad Nepot. [52. § 7. "Esto  
 "subjectus Pontifici tuo, et quasi  
 "anime parentem suscipe. . . Inad-  
 "etiam dico, quod episcopi, sacer-  
 "dotes se esse noverint, non domi-  
 "nos; honorent clericos quasi cleri-  
 "cos, ut et ipsi a clericis quasi  
 "episcopis honor deferatur. Scitum  
 "illud est oratoris Domini, 'Cur  
 "ego te, inquit, habeam ut princi-  
 "pem, quum tu me non habeam ut  
 "amatorem?' Quod Aaron et filios  
 "ejus, hoc esse episcopum et pres-  
 "byteros noverimus. Unus Domi-  
 "nus, unum Templum; unum sit  
 "etiam ministerium." l. 260.]

"thou subject unto thy bishop, and receive him as the father  
 "of thy soul. This also I say, that bishops should know  
 "themselves to be priests and not lords; that they ought  
 "honour the clergy as becometh the clergy to be honoured,  
 "to the end their clergy may yield them the honour which  
 "as bishops they ought to have<sup>1</sup>. That of the orator Do-  
 "mitius is famous: 'Wherefore should I esteem of thee as  
 "of a prince, when thou makest not of me that reckoning  
 "which should in reason be made of a senator?' Let us  
 "know the bishop and his presbyters to be the same which  
 "Aaron sometime and his sons were." Finally writing against  
 "the heretics which were named Luciferians<sup>2</sup>, "The very safety  
 "of the Church," saith he, "dependeth on the dignity of the  
 "chief priest, to whom unless men grant an exceeding and an  
 "eminent power, there will grow in churches even as many  
 "schisms as there are persons which have authority."

Touching Chrysostom, to shew that by him there was also  
 acknowledged a ruling superiority of bishops over presbyters,  
 both then usual, and in no respect unlawful, what need we  
 allege his words and sentences, when the history of his own  
 episcopal actions in that very kind is till this day extant for  
 all men to read that will? For St. Chrysostom of a presbyter  
 in Antioch, grew to be afterwards bishop of Constantinople;  
 and in process of time when the emperor's heavy displeasure  
 had through the practice of a powerful faction against him  
 effected his banishment, Innocent the bishop of Rome under-  
 standing thereof wrote his letters unto the clergy of that  
 Church<sup>3</sup>, "That no successor ought to be chosen in Chry-  
 "sostom's room: *nec ejus Clerum alii parere Pontifici*, nor his  
 "clergy *obey* any other bishop than him." A fond kind of  
 speech, if so be there had been as then in bishops no ruling

<sup>1</sup> No bishop may be a lord in re-  
 ference unto the presbyters which  
 are under him, if we take that name  
 in the worst part, as Jerome here  
 doth. For a bishop is to rule his  
 presbyters, not as lords do their  
 slaves, but as fathers do their chil-  
 dren.

<sup>2</sup> [1] 9. "Ecclesie salus in summi  
 "sacerdotis dignitate pendet; cui si  
 "non exorsus quondam et ab omnibus

"eminens deus potestas, tot in ec-  
 "clesiis efficiuntur schismata, quot  
 "sacerdotes." ii. 182.]

<sup>3</sup> In *Vita Chrys.* per Cassiod.  
 Sen. [in *Hist. Eccles. Tripart.* (a  
 Latin compilation from Socrates,  
 Sozomen, and Theodoret, made or  
 translated at the instance of Cassio-  
 dorus (470-555) by his friend Epi-  
 phanius Scholasticus) l. x. c. 18.]  
 1826.



concludeth in the end, "He that should disobey these were a plain atheist, and an irreligious person, and one that did set Christ himself and his own ordinances at nought." Which order making presbyters or priests the bishop's assistants doth not import that they were of equal authority with him, but rather so adjoined that they also were subject, as hath been proved. In the writings of St. Cyprian<sup>1</sup> nothing is more usual than to make mention of the college of presbyters subject unto the bishop, although in handling the common affairs of the Church they assisted him. But of all other places which open the ancient order of episcopal presbyters the most clear is that epistle of Cyprian unto Cornelius<sup>2</sup>, concerning certain Novatian heretics received again upon their conversion into the unity of the Church<sup>3</sup>. "After that Urbanus and Sidenius, confessors, had come and signified unto our presbyters, that Maximus a confessor and presbyter did together with them desire to return into the Church, it seemed meet to hear from their own mouths and confessions that which by message they had delivered. When they were come, and had been called to account by the presbyters touching those things they had committed, their answer was, that they had been deceived, and did request that such things as there they were charged with might be forgotten. It being brought unto me what was done, I took order that the presbytery might be assembled. There were also present five bishops, that upon settled advice it might be with consent of all determined what should be done about their persons."

BOOK VII.  
Ch. VI. c.

<sup>1</sup> "Cum episcopo presbyteri sacerdotali honore conjuncti." Ep. 28. [Ep. 68? p. 118. ed. Baluzi.]  
"Nec hoc in episcoporum tantum et sacerdotum, sed et in diaconorum ordinationibus observasse apostolos animadvertimus . . . ne quis ad altaris ministerium vel ad sacerdotium locum indignus obreperet." Ego et compresbyteri nostri qui vobis adsidebant. Ep. 27. [66. p. 114.]  
[It should be "Cornelius unto Cyprian"]  
<sup>2</sup> [Ep. 46. p. 60. ed. Baluzi.]  
"Postquam Urbanus et Sidenius confessores ad compresbyteros nostros venerunt, affirmantes

"Maximus confesorem et presbyterum secum pariter exire in ecclesiam redire, . . . ex ipsorum ore et confessione ista que per legationem mandaverant placuit audiri. Qui cum venissent, et a presbyteris que gesserant exigerentur . . . circumventos se esse affirmaverunt, . . . qui cum hac et cetera eis fuissent exprobrata, ut abolerentur et de memoria tollerentur depercati sunt. Omnia igitur actu ad me perlata, placuit centrali presbyterium. Adfuerunt etiam episcopi quinque, . . . ut firmato consilio quid circa personarum eorum observari deberet consensus omnium statueretur."

BOOK VII. Thus far St. Cyprian. Wherein it may be peradventure demanded, whether he and other bishops did thus proceed with advice of their presbyters in all such public affairs of the Church, as being thereunto bound by ecclesiastical canons, or else that they voluntarily so did, because they judged it in discretion as then most convenient. Surely the words of Cyprian are plain, that of his own accord he chose this way of proceeding.<sup>1</sup> "Unto that," saith he, "which Donatus, and Fortunatus, and Novatus, and Gordius, our com-presbyters, have written, I could by myself alone make no answer, forasmuch as at the very first entrance into my bishoprick I resolutely determined not to do any thing of mine own private judgment, without your counsel and the people's consent." The reason whereof he rendereth in the same epistle, saying<sup>2</sup>, "When by the grace of God myself shall come unto you," (for St. Cyprian was now in exile,) "of things which either have been or must be done we will consider, sicut honor mutius poscit, as the law of courtesy which one doth owe to another of us requireth." And at this very mark doth St. Jerome evermore aim in telling bishops that presbyters were at the first their equals, that in some churches for a long time no bishop was made but only such as the presbyters did choose out amongst themselves, and therefore no cause why the bishop should disdain to consult with them, and in weighty affairs of the Church to use their advice. Sometime to countenance their own actions, or to repress the boldness of proud and insolent spirits, that which bishops had in themselves sufficient authority and power to have done, notwithstanding they would not do alone, but craved therein the aid and assistance of other bishops, as in the case of those Novatian heretics, before alleged, Cyprian himself did. And in Cyprian we find of others the like practice. Rogatian a bishop, having been used contumeliously by a deacon of his own church, wrote thereof his complaint unto Cyprian and other bishops.

<sup>1</sup> Cyp. Ep. 93. [5. p. 11. "Ad id quod scripserunt mihi presbyteri nostri Donatus et Fortunatus, Novatus, et Gordius, solus rescribere nihil potui, quando a primordio episcopatus mei statuerim nihil sine consilio vestro et sine consensu plebis mea privatis sententia gerere."] [*Ibid.* "Sed cum ad vos per Dei gratiam venero, tunc de his que vel gesta sunt vel gerenda, sicut honor mutius poscit, in commune tractabimus."] ]

In which case their answer was<sup>1</sup>, "That although in his own  
 " cause he did of humility rather shew his grievance, than  
 " himself take revenge, which by the vigour of his apostolical  
 " office and the authority of his chair he might have presently  
 " done, without any further delay ;" yet if the party should do  
 " again as before, their judgments were, "fangaris circa eum  
 " potestate honoris tui, et eum vel deponas vel abstineas;"—  
 " use on him that power which the honour of thy place giveth  
 " thee, either to depose him or exclude him from access unto  
 " holy things."

[2.] The bishop for his assistance and ease had under him,  
 to guide and direct deacons in their charge, his archdeacon, so  
 termed in respect of care over deacons, albeit himself were  
 not deacon but presbyter. For the guidance of presbyters in  
 their function the bishop had likewise under him one of the  
 selfsame order with them, but above them in authority, one  
 whom the ancients termed usually an arch-presbyter<sup>2</sup>, we at  
 this day name him dean. For most certain truth it is that  
 churches cathedral and the bishops of them are as glasses,  
 wherein the face and very countenance of apostolical antiquity  
 remaineth even as yet to be seen, notwithstanding the altera-  
 tions which tract of time and the course of the world hath  
 brought. For defence and maintenance of them we are most  
 earnestly bound to strive, even as the Jews were for their tem-  
 ple and the high priest of God therein: the overthrow and  
 ruin of the one, if ever the sacrilegious avarice of Atheists  
 should prevail so far, which God of his infinite mercy forbid,  
 ought no otherwise to move us than the people of God were  
 moved, when having beheld the sack and combustion of his  
 sanctuary in most lamentable manner flaming before their  
 eyes, they uttered from the bottom of their grieved spirits  
 those voices of doleful supplication<sup>3</sup>, " Exsurge Domine et  
 " miserearis Sion ; Servi tui diligunt lapides ejus, pulveris  
 " ejus miseret eos."

VIII. How far the power which bishops had did reach, <sup>How far</sup>  
 what number of persons was subject unto them at the first, <sup>the power</sup>  
 of Bishops

<sup>1</sup> Cyp. Ep. [65. al. 3. c. 1. vid. of the church of Alexandria under  
 sup. c. vi. § 7. p. 172. note 1.] Theophilus at that time bishop.  
<sup>2</sup> Such a one was that Peter whom [Hist. Eccles. Tripartit. lib. x.  
 Cassiodore writing the life of Chry- cap. 16.]  
 -ostom doth call the archpresbyter <sup>3</sup> Psalm cii. vs. 14.



BOOK VII.  
Ch. VII. A.  
—  
hath  
resulted  
from the  
beginning  
in respect  
of territory  
of local  
compass.

and how large their territories were, it is not for the question we have in hand a thing very greatly material to know. For if we prove that bishops have lawfully of old ruled over other ministers, it is enough, how few soever those ministers have been, how small soever the circuit of place which hath contained them. Yet hereof somewhat, to the end we may so far forth illustrate church antiquities.

[2.] A law imperial there is, which sheweth that there was great care had to provide for every Christian city a bishop as near as might be<sup>1</sup>, and that each city had some territory belonging unto it, which territory was also under the bishop of the same city; that because it was not universally thus, but in some countries one bishop had subject unto him many cities and their territories, the law which provided for establishment of the other orders, should not prejudice those churches wherein this contrary custom had before prevailed. Unto the bishop of every such city, not only the presbyters of the same city, but also of the territory thereunto belonging, were from the first beginning subject. For we must note that when as yet there were in cities no parish churches, but only colleges of presbyters under their bishop's regiment, yet smaller congregations and churches there were even then abroad, in which churches there was but some one only presbyter to perform among them divine duties<sup>2</sup>. Towns and villages abroad receiving the faith of Christ from cities whereunto they were adjacent, did as spiritual and heavenly colonies by their subjection honour those ancient mother churches out of which they grew. And in the Christian cities themselves, when the mighty increase of believers made it necessary to have them divided into certain several companies, and over every of those companies one only pastor to be appointed for the ministry of

<sup>1</sup> L. 36. C. de Episc. et Cler. "Ὁ γὰρ ἀρχιερεὺς ἀνάγει εἰς τὴν λαο-  
[Cod. Just. l. 3. de Episc. et Cler. εἶναι ἑαυτὸν. Καὶ ἡ ἀρχιερατικὴ  
36. p. 35. ed. Gothofr. 1588. Hooker ἱερατικὴ τῶν εἰς ἀρχιερεῖς ἄρου-  
gives almost *corollariè* the Greek ver- τισσώμεθα. Besides, Cyr. Ep.  
sion of Photius, (Hyp.) Nomocanon, 32. [p. 73. ed. Baluz. xl. 35. c. 14.]  
p. 85. ed. Paris. 1600.] Ἐκαστὴ πόλις  
ἑνὲς ἀρχιερέως ἔχειν καὶ εἰς τὴν πόλιν  
ἀνεκαταστήσει ἐκαστὸν τὸν ἀρχιερέα  
ἐν τῇ πόλει ἀνεκαταστήσει ἕνα ἑκα-  
σταθεὶς ἀνάγει ἢ τοὺς ἄλλους ἑαυτὸν,  
ἡγεμενὸς τῶν ἄρου καὶ ἀρχιερέων.  
Ἐξήματα δὲ ἢ τοῦ αἵματος ἑαυτὸν ἑλθεῖν.

<sup>2</sup> vincias et per urbes singulas or-  
"dimati sunt episcopi."  
<sup>3</sup> "Ubi ecclesiastici ordinis non  
"est consensus, et offert et tingit  
"sacerdos qui est sol solis." Ter-  
tull. Exhort. ad Castit. [c. 7.]



holy things; between the first and the rest after it there could not but be a natural inequality, even as between the temple and synagogues in Jerusalem. The clergy of cities were termed *urbici*<sup>1</sup>, to shew a difference between them and the clergies of the towns, of villages, of castles abroad. And how many soever these parishes or congregations were in number, which did depend on any one principal city church, unto the bishop of that one church they and their several sole presbyters were all subject.

[3.] For if so be, as some imagine, every petty congregation or hamlet had had his own particular bishop, what sense could there be in those words of Jerome<sup>2</sup> concerning castles, villages, and other places abroad, which having only presbyters to teach them and to minister unto them the sacraments, were resorted unto by bishops for the administration of that wherewith their presbyters were not licensed to meddle. To note a difference of that one church where the bishop hath his seat, and the rest which depend upon it, that one hath usually been termed *cathedra*, according to the same sense wherein Ignatius speaking of the Church of Antioch termeth it his throne; and Cyprian making mention of Evaristus, who had been bishop and was now deposed, termeth him *cathedra extorrem*<sup>3</sup>, one that was thrust besides his chair. The church where the bishop is set with his college of presbyters about him we call a *see*; the local compass of his authority we term a *diocesis*<sup>4</sup>. Unto a bishop within the compass of his own both see and diocesis, it hath by right of his place evermore appertained to ordain presbyters<sup>5</sup>,

BOOK VII.  
Ch. xlii. 2

<sup>1</sup> Cypri. Ep. 25. [40. ed. Baluz. p. 53. "Cum semel placuerit tam nobis quam confessoribus et clero: et urbiis, item universis episcopis vel in nostra provincia vel trans mare consultis," &c.]  
<sup>2</sup> Hieron. advers. Lucifer. [1] 9. "Non quidem abusu hanc ecclesiarum esse consuetudinem, ut ad nos qui longe in minoribus urbi- bus per presbyteros et diaconos baptizati sunt, episcopus ad invocacionem Sancti Spiritus manum impositurus excurret."  
<sup>3</sup> Cypri. Ep. 49. [al. 52. c. 1. "Didicimus, atque doctere et instruere ceteros corporum, Evaristum de episcopo, jam nec laicum

"remansisse, cathedra et plebis extorem," p. 63. ed. Baluz.]  
<sup>4</sup> [So Kuhn. Johnson quotes Whiggitt and Raleigh for this form. So Gauden's text 1676, but in ed. 1686 it is *diocesis*] 1836.  
<sup>5</sup> [Ἐπιτομή ἱεροσολιμῶν ἱεροσολιμῶν τῆς ἁγίας Ἐκκλησίας, ἡμετέρας ἐκείνης τῆς ἁγίας ἐκκλησίας ἐπιτομή, ἡμετέρας ἐκείνης τῆς ἁγίας ἐκκλησίας ἐπιτομή, ἡμετέρας ἐκείνης τῆς ἁγίας ἐκκλησίας ἐπιτομή, ἡμετέρας ἐκείνης τῆς ἁγίας ἐκκλησίας ἐπιτομή.] Conc.







BOOK VII. nature soever they be, one should have some kind of sway or  
 Ch. vii. 5. stroke more than all the residue. For where number is, there  
 must be order, or else of force there will be confusion. Let  
 there be divers agents, of whom each hath his private inducements  
 with resolute purpose to follow them (as each may  
 have); unless in this case some had preeminence above the  
 rest, a chance it were if ever any thing should be either begun,  
 proceeded in, or brought unto any conclusion by them; deli-  
 berations and counsels would seldom go forward, their meet-  
 ings would always be in danger to break up with jars and  
 contradictions. In an army a number of captains, all of equal  
 power, without some higher to oversway them; what good  
 would they do? In all nations where a number are to draw  
 any one way, there must be some one principal mover.

Let the practice of our very adversaries themselves herein  
 be considered; are the presbyters able to determine of church  
 affairs, unless their pastors do strike the chiefest stroke and  
 have power above the rest? Can their pastoral synod do any  
 thing, unless they have some president amongst them? In  
 synods they are forced to give one pastor preeminence and  
 superiority above the rest. But they answer, that he who  
 being a pastor according to the order of their discipline is for  
 the time some little deal mightier than his brethren, doth not  
 continue so longer than only during the synod<sup>1</sup>. Which  
 answer serveth not to help them out of the briers; for by their  
 practice they confirm our principle touching the necessity of  
 one man's preeminence wheresoever a concurrency of many is  
 required unto any one solemn action: this nature teacheth,  
 and this they cannot choose but acknowledge. As for the  
 change of his person to whom they give this preeminence, if  
 they think it expedient to make for every synod a new supe-

<sup>1</sup> [T. C. i. 85. apud Whitgöf. "brethren as well as others, if he  
 Def. 392. al. 110. "If any man "be judged any way faulty. And  
 "will call this a rule or president- "that after that action ended and  
 "ship, and him that executeth the "meeting dissolved, he sit him down  
 "office a president or moderator, or "in his old place, and set himself in  
 "a governor, we will not strive, so "equal estate with the rest of the  
 "that it be with these cautions, "ministers. Thirdly, that this go-  
 "vernor or moderator, but governor "vernment or presidentship, or  
 "or moderator of that action and "whatsoever like name you will give  
 "for that time, and subject to the "it, be not so tied unto that minis-  
 "orders that others be, and to be "ter, but that at the next meeting  
 "censured by the company of the "it shall be lawful to take another  
 "if another be thought meetier.]"

rior, there is no law of God which bindeth them so to [do]'; neither any that telleth them that they might [not?] suffer one and the same man being made president even to continue so during life, and to leave his preeminence unto his successors after him, as by the ancient order of the Church, archbishops, presidents amongst bishops, have used to do.

[6.] The ground therefore of their preeminence above bishops is the necessity of often concurrency of many bishops about the public affairs of the Church, as consecrations of bishops, consultations of remedy of general disorders, audience judicial, when the actions of any bishop should be called in question, or appeals are made from his sentence by such as think themselves wronged. These and the like affairs usually requiring that many bishops should orderly assemble, begin, and conclude somewhat; it hath seemed in the eyes of reverend antiquity a thing most requisite, that the Church should not only have bishops, but even amongst bishops some to be in authority chiefest<sup>1</sup>.

[7.] Unto which purpose, the very state of the whole world, immediately before Christianity took place, doth seem by the special providence of God to have been prepared. For we must know, that the countries where the Gospel was first planted, were for the most part subject to the Roman empire. The Romans' use was commonly, when by war they had subdued foreign nations, to make them provinces, that is, to place over them Roman governors, such as might order them according to the laws and customs of Rome. And, to the end that all things might be the more easily and orderly done, a whole country being divided into sundry parts, there was in each part some one city, whereinto they about did resort for justice. Every such part was termed a diocess<sup>2</sup>. Howbeit, the name *diocess* is sometime so generally taken, that it con-

<sup>1</sup> So ed. 1676, 1682.

<sup>2</sup> [Of Archbishops, see Admon. ap. Whitig. Def. 298; Answ. ibid. al. 95-103; T. C. i. 61. al. 82; Def. 297, Sec. 1; T. C. ii. 453-514.] party in whose behalf he wrote to the propektor, might have his causes put over to that court which was held in the diocess of Hellepont, where the man did abide, and not to Hellespontio controversie, ut in "Illum diocessu rejicias." Cic. Fam. Ep. 53. lib. xiii. The suit which Tully maketh was this, that the

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Ch. vii. 7.

taineth not only more<sup>4</sup> such parts of a province, but even more provinces also than one; as the diocess of Asia contained eight<sup>1</sup>, the diocess of Africa seven<sup>2</sup>. Touching diocesses according unto a stricter sense, whereby they are taken for a part of a province, the words of Livy<sup>3</sup> do plainly shew what order the Romans did observe in them. For at what time they had brought the Macedonians into subjection, the Roman governor, by order from the senate of Rome, gave charge that Macedonia should be divided into four regions or diocesses. "Capita regionum ubi concilia ferent, primæ sedis Amphipolim, "secunda Thessalonicens, tertia Pellam, quarta Pelagoniam fecit. Eo concilia suæ cujusque regionis indici, pecuniam "conferri, ibi magistratus creari jussit." This being before the days of the emperors, by their appointment Thessalonica was afterwards the chiefest<sup>4</sup>, and in it the highest governor of Macedonia had his seat. Whereupon the other three diocesses were in that respect inferior unto it, as daughters unto a mother city; for not unto every town of justice was that title given, but was peculiar unto those cities wherein principal courts were kept. Thus in Macedonia the mother city was Thessalonica; in Asia, Ephesus<sup>5</sup>; in Africa, Carthage; for so Justinian in his time made it<sup>6</sup>. The governors, officers, and inhabitants of these mother cities were termed for difference<sup>7</sup> sake *metropolitæ*, that is to say, *mother city men*; than which nothing could possibly have been devised more fit to suit with the nature of that form of spiritual regiment under which afterward the Church should live.

Wherefore if the prophet saw cause to acknowledge unto

<sup>4</sup> *ms.*, ed. 1676; more, 1681.

<sup>1</sup> [Notit. Imp. Orient. per Pancirolum, p. 28. ed. 1593.]  
<sup>2</sup> [According to the Notitia, p. 153, Africa had but five provinces; according to Sextus Rufus, six; 2p. Græv. Script. Hist. Rom. p. 1194.]  
<sup>3</sup> [Lib. xlv. c. 29.]  
<sup>4</sup> [Theodoret. E. H. v. 17; Cod. Theodos. xi. tit. i. 35.]  
<sup>5</sup> Cic. ad Attic. lib. v. ep. 13. Item, l. Observ. D. de Officio Proconsulis et Legati. [Imperator "noster Antoninus Augustus ad desideria Asianorum rescriptis, "procursum necessitatem imponitiam  
 "per mare Asiam applicare, sui vici  
 "episcopatus Tigris, i. e. inter  
 "matris urbes Ephesum primam  
 "attingere." ap. Goshofred. Corp. Jur. Civ. p. 28. ed. 1682.]  
<sup>6</sup> "Sancimus . . . ut sicut Oriens  
 "atque Illyricum, ita et Africa præ  
 "tantina maxima potestate speci  
 "aliter a nostra clementia dicoretur.  
 "Cujus sedem jubemus esse Car  
 "thaginem . . . et ab ea, auxiliante  
 "Deo, septem provincias cum suis  
 "judicibus disponantur." Lib. i. tit. 27. l. i. sect. 1, 2. [Cod. Justinian. p. 100. ed. Gothofr. 1688.]

the Lord that the light of his gracious providence did shine no where more apparently to the eye than in preparing the land of Canaan to be [a] receptacle for that Church which was of old<sup>1</sup>. "Thou hast brought a vine out of Egypt, thou hast cast out the heathen and planted it, thou madest room for it, and when it had taken root it filled the land;" how much more ought we to wonder at the handy-work of Almighty God who to settle the kingdom of his dear Son did not cast out any one people, but directed in such sort the politic counsels of them who ruled far and wide over all, that they throughout all nations, people and countries upon earth, should unwittingly prepare the field wherein the vine which God did intend, that is to say, the Church of his dearly-beloved Son was to take root? For unto nothing else can we attribute it, saving only unto the very incomprehensible force of Divine providence, that the world was in so marvellous fit sort divided, levelled and laid out before-hand. Whose work could it be but his alone to make such provision for the direct implantation of his Church?

[8.] Wherefore inequality of Bishops being found a thing convenient for the Church of God, in such consideration as hath been shewed, when it came secondly in question which bishops should be higher and which lower, it seemed herein not to the civil monarch only, but to the most expedient that the dignity and celebrity of mother cities should be respected<sup>2</sup>. They which dream that if civil authority had not given such preeminence unto one city more than another, there had never grown an inequality amongst bishops, are deceived: superiority of one bishop over another would be requisite in the Church although that civil distinction were abolished: other causes having made it necessary even amongst bishops to have some in degree higher than the rest, the civil dignity of place was considered only as a reason wherefore this bishop should be preferred before that: which deliberation had been likely enough to have raised no small trouble,

<sup>1</sup> Psalm lxxx. B. G. Αὐτὸ εἶναι τὴν ἀρχαίαν ἐκκλησίαν  
<sup>2</sup> Council Antiochen. can. 9. Τὸ εἶναι ἀρχαίαν πόλιν καὶ τὴν ἀρχαίαν ἐκκλησίαν ἀποδείκνυται ἐκ τῆς ἀρχαίας πόλεως καὶ τῆς ἀρχαίας ἐκκλησίας. [i. l. 375. ed. Πατριάρχης Ἀντιόχειας καὶ τῆς Φυλακῆς ἀποστόλων, σ. 134.]



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→ but that such was the circumstance of place, as being followed in that choice, besides the manifest conveniency thereof, took away all show of partiality, prevented secret emulations, and gave no man occasion to think his person disgraced in that another was preferred before him.

[9.] Thus we see upon what occasion metropolitan bishops became archbishops. Now while the whole Christian world in a manner still continued under one civil government, there being oftentimes within some one more large territory divers and sundry mother churches, the metropolitans whereof were archbishops; as for order's sake it grew hereupon expedient there should be a difference also amongst them, so no way seemed in those times more fit than to give preeminence unto them whose metropolitan sees were of special desert or dignity: for which cause these as being bishops in the chiefest mother churches were termed primates, and at the length by way of excellency, patriarchs. For ignorant we are not, how sometimes the title of patriarch is generally given to all metropolitan bishops.

They are mightily therefore to blame which are so bold and confident, as to affirm<sup>1</sup> that for the space of above four hundred and thirty years after Christ, all metropolitan bishops were in every respect equals, till the second council of Constantinople<sup>2</sup>

<sup>1</sup> Villerius de Statu primitivæ Ecclesie. [Hæc quidem Ecclesie Christiane instituta aduque ceteræ amplius xxx annos integra atque insviolata permanserunt . . . . At paucis post annis, Constantinopolitana Episcopus ambitione et cupiditate regnandi acerrimus acus est proclaram illam Ecclesie descriptionem et œconomiam contempsit. Cum enim imperatores sedem imperii sui, senatūque in ea civitate constituisent, ille artibus suis perfecti, ut ea . . . dignitatem quoque et potestatem aliam quam præter ceteras metropoles æquimam ac perpetuam obtineret. Itaque quod Constantinopolitanis perni cap. 2<sup>o</sup>, constitutum erat, ut Asia, Ponia, et Thracie metropolitæ, sæpe quoque provincie procuratorem gererent, . . . proximo universali concilio, i. e. Chalcedonensi, funditus abrogatum

est, et novo more, nullo exemplo constitutum, ut harum omnium provinciarum metropolitæ solus Constantinopolitanus episcopus consisteret: qui hæc . . . nemo non videt . . . æqualitatem provinciarum, quæ a majoribus conservata ac tradita fuerat, turpissime confusam ac perturbatam." fol. 143 ad calcem Reg. Pol., Def. Eccl. Univ. Argentorat. 1555. The tract was written in reality by François Hotman, the distinguished French protestant lawyer, and was first printed at Geneva, 1553; Hotman being then Professor of Law at Strasburg. Vid. Gesneri Biblioth. as epitomized by Simler, Zurich, 1574. p. 202; et Biogr. Univ. art. Hotman.]

<sup>2</sup> [I. e. the council of Chalcedon, A. D. 451; in its 28th canon, cited below.]





the council of Nice, albeit there were both metropolitans and primates, yet could not this be a means forcible enough to procure the peace of the Church, but all things were wonderful tumultuous and troublesome, by reason of one special practice common unto the heretics of those times; which was, that when they had been condemned and cast out of the Church by the sentence of their own bishops, they contrary to the ancient received orders of the Church, had a custom to wander up and down, and to insinuate themselves into favour where they were not known, imagining themselves to be safe enough, and not to be clean cut off from the body of the Church, if they could any where find a bishop which was content to communicate with them; whereupon ensued, as in that case there needs must, every day quarrels and jars unappeasable amongst bishops. The Nicene council for redress hereof considered the bounds of every archbishop's ecclesiastical jurisdiction, what they had been in former times, and accordingly appointed unto each grand part of the Christian world some one primate, from whose judgment no man living within his territory might appeal, unless it were to a council general of all bishops. The drift and purpose of which order was, that neither any man oppressed by his own particular bishop might be destitute of a remedy through appeal unto the more indifferent sentence of some other ordinary judge; nor yet every man be left at such liberty as before, to shift himself out of their hands for whom it was most meet to have the hearing and determining of his cause. The evil, for remedy whereof this order was taken, annoyed at that present especially the church of Alexandria in Egypt, where Arianism begun. For which cause the state of that church is in the Nicene canons concerning this matter mentioned before the rest. The words of their sacred edict are these<sup>1</sup>: "Let those customs remain in force which have been of old, the

BOOK VII.  
Ch. viii. 26.  
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<sup>1</sup> quolibet causam; apud sanctissimum ejus metropolitanum secundum sacras regulas et nostras leges causa judicetur; et si quis iudicatus contradixerit, ad beatissimum archiepiscopum et patriarcham dioceseos illius referatur causa, et ille secundum canones et leges hinc præbeat finem. Si vero contra metropolitanum talis aditio fiat ab episcopo aut clero, aut alia quacunque persona, dioceseos illius beatissimum patriarcham simili modo causam judicet." Conc. Nic. c. 6. [t. i. 335. ed. Harduin. vid. supr. § 9. p. 193, note 1.]



ledge archiepiscopal dignity even then ancient, were not of far more weight and value than if every of those Fathers had written large discourses thereof. But what is it which they will blush at, who dare so confidently set it down<sup>1</sup>, that in the council of Nice some bishops being termed metropolitans, no more difference is thereby meant to have been between one bishop and another, than is shewed between one minister and another, when we say such a one is a minister in the city of London, and such a one minister in the town of Newington? So that to be termed a metropolitan bishop did in their conceit import no [more] preeminence above other bishops, than we mean that a girdler<sup>2</sup> hath over others of the same trade, if we term him which doth inhabit some mother city for difference<sup>3</sup> sake a metropolitan girdler.

But the truth is too manifest to be so deluded; a bishop at that time had power in his own diocess over all other ministers there, and a metropolitan bishop sundry preeminences above other bishops, one of which preeminences was in the ordination of bishops, to have *εἶπεν τῶν γαρύτων, the chief power of ordering all things done*. Which preeminence that council itself doth mention<sup>4</sup>, as also a greater belonging unto the patriarch or primate of Alexandria, concerning whom it is there likewise said, that to him did belong *ἐξουσία, authority and power over all Egypt, Pentapolis, and Libya*: within which compass sundry metropolitan sees to have been,

<sup>1</sup> more, so in edd. 1726, 1682.

<sup>1</sup> T. C. lib. i. ubi supra. "A metropolitan bishop was nothing else but a bishop of that place" which it pleased the emperor or magistrate to make the chief of the diocess or shire; and as for this name, it makes no more difference between a bishop and a bishop, than when I say a minister of London and a minister of Newington.  
<sup>2</sup> [The Girdler, a maker of girdles.] "Talk with the girdler, or with the milliner; Beaum. and Fletcher, Honest Man's Fortune." Todd's Johnson's Dict.  
<sup>3</sup> Conc. Nicen. c. 6. "Illud autem omnino manifestum, quod aiquis absque metropolitanis sen-

"tencia factus sit episcopus, hunc magna synodus definiuit episcopum esse non oportere." [ἐπίσκοπος δὲ μηδὲν ἄλλο, ἢ ἐπὶ γαυρῶν ἐστὶν ἀρχιεπισκοπικῶν γίνεσθαι ὁρισσάμενος, τῶν γαρύτων δὲ μεγάλῃ ἐξουσίᾳ ἔχειν πρὸς ἅσιν ἐπινοήσεται.] Can. 4. [Ἐπίσκοπος κληρονομήσει πρὸς τῶν πόλεων ἐπὶ τῇ διακρίσει καθιερωμένων, ἢ δὲ διακρίσει ἐπὶ τῶν πόλεων, ἢ δὲ κατασκευασίας ἀστυγῶν, ἢ δὲ πόλεων ἄλλων, ἢ ἀστυγῶν, καὶ ἀστυγῶν καὶ τῶν πόλεων, τῶν τῶν γαρύτων ἐπινοήσεται, τῶν τῶν γαρύτων ἐπινοήσεται, τῶν τῶν γαρύτων ἐπινοήσεται.]



BOOK VII. there is no man ignorant, which in those antiquities have  
Ch. VIII. 12. [hath?] any knowledge.

[12.] Certain prerogatives there are wherein metropolitans excelled other bishops, certain also wherein primates excelled other metropolitans. Archiepiscopal or metropolitan prerogatives are those mentioned in old imperial constitutions, to convocate<sup>1</sup> the holy bishops under them within the compass of their own provinces, when need required their meeting together for inquisition and redress of public disorders; to grant unto bishops under them leave and faculty of absence from their own diocesses<sup>2</sup>, when it seemed necessary that they should elsewhere converse for some reasonable while; to give notice<sup>3</sup> unto bishops under them of things commanded by supreme authority; to have the hearing<sup>4</sup> and first determining of such causes as any man had against a bishop; to receive the appeals of the inferior clergy, in case they found themselves overborne by the bishop their immediate judge<sup>5</sup>. And lest haply it should be imagined that canons ecclesiastical we want to make the selfsame thing manifest; in the council of Antioch

<sup>1</sup> Novell. cxliii. can. 10. ["Ut  
"omnia ecclesiastica status et  
"sacre regule diligenter custodi-  
"antur; jubemus ut quicunqueque  
"beatum archiepiscopum et patri-  
"archam et metropolitam sanctissi-  
"mos episcopos sub se constitutos  
"in eadem provincia semel aut  
"secundo per singulos annos ad se  
"convocare, et omnes causas subli-  
"titer examinare, quas episcopi aut  
"clerici aut monachi ad invicem  
"habent." p. 215.]  
<sup>2</sup> Novell. cxliii. cap. 9. ["In-  
"terdicimus Deo amabilibus epi-  
"scopis proprias reliquere eccle-  
"sias, et ad alias regiones venire.  
"Si vero necessitas faciendi hoc  
"contigerit, non aliter, nisi cum  
"litteris beatissimi Patriarche aut  
"Metropolitae, aut per imperialem  
"videlicet iussionem hoc faciant."  
"Ibid.]  
<sup>3</sup> Novell. lxxix. cap. 2. ["Imp-  
"eratore Aug. Mense Archiep. Con-  
"stantinop. . . . Tus celebrando . . .  
"utatur ad Deo amabiles civitatum

"metropolitano (quorum ipse sus-  
"cepisti ordinationem) proponens  
"proprio literis hanc nostram sa-  
"crum legem. Verum illi sub se  
"constituta episcopia hanc nunciavit,  
"ut ex paucis literis una confirmatio  
"legis ad omnem perveniat ditio-  
"nem." p. 165.]  
<sup>4</sup> Novell. cxliii. cap. 22. [vid.  
"supr. § 10. p. 194. note 3.]  
<sup>5</sup> Novell. cxviii. cap. 23. ["Econ-  
"omus autem et xenodochus, nono-  
"mnia, prochorophos, et aliorum  
"venerabilium locorum guberna-  
"tores, et alios omnes clericos  
"jubemus pro creditis sibi guber-  
"nationibus apud perpetuum epis-  
"copum, cui subjacent, conveniri,  
"et rationem suae gubernationis fa-  
"cere et exigi. . . Si vero putaverint  
"se gravari, post repetitionem me-  
"ropolitana causam examinet. Si  
"vero metropolita . . . debitum ex-  
"egerit, et exactus putaverit se  
"gravatum, diocessens illius beatis-  
"simus patriarcha causam exami-  
"net." p. 219.]

it was thus decreed<sup>1</sup>: "The bishops in every province must know, that he which is bishop in the mother city hath not only charge of his own parish or diocese, but even of the whole province also." Again: "It hath seemed good that other bishops without him should do nothing more than only that which concerns each one's parish and the places underneath it." Further by the selfsame council all councils provincial are reckoned void and frustrate<sup>2</sup>, unless the bishop of the mother city within that province where such councils should be, were present at them. So that the want of his presence, and in canons for church-government, want of his approbation also, did disannul them: not so the want of any others. Finally, concerning elections of bishops, the council of Nice hath this general rule<sup>3</sup>, that the chief ordering of all things here, is in every province committed to the metropolitan.

[13.] Touching them, who amongst metropolitans were also primates, and had of sundry united provinces the chiefest metropolitan see, of such that canon in the council of Carthage was eminent, whereby<sup>4</sup> a bishop is forbidden to go beyond seas without the license of the highest chair within the same bishop's own country; and of such which beareth the name of apostolical, is that ancient canon likewise, which chargeth<sup>5</sup> the bishops of each nation, to know him which is first amongst them, and to esteem of him as an *âcad*, and to do no extraordinary thing but with his leave. The chief primates of the Christian world were the bishops of Rome, Alexandria, and Antioch. To whom the bishop of Constantinople being afterwards added, St. Chrysostom the bishop of that see is in

BOOK VII.  
Ch. viii. 13.

<sup>1</sup> Can. 9. [τοῖς καθ' ἑκάστην ἐπαρχίαν ἀναγκαστικῶς εἰδέναι χρὴ τὸν ἐν τῇ μητροπόλει κληρικόν ἀρχιερέα καὶ τὴν φωνὴν αὐτοῦ ἐπισημαίνουσαν ἐν τῇ ἐπαρχίᾳ... ἢ ἄλλο τι.]  
<sup>2</sup> Can. 23. [28. A. D. 397. 3. Concil. Carthag. "Placuit, ut Episcopi transmare non proficiscantur nisi consulto prime sedis Episcopi, sive cuiusque provincie primatis, ut ab eo principem potestatem accipiant, sive commendationem." l. i. 964.]  
<sup>3</sup> Can. 36. [33. τοῖς ἀναγκαστικῶς εἰδέναι δεῖται καθ' ἑκάστην ἐπαρχίαν τὸν ἀρχιερέα καὶ τὸν ἐν αὐτῇ μητροπόλει κληρικόν ἀρχιερέα καὶ τὴν φωνὴν αὐτοῦ ἐπισημαίνουσαν ἐν τῇ ἐπαρχίᾳ... ἢ ἄλλο τι.]  
<sup>4</sup> Can. 16. [καταλείπει δὲ ἀρχιερεὶς εἰς αὐτοῦ ἀρχιερέα καὶ τὸν ἐν αὐτῇ μητροπόλει κληρικόν ἀρχιερέα.]  
<sup>5</sup> Can. 4. τὸ εἶναι τὸν γονεῖ.





BOOK VII  
Ch. ix.

that respect said<sup>1</sup> to have had the care and charge not only of the city of Constantinople, "sed etiam totius Thraciae, "quae sex praefecturis est divisa, et Asiae totius, quae ab undecim praesidibus regitur." The rest of the East was under Antioch, the South under Alexandria, and the West under Rome. Whereas therefore John the bishop of Jerusalem being noted of heresy, had written an apology for himself unto the bishop of Alexandria, named Theophilus; St. Jerome<sup>2</sup> reproveth his breach of the order of the Church herein, saying, "Tu qui regulas quaeris ecclesiasticas, et "Niceni concilii canonibus uteris, responde mihi, ad Alexandrinam episcopum Palaestinae quid pertinet? Ni fallor, "hoc tibi decernitur, ut Palaestinae metropolis Casarea sit, et "totius Orientis Antiochia. Aut igitur ad Caesariensem episcopum referre debeas; aut si procul expetendam judicium erat, Antiochiam potius literae dirigenda." Thus much concerning that Local Compass which was anciently set out to bishops; within the bounds and limits whereof we find that they did accordingly exercise that episcopal authority and power which they had over the Church of Christ.

In what respects episcopal regiment both been preserved of old by Atrius.

IX. The first whom we read to have bent themselves against the superiority of bishops were Atrius and his followers. Atrius seeking to be made a bishop, could not brook that Eustathius was thereunto preferred before him. Whereas therefore he saw himself unable to rise to that greatness which his ambitious pride did affect, his way of revenge was to try what wit being sharpened with envy and malice could do in raising a new seditious opinion, that the superiority which bishops had was a thing which they should not have, that a bishop might not ordain, and that a bishop ought not any way to be distinguished from a presbyter. For so doth St. Augustine<sup>3</sup> deliver the opinion of Atrius:

<sup>1</sup> Cassiod. in Vita Chrysost. [Hist. Eccles. Tripart. lib. x. c. 4. from Theodoret. H. E. v. 18.]  
<sup>2</sup> Hieron. Ep. 9. [al. lib. contr. Joan. Hieronym. § 37. l. ii. 447. ed. Vallarsii.]  
<sup>3</sup> Aug. de Hæc. ad Quodvultdesum. [v. viii. 18. Hæc. 53.] "Atrius aut ab Atrio quidam sunt, qui  
"quam esset presbyter, doluisse  
"ferret, quod episcopos non potest  
"ordinari; [et in Arianorum hære-  
"sin lapsus, propria quoque dog-  
"mata addidisse nonnulla, dicentis,  
"offerri pro dormientibus non oportet,  
"terre, nec statuta solemniter cele-  
"branda esse jejunia, sed cum  
"quisque voluerit jejunandum, ne

Epiphanius<sup>1</sup> not so plainly nor so directly, but after a more rhetorical sort. "His speech was rather furious than convenient for man to use: What is," saith he, "a bishop more than a presbyter? The one doth differ from the other nothing. For their order is one, their honour one, one their dignity. A bishop imposeth his hands, so doth a presbyter. A bishop baptizeth, the like doth a presbyter. The bishop is a minister of divine service, a presbyter is the same. The bishop sitteth as judge in a throne, even the presbyter sitteth also." A presbyter therefore doing thus far the selfsame thing which a bishop did, it was by Aërius enforced that they ought not in any thing to differ.

BOOK VII.  
Ch. II. 2.

[2.] Are we to think Aërius had wrong in being judged an heretic for holding this opinion? Surely if heresy be an error falsely fathered upon Scriptures, but indeed repugnant to the truth of the Word of God, and by the consent of the universal Church, in the councils, or in her contrary uniform practice throughout the whole world, declared to be such; and the opinion of Aërius in this point be a plain error of that nature: there is no remedy, but Aërius, so schismatically and stiffly maintaining it, must even stand where Epiphanius and Augustine have placed him. An error repugnant unto the truth of the Word of God is held by them, whosoever they be, that stand in defence of any conclusion drawn erroneously out of Scripture, and untruly thereon fathered. The opinion of Aërius therefore being falsely collected out of Scripture, must needs be acknowledged an error repugnant unto the truth of the word of God. His opinion was that there ought not to be any difference between a bishop and a presbyter. His grounds and reasons for this opinion were sentences of Scripture. Under pretence of which sentences, whereby it seemed that bishops and presbyters at the first did

"videatur esse sub lege.] Dicebat  
"etiam presbyterum ab episcopo  
"nulla differentia debere discerni."  
[Epiphanius, Hæreses. 71. c. 3. In  
N. aërius δ' ἔλεγε γενναίως πάλαι,  
ὅτι, οὐκ ἔστι διαφορά πρὸς πρε-  
σβυτέρου: οὐδὲν διακρίνει αὐτὸν  
τίσιν πρὸς τὸν ἐπίσκοπον, καὶ οὐκ

ἴσχυεν, ὡς καὶ ἐν ἀρχαῖς χρῆσθῆναι,  
ἔργον, εἰς αὐτὸν, ἀλλὰ καὶ ἡγε-  
μονίαν λαμβάνει ἑξ αὐτοῦ ὁ ἐπίσκο-  
πος, ὁμοίως καὶ ὁ πρεσβυτέρου τῆς  
ἐκκλησίας τῆς καθαρῆς τοῦ ἐπι-  
σκοποῦ, καὶ ὁ πρεσβυτέρου ἰσοῦτος  
καθίεται ὁ ἐπίσκοπος ἐπὶ τοῦ θρόνου,  
καθίεται καὶ ὁ πρεσβυτέρου.]



BOOK VII.  
Ch. ix. 3

not differ, it was concluded by Aërius that the Church did ill in permitting any difference to be made.

[3.] The answer which Epiphanius maketh unto some part of the proofs by Aërius alleged, was not greatly studied or laboured; for through a contempt of so base an error (for this himself did perceive and profess) yieldeth he thereof expressly this reason: Men that have wit do evidently see that all this is mere foolishness. But how vain and ridiculous soever his opinion seemed unto wise men, with it Aërius deceived many<sup>1</sup>; for which cause somewhat was convenient to be said against it. And in that very extemporal slightness which Epiphanius there useth<sup>2</sup>, albeit the answer made to Aërius be in part but raw<sup>3</sup>, yet ought not hereby the truth to find any less favour than in other causes it doth, where we do not therefore judge heresy to have the better, because now and then it allegeth that for itself, which defenders of the truth do not always so fully answer. Let it therefore suffice, that Aërius did bring nothing unanswerable. The weak solutions which the one doth give, are to us no prejudice against the cause, as long as the other's oppositions are of no greater strength and validity. Did not Aërius, trow you, deserve to be esteemed as a new Apollon, mighty and powerful in the word, which could for maintenance of his cause bring forth so plain divine authorities, to prove by the Apostles' own writings that bishops ought not in any thing to differ from other presbyters? For example, where it is said<sup>4</sup> that presbyters made Timothy bishop, is it not clear that a bishop should not differ from a presbyter, by having power of ordination? Again, if a bishop might by order be distinguished

<sup>1</sup> Ἐν ἐπιπέδῳ πολλοῖς ἡδύνατο. that the church of Philippi should have more bishops than one, and want a few able men to be presbyters under the regiment of one bishop, how shall we think it probable or likely?  
[Hær. 75. l. 3.]  
<sup>2</sup> As in that he saith, the Apostle doth name sometime presbyters and not bishops, 1 Tim. iv. 14. sometime bishops and not presbyters, Phil. i. 1. because all churches had not both, for want of able and sufficient men. In such churches therefore as had but the one, the Apostle could not mention the other. Which answer is nothing to the latter place above-mentioned. for  
<sup>3</sup> 1 Tim. iv. 14. "With the imposition of the presbytery's hand," Of which presbytery St. Paul was chief, 2 Tim. i. 6. And I think no man will deny that St. Paul had more than a simple presbyter's authority.

from a presbyter, would the Apostle have given as he doth<sup>1</sup> book vii. unto presbyters the title of bishops? These were the in-  
Ch. ix. 4. & c.  
 vincible demonstrations wherewith Aërius did so fiercely assault bishops.

[4.] But the sentence of Aërius perhaps was only, that the difference between a bishop and a presbyter hath grown by the order and custom of the Church, the word of God not appointing that any such difference should be. Well, let Aërius then find the favour to have his sentence so construed; yet his fault in condemning the order of the Church, his not submitting himself unto that order, the schism which he caused in the Church about it, who can excuse? No, the truth is, that these things did even necessarily ensue, by force of the very opinion which he and his followers did hold. His conclusion was, that there ought to be no difference between a presbyter and a bishop. His proofs, those Scripture sentences which make mention of bishops and presbyters without any such distinction or difference. So that if between his conclusion and the proofs whereby he laboured to strengthen the same, there be any show of coherence at all, we must of necessity confess, that when Aërius did plead, There is by the Word of God no difference between a presbyter and a bishop, his meaning was not only, that the Word of God itself appointeth not, but that it enforceth on us the duty of not appointing nor allowing that any such difference should be made.

X. And of the selfsame mind are the enemies of govern-  
 ment by bishops, even at this present day. They hold as  
 Aërius did, that if Christ and his Apostles were obeyed, a  
 bishop should not be permitted to ordain; that between a  
 presbyter and a bishop the word of God alloweth not any  
 inequality or difference to be made; that their order, their  
 authority, their power, ought to be one; that it is but by  
 usurpation and corruption that the one sort are suffered to  
 have rule of the other, or to be any way superior unto them.  
 Which opinion having now so many defenders, shall never

<sup>1</sup> Phil. i. 1. "To all the saints which had authority besides the  
 "at Philippi, with the bishops and Apostles, but their presbyters or  
 "deacons." For as yet in the bishops were all both in title and in  
 church of Philippi, there was no one power equal.

BOOK VII. be able while the world doth stand to find in some [so many?],  
 Ch. x. s. 4. 1. believing antiquity, as much as one which hath given it coun-  
 tenance, or borne any friendly affection towards it.

[2.] Touching these men therefore, whose desire is to have all equal, three ways there are whereby they usually oppugn the received order of the Church of Christ. First, by disgracing the inequality of pastors, as a new and mere human invention, a thing which was never drawn out of Scripture, where all pastors are found (they say) to have one and the same power both of order and jurisdiction: Secondly, by gathering together the differences between that power which we give to bishops, and that which was given them of old in the Church; so that albeit even the ancient took more than was warrantable, yet so far they swerved not as ours have done: Thirdly, by endeavouring to prove, that the Scripture directly forbiddeth, and that the judgment of the wisest, the holiest, the best in all ages, condemneth utterly the inequality which we allow.

Their argu- XI. That inequality of pastors is a mere human invention, ments in a thing not found in the word of God, they prove thus:  
 diagram of I. "All the places of Scripture where the word *Bishop* is regiments by Bishops, as being a more in- vision of man, and not found in Scrip- ture, are swered.

II. "All the places of Scripture where the word *Bishop* is used, or any other derived of that name, signify an oversight in respect of some particular congregation only, and never in regard of pastors committed unto his oversight. For which cause the names of bishops, and presbyters, or pastoral elders, are used indifferently, to signify one and the selfsame thing. Which so indifferent and common use of these words for one and the selfsame office, so constantly and perpetually in all places<sup>1</sup>, declareth that the word *Bishop* in the Apostles' writing importeth not a pastor of higher power and authority over other pastors."  
 iii. "All pastors are called to their office by the same means of proceeding; the Scripture maketh no difference in the manner of their trial, election, ordination: which proveth their office and power to be by Scripture all one."  
 iii. "The Apostles were all of equal power, and all pastors do alike succeed the Apostles in their ministry and power, the commission and authority whereby they succeed being

<sup>1</sup> Titus i. 5; 1 Tim. iii. 5; Phil. ment urged, T.C. l. 79. at 103. ii. 315. l. 1; 1 Pet. v. 1, 2. [See this argu- &c. Comp. Calvin, Instit. iv. 3, 8.]



## Summary of Objections to the Principle of Episcopacy. 205

"in Scripture but one and the same that was committed to  
 "the Apostles, without any difference of committing to one  
 "pastor more, or to another less<sup>1</sup>." BOOK VII.  
CH. XI. A.

iv. "The power of the censures and keys of the Church, and  
 "of ordaining and ordering ministers (in which two points espe-  
 "cially this superiority is challenged), is not committed to any  
 "one pastor of the Church more than to another; but the same  
 "is committed as a thing to be carried equally in the guidance  
 "of the Church. Whereby it appeareth, that Scripture maketh  
 "all pastors, not only in the ministry of the word and sacraments,  
 "but also in all ecclesiastical jurisdiction and authority, equal."

v. "The council of Nice<sup>2</sup> doth attribute this difference,  
 "not unto any ordination of God, but to an ancient custom  
 "used in former times, which judgment is also followed after-  
 "wards by other councils: Concil. Antioch. cap. 9<sup>3</sup>."

vi. Upon these premises, their summary collection and con-  
 "clusion is, "That the ministry of the Gospel, and the func-  
 "tions thereof, ought to be from heaven and of God (John i.  
 "23); that if they be of God, and from heaven, then are they  
 "set down in the word of God<sup>4</sup>; that if they be not in the  
 "word of God, (as by the premises it doth appear, they say, that  
 "our kind of bishops are not,) it followeth, they are invented  
 "by the brain of men, and are of the earth, and that consequently  
 "they can do no good in the Church of Christ, but harm."

[2.] Our answer hereunto is, first, that their proofs are Answer.  
 unavailable to shew that Scripture affordeth no evidence for  
 the inequality of pastors: Secondly, that albeit the Scripture  
 did no way insinuate the same to be God's ordinance, and

<sup>1</sup> [Marcellus of Padua, a Fran-  
 ciscan canonist, who defended the  
 claims of the Emperor, Louis of  
 Bavaria, against Pope John XXIII.  
 † [128].] Def. Pacis, pars ii. c. xvi.  
 (vid. infra, § 8. note.) "Ostende-  
 "mus, primum, Apostolorum nemi-  
 "nem ad alios habuisse præmo-  
 "nitionem in essentiali dignitate  
 "sacerdotali. . . Ex quibus etiam  
 "per necessitatem deducemus,  
 "episcoporum alii successorum  
 "neminem singulariter auctoritatem  
 "seu potestatem aliquam. . . in reli-  
 "quos sibi conspicuos non compres-  
 "erit habere." p. 241.]

<sup>2</sup> [Can. 6, 7.]  
<sup>3</sup> [Vid. supr. c. viii. 12. p. 199,  
 note 1.]

<sup>4</sup> T. C. lib. i. p. 62, [at. 83. Whit-  
 gift's Defence, 303.] "So that it  
 "appeareth that the ministry of the  
 "Gospel, and the functions thereof  
 "ought to be from heaven: from  
 "heaven, I say, and heavenly, be-  
 "cause although it be executed by  
 "earthly men, and ministers are  
 "chosen also by men like unto  
 "themselves, yet because it is done  
 "by the word and institution of  
 "God, it may well be accounted to  
 "come from heaven and from God."

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the Apostles to have brought it in, albeit the Church were acknowledged by all men to have been the first beginner thereof a long time after the Apostles were gone; yet is not the authority of bishops hereby disannulled, it is not hereby proved unfit or unprofitable for the Church.

[3.] First, that the word of God doth acknowledge no inequality of power amongst pastors of the Church, neither doth it appear by the signification of this word *bishop*, nor by the indifferent use thereof.

For concerning signification, first it is clearly untrue, that no other thing is thereby signified, but only an oversight in respect of a particular church and congregation. For, I beseech you, of what parish or particular congregation was Matthias bishop? his office Scripture doth term episcopal<sup>1</sup>; which being no other than was common unto all the Apostles of Christ, forasmuch as in that number there is not any to whom the oversight of many pastors did not belong by force and virtue of that office; it followeth that the very word doth sometimes even in Scripture signify an oversight, such as includeth charge over pastors themselves.

And if we look to the use of the word, being applied with reference unto some one church, as Ephesus, Philippi, and such like, albeit the guides of those churches be interchangeably in Scripture termed sometime bishops, sometime presbyters, to signify men having oversight and charge, without relation at all unto other than the Christian laity alone; yet this doth not hinder, but that Scripture may in some place have other names, whereby certain of those presbyters or bishops are noted to have the oversight and charge of pastors, as out of all peradventure they had whom St. John doth entitle angels<sup>2</sup>.

[4.] Secondly, as for those things which the Apostle hath set down concerning trial, election, and ordination of pastors, that he maketh no difference in the manner of their calling, this also is but a silly argument to prove their office and their power equal by the Scripture. The form of admitting each sort unto their offices, needed no particular instruction; there was no fear, but that such matters of course would easily enough be observed. The Apostle therefore toucheth those

<sup>1</sup> Acts i. 20.

<sup>2</sup> Rev. ii. 1.

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things wherein judgment, wisdom and conscience is required, he carefully admonisheth of what quality ecclesiastical persons should be, that their dealing might not be scandalous in the Church. And forasmuch as those things are general, we see that of deacons there are delivered in a manner the selfsame precepts which are given concerning pastors, so far as concerneth their trial, election, and ordination. Yet who doth hereby collect that Scripture maketh deacons and pastors equal?

If notwithstanding it be yet demanded, "Wherefore he which teacheth what kind of persons deacons and presbyters should be, hath nothing in particular about the quality of chief presbyters, whom we call bishops?" I answer briefly, that there it was no fit place for any such discourse to be made, inasmuch as the Apostle wrote unto Timothy and Titus, who having by commission episcopal authority, were to exercise the same in ordaining, not bishops (the apostles themselves yet living, and retaining that power in their own hands) but presbyters, such as the apostles at the first did create throughout all churches. Bishops by restraint (only James at Jerusalem excepted) were not yet in being.

[5] Thirdly, about equality amongst the apostles there is by us no controversy moved. If in the rooms of the apostles, which were of equal authority, all pastors do by Scripture succeed alike, where shall we find a commission in Scripture which they speak of, which appointed all to succeed in the selfsame equality of power, except that commission which doth authorize to preach and baptize should be alleged, which maketh nothing to the purpose, for in such things all pastors are still equal. We must, I fear me, wait very long before any other will be shewed. For howsoever the Apostles were equals amongst themselves, all other pastors were not equals with the Apostles while they lived, neither are they any where appointed to be afterwards each other's equal. Apostles had, as we know, authority over all such as were no Apostles; by force of which their authority they might both command and judge. It was for the singular good and benefit of those disciples whom Christ left behind him, and of the pastors which were afterwards chosen; for the great

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good, I say, of all sorts, that the Apostles were in power above them. Every day brought forth somewhat wherein they saw by experience, how much it stood them in stead to be under controlment of those superiors and higher governors of God's house. Was it a thing so behoveful that pastors should be subject unto pastors in the Apostles' own times? and is there any commandment that this subjection should cease with them, and that the pastors of the succeeding ages should be all equals? No, no, this strange and absurd conceit of equality amongst pastors (the mother of schism and of confusion) is but a dream newly brought forth, and seen never in the Church before.

[6.] Fourthly, power of censure and ordination appeareth even by Scripture marvellous probable to have been derived from Christ to his Church, without this surmised equality in them to whom he hath committed the same. For I would know whether Timothy and Titus were commanded by St. Paul to do any thing more than Christ hath authorized pastors to do? And to the one it is Scripture which saith<sup>1</sup>, "Against a presbyter receive *thou* no accusation, saving "under two or three witnesses;" Scripture which likewise hath said to the other<sup>2</sup>, "For this very cause left I *thee* in "Crete, that *thou* shouldst redress the things that remain, "and shouldst *ordain* presbyters in every city, as I appointed "*thee*." In the former place the power of censure is spoken of, and the power of ordination in the latter. Will they say that every pastor there was equal to Timothy and Titus in these things? If they do, the Apostle himself is against it, who saith that of their two very persons he had made choice, and appointed in those places them, for performances of those duties: whereas if the same had belonged unto others no less than to them, and not principally unto them above others, it had been fit for the Apostle accordingly to have directed his letters concerning these things in general unto them all which had equal interest in them; even as it had been likewise fit to have written those epistles in St. John's Revelation unto whole ecclesiastical senates, rather than only unto the angels of each church, had not some one been above the rest in authority to order the affairs of the church. Scripture therefore doth most probably make for the

<sup>1</sup> 1 Tim. v. 19.

<sup>2</sup> Tit. i. 5.

inequality of pastors, even in all ecclesiastical affairs, and by very express mention as well in censures as ordinations.

[7.] Fifthly, In the Nicene council there are confirmed certain prerogatives and dignities belonging unto primates or archbishops, and of them it is said that the ancient custom of the Church had been to give them such preeminence, but no syllable whereby any man should conjecture that those fathers did not honour [did honour?] the superiority which bishops had over other pastors only upon ancient custom, and not as a true apostolical, heavenly, and divine ordinance.

[8.] Sixthly, Now although we should leave the general received persuasion held from the first beginning, that the Apostles themselves left bishops invested with power above other pastors; although, I say, we should give over this opinion, and embrace that other conjecture which so many have thought good to follow<sup>1</sup>, and which myself did

<sup>1</sup> They of Walden. *Æn. Syl.*  
[*Æneas Sylvius Piccolomini, Fœd.*  
II. 1458-1465] *Hist. Bohem.* [c.  
35. (speaking of John Huss and  
his partisans in the university of  
Prague); "Prosperunt in blas-  
phemia, et cum aliquibus ignavis  
fortasse ac vitiosis maledicere  
possent, in omnes litere sacer-  
dotes corpore; et ab ecclesia  
Catholica recedentes, impiam  
Valdensium sectam atque in-  
saniam amplexi sunt. Hujus  
pessidere et jampridem damnate  
factionis dignitas sunt. Romanam  
presulem reliquis episcopis parem  
esse; inter sacerdotes nullum  
discrimen; presbyterum non dig-  
nitatem sed vite meritum efficere  
poterunt." p. 141. ap. Dubravium,  
*Heram Bohem. Scriptores, Hano-*  
*vize, 1602.]* Marsilius Defens. Pac.  
[*Marsilius Menandri Patavini,*  
Defensor Pacis ad Imp. Ludovic.  
"iv. adversus usurpatam Rom.  
Pontific. Jurisdictionem" circ. A. D.  
1324. [v. Fleury, H. E. l. 93. 19. 39.]  
Diction seu Pars II. c. xv. "Post  
Apostolorum tempora numero  
sacerdotum notabiliter auctis, ad  
scandalum et schisma evitandum  
elegunt sacerdotes unum ex  
ipsis, qui alios dirigere et or-  
dinare quantum ad ecclesiasti-

"cum officium et servitium exer-  
cendum, et oblatam distibutionem,  
ac reliqua disponendum conveni-  
entiori modo. . . Hic ex postero-  
rum consuetudine restituit sibi  
soli nomen episcopi. . . Jam dicta  
electio seu institutio per hominem  
sic electo nihil amplioris meriti  
seu sacerdotialis auctoritatis. . .  
tribuit, sed solum ordinationis  
æconomice in domo Dei seu tem-  
plo potestatem quandam, alios  
sacerdotes, diaconos, et officiales  
reliquos regulandi et ordinandi."  
ap. Goldastum, *Tract. de Monarch.*  
*S. Rom. Imp. t. II. p. 240. Franzos.*  
1621.] *Nicl. [Wicl. ap.] Thom.*  
*Wald.* [Thomas Netter, of Walden  
in Essex, † 1431, Provincial of  
the Carmelites; employed by  
Richard II, Henry IV, and Henry  
V.] c. 1. lib. II. art. 3. c. 60.  
[quoting *Wicl. Trialog. lib. I. c. 10.*  
for the following sentiment; "Usum  
audacter assero; quod in primitiva  
ecclesia ut tempore Pauli suffice-  
rent duo ordines clericorum, scilicet  
sacerdos atque diaconus. Secundo  
dico quod in tempore Apostoli  
idem fuit presbyter ac episcopus  
". . . Tunc enim non fuit inventa  
distinctio papæ, et cardinalium,  
patriarcharum, et archiepiscopo-  
rum, episcoporum, et archidia-

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sometimes judge a great deal more probable than now I do,  
merely that after the Apostles were deceased, churches did

"conorum, officialium, et decanorum, cum cæteris officariis . . ."  
"Certum videtur quod superbia"  
"Cæsarea hoc gradus et ordines"  
"adiuvenit. Si enim fuissent ne-"  
"cessarii ecclesie, Christus et apus-"  
"toli non in expressione eorum"  
"ad detestationem (sic officii reticerent:"  
p. 326. Venet. 1374. In the edition of Wicliffe, 1374, the passage occurs lib. iv. c. 15. fol. 124.] Cal via. Cum in 1. ad Tit. [v. 7. "Lo-"  
"cus hic abunde docet, nullum esse"  
"presbyteri et episcopi discrimen :"  
"quia nunc secundo nomine promiscue appellat quos prius voca-"  
"uit presbyteros. . . Hinc perspicere"  
"licet, quanto plus dictum hominum placitis fuerit quam decebat,  
"quia abrogato Sp. Sancti sermone,  
"quis hominum arbitrio inductus"  
"prevaluit. Mihi quidem non displicet quod statim ab ecclesie primordiis receptum fuit ut singula"  
"episcoporum collegia unum aliquem moderatorem habeant : veterum nomen officii quod Deus in"  
"commune omnibus dederat in unum solum transferri, reliquis"  
"spoliatis, et injuriam est et absurdum. Deinde sic pervertitur Sp. Sancti lingua, ut nobis eadem"  
"voces alter quam voluerit significent, nimis profane audaciter est." p. 537. ed. Genev. 1600.] Bullinger, (1549-1572.) Decad. v. Serm. 3. [p. 296. Figur. 1377. "Non ita"  
"multo post mortem Apostolorum"  
"succellis visa est in ecclesia longe"  
"alia hierarchia quam fuerat ab initio. Quamvis principia illa"  
"videantur interabiliora fuisse quam sint hodie istius ordinis omnia. . ."  
"In qualibet urbe et regione prestantissimus quoque cætera preposuatur. Eius functio erat"  
"superintendere presbyteris et universo gregi. Non habebat . . . in"  
"sed sicut consilium in senatu partes habet interrogandi collegisque"  
"suffragia, leges istis ac jura tenendi, ac curandi ne subsanciantur inter senatores factiones, ita non"  
"aliud in ecclesia episcopo officium"  
"fuit : per cætera, communia habuit"  
"cum sacerdotibus. Nisi vero"  
"longius processisset consequentibus temporibus sacerdotum audacia, et episcoporum ambitio, ne"  
"verbo quidem reclamaretur."] Just. Def. Apol. part. 2. c. 9. di. 1. [Harding, in the course of an argument for tradition, had remarked, that "they which denied the distinction of a bishop and a priest"  
"were condemned of heresy." (p. 196.) Jewel replies, (p. 202.) "What"  
"meant M. Harding here to come"  
"in with the difference between"  
"priests and bishops? Thinketh"  
"he that priests and bishops hold"  
"only by tradition? Or is it so"  
"heerible an heresy as he maketh"  
"it, to say that by the Scriptures of"  
"God, a bishop and a priest are all"  
"one? Or knoweth he how far,  
"and unto whom, he reacheth the"  
"name of an heretic?" He then proceeds to quote S. Chrysostom, S. Jerome, &c. and concludes, "All"  
"these and others no holy Fathers,  
"together with S. Paul the apostle,  
"for thus saying, by M. Harding's"  
"advice, must be holden for heretics." ed. 1609.] Falk. Answ. to the Test. Tit. i. 5. [The Rhemish note on this verse is, "Though"  
"priests or bishops may be nominated and elected by the princes,  
"people, or patrons of places, . . ."  
"yet they cannot be ordered and"  
"consecrated but by a bishop who"  
"was himself equilly ordered or consecrated before, as this Titus was"  
"by St. Paul. . . . That the ordering of priests or imposition"  
"of hands to that purpose be"  
"longeth only to bishops. . . ."  
"It is plain by the apostolic practice"  
"set down in the Scriptures, viz.  
"in the Acts and in the Epistles to"  
"Timothy and Titus." Falk's reply : "The people had their elections, moderated by the wisdom"  
"and gravity of the clergy, among"  
"whom, for order and seemly"  
"government, there was always one"  
"principal, to whom by long use of"  
"the church the name of bishop

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, exercising spiritual jurisdiction partly by themselves and partly by evangelists, because they could not always every where themselves be present: this order taken by the Church itself (for so let us suppose that the Apostles did neither by word nor deed appoint it) were notwithstanding more warrantable than that it should give place and be abrogated, because the ministry of the Gospel and the functions thereof ought<sup>1</sup> to be from heaven.

[9.] There came chief priests and elders unto our Saviour Christ as he was teaching in the temple, and the question which they moved unto him was this<sup>2</sup>, "By what authority doest thou these things, and who gave thee this authority?" Their question he repelled with a counter-demand, "The baptism of John, whence was it, from heaven, or of men?" Hereat they passed, secretly disputing within themselves, "If we shall say, From heaven, he will ask, Wherefore didst ye not then believe him? and if we say, Of men, we shall fear the people, for all hold John a prophet." What is it now which hereupon these men would infer? That all functions ecclesiastical ought in such sort to be from heaven, as the function of John was? No such matter here contained. Nay, doth not the contrary rather appear most plainly by that which is here set down? For when our Saviour doth ask concerning the baptism, that is to say the whole spiritual function, of John, whether it were "from heaven, or of men," he giveth clear to understand that men give authority unto

<sup>1</sup> or superintendent hath been applied, which room Titus exercised in Crete, Timothy in Ephesus, and others in other places. Therefore although in the Scripture a bishop and an elder is of one authority in preaching of the word and administration of the sacraments, . . . yet in government by ancient use of speech he is only called a bishop, which is in the Scripture called *ἐπισκοπος*, *ἐπίσκοπος*, or *ἐπισκοπος*, i. e. chief

<sup>2</sup> in government, to whom the ordination or consecration by imposition of hands was always principally committed. Not that imposition of hands belongeth only to him, for the rest of the elders that were present at ordination did lay on their hands, or else the bishop did lay on his hands in the name of the rest." p. 718, 19, ed. 1633.  
<sup>3</sup> John i. 25. [Ap. T. C. i. 62. at. 83.]  
<sup>4</sup> Matt. xxi. 23, 25, 26.

BOOK VII. some, and some God himself from heaven doth authorize.  
Ch. xl. 10. Nor is it said, or in any sort signified, that none have lawful authority which have it not in such manner as John, from heaven. Again when the priests and elders were loth to say that John had his calling from men, the reason was not because they thought that so John should not have had any good or lawful calling, but because they saw that by this means they should somewhat embase the calling of John; whom all men knew to have been sent from God, according to the manner of prophets, by a mere celestial vocation. So that out of the evidence here alleged, these things we may directly conclude: first that whoso doth exercise any kind of function in the Church, he cannot lawfully so do except authority be given him; secondly that if authority be not given him from men, as the authority of teaching was given unto Scribes and Pharisees, it must be given him from heaven, as authority was given unto Christ, Elias, John Baptist, and the prophets. For these two only ways there are to have authority. But a strange conclusion it is, God himself did from heaven authorize John to bear witness of the light, to prepare a way for the promised Messiah, to publish the nearness of the kingdom of God, to preach repentance, and to baptize (for by this part, which was in the function of John most noted, all the rest are together signified), therefore the Church of God hath no power upon new occurrences to appoint, to ordain an ecclesiastical function, as Moses did upon Jethro's advice devise a civil.

[10.] All things we grant which are in the Church ought to be of God. But forasmuch as they may be two ways accounted such, one if they be of his own institution and not of ours, another if they be of ours, and yet with his approbation: this latter way there is no impediment but that the same thing which is of men may be also justly and truly said to be of God, the same thing from heaven which is from earth. Of all good things God himself is author, and consequently an approver of them. The rule to discern when the actions of men are good, when they are such as they ought to be, is more ample and large than the law which God hath set particular down in his holy word; the Scripture is but a part of that rule, as hath been heretofore at

large declared. If therefore all things be of God which are well done, and if all things be well done which are according to the rule of well-doing, and if the rule of well-doing be more ample than the Scripture<sup>1</sup>; what necessity is there, that every thing which is of God should be set down in holy Scripture? True it is in things of some one kind; true it is that what we are now of necessity for ever bound to believe or observe in the special mysteries of salvation, Scripture must needs give notice of it unto the world; yet true it cannot be, touching all things that are of God. Sufficient it is for the proof of lawfulness in any thing done, if we can shew that God approveth it. And of his approbation the evidence is sufficient, if either himself have by revelation in his word warranted it, or we by some discourse of reason find it good of itself, and unrepugnant unto any of his revealed laws and ordinances. Wherefore injurious we are unto God, the author and giver of human capacity, judgment, and wit, when because of some things wherein he precisely forbiddeth men to use their own inventions, we take occasion to disauthorize and disgrace the works which he doth produce by the hand either of nature or of grace in them. We offer contumely even unto him, when we scornfully reject what we list, without any other exception than this, "The brain of man hath devised it." Whether we look into the church or common-wealth, as well in the one as in the other, both the ordination of officers, and the very institution of their offices may be truly derived from God, and approved of him, although they be not always of him in such sort as those things are which are in Scripture. Doth not the Apostle term the law of nature<sup>2</sup>, even as the evangelist doth the law of Scripture<sup>3</sup>, *θεσπις τοῦ Θεοῦ*, God's own righteous ordinance? The law of nature then being his law, that must needs be of him which it hath directed men unto. Great odds I grant there is between things devised by men, although agreeable with the law of nature, and things in Scripture set down by the finger of the Holy Ghost. Howbeit the dignity of these is no hinderance, but that those be also reverently accounted of in their place.

<sup>1</sup> 1th. i. [c. 14.]<sup>2</sup> Rom. i. 32.<sup>3</sup> Luke i. 6.

BOOK VII. [11.] Thus much they very well saw, who although not  
 CH. XLII. living themselves under this kind of church polity, yet being  
 through some experience more moderate, grave and circum-  
 spect in their judgment, have given hereof their sounder and  
 better advised sentence. "That which the holy Fathers,"  
 saith Zanchius<sup>1</sup>, "have by common consent without contra-  
 diction of Scripture received, for my part I neither will nor  
 dare with good conscience disallow. And what more certain  
 than that the ordering of ecclesiastical persons, one in  
 authority above another, was received into the church by  
 the common consent of the Christian world? What am I  
 that I should take upon me to control the whole Church of  
 Christ in that which is so well known to have been lawfully,  
 religiously, and to notable purpose instituted?"

Calvin making mention<sup>2</sup> even of primates that have au-  
 thority above bishops: "It was," saith he, "the institution  
 of the ancient church, to the end that the bishops might  
 by this bond of concord continue the faster linked amongst  
 themselves." And lest any man should think that as well  
 he might allow the papacy itself, to prevent this he addeth,  
 "Aliud est moderatum gerere honorem, quam totum terra-  
 rum orbem immenso imperio complecti."

<sup>1</sup> Confess. 169. [<sup>2</sup> Fides mea  
 altior cum primis et simpliciter  
 communi totius veteris Catholicae  
 ecclesiae consensu, si ille cum  
 sacris literis non pugnet: credo  
 enim quae a patribus in no-  
 mine Domini congregatis, com-  
 muni omnium consensu, citra  
 ullam sacrarum literarum contra-  
 dictionem definita et recepta fue-  
 runt, ea etiam (quaequam haud  
 ejusdem cum sacris literis autori-  
 tatis) a Sp. Sancto esse. Hinc  
 fit ut quae sint ejusmodi, ea ego  
 improbare nec velim nec audeam  
 bona conscientia. Quid autem  
 certius ex historiis, ex conciliis, et  
 ex omnium Patrum scriptis, quam  
 illis ministrorum ordinis, de qui-  
 bus diximus, communi totius  
 Reip. Christianae consensu in ec-  
 clesiae constitutione necesse fuisse  
 esse? Quis autem ego sum, qui  
 quod tota ecclesia approbavit im-  
 probem? Sed neque omnes nostri

temporis docti viri improbare ausi  
 sunt, quippe qui veritas et licetiae  
 haec ecclesiae, et ex pietate atque  
 ad optimos fines pro electorum  
 edificatione ea omnia fuisse per-  
 facta et ordinata." Quoted also  
 by Bishop Cooper, Adm. 82, 83;  
 by Saravia, De Divers. Min. Grad.  
 c. 23; by Bancroft, Survey, &c.  
 p. 108; and by Bridges, Def. of  
 Gov. established, &c. p. 422. It  
 was Zanchius' deliberate opinion, in  
 answer to an exception which Beza  
 had taken to a clause in his (Zan-  
 chius') draught of a Confession for  
 the Reformed Churches.]  
<sup>2</sup> Epist. [ad Reg. Polon. (Non.  
 Decemb. 1554.) p.] 190. [<sup>3</sup> Vetus  
 quidem ecclesia patriarchas insti-  
 tuit, et singulis etiam provinciis  
 quosdam attribuit primatus, ut  
 hoc concordiae vinculo melius  
 inter se devincti manerent epis-  
 copi." ed. Gen. 1617 = p. 140. ed.  
 Gen. 1576.]

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These things standing as they do, we may conclude, that albeit the offices which bishops execute had been committed unto them only by the Church, and that the superiority which they have over other pastors were not first by Christ himself given to the Apostles, and from them descended to others, but afterwards in such consideration brought in and agreed upon as is pretended; yet could not this be a just or lawful exception against it.

XII. But they will say, "There was no necessity of instituting bishops; the Church might have stood well enough without them; they are as those superfluous things, which neither while they continue do good, nor do harm when they are removed, because there is not any profitable use wherunto they should serve. For first, in the primitive Church their pastors were all equal, the bishops of those days were the very same which pastors of parish churches at this day are with us, no one at commandment or controlment by any other's authority amongst them. The Church therefore may stand and flourish without bishops. If they be necessary, wherefore were they not sooner instituted?"

"Again, if any such thing were needful for the Church, Christ would have set it down in Scripture, as he did all kind of officers needful for Jewish regiment. He which prescribed unto the Jews so particularly the least thing pertinent unto their temple, would not have left so weighty offices undetermined of in Scripture, but that he knew the Church could never have any profitable use of them."

"Furthermore, it is the judgment of Cyprian<sup>1</sup>, that equity requireth every man's cause to be heard, where the fault he is charged with was committed: and the reason he allegeth is, forasmuch as there they may have both accusers and witnesses in their cause. Sith therefore every man's cause is meetest to be handled at home by the judges of his own parish, to what purpose serveth their device, which

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Their arguments to prove there was no necessity of instituting Bishops in the Church.

<sup>1</sup> Ep. 3. lib. 1. [al. 59. c. 10. "Cum statutum sit ab omnibus nobis et æquum sit pariter ac iustum ut unusquisque causa illi audiat ubi est crimen ad-

"missum... oportet... agere illi: causam... ubi et accusatores habere et testes... possint." p. 86. ed. Baluz.]



BOOK VII. "have appointed bishops unto whom such causes may be  
Ch. xiv. s. 4 "brought, and archbishops to whom they may be also from  
"thence removed?"

The fore-  
alleged  
arguments  
answered.  
XIII. What things have necessary use in the Church,  
they of all others are the most unfit to judge, who bend  
themselves purposely against whatsoever the Church useth,  
except it please themselves to give it the grace and counte-  
nance of their favourable approbation; which they willingly  
do not yield unto any part of church polity, in the forehead  
whereof there is not the mark of that new-devised stamp.  
But howsoever men like or dislike, whether they judge  
things necessary or needless in the house of God, a conscience  
they should have, touching that which they boldly affirm or  
deny.

[2.] (1.) "In the primitive Church no bishops, no pastors  
"having power over other pastors, but all equals, every man  
"supreme commander and ruler within the kingdom of his  
"own congregation or parish? The bishops that are spoken  
"of in the time of the primitive Church, all such as parsons  
"or rectors of parishes are with us?" If thus it have been  
in the prime of the Church, the question is, how far they will  
have that prime to extend? and where the latter spring of  
that new supposed disorder to begin? That primitive Church,  
wherein they hold that amongst the Fathers all which had  
pastoral charge were equal, they must of necessity so far  
enlarge as to contain some hundred of years, because for  
proof hereof they allege boldly and confidently St. Cyprian,  
who suffered martyrdom about two hundred and threescore  
years after our blessed Lord's incarnation. A bishop, they  
say, such as Cyprian doth speak of, had only a church or  
congregation, such as the ministers and pastors with us,  
which are appointed unto several towns. Every bishop in  
Cyprian's time was pastor of one only congregation, assembled  
in one place to be taught of one man<sup>1</sup>.

A thing impertinent, although it were true. For the

<sup>1</sup> "The bishop which Cyprian "since, but a congregation which  
"speaketh of, is nothing else but "met together in one place, and so  
"such as we call pastor, or as the "be taught of one man." T. C. lib.  
"common name with us is, parson, l. p. 99, 100. [76. ap. Whigg. Def.  
"and his church whereof he is 360.]  
"bishop is neither diocess nor pro-

question is about personal inequality amongst governors of the Church. Now to shew there was no such thing in the Church at such time as Cyprian lived, what bring they forth? Forsooth that bishops had then but a small circuit of place for the exercise of their authority. Be it supposed, that no one bishop had more than one only town to govern, one only congregation to rule: doth it by Cyprian appear, that in any such town or congregation being under the care and charge of some one bishop, there were not besides that one bishop others also ministers of the word and sacraments, yet subject to the power of the same bishop? If this appear not, how can Cyprian be alleged for a witness that in those times there were no bishops which did differ from other ministers, as being above them in degree of ecclesiastical power?

But a gross and a palpable untruth it is, that "bishops with Cyprian were as ministers are with us in parish churches; and that each of them did guide some parish without any other pastors under him." St. Cyprian's own person may serve for a manifest disproof hereof. Pontius being deacon under Cyprian noteth, that his admirable virtues caused him to be bishop with the soonest<sup>1</sup>; which advancement therefore himself endeavoured for a while to avoid. It seemed in his own eyes too soon for him to take the title of so great honour, in regard whereof a bishop is termed *Pontifex, Sacerdos, Antistes Dei*. Yet such was his quality, that whereas others did hardly perform that duty whereunto the discipline of their order<sup>2</sup>, together with the religion of the oath they took at their entrance into the office, even constrained them; him the chair did not make but receive such a one as behoved that a bishop should be. But soon after followed that proscription, whereby being driven into exile, and continuing in that estate for the space of some two years, he ceased not by letters to deal with his clergy, and to direct

<sup>1</sup> [in] iudicio Dei ac plebis favore, ad officium Sacerdotis et Episcopatus gradum adhuc senophytus, et ut putabatur, novellus electus est. . . Humiliter ille recessit, antiquioribus cedens, et indignum se titulo tanti honoris existimans. Pont. Vit. S. Cypri. § 5. p. cxxvii. ed. Baluz.]

[Ibid. § 6. cxxviii. Viderint pietatis amittentes, seu quos ad officium boni operis instruxit ipsius ordinis disciplina, seu quos sacramenti religio communis ad obsequium exhibende religionis arctavit. Cyprianum de suo salem accepit cathedra, non fecit.]

BOOK VII. them about the public affairs of the Church. They unto whom those epistles were written<sup>1</sup>, he commonly entitleth the presbyters and deacons of that church. If any man doubt whether those presbyters of Carthage were ministers of the word and sacraments or no, let him consider but that one only place of Cyprian, where he giveth them his careful advice, how to deal with circumspection in the perilous times of the Church, that neither they which were for the truth's sake imprisoned might want those ghostly comforts which they ought to have, nor the Church by ministering the same unto them incur unnecessary danger and peril. In which epistle it doth expressly appear, that the presbyters of whom he speaketh did offer, that is to say, administer the Eucharist ; and that many there were of them in the Church of Carthage, so as they might have every day change for performance of that duty. Nor will any man of sound judgment I think deny, that Cyprian was in authority and power above the clergy of that church, above those presbyters unto whom he gave direction. It is apparently therefore untrue, that in Cyprian's time ministers of the word and sacraments were all equal, and that no one of them had either title more excellent than the rest, or authority and government over the rest. Cyprian being bishop of Carthage was clearly superior unto all other ministers there : yea Cyprian was by reason of the dignity of his see an archbishop, and so consequently superior unto bishops.

[3.] Bishops we say there have been always, even as long as the Church of Christ itself hath been. The Apostles who planted it, did themselves rule as bishops over it ; neither could they so well have kept things in order during their own times, but that episcopal authority was given them from

<sup>1</sup> " Esi fratres pro dilectione  
" sua cupidi sunt ad conveniendum  
" et visitandum confessores bonos,  
" quos illustravit jam gloriosis in-  
" tibus divina dignatio, tamen caute  
" hoc, et non glomeratim nec per  
" multitudinem simul junctam, tuto  
" esse faciendum : ne ex hoc ipso  
" invidia concitetur, et introendi  
" aditus denegetur, et cum insatia-  
" biles multum [totum] volumus,  
" totum perdamus : consulite ergo  
" et providete ut cum tempera-  
" mento hoc agi tutius possit ; ita  
" ut presbyteri quoque, qui illic  
" agud confessores offerunt, singuli  
" cum singulis diaconis per voces  
" alternent, quia et mutatio per-  
" sonarum, et vicissitudo conveni-  
" entium minuit invidiam." Ep. 5.  
[4 p. 9. ed. Baluz.]

*not disproved by Want of distinct Scripture Enactment.* 219

above, to exercise far and wide over all other guides and pastors of God's Church. The Church indeed for a time continued without bishops by restraint, every where established in Christian cities. But shall we thereby conclude that the Church hath no use of them, that without them it may stand and flourish? No, the cause wherefore they were so soon universally appointed was, for that it plainly appeared that without them the Church could not have continued long. It was by the special providence of God no doubt so disposed, that the evil whereof this did serve for remedy might first be felt, and so the reverend authority of bishops be made by so much the more effectual, when our general experience had taught men what it was for churches to want them. Good laws are never esteemed so good, nor acknowledged so necessary, as when precedent crimes are as seeds out of which they grow. Episcopal authority was even in a manner sanctified unto the Church of Christ by that little better [bitter?]<sup>4</sup> experience which it first had of the pestilent evil of schisms. Again, when this very thing was proposed as a remedy, yet a more suspicious and fearful acceptance it must needs have found, if the selfsame provident wisdom of Almighty God had not also given beforehand sufficient trial thereof in the regiment of Jerusalem, a mother church, which having received the same order even at the first, was by it most peaceably governed, when other churches without it had trouble. So that by all means the necessary use of episcopal government is confirmed, yea strengthened it is and ratified, even by the not establishment thereof in all churches every where at the first.

[4.] (2.) When they further dispute<sup>1</sup>, "That if any such thing were needful, Christ would in Scripture have set down particular statutes and laws, appointing that bishops should be made, and prescribing in what order, even as the law doth for all kind of officers which were needful in the Jewish regiment;" might not a man that would bend his wit to maintain the fury of the Petrobrusian heretics<sup>2</sup>, in

<sup>4</sup> bitter, so edd. 1576, 1682.

<sup>1</sup> [As T. C. does, in reply to a Clusiacens. Epist. ap. Bibl. Patr. paper of Jewel's, ap. Whig. Def. Colon. t. xii. pars. 2. p. 206 H. 428.]

<sup>2</sup> [About A. D. 1147. vid. Pet. "brigan fieri non debent, factas

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Ch. xli. 3  
pulling down oratories, use the selfsame argument with as much countenance of reason? "If it were needful that we should assemble ourselves in churches, would that God which taught the Jews so exactly the frame of their sumptuous temple, leave us no particular instructions in writing, no not so much as which way to lay any one stone?" Surely such kind of argumentation doth not so strengthen the sinews of their cause, as weaken the credit of their judgment which are led therewith.

[5.] (3.) And whereas thirdly, in disproof [of]<sup>b</sup> that use<sup>b</sup> which episcopal authority hath in judgment of spiritual causes, they bring forth the verdict of Cyprian, who saith<sup>1</sup>, that "equity requireth every man's cause to be heard, where the fault he was charged with was committed, forasmuch as there they may have both accusers and witnesses in the cause;" this argument grounding itself on principles no less true in civil than in ecclesiastical causes, unless it be qualified with some exceptions or limitations, overturneth the highest tribunal seats both in Church and commonwealth; it taketh utterly away all appeals; it secretly condemneth even the blessed Apostle himself<sup>2</sup>, as having transgressed the law of equity, by his appeal from the court of Judaea unto those higher which were in Rome. The generality of such kind of axioms deceiveth, unless it be construed with such cautions as the matter whereunto they are applicable doth require. An usual and ordinary transportation of causes out of Africa into Italy, out of one kingdom into another, as discontented persons list, which was the thing that Cyprian disalloweth, may be unequal and unmeet; and yet not therefore a thing unnecessary to have the courts erected in higher places, and judgment committed unto greater persons, to whom the meaner may bring their causes either by way of appeal or otherwise, to be determined according to the order of justice; which hath been always observed every where in civil states, and is no less requisite also for the state of the

<sup>b</sup> So edd. 1676, 1688.

<sup>1</sup> *Insuper subest oportere, nec esse* "eos qui merentur exaudiri." Fleury, "necessaria Christianis sacra loca E. H. lxxx. 24. t. xiv. 600.]  
<sup>2</sup> *ad erandum, quoniam aequè in Cypr. lib. i. Ep. 3. [al. 59. c. 10. taberna et in ecclesia, in foro et vid. supr. c. xii. p. 215. note 1.]*  
<sup>3</sup> *in templo, ante altare vel ante Acts. xxv. 11.*  
<sup>4</sup> *stabilium invocatus Deus audit, et*

Church of God. The reasons which teach it to be expedient for the one, will shew it to be for the other at leastwise not unnecessary.

Inequality of pastors is an ordinance both divine and profitable: their exceptions against it in these two respects we have shewed to be altogether causeless, unreasonable, and unjust.

XIV. The next thing which they upbraid us with, is the difference between that inequality of pastors which hath been of old, and which now is. For at length they grant, that "the superiority of bishops and of archbishops is somewhat ancient, but no such kind of superiority as ours have." By the laws of our discipline a bishop may ordain without asking the people's consent, a bishop may excommunicate and release alone, a bishop may imprison, a bishop may bear civil office in the realm, a bishop may be a counsellor of state; these things ancient bishops neither did nor might do. it granted that ordinarily neither in elections nor deprivations, neither in excommunicating nor in releasing the excommunicate, in none of the weighty affairs of government, bishops of old were wont to do any thing without consultation with their clergy and consent of the people under them. Be it granted that the same bishops did neither touch any man with corporal punishment, nor meddle with secular affairs and offices, the whole clergy of God being then tied by the strict and severe canons of the Church to use no other than ghostly power, to attend no other business than heavenly. Tarquinius was in the Roman commonwealth deservedly hated, of whose unorderly proceedings the history<sup>1</sup> speaketh thus: "Hic regum primus traditum a prioribus morem de omnibus senatum consulendi solvit; domesticis consiliis rempub. administravit; bellum, pacem, fœdera, societates, per seipsum, cum quibus voluit, injussu populi ac senatus, fecit diremitte." Against bishops the like is objected, "That they are invaders of other men's rights, and by intolerable usurpation take upon them to do that alone, wherein ancient laws have appointed that others, not they only, should bear sway."

[2.] Let the case of bishops be put, not in such sort as it

<sup>1</sup> Liv. lib. i. [c. 49.]

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Ch. xiv. 3  
is, but even as their very heaviest adversaries would devise it. Suppose that bishops at the first had encroached upon the Church; that by sleights and cunning practices they had appropriated ecclesiastical, as Augustus did imperial power; that they had taken the advantage of men's inclinable affections, which did not suffer them for revenue's<sup>1</sup> sake to be suspected of ambition; that in the meanwhile their usurpation had gone forward by certain easy and unsensible degrees; that being not discerned in the growth, when it was thus far grown as we now see it hath proceeded, the world at length perceiving there was just cause of complaint, but no place of remedy left, had assented unto it by a general secret agreement to bear it now as a helpless evil; all this supposed for certain and true, yet surely a thing of this nature, as for the superior to do that alone unto which of right the consent of some other inferiors should have been required by them; though it had an indirect entrance at the first, must needs, through continuance of so many ages as this hath stood, be made now a thing more natural to the Church, than that it should be oppressed with the mention of contrary orders worn so many ages since quite and clean out of ure.

[3] But with bishops the case is otherwise; for in doing that by themselves which others together with them have been accustomed to do, they do not any thing but that whereunto they have been upon just occasions authorized by orderly means. All things natural have in them naturally more or less the power of providing for their own safety: and as each particular man hath this power, so every politic society of men must needs have the same, that thereby the whole may provide for the good of all parts therein. For other benefit we have not any by sorting ourselves into politic societies, saving only that by this mean each part hath that relief which the virtue of the whole is able to yield it. The Church therefore being a politic society or body, cannot possibly want the power of providing for itself; and the chiefest part of that power consisteth in the authority of making laws. Now forasmuch as corporations are perpetual, the laws of the ancients Church cannot choose but bind the latter, while they are in force. But we must note withal, that because the body of the Church

<sup>1</sup> [So edd. Query, reverence.] 1886.

continueth the same, it hath the same authority still, and may abrogate old laws, or make new, as need shall require. Wherefore vainly are the ancient canons and constitutions objected as laws, when once they are either let secretly to die by disusage, or are openly abrogated by contrary laws.

[4.] The ancient<sup>1</sup> had cause to do no otherwise than they did; and yet so strictly they judged not themselves in conscience bound to observe those orders, but that in sundry cases they easily dispensed therewith, which I suppose they would never have done, had they esteemed them as things whereunto everlasting, immutable, and undispensible observation did belong. The bishop usually promoted none which were not first allowed as fit, by conference had with the rest of his clergy and with the people; notwithstanding, in the case of Aurelius<sup>2</sup>, St. Cyprian did otherwise. In matters of deliberation and counsel, for disposing of that which belongeth generally to the whole body of the Church, or which being more particular, is nevertheless of so great consequence, that it needeth the force of many judgments conferred; in such things the common saying must necessarily take place, "An eye can not see that which eyes can<sup>3</sup>." As for clerical ordinations, there are no such reasons alleged against the order which is, but that it may be esteemed as good in every respect as that which hath been; and in some considerations better; at leastwise (which is sufficient to our purpose) it may be held in the Church of Christ without transgressing any law, either ancient or late, divine or human, which we ought to observe and keep.

[5.] The form of making ecclesiastical officers hath sundry parts, neither are they all of equal moment.

When Deacons having not been before in the Church of

<sup>1</sup> [Nec "ancients:" comp. b. v. "illustri adolescens, a Domino jam  
ld. t. i. infra, xiv. 13. sv. t. 12.] "probat et Deo carus... his con-  
<sup>2</sup> [Ep. xxxiii. p. 46. ed. Baluz. "Iesus et his confessionis suae vic-  
"Presbyter et diaconibus et uni- "toris gloriosus, &c. ... Merebatur  
"versae plebi salutem. In ordina- "talis clericæ ordinationis ulteriores  
"tionibus clericis, fratres clarissimi, "gradus et incrementa majora...  
"solemus vos sacre consulere, et "Sed interim placuit ut ab officio  
"mores ac merita singulorum com- "lectoris incipiat.]  
"muni consilio ponderare. Sed  
"expectanda non sunt testimonia  
"humana cum procedunt divina  
"suffragia. Aurelius frater noster,  
1703.]





wherefore he so required, namely, "For that both Christians and Jews being so wary about the ordination of their priests, it seemed very unequal for him not to be in like sort circumspect, to whom he committed the government of provinces, containing power over men's both estates and lives." This the canon itself doth provide for, requiring before ordination scrutiny<sup>1</sup>: "Let them diligently be examined three days together before the Sabbath, and on the Sabbath [i.e. Saturday] let them be presented unto the bishop." And even this in effect also is the very use of the church of England, at all solemn ordaining of ministers; and if all ordaining were solemn, I must confess it were much the better.

[7.] The pretended disorder of the church of England is, that bishops ordain them to whose election the people give no voices, and so the bishops make them alone; that is to say, they give ordination without popular election going before, which ancient bishops neither did nor might do. Now in very truth, if the multitude have hereunto a right, which right can never be translated from them for any cause, then is there no remedy but we must yield, that unto the lawful making of ministers the voice of the people is required; and that according to the adverse party's assertion<sup>2</sup>, such as make ministers without asking the people's consent, do but exercise a certain tyranny.

At the first erection of the commonwealth of Rome, the

<sup>1</sup> Dec. *Quando Episc. sect. legitur.* [pars l. distinct. 24. p. 114. Lugd. 1572 from the council of Naxos, of uncertain date. "Episcopus quando ordinationem facere disponit, omnes qui ad sacrum ministerium accedere volunt, feria quarta ante ipsam ordinationem evocandi sunt ad civitatem, una cum archipresbyteris qui eos representare debent. Et tunc episcopus e latere sus dirigere debet sacerdotes et alios prudentes viros, gnaros legis divinae, et exercitatos in ecclesiasticis sanctionibus, qui ordinandum vitam, genus, patriam, aetatem, institutionem, locum ubi educati sunt, si sint bene literati, si in lege Domini instructi, diligenter investigent. Ante omnia, si fidem catholicam firmiter teneant, et

verbis simplicibus asserere queant. Ipsi autem, quibus hoc committitur, cavere debent, ne aut favoris gratia, aut cujusvisque muneris cupiditate affecti, a vero deviant, ut indignum et minus idoneum ad sacros gradus suscipiendos episcopi manus applicent. Quod si fecerint; et ille qui indigne accessit ab altari removebitur, et illi qui donam Sp. sancti vendere conati sunt, coram Deo jam condemnati ecclesiastica dignitate carebunt. Igitur per tres continuos dies diligenter examinentur; et sic sabbato, qui probati inventi sunt, episcopo represententur." Concil. Harduin. vi. pars l. 459.]

<sup>2</sup> Cf. V. lxxii. l. 1.  
<sup>3</sup> Eccl. Discipl. p. 34. [or p. 22. Cartwright's Translation, 1617.]

BOOK VII. people (for so it was then fittest) determined of all affairs:  
 CH. XIV. 2. afterwards this growing troublesome, their senators did that  
 ----- for them which themselves before had done: in the end all  
 came to one man's hands, and the emperor alone was instead  
 of many senators.

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. That which was fit for the people themselves to do at the first, might afterwards be more convenient for them to do by some other: which other is not thereby proved a tyrant, because he alone doth that which a multitude were wont to do, unless by violence he take that authority upon him, against the order of law, and without any public appointment; as with us if any did, it should (I suppose) not long be safe for him so to do.

[8.] This answer (I hope) will seem to be so much the more reasonable, in that themselves, who stand against us, have furnished us therewith. For whereas against the making of ministers by bishops alone, their use hath been to object, what sway the people did bear when Stephen and the rest were ordained deacons; they begin to espy how their own platform swerveth not a little from that example wherewith they control the practice of others. For touching the form of the people's concurrence in that action, they observe it not; no, they plainly profess that they are not in this point bound to be followers of the Apostles. The Apostles ordained whom the people had first chosen. They hold, that their ecclesiastical senate ought both to choose, and also to ordain. Do not themselves then take away that which the Apostles gave the people, namely, the privilege of choosing ecclesiastical officers? They do. But behold in what sort they answer it. "By the sixth and the fourteenth of the Acts<sup>1</sup>" (say they) "it doth appear that the people had the chiefest power of choosing." Howbeit that, as unto me it seemeth, was done upon special cause which doth not so much concern us, neither ought it

<sup>1</sup> Eccl. Discipl. fol. 41. [or p. 27 of Cartwright's version.]

"to be drawn unto the ordinary and perpetual form of govern- BOOK VII.  
 "ing the Church. For as in establishing commonweals, not CH. 49. 2  
 "only if they be popular, but even being such as are ordered  
 "by the power of a few the chiefest, or as by the sole autho-  
 "rity of one, till the same be established, the whole sway is  
 "in the people's hands, who voluntarily appoint those magi-  
 "strates by whose authority they may be governed; so that  
 "afterward not the multitude itself, but those magistrates  
 "which are chosen by the multitude, have the ordering of  
 "public affairs: after the selfsame manner it fared in esta-  
 "blishing also the Church; when there was not as yet any  
 "placed over the people, all authority was in them all; but  
 "when they all had chosen certain to whom the regiment of  
 "the Church was committed, this power is not now any longer  
 "in the hands of the whole multitude, but wholly in theirs  
 "who are appointed guides of the Church. Besides, in the  
 "choice of deacons, there was also another special cause  
 "wherefore the whole Church at that time should choose  
 "them. For inasmuch as the Grecians murmured against the  
 "Hebrews, and complained that in the daily distribution which  
 "was made for relief of the poor, they were not indifferently  
 "respected, nor such regard had of their widows as was meet;  
 "this made it necessary that they all should have to deal in  
 "the choice of those unto whom that care was afterwards to  
 "be committed, to the end that all occasion of jealousies  
 "and complaints might be removed. Wherefore that which  
 "was done by the people for certain causes, before the  
 "Church was fully settled, may not be drawn out and ap-  
 "plied unto a constant and perpetual form of ordering the  
 "Church."

[9.] Let them cast the discipline of the church of England  
 into the same scales where they weigh their own, let them  
 give us the same measure which here they take, and our  
 strifes shall soon be brought to a quiet end. When they  
 urge the Apostles as precedents; when they condemn us of  
 tyranny, because we do not in making ministers the same  
 which the Apostles did; when they plead, "That with us  
 "one alone doth ordain, and that our ordinations are without  
 "the people's knowledge, contrary to that example which  
 "the blessed Apostles gave:" we do not request at their

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—

hands allowance as much as of one word we speak in our own defence, if that which we speak be of our own; but that which themselves speak, they must be contented to listen unto. To exempt themselves from being over far pressed with the Apostles' example, they can answer, "That which was done by the people once upon special causes, when the Church was not yet established, is not to be made a rule for the constant and continual ordering of the Church." In defence of their own election, although they do not therein depend on the people so much as the Apostles in the choice of deacons, they think it a very sufficient apology, that there were special considerations why deacons at that time should be chosen by the whole Church, but not so now. In excuse of dissimilitudes between their own and the Apostles' discipline, they are contented to use this answer, "That many things were done in the Apostles' times, before the settling of the Church, which afterward the Church was not tied to observe." For countenance of their own proceedings, wherein their governors do more than the Apostles, and their people less than under the Apostles the first Churches are found to have done, at the making of ecclesiastical officers, they deem it a marvellous reasonable kind of pleading to some [say] "That even as in commonweals, when multitude have once chosen many or one to rule over them, the right which was at the first in the whole body of the people is now derived into those many or that one which is so chosen; and that this being done, it is not the whole multitude, to whom the administration of such public affairs any longer appertaineth, but that which they did, their rulers may now do lawfully without them: after the selfsame manner it standeth with the Church also."

How easy and plain might we make our defence, how clear and allowable even unto them, if we could but obtain of them to admit the same things consonant unto equity in our mouths, which they require to be so taken from their own! If that which is truth, being uttered in maintenance of Scotland and Geneva, do not cease to be truth when the church of England once allegeth it, this great crime of tyranny wherewith we are charged hath a plain and an easy defence.

[10.] "Yea, but we do not at all ask the people's appro-

"bation, which they do<sup>1</sup>, whereby they shew themselves "more indifferent and more free from taking away the "people's right." Indeed, when their lay-elders have chosen whom they think good, the people's consent thereto is asked, and if they give their approbation, the thing standeth warranted for sound and good. But if not, is the former choice overthrown? No, but the people is to yield to reason; and if they which have made the choice, do so like the people's reason, as to reverse their own deed at the hearing of it, then a new election to be made<sup>2</sup>; otherwise the former stand, notwithstanding the people's negative and dislike. What is this else but to deal with the people, as those nurses do with infants, whose mouths they besmear with the backside of the spoon, as though they had fed them, when they themselves devour the food? They cry in the ears of the people, that all men's consent should be had unto that which concerns all; they make the people believe we wrong them, and deprive them of their right in making ministers, whereas with us the people have commonly far more sway and force than with them. For inasmuch as there are but two main things observed in every ecclesiastical function, Power to exercise the duty itself, and some charge of People whereon to exercise the same; the former of these is received at the hands of the whole visible catholic Church. For it is not any one particular multitude that can give power, the force whereof may reach far and wide indefinitely, as the power of order doth, which whoso hath once received, there is no action which belongeth thereunto but he may exercise effectually the same in any part of the world without iterated

<sup>1</sup> [Ecc. Discipl. transl. by T. C. p. 28. "I would not that the judgment of the rest of the Church should be contemned and neglected, or that the council or elders of the Church should of their own authority set one over the Church whom they list against the Church's will, but that the elders going before the people also follow, and having heard and understood their sentence and decree, may either by some outward token or else by their silence allow it if it be to be liked of, or gainsay it if it be not

"just and upright."  
<sup>2</sup> Eccles. Discipl. p. 41. [Ibid. "And not only gainsay it, but if their cause of their disliking may be brought, make it altogether void and of none effect, until at the next a meet one may be chosen by the authority and voices of the elders, and allowed of by the consent and approbation of the rest of the Church. So that herein there is no cause to complain that by the bringing in of the rule of a few the majesty of the whole Church is diminished."]

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Ch. 40, 11.

ordination. They whom the whole Church hath from the beginning used as her agents in conferring this power, are not either one or more of the laity, and therefore it hath not been heard of that ever any such were allowed to ordain ministers; only persons ecclesiastical, and they, in place of calling, superiors both unto deacons and unto presbyters; only such persons ecclesiastical have been authorized to ordain both, and to give them the power of order, in the name of the whole Church. Such were the Apostles, such was Timothy, such was Titus, such are bishops. Not that there is between these no difference, but that they all agree in preeminence of place above both presbyters and deacons, whom they otherwise might not ordain<sup>1</sup>.

[1.] Now whereas hereupon some do infer, that no ordination can stand but only such as is made by bishops, which have had their ordination likewise by other bishops before them, till we come to the very Apostles of Christ themselves; in which respect it was demanded of Beza at Poissie<sup>2</sup>. "By what authority he could administer the holy sacraments, being not thereunto ordained by any other than Calvin, or by such as to whom the power of ordination did not belong, according to the ancient orders and customs of the Church; with Calvin and they who joined with him in that action were no bishops;" and Athanasius maintaineth the fact of Macarius a presbyter<sup>3</sup>, which overthrew the holy table

<sup>1</sup> "Neque enim fas erat aut liceret, ut inferior ordinaret majorem." "manifestum esse, vocatione ordinaria minime institutos; cum auctoritate ad extraordinarium miraculis." "tem ad extraordinarium miraculis." "opus sit, nec ea ipsi edant, nec sario sequi, nec secundum ordinem nec extra ordinem eos in domum Dei ingressos esse." [Apol. con. Arian. c. 12. 399. t. 1. 134. ed. Bunsen. Tithe ad episcopos.]

<sup>2</sup> [A. D. 1561. Thuanus, lib. 28. t. 2. p. 45. Grot. "Claudius Espescouus, vir doctus et pacis ecclesie studiosus, a Letarago loqui iussus, postquam profatus est expetivisse jam a multo tempore ut colloquendi copia ferret, et interea semper a supplicio, quibus ob religionem miseri homines antea afflictabantur abhorruisse; demittari se subinde scripsit diaconi, quos auctoritate Protestantes et a quo vocati et instituti ad ministrum essent: et cum neminem citarent, a quo manus impositionem suscepissent, quomodo legitimi pastores censeri possent: nam

whereat one Ischyra would have ministered the blessed Sacrament, having not been consecrated 'thereunto by laying on of some bishop's hands', according to the ecclesiastical canons; as also Epiphanius inveigheth sharply against divers for doing the like, when they had not episcopal ordination: to this we answer, that there may be sometimes very just and sufficient reason to allow ordination made without a bishop.

The whole Church visible being the true original subject of all power, it hath not ordinarily allowed any other than bishops alone to ordain: howbeit, as the ordinary course is ordinarily in all things to be observed, so it may be in some cases not unnecessary that we decline from the ordinary ways.

Men may be extraordinarily, yet allowably, two ways admitted unto spiritual functions in the Church. One is, when God himself doth of himself raise up any, whose labour he useth without requiring that men should authorize them; but then he doth ratify their calling by manifest signs and tokens himself from heaven: and thus even such as believed not our Saviour's teaching, did yet acknowledge him a lawful teacher sent from God: "Thou art a teacher sent from God, otherwise none could do those things which thou doest?" Luther did but reasonably<sup>3</sup> therefore, in declaring that the senate of Mulhouse should do well to ask of Muncer, from whence he received power to teach, who it was that had called him; and if his answer were that God had given him his charge, then to require at his hands some evident sign thereof for men's satisfaction: because so God is wont, when he himself is the author of any extraordinary calling.

Another extraordinary kind of vocation is, when the exigence of necessity doth constrain to leave the usual ways of the Church, which otherwise we would willingly keep: where

<sup>1</sup> *Ἐκείνῃς ὑποθέσει.*

<sup>2</sup> John iii. 2.

<sup>3</sup> Sleidan. Comment. v. p. 58. Argent. 1556. "Cum ejectus e Saxonia fribus... Muncerus obtraheret, ac rumor increbuit eum cogitare Mulhusium, Lutherus... datus ad senatum literis, graviter monet, ne recipiat... recte factum senatum, si roget ex illo, quis docendi manus ipsi commiserit,

"quis evocavit? et si Deum nominet auctorem, tum pibeat hanc suam

"vocationem aliquo evidenti signo

"comprobare, quod si representare

"non possit, ut tunc repudietur:

"hoc enim esse Deo proprium et

"familiare, quoties formulam con-

"stantiam et rationem ordinariam

"velit immutare, ut tunc voluntatem

"suum aliquo signo declarat." v. Fleury, l. 128. c. 45. a. 1523.]



BOOK VII. the church must needs have some ordained, and neither hath  
 Ch. xiv. 16. nor can have possibly a bishop to ordain; in case of such  
 necessity, the ordinary institution of God hath given oftentimes, and may give, place. And therefore we are not simply without exception to urge a lineal descent of power from the Apostles by continued succession of bishops in every effectual ordination. These cases of inevitable necessity excepted, none may ordain but only bishops: by the imposition of their hands it is, that the Church giveth power of order, both unto presbyters and deacons.

[12.] Now when that power so received is once to have any certain subject whereon it may work, and whereunto it is to be tied, *here cometh in the people's consent, and not before.* The power of order I may lawfully receive, without asking leave of any multitude; but that power I cannot exercise upon any one certain people utterly against their wills; neither is there in the church of England any man, by order of law, possessed with pastoral charge over any parish, but the people in effect do choose him thereunto. For albeit they choose not by giving every man personally his particular voice, yet can they not say that they have their pastors violently obtruded upon them, inasmuch as their ancient and original interest therein hath been by orderly means derived into the patron who chooseth for them. And if any man be desirous to know how patrons came to have such interest, we are to consider, that at the first erection of churches, it seemed but reasonable in the eyes of the whole Christian world to pass that right to them and their successors, on whose soil and at whose charge the same were founded<sup>1</sup>. This all men gladly and willingly did, both in honour of so great piety, and for encouragement of many others unto the like, who peradventure else would have been as slow to erect churches or to endow them, as we are forward both to spoil them and to pull them down.

It is no true assertion therefore in such sort as the pretended reformers mean it<sup>2</sup>, "That all ministers of God's word

<sup>1</sup> [See b. V. c. xxx. § 11.] "picketh out for himself some  
 : [1 Adm. p. 2. ed. 1617. "Then "notable good benefice, he obtaineth  
 "election was made by the elders "eth the next advowson, by money  
 "with the common consent of the "or by favour, and so thinketh  
 "whole Church; now every one "himself to be sufficiently chosen.

"ought to be made by consent of many, that is to say, by the people's suffrages; that ancient bishops neither did nor might ordain otherwise; and that ours do herein usurp a far greater power than was, or than lawfully could have been granted unto bishops which were of old."

[13.] Furthermore, as touching spiritual jurisdiction, our bishops, they say, do that which of all things is most intolerable, and which the ancient never did. "Our bishops excommunicate and release alone, whereas the censures of the Church neither ought, nor were wont to be administered otherwise than by consent of many." Their meaning here, when they speak of *many*<sup>1</sup>, is not as before it was; when they hold that ministers should be made with consent of many, they understand by *many*, the multitude, or common people; but in requiring that many should evermore join with the bishop in the administration of church censures, they mean by *many*, a few lay-elders chosen out of the rest of the people to that purpose. This they say is ratified by ancient councils<sup>2</sup>, by ancient bishops<sup>3</sup> this was practised.

<sup>1</sup> Then, the congregation had authority to call ministers; instead thereof now they run, they ride, and by unlawful suit and buying prevent other suitors also. Then no minister placed in any congregation but by the consent of the people; now that authority is given into the hands of the bishop alone. Whigg. Answ. 41; T. C. i. 28, al. 43, &c.; Def. 134, &c.; T. C. ii. 194, &c.  
<sup>2</sup> [1. Adm. ap. Whigg. Def. 66a.  
<sup>3</sup> Then it was said, 'Tell the Church;' now it is spoken, 'Complain to my lord's grace, primate and metropolitan of all England, or to his inferior my lord bishop of the diocese; if not to him, shew the chancellor or official or commissary.' Answ. ibid. "In that place of Matthew, as all learned interpreters both old and new do determine, the Church signifieth such as have authority in the Church." T. C. i. 146, al. 183, &c.; Def. 662-671; T. C. iii. 77-88.  
 [T. C. i. 147, al. 184. "It must

needs be the meaning of our Saviour Christ that the excommunication should be by many and not by one; and by the Church and not by the minister of the Church alone." Ibid. 183. "That the charge of excommunication be length not unto one, to the minister, but chiefly to the eldership and pastor, it appeareth by that which the authors of the Admonition allege out of St. Matthew, xviii. 17, which place I have proved before to be necessarily understood of the elders of the Church."  
<sup>4</sup> Concil. Carthag. iv. c. 23. [A. D. 398. "Ut episcopus nullam causam audiat absque presentia clericorum suorum; alioquin irrita erit sententia episcopi, nisi clericorum presentia confirmetur." l. 980, ed. Harduin.]  
<sup>5</sup> Cyr. lib. iii. Ep. ix. [5. ed. Baluz. p. 11. "Solum rescribere nihil potui, quando a primordio episcopatus mei statuerem nihil sine consilio vestro et sine consensu plebis mea privatim sententia

BOOK VII. And the reason hereof, as Beza supposeth<sup>1</sup>, was, "Because  
Ch. xiv. 13. "if the power of ecclesiastical censures did belong unto any  
"one, there would this great inconveniency follow, eccle-

"gerere." 14. [11. Baluz. p. 21.  
"Audio quosdam de presbyteris,  
"nec evangelii memores, nec quid  
"ad nos martyres scripserint cogi-  
"tantes, nec episcopo honorem sa-  
"cerdotii sui et cathedræ reser-  
"vantes, jam cum lapsis communi-  
"care cupisse et offerre pro illis et  
"eucharistiam dare, quando oportet  
"ut ad hoc per ordinem perveniri.  
"Nam cum in minoribus delictis  
"que nos in Deum committuntur  
"penitentia agatur justo tempore,  
"et exomologesis fiat inspecta vita  
"ejus qui agit penitentiam, nec ad  
"communicationem venire quis pos-  
"sit nisi prius illi ab episcopo et  
"clero manus fuerit imposita: quanto  
"magis in his gravissimis et extremis  
"delictis caute omnia et moderate  
"secundum disciplinam Domini ob-  
"servari oportet! . . . Audiamus quoque  
"patienter consilium nostrum, ex-  
"pectent regressionem nostram, ut  
"cum ad vos per Dei misericordiam  
"venierimus, convocati coepiscopi  
"plures, secundum Domini disci-  
"plinam et confessorum presentiam  
"et vestram quoque sententiam,  
"beatorum martyrum literas et desi-  
"deria examinare possimus." Lib.  
"ii. Ep. 8. [10. Baluz. p. 97. "Signifi-  
"canti de Victore quosdam presby-  
"teros, quod ei, antequam peniten-  
"tiam plenam egisset, et Domino  
"Deo, in quem deliquerat, satis-  
"fecisset, Therapius collega soster  
"immature tempore et præpropere  
"festinatione pacem dederit. Que  
"res nos satia movit, recessum esse  
"a decreti nostri auctoritate, ut ante  
"legitimum et plenum tempus sa-  
"tisfactionis, et sine petitu et con-  
"scientia plebis, nulla infirmitate  
"urgente ac necessitate cogente,  
"pax ei concederetur. Sed librate  
"apud nos diu consilio, satia fuit  
"obligare Therapium collegam  
"nostrum, quod tenere hoc fecerit,  
"et intravisse, ne quod tale de ce-  
"tero faciat. Facere tamen quo-  
"modocunque a sacerdote Dei semel  
"datum non putavimus audere-  
"dam." These passages are pro-  
"duced by T. C. l. 149 al. 187, and  
"maintained, iii. 87-89, in order to  
"show that the bishop might not  
"absolve alone. Comp. Whig. Def.  
"674.]  
"1. [Compare *De Presbyteris et Ex-*  
"communicatione; p. 112, 113. Gen.  
"1590. "Hoc veluti fræno, sic pres-  
"byterio coercetur tum ipsorum  
"pastorum tum etiam populi po-  
"testas, ne illa quidem in oligar-  
"chiam, ista vero in ochlocratiam  
"degeneraret. Itaque mihi quidem  
"ecclesia Christiana, ut et vetus illa  
"Israelitica, ex illa triplici statu di-  
"versissime constituta videtur: cujus  
"caput est et monarcha longe supra  
"omnia eminentis unicus ille soster  
"Pontifex æternus, cujus figura fuit  
"Leviticus ille Pontifex. . . Isti vero  
"certis divinisissimam aristocraticam  
"referant. Universa denique mul-  
"titude, qua conscia, et ex cujus  
"consensu certus ipsi aristocratici  
"constituuntur, cælestis demeritæ  
"perfectum exemplum præbet." And  
"Epist. xii. p. 220. A. D. 1567.  
"Tract. i. iii. Gen. 1582. "Aiani . . .  
"excommunicationes et absoluti-  
"ones in curiis quibusdam episco-  
"paliis in Angliâ fieri non ex  
"presbyterii (quod nullum ibi sit)  
"sententia, neque ex Dei verbo, sed  
"ex quorundam juriconsultorum  
"et aliorum ejusmodi, immo etiam  
"intestum unius cujuspiam aucto-  
"ritate. . . Respondemus, nobis pene  
"incredibile videri, ejusmodi abu-  
"sum perversissimi moris et exem-  
"pli adhuc in eo regno usurari,  
"ubi puritas doctrine vigeat. Jus  
"enim excommunicandi ante papis-  
"ticam illam tyrannidem nunquam  
"pene unum fuisse comperietur,  
"sed pene presbyteriam, et quidem  
"non exclusam penitus populo." This  
"is the epistle to the leading Puritans,  
"which was so industriously circu-  
"lated in England. Vol. vol. ii, p.  
"133, note 3.]

"sistical regiment should be changed into mere tyranny, or  
 "else into a civil royalty: therefore no one, either bishop  
 "or presbyter, should or can alone exercise that power, but  
 "with his ecclesiastical consistory he ought to do it, as may  
 "appear by the old discipline." And is it possible, that one  
 so grave and judicious should think it in earnest tyranny  
 for a bishop to excommunicate, whom law and order hath  
 authorized so to do? or be persuaded that ecclesiastical regi-  
 ment degenerateth into civil regality, when one is allowed to  
 do that which hath been at any time the deed of more?  
 Surely, far meaner witted men than the world accounteth  
 Mr. Beza do easily perceive, that tyranny is power violently  
 exercised against order, against law; and that the difference  
 of these two regiments, ecclesiastical and civil, consisteth in  
 the matter about which the actions of each are conversant;  
 and not in this, that civil royalty admitteth but one, eccle-  
 siastical government requireth many supreme correctors.  
 Which allegation, were it true, would prove no more than  
 only that some certain number is necessary for the assistance  
 of the bishop; but that a number of such as they do require  
 is necessary, how doth it prove? Wherefore albeit bishops  
 should now do the very same which the ancients did, using  
 the college of presbyters under them as their assistants when  
 they administer church-censures, yet should they still swerve  
 utterly from that which these men so busily labour for,  
 because the agents whom they require to assist in those cases  
 are a sort of lay-elders, such as no ancient bishop ever was  
 assisted with.

Shall these fruitless jars and janglings never cease? shall  
 we never see end of them? How much happier were the  
 world if those eager taskmasters whose eyes are so curious  
 and sharp in discerning what should be done by many and  
 what by few, were all changed into painful doers of that  
 which every good Christian man ought either only or chiefly  
 to do, and to be found therein doing when that great and  
 glorious Judge of all men's both deeds and words shall  
 appear? In the meanwhile, be it one that hath this charge,  
 or be they many that be his assistants, let there be careful  
 provision that justice may be administered, and in this shall  
 our God be glorified more than by such contentious disputes.

BOOK VII.  
 Ch. xiv. 13

BOOK VII. CH. VII. **Concerning the civil power and authority which our Bishops have.**

XV. Of which nature that also is, wherein Bishops are over and besides all this accused "to have much more excessive power than the ancient, inasmuch as unto their ecclesiastical authority, the civil magistrate for the better repressing of such as contemn ecclesiastical censures, hath for divers ages annexed civil". The crime of bishops herein is divided into these two several branches; the one, that in causes ecclesiastical they strike with the sword of secular punishments; the other, that offices are granted them, by virtue whereof they meddle with civil affairs.

[2.] Touching the one, it reacheth no farther than only unto restraint of liberty by imprisonment (which yet is not done but by the laws of the land, and by virtue of authority derived from the prince). A thing which being allowable in priests amongst the Jews, must needs have received some strange alteration in nature since, if it be now so pernicious and venomous to be coupled with a spiritual vocation in any man which beareth office in the Church of Christ. Semaiah writing to the college of priests which were in Jerusalem, and to Zephaniah the principal of them, told them they were appointed of God, "that they might be officers in the house of the Lord, for every man which raved, and did make himself a prophet;" to the end that they might by the force of this their authority "put such in prison and in the stocks." His malice is reprov'd, for that he provoketh them to shew their power against the innocent. But surely, when any man justly punishable had been brought before them, it could be no unjust thing for them even in such sort then to have punished.

[3.] As for offices by virtue whereof bishops have to deal in civil affairs, we must consider that civil affairs are of divers

<sup>1</sup> [Adm. ap. Whig. Def. 749. "missioner, &c. And therefore in that they have civil offices joined to the ecclesiastical, it is against the word of God. As for an archbishop to be a lord president, a lord bishop to be a county palatine, a prelate of the garter, who hath much to do at St. George's feast when the Bible is carried before the procession in the cross's place, a justice of peace, a justice of quorum, an high com-  
" they have their prisons, as Clinke, Galehouses, Colehouses, towers and castles; which is against all the Scriptures; Luke ix. 56, 61; xii. 14; Rom. xii. 7; 1 Tim. v. 11; 2 Tim. ii. 3, 4; Answ. 114, &c.; T. C. l. 206, al. 165, &c.; Def. 749, &c.; T. C. iii. 1-31; Dec. of Discipl. 39-44, ed. 1617.]  
<sup>2</sup> Jer. xxix. 26.

kinds, and as they be not all fit for ecclesiastical persons to meddle with, so neither is it necessary, nor at this day haply convenient, that from meddling with any such thing at all they all should without exception be secluded. I will therefore set down some few causes, wherein it cannot but clearly appear unto reasonable men that civil and ecclesiastical functions may be lawfully united in one and the same person.

First therefore, in case a Christian society be planted amongst their professed enemies, or by toleration do live under some certain state whereinto they are not incorporated, whom shall we judge the meetest man to have the hearing and determining of such mere civil controversies as are every day wont to grow between man and man? Such being the state of the church of Corinth, the Apostle giveth them this direction, "Dare any of you having business against another be judged by the unjust, and not under saints? Do ye not know that the saints shall judge the world? If the world then shall be judged by you, are ye unworthy to judge the smallest matters? Know ye not that we shall judge the angels? how much more things that appertain to this life? If then ye have judgment of things pertaining to this life, set up them which are least esteemed in the Church. I speak it to your shame; is it so that there is not a wise man amongst you? no not one that can judge between his brethren, but a brother goeth to law with a brother and that under the infidels? Now therefore there is utterly a fault among you, because ye go to law one with another; why rather suffer ye not wrong, why rather sustain ye not harm?" In which speech there are these degrees: better to suffer and to put up injuries, than to contend; better to end contention by arbitrement, than by judgment; better by judgment before the wisest of their own, than before the simpler; better before the simplest of their own, than the wisest of them without; So that if judgment of secular affairs should be committed unto wise men, unto men of chiefest credit and account amongst them, when the pastors of their souls are such, who more fit to be also their judges for the ending of strifes? The wisest in things divine may

<sup>1</sup> 1 Cor. vi. 1-7.

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Ch. 10.3  
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be also<sup>1</sup> in things human the most skilful. At leastwise they are by likelihood commonly more able to know right from wrong than the common unlettered sort.

And what St. Augustine did hereby gather, his own words do sufficiently shew. "I call God to witness upon my soul," saith he<sup>4</sup>, "that according to the order which is kept in well-ordered monasteries, I could wish to have every day my hours of labouring with my hands, my hours of reading and of praying, rather than to endure these most tumultuous perplexities of other men's causes, which I am forced to bear while I travel in secular businesses, either by judging to discuss them, or to cut them off by entreaty: unto which toils that Apostle, who himself sustained them not, for any thing we read, hath notwithstanding tied us not of his own accord, but being thereunto directed by that Spirit which speaks in him. His own apostleship which

<sup>1</sup> Vide Barnab. Brisson. [Bernabé Brisson, an eminent French lawyer under Henry III, hung by the Leaguers Nov. 1591.] *Antiq. Jaz.* lib. iv. c. 16. [Conjectam olim fuisse jura divini et humani scientiam. Ridiculum videtur nonnullis jurisprudentiam rerum divinarum et humanarum notitiam ab Ulpiano definiti, quod existimant rerum divinarum cognitionem nihil cum jura civilis scientia commune habere. Atqui ex veteribus memoriis certissimum est in utriusque facultatis cognitione consultos pares fuisse, tenuisseque et edocuisse eos quibus hostilia, quibus diebus, quo ritu, ad que templa sacra facienda essent, que sepulchrorum monumentisque jura, que iustorum funebrium solennia essent. Que ad jus publicum et divinum referebantur omnia." p. 138. Paris. 1666.]

<sup>4</sup> Aug. de Oper. Monach. c. 29. [l. vi. 499. "Dumtaxat Jesus, in cuius nomine securus hinc dico, testem invoco super animam meam, quoniam quantum attinet ad meum commodum, multo mallem per singulos dies, certis horis, quantum in beate modestis monasteriis constitutum est, aliquid

manibus operari, et ceteras horas habere ad legendum et orandum aut aliquid de divinis literis agendum liberam, quam tumultuosissimas perplexitates causarum alienarum pati, de negotiis secularibus vel iudicando dirimendis, vel interveniendo praevidendis: quibus assuetudinis idem affecti Apostolus, non utique suo, sed ejus qui in eo loquebatur arbitrio; quas tamen ipsam perperam fuisse non legimus: aliter enim se habebat Apostolatus ejus discursus. Sapientes ergo qui in locis consistebant, fideles et sanctos, non qui hac atque illac propter evangelium discurrebant, talium negotiorum examinatores esse voluit. Unde nunquam de illo scriptum est quod aliquando talibus vacaverit, a quibus nos excusare non possumus, etiam si consensibilis sumus, quia et hoc collocari voluit, si sapientes defuissent, potius quam ut negotia deferrentur in forum. Quem tamen laborem non sine consolatione Domini suscipimus, pro spe vite aeternae, ut fructum feramus cum tolerantia." Quoted by Rip. Jewel in *Whig. Answ.* 215. See T. C. i. 171; *Dof.* 721; T. C. iii. 26; *Sarav. de Hon. Prae.* c. 20.]

"drew him to travel up and down, suffered him not to be  
 "any where settled to this purpose; wherefore the wise, faith-  
 "ful and holy men which were seated here and there, and not  
 "them which travelled up and down to preach, he made  
 "examiners of such businesses. Whereupon of him it is no  
 "where written, that he had leisure to attend these things,  
 "from which we cannot excuse ourselves although we be  
 "simple: because even such he requireth, if wise men cannot  
 "be had, rather than the affairs of Christians should be brought  
 "into public judgment. Howbeit not without comfort in our  
 "Lord are these travels undertaken by us, for the hope's sake  
 "of eternal life, to the end that with patience we may reap  
 "fruit." So far is St. Augustin from thinking it unlawful for  
 "pastors in such sort to judge civil causes, that he plainly col-  
 "lecteth out of the Apostle's words a necessity to undertake  
 "that duty; yea himself he comforteth with the hope of a  
 "blessed reward, in lieu of travel that way sustained.

[4] Again, even where whole Christian kingdoms are,  
 how troublesome were it for universities and other greater  
 collegiate societies, erected to serve as nurseries unto the  
 Church of Christ, if every thing which civilly doth concern  
 them were to be carried from their own peculiar governors,  
 because for the most part they are (as fittest it is they should  
 be) persons of ecclesiastical calling? It was by the wisdom  
 of our famous predecessors foreseen how unfit this would  
 be, and hereupon provided by grant of special charters that  
 it might be as now it is in the universities; where their vice-  
 chancellors, being for the most part professors of divinity,  
 are nevertheless civil judges over them in the most of their  
 ordinary causes.

[5] And to go yet some degrees further; a thing impos-  
 sible it is not, neither altogether unusual, for some who are  
 of royal blood to be consecrated unto the ministry of Jesus  
 Christ, and so to be nurses of God's Church, not only as  
 the Prophet<sup>1</sup> did foretell, but also as the Apostle St. Paul  
 was. Now in case the crown should by this mean descend  
 unto such persons, perhaps when they are the very last, or  
 perhaps the very best of their race, so that a greater benefit  
 they are not able to bestow upon a kingdom than by accept-

<sup>1</sup> Isaiah xlix. 23.



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—

ing their right therein: shall the sanctity of their order deprive them of that honour whereunto they have right by blood? or shall it be a bar to shut out the public good that may grow by their virtuous regiment? If not, then must they cast off the office which they received by divine imposition of hands; or, if they carry a more religious opinion concerning that heavenly function, it followeth, that being invested as well with the one as the other, they remain God's lawfully anointed both ways. With men of skill and mature judgment<sup>1</sup> there is of this so little doubt, that concerning such as at this day are under the archbishops of Mentz, Colen, and Trevers, being both archbishops and princes of the empire; yea such as live within the Pope's own civil territories, there is no cause why any should deny to yield them civil obedience in any thing which they command, not repugnant to Christian piety; yea, even that civilly for such as are under them not to obey them, were but the part of seditious persons. Howbeit for persons eccle-

<sup>1</sup> Zanchius [Jerome Zanchi of Bergamo † 1590: he taught theology at Strasburg and Heidelberg 1552, 1566], p. 274. Observe, in Confess. [L. viii. c. xxv. aphorism. 21. "Non diffitemur, episcopos, qui simul principes sunt, præter auctoritatem ecclesiasticam, sua etiam habere jura politica, secularisque potestates, quemadmodum et reliqui habent principes jura imperandi secularia, jus gladii, annuulæ jus eligendi confirmandique reges et imperatores, aliisque politica constituendi et administrandi, subditisque sibi populos ad obedientiam sibi præstandam cogendi. Ac proinde fatemur, politicis horum mandatis, quæ sine transgressione legis divinæ servari possunt, a subditis obtemperandum esse, non solum propter timorem sed etiam propter conscientiam." And Append. p. 384. "Dux longe diverse sunt quæstiones, utrum episcopus liceat etiam esse principibus, principibusque esse episcopis, suis relictis principibus; et, an qui episcopi jam sunt simul et principes, si præter auctoritatem ec-

clesiasticam jura etiam habeant politica in cives sibi subjectos; et quæ an subditi illis tanquam principibus obedire debeant necesse. In meo aphorismo nihil prorsus de priori quæstione locutus sum, quia non fuit necesse, sed tantum de posteriori. Quis autem illis omnino obediendum esse, quo iure, quæque injuria principes fuerint creati, ex testimoniis à me allatis non videat aperte demonstrari? Cur enim qui subditi sunt Moguntino, Colonensi, Trevirensi principibus Imperii simul et archiepiscopis, in rebus cum pietate Christiana minime pugnantibus non obtemperent? Seditiosorum certe fuerit non obtemperare. Quod si ista, cur non etiam Romano, iisdem in rebus et eandem sibi causam, qui sub ipsa vivant imperio? Eadem enim horum omnium est ratio. De priori quæstione nihil (ut ante dixi) disserui; sed neque etiam nunc in hac mea brevi confessione disputare constitui; cum sciam, non omnium eandem esse sententiam; et in utramque partem multæ dici possint." ed. 1663.]

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slastical thus to exercise civil dominion of their own, is more than when they only sustain some public office, or deal in some business civil, being thereunto even by supreme authority required.

[6.] As nature doth not any thing in vain, so neither grace. Wherefore if it please God to bless some principal attendants on his own sanctuary, and to endue them with extraordinary parts of excellency, some in one kind, some in another, surely a great derogation it were to the very honour of him who bestowed so precious graces, except they on whom he hath bestowed them should accordingly be employed, that the fruit of those heavenly gifts might extend itself unto the body of the commonwealth wherein they live; which being of purpose instituted (for so all commonwealths are) to the end that all might enjoy whatsoever good it pleaseth the Almighty to endue each one man with, must needs suffer loss, when it hath not the gain which eminent civil ability in ecclesiastical persons is now and then found apt to afford. Shall we then discommend the people of Milan for using Ambrose their bishop as an ambassador<sup>1</sup> about their public and politic affairs; the Jews for electing their priests sometimes to be leaders in war; David for making the high-priest his chiefest counsellor of state: finally, all Christian kings and princes which have appointed unto like services bishops or other of the clergy under them? No, they have done in this respect that which most sincere and religious wisdom alloweth.

[7.] Neither is it allowable only, when either a kind of necessity doth cast civil offices upon them, or when they are thereunto preferred in regard of some extraordinary fitness; but further also when there are even of right annexed unto some of their places, or of course imposed upon certain of their persons, functions of dignity and account in the commonwealth; albeit no other consideration be had therein save this, that their credit and countenance may by such means be augmented. A thing if ever to be respected, surely most of all now, when God himself is for his own sake generally no where honoured, religion almost no where, no where religiously

<sup>1</sup> [Especially in the two embassies to Maximus, A. D. 383, and 898-891.] VOL. III.

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Ch. xv. 7.

adored, the ministry of the word and sacraments of Christ a very cause of disgrace in the eyes both of high and low, where it hath not somewhat besides itself to be countenanced with. For unto this very pass things are come, that the glory of God is constrained even to stand upon borrowed credit, which yet were somewhat the more tolerable, if there were not that dissuade to lend it him.

No practice so vile, but pretended holiness is made sometime as a cloak to hide it. The French king Philip Valois<sup>1</sup> in his time made an ordinance that all prelates and bishops should be clean excluded from parliaments where the affairs of the kingdom were handled; pretending that a king with good conscience cannot draw pastors, having cure of souls, from so weighty a business, to trouble their heads with consultations of state. But irreligious intents are not able to hide themselves, no not when holiness is made their cloak. This is plain and simple truth, that the councils of wicked men hate always the presence of them, whose virtue, though it should not be able to prevail against their purposes, would notwithstanding be unto their minds a secret corro-

<sup>1</sup> [Hooker seems to refer to the conference at Paris, Dec. 1359, between the archbishop of Sens and Bertrand bishop of Autun as representatives of the Church, and Pierre de Cugnieres as advocate for the royal and baronial authority: the particulars of which may be seen, *Cencil. Harleian*, vii. 1544; or abstracted in the continuation of Fleury, *liv. xciv. c. 2-5*. Goldastus, *Monarch. S. R. I.*, t. iii. p. 138, having inserted the document, adds, "Sic re aliquandiu ultra citroque agitata, cum episcopi et prelati se suo solito more reformarent, ita nempe, ut specie ac verbis injuriarum quosdam alleviationem simularent, re autem ipsa ea potius auferrent et aggravarent quam diminuerent; deinde rex occursum quandam legem fecit, qua talium prelatorum audaciam et tyrannidem cohiberet, super ac non in libertatem asserebat." But it seems clear from a papal letter to the king, quoted in Raynaud's *Continuation of Baronius*, A. D. 1329, that this

later statement (which is similar to Hooker's) must be erroneous. No authority for it is given. But in the proceedings of the conference complaint is made by the clergy, "quod quosdam preconsuatores facte erant in prejudicium jurisdictionis ecclesie, quas supplicabant revocari. Tum dominus rex respondit ore proprio, quod non erant facte de suo mandato, nec aliquid scribat, nec eas raras habebat." Possibly the statement in the text may be traced to some of these ordinances, either spurious or first, or such as it was found convenient to disavow. Henault's account is, "Le roi est favorable aux ecclesiastiques, mais cette querelle est le fondement de toutes les disputes qui se sont euees depuis par rapport à l'autorité des deux puissances, et dont l'effet a été de restreindre la jurisdiction ecclesiastique dans des bornes plus étroites." *Albrecht Chronol. de l'Hist. de France*, t. i. p. 52, Paris, 1768.]

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sive: and therefore, till either by one shift or another they can bring all things to their own hands alone, they are not secure. BOOK VII.  
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[8.] Ordinances holier and better there stand as yet in force by the grace of Almighty God, and the works of his providence amongst us. Let not envy so far prevail, as to make us account that a blemish, which if there be in us any spark of sound judgment, or of religious conscience, we must of necessity acknowledge to be one of the chiefest ornaments unto this land: by the ancient laws whereof, the clergy being held for the chief of those three estates, which together make up the entire body of this commonwealth, under one supreme head and governor, it hath all this time ever borne a sway proportionable in the weighty affairs of the land; wise and virtuous kings condescending most willingly thereunto, even of reverence to the Most High; with the flower of whose sanctified inheritance, as it were with a kind of Divine presence, unless their chiefest civil assemblies were so far forth beautified as might be without any notable impediment unto their heavenly functions, they could not satisfy themselves as having shewed towards God an affection most dutiful.

Thus, first, in defect of other civil magistrates; secondly, for the ease and quietness of scholastical societies; thirdly, by way of political necessity; fourthly, in regard of quality, care, and extraordinancy; fifthly, for countenance unto the ministry; and lastly, even of devotion and reverence towards God himself: there may be admitted at leastwise in some particulars well and lawfully enough a conjunction of civil and ecclesiastical power, except there be some such law or reason to the contrary, as may prove it to be a thing simply in itself naught.

[9.] Against it many things are objected, as first, "That the matters which are noted in the holy Scriptures to have belonged to the ordinary office of any ministers of God's holy word and sacraments, are these which follow, with such like, and no other; namely, the watch of the sanctuary, the business of God, the ministry of the word and sacraments, oversight of the house of God, watching over his flock, prophecy, prayer, dispensations of the mysteries of

BOOK VII. CH. XXII. "God, charge and care of men's souls!" If a man would shew what the offices and duties of a chirurgeon or physician are, I suppose it were not his part so much as to mention any thing belonging to the one or the other, in case either should be also a soldier or a merchant, or an housekeeper, or a magistrate: because the functions of these are different from those of the former, albeit one and the same man may haply be both. The case is like, when the Scripture teacheth what duties are required in an ecclesiastical minister; in describing of whose office, to touch any other thing than such as properly and directly toucheth his office that way, were impertinent.

[10.] Yea, "but in the Old Testament<sup>3</sup> the two powers civil and ecclesiastical were distinguished, not only in nature, but also in person; the one committed unto Moses, and the magistrates joined with him; the other to Aaron and his sons. Jehoshaphat in his reformation<sup>3</sup> doth not only distinguish causes ecclesiastical from civil, and

<sup>3</sup>[Ecc. Disc. fol. 57-58. "Epi-  
scopi nomen, a Græca voce *epi-*  
*scopos* deductum, speculatores  
aut vigilem significat, qui castris  
custodiendi, aut ad urbis vigilias  
ad hostium adventum denuncian-  
dum designatus est. . . Est autem  
episcopus, si vere illum definiat  
voluntas, minister ecclesie in re-  
bus divinis, et ad Deum pertinen-  
sibus. . . Sic Timothei (quamvis  
evangelistæ) munus Paulus domus  
Dei gubernatione et administra-  
tione definivit. Et Apostolus ad  
Hebræos animarum procuratore  
sive *sympliciter* curam complexus  
est. . . Videamus, recte ne eorum  
munus religiose et caerimonie  
tractandis definitum sit. Vetus  
enim opinio est, et ab antiquis  
ducta temporibus, episcopos non  
ita rei divine faciende terminis  
circumscribi, quin etiam humana  
tractare possint, ac simul quidem  
ecclesiam et rempublicam admin-  
istrare. Hinc apud nos episcopi  
auctoritatem habent, et ejus viola-  
tores in carcerem atque vincula  
conjiçendi, testamentorum lites,  
et alias civilium controversias in  
suo foro audiendi, discrepandi in-  
dicandique potestatem." &c. Decl.  
of Disc. 75-77, 85.]  
<sup>3</sup>[Ecc. Disc. 56. "Quum utra-  
que potestas primo in Mose con-  
iuncta esset, Deus, repulsi. Moisi re-  
flecta, ecclesie gubernationem ad  
Aaronem fratrem transtulit." Decl.  
of Disc. 79.]  
<sup>3</sup>[1. C. 10. 7. "In saying that  
"although the godly magistrate  
ruleth in the Lord over us, yet  
that this title is given by excel-  
lency (1 Thess. v. 12.) to ecclesi-  
astical officers, I do not deny;  
it is the distinction of the Holy  
Ghost himself. For albeit they  
that handle commonwealth mat-  
ters serve the Lord, and do things  
tending to his glory, yet the Scrip-  
ture comparing both these go-  
vernments together giveth this  
title as a note to discern the eccle-  
siastical officers from the civil;  
as appeareth in the Chronicles,  
(2 Chr. xix. 11.) from whence (it  
is like) the Apostle took this  
manner of speech.]

"erecteth divers courts for them, but appointeth also divers judges."

With the Jews these two powers were not so distinguished, but that sometimes they might and did concur in one and the same person. Was not Eli both priest and judge<sup>1</sup>? after their return from captivity, Esdras a priest, and the same their chief governor even in civil affairs also?

These men which urge the necessity of making always a personal distinction of these two powers, as if by Jehoshaphat's example the same person ought not to deal in both causes, yet are not scrupulous<sup>2</sup> to make men of civil place and calling presbyters and ministers of spiritual jurisdiction in their own spiritual consistories. If it be against the Jewish precedents for us to give civil power unto such as have ecclesiastical; is it not as much against the same for them to give ecclesiastical power unto such as have civil? They will answer perhaps, that their position is only against conjunction of ecclesiastical power of order, and the power of civil jurisdiction in one person. But this answer will not stand with their proofs, which make no less against the power of civil and ecclesiastical jurisdiction in one person; for of these two powers Jehoshaphat's example is: besides, the contrary example [examples?] of Eli and of Ezra, by us alleged, do plainly shew, that amongst the Jews even the power of order ecclesiastical and civil jurisdiction were sometimes lawfully united in one and the same person.

<sup>1</sup> [Whig. Answ. 217. ap. Def. 267. "What say you to Eli and Samuel? were they not both priests and judges?" T. C. i. 170. al. 211. "As for Eli and Samuel, they are extraordinary examples, which may thereby appear, for that both these offices first meeting in Melchisedech and afterward in Moses were by the commandment of God severed, when as the Lord took from Moses the priesthood, and gave it to Aaron and his successors." Whig. Def. 267. "It is not certain whether Moses were ever priest or no. However the priesthood and civil magistracy were divided in Moses and Aaron, yet met they both together again not only in Eli and Samuel, but

"in Esdras, Nehemias, Matthias and some other." T. C. iii. 21. "Such were extraordinarily raised up of God, and not by any established order or election of men."]

<sup>2</sup> [Whig. Def. 260. "Remember I pray you what you said before in the treatise of Seniors: you there set it down that they are ecclesiastical persons; and yet M. Beza as I have there declared saith that noblemen and princes may be of the seigniorie; wherefore either may civil and ecclesiastical offices meet together in ecclesiastical persons (which you deny); or else cannot noblemen and princes be of your seigniorie, as M. Beza affirmeth."]

BOOK VII. [11.] Pressed further we are with our Lord and Saviour's  
 Ch. xxv. 12, 13. example, who "denieth his kingdom to be of this world, and  
 "therefore, as not standing with his calling, refused to be  
 "made a king, to give sentence in a criminal cause of adul-  
 "tery<sup>1</sup>, and in a civil of dividing an inheritance!" The Jews  
 imagining that their Messiah should be a potent monarch  
 upon earth, no marvel, though when they did otherwise won-  
 der at Christ's greatness, they sought forthwith to have him  
 invested with that kind of dignity, to the end he might pre-  
 sently begin to reign. Others of the Jews, which likewise had  
 the same imagination of the Messiah, and did somewhat  
 incline to think that peradventure this might be he, thought  
 good to try whether he would take upon him that which he  
 might do, being a king, such as they supposed their true  
 Messiah should be. But Christ refused to be a king over  
 them, because it was no part of the office of their Messiah, as  
 they did falsely conceive; and to intermeddle in those acts of  
 civil judgment he refused also, because he had no such juris-  
 diction in that commonwealth, being in regard of his civil  
 person a man of mean and low calling<sup>2</sup>. As for repugnancy  
 between ecclesiastical and civil power, or any inconvenience  
 that these two powers should be united, it doth not appear  
 that this was the cause of his resistance either to reign or else  
 to judge.

[12.] What say we then to the blessed Apostles, who teach<sup>3</sup>,

<sup>1</sup> [S. John viii. 11. alleged by  
 T. C. iii. 5.] "in the act of adultery: shall not  
 therefore officers ecclesiastical  
<sup>2</sup> [S. Luke xii. 14. alleged by  
 Adm. see Ans. 264, 266, al. 211;  
 T. C. l. 165; Def. 751; T. C. iii. 2.] "condemn any such sinner? Christ  
 "refused to divide the inheritance:  
 "it was because he would not use  
<sup>3</sup> "He, because he came not but  
 "to be a Mediator between God and  
 "man, would not become a common  
 "divider and judge of every secular  
 "cause of title of land. . . . Neither  
 "my heavenly Father sent me to  
 "that end, neither have I com-  
 "mission from thy brother to send  
 "thee into the moiety of the pos-  
 "session." Besides, if he had in-  
 "termeddled in the matters of the  
 "commonwealth, it would have  
 "strengthened the conceit, that he  
 "sought an earthly kingdom, and  
 "to dispossess the Romans. . . . Christ  
 "did not condemn the woman taken  
 "in the act of adultery: shall not  
 "therefore officers ecclesiastical  
 "condemn any such sinner? Christ  
 "refused to divide the inheritance:  
 "it was because he would not use  
 "the authority that he had as Lord  
 "of heaven and earth, when he came  
 "as a servant: not because either a  
 "Christian magistrate or minister  
 "should after his example lay aside  
 "all authority; *vid. ad severos;*  
 "imploeth rather that if he had been  
 "appointed by both the parties, he  
 "might have done it; and so may  
 "any minister arbitrate and com-  
 "pound a controversy civil that is  
 "committed unto him." Sauciffe,  
 Rem. to Dem. of Disc. 179.]  
<sup>4</sup> 3 Tim. ii. 4. [quoted in Adm.  
 See Answer. 216; T. C. l. 166; Def.  
 754; T. C. iii. 6.]

"that soldiers entangle not themselves with the business of  
 "this life, but leave them, to the end they may please him  
 "who hath chosen them to serve, and that so the good  
 "soldiers of Christ ought to do."

"The Apostles which taught this, did never take upon them  
 "any place or office of civil power. No, they gave over the  
 "ecclesiastical care of the poor, that they might wholly attend  
 "upon the word and prayer<sup>1</sup>."

St. Paul indeed doth exhort Timothy after this manner<sup>2</sup>:  
 "Suffer thou evil as a noble soldier of Jesus Christ: no man  
 "warring is entangled with the affairs of life, because he must  
 "serve such as have pressed him unto warfare." The sense  
 and meaning whereof is plain, that soldiers may not be nice  
 and tender, that they must be able to endure hardness, that  
 no man betaking himself unto wars continueth entangled with  
 such kind of businesses as tend only unto the ease and quiet  
 felicity of this life, but if the service of him who hath taken  
 them under his banner require the hazard, yea the loss of their  
 lives, to please him they must be content and willing with any  
 difficulty, any peril, be it never so much against the natural  
 desire which they have to live in safety. And at this point  
 the clergy of God must always stand; thus it behoveth them  
 to be affected as oft as their Lord and captain leadeth them  
 into the field, whatsoever conflicts, perils, or evils they are to  
 endure. Which duty being not such, but that therewith the  
 civil dignities which ecclesiastical persons amongst us do enjoy  
 may enough stand; the exhortation of Paul to Timothy is but  
 a slender allegation against them.

As well might we gather out of this place, that men having  
 children or wives are not fit to be ministers, (which also hath  
 been collected, and that by sundry of the ancient<sup>3</sup>), and that  
 it is requisite the clergy be utterly forbidden marriage: for as

<sup>1</sup> [Acts vi. 4. ap. T. C. i. 167, al.  
 208; Def. 758; T. C. iii. 10.]

<sup>2</sup> [Hooker here forsakes the ren-  
 dering of the Geneva Bible, which he  
 commonly adopts, and translates the  
 verse for himself.]

<sup>3</sup> "Convenit hujusmodi eligi et  
 "ordinari sacerdotes, quibus nec  
 "liberi sunt nec nepotes. Etenim

"feri vix potest, ut vacans hujus  
 "vite quotidianæ curis, quas liberi  
 "creant parentibus maxime, omne  
 "studium omnemque cogitationem  
 "circa divinam liturgiam et res ec-  
 "clesiasticas consumat." [Cod. Jus-  
 tin. lib. i. tit. iii.] xlii. sect. 1. de  
 Episc. et Cler.



BOOK VII. the burden of civil regiment doth make them who bear it the  
CL. 18. 15. 16 less able to attend their ecclesiastical charge; even so St. Paul  
 doth say, that the married are careful for the world, the un-  
 married freer to give themselves wholly to the service of God.  
 Howbeit, both experience hath found it safer, that the clergy  
 should bear the cares of honest marriage, than be subject to the  
 inconveniences which single life imposed upon them would  
 draw after it: and as many as are of sound judgment know it  
 to be far better for this present age, that the detriment be  
 borne which haply may grow through the lessening of some  
 few men's spiritual labours, than that the clergy and common-  
 wealth should lack the benefit which both the one and the  
 other may reap through their dealing in civil affairs. In which  
 consideration, that men consecrated unto the spiritual service  
 of God be licensed so far forth to meddle with the secular  
 affairs of the world, as doth seem for some special good cause  
 requisite, and may be without any grievous prejudice unto  
 the Church, surely there is not in the Apostles being rightly  
 understood, any let.

[13.] That no Apostle did ever bear office, may it not  
 be a wonder, considering the great devotion of the age  
 wherein they lived, and the zeal of Herod, of Nero the  
 great commander of the known world, and of other kings  
 of the earth at that time, to advance by all means Christian  
 religion.

Their deriving unto others that smaller charge of distributing  
 of the goods which were laid at their feet, and of making pro-  
 vision for the poor, which charge, being in part civil, them-  
 selves had before (as I suppose lawfully) undertaken, and their  
 following of that which was weightier, may serve as a mar-  
 vellous good example for the dividing of one man's office into  
 divers slips, and the subordinating of inferiors to discharge  
 some part of the same, when by reason of multitude increasing  
 that labour waxeth great and troublesome which before was  
 easy and light; but very small force it hath to infer a per-  
 petual divorce between ecclesiastical and civil power in the  
 same persons.

[14.] The most that can be said in this case is, "That sun-  
 "dry eminent canons, bearing the name of apostolical, and  
 "divers councils likewise there are, which have forbidden the



BOOK VII. For a full and final answer whereunto, I would first demand, whether the commixtion and separation of these two powers be a matter of mere positive law, or else a thing simply with or against the law immutable of God and nature? That which is simply against this latter law can at no time be allowable in any person, more than adultery, blasphemy, sacrilege, and the like. But conjunction of power ecclesiastical and civil, what law is there which hath not at some time or other allowed as a thing convenient and meet? In the law of God we have examples sundry, whereby it doth most manifestly appear how of him the same hath oftentimes been approved. No kingdom or nation in the world, but hath been thereunto accustomed without inconvenience and hurt. In the prime of the world, kings and civil rulers were priests for the most part all. The Romans<sup>1</sup> note it as a thing beneficial in their own commonwealth, and even to them<sup>2</sup> apparently forcible for the strengthening of the Jews' regiment under Moses and Samuel.

I deny not but sometime there may be, and hath been perhaps, just cause to ordain otherwise. Wherefore we are not so to urge those things which heretofore have been either ordered or done, as thereby to prejudice those orders, which upon contrary occasion and the exigence of the present time by like authority have been established. For what is there which doth let but that from contrary occasions contrary laws may grow, and each be reasoned and disputed for by such as are subject thereunto, during the time they are in force; and yet neither so opposite to other, but that both may laudably continue, as long as the ages which keep them do see no

<sup>1</sup> "Cum multa divitiis, pontifices, a majoribus nostris inventa, atque instituta sunt, tum nihil praxialius, quam quod vos eosdem et religionibus deorum immortalium, et summæ reipublice præsentis voluerunt." *Cic. pro Domitio*, ad Pontific. [c. 1.]

<sup>2</sup> "Ii-mor sacerdotum firmamentum potentie assumebatur." *Tacit. Hist. lib. v.* [c. 8. 8a.] He sheweth the reason wherefore their rulers were also priests. The joining of these two powers, as now, so then likewise, profitable for the public state, but in respects clean opposite and contrary. For whereas then

divine things being more esteemed, were used as helps for the countenance of secular power; the case in these latter ages is turned upside down, earth hath now brought heaven under foot, and in the course of the world, hath of the two the greater credit. Priesthood was then a strengthening to kings, which now is forced to take strength and credit from far meaner degrees of civil authority. "Hic mos apud Judæos fuit, ut eodem reges et sacerdotes haberent, quorum justitia religioni permixta incredibile quantum evasisset." *Just. Hist. lib. xxxvi.* [c. 2.]

necessary cause which may draw them unto alteration? Wherefore in these things, canons, constitutions, and laws, which have been at one time meet, do not prove that the Church should always be bound to follow them. Ecclesiastical persons were by ancient order forbidden to be executors of any man's testament, or to undertake the wardship of children. Bishops by the imperial law are forbidden to bequeath by testament or otherwise to alienate any thing grown unto them after they were made bishops<sup>1</sup>. Is there no remedy but that these or the like orders must therefore every where still be observed?

[15.] The reason is not always evident, why former orders have been repealed and other established in their room. Herein therefore we must remember the axiom used in the civil laws, "That the prince is always presumed to do that with reason, which is not against reason being done, although no reason of his deed be expressed." Which being in every respect as true of the Church, and her divine authority in making laws, it should be some bridle unto those malapert and proud spirits, whose wits not conceiving the reason of laws that are established, they adore their own private fancy as the supreme law of all, and accordingly take upon them to judge that whereby they should be judged.

But why labour we thus in vain? For even to change that which now is, and to establish instead thereof that which themselves would acknowledge the very selfsame which hath been, to what purpose were it, sith they protest<sup>2</sup>, "that

<sup>1</sup> Cod. Justin. l. iii. de Episcopis, &c. 42. § 2. "De his vero episcopis, qui nunc sunt, vel futuri sunt, sacrosanctus, nullo modo habere eos facultatem testandi vel donandi vel per aliam quamcunque excogitationem alienandi quid de rebus suis, quas postquam facti fuerint episcopi possederint et acquisierint, vel ex testamentis vel ex donationibus, vel alia quacunque causa: exceptis dumtaxat his, quas ante episcopatum haberint ex quacunque causa, vel que post episcopatum a parentibus et theis, h. e. patris vel avunculi, et a fratribus ad ipsos pervenerunt, perventuraque sunt: que

"cunque enim post ordinationem ex quacunque causa extra prefatas personas ad ipsos pervenerunt, ex jubemus ad sacrosanctam ecclesiam, cupis episcopatum tenuerint, pertinere." A. D. 528.]

<sup>2</sup> T. C. lib. i. p. 126. [98, ap. Whigg. Def. 432. "I have done, only this I admonish the reader, that I do not allow of all those things which I believe alleged in the comparison between our archbishops and the archbishops of old time, &c. . . . Only my intent is to show that although there were corruptions, yet in respect of ours they be much more tolerable."]

BOOK VII. "they utterly condemn as well that which hath been as that  
Ch. 105. A. B. "which is; as well the ancient as the present superiority,  
"authority and power of ecclesiastical persons."

The argu- "XVI. Now where they lastly allege<sup>1</sup>, "That the law of  
ments ad- "our Lord Jesus Christ, and the judgment of the best in all  
dressed, "ages, condemn all ruling superiority of ministers over  
whereby "ministers;" they are in this, as in the rest, more bold to  
they would "affirm, than able to prove the things which they bring for  
prove that "support of their weak and feeble cause. "The bearing of  
the law of "dominion or the exercising of authority (they say<sup>2</sup>), is that  
God, and "wherein the civil magistrate is severed from the ecclesiastical  
the judge- "officer, according to the words of our Lord and Saviour,  
ment of the "Kings of nations bear rule over them, but it shall not be  
best in all "so with you: therefore bearing of dominion doth not agree  
ages, con- "to one minister over another."  
demeth "the ruling  
superiority  
of one min-  
ister over  
another."

[2.] This place hath been, and still is, although most  
falsely, yet with far greater show and likelihood of truth,  
brought forth by the anabaptists<sup>3</sup>, to prove that the Church  
of Christ ought to have no civil magistrates, but [to be]  
ordered only by Christ. Wherefore they urge the opposition  
between heathens and them unto whom our Saviour speaketh.  
For sith the Apostles were opposite to heathens, not in that  
they were Apostles, but in that they were Christians, the

<sup>1</sup> [Adm. ap. Whig. Def. 57.  
"The lordly lords, archbishops,  
bishops, suffragans, deans, doc-  
tors, archdeacons, chancellors,  
and the rest of that proud genera-  
tion, whose kingdom must down,  
hold they never so hard, because  
their tyrannous lordship cannot  
stand with Christ's kingdom.  
And it is the special mischief of  
our English church, and the chief  
cause of backwardness, and of all  
breach and dissension. For they  
whose authority is forbidden by  
Christ, will have their stroke  
without their fellow servants.  
Matt. xx. 25, 26; xxiii. 8, 9;  
Mark x. 42, 43; Luke xxi. 16,  
&c." Ans. 37-39, ad. 13, &c.;  
T. C. l. 10, ad. 22; Def. 61-75;  
T. C. li. 421-436.]  
<sup>2</sup> [T. C. l. 10, ad. 22. "Our Sa-  
viour Christ upon occasion of the  
"inordinate request of the sons of  
"Zedee, putteth a difference be-  
"tween the civil and ecclesiastical  
"function. He placeth the distinc-  
"tion of them in two points; where-  
"of the one is in their office, and  
"the other is in their names and  
"titles. The distinction of the  
"office he noteth in these words:  
"The kings of the gentiles, &c."  
"Whereupon the argument may be  
"thus gathered; That wherein the  
"civil magistrate is severed from  
"the ecclesiastical officer doth not  
"agree to one minister over another.  
"But the civil magistrate is severed  
"from the ecclesiastical officer by  
"bearing dominion; therefore bear-  
"ing dominion doth not agree to  
"one minister over another."]  
<sup>3</sup> [De Heret. "La. Racine, &c.  
"Des Anabaptistes, &c." p. 84.]

anabaptists' inference is, "that Christ doth here give a law, BOOK VII.  
 "to be for ever observed by all true Christian men, between Ch. XVI. 2. 4.  
 "whom and heathens there must be always this difference,  
 "that whereas heathens have their kings and princes to rule,  
 "Christians ought not in this thing to be like unto them."  
 Wherein their construction hath the more show, because that  
 which Christ doth speak to his Apostles is not found always  
 agreeable unto them as Apostles, or as pastors of men's  
 souls, but oftentimes it toucheth them in generality, as  
 they are Christians; so that Christianity being common  
 unto them with all believers, such speeches must be so  
 taken that they may be applied unto all, and not only unto  
 them.

[3] They which consent with us, in rejecting such collec-  
 tions as the anabaptist maketh with more probability, must  
 give us leave to reject such as themselves have made with  
 less: for a great deal less likely it is, that our Lord should  
 here establish an everlasting difference, not between his  
 Church and pagans, but between the pastors of his Church  
 and civil governors. For if herein they must always differ,  
 that the one may not bear rule, the other may; how did the  
 Apostles themselves observe this difference, the exercise of  
 whose authority, both in commanding and in controlling  
 others, the Scripture hath made so manifest that no gloss can  
 overshadow it? Again, it being, as they would have it, our  
 Saviour's purpose to withhold his Apostles and in them all  
 other pastors from bearing rule, why should kingly dominion  
 be mentioned, which occasions men to gather, that not all  
 dominion and rule, but this one only form was prohibited,  
 and that authority was permitted them, so it were not regal?  
 Furthermore, in case it had been his purpose to withhold  
 pastors altogether from bearing rule, why should kings of  
 nations be mentioned, as if they were not forbidden to  
 exercise, no not regal dominion itself, but only such regal  
 dominion as heathen kings do exercise?

[4] The very truth is, our Lord and Saviour did aim at a  
 far other mark than these men seem to observe. The end of  
 his speech was to reform their particular mispersuasion to  
 whom he spake: and their mispersuasion was, that which was  
 also the common fancy of the Jews at that time, that their

BOOK VII. Lord being the Messias of the world, should restore unto  
 Ch. xvi. 5 Israel that kingdom, whereof the Romans had as then be-  
 reaved them; they imagined that he should not only deliver  
 the state of Israel, but himself reign as king in the throne  
 of David with all secular pomp and dignity; that he should  
 subdue the rest of the world, and make Jerusalem the seat of  
 an universal monarchy. Seeing therefore they had forsaken  
 all to follow him, being now in so mean condition, they did  
 not think but that together with him they also should rise in  
 state; that they should be the first and the most advanced  
 by him. Of this conceit it came that the mother of the sons  
 of Zebedee sued for her children's preferment; of this conceit  
 it grew, that the Apostles began to question amongst them-  
 selves which of them should be greatest; and in controulment  
 of this conceit it was that our Lord so plainly told them,  
 "that the thoughts of their hearts were vain:" the kings of  
 nations have indeed their large and ample dominions, they  
 reign far and wide, and their servants they advance unto  
 honour in the world; they bestow upon them large and ample  
 secular preferments, in which respect they are also termed  
 many of them benefactors, because of the liberal hand which  
 they use in rewarding such as have done them service: but  
 was it the meaning of the ancient prophets of God that the  
 Messias the king of Israel should be like unto these kings,  
 and his retinue grow in such sort as theirs? "Wherefore ye  
 "are not to look for at my hands such preferment as kings  
 "of nations are wont to bestow upon their attendants, 'With  
 "you not so.' Your reward in heaven shall be most ample,  
 "on earth your chiefest honour must be to suffer persecution  
 "for righteousness' sake; submission, humility and meekness  
 "are things fitter for you to inure your minds withal, than  
 "these aspiring cogitations; if any amongst you be greater than  
 "other, let him shew himself greatest in being lowliest, let him  
 "be above them in being under them, even as a servant for  
 "their good. These are affections which you must put  
 "on; as for degrees of preferment and honour in this world,  
 "if ye expect any such thing at my hands ye deceive  
 "yourselves, for in the world your portion is rather the clear  
 "contrary."

[s.] Wherefore they who allege this place against episcopal

authority abuse it, they many ways deprave and wrest it, BOOK VII.  
clean from the true understanding wherein our Saviour him- Ch. xvi. 6.  
self did utter it.

For first, whereas he by way of mere negation had said, "With you it shall not be so," foretelling them only that it should not so come to pass as they vainly surmised; these men take his words in the plain nature of a prohibition, as if Christ had thereby forbidden all inequality of ecclesiastical power. Secondly, whereas he did but cut off their idle hope of secular advancements; all standing superiority amongst persons ecclesiastical these men would rase off with the edge of his speech. Thirdly, whereas he in abating their hope even of secular advancements spake but only with relation unto himself, informing them that he would be no such munificent Lord unto them in their temporal dignity and honour, as they did erroneously suppose; so that any Apostle might afterwards have grown by means of others to be even emperor of Rome, for any thing in those words to the contrary: these men removing quite and clean the hedge of all such restraints, enlarge so far the bounds of his meaning, as if his very precise intent and purpose had been not to reform the error of his Apostles conceived as touching him, and to teach what himself would not be towards them, but to prescribe a special law both to them and their successors for ever; a law determining what they should not be in relation of one to another, a law forbidding that any such title should be given to any minister as might import or argue in him a superiority over other ministers<sup>1</sup>.

[A] Being thus defeated of that succour which they thought their cause might have had out of the words of our Saviour Christ, they try<sup>2</sup> their adventure in seeking what

<sup>1</sup> [Horum verborum verus et "præcepti est, Quanto quis inter  
simplex hic est sensus: Vestra "vos major erit tanto submissior  
gubernatio diversa erit ab ea que "inter suos fratres se gerat. Tam-  
"est regum propria. . . Si quis locus "etiam omnes Apostoli ejusdem or-  
citarî potest ex evangelicis scriptis "dinis et potestatis fuerint, ætatis  
"ad præstendam superioritatem inier "discrimen et distinctionem. Sancti  
"evangelii ministros, hic unum est. . . "magnum inter eos fuit." Sar. de  
"ubi omnes sunt futuri pares, præ- "divers. Min. Grad. c. 15; vid. etiam  
"cepit nihil opus quo moderatio de Honore Praesulis debito, c. 2.]  
"mandatur in præcipua dignitate "T. C. lib. 1. 100. [al. 76. ap.  
"constitute. Sensus igitur hujus "Whig. Def. 76.]



BOOK VII  
Ch. vii. 6.

aid man's testimony will yield them: "Cyprian objecteth it  
to Florentinus as a proud thing, that by believing evil re-  
ports, and misjudging of Cyprian, he made himself bishop  
of a bishop, and judge over him whom God had for the  
time appointed to be judge<sup>1</sup>." "The endeavour of godly  
men to strike at these insolent names may appear in the  
council of Carthage; where it was decreed, that the bishop  
of the chief see should not be entitled the exarch of priests,  
or the highest priest, or any other thing of like sense, but  
only the bishop of the chiefest see<sup>2</sup>; whereby are shut  
out the name of archbishop, and all other such haughty  
titles." In these allegations it fareth, as in broken reports  
snatched out of the author's mouth, and broached before they  
be half either told on the one part, or on the other under-  
stood. The matter which Cyprian complaineth of in Floren-  
tinus was thus: Novatus misliking the easiness of Cyprian to  
admit men into the fellowship of believers after they had  
fallen away from the bold and constant confession of Christian  
faith, took thereby occasion to separate himself from the  
Church<sup>3</sup>, and being united with certain excommunicate  
persons, they joined their wits together, and drew out against  
Cyprian their lawful bishop sundry grievous accusations;  
the crimes such, as being true, had made him incapable of  
that office whereof he was six years as then possessed; they  
went to Rome, and to other places, accusing him every  
where as guilty of those faults of which themselves had  
lewdly condemned him, pretending that twenty-five African  
bishops (a thing most false) had heard and examined his

<sup>1</sup> Lib. iv. ep. 9. [il. p. 166. ed. Fell. "Quis autem nostrum longe  
"est ab humilitate? utramque ego,  
"qui quotidie fratribus servio, et  
"venientes ad ecclesiam singulos  
"benigne et cum voto et gaudio  
"nascipio? an tu qui te episcopum  
"episcopi, et iudicem iudicis ad  
"tempus a Deo dati constitutus?"]  
[Cod. C. i. 72.] "Ὁρατε τίς τίς  
"ἐπίσκοπος καθύπερθε ἐπίσκοπος καὶ δε-  
"σποτῆς Ἰσχυροῦ τῆς ἐκκλησίας ἡ δεικνυ-  
"μένη ἡ συνουσία τοῦ κληρικοῦ, διότι  
"ἡμῶν ἐπίσκοπος τίς ἐπίσκοπος καθύ-  
"περθε. Can. 29. [Cod. Can. Eccl.

Afr. 29. ap. Harduin. Conc. i. 884.  
or 3 Conc. Carth. can. 26. p. 964.  
A. D. 397.]  
<sup>2</sup> [S. Cyp. Ep. 49. p. 61. ed.  
Baluz. "Novatus, qui apud nos  
"primum discordie et schismatis  
"incedium seminavit; qui quos-  
"dam autem ex fratribus ab episcopo  
"segregavit; . . . cum sua tempestate  
"Romanam quoque ad revertendam  
"ecclesiam navigans similia illic et  
"paria molitus est, a clero portio-  
"nem plebis avellens. . . . Damoxe  
"nunc nudet sacrificantium manus,  
"cum sit ipse nocentior."] ]



cause in a solemn assembly, and that they all had given their sentence against him, holding his election by the canons of the church void. The same factious and seditious persons coming also unto Florentinus, who was at that time a man imprisoned for the testimony of Jesus Christ, but yet a favourer of the error of Novatus, their malicious accusations he over-willingly hearkened unto, gave them credit, concurred with them<sup>1</sup>, and unto Cyprian in fine wrote his letters against Cyprian: which letters he justly taketh in marvellous evil part, and therefore severely controlleth his so great presumption in making himself a judge of a judge, and, as it were, a bishop's bishop, to receive accusations against him, as one that had been his ordinary. "What height of pride is this (saith Cyprian), what arrogancy of spirit, what a puffing up of mind, to call guides and priests to be examined and sifted before him! So that unless we shall be cleared in your court, and absolved by your sentence, behold for these six years' space neither shall the brotherhood have had a bishop, nor the people a guide, nor the flock a shepherd, nor the Church a governor, nor Christ a prelate, nor God a priest." This is the pride which Cyprian condemneth in Florentinus, and not the title or name of archbishop; about which matter there was not at that time so much as the dream of any controversy at all between them. A silly collection it is, that because Cyprian reproveth Florentinus for lightness of belief and presumptuous rashness of judgment, therefore he held the title of archbishop to be a vain and a proud name.

[7.] Archbishops were chief amongst bishops, yet archbishops had not over bishops that full authority which every bishop had over his own particular clergy: bishops were not

<sup>1</sup> [Ibid. Ep. 69. p. 121. "Pra-  
" valuit apud te contra divinam sen-  
" tentiam et contra conscientiam  
" nostram fidei suae viribus nimiam  
" iomnicorens et malignis com-  
" mentum, quasi apud lapsos et  
" prophanos et extra ecclesiam po-  
" sitione, de quorum pectoribus ex-  
" cesserit Sp. Sanctus, esse aliud  
" possit nisi mens prava et fallax  
" lingua et odia venenata et sacri-  
" legae mendacia; quibus qui credit,  
" necesse est cum iis inveniat cum  
" iudicii dies venerit."] [Ib. Ep. 69. p. 122. "Quae  
" mentis inflatio, ad cognitionem  
" suam praepositos et sacerdotes  
" vocare, ac nisi apud te purgati  
" fuerint et sententia tua absolvi,  
" ecce jam ses annis nec fraternitas  
" habuerit episcoporum, nec plebs  
" praepositum, nec grex pastorem,  
" nec ecclesia gubernatorem, nec  
" Christus antistitem, nec Deus sa-  
" cerdotem."] VOL. III.

BOOK VII.  
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subject unto their archbishop as an ordinary, by whom at all times they were to be judged, according to the manner of inferior pastors, within the compass of each diocess. A bishop might suspend, excommunicate, depose, such as were of his own clergy without any other bishops assistants; not so an archbishop the bishops that were in his own province, above whom divers prerogatives were given him, howbeit no such authority and power as alone to be judge over them. For as a bishop could not be ordained, so neither might he be judged by any one only bishop, albeit that bishop were his metropolitan. Wherefore Cyprian, concerning the liberty and freedom which every bishop had, spake in the council of Carthage, whereat fourscore and seven bishops were present, saying<sup>1</sup>, "It resteth that every of us declare what we think "of this matter, neither judging nor severing from the right "of communion any that shall think otherwise: for of us "there is not any which maketh himself a bishop of bishops, "or with tyrannical fear constraineth his colleagues unto the "necessity of obedience, inasmuch as every bishop, according "to the reach of his liberty and power, hath his own free "judgment, and can no more have another his judge, than "himself be judge to another." Whereby it appeareth, that amongst the African bishops none did use such authority over any as the bishop of Rome did afterwards claim over all, forcing upon them opinions by main and absolute power. Wherefore unto the bishop of Rome the same Cyprian also writeth concerning his opinion about baptism<sup>2</sup>: "These

<sup>1</sup> Concil. Carthag. de Hæret. "sime, et pro honore communi et baptizandis. [p. 379. ed. Baluz.]  
<sup>2</sup> Superest ut de hac ipsa re singuli "quid sentiantus profertamus, ne "minem judicantes, aut a jure communicationis aliquem, si diversum "senseri, amoventes. Neque enim "quisquam nostrum episcopum se "esse episcoporum constituit, aut "tyrannico terrore ad obsequendi "necessitatem collegas suos adigit; "quando habeat omnis episcopus "pro licentia libertatis et potestatis "sue arbitrium perpetuum, tamque "judicari ab alio non possit, quam "ipse: igne potest alterum judicare." [Lib. ii. Ep. i. [72. "Hæc ad "emissionem tuam, frater caris-

"sime, et pro honore communi et "credentes etiam tibi pro religionis "sue et fidei veritate placere que "et religiosa pariter et vera sunt. "Ceterum scimus quosdam quod "semel imberberint nosse deponere, "nec propositum suum facile mu- "tare, sed salvo inter collegas pacis "et concordie vinculo quosdam pro- "pria que apud se sunt semel usur- "pata retinere. Qua in re nec non "tam cuiquam facinus aut legem "damos, quando habeat in ecclesie "administratione voluntatis sue ar- "bitrium liberum unusquisque pro- "positus, rationem actus sui Domino "redditurus." p. 179.]

" things we present unto your conscience, most dear brother,  
" as well for common honour's sake, as of single and sincere  
" love, trusting that as you are truly yourself religious and  
" faithful, so those things which agree with religion and faith  
" will be acceptable unto you: howbeit we know, that what  
" some have over drunk in, they will not let go, neither  
" easily change their mind, but with care of preserving whole  
" amongst their brethren the bond of peace and concord,  
" retaining still to themselves certain their own opinions  
" wherewith they have been inured; wherein we neither use  
" force, nor prescribe a law unto any, knowing that in the  
" government of the Church every ruler hath his own voluntary  
" free judgment, and of that which he doth shall render unto  
" the Lord himself an account."

[8.] As for the council of Carthage, doth not the very first canon thereof establish with most effectual terms all things which were before agreed on in the council of Nice? and that the council of Nice did ratify the preeminence of metropolitan bishops, who is ignorant? The name of an archbishop importeth only a bishop having chiefly of certain prerogatives above his brethren of the same order. Which thing, sith the council of Nice doth allow, it cannot be that the other of Carthage should condemn it, inasmuch as this doth yield unto that a Christian unrestrained approbation. The thing provided for by the synod of Carthage can be no other therefore, than only that the chiefest metropolitan, where many archbishops were within any greater province, should not be termed by those names, as to import the power of an ordinary jurisdiction belonging in such degree and manner unto him over the rest of the bishops and archbishops, as did belong unto every bishop over other pastors under him.

But much more absurd it is to affirm<sup>1</sup>, that both Cyprian

<sup>1</sup> *ὅτι τὸ ἐν τῷ Νικαίου συνέδῳ ἀποδεδωκεν παντὶ ἐπίτῳ ἐξουσίαν ἐξ ὧν ἐκείνου τὸ ἐπίσκοπος.* [Conc. Hard. i. 366.]  
<sup>2</sup> T. C. lib. i. p. 113. [al. Et. ap. Whigg. Def. 208. Whigg. (Answ. 71.) had quoted from S. Ign. interp. ad Smyrnaeos, c. 9: *Ἰσὺς τῆς ἐκκλῆς, ἢ ἐπίσκοπος ἢ ἐπίσκοπος ἢ ἐπίσκοπος ἢ ἐπίσκοπος.* T. C. replies, "As for

" Ignatius' place, it is sufficiently answered before, in that which was answered to Cyprian his place: for when he saith, 'the bishop hath rule over all' he meaneth no more all in the province, than in all the world, but meaneth that flock or congregation whereof he is bishop or minister. And when he calleth him 'prince of the



BOOK VII  
Ch. xvi. 9  
and the council of Carthage condemn even such superiority also of bishops themselves over pastors their inferiors, as the words of Ignatius imply, in terming the bishop "a prince of priests." Bishops to be termed arch-priests, in regard of their superiority over priests, is in the writings of the ancient Fathers a thing so usual and familiar, as almost no one thing more. At the council of Nice, saith Theodoret, three hundred and eighteen arch-priests were present<sup>1</sup>. Were it the meaning of the council of Carthage, that the title of chief priests and such like ought not in any sort at all to be given unto any Christian Bishop, what excuse should we make for so many ancient both Fathers<sup>2</sup>, and synods<sup>3</sup> of Fathers, as have generally applied the title of arch-priest unto every bishop's office?

[9.] High time I think it is, to give over the obstinate defence of this most miserable forsaken cause; in the favour whereof neither God, nor amongst so many wise and virtuous men as antiquity hath brought forth, any one can be found to have hitherto directly spoken. Irksome confusion must of

"priests; although the title be excessive and big, condemned by Cyprian and the council of Carthage, yet he meaneth no more the prince of all in the diocese as we take it, or of the province, than he meaneth the prince of all the priests in the world: but he meaneth those fellow ministers and elders that had the rule and government of that particular church and congregation whereof he was bishop."

<sup>1</sup> Theod. Hist. Eccles. lib. i. cap. 7. Ἀρχιερεῖς καὶ ἁγίου ἐκείνου Νικαίας, ἄλλοι τῶν τῶν ἀρχιερέων ἡμετέρας ἐκείνου... ἡμετέρας δὲ οὐκ ἐπισκόπου καὶ ἁγίου ἀρχιερέων.

<sup>2</sup> Hieronymus contra Luciferian. "Salutem ecclesiae pendere," dicit. "a summi sacerdotis dignitate," id est, episcopi. [C. ix. t. i. 112. ed. Vallartii.] Idem est in Hieronymo summus sacerdos quod ἁγίου ἐκείνου in Carthaginensi Concilio.

<sup>3</sup> Vide C. conc. 35. dist. [Decret. Gratian. pars i. d. 38. p. 182. Lugd. 1572. "Ex septima synodo"... "Substantia summi sacerdotis astra

"sunt eloquia divinitus tradita, i. e. vera divinarum scripturarum disciplina: quemadmodum magnum perhibet Dionysius." Comp. 2 Concil. Nicen. a. d. 325. can. 11. ἁγίου τῶν καθ' ἑαυτὴν ἐπαρχιῶν τῶν ἐκείνου καὶ ἀρχιερέων ἐκείνου, ἅμα δὲ μέγα ἀσφάλτου ἀσφάλτου.

t. iv. 48. ed. Hard. comp. Dionys. de Eccl. Hierarch. c. v. § 7.] Item c. Pontificis, [Decr. Grat. pars ii. causa] vii. qu. 3. [p. 1001. "Pon- tifices quibus in sacros sacerdotis constitutio ab extraneis aliquid... donatur... interfacultates ecclesiae computantur." In Concilio Agathensi [can. 6. a. d. 506. t. ii. 998. Hard.] Item c. De Ato. [Decr. Grat. pars iii.] De Consecr. dist. 5. [p. 1094. Item a supposed decretal epistle of Melchisedek. "Utrum natus sit sacramentum manus impositionis episcoporum aut baptismi: scholae utrumque magnum esse sacramentum: et sicut unum majorem, i. e. summi Pontificis, est accommodatum... in et majori veneratione venerandum." Comp. Conc. i. 245.]



necessity be the end whereunto all such vain and ungrounded confidence doth bring, as hath nothing to bear it out but only an excessive measure of bold and peremptory words, holpen by the start of a little time, before they came to be examined. In the writings of the ancient Fathers, there is not any thing with more serious asseveration inculcated, than that it is God which maketh bishops, that their authority hath divine allowance, that the bishop is the priest of God, that he is judge in Christ's stead, that according to God's own law the whole Christian fraternity standeth bound to obey him. Of this there was not in the Christian world of old any doubt or controversy made, it was a thing universally every where agreed upon. What should move men to judge that now so unlawful and naught, which then was so reverently esteemed? Surely no other cause but this, men were in those times meek, lowly, tractable, willing to live in dutiful awe and subjection unto the pastor of their souls: now we imagine ourselves so able every man to teach and direct all others, that none of us can brook it to have superiors; and for a mask to hide our pride, we pretend falsely the law of Christ, as if we did seek the execution of his will, when in truth we labour for the mere satisfaction of our own against his.

XVII. The chiefest cause of disdain and murmur against bishops in the Church of England is that evil-affected eye wherewith the world looked upon them, since the time that irreligious profaneness, beholding the due and just advancements of God's clergy, hath under pretence of enmity unto ambition and pride proceeded so far, that the contumely of old offered unto Aaron in the like quarrel may seem very moderate and quiet dealing, if we compare it with the fury of our own times. The ground and original of both their proceedings one and the same; in declaration of their grievances they differ not; the complaints as well of the one as the other are<sup>1</sup>. "Wherefore lift ye up yourselves" thus far "above the congregation of the Lord? It is too much which you take upon you;" too much power, and too much honour. Wherefore as we have shewed that there is not in their power any thing unjust or unlawful, so it resteth that in their honour also the like be done. The labour we take

<sup>1</sup> Numb. xvi. 3.

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Ch. xvii. s.  
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The second  
malicious  
thing  
wherewith  
the state of  
Bishops  
suffereth  
obloquy  
is their  
honour.

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 unto this purpose is by so much the harder, in that we are forced to wrestle with the stream of obstinate affection, mightily carried by a wilful prejudice, the dominion whereof is so powerful over them in whom it reigneth, that it giveth them no leave, no not so much as patiently to hearken unto any speech which doth not profess to feed them in this their bitter humour. Notwithstanding, forasmuch as I am persuaded that against God they will not strive, if they perceive once that in truth it is he against whom they open their mouths, my hope is their own confession will be at the length, "Behold, we have done exceeding foolishly; it was the Lord, and we knew it not; him in his ministers we have despised, we have in their honour impugned his." But the alteration of men's hearts must be his good and gracious work, whose most omnipotent power framed them.

[2.] Wherefore to come to our present purpose, honour is no where due, saving only unto such as have in them that whereby they are found, or at the least presumed, voluntarily beneficial<sup>1</sup> unto them of whom they are honoured. Where-soever nature seeth the countenance of a man, it still presumeth that there is in him a mind willing to do good, if need require, inasmuch as by nature so it should be; for which cause men unto men do honour, even for very humanity's sake: and unto whom we deny all honour, we seem plainly to take from them all opinion of human dignity, to make no account or reckoning of them, to think them so utterly without virtue, as if no good thing in the world could be looked for at their hands. Seeing therefore it seemeth hard that we should so hardly think of any man, the precept of St. Peter is<sup>2</sup>, "Honour all men."

Which duty of every man towards all doth vary according to the several degrees whereby they are more or less beneficial, whom we do honour. "Honour the physician"<sup>3</sup> saith the wise man: the reason why, because for necessities' sake God created him. Again<sup>4</sup>, "Thou shalt rise up before the hoary head, and honour the person of the aged;" the reason why, because the younger sort have great benefit by their gravity, experience, and wisdom; for which cause,

<sup>1</sup> [ἵνα] . . . ἁγαπᾷ εὐχρηστεύσῃ ἄλλοτε. Arist. Rhet. i. 5.  
<sup>2</sup> 1 Pet. ii. 17.      <sup>3</sup> Eccl. xcviii. 1.      <sup>4</sup> Levit. xix. 32.

these things the wise man<sup>1</sup> termeth the crown or diadem of BOOK VII.  
the aged. Honour due to parents: the reason why, because CH. XVI. 3. 4  
we have our beginning from them<sup>2</sup>; "Obey the father that  
"hath begotten thee, the mother that bare thee despise thou  
"not." Honour due unto kings and governors: the reason  
why, because God hath set them<sup>3</sup> "for the punishment of  
"evil doers, and for the praise of them that do well." Thus  
we see by every of these particulars, that there is always  
some kind of virtue beneficial, wherein they excel who receive  
honour; and that degrees of honour are distinguished according  
to the value of those effects which the same beneficial  
virtue doth produce.

[3.] Nor is honour only an inward estimation, whereby  
they are revered and well thought of in the minds of  
men; but honour whereof we now speak, is defined to be an  
external sign, by which we give a sensible testification that  
we acknowledge the beneficial virtue of others. Sarah  
honoured her husband Abraham; this appeareth by the title  
she gave him. The brethren of Joseph did him honour in  
the land of Egypt; their lowly and humble gesture sheweth  
it. Parents will hardly persuade themselves that this inten-  
tional honour, which reacheth no farther than to the inward  
conception only, is the honour which their children owe  
them. Touching that honour which mystically agreeing unto  
Christ, was yielded literally and really unto Solomon, the  
words of the Psalmist concerning it are<sup>4</sup>, "Unto him they  
"shall give of the gold of Sheba, they shall pray for him  
"continually, and daily bless him."

[4.] Weigh these things in themselves, titles, gestures,  
presents, other the like external signs wherein honour doth  
consist, and they are matters of no great moment. Howbeit,  
take them away, let them cease to be required, and they are  
not things of small importance, which that surcease were  
likely to draw after it. Let the lord mayor of London, or  
any other unto whose office honour belongeth, be deprived  
but of that title which in itself is a matter of nothing; and  
suppose we that it would be a small main unto the credit,  
force, and countenance of his office? It hath not without the

<sup>1</sup> Eccles. xxv. 6.  
<sup>2</sup> Prov. xxiii. 22.

<sup>3</sup> 1 Pet. ii. 14.  
<sup>4</sup> Psalm lxxiii. 15.



BOOK VII. singular wisdom of God been provided, that the ordinary outward tokens of honour should for the most part be in themselves things of mean account; for to the end they might easily follow as faithful testimonies of that beneficial virtue whereunto they are due, it behoved them to be of such nature, that to himself no man might over-eagerly challenge them, without blushing; nor any man where they are due withhold them, but with manifest appearance of too great malice or pride.

[5.] Now forasmuch as according to the ancient orders and customs of this land, as of the kingdom of Israel, and of all Christian kingdoms through the world, the next in degree of honour unto the chief sovereign are the chief prelates of God's Church; what the reason hereof may be, it resteth next to be inquired.

What good doth publicly grow from the Prelacy. XVIII. Other reason there is not any, wherefore such honour hath been judged due, saving only that public good which the prelates of God's clergy are authors of. For I would know which of these things it is whereof we make any question, either that the favour of God is the chiefest pillar to bear up kingdoms and states; or that true religion publicly exercised is the principal mean to retain the favour of God; or that the prelates of the Church are they without whom the exercise of true religion cannot well and long continue. If these three be granted, then cannot the public benefit of prelacy be dissembled<sup>1</sup>.

[2.] And of the first or second of these I look not for any professed denial; the world at this will blush, not to grant at the leastwise in word as much as heathens themselves have of old with most earnest asseveration acknowledged<sup>2</sup>, concerning the force of divine grace in upholding kingdoms. Again, though his mercy doth so far strive with men's ingratitude, that all kind of public iniquities deserving his indignation, their safety is through his gracious providence many times nevertheless continued to the end that amendment might

<sup>1</sup> [Compare b. v. c. lxxvi. § 2.]      "dinem persequi possit, casu fieri  
<sup>2</sup> "Quis est tam securus, qui aut      "pater; aut, cum Deos esse intel-  
 "cum suspenderit in caelum, Deos      "lexerit, non intelligat eorum nu-  
 "esse non sentiat, et ea, quae tanta      "mine hoc tantum imperium esse  
 "mente fuit ut vix quiescam arte      "natam et autum et reventum."  
 "ulla ordinem rerum ac necessitu      Cic. Orat. de Harusp. Resp. [c. 9.]



if it were possible avert their envy; so that as well common-  
 weals as particular persons both may and do endure much  
 longer, when they are careful, as they should be, to use  
 the most effectual means of procuring his favour on whom  
 their continuance principally dependeth: yet this point no  
 man will stand to argue, no man will openly arm himself  
 to enter into set disputation against the emperors Theodosius  
 and Valentinian, for making unto their laws concerning reli-  
 gion this preface<sup>1</sup>, "Decere arbitramur nostrum imperium,  
 "subditos nostros de religione commonefacere. Ita enim et  
 "pleniorem acquiri Dei ac Salvatoris nostri Jesu Christi be-  
 "nignitatem possibile esse existimamus, si quando et nos pro  
 "viribus ipsi placere studuerimus, et nostros subditos ad eam  
 "rem instituerimus:" or against the emperor Justinian, for  
 that he also maketh the like profession<sup>2</sup>: "Per sanctissimas  
 "ecclesias et nostrum imperium sustineri, et communes res  
 "clementissimi Dei gratia maniri credimus." And in another  
 place<sup>3</sup>, "Certissime credimus, quia Sacerdotum puritas et  
 "decus, et ad Dominum Deum ac salvatorem nostrum Jesum  
 "Christum fervor, et ab ipsis missæ perpetuæ preces, multum  
 "favorem nostræ reipublicæ et incrementum præbent."

[5.] Wherefore only the last point is that which men will  
 boldly require us to prove; for no man feareth now to make  
 it a question, "whether the prelacy of the Church be any  
 "thing available or no to effect the good and long continuance  
 "of true religion?" Amongst the principal blessings where-  
 with God enriched Israel, the prophet in the Psalm<sup>4</sup> acknow-  
 ledgeth especially this for one, "Thou didst lead thy people  
 "like sheep by the hands of Moses and Aaron." That  
 which sheep are if pastors be wanting, the same are the  
 people of God if so be they want governors: and that which  
 the principal civil governors are in comparison of regents  
 under them, the same are the prelates of the Church being  
 compared with the rest of God's clergy. Wherefore inas-  
 much as amongst the Jews the benefit of civil government  
 grew principally from Moses, he being their principal civil

<sup>1</sup> Tit. 1. 1. iii. C. [lib. 1.] de sum-  
 ma Trinitate.  
<sup>2</sup> L. 43. C. [Cod. lib. 1. tit. iii.] de  
 Episc. et Cler. [lex 43.]

<sup>3</sup> L. 34. C. de Episcopali Audi-  
 entia. [lib. 1. tit. 34.]  
<sup>4</sup> Psalm lxxvii. 20.

BOOK VII. governor; even so the benefit of spiritual regiment grew from  
 Ch. 1110. Aaron principally, he being in the other kind their principal  
 rector, although even herein subject to the sovereign dominion  
 of Moses. For which cause, these two alone are named  
 as the heads and well-springs of all. As for the good which  
 others did in service either of the commonwealth or of the  
 sanctuary, the chiefest glory thereof did belong to the chiefest  
 governors of the one sort and of the other, whose vigilant care  
 and oversight kept them in their due order. Bishops are  
 now as high priests were then, in regard of power over  
 other priests: and in respect of subjection unto high priests<sup>1</sup>,  
 what priests were then, the same now presbyters are by way  
 of their place under bishops. The one's authority therefore  
 being so profitable, how should the other's be thought unne-  
 cessary? Is there any man professing Christian religion  
 which holdeth it not as a maxim, that the Church of Jesus  
 Christ did reap a singular benefit by apostolical regiment,  
 not only for other respects, but even in regard of that pre-  
 lacy whereby they had and exercised power of jurisdiction  
 over lower guides of the Church? Prelates are herein the  
 Apostles' successors, as hath been proved.

[4.] Thus we see that prelacy must needs be acknowledged  
 exceedingly beneficial in the Church; and yet for more  
 perspicuity's sake, it shall not be pains superfluously taken, if  
 the manner how be also declared at large. For this one  
 thing not understood by the vulgar sort, causeth all contempt  
 to be offered unto higher powers, not only ecclesiastical, but  
 civil: whom when proud men have disgraced, and are there-  
 fore reproved by such as carry some dutiful affection of mind,  
 the usual apologies which they make for themselves are  
 these: "What more virtue in these great ones than in  
 others? We see no such eminent good which they do  
 above other men."

We grant indeed, that the good which higher governors  
 do is not so immediate and near unto every of us, as many  
 times the meaner labours of others under them, and this doth  
 make it to be less esteemed. But we must note, that it is

<sup>1</sup> "Qui sacerdotes in Veteri Test. "episcopus vocatur." Raban. Maur.  
 "tamenno vocabantur, hi sunt qui de Instit. Cler. lib. i. cap. 6. [Opp.  
 "tunc presbyteri appellantur: et qui t. vi. 5. ed. Colon. 1206.]  
 "tunc principes sacerdotum, tunc

in this case as in a ship; he that sitteth at the stern is quiet, he moveth not, he seemeth in a manner to do little or nothing in comparison of them that sweat about other toil, yet that which he doth is in value and force more than all the labours of the residue laid together. The influence of the heavens above worketh infinitely more to our good, and yet appeareth not half so sensible as the force doth of things below. We consider not what it is which we reap by the authority of our chiefest spiritual governors, nor are likely to enter into any consideration thereof, till we want them; and that is the cause why they are at our hands so unthankfully rewarded.

[5.] Authority is a constraining power, which power were needless if we were all such as we should be, willing to do the things we ought to do without constraint. But because generally we are otherwise, therefore we all reap singular benefit by that authority which permitteth no men, though they would, to slack their duty. It doth not suffice, that the lord of an household appoint labourers what they should do, unless he set over them some chief workmen to see they do it. Constitutions and canons made for the ordering of church affairs are dead taskmasters. The due execution of laws spiritual dependeth most upon the vigilant care of the chiefest spiritual governors, whose charge is to see that such laws be kept by the clergy and people under them: with those duties which the law of God and the ecclesiastical canons require in the clergy, lay governors are neither for the most part so well acquainted, nor so deeply and nearly touched. Requisite therefore it is, that ecclesiastical persons have authority in such things; which kind of authority maketh them that have it prelates. If then it be a thing confessed, as by all good men it needs must be, to have prayers read in all churches, to have the sacraments of God administered, to have the mysteries of salvation painfully taught, to have God every where devoutly worshipped, and all this perpetually, and with quietness, bringeth unto the whole Church, and unto every member thereof, inestimable good; how can that authority which hath been proved the ordinance of God for preservation of these duties in the Church, how can it choose but deserve to be held a thing publicly most beneficial?

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[6.] It were to be wished, and is to be laboured for, as much as can be, that they who are set in such rooms may be furnished with honourable qualities and graces, every way fit for their calling; but be they otherwise, howsoever, so long as they are in authority, all men reap some good by them, albeit not so much good as if they were abler men. There is not any amongst us all, but is a great deal more apt to exact another man's duty, than the best of us is to discharge exactly his own; and therefore prelates, although neglecting many ways their duty unto God and men, do notwithstanding by their authority great good, in that they keep others at the leastwise in some awe under them. It is our duty therefore in this consideration, to honour them that rule as prelates; which office if they discharge well, the Apostle's own verdict is<sup>1</sup>, that the honour they have they be worthy of, yea though it were double. And if their government be otherwise, the judgment of sage men hath ever been this, that albeit the dealings of governors be culpable, yet honourable they must be, in respect of that Authority by which they govern. Great caution must be used that we neither be emboldened to follow them in evil, whom for authority's sake we honour; nor induced in authority to dishonour them, whom as examples we may not follow. In a word, not to dislike sin, though it should be in the highest, were unrighteous meekness; and proud righteousness it is to condemn or dishonour highness, though it should be in the sinfullest men that live.

[7.] But so hard it is to obtain at our hands, especially as now things stand, the yielding of honour<sup>2</sup> to whom honour in this case belongeth, that by a brief declaration only what the duties of men are towards the principal guides and pastors of their souls, we cannot greatly hope to prevail, partly for the malice of their open adversaries, and partly for the cunning of such as in a sacrilegious intent work their dishonour under cover, by more mystical and secret means. Wherefore requisite and in a manner necessary it is, that by particular instances we make it even palpably manifest what singular benefit and use public the nature of prelates is apt to yield.

<sup>1</sup> 1 Tim. v. 17.

<sup>2</sup> Rom. xiii. 7.

First, no man doubteth but that unto the happy condition of commonweals it is a principal help and furtherance, when in the eye of foreign states their estimation and credit is great. In which respect, the Lord himself commending his own laws unto his people, mentioneth this as a thing not meanly to be accounted of, that their careful obedience yielded thereunto should purchase them a great good opinion abroad<sup>1</sup>, and make them every where famous for wisdom. Fame and reputation groweth especially by the virtue, not of common ordinary persons, but of them which are in each estate most eminent by occasion of their higher place and calling. The mean man's actions, be they good or evil, they reach not far, they are not greatly inquired into, except perhaps by such as dwell at the next door: whereas men of more ample dignity are as cities on the tops of hills<sup>2</sup>, their lives are viewed afar off; so that the more there are which observe aloof what they do, the greater glory by their well-doing they purchase, both unto God whom they serve, and to the state wherein they live. Wherefore if the clergy be a beautifying unto the body of this commonweal in the eyes of foreign beholders, and if in the clergy the prelacy be most exposed unto the world's eye, what public benefit doth grow from that order, in regard of reputation thereby gotten to the land from abroad, we may soon conjecture. Amongst the Jews (their kings excepted) who so renowned throughout the world as their high priest? Who so much or so often spoken of as their prelates?

[8.] (2.) Which order is not for the present only the most in sight, but for that very cause also the most commended unto posterity. For if we search those records wherein there hath descended from age to age whatsoever notice and intelligence we have of those things which were before us, is there any thing almost else, surely not any thing so much, kept in memory, as the successions, doings, sufferings, and affairs of prelates. So that either there is not any public use of that light which the Church doth receive from antiquity; or if this be absurd to think, then must we necessarily acknowledge ourselves beholding more unto prelates than unto others their

<sup>1</sup> Deut. iv. 6.<sup>2</sup> Matt. v. 14.

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inferiors, for that good of direction which ecclesiastical actions recorded do always bring.

[9.] Thirdly, But to call home our cogitations, and more inwardly to weigh with ourselves what principal commodity that order yieldeth, or at leastwise is of its own disposition and nature apt to yield: kings and princes, partly for information of their own consciences, partly for instruction what they have to do in a number of most weighty affairs, entangled with the cause of religion, having, as all men know, so usual occasion of often consultations and conferences with their clergy; suppose we, that no public detriment would follow upon the want of honourable personages ecclesiastical to be used in those cases? It will be haply said, "That the highest might learn to stoop, and not to disdain the advice of some "circumspect, wise and virtuous minister of God, albeit the "ministry were not by such degrees distinguished." What princes in that case might or should do, it is not material. Such difference being presupposed therefore, as we have proved already to have been the ordinance of God, there is no judicious man will ever make any question or doubt, but that fit and direct it is for the highest and chiefest order in God's clergy to be employed before others about so near and necessary offices as the sacred estate of the greatest on earth doth require. For this cause Joshua had Eleazar; David, Abiathar; Constantine, Hosius, bishop of Corduba; other emperors and kings their prelates, by whom in private (for with princes this is the most effectual way of doing good) to be admonished, counselled, comforted, and if need were, reprov'd. Whosoever sovereign rulers are willing to admit these so necessary private conferences for their spiritual and ghostly good, inasmuch as they do for the time while they take advice grant a kind of superiority unto them of whom they receive it, albeit haply they can be contented even so far to bend to the gravest and chiefest persons in the order of God's clergy; yet this of the very best being rarely and hardly obtained, now that there are whose greater and higher callings do somewhat more proportion them unto that ample conceit and spirit wherewith the minds of so powerable persons are possessed; what should we look for, in case God himself not authorizing any by miraculous means, as of old he did his prophets, the

equal meanness of all did leave, in respect of calling, no more place of decency for one than for another to be admitted? Let unexperienced wits imagine what pleaseth them, in having to deal with so great personages these personal differences are so necessary that there must be regard had of them.

[10.] Fourthly, Kingdoms being principally (next unto God's Almightyness, and the sovereignty of the highest under God) upheld by wisdom and by valour, as by the chiefest human means to cause continuance in safety with honour (for the labours of them who attend the service of God, we reckon as means divine, to procure our protection from heaven); from hence it riseth, that men excelling in either of these, or descending from such as for excellency either way have been ennobled, or possessing howsoever the rooms of such as should be in politic wisdom or in martial prowess eminent, are had in singular recommendation. Notwithstanding, because they are by the state of nobility great, but not thereby made inclinable to good things; such they oftentimes prove even under the best princes, as under David certain of the Jewish nobility were. In polity and counsel the world had not Achitophel's equal, nor hell his equal in deadly malice. Joab the general of the host of Israel, valiant, industrious, fortunate in war, but withal headstrong, cruel, treacherous, void of piety towards God; in a word, so conditioned, that easy it is not to define, whether it were for David harder to miss the benefit of his warlike ability, or to bear the enormity of his other crimes. As well for the cherishing of those virtues therefore, wherein if nobility do chance to flourish, they are both an ornament and a stay to the commonwealth wherein they live; as also for the bridling of those disorders, which if they loosely run into, they are by reason of their greatness dangerous; what help could there ever have been invented more divine, than the sorting of the clergy into such degrees, that the chiefest of the prelacy being matched in a kind of equal yoke, as it were, with the higher, the next with the lower degree of nobility, the reverend authority of the one might be to the other as a courteous bridle, a mean to keep them lovingly in awe that are exorbitant, and to correct such excesses in them, as whereunto their courage, state and dignity maketh them over-prone? O that there were for encouragement of prelates herein, that

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inclination of all Christian kings and princes towards them, which sometime a famous king of this land either had, or pretended to have, for the countenancing of a principal prelate under him in the actions of spiritual authority! "Let my lord archbishop know<sup>1</sup>," saith he, "that if a bishop, or earl, or any other great person, yea if my own chosen son, shall presume to withstand or to hinder his will and disposition, whereby he may be withheld from performing the work of the embassy committed unto him; such a one shall find, that of his contempt I will shew myself no less a persecutor and revenger, than if treason were committed against mine own very crown and dignity." Sith therefore by the fathers and first founders of this commonwealth it hath upon great experience and forecast being judged most for the good of all sorts, that as the whole body politic wherein we live should be for strength's sake a threefold cable, consisting of the king as a supreme head over all, of peers and nobles under him, and of the people under them; so likewise, that in this conjunction of states, the second wreath of that cable should, for important respects, consist as well of lords spiritual as temporal: nobility and prelacy being by this mean twined together, how can it possibly be avoided, but that the tearing away of the one must needs exceedingly weaken the other, and by consequent impair greatly the good of all?

[11.] (Fifthly.) The force of which detriment there is no doubt but that the common sort of men would feel to their helpless woe, how goodly a thing soever they now surmise it to be, that themselves and their godly teachers did all alone without controulment of their prelate. For if the manifold jeopardies whereto a people destitute of pastors is subject be unavoidable without government; and if the benefit of govern-

<sup>1</sup> Petr. Blesens. Ep. 5. [l. xii. "minus opus sibi commissæ legationis adimpleat, inveniet tunc sui contemptus persecutorem et verbum illud condiderit in munere deluco notitiam: verbum enim memorabile est. "Sciat," inquit, "Dominus Archiepiscopus, quod si meus filius electus, aut aliquis episcopus terræ, vel comes, vel aliqua persona illustris, sine voluntati aut dispositioni contrarie presumpserit, aut impederit quo-

"onus adimpleat, inveniet tunc sui contemptus persecutorem et verbum illud condiderit in munere deluco notitiam: verbum enim memorabile est. "Sciat," inquit, "Dominus Archiepiscopus, quod si meus filius electus, aut aliquis episcopus terræ, vel comes, vel aliqua persona illustris, sine voluntati aut dispositioni contrarie presumpserit, aut impederit quo-

ment, whether it be ecclesiastical or civil, do grow principally from them who are principal therein, as hath been proved out of the prophet, who albeit the people of Israel had sundry inferior governors, ascribeth not unto them the public benefit of government, but maketh mention of Moses and Aaron only, the chief prince and chief prelate, because they were the well-spring of all the good which others under them did: may we not boldly conclude, that to take from the people their prelate is to leave them in effect without guides, as leastwise without those guides which are the strongest hands that God doth direct them by? "Thou didst lead thy people like sheep," saith the Prophet<sup>1</sup>, "by the hands of Moses and Aaron."

If now there arise any matter of grievance between the pastor and the people that are under him, they have their ordinary, a judge indifferent to determine their causes, and to end their strife. But in case there were no such appointed to sit and to hear both, what would then be the end of their quarrels? They will answer perhaps, "That for such purposes their synods shall serve." Which is as if in the commonwealth the higher magistrates being removed, every township should be a state, altogether free and independent; and the controversies which they cannot end speedily within themselves, to the contentment of both parties, should be all determined by solemn parliaments. Merciful God! where is the light of wit and judgment, which this age doth so much vaunt of and glory in, when unto these such odd imaginations so great not only assent, but also applause is yielded?

[12.] (Sixthly.) As for those in the clergy whose place and calling is lower, were it not that their eyes are blinded lest they should see the thing that of all others is for their good most effectual, somewhat they might consider the benefit which they enjoy by having such in authority over them as are of the selfsame profession, society and body with them; such as have trodden the same steps before; such as know by their own experience the manifold intolerable contempts and indignities which faithful pastors, intermingled with the multitude, are constrained every day to suffer in the exercise of their spiritual charge and function, unless their superiors, taking their causes even to heart, be by a kind of sympathy drawn to

<sup>1</sup> Psal. lxxvii. 20.

BOOK VII. relieve and aid them in their virtuous proceedings, no less  
 Ch. XII. 1. effectually than loving parents their dear children.

Thus therefore prelacy, being unto all sorts so beneficial, ought accordingly to receive honour at the hands of all; but we have just cause exceedingly to fear that those miserable times of confusion are drawing on, wherein<sup>1</sup> "the people shall be "oppressed one of another;" inasmuch as already that which prepareth the way thereunto is come to pass, "children presume against the ancient, and the vile against the honour-able:" Prelacy, 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, hath instead of deserved honour, all extremity of disgrace. The foolish every where plead, that unto the wise in heart<sup>2</sup> they owe neither service, subjection, nor honour.

What kinds of honour be due unto Bishops. XIX. Now that we have laid open the causes for which honour is due unto prelates, the next thing we are to consider is, what kinds of honour be due. The good government either of the Church or the commonwealth dependeth scarcely on any one external thing so much as on the public marks and tokens, whereby the estimation that governors are in is made manifest to the eyes of men. True it is, that governors are to be esteemed according to the excellency of their virtues; the more virtuous they are, the more they ought to be honoured, if respect be had unto that which every man should voluntarily perform unto his superiors. But the question is now, of that honour which public order doth appoint unto church-governors, in that they are governors; the end whereof is, to give open sensible testimony, that the place which they hold is judged publickly in such degree beneficial, as the marks of their excellency, the honours appointed to be done unto them do import. Wherefore this honour we are to do them, without presuming ourselves to examine how worthy they are, and withdrawing it if by us they be thought unworthy. It is a note of that public judgment which is given of them; and therefore not tolerable that men in private should by refusal to do them such honour reverse as much as in them lieth the public judgment. If it deserve such grievous punishment, when any particular person adventureth to deface those marks whereby is signified what

<sup>1</sup> Isa. iii. 5.

<sup>2</sup> [Comp. Proverbs xi. 29.]

value some small piece of coin is publickly esteemed at ; is it sufferable that honours, the characters of that estimation which publickly is had of public estates and callings in the Church or commonwealth, should at every man's pleasure be cancelled ?

[2.] Let us not think that without most necessary cause the same have been thought expedient. The first authors thereof were wise and judicious men ; they knew it a thing altogether impossible, for each particular in the multitude to judge what benefit doth grow unto them from their prelates, and thereupon uniformly to yield them convenient honour. Wherefore that all sorts might be kept in obedience and awe, doing that unto their superiors of every degree, not which every man's special fancy should think meet, but which being beforehand agreed upon as meet, by public sentence and decision, might afterwards stand as a rule for each in particular to follow ; they found that nothing was more necessary, than to allot unto all degrees their certain honour, as marks of public judgment concerning the dignity of their places ; which mark when the multitude should behold, they might be thereby given to know, that of such or such estimation their governors are, and in token thereof do carry those notes of excellency. Hence it groweth, that the different notes and signs of honour do leave a correspondent impression in the minds of common beholders. Let the people be asked who are the chiefest in any kind of calling ? who most to be listened unto ? who of greatest account and reputation ? and see if the very discourse of their minds lead them not unto those sensible marks, according to the difference whereof they give their suitable judgment, esteeming them the worthiest persons who carry the principal note and public mark of worthiness. If therefore they see in other estates a number of tokens sensible, whereby testimony is given what account there is publickly made of them, but no such thing in the clergy ; what will they hereby, or what can they else conclude, but that where they behold this, surely in that commonwealth, religion and they that are conversant about it are not esteemed greatly beneficial ? Whereupon in time the open contempt of God and godliness must needs ensue : " Qui bona fide Deum colit, amat et sacer-  
"dotes!" saith Papinius. In vain doth that kingdom or

BOOK VII.  
Ch. xix. a.

<sup>1</sup> Præf. lib. v. Silv. [i.e. Statius, Publ. Papinius, Præf. lib. v. Sylværum.] 1886.

BOOK VII. commonwealth pretend zeal to the honour of God, which doth  
Ch. xiv. > not provide that his clergy also may have honour.

[3] Now if all that are employed in the service of God should have one kind of honour, what more confused, absurd, and unseemly? Wherefore in the honour which hath been allotted unto God's clergy, we are to observe, how not only the kinds thereof, but also in every particular kind, the degrees do differ. The honour which the clergy of God hath hitherto enjoyed, consisteth especially in the preeminence of Title, Place, Ornament, Attendance, Privilege, Endowment. In every of which it hath been evermore judged meet, that there should be no small odds between prelates and the inferior clergy.

HONOUR  
IN TITLE,  
PLACE,  
ORNAMENT,  
ATTENDANCE,  
AND  
PRIVILEGE.

XX. Concerning title, albeit even as under the law all they whom God hath severed to offer him sacrifice were generally termed priests, so likewise the name of pastor or presbyter be now common unto all that serve him in the ministry of the gospel of Jesus Christ; yet both then and now the higher orders, as well of the one sort as of the other, have by one and the same congruity of reason their different titles of honour, wherewith we find them in the phrase of ordinary speech exalted above others. Thus the heads of the twenty-four companies of priests are in Scripture termed<sup>1</sup> arch-priests; Aaron and the successors of Aaron being above those arch-priests, themselves are in that respect further entitled high and great. After what sort antiquity hath used to style Christian bishops, and to yield them in that kind honour more than were meet for inferior pastors, I may the better omit to declare, both because others have sufficiently done it already, and in so slight a thing it were but a loss of time to bestow further travel. The allegation of Christ's prerogative to be named an arch-pastor<sup>2</sup> simply, in regard of

<sup>1</sup> *ἄρχιεπίσκοπος*.  
<sup>2</sup> [T. C. l. 61. ap. Def. 300. al. 81.  
 "The title of archbishop is only proper to our Saviour Christ, therefore no man may take that unto him. That it is proper to our Saviour Christ, appears by that which St. Peter saith, when he calleth him *ἀρχιεπίσκοπος*. . . And in the Hebrews where he is called the great shepherd of the sheep, and in the Acts and Hebrews arch-leader of life and salvation, which . . . are proper titles of his mediation, and therefore cannot be without bold presumption;: tied unto any mortal man." V. l. 128, Def. Ibid. "What name is more proper unto God than is this name GOD? and yet is the same also attributed unto man."]

his absolute excellency over all, is no impediment but that the like title in an unlike signification may be granted unto others besides him, to note a more limited superiority, whereof men are capable enough without derogation from his glory, than which nothing is more sovereign. To quarrel at syllables, and to take so poor exceptions at the first four letters in the name of an archbishop, as if they were manifestly stolen goods whereof restitution ought to be made to the civil magistrate<sup>1</sup> toucheth no more the prelates that now are, than it doth the very blessed Apostle, who giveth unto himself the title of an archbuilder.

As for our Saviour's words alleged against the title of lordship and grace, we have before sufficiently opened how far they are drawn from their natural meaning, to bolster up a cause which they nothing at all concern. Bishops Theodoret<sup>2</sup> entitleth "most honourable." Emperors writing unto bishops, have not disdained to give them their appellations of honour, "Your holiness," "Your blessedness," "Your amplitude," "Your highness," and the like: such as purposely have done otherwise are noted of insolent singularity and pride.

[2.] Honour done by giving preeminence of place unto one sort before another, is for decency, order, and quietness' sake so needful, that both imperial laws<sup>3</sup> and canons ecclesiastical<sup>4</sup> have made their special provisions for it. Our

<sup>1</sup> [T. C. li. 408. "The Greek word signifying prince, which name he confesseth proper unto the civil magistrate; it must follow that the name of archbishop, which is as much as prince of bishops, breaketh upon the possession of the magistrate."] <sup>2</sup> Hist. Eccles. lib. v. c. 8. [rather c. 9. in which he gives the synodical epistle of the council of Constantinople to the Roman synod, beginning *Kapins episcopatus*.] <sup>3</sup> [Vig. etc. *Episcopatus*. Cod. Justin. l. 1. de summa Trinit. l. vii. "tunc sublimitatis." ibid. l. 3.] de Episc. et cler. l. xxxiii. <sup>4</sup> [Sacrosanctam hujus religionis civitatis ecclesiam... privilegia et honores omnes super episcoporum creationibus, et *jure ante alios residenti*, et cetera... habere sancimus." Imp. Leo et Anthemius in Cod. Just. l. 2.] de sacros. Eccles. l. vi. <sup>5</sup> [Conc. Nic. Canonibus Arabicis, can. lvii. "Locus episcopi in oratione sit in summo sacerdotii sive capelle intra locum altaris, ut qui sit pastor et gubernator; post eum sit archidiaconus ad latus dextrum, ut qui sit loco ejus, et presit omnibus que ad orationem et ecclesiam pertinet: chorepiscopus autem sit post archidiaconum ad alterum latus, quia ipse etiam est loco episcopi super villas, et monasteria et sacerdotes villarum," t. l. 472. ed. Hard. in Conc. Carth. a. b. 398. can. 35. "Ut episcopus in ecclesia, et in consensu presbyterorum, sublimior sedeat. Intra domum vero, collegam se presbyterorum esse agnoscat." t. l. 981.]

BOOK VII. Saviour's invective against the vain affectation of superiority, whether in title or in place<sup>1</sup>, may not hinder these seemly differences usual in giving and taking honour, either according to the one or the other.

[3.] Something there is even in the ornaments of honour also; otherwise idle it had been for the wise man speaking of Aaron, to stand so much upon the circumstance of his priestly attire, and to urge it as an argument of such dignity and greatness in him<sup>2</sup>: "An everlasting covenant God made with Aaron, and gave him the priesthood among the people, and made him blessed through his comely ornament, and clothed him with the garment of honour." The robes of a judge do not add to his virtue; the chiefest ornament of kings is justice; holiness and purity of conversation do much more adorn a bishop, than his peculiar form of clothing. Notwithstanding, both judges, through the garments of judicial authority, and through the ornaments of sovereignty, princes; yea bishops through the very attire of bishops, are made blessed, that is to say, marked and manifested they are to be such as God hath poured his blessing upon, by advancing them above others, and placing them where they may do him principal good service. Thus to be called is to be blessed, and therefore to be honoured with the signs of such a calling must needs be in part a blessing also; for of good things even the signs are good.

[4.] Of honour, another part is attendancy; and therefore in the visions of the glory of God, angels are spoken of as his attendants. In setting out the honour of that mystical queen, the prophet mentioneth the virgin ladies which waited on her. Amongst the tokens of Solomon's honourable condition, his servants and waiters the sacred history omitteth not.

This doth prove attendants a part of honour: but this as yet doth not shew with what attendancy prelates are to be honoured. Of the high-priest's retinue amongst the Jews, somewhat the Gospel itself doth intimate. And albeit our Saviour came to minister, and not, as the Jews did imagine

<sup>1</sup> "They love to have the chief seats in the assemblies, and to be called of men Rabbi." *Mat. xxiii. 6, 7.* [quoted in *Adm. ap. Def. 37.*]

<sup>2</sup> *Answ. 4n. al. 15; T. C. l. 12. al. 24; Def. 71, 72.*

<sup>3</sup> *Eccles. xiv. 7.*







nor, if they were, of course to be rejected. 281

which sheweth what honour is fit for prelates, and what attendancy convenient to be a part of their honour.

Touching privileges granted for honour's sake, partly in general unto the clergy, and partly unto prelates the chiefest persons ecclesiastical in particular; of such quality and number they are<sup>1</sup>, that to make but rehearsal of them scarce think it safe, lest the very entrails of some of our godly brethren, as they term themselves, should thereat haply burst in sunder.

XXI. And yet of all these things rehearsed, it may be there never would have grown any question, had bishops been honoured only thus far forth. But the honouring of the clergy with wealth, this is in the eyes of them which pretend to seek nothing but mere reformation of abuses, a sin that can never be remitted.

How soon, O how soon might the Church be perfect, even without any spot or wrinkle, if public authority would at the length say Amen unto the holy and devout requests of those godly brethren, who as yet with outstretched necks groan in the pangs of their zeal to see the houses of bishops rifed, and their so long desired livings gloriously divided amongst the righteous! But there is an impediment, a let, which somewhat hindereth those good men's prayers from taking effect: they in whose hands the sovereignty of power and dominion over this Church doth rest, are persuaded there is a God; for undoubtedly either the name of Godhead is but a feigned thing, or if in heaven there be a God, the sacrilegious inten-

BOOK VII.  
Ch. xxi. 1.

Honour  
by endow-  
ment with  
Lands and  
Livings.

<sup>1</sup> L. 12. C. de sacros. Eccles. Cler. [A law of Constantine (A. D. 317.) reneacting former immunities, and extending them to the wives and families of clergymen.] L. 10. Ibid. [Arcadius and Honorius, A. D. 398, enjoin on provincial officers immediate regard to all cases of sacrilege, and add, "Nec expectet provincie moderator, ut episcopus injurias proprias ultionem deponcat, cui sanctitas ignoscendi gloriam dereliquit. Siquis cunctis laudabile, factas atrocis sacerdotibus aut ministeris injurias veluti crimen publicum persequi, ac de talibus reis ultionem mereat."] L. 2. C. de Episc. et

BOOK VII.  
Ch. XII. s.  
282.  
tion of Church robbers, which lurketh under this plausible name of Reformation, is in his sight a thousand times more hateful than the plain professed malice of those very miscreants, who threw their vomit in the open face of our blessed Saviour.

[2.] They are not words of persuasion by which true men can hold their own, when they are over beset with thieves. And therefore to speak in this cause at all were but labour lost, saving only in respect of them, who being as yet unjoined unto this conspiracy, may be haply somewhat stayed, when they shall know betimes what it is to see thieves and to run on with them, as the Propbet in the Psalm speaketh<sup>1</sup>; "When thou sawest a thief, then thou consentedst with him, and hast been partaker with adulterers."

For the better information therefore of men which carry true, honest and indifferent minds, these things we will endeavour to make most clearly manifest: First, That in goods and livings of the Church none hath propriety but God himself. Secondly, That the honour which the clergy therein hath, is to be, as it were, God's Receivers; the honour of prelates, to be his chief and principal Receivers. Thirdly, That from him they have right, not only to receive, but also to use such goods, the lower sort in smaller, and the higher in larger measure. Fourthly, That in case they be thought, yea, or found to abuse the same, yet may not such honour be therefore lawfully taken from them, and be given away unto persons of other calling.

XXII. Possessions, lands and livings spiritual, the wealth of the clergy, the goods of the Church, are in such sort the Lord's own, that man can challenge no propriety in them. His they are, and not ours; all things are his, in that from him they have their being<sup>2</sup>. "My corn, and my wine, and mine oil," saith the Lord. All things his, in that he hath absolute power to dispose of them at his pleasure. "Mine" (saith he<sup>3</sup>) are the sheep and oxen of a thousand hills. "All things his, in that when we have them, we may say with Job<sup>4</sup>, "God hath given;" and when we are deprived of them, "The Lord," whose they are, hath likewise "taken

<sup>1</sup> Psal. l. 18.    <sup>2</sup> Hos. ii. 8.    <sup>3</sup> Psal. l. 24.    <sup>4</sup> Job i. 21.





BOOK VII. Hannah did so much esteem, she could not but greatly wish  
 Ch. xxx. 4  
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 to advance; and her religious conceit was, that the honouring  
 of God with it was the advancing of it unto honour. The  
 chiefest of the offspring of men are the males which be first  
 born: and for this cause, in the ancient world they all were  
 by right of their birth priests to the Most High. By these  
 and the like precedents, it plainly enough appeareth, that in  
 what heart soever doth dwell unfeigned religion, in the same  
 there resteth also a willingness to bestow upon God that  
 soonest which is most dear. Amongst us the law is, that sith  
 gold is the chiefest of metals, if it be any where found in the  
 bowels of the earth, it belongeth in right of honour, as all  
 men know, to the King: whence hath this custom grown but  
 only from a natural persuasion, whereby men judge it decent  
 for the highest persons always to be honoured with the  
 choicest things? "If ye offer unto God the blind," saith the  
 Prophet Malachi, "it is not evil; if the lame and sick, it  
 "is good enough. Present it unto thy prince, and see if he  
 "will content himself, or accept thy person, saith the Lord  
 "of hosts." When Abel presented God with an offering, it  
 was the fattest of all the lambs in his whole flock; he honoured  
 God not only out of his substance, but out of the very chiefest  
 therein; whereby we may somewhat judge how religiously  
 they stand affected towards God, who grudge that any thing  
 worth the having should be his.

[4.] Long it were to reckon up particularly what God was  
 owner of under the Law<sup>1</sup>; for of this sort was all which they  
 spent in legal sacrifices; of this sort their usual oblations and  
 offerings; of this sort tithes and firstfruits; of this sort that  
 which by extraordinary occasions they vowed unto God; of  
 this sort all that they gave to the building of the tabernacle;  
 of this sort all that which was gathered amongst them for the  
 erecting of the temple, and the adorning of it erected<sup>2</sup>; of  
 this sort whatsoever their Corban contained, wherein that  
 blessed widow's deodate was laid up. Now either this kind  
 of honour was prefiguratively altogether ceremonial, and then

<sup>1</sup> Mal. i. 8. [Comp. h. v. c. xxxiv. "a delight in the house of my God,  
 § 3; b. viii. c. l. § 5.] "therefore I have given thereunto  
<sup>2</sup> [Compare h. v. c. lxxviii.] "of mine own both gold and silver  
 "Because," saith David, "I have "to adorn it with." 1 Chron. xxix. 3.

our Saviour accepteth it not; or if we find that to him also it hath been done, and that with divine approbation given for encouragement of the world, to shew by such kind of service their dutiful hearts towards Christ, there will be no place left for men to make any question at all whether herein they do well or no.

[5] Wherefore to descend from the synagogue unto the Church of Christ: albeit sacrifices, wherewith sometimes God was highly honoured, be not accepted<sup>1</sup> as heretofore at the hands of men; yet forasmuch as "Honour God with thy riches" is an edict of the unseparable law of nature, so far forth as men are therein required by such kind of homage to testify their thankful minds, this sacrifice<sup>2</sup> God doth accept still. Wherefore as it was said of Christ, that<sup>3</sup> "all kings should worship him, and all nations do him service;" so this very kind of worship or service was likewise mentioned, lest we should think that our Lord and Saviour would allow of no such thing<sup>4</sup>. "The kings of Tarshish and of the isles shall bring presents; the kings of Sheba and Seba shall bring gifts." And as it maketh not a little to the praise of those sages mentioned in the Gospel, that the first amongst men which did solemnly honour our Saviour on earth were they; so it soundeth no less to the dignity of this particular kind, that the rest by it were prevented; "They fell down and worshipped him, and opened their treasures<sup>5</sup>, and presented unto him gifts; gold, and incense, and myrrh." Of all those things which were done to the honour of Christ in his lifetime there is not one wherof he spake in such sort, as when Mary to testify the largeness of her affection, seemed to waste away a gift upon him, the price of which gift might, as they thought who saw it, much better have been spent in works of mercy towards the poor: "Verily<sup>6</sup> I say unto you, Whosoever this Gospel shall be preached throughout all the world, there shall also this that she hath done be spoken of for memorial of her."

[6] Of service to God, the best works are they which continue longest<sup>1</sup>; and for permanency what like Donation, whereby things are unto him for ever dedicated? That the

<sup>1</sup> Psal. i. 13, 14.    <sup>2</sup> Phil. iv. 18.    <sup>3</sup> Psal. lxxv. 11.    <sup>4</sup> Ver. 10.  
<sup>5</sup> Matt. ii. 11.    <sup>6</sup> Matt. xxvi. 13.    <sup>7</sup> John xv. 16.

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Ch. 295. 4.

ancient lands and livings of the Church were all in such sort given into the hands of God by the just lords and owners of them, that unto him they passed over their whole interest and right therein, the form of sundry the said donations<sup>1</sup> as yet extant most plainly sheweth. And where time hath left no such evidence as now remaining to be seen, yet the same intention is presumed in all donors, unless the contrary be apparent. But to the end it may yet more plainly appear unto all men under what title the several kinds of ecclesiastical possessions are held, "Our Lord himself," saith St. Augustine<sup>2</sup>, "had coffers to keep those things which the faithful offered unto him. Then was the form of the church treasury first instituted, to the end that withal we might understand that in forbidding to be careful for to-morrow, his purpose was not to bar his saints from keeping money, but to withdraw them from doing God service for wealth's sake, and from forsaking righteousness through fear of losing their wealth." The first gifts consecrated unto Christ after his departure out of the world were sums of money, in process of time other moveables were added, and at length goods unmoveable, churches and oratories hallowed to the honour of his glorious name, houses and lands for perpetuity conveyed unto him, inheritance given to remain his as long as the world should endure. "The Apostles," saith Melchides<sup>3</sup>, "they foresaw that God would have his Church amongst the Gentiles, and for that cause in Judea they took no lands but price of lands sold."

<sup>1</sup> [See E. P. b. v. c. lxxix. 14.]  
<sup>2</sup> Aug. c. 15. de Mendac. [l. vi. 437. "Sicut illud, Nolite cogitare de crastino, et Nolite inopes cogitare quid manducetis, et quid bibetis, et quid induamini. Cum autem videmus et ipsos Dominum habuisse loculos, quo ea que dabantur mittebantur, ut servari possent ad usum pro tempore necessarios; et ipsos Apostolos procurasse multa fratrum indigentia, non solum in crastinum, sed etiam in prolixius tempus impendentis famis, sicut in Actis Apostolorum legitur; satis elucet illa precepta sic intelligenda, ut nihil operis nostri

"temporalium adipiscendorum amore vel timore egestatis tanquam ea necessitate faciamus."  
<sup>3</sup> C. 12. qu. 1. c. 15 et 16. [Fuerunt ecclesiam Apostoli in gentibus praevidebant: idcirco praedia in Judea minime sunt adepti, sed pretia tantummodo ad fovendos egenos." Decr. Grat. pars II. causa xii. qq. 1. p. 635. can. "Fuerunt." This decretal, ascribed to Melchides, or Melchisedech, who was bishop of Rome from a. d. 311 to 320, bears evident marks of having been composed long after Christianity had been established in the empire.]

This he conjectureth to have been the cause why the Apostles did that which the history reporteth of them. The truth is, that so the state of those times did require, as well otherwise as in Judea. Wherefore when afterwards it did appear much more commodious for the Church to dedicate such inheritances, than the value and price of them being sold; the former custom was changed for this, as for the better. The devotion of Constantine herein all the world even till this very day admireth. They that lived in the prime of the Christian world thought no testament Christianly made, nor any thing therein well bequeathed<sup>1</sup>, unless something were thereby added unto Christ's patrimony.

[7.] Touching which men, what judgment the world doth now give I know not; perhaps we deem them to have been herein but blind and superstitious persons. Nay, we in these cogitations are blind; they contrariwise did with Solomon<sup>2</sup> plainly know and persuade themselves, that thus to diminish their wealth was not to diminish but to augment it, according to that which God doth promise to his own people by the Prophet Malachi<sup>3</sup>, and which they by their own particular experience<sup>4</sup> found true. If Wickliff therefore were of that

<sup>1</sup>[Decret. Grat. pars ii. caus. xiii. q. 2. § *Siquis intrator*. "Qui unum filium habet, patet Christum alterum; si duas habet, patet Christum tertium; si decem habet, undecimum Christum faciat; et suscipit." From S. Aug. Serm. 4. de Vita Clericorum, § 4: l. v. 1382.]  
<sup>2</sup>Prov. iii. 10.  
<sup>3</sup>Mal. iii. 10.  
<sup>4</sup>2 Chron. xxxi. 10. Tho. Waldensis, tom. i. [Doctrinale Fidei] lib. 10. c. 79. [and 40; quoting inter al. Wickliff, Trialog. 5. § 18. (of which the title is, "Sæculares propter dotationem sunt puniendi,") "Non autem dicimus illis, quod necesse possunt auferre temporalia ab ecclesia habitualiter delinquentibus, nec solum quod illis licet hoc facere, sed quod debent sub poena damnationis gehennæ, cum debent de sua stultitia persistere, et saltem facere pro peccato quo Christi ecclesiam macularunt." fol. 131. ed. 1573. And,] 19. "Facilitatem autem faciendi hanc elemosinam et debitum sic potes cognoscere. Constat ex regalibus regis Angliæ, quod decedente episcopo vel abbate, aut quocunque notabiliter dotato de Anglia, temporalia sua, ad demortandam regalia regis, cadere debent in manu sua, et non procedatur ad electionem, nisi obtenta regis licentia; nec habentur ab electo mortificata regni domini, nisi rege noviter approbante. Continui ergo se rex ab innovatione derelicti maximi progenitorum suorum, et in brevitatem totum regnum purgatum a mortificatione stultorum bonorum temporalium, que jam sunt in manu mortui." fol. 132. The passages which Thomas of Walden produces in c. 79, do not occur in the copy of Wickliff here quoted; but their tenor is exactly that of his whole argument. E. g. c. 18. fol. 129. "Dic, rogo, utrum sæculares sunt propter dotationem bujus-



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Ch. xxi. f.  
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opinion which his adversaries ascribe unto him (whether truly or of purpose to make him odious I cannot tell, for in his writings I do not find it) namely, "That Constantine and others following his steps did evil, as having no sufficient ground whereby they might gather that such donations are acceptable to Jesus Christ;" it was in Wickliff a palpable error. I will use but one only argument to stand in the stead of many. Jacob taking his journey unto Haran made in this sort his solemn vow<sup>1</sup>: "If God will be with me, and will keep me in this journey which I go, and will give me bread to eat, and clothes to put on, so that I come again to my father's house in safety; then shall the Lord be my God, and this stone which I have set up a pillar shall be the house of God, and of all that thou shalt give me will I give the tenth unto thee." May a Christian man desire as great things as Jacob did at the hands of God? may he desire them in as earnest manner? may he promise as great thank-

"modi increpandi?"... "Tene fir-  
"miter et multatenus dabites, quin  
"temporales domini in isto graviter  
"peccaverunt... Non solum coope-  
"rati sunt ad istam dotationem, sed  
"multipliciter consenserunt"...  
fol. 136. "Cito post ascensionem  
"ejus, infra annum CCCXCVI ordi-  
"nationem precipuam in dotando  
"ecclesiam reverserunt, et per con-  
"sensionem sponsae suae multipliciter  
"proceperunt. Unde narrat Chro-  
"nica, quod in dotatione ecclesiae  
"sanctam Dei." Compare the fol-  
"lowing, quoted by Walden from the  
"Speculum militantis Ecclesiae, cap. 9.  
"Christus et sui masculare sacerdotem  
"Christi contra ordinationem quam  
"ipse fecit; et domini seculares et  
"alii facti qui hic adjuvant. Anti-  
"christum, erubesceret de sic ad-  
"juvando sicut erubesceret in finali  
"iudicio; et tunc peior erit major  
"in factis suis quod faciunt ista ob  
"honorem Christi, quia Christus  
"male instituit, et Domini seculares  
"emendant eum, sicut Imperator  
"Romanus quando fecit sacerdotes  
"suis dominos, ipse corruis statum  
"Apostolorum super ordinationem  
"Christi. Sed totum hoc sapit bla-  
"phemiam." Among the errors of  
"Wickliffe condemned at the Council  
"of Constance, one head is, *Contra  
"dotationem Ecclesiarum*; of which the  
"following are specimens: "Domini  
"temporales possunt licite auferre  
"temporalia ab ecclesia delinquenti-  
"te." "Nos est major hereti-  
"cus vel Antichristus, quam ille  
"qui dicit quod licitum sacerdoti-  
"bus et Levitis gratia sit dotari in  
"possessionibus et temporalibus."  
"Quantum ad chartas et concessio-  
"nes secularium dominorum  
"patet quod clerus erubesceret in-  
"niti tam culpabili fundamento:  
"quia in nullo valet humana con-  
"cessio, nisi prehabita licentia a  
"domino capitali; et cum non pos-  
"sint docere quod domini de hoc  
"habeant licentiam a Christo, patet  
"quod lege tam humana quam di-  
"vina, est talis donatio stulta sen-  
"tenda, et ita illicita et Catholicis  
"responsenda." Fasciculus, &c. Gra-  
"tii, ed. Browne, p. 271.  
<sup>1</sup> Gen. xxviii. 20-22.

fulness in acknowledging the goodness of God? may he vow any certain kind of public acknowledgment beforehand; or though he vow it not, perform it after in such sort that men may see he is persuaded how the Lord hath been his God? Are these particular kind of testifying thankfulness to God, the erecting of oratories, the dedicating of lands and goods to maintain them, forbidden any where? Let any mortal man living shew but one reason wherefore in this point to follow Jacob's example should not be a thing both acceptable unto God, and in the eyes of the world for ever most highly commendable. Concerning goods of this nature, goods whereof when we speak we term them  $\rho\acute{\alpha}$   $\theta\epsilon\acute{\iota}\omega$   $\delta\acute{\epsilon}\delta\omicron\tau\omicron\upsilon\mu\epsilon\theta\epsilon\tau\omicron\iota$ , the goods that are consecrated unto God, and as Tertullian speaketh<sup>1</sup>, *deposita pietatis*, things which piety and devotion hath laid up as it were in the bosom of God; touching such goods, the law civil following mere light of nature defineth them to be no man's<sup>2</sup>, because no mortal man, or community of men, hath right of propriety in them.

XXIII. Persons ecclesiastical are God's stewards, not only for that he hath set them over his family, as the ministers of ghostly food, but even for this very cause also, that they are to receive and dispose his temporal revenues, the gifts and oblations which men bring him. Of the Jews it is plain<sup>3</sup> that their tithes they offered unto the Lord, and those offerings the Lord bestowed upon the Levites. When the Levites gave the tenth of their tithes, this their gift the Law doth term the Lord's heave-offering<sup>4</sup>, and appoint that the high-priest should receive the same. Of spoils taken in war<sup>5</sup>, that part which they were accustomed to separate unto God, they brought it before the priest of the Lord, by whom it was laid up in the tabernacle of the congregation, for a memorial of their thankfulness towards God, and his goodness towards them in fighting for them against their enemies. As therefore the Apostle<sup>6</sup> magnifieth the honour of Melchisedec, in that he being an high-priest, did receive at the hands of Abraham the tithes which Abraham did honour God with; so it argueth in the Apostles themselves great honour, that at their feet<sup>7</sup>

BOOK VII.  
Ch. xvii. 1.

That ecclesiastical persons are receivers of God's rents; and that the honour of Prelates is, to be chosen of his chief receivers; not without liberty granted, of converting the same unto their own use, even in large manner.

<sup>1</sup> [Apol. c. 39.]      <sup>2</sup> [juris est, id nullius in bonis est.]  
<sup>3</sup> [Justinian. Inst. II. l. 7. "Nullus autem sunt res sacræ et religiose, et sanctæ: quod enim divini"]  
<sup>4</sup> Num. xviii. 24-28.  
<sup>5</sup> Num. xxxi. [48-54].  
<sup>6</sup> Heb. vii. 3.  
<sup>7</sup> Acts iv. 34.  
 VOL. III.





with no certain determination hitherto, on what things and persons, with what proportion and measure they being bestowed, do retain their lawful use. Some men condemn it as idle, superfluous, and altogether vain, that any part of the treasure of God should be spent upon costly ornaments appertaining unto his service: who being best worshipped, when he is served in spirit and truth<sup>1</sup>, hath not for want of pomp and magnificence rejected at any time those who with faithful hearts have adored him. Whereupon the heretics<sup>2</sup>, termed *Henriciani* and *Petrobrusiani*, threw down temples and houses of prayer erected with marvellous great charge, as being in that respect not fit for Christ by us to be honoured in.

[3.] We deny not, but that they who sometime wandered as pilgrims on earth, and had no temples, but made caves and dens to pray in<sup>3</sup>, did God such honour as was most acceptable in his sight: God did not reject them for their poverty and nakedness' sake; their sacraments were not abhorred for want of vessels of gold.

Howbeit, let them who thus delight to plead, answer me: when Moses first, and afterwards David, exhorted the people of Israel unto matter of charge about the service of God; suppose we it had been allowable in them to have thus pleaded: "Our fathers in Egypt served God devoutly, God was with them in all their afflictions, he heard their prayers, pitied their case, and delivered them from the tyranny of their oppressors; what house, tabernacle, or temple had they?" Such argumentations are childish and fond; God doth not refuse to be honoured at all where there lacketh wealth; but where abundance and store is, he there requireth the flower thereof, being bestowed on him, to be employed even unto the ornament of his service. In Egypt the state of his people was servitude, and therefore his service was accordingly. In the desert they had no sooner aught of their own, but a tabernacle is required; and in the land of Canaan a temple<sup>4</sup>. In the eyes of David it seemed a thing not fit, a thing not decent, that himself should be more richly seated than God.

[4.] But concerning the use of ecclesiastical goods bestowed

<sup>1</sup> John iv. 24.

<sup>2</sup> [Vid. *supr.* c. xiii. § 4.]

<sup>3</sup> Heb. xi. 38.

<sup>4</sup> [Comp. *l. v. c. xv.*]

BOOK VII. this way, there is not so much contention amongst us, as what  
 CH. XXII. 4. measure of allowance is fit for ecclesiastical persons to be  
 maintained with. A better rule in this case to judge things  
 by we cannot possibly have than the wisdom of God himself;  
 by considering what he thought meet for each degree of the  
 clergy to enjoy in time of the Law, what for Levites, what for  
 priests, and what for high priests, somewhat we shall be the  
 more able to discern rightly what may be fit, convenient, and  
 right for the Christian clergy likewise. Priests for their main-  
 tenance had those first fruits<sup>1</sup> of cattle<sup>2</sup>, corn, wine, oil, and  
 other<sup>3</sup> commodities of the earth, which the Jews were accus-  
 tomed yearly to present God with. They had the price<sup>4</sup> which  
 was appointed for men to pay in lieu of the first-born of their  
 children, and the price of the first-born also amongst cattle  
 which were unclean; they had the vowed gifts<sup>5</sup> of the people,  
 or the prices, if they were redeemable by the donors after vow,  
 as some things were; they had the free<sup>6</sup> and unwowed obla-  
 tions of men; they had the remainder of<sup>7</sup> things sacrificed;  
 with tithes the Levites<sup>8</sup> were maintained; and with the tithe  
 of their tithes<sup>9</sup> the high-priest. In a word, if the quality of  
 that which God did assign to his clergy be considered, and their  
 manner of receiving it without labour, expense, or charge, it  
 will appear that the tribe of Levi, being but the twelfth part  
 of Israel, had in effect as good as four twelfth parts of all such  
 goods as the holy land did yield: so that their worldly estate  
 was four times as good as any other tribe's in Israel besides.  
 But the high-priests' condition, how ample! to whom belonged  
 the tenth of all the tithe of this land, especially the law pro-  
 viding also, that as the people did bring the best of all things  
 unto the priests and Levites, so the Levites should deliver the  
 choice and flower of all their commodities to the high-priest,  
 and so his tenth part by that mean be made the very best part  
 amongst ten: by which proportion, if the Levites were ordi-  
 narily in all not above thirty thousand men, (whereas when  
 David numbered them<sup>10</sup>, he found almost thirty-eight thou-  
 sand above the age of thirty years,) the high-priest, after this

<sup>1</sup> Num. xviii. 12.      <sup>4</sup> Ver. 8.      <sup>7</sup> Ver. 9.  
<sup>2</sup> Ver. 12.    <sup>3</sup> Ver. 13.    <sup>6</sup> Ver. 15.    <sup>5</sup> Ver. 21.    <sup>8</sup> Ver. 28.  
<sup>4</sup> Ver. 8; Leviticus xxvii. 11, 14;    <sup>10</sup> 1 Chron. xxiii. 3.  
 Num. xviii. 8.

very reckoning, had as much as three or four thousand others of the clergy to live upon.

Over and besides all this, lest the priests of Egypt, holding lands<sup>1</sup>, should seem in that respect better provided for than the priests of the true God, it pleased him further to appoint unto them<sup>2</sup> forty and eight whole cities with territories of land adjoining, to hold as their own free inheritance for ever. For to the end they might have all kind of encouragement, not only to do what they ought, but to take pleasure in that they did; albeit they were expressly forbidden<sup>3</sup> to have any part of the land of Canaan laid out whole to themselves, by themselves, in such sort as the rest of the tribes had; forasmuch as the will of God was rather that they should throughout all tribes be dispersed, for the easier access of the people unto knowledge; yet were they not barred altogether to hold a land [hold land?], nor yet otherwise the worse provided for, in respect of that former restraint<sup>4</sup>; for God by way of special preeminence undertook to feed them at his own table, and out of his own proper treasury to maintain them, that want and penury they might never feel, except God himself did first receive injury.

[5] A thing most worthy our consideration is the wisdom of God herein; for the common sort being prone unto envy and murmur, little considereth of what necessity, use and importance the sacred duties of the clergy are, and for that cause hardly yieldeth them any such honour without repining and grudging thereat; they cannot brook it, that when they have laboured and come to reap, there should so great a portion go out of the fruit of their labours, and be yielded up unto such as sweat not for it. But when the Lord doth challenge this as his own due, and require it to be done by way of homage unto him, whose mere liberality and goodness had raised them from a poor and servile estate, to place them where they had all those ample and rich possessions; they must be worse than brute beasts if they would storm at any thing which he did receive at their hands. And for him to bestow his own on his own servants (which liberty is not denied unto the meanest of men), what man liveth that can think it other than most

<sup>1</sup> Gen. xvii. 22.  
<sup>2</sup> Num. xxxv. 7.

<sup>3</sup> Josh. xiv. 4.  
<sup>4</sup> Deut. xviii. 2; Lev. xxv. 33, 34.

<sup>5</sup> [No corrected, ed. 1576, 1682.]

294 *Tithes, viewed as God's own, became less burthensome.*

BOOK VII.  
CH. XXII. 6.  
reasonable? Wherefore no cause there was, why that which the clergy had should in any man's eye seem too much, unless God himself were thought to be of an over-having disposition. <sup>1</sup>This is the mark wherewith all those speeches drive, "Levi hath no part nor inheritance with his brethren, the Lord is his inheritance;" again, <sup>2</sup>"To the tribe of Levi he gave no inheritance, the sacrifices of the Lord God of Israel an inheritance of Levi;" again, <sup>3</sup>"The tithes of the which they shall offer as an offering unto the Lord, I have given the Levites for an inheritance;" and again, <sup>4</sup>"All the heave offerings of the holy things which the children of Israel shall offer unto the Lord, I have given thee, and thy sons and thy daughters with thee, to be a duty for ever; it is a perpetual covenant of salt before the Lord."

[6.] Now that if such provision be possible to be made, the Christian clergy ought not herein to be inferior unto the Jewish, what sounder proof than the Apostle's own kind of argument? <sup>5</sup>"Do ye not know that they which minister about the holy things eat of the things of the temple? and they which wait at the altar are partakers with the altar? so, even as, hath the Lord ordained that they which preach the gospel should live of the gospel." Upon which words I thus conclude, that if the people of God do abound, and abounding can so far forth find in their hearts to shew themselves towards Christ their Saviour thankful as to honour him with their riches (which no law of God or nature forbiddeth) no less than the ancient Jewish people did honour God; the plain ordinance of Christ appointeth as large and as ample proportion out of his own treasure unto them that serve him in the gospel as ever the priests of the law did enjoy. What further proof can we desire? It is the blessed Apostle's testimony, That "even so the Lord hath ordained." Yea, I know not whether it be sound to interpret the Apostle otherwise than that, whereas he judgeth<sup>6</sup> the presbyters "which rule well in the Church of Christ to be worthy of double honour," he means double unto that which the priests of the law received; <sup>7</sup>"For

<sup>1</sup> Deut. x. 9.<sup>2</sup> Josh. xiii. 14.<sup>3</sup> Num. xviii. 24.<sup>4</sup> Ver. 19.<sup>5</sup> 1 Cor. ix. 13.<sup>6</sup> 1 Tim. v. 17.<sup>7</sup> 2 Cor. iii. 7, & Vide [Tho. Aquin.] 2<sup>a</sup>. 2. 3. c. secunda Summ.

"if that ministry which was of the letter were so glorious, BOOK VII.  
 "how shall not the ministry of the spirit be more glorious?" Ch. xxiii. 2, 4.  
 If the teachers of the Law of Moses, which God delivered  
 written with letters in tables of stone, were thought worthy  
 of so great honour, how shall not the teachers of the gospel of  
 Christ be in his sight most worthy, the Holy Ghost being  
 sent from heaven to engrave the gospel on their hearts who  
 first taught it, and whose successors they that teach it at this  
 day are? So that according to the ordinance of God himself,  
 their estate for worldly maintenance ought to be no worse  
 than is granted unto other sorts of men, each according to  
 that degree they were placed in.

[7.] Neither are we so to judge of their worldly condition,  
 as if they were servants of men, and at men's hands did  
 receive those earthly benefits by way of stipend in lieu of  
 pains whereunto they are hired; nay, that which is paid  
 unto them is homage and tribute due unto the Lord Christ.  
 His servants they are, and from him they receive such goods  
 by way of stipend. Not so from men: for at the hands of  
 men, he himself being honoured with such things, hath  
 appointed his servants therewith according to their several  
 degrees and places to be maintained. And for their greater  
 encouragement who are his labourers he hath to their comfort  
 assured them for ever, that they are in his estimation  
 "worthy the hire" which he alloweth them; and therefore  
 if men should withdraw from him the store which those his  
 servants that labour in his work are maintained with, yet he  
 in his word shall be found everlastingly true, their labour in  
 the Lord shall not be forgotten; the hire he accounteth  
 them worthy of, they shall surely have either one way or  
 other answered.

[8.] In the prime of the Christian world, that which was

Theol. pars ii.] qu. 77. [82.] art. 1.  
 [10] Utrum homines teneantur dare  
 "decimas ex necessitate precepti."  
 ... Respons. ad 1. [10] Determinatio  
 "decime partis solvende est autho-  
 "ritate ecclesie tempore non ex legis  
 "instituta, secundum quandam hu-  
 "manitatem, ut scilicet non minus  
 "populus nove legis ministris novi  
 "testamenti exhiberet, quam popu-  
 "lus veteris testamenti exhibebat;  
 "cum tamen populus nove legis ad  
 "magis obligetur, secundum illud  
 "Matth. v. 'Nisi abundaverit, &c. ;  
 "et cum ministri novi testamenti  
 "sint majoris dignitatis quam mi-  
 "nistri veteris testamenti, ut probat  
 "Apostolus 2 ad Corinth. iii. 6. fol.  
 209, ed. Venet. 1593.]  
 [11] Tim. v. 18.



BOOK VII.  
Ch. viii. 9

brought and laid down at the Apostles' feet<sup>1</sup>, they disposed of by distribution according to the exigence of each man's need. Neither can we think that they who out of Christ's treasury made provision for all others, were careless to furnish the clergy with all things fit and convenient for their estate: and as themselves were chiefest in place of authority and calling, so no man doubteth but that proportionably they had power to use the same for their own decent maintenance. The Apostles with the rest of the clergy in Jerusalem lived at that time according to the manner of a fellowship or collegiate society, maintaining themselves and the poor of the Church with a common purse, the rest of the faithful keeping that purse continually stored. And in that sense it is that the sacred history saith<sup>2</sup>, "All which believed were in one place, and had all things common." In the histories of the Church, and in the writings of the ancient Fathers for some hundreds of years after, we find no other way for the maintenance of the clergy but only this, the treasury of Jesus Christ furnished through men's devotion, bestowing sometimes goods, sometimes lands that way, and out of his treasury the charge of the service of God was defrayed, the bishop and the clergy under him maintained, the poor in their necessity ministered unto. For which purpose, every bishop had some one of the presbyters under him to be "treasurer of the church, to receive, keep, and deliver all; which office in churches cathedral remaineth even till this day, albeit the use thereof be not altogether so large now as heretofore.

[9.] The disposition of these goods was by the appointment of the bishop. Wherefore Prosper<sup>3</sup> speaking of the bishop's care herein saith, "It was necessary for one to be "troubled therewith, to the end that the rest under him

<sup>1</sup> Acts iv. 35.  
<sup>2</sup> Acts ii. 44.  
<sup>3</sup> Dispenso. ["Dispensator;" so called by] Prosper [Julianus Pomerius #495.] de Vita Contempl. l. ii. c. 12. [in Bibl. Patr. Colon. l. v. part. iii. p. 64.] ["Econ." ["Economus"] L. 14. C. de sacr. Eccles. [Cod. Justin. lib. i. tit. 2. lex. 14.] et Novei. vii. in princip. [sive dispensatorum . . . sive dispensator, dispensator . . .] Δικαστήν ἐκωνομίας ἐπιπέποντα δεσποζοντα.]  
<sup>4</sup> Prosp. de Vita Contempl. l. ii. c. 16. [p. 65. "Ut uno sollicitudines omnium in sua societate viventium sustinente, omnes, qui sub eo sunt, fructuosa vacatione potiantur spiritualiter et quiete . . ."]  
<sup>5</sup> Etiam in hoc Deo serviunt, quia "si Dei sunt ea que conferuntur ecclesie, Dei ipsi agunt, qui res Deo consecratas non alicujus cupiditatis, sed fidelissimæ dispensationis intentione non deserunt."

"might be the freer to attend quietly their spiritual businesses." And lest any man should imagine that bishops by this means were hindered themselves from attending the service of God, "Even herein," saith he, "they do God service; for if those things which are bestowed on the Church be God's, he doth the work of God, who not of a covetous mind, but with purpose of most faithful administration, "taketh care of things consecrated unto God."

And forasmuch as the presbyters of every church could not all live with the bishop, partly for that their number was great, and partly because the people being once divided into parishes, such presbyters as had severally charge of them were by that mean more conveniently to live in the midst each of his own particular flock, therefore a competent number being fed at the same table with the bishop, the rest had their whole allowance apart<sup>1</sup>, which several allowances were called *sportulae*, and they who received them, *sportulantes fratres*.

Touching the bishop, as his place and estate was higher, so likewise the proportion of his charges about himself being for that cause in all equity and reason greater, yet forasmuch as his stint herein was no other than it pleased himself to set, the rest (as the manner of inferiors is to think that they which are over them always have too much) grudged many times at the measure of the bishop's private expense, perhaps not without cause. Howsoever, by this occasion there grew amongst them great heart-burning, quarrel and strife: where the bishops were found culpable, as eating too much beyond their tether, and drawing more to their own private maintenance than the proportion of Christ's patrimony being not greatly abundant could bear, sundry constitutions hereupon were made to moderate the same, according to the Church's condition in

<sup>1</sup> Cypri. l. iv. ep. 5. [34. p. 48. Baluz.] "Presbyterii honorem designasse nos illis jam sciatis, ut et sportulis iisdem cum presbyteris honorentur, et divisiones mensuras aequas quantitibus pariantur, sicuti nobiscum provectis et corroboratis annis suis." Which words of Cyprian do shew, that every presbyter had his standing allowance out of the church-treasury; that besides the same allowance called *gherwila*, some also had their portions in that divided which was the remainder of every month's expense; thirdly, that out of the presbyters under him, the bishop as then had [a] certain number of the gravest, who lived and communed always with him.

those times. Some before they were made bishops having been owners of ample possessions, sold them and gave them away to the poor: thus did Paulinus<sup>1</sup>, Hilary<sup>2</sup>, Cyprian<sup>3</sup>, and sundry others. Hereupon they who entering into the same spiritual and high function held their secular possessions still were hardly thought of: and even when the case was fully resolved, that so to do was not unlawful, yet it grew a question, "whether they lawfully might then take any thing out of the public treasury of Christ:" a question, "whether bishops, holding by civil title sufficient to live of their own, were bound in conscience to leave the goods of the Church altogether to the use of others." Of contentions about these matters there was no end, neither appeared there any possible way for quietness, otherwise than by making partition of church-revenues, according to the several ends and uses for which they did serve, that so the bishop's part might be certain. Such partition being made<sup>4</sup>, the bishop enjoyed

<sup>1</sup> Prop. [v. not. i. p. 296.] de Vita Contemp. l. ii. c. 9. [<sup>1</sup> Ex parte facultates ecclesie possideri, et amosere per sectionis proprias contemni. Non enim propria sunt, sed communes ecclesie facultates, et ideo quisquis omnibus que habuit dimissis aut venditis fit rei sue contemptor, cum propositus fuerit sancte ecclesie, omnium que habuit ecclesia efficitur dispensator. Deinde Sanctus Paulinus, ut ipsi melius nostis, ingentia preda, que fuerunt sua, vendita pauperibus erogavit; sed cum postea factus esset episcopus, non contempnit ecclesie facultates, sed fidelissime dispensavit. Quo facto satis ostendit, et propria debere propter perfectionem contemni, et sine impedimento perfectionis posse que sunt communia ecclesie possideri.]

<sup>2</sup> Ibid. "Quid S. Hilarius? nonne et ipse omnia bona sua aut parentibus reliquit, aut vendita pauperibus erogavit? Is tamen cum merito perfectionis sue ferret ecclesie Arelatenus episcopus, quod illa tunc habebat ecclesia non solum possedit, sed etiam accepta fidelium numerosa hereditatibus amplavit. Isti ergo tam sancti tam perfecti pontifices

facis evidentibus clamant, posse et debere fieri quod fecerunt. Qui utique homines tam secularium quam divinarum litterarum sine ambiguisse doctissimos, si scirent res ecclesie debere contemni, nunquam ea debuissent, qui omnia sua reliquerant, retinere. Unde datur intelligi, quod tales ac tanti viri, (qui volentes esse Christi discipuli renuncia-verunt omnibus que habebant non ut possessores sed ut procuratores facultates ecclesie possidebant.)"

<sup>3</sup> Pont. Diacon. in vita Cypri. Statim rapuit quod invenit promerendo Deo profuturum. Distractis rebus suis ad indigentiam pauperum sustentandam, tota preda pretio dispensata, duo bona simul junxit, ut et ambitionem sacri sperneret, qua perniciosis, nihil est; et misericordiam, quam Deus etiam sacrificiis suis praeferit, quam sec ille qui legis omnia mandata servasse se dixerat, fecit implere." col. cxxvi. ed. Baluz.

<sup>4</sup> [Capitul. Hincmar. Archiepisc. Remens. A. D. 852. series ii. cap. xvi. Concil. Hard. t. v. 96. "Ut ea decimis a portione fiant juxta institutionem canonicam . . . et ut de duabus portionibus, ecclesie et

his portion several to himself; the rest of the clergy likewise theirs; a third part was severed to the furnishing and upholding of the church; a fourth to the erection and maintenance of houses wherein the poor might have relief. After which separation made, lands and livings began every day to be dedicated unto each use severally, by means whereof every of them became in short time much greater than they had been for worldly maintenance, the fervent devotion of men being glad that this new opportunity was given of shewing zeal to the house of God in more certain order.

[10.] By these things it plainly appeareth what proportion of maintenance hath been ever thought reasonable for a bishop; sith in that very partition agreed on to bring him unto his certain stint, as much is allowed unto him alone as unto all the clergy under him, namely, a fourth part of the whole yearly rents and revenues of the church. Nor is it likely, that before those temporalities which now are such eyesores were added unto the honour of bishops, their state was so mean as some imagine: for if we had no other evidence than the covetous and ambitious humour of heretics, whose impotent desires of aspiring thereunto, and extreme discontentment as oft as they were defeated, even this doth shew that the state of bishops was not a few degrees advanced above the rest. Wherefore of grand apostates which were in the very prime of the primitive Church, thus Lactantius above thirteen hundred years sithence testified, "Men of a slippery faith

BOOK VII.  
Ch. xxiii. 19.

"episcopi, ratio reddatur per singulos annos, quid inde profecerit in ecclesia." Conc. Nannet. temp. incert. can. x. "Instruendi sunt presbyteri pariterque admonendi quatenus noverint decimas et oblationes, quas a fidelibus accipiunt, pauperum et hospitiū et peregrinorum esse stipendia, et non quasi suis sed quasi commendatis uti. . . . Quales vero dispensari debeant canones sancti institunt; sc. ut a partes inde fiant; una ad fabricam ecclesie relevandam, altera pauperibus distribuenda, tertia presbytero cum suis clericis habenda, quarta episcopo reservanda, ut quicquid evadit junserit profecti consilio fiat." t. vi. pars i.

459. The "Exceptiones" of Egbert, archbishop of York, A.D. 747. (t. iii. 1962.), the Canons of Charlemagne, cap. vii. (t. iv. 958.) those of Alfred, can. xxiv. (vi. pars i. 982.); and those of a bishop of Basle, (can. xv. ib. 1243.) recognise a threefold division, considering the bishop's portion and that of his clergy as one. The latter refers to 9 Conc. Tolet. can. vi. A. D. 655; which speaks of the bishop's third as a received institution. (t. iii. 974.)

[So the word stands in E. (Gassendi's ed.) It should be "these," or some equivalent word.]

<sup>2</sup> Lact. de Vera Sap. lib. iv. c. 30. [<sup>3</sup> Il, quorum fides fuit fabrica, cum Deum nosse se et colere si-



other having with them any such common interest therein, their own discretion is to be their law for this matter; neither are they to be pressed with the rigour of such ancient canons as were framed for other times, much less so odiously to be upbraided with unconformity unto the pattern of our Lord and Saviour's estate, in such circumstances as himself did never mind to require that the rest of the world should of necessity be like him. Thus against the wealth of the clergy they allege<sup>1</sup> how meanly Christ himself was provided for; against bishops' palaces<sup>2</sup>, his want of a hole to hide his head in; against the service done unto them, that "he came to minister, not to be ministered unto in the world<sup>3</sup>." Which things, as they are not unfit to control covetous, proud or ambitious desires of the ministers of Christ, and even of all Christians, whatsoever they be; and to teach men contentment of mind, how mean soever their estate is, considering that they are but servants to him, whose condition was far more abased than theirs is, or can be; so to prove such difference in state between us and him unlawful, they are of no force or strength at all. If one convented before their consistories, when he standeth to make his answer, should break out into invectives against their authority, and tell them that Christ, when he was on earth, did not sit to judge, but stand to be judged; would they hereupon think it requisite

BOOK VII.  
Ch. XVII. 11.

<sup>1</sup> [Wicliff. Trial. iv. 16. fol. 127. "Non vult negare, quia oportet annos fideles sequi Christum in moribus. Fatet quod in gradu suo oportet clericos specialiter in paupertate humiliter sequi ipsum." Petry. Humble Motion, p. 108. (1590.) "As touching the lord bishops and great clergymen, which have so laden themselves with thick clay, that they have much ado to get up into the pulpit of God; do they not know that it is their duty, that they may please Him who hath chosen them to be soldiers, not to entangle themselves with the affairs of this life, and that they ought for the peace and wealth of the Church to follow the example of their Lord and Master, &c. . . . then is it a small matter for them to leave their

"thousands and be content with their hundreds."]

<sup>2</sup> [Wicliff. fol. 126. "Christus dicit Matth. 8. 'Quod filius hominis non habet,' &c. hoc est, non habet humanum sordidum

"et proprietarie dominando. Qua ergo fronte episcopi nostri cesarii

"audient in dominio civili se sic extollere super Christum?"]

<sup>3</sup> ["Disputant, aliam hujus temporis sub Christi Evangelio esse

"rationem, ac olim fuit sub lege

"Mosaica: divites et honores Deum precibus induisse sacerdotibus, at

"Evangelii ministros pauperes et inglorios vivere oportere, ad Christi

"Servitoris nostri exemplum et

"Apostolorum." Saravia, de Hon. Presul. et Presbyteris debito, c. 4.

Vid. Wicliff. ubi sup.]

BOOK VII. to dissolve their eldership, and to permit no tribunals, no  
CH. XXXV. 1, 2 judges at all, for fear of swerving from our Saviour's example?  
 If those men, who have nothing in their mouths more usual  
 than the Poverty of Jesus Christ and his Apostles, allege not  
 this as Julian sometime did *Beati pauperes*<sup>1</sup> unto Christians,  
 when his meaning was to spoil them of that they had; our  
 hope is then, that as they seriously and sincerely wish that  
 our Saviour Christ in this point may be followed, and to that  
 end only propose his blessed example; so at our hands again  
 they will be content to hear with like willingness the holy  
 Apostle's exhortation made unto them of the laity also<sup>2</sup>,  
 "Be ye followers of us, even as we are of Christ; let us be  
 "your example, even as the Lord Jesus Christ is ours, that we  
 "may all proceed<sup>3</sup> by one and the same rule."

That for  
 their un-  
 worthiness  
 to deserve  
 both them  
 and their  
 sacraments  
 of such  
 goods, and  
 to convey  
 the same  
 unto men  
 of secular  
 calling,  
 were ex-  
 treme va-  
 eritious  
 injustice.

XXIV. But beware we of following Christ as thieves follow  
 true men, to take their goods by violence from them. Be it  
 that bishops were all unworthy, not only of living, but even of  
 life, yet what hath our Lord Jesus Christ deserved, for which  
 men should judge him worthy to have the things that are his  
 given away from him unto others that have no right unto  
 them? For at this mark it is that the head lay-reformers do  
 all aim. Must these unworthy prelates give place? What  
 then? Shall better succeed in their rooms? Is this desired, to  
 the end that others may enjoy their honours, which shall do  
 Christ more faithful service than they have done? Bishops  
 are the worst men living upon earth; therefore let their  
 sanctified possessions be divided: amongst whom? O blessed  
 reformation! O happy men, that put to their helping hands  
 for the furtherance of so good and glorious a work!

[1.] Wherefore albeit the whole world at this day do already  
 perceive, and posterity be like hereafter a great deal more  
 plainly to discern, not that the clergy of God is thus heaved  
 at because they are wicked, but that means are used to put  
 it into the heads of the simple multitude that they are such  
 indeed, to the end that those who thirst for the spoil of  
 spiritual possessions may till such time as they have their

<sup>1</sup> [*Sarcasmus est Juliani Apo-* "ipsum esse pauperes oportere, ad  
 "state et justum Christiane re-  
 "ligionis, depraedatis ecclesiarum  
 "regibus, doctoribus et pastoribus  
 "ecclesiarum insultare, ac dicere  
 "Christi Servatoris et Apostolorum  
 "ipsius exemplum." *Sat. de Hon.*  
*Frans. &c. c. 5. p. 90.*] <sup>2</sup> Phil. iii. 16.  
<sup>3</sup> 1 Cor. xi. 1.





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Ch. 661-4

hearts, and walk in the paths of a most exact life. Whether it were covetousness or sensuality in their lives, absurdity or error in their teaching; any breach of the laws and canons of the Church wherein he espied them faulty, certain and sure they were to be thereof most plainly told. Which thing they whose dealings were justly culpable could not bear; but instead of amending their faults bent their hatred against him who sought their amendment, till at length they drove him by extremity of infestation, through weariness of striving against their injuries, to leave both them and with them the Church.

Amongst the manifold accusations, either generally intended against the bishops of this our Church, or laid particularly to the charge of any of them, I cannot find that hitherto their spitefullest adversaries have been able to say justly, that any man for telling them their personal faults in good and Christian sort hath sustained in that respect much persecution. Wherefore notwithstanding mine own inferior estate and calling in God's Church, the consideration whereof assureth me, that in this kind the sweetest sacrifice which I can offer unto Christ is meek obedience, reverence and awe unto the prelates which he hath placed in seats of higher authority over me, emboldened I am, so far as may conveniently stand with that duty of humble subjection, meekly to crave, my good lords, your favourable pardon, if it shall seem a fault thus far to presume; or if otherwise, your wonted courteous acceptation.

—*See me hæc hæud mollia fæta*  
"Sublatis aperire dolis." *Æneid. lib. xii. [25.]*

[4.] First, In government, be it of what kind soever, but especially if it be such kind of government as prelates have over the Church, there is not one thing publicly more hurtful than that an hard opinion should be conceived of governors at the first: and a good opinion how should the world ever conceive of them for their after-proceedings in regiment, whose first access and entrance thereunto giveth just occasion to think them corrupt men, which fear not that God in whose name they are to rule? Wherefore a scandalous thing it is to the Church of God, and to the actors themselves dangerous, to have aspired unto rooms of prelacy by wicked means. We are not at this day troubled much with that tumultuous kind

of ambition wherewith the elections of Damasus<sup>1</sup> in St. Jerome's age, and of Maximus in Gregory's<sup>2</sup> time, and of others, were long sithence stained. Our greatest fear is rather the evil which Leo<sup>3</sup> and Anthemius did by imperial constitution endeavour as much as in them lay to prevent. He which granteth, or he which receiveth the office and dignity of a bishop, otherwise than becometh a thing divine and most holy; he which bestoweth, and he which obtaineth it after any other sort than were honest and lawful to use, if our Lord Jesus Christ were present himself on earth to bestow it even with his own hands, sinneth a sin by so much more grievous than the sin of Belshazzar, by how much offices and functions heavenly are more precious than the meanest ornaments or implements which thereunto appertain. If it be as the Apostle saith, that the Holy Ghost doth make bishops, and that the whole action of making them is God's own deed, men being therein but his agents; what spark of the fear of God can there possibly remain in their hearts, who representing the person of God in naming worthy men to ecclesiastical charge, do sell that which in his name they are to bestow; or who standing as it were at the throne of the living God do bargain for that which at his hands they are to receive? Woe worth such impious and irreligious profanations! The Church of Christ hath been hereby made, not "a den of thieves," but in a manner the very dwelling-place of foul spirits; for undoubtedly such a

<sup>1</sup> Ammian. Marcel. lib. xxvii. [c. iii. (A. D. 307.) "Damasus et Ursinus [Ursicinus] supra humanum modum ad rapiendam episcopatus sedem ardentes, actibus studiis ac peritine conflabantur, adusque mortis vulnerumque discrimina adiumentis utriusque progressis... constatque in basilica Sicinini, ubi ritum Christiani est conventiculum, uno die cxxxvii. reperta cadavera peremptorum; efferatamque die plebem agere postea delentiam." p. 480. ed. Vales.]  
<sup>2</sup> Vide in Vita Greg. Nat. [p. 22. prefix. ed. Par. 1630.]  
<sup>3</sup> "Nemo gradum sacerdotii pretio venalitate mercatur; quantum quisque mereatur, non quantum dare sufficiat, aestimetur. Profecto

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"enim, quis locus totus et que causa esse poterit excusata, si veneranda Dei templa pecuniis expugnentur?"  
 "Quem morum integritatis aut valium [fidei] providimus, si auri sacra fames in penetralia veneranda proserpat? quid desique cautum esse poterit aut securum, si sanctitas incorrumpta corrumpatur?"  
 "Cesset altaribus immisere profanus avaritiam, et a sacra adytis repellatur piaculare flagitium. Itaque castus et humilis nostris temporibus eligatur episcopus, ut quocumque locum pervenerit, omnia vite proprietate purificet. Nec pretio vendi precibus ordinetur auctoritas." [Cod. Just. lib. i. tit. 3. lex 31.]

BOOK VII. number of them have been in all ages who thus have climbed  
Ch. 200-5.  
5, 7.  
 ----- into seat of episcopal regiment.

[5.] Secondly, Men may by orderly means be invested with spiritual authority and yet do harm by reason of ignorance how to use it to the good of the Church. "It is," saith Chrysostom, "παλλὰ μὲν ἀξιωμασι, δύσκολον δὲ ἐπιτελεῖν; a thing highly to be accounted of, but an hard thing, to be that which a bishop should be." Yea a hard and a toilsome thing it is for a bishop to know the things that belong unto a bishop. A right good man may be a very unfit magistrate. And for discharge of a bishop's office, to be well-minded is not enough, no not to be well learned also. Skill to instruct is a thing necessary, skill to govern much more necessary in a bishop. It is not safe for the Church of Christ, when bishops learn what belongeth unto government, as empirics learn physic by killing of the sick. Bishops were wont to be men of great learning in the laws both civil and of the Church; and while they were so, the wisest men in the land for counsel and government were bishops.

[6.] Thirdly, Know we never so well what belongeth unto a charge of so great moment, yet can we not therein proceed but with hazard of public detriment, if we rely on ourselves alone, and use not the benefit of conference with others. A singular mean to unity and concord amongst themselves, a marvellous help unto uniformity in their dealings, no small addition of weight and credit unto that which they do, a strong bridle unto such as watch for occasions to stir against them, finally, a very great stay unto all that are under their government, it could not choose but be soon found, if bishops did often and seriously use the help of mutual consultation.

[7.] These three rehearsed are things only preparatory unto the course of episcopal proceedings. But the hurt is more manifestly seen which doth grow to the Church of God by faults inherent in their several actions, as when they carelessly ordain, when they institute negligently, when corruptly they bestow church-livings, benefices, prebends, and rooms especially of jurisdiction, when they visit for gain's sake rather than with serious intent to do good, when their courts erected for the maintenance of good order, are disordered, when they regard not the clergy under them, when neither clergy nor laity are kept in that awe for which this authority should serve,

when any thing appeareth in them rather than a fatherly affection towards the flock of Christ, when they have no respect to posterity, and finally when they neglect the true and requisite means whereby their authority should be upheld. Surely the hurt which groweth out of these defects must needs be exceeding great. In a minister, ignorance and disability to teach is a main; nor is it held a thing allowable to ordain such, were it not for the avoiding of a greater evil which the church must needs sustain, if in so great scarcity of able men, and unsufficiency of most parishes throughout the land to maintain them, both public prayer and the administration of sacraments should rather want, than any man thereunto be admitted lacking dexterity and skill to perform that which otherwise was most requisite. Wherefore the necessity of ordaining such is no excuse for the rash and careless ordaining of every one that hath but a friend to bestow some two or three words of ordinary commendation in his behalf. By reason whereof the Church groweth burdened with silly creatures more than need, whose noted baseness and insufficiency bringeth their very order itself into contempt<sup>1</sup>.

It may be that the fear of a *Quare impedit*? doth cause institutions to pass more easily than otherwise they would<sup>2</sup>.

<sup>1</sup> [Dr. Bridges, Def. of the Government, Sc. p. 488, takes notice of a similar oversight: "With dutiful submission to their authority, we wish that some even of our bishops had been so careful in this long time that they had not admitted some though prettily learned yet too headstrong and newfangled ministers, that since they have entered into the ministry, forgetting the oath of their canonical obedience to their bishops, and of their loyal obedience to their prince, have, and do make, all, or the most part, of these sins. But their carelessness in admitting such, hath been since meetly well punished by these their disobedient and unthankful children. And some also they have admitted into this function too unlearned (we confess) and unworthy ministers, and so are not altogether clear of maintaining the continual nurseries of ignorance and igno-

BOOK VII.  
Ch. xiv. 3.  
— 22 —

rant pastors. Yet neither have they been maintained, but greatly rebuked, for their so careless doing, and thereupon laws and provisions have been made, and stand in force, to repress such unlearned ministers, and the makers of them."

<sup>2</sup> [Gibson, Codes, 754, note. This writ lies, when one hath an advowson, and the parson dies, and another presents a clerk, or disturbs the rightful patron in present. He gives the form of the writ.]

<sup>3</sup> [Ips. Cooper, Adm. p. 147. "As for the corruption in bestowing other meaner livings, the chief fault thereof is in patrons themselves. For it is the usual manner of the most part of these I speak of too good experience; though they may have good store of able men in the Universities, yet if an ambitious or greedy minister come not unto them to use for the bene-

BOOK VII. And to speak plainly the very truth, it may be that writs of  
 CH. 800. A. *Quare non impedit* were for these times most necessary in the  
 other's place: yet where law will not suffer men to follow  
 their own judgment, to shew their judgment they are not  
 hindered. And I doubt not but that even conscienceless and  
 wicked patrons, of which sort the swarms are too great in the  
 church of England, are the more emboldened to present unto  
 bishops any refuse, by finding so easy acceptation thereof.  
 Somewhat they might redress this sore, notwithstanding so  
 strong impediments, if it did plainly appear that they took it  
 indeed to heart, and were not in a manner contented with it.

[8.] Shall we look for care in admitting whom others  
 present, if that which some of yourselves confer be at any  
 time corruptly bestowed? A foul and an ugly kind of de-  
 formity it hath, if a man do but think what it is for a bishop  
 to draw commodity and gain from those things whereof he is  
 left a free bestower, and that in trust, without any other  
 obligation than his sacred order only, and that religious  
 integrity which hath been presumed on in him. Simonical  
 corruption I may not for honour's sake suspect to be amongst  
 men of so great place. So often they do not I trust offend  
 by sale, as by unadvised gift of such preferments, wherein  
 that ancient canon<sup>1</sup> should specially be remembered, which  
 forbiddeth a bishop to be led by human affection in bestow-  
 ing the things of God. A fault no where so hurtful, as in  
 bestowing places of jurisdiction, and in furnishing cathedral  
 churches, the prebendaries and other dignities whereof are  
 the very true successors of those ancient presbyters which

"fire, if there be an insufficient  
 "man, or a corrupt person within  
 "two shires of them, whom they  
 "think they can draw to any com-  
 "position for their own benefit, they  
 "will by one means or other find  
 "him out. And if the bishop shall  
 "make courtesy to admit him, some  
 "such shift shall be found by the  
 "law, either by *Quare impedit* or  
 "otherwise, that whether the bishop  
 "will or no, he shall be shifted into  
 "the benefice. I know some bishops  
 "unto whom such suits against the  
 "patrons have been more charge-  
 "able in one year, than they have  
 "gained by all the benefices they  
 "have bestowed since they were  
 "bishops, or I think will do while  
 "they be bishops."]  
<sup>1</sup> Can. Apont. 76. [ap. Beveridge,  
 Synodicon, l. 50. Οὐ γὰρ ἐπιτρέψεται  
 τῷ ἐπίσκοπῳ, ἢ τῷ κληρῷ, ἢ ἑτέρῳ συγ-  
 γρητῇ παραίτατον εἰς τὸ δόγμα τῆς  
 ἐκκλησίας χειροτονίᾳ ἢ διακονίᾳ  
 εἰ μὴ ἐπιτρέψῃ τὸν ἐπιπέμποντα πρὸς  
 τὸν θεὸν ἑκτελεῖν τὴν χειροτονίαν  
 ἀφ' αὐτοῦ νόμου· εἰ δὲ τὸν νόμον παρ-  
 ούσιν, ἕτοιμος αὐτῷ εἶναι ἢ χειροτονίᾳ  
 αὐτοῦ δι' ἐπιπέμπου ἀφαιρητῆρος.]



were at the first as counsellors unto bishops. A foul abuse it is, that any one man should be loaded as some are with livings in this kind, yea some even of them who condemn utterly the granting of any two benefices unto the same man, whereas the other is in truth a matter of far greater sequel, as experience would soon shew, if churches cathedral being furnished with the residence of a competent number of virtuous, grave, wise and learned divines, the rest of the prebends of every such church were given within the diocess unto men of worthiest desert, for their better encouragement unto industry and travel; unless it seem also convenient to extend the benefit of them unto the learned in universities, and men of special employment otherwise in the affairs of the Church of God. But howsoever, surely with the public good of the Church it will hardly stand, that in any one person such favours be more multiplied than law permitteth in those livings which are with cure.

[9.] Touching bishops' visitations, the first institution of them was profitable, to the end that the state and condition of churches being known, there might be for evils growing convenient remedies provided in due time. The observation of church laws, the correction of faults in the service of God and manners of men, these are things that visitors should seek. When these things are inquired of formally, and but for custom's sake, fees and pensions being the only thing which is sought, and little else done by visitations; we are not to marvel if the baseness of the end doth make the action itself loathsome. The good which bishops may do not only by these visitations belonging ordinarily to their office, but also in respect of that power which the founders of colleges have given them of special trust, charging even fearfully their consciences therewith: the good, I say, which they might do by this their authority, both within their own diocess, and in the well-springs themselves, the universities, is plainly such as cannot choose but add weight to their heavy accounts in that dreadful day if they do it not.

[10.] In their courts, where nothing but singular integrity and justice should prevail, if palpable and gross corruptions be found, by reason of offices so often granted unto men who seek nothing but their own gain, and make no account what disgrace doth grow by their unjust dealings unto them under

BOOK VII.  
CH. XXIV. §  
25.  
—

BOOK VII. whom they deal, the evil hereof shall work more than they  
 CH. XXV. 14. which procure it do perhaps imagine.  
 15. 16.

[11.] At the hands of a bishop the first thing looked for is a care of the clergy under him, a care that in doing good they may have whatsoever comforts and encouragements his countenance, authority and place may yield. Otherwise what heart shall they have to proceed in their painful course, all sorts of men besides being so ready to malign, despise and every way oppress them? Let them find nothing but disdain in bishops; in the enemies of present government, if that way they list to betake themselves, all kind of favourable and friendly helps; unto which part think we it likely that men having wit, courage and stomach, will incline?

As great a fault is the want of severity when need requireth, as of kindness and courtesy in bishops. But touching this, what with ill usage of their power amongst the meaner, and what with disusage amongst the higher sort, they are in the eyes of both sorts as bees that have lost their sting. It is a long time sithence any great one hath felt, or almost any one much feared the edge of that ecclesiastical severity, which sometime held lords and dukes in a more religious awe than now the meanest are able to be kept.

[12.] A bishop, in whom there did plainly appear the marks and tokens of a fatherly affection towards them that are under his charge, what good might he do ten thousand ways more than any man knows how to set down? But the souls of men are not loved, that which Christ shed his blood for is not esteemed precious. This is the very root, the fountain of all negligence in church-government.

[13.] Most wretched are the terms of men's estate when once they are at a point of wretchedness so extreme, that they bend not their wits any further than only to shift out the present time, never regarding what shall become of their successors after them. Had our predecessors so loosely cast off from them all care and respect to posterity, a Church Christian there had not been about the regiment whereof we should need at this day to strive. It was the barbarous affection of Nero<sup>1</sup>, that the ruin of his own imperial seat he could have been well enough contented to see, in case he

<sup>1</sup> [Sueton. Nero. c. 15.]

might also have seen it accompanied with the fall of the whole world: an affection not more intolerable than theirs, who care not to overthrow all posterity, so they may purchase a few days of ignominious safety unto themselves and their present estates; if it may be termed a safety which tendeth so fast unto their very overthrow that are the purchasers of it in so vile and base manner. Men whom it standeth upon to uphold a reverend estimation of themselves in the minds of others, without which the very best things they do are hardly able to escape disgrace, must before it be over late remember how much easier it is to retain credit once gotten, than to recover it being lost. The executors of bishops are sued if their mansion-house be suffered to go to decay: but whom shall their successors sue for the dilapidations which they make of that credit, the unrepaid diminutions whereof will in time bring to pass, that they which would most do good in that calling shall not be able, by reason of prejudice generally settled in the minds of all sorts against them?

[14.] By what means their estimation hath hitherto decayed, it is no hard thing to discern. Herod and Archelaus are noted<sup>1</sup> to have sought out purposely the dullest and most ignoble that could be found amongst the people, preferring such to the high priest's office, thereby to abate the great opinion which the multitude had of that order, and to procure a more expedite course for their own wicked counsels, whereunto they saw the high priests were no small impediment, as long as the common sort did much depend upon them. It may be there hath been partly some show and just suspicion of like practice in some, in procuring the undeserved preferments of some unworthy persons, the very cause of

<sup>1</sup> Egiptus. l. ii. c. 12. [Naetas  
 "ignis Herodes regnum, quod a  
 "Romanis pro oppugnatione vel pro-  
 "fite patrie mercede acceperat, in  
 "locum Antigonis . . . substituit suc-  
 "cessores in sacerdotium, non Asa-  
 "monai generis, quos clarioris fuisse  
 "promaque acceptos, sed ignobiles  
 "quosque quos aut libido aut casus

<sup>2</sup> [I. e. *Hieroglyphi* (or *hieroglyphi*), *de Rebus Judaicis*: a compilation from Josephus in Latin, and in some MSS. ascribed to S. Ambrose. It was printed several times in the sixteenth century, from 1554 to 1582, and by Heiser, Marburg, 1884. Vid. *Cave, Hist. Lit.* i. 116; *Cullinet*, li. 2. § 5; *Weiss in Elzev. Crit.* 1856.

dedisset . . . In huiusmodi ordina-  
 tionibus Archelaus secutus paternae  
 "speciem consuetudinis, angustioris  
 "animo tenuit sententiam: more  
 "quodam merito mortales, ut apud  
 "eos minus suspecta sit ignavia he-  
 "reticorum, quam gratis bonorum." in *Hist. P. Colon.* II. 1003 P.]



BOOK VII. whose advancement hath been principally their unworthiness  
 Ch. XXXV. 15. to be advanced. But neither could this be done altogether  
 without the inexcusable fault of some preferred before, and  
 so oft we cannot imagine it to have been done, that either  
 only or chiefly from thence this decay of their estimation  
 may be thought to grow. Somewhat it is that the malice of  
 their cunning adversaries, but much more which themselves  
 have effected against themselves.

[15.] A bishop's estimation doth grow from the excellency  
 of virtues suitable unto his place. Unto the place of a bishop  
 those high divine virtues are judged suitable, which virtues  
 being not easily found in other sorts of great men, do make  
 him appear so much the greater in whom they are found.  
 Devotion and the feeling sense of religion are not usual in  
 the noblest, wisest, and chiefest personages of state, by reason  
 their wits are so much employed another way, and their  
 minds so seldom conversant in heavenly things. If therefore  
 wherein themselves are defective they see that bishops do  
 blessedly excel, it frameth secretly their hearts to a stooping  
 kind of disposition, clean opposite to contempt. The very  
 countenance of Moses was glorious after that God had con-  
 ferred with him. And where bishops are, the powers and  
 faculties of whose souls God hath possessed, those very  
 actions, the kind whereof is common unto them with other  
 men, have notwithstanding in them a more high and heavenly  
 form, which draweth correspondent estimation unto it, by  
 virtue of that celestial impression, which deep meditation of  
 holy things, and as it were conversation with God doth leave  
 in their minds. So that bishops which will be esteemed of  
 as they ought, must frame themselves to that very pattern  
 from whence those Asian bishops unto whom St. John writeth  
 were denominated, even so far forth as this our frailty will  
 permit; shine they must as angels of God in the midst of  
 perverse men. They are not to look that the world should  
 always carry the affection of Constantine<sup>1</sup>, to bury that

<sup>1</sup> [See Theodorēt. E. H. l. 11. καὶ τὸ βασιλικὸν σκευάσμα, φε-  
 Φλοκαγέλιον· ἔλεος ἑρμηνεύει λαλοῦσα κρυπτόθεν· ἵναται τὸν συμ-  
 νῶν ἀποπέσειν τοῦ, καὶ τὸ βασιλικὸν βασιλῆος ἑρμηνεύει, ναῖται κρυπτοῦ  
 τῆς ἀγγελοῦ καταγγυλῆς ἐπέθετα· παρῶτα αἰνῶν κατέκασται, ἀμαρ-  
 ῆ δὲ πᾶν τὴν γρηγοροῦσι ἰουαῖα καὶ ἡ μετ' αὐτῆς τὴν ἀγγελοῦ κρυπτοῦ  
 ναῖται δεξιῶτα, τὴν δεξιῶν ἐπέθετα ἀγγελοῦται· αὐτὸ γὰρ τὸν κρυπτοῦ τῶν



which might derogate from them, and to cover their imbecilities. More than high time it is that they bethink themselves of the Apostle's admonition, *Attende tibi*<sup>1</sup>, "Have a vigilant eye to thyself." They err if they do not persuade themselves that wheresoever they walk or sit, be it in their churches or in their consistories, abroad and at home, at their tables or in their closets, they are in the midst of snares laid for them. Wherefore as they are with the prophet every one of them to make it their hourly prayer unto God, "Lead me "O Lord in thy righteousness, because of enemies<sup>2</sup>;" so it is not safe for them, no not for a moment, to slacken their industry in seeking every way that estimation which may further their labours unto the Church's good. Absurdity, though but in words, must needs be this way a main, where nothing but wisdom, gravity and judgment is looked for. That which the son of Sirach hath concerning the writings of the old sages, "Wise sentences are found in them<sup>3</sup>," should be the proper mark and character of bishops' speeches, whose lips, as doors, are not to be opened, but for egress of instruction and sound knowledge. If base servility and dejection of mind be ever espied in them, how should men esteem them as worthy the rooms of the great ambassadors of God? A wretched desire to gain by bad and unseemly means standeth not with a mean man's credit, much less with that reputation which Fathers of the Church should be in. But if besides all this there be also coldness in works of piety and charity, utter contempt even of learning itself, no care to further it by any such helps as they easily might and ought to afford, no not as much as that due respect unto their very families about them, which all men that are of account do order as near as they can in such sort that no grievous offensive deformity be therein noted; if there still continue in that most reverend order such as, by so many engines, work day and night to pull down the whole frame of their own

BOOK VII.  
Ch. xxv. 15.

ἰσχυρὸν τὸ ἀκατακτάτου βίβη γίνεσθαι τοῖς πάλαι, ὡς καὶ σαυθάλου κριφου ἀνεύθεο κἀνασσο, ἀδὴν ἀρηγύτου. Φασὶ δὲ αὐτῶν καὶ τοῖς κρησίου, ὡς εἰ ἀνεστέρι ἀνεστέτου γίνασ ἀλλήλοισι δευρίττουτι γίνασο, ἀνακατῶν ὡς τῆ ἀρηγύτου τῶ παρη.

ἐλάσ γινόμενοι, ὡς καὶ μὴ ἀλλήλοισι θεωρίτου τῶ ἀρηγύτου (ὁ φασ.)  
<sup>1</sup> [1. Tim. iv. 16.]  
<sup>2</sup> [Psalm v. 2.]  
<sup>3</sup> [C. xlii. 4. σοφοὶ λόγοι ἐν σοφίᾳ αἰσίου.]





and by want of Allowance for needful Imperfection. 315

"nothing at all sound in any man. Which bitter conceit  
 "is unseemly, and plain to have risen from lack of mature  
 "judgment in human affairs; which if so be we did handle  
 "with art, we would not enter into dealings with men, other-  
 "wise than being beforehand grounded in this persuasion,  
 "that the number of persons notably good or bad is but very  
 "small; that the most part of good have some evil, and of  
 "evil men some good in them." So true our experience doth  
 find those aphorisms of Mercurius Triamegistus<sup>1</sup>, 'Αθέραισε  
 τὸ ἀγαθὸν ἐκ πάντων κακῶν τῆς σαρκός, "to purge goodness  
 "quite and clean from all mixture of evil here is a thing  
 "impossible." Again, Τὸ μὴ ἀγαθὸν καλεῖται τὸ ἀγαθὸν ἐν τῷ  
 "when in this world we term a thing good, we cannot by  
 "exact construction have any other true meaning, than that  
 "the said thing so termed is not noted to be a thing exceed-  
 "ingly evil." And again, Μείνε, ἢ Ἀσκαλίσει, τὸ ἄριστον τοῦ  
 ἀγαθοῦ ἐν ἀδελφότητι, τὸ δὲ ἕγγυς εὐδαίμων, "Amongst men,  
 "O Esculapius, the name of that which is good we find, but  
 "no where the very true thing itself." When we censure  
 the deeds and dealings of our superiors, to bring with us a  
 fore-conceit thus qualified, shall be as well on our part as  
 theirs a thing available unto quietness.

[17.] But howsoever the case doth stand with men's either  
 good or bad quality, the verdict which our Lord and Saviour  
 hath given, should continue for ever sure; "Quæ Dei sunt,  
 "Deo;" let men bear the burden of their own iniquity; as  
 for those things which are God's, let not God be deprived of  
 them. For if only to withhold that which should be given  
 be no better than<sup>2</sup> to rob God, if to withdraw any mite of  
 that which is but in propose [purpose]<sup>3</sup> only bequeathed,  
 though as yet undelivered into the sacred treasure of God, be  
 a sin for which Ananias<sup>4</sup> and Sapphira felt so heavily the  
 dreadful hand of divine revenge; quite and clean to take that  
 away which we never gave, and that after God hath for so  
 many ages therewith been possessed, and that without any  
 other shew of cause, saving only that it seemeth in their eyes  
 who seek it to be too much for them which have it in their

<sup>1</sup> See comment ed. 1676.

<sup>2</sup> Merc. Triam. in Pimandro, dial. vi. [[ 3. ed. Patricii, Lond. 1611, fol. 14.]  
<sup>3</sup> Mal. iii. 2.      <sup>4</sup> Acts v. 2.

BOOK VII.  
Ch. XXVII. SE.  
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hands, can we term it or think it less than most impious injustice, most heinous sacrilege? Such was the religious affection of Joseph<sup>1</sup>, that it suffered him not to take that advantage, no not against the very idolatrous priests of Egypt, which he took for the purchasing of other men's lands to the king; but he considered, that albeit their idolatry deserved hatred, yet for the honour's sake due unto priesthood, better it was the king himself should yield them relief in public extremity, than permit that the same necessity should constrain also them to do as the rest of the people did.

[18.] But it may be men have now found out, that God hath proposed the Christian clergy as a prey for all men freely to seize upon; that God hath left them as the fishes of the sea, which every man that listeth to gather into his net may; or that there is no God in heaven to pity them, and to regard the injuries which man doth lay upon them: yet the public good of this church and commonwealth doth, I hope, weigh somewhat in the hearts of all honestly disposed men. Unto the public good no one thing is more directly available, than that such as are in place, whether it be of civil or of ecclesiastical authority, be so much the more largely furnished even with external helps and ornaments of this life, [by?] how much the more highly they are in power and calling advanced above others. For nature is not contented with bare sufficiency unto the sustenance of man, but doth evermore covet a decency proportionable unto the place which man hath in the body or society of others. For according unto the greatness of men's calling, the measure of all their actions doth grow in every man's secret expectation, so that great men do always know that great things are at their hands expected. In a bishop great liberality, great hospitality, actions in every kind great are looked for: and for actions which must be great, mean instruments will not serve. Men are but men, what room soever amongst men they hold. If therefore the measure of their worldly abilities be beneath that proportion which their calling doth make to be looked for at their hands, a stronger inducement it is than perhaps men are aware of unto evil and corrupt dealings for supply of that defect. For which cause we must needs think it a thing necessary unto the

<sup>1</sup> Gen. xlii. 22.

common good of the Church, that great jurisdiction being granted unto bishops over others, a state of wealth proportionable should likewise be provided for them. Where wealth is had in so great admiration, as generally in this golden age it is, that without it angelical perfections are not able to deliver from extreme contempt, surely to make bishops poorer than they are, were to make them of less account and estimation than they should be. Wherefore if detriment and dishonour do grow to religion, to God, to his Church, when the public account which is made of the chief of the clergy decayeth, how should it be but in this respect for the good of religion, of God, of his Church, that the wealth of bishops be carefully preserved from further diminution?

The travels and crosses wherewith prelacy is never unaccompanied, they which feel them know how heavy and how great they are. Unless such difficulties therefore annexed unto that estate be tempered by co-annexing thereunto things esteemed of in this world, how should we hope that the minds of men, shunning naturally the burdens of each function, will be drawn to undertake the burden of episcopal care and labour in the Church of Christ? Wherefore if long we desire to enjoy the peace, quietness, order and stability of religion, which prelacy (as hath been declared) causeth, then must we necessarily, even in favour of the public good, uphold those things, the hope whereof being taken away, it is not the mere goodness of the charge, and the divine acceptance thereof, that will be able to invite many thereunto.

[19.] What shall become of that commonwealth or church in the end, which hath not the eye of learning to beautify, guide and direct it? At the length what shall become of that learning, which hath not wherewith any more to encourage her industrious followers? And finally, what shall become of that courage to follow learning, which hath already so much failed through the only diminution of her chiefest rewards, bishoprics? Surely wheresoever this wicked intendment of overthrowing cathedral churches, or of taking away those livings, lands and possessions which bishops hitherto have enjoyed, shall once prevail, the handmaids attending thereupon will be paganism and extreme barbarity.

[20.] In the Law of Moses, how careful provision is made

BOOK VII.  
Ch. xxix. 26.  
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BOOK VII. that goods of this kind might remain to the Church for ever:<sup>1</sup>  
 Ch. xxiv. 21. "Ye shall not make common the holy things of the children  
 of Israel, lest ye die, saith the Lord." Touching the fields  
 annexed unto Levitical cities, the law was plain, they might  
 not be sold; and the reason of the law, this<sup>2</sup>, "for it was  
 their possession for ever:" He which was Lord and owner  
 of it, his will and pleasure was, that from the Levites it should  
 never pass to be enjoyed by any other. The Lord's own  
 portion, without his own commission and grant, how should  
 any man justly hold? They which hold it by his appoint-  
 ment had it plainly with this condition<sup>3</sup>, "They shall not sell  
 of it, neither change it, nor alienate the first-fruits of the  
 land; for it is holy unto the Lord." It falleth sometimes  
 out, as the prophet Habakkuk noteth, that the very<sup>4</sup> "prey of  
 savage beasts becometh dreadful unto themselves." It did  
 so in Judas, Achan, Nebuchadnezzar; their evil-purchased  
 goods were their snare, and their prey their own terror; a  
 thing no where so likely to follow, as in those goods and  
 possessions, which being laid where they should not rest,  
 have by the Lord's own testimony his most bitter curse<sup>5</sup>  
 their undividable companion.

[21.] These persuasions we use for other men's cause, not  
 for theirs with whom God and religion are parts of the ab-  
 rogated law of ceremonies. Wherefore not to continue longer  
 in the cure of a sore desperate, there was a time when the  
 clergy had almost as little as these good people wish. But  
 the kings of this realm and others whom God had blest, con-  
 sidered devoutly with themselves, as David in like case some-  
 times had done, "Is it meet that we at the hands of God  
 should enjoy all kinds of abundance, and God's clergy suffer  
 want?" They considered that of Solomon, "Honour God  
 with thy substance, and the chiefest of all thy revenue; so  
 shall thy barns be filled with corn, and thy vessels shall run  
 over with new wine." They considered how the care which  
 Jehosaphat had<sup>6</sup>, in providing that the Levites might have  
 encouragement to do the work of the Lord cheerfully, was  
 left of God as a fit pattern to be followed in the Church for

<sup>1</sup> Numb. xviii. 25.<sup>2</sup> Lev. xxv. 36.<sup>3</sup> Ezek. xlviii. 14.<sup>4</sup> Habak. ii. 17.<sup>5</sup> Mal. iii. 9.<sup>6</sup> Prov. iii. 9.<sup>7</sup> 2 Chron. xix.

ever. They considered what promise our Lord and Saviour had made unto them, at whose hands his prophets should receive but the least part of the meanest kind of friendliness, though it were but a draught of water; which promise seemeth not [now?] to be taken, as if Christ had made them of any higher courtesy incapable, and had promised reward not unto such as give them but that, but unto such as leave them but that. They considered how earnest the Apostle is, that if the ministers of the law were so amply provided for, less care then ought not to be had of them, who under the gospel of Jesus Christ possess correspondent rooms in the Church. They considered how needful it is that they who provoke all others unto works of mercy and charity should especially have wherewith to be examples of such things, and by such means to win them, with whom other means without those do commonly take very small effect. In these and the like considerations, the Church revenues were in ancient times augmented, our Lord thereby performing manifestly the promise made to his servants, that they which did "leave either father, or mother, or lands, or goods, for his sake, should receive "even in this world an hundred fold." For some hundreds of years together, they which joined themselves to the Church were fain to relinquish all worldly emoluments and to endure the hardness of an afflicted estate. Afterward the Lord gave rest to his Church, kings and princes became as fathers thereunto, the hearts of all men inclined towards it, and by his providence there grew unto it every day earthly possessions in more and more abundance, till the greatness thereof bred envy, which no diminutions are able to satisfy.

[22.] For as those ancient nursing Fathers thought they did never bestow enough; even so in the eye of this present age, as long as any thing remaineth, it seemeth to be too much. Our fathers we imitate *in pervertam*, as Tertullian<sup>1</sup> speaketh; like them we are, by being in equal degree the contrary unto that which they were. Unto those earthly blessings which God as then did with so great abundance pour down upon the ecclesiastical state, we may in regard of most near resemblance

<sup>1</sup> So all Godes's edd.

<sup>2</sup> [De Prescriptis, Hæret. c. xxx. "rum, quæ Apostolos in pervertam  
"Agnesco maximam virtutem eo- "amulantes?"]



320 *Queen Elizabeth vainly appealed to for Sacrilege.*

BOOK VII apply the selfsame words which the prophet hath<sup>1</sup>, "God  
 Ch. xxvii. 26. "blessed them exceedingly, and by this very mean turned the  
 "hearts of their own brethren to hate them, and to deal poli-  
 "tically with his servants." Computations are made<sup>2</sup>, and  
 there are huge sums set down, for princes to see how much  
 they may amplify and enlarge their own treasure; how many  
 public burdens they may ease; what present means they may  
 have to reward their servants about them, if they please but  
 to grant their assent, and to accept of the spoil of bishops, by  
 whom church goods are but abused unto pomp and vanity.  
 Thus albeit they deal with one whose princely virtue giveth  
 them small hope to prevail in impious and sacrilegious motions,  
 yet shame they not to move her royal majesty even with a  
 suit not much unlike unto that wherewith the Jewish high  
 priest [priests?] tried Judas, whom they solicited unto treason  
 against his Master, and proposed unto him a number of silver  
 pence in lieu of so virtuous and honest a service. But her  
 sacred majesty disposed to be always<sup>3</sup> like herself, her heart so  
 far estranged from willingness to gain by pillage of that estate,  
 the only awe whereof under God she hath been unto this pre-  
 sent hour, as of all other parts of this noble commonwealth,  
 whereof she hath vowed herself a protector till the end of her  
 days on earth, which if nature could permit, we wish, as good  
 cause we have, endless: this her gracious inclination is more  
 than a seven times sealed warrant, upon the same assurance  
 whereof, touching<sup>4</sup> any action so dishonourable as this, we are  
 on her part most secure, not doubting but that unto all pos-  
 terity it shall for ever appear, that from the first to the very  
 last of her sovereign proceedings there hath not been one  
 authorized deed other than consonant with that Symmachus  
 saith<sup>5</sup>, "Fiscus bonorum principum, non sacerdotum damnis,  
 "sed hostium spoliis augeatur:" consonant with that imperial  
 law<sup>6</sup>, "Ea quæ ad beatissimæ ecclesiæ jura pertinent, tanquam  
 "ipsam sacrosanctam et religiosam ecclesiam, intacta convenit

<sup>4</sup> time and; all Gadsen's edd.

<sup>1</sup> Psal. cv. 24, 25. <sup>eadem.</sup>  
<sup>2</sup> [See in Fenry's "Humble Mo- <sup>3</sup> Lib. x. Ep. 54. DDD. Valent.  
 "tion," p. 94. &c. a detailed plan Theodos. et Arcad. [p. 289. Paris.  
 for the redistribution of church 1604.]  
 property.] <sup>4</sup> Cod. Just. l. 2. de Sacros. Ec-  
<sup>5</sup> [Cf. Elizabeth's motto, *Semper* cles. l. 14.

<sup>10</sup> venerabiliter custodiri; ut sicut ipsa religionis et fidei mater  
<sup>11</sup> perpetua est, ita ejus patrimonium jugiter servetur illæsum.<sup>12</sup>

[23.] As for the case of public burdens, let any politician living make it appear, that by confiscation of bishops' livings, and their utter dissolution at once, the commonwealth shall ever have half that relief and ease which it receiveth by their continuance as now they are, and it shall give us some cause to think, that albeit we see they are impiously and irreligiously minded, yet we may esteem them at least to be tolerable commonwealth's-men. But the case is too clear and manifest, the world doth but too plainly see it that no one order of subjects whatsoever within this land doth bear the seventh part of that proportion which the clergy beareth in the burdens of the commonwealth. No revenue of the crown like unto it, either for certainty or for greatness. Let the good which this way hath grown to the commonwealth by the dissolution of religious houses, teach men what ease unto public burdens there is like to grow by the overthrow of the clergy. My meaning is not hereby to make the state of bishoprick<sup>1</sup> and of those dissolved companies alike, the one no less unlawful to be removed than the other. For those religious persons were men which followed only a special kind of contemplative life in the commonwealth, they were properly no portion of God's clergy (only such amongst them excepted as were also priests), their goods (that excepted which they unjustly held through the pope's usurped power of appropriating ecclesiastical livings unto them) may in part seem to be of the nature of civil possessions, held by other kinds of corporations, such as the city of London hath divers. Wherefore as their institution was human, and their end for the most part superstitious, they had not therein merely that holy and divine interest which belongeth unto bishops, who being employed by Christ in the principal service of his Church, are receivers and disposers of his patrimony, as hath been shewed, which whosoever shall withhold or withdraw at any time from them, he undoubtedly robbeth God himself.

[24.] If they abuse the goods of the Church unto pomp and vanity, such faults we do not excuse in them. Only we wish it to be considered whether such faults be verily in them, or

<sup>1</sup> [So 1662: bishopricks, 1676, '82.]



mediocrity may be and hath been sometime exceeded. There BOOK VII.  
 did want heretofore a Moses to temper men's liberality, to say CL. xxxv. 15.  
 unto them who enriched the Church, *Sufficit*<sup>1</sup>, Stay your  
 hands, lest fervour of zeal do cause you to empty yourselves  
 too far. It may be the largeness of men's hearts being then  
 more moderate, had been after more durable; and one state  
 by too much overgrowing the rest, had not given occasion  
 unto the rest to undermine it. That evil is now sufficiently  
 cured: the Church treasury, if then it were over full, hath  
 since been reasonable [reasonably?] well emptied. That which  
 Moses spake unto givers, we must now inculcate unto takers  
 away from the Church, Let there be some stay, some stint in  
 spoiling. If "grape-gatherers came unto them," saith the  
 prophet, "would they not leave some remnant behind?"<sup>2</sup>  
 But it hath fared with the wealth of the Church as with a  
 tower, which being built at the first with the highest, over-  
 throweth itself after by its own greatness; neither doth the  
 ruin thereof cease with the only fall of that which hath ex-  
 ceeded mediocrity, but one part beareth down another, till the  
 whole be laid prostrate. For although the state ecclesiastical,  
 both others and even bishops themselves, be now fallen to so  
 low an ebb, as all the world at this day doth see; yet because  
 there remaineth still somewhat which unsatiable minds can  
 thirst for, therefore we seem not to have been hitherto suffi-  
 ciently wronged. Touching that which hath been taken from  
 the Church in appropriations known to amount to the value of  
 one hundred twenty-six thousand pounds yearly, we rest con-  
 tentedly and quietly without it, till it shall please God to touch  
 the hearts of men, of their own voluntary accord, to restore it  
 to him again; judging thereof no otherwise than some others  
 did of those goods which were by Sylla taken away from the  
 citizens of Rome<sup>3</sup>, that albeit they were in truth *male capta*,  
 unconscionably taken away from the right owners at the first,  
 nevertheless, seeing that such as were after possessed of them  
 held them not without some title, which law did after a sort  
 made good, *repetitio eorum proculdubio labefactabat compo-  
 sitam civitatem*. What hath been taken away as dedicated  
 unto uses superstitious, and consequently not given unto God,

<sup>1</sup> [Exod. xxxvi. 5-7.]<sup>2</sup> Obad. ver. 5.<sup>3</sup> Flor. lib. iii. c. 13. [13.]

BOOK VII. or at the leastwise not so rightly given, we repine not thereat.  
 CH. XXIV. 46. That which hath gone by means secret and indirect, through  
 corrupt compositions or compacts, we cannot help. What the  
 hardness of men's hearts doth make them loth to have exacted,  
 though being due by law, even thereof the want we do also  
 bear. Out of that which after all these deductions cometh  
 clearly unto our hands, I hope it will not be said that towards  
 the public charge we disburse nothing. And doth the residue  
 seem yet excessive? The ways whereby temporal men pro-  
 vide for themselves and their families are fore-closed unto us.  
 All that we have to sustain our miserable life with, is but  
 a remnant of God's own treasure, so far already diminished  
 and clipped, that if there were any sense of common humanity  
 left in this hard-hearted world, the impoverished estate of the  
 clergy of God would at the length even of very commiseration  
 be spared. The mean gentleman that hath but an hundred  
 pound land to live on, would not be hasty to change his  
 worldly estate and condition with many of these so over  
 abounding prelates; a common artisan or tradesman of the  
 city, with ordinary pastors of the Church.

[26.] It is our hard and heavy lot, that no other sort of men  
 being grudged at, how little benefit soever the public weal  
 reap by them, no state complained of for holding that which  
 hath grown unto them by lawful means; only the governors of  
 our souls, they that study night and day so to guide us, that  
 both in this world we may have comfort and in the world to  
 come endless felicity and joy (for even such is the very scope  
 of all their endeavours, this they wish, for this they labour,  
 how hardly soever we use to construe of their intents): hard,  
 that only they should be thus continually lifted at for possess-  
 ing but that whereunto they have by law both of God and man  
 most just title. If there should be no other remedy but that  
 the violence of men in the end must needs bereave them of all  
 succour, further than the inclination of others shall vouchsafe  
 to cast upon them, as it were by way of alms for their relief  
 but from hour to hour; better they are not than their fathers,  
 which have been contented with as hard a portion at the world's  
 hands: let the light of the sun and moon, the common benefit  
 of heaven and earth be taken from bishops, if the question  
 were whether God should lose his glory, and the safety of his

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Church be hazarded, or they relinquish the right and interest which they have in the things of this world. But sith the question in truth is whether Levi shall be deprived of the portion of God or no, to the end that Simeon or Reuben may devour it as their spoil, the comfort of the one in sustaining the injuries which the other would offer, must be that prayer poured out by Moses the prince of prophets, in most tender affection to Levi, "Bless, O Lord, his substance, accept thou the work of his hands; smite through the loins of them that rise up against him, and of them which hate him, that they rise no more".

BOOK VII.  
Ch. xxv. 46.  
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<sup>1</sup> Deut. xxxiii. 11.



## BOOK VIII.\*

\*THEIR SEVENTH ASSERTION, THAT UNTO<sup>b</sup> NO CIVIL PRINCE OR GOVERNOR THERE MAY BE GIVEN SUCH POWER OF ECCLESIASTICAL DOMINION AS BY THE LAWS OF THIS LAND BELONGETH UNTO THE SUPREME REGENT THEREOF.

[THE MATTER CONTAINED IN THIS EIGHTH BOOK.

- I. State of the Question between the Church of England and its Opponents regarding the King's Supremacy.
- II. Principles on which the King's modified Supremacy is grounded.
- III. Warrant for it in the Jewish Dispensation.
- IV. Vindication of the Title, Supreme Head of the Church within his own Dominions.
- V. Vindication of the Prerogative regarding Church Assemblies.
- VI. Vindication of the Prerogative regarding Church Legislation.
- VII. Vindication of the Prerogative regarding Nomination of Bishops.
- VIII. Vindication of the Prerogative regarding Ecclesiastical Courts.
- IX. Vindication of the Prerogative regarding Exemption from Excommunication<sup>†</sup>.

\* E. add containing.

<sup>b</sup> to E.C.

\* [Q.L.C.D. stand for MSS described vol. i. p. xlii. E. for the ed. 1651; see vol. i. p. xxviii. There was an earlier ed. 1648, here marked F, which was followed by Goussin, 1662.] 1886.

† [Archdeacon Cotton has transmitted to the editor, from a MS. [D. 3. 2.] in the library of Trinity College, Dublin, the following extract, being part of a kind of analysis of the eighth book, written out by Alp. Umber as for his own use.

*"Of Kings and their Power Ecclesiastical generally.*

1. "An Admonition concerning Men's Judgments about the Question of regal<sup>a</sup> Power.
  2. "What their Power of Dominion is.
  3. "By what<sup>c</sup> Right, after what<sup>d</sup> Sort, in what<sup>e</sup> Measure, with what<sup>f</sup> Consent, and according to what<sup>g</sup> Example, Christian Kings may have<sup>h</sup>. In a word, their manner of holding Dominion.
- "Of the Kings of England particularly.*
4. "Of the Title of *Headship*, which we give to the Kings of England in relation<sup>i</sup> unto the Church.
  5. "Of their Prerogative to call general Assemblies about the affairs of the<sup>j</sup> Church.
  6. "Of their Power in making Ecclesiastical Laws.
  7. "Of their Power in making Ecclesiastical Governors, (the chief Ministers of<sup>k</sup> Ecclesiastical Jurisdiction).
  8. "Of their Power in Judgment Ecclesiastical.
  9. "Of their Exemption from Judicial kinds of Parliament; by the Clergy."<sup>l</sup>

[† Censures Ecclesiastical *written underneath this clause.*]

I. WE come now to the last thing whereof there is controversy moved, namely the power of supreme jurisdiction, which for distinction's sake we call the power of ecclesiastical dominion. BOOK VIII.  
Ch. I. 1.

It was not thought fit in the Jews' commonwealth, that the exercise of supremacy ecclesiastical should be denied unto him, to whom the exercise of chiefly civil did appertain; and therefore their kings were invested with both. This power they gave unto Simon<sup>1</sup>, when they consented that he should be "their prince," not only "to set men over the<sup>4</sup> works, "and "over the country, and "over the weapons, "and over "the fortresses," but also "to provide for the holy things;" "and that he should be obeyed of every man, and that "all "the writings in the country should be made in his name, "and that it should not be lawful for any of the people or "priests to withstand his words, or to call any congregation "in the country without him<sup>1</sup>."

And if it be haply<sup>2</sup> surmised, that thus much was given unto<sup>3</sup> Simon, as being both prince and high priest; which otherwise, being only<sup>1</sup> their civil governor, he could not lawfully have enjoyed: we must note, that all this is no more than the ancient kings of that people had, being kings and not priests. By this power David, Asa, Jehosaphat, Ezekias<sup>4</sup>, Josias, and the rest, made those laws and orders which the Sacred History speaketh of, concerning matter<sup>5</sup> of mere religion, the affairs<sup>6</sup> of the temple, and service of God. Finally, had it not been by the virtue of this power, how should it possibly have come to pass, that the piety or impiety of the king<sup>7</sup> did always accordingly change the public face of religion, which thing<sup>8</sup> the priests<sup>9</sup> by themselves never did, neither<sup>10</sup> could at any time<sup>11</sup> hinder from being done? Had the priests alone been possessed of<sup>12</sup> all power in spiritual affairs, how should any law<sup>13</sup> concerning matter of religion have been made but only by them? In them it had been, and

<sup>1</sup> in both Q.    <sup>2</sup> their E.Q.L.C.    <sup>3</sup> over their works, and country, and weapons, but also, &c. E.    <sup>4</sup> E. res. E.    <sup>5</sup> haply it be E.C.L.    <sup>6</sup> to E.    <sup>7</sup> only one. E.    <sup>8</sup> Ezekias was E.C.L.    <sup>9</sup> the res. E.    <sup>10</sup> matters E.Q.L.C.    <sup>11</sup> officers C.L.    <sup>12</sup> kings E.    <sup>13</sup> things E.C.    <sup>14</sup> prophets E.    <sup>15</sup> nor E.C.L.    <sup>16</sup> at any time could E.L. any time could C.    <sup>17</sup> with D.    <sup>18</sup> thing E.C.    <sup>19</sup> the gr. Palm.

<sup>1</sup> 1 Maccab. siv. 42.

<sup>2</sup> Vid. inf. c. iii. 1.



BOOK VIII  
CH. I. A.  
not in the king, to change the face of religion at any time. The altering of religion, the making of ecclesiastical laws, with other the like actions belonging unto the power of dominion, are still termed *the deeds of the king*; to shew that in him was placed *supremacy of power even*<sup>1</sup> in this kind over all, and that unto their high<sup>2</sup> priests the same was never committed, saving only at such times as their<sup>3</sup> priests were also kings or<sup>4</sup> princes over them.

[1] According to the pattern of which example, the like power in causes ecclesiastical is by the laws of this realm annexed unto the crown. And there are which *imagine*<sup>5</sup>, that<sup>6</sup> kings, being mere lay persons, do by this means exceed the lawful bounds of their calling<sup>7</sup>. Which thing to the end that they may persuade, they first make a necessary separation perpetual and personal between the Church and the<sup>8</sup> commonwealth. Secondly<sup>9</sup>, they so tie all kind of power ecclesiastical unto the Church, as if it were in every degree their only right which<sup>10</sup> are by proper spiritual function<sup>11</sup> termed Church-governors, and might not unto Christian princes in<sup>12</sup> any wise appertain.

To lurk under shifting ambiguities and equivocations of words in matters of principal weight is childish. A church and a commonwealth we grant are things in nature the<sup>13</sup> one distinguished from the other. A commonwealth is one way, and a church another way, defined. In their opinion<sup>14</sup> the church and the<sup>15</sup> commonwealth are corporations, not dis-

<sup>1</sup> the supremacy E.C.    <sup>2</sup> even om. E.C.    <sup>3</sup> high om. E.C.L.Q.    <sup>4</sup> the E.C.  
<sup>5</sup> and E.C.L.C.    <sup>6</sup> do imagine E.C.    <sup>7</sup> callings E.C.    <sup>8</sup> the om. D.  
<sup>9</sup> who E.Q.C.L.    <sup>10</sup> function E.    <sup>11</sup> in om. D.    <sup>12</sup> matter E.    <sup>13</sup> the om. E.  
<sup>14</sup> opinions E.    <sup>15</sup> the om. E.C.

<sup>1</sup> [1] Adm. ap. Whig. Def. 694.    <sup>2</sup> office wherunto he is appointed,  
"To these three jointly, i. e. to the    <sup>3</sup> and to punish those which fail in  
"ministers, seniors, and deacons, as    <sup>4</sup> their office accordingly. As for  
"the whole regiment of the Church    <sup>5</sup> the making of the orders and cere-  
"to be committed." Answ. *ibid.*    <sup>6</sup> monies of the Church, they do  
"Methinks I hear you whisper that    <sup>7</sup> (where there is a constituted and  
"the prince hath no authority in    <sup>8</sup> ordered Church) pertain unto the  
"ecclesiastical matters." T. C. l.    <sup>9</sup> ministers of the Church and to  
153. al. 129.    <sup>10</sup> the ecclesiastical governors... But  
"magistrate hath to see that the    <sup>11</sup> if those to whom that doth apper-  
"laws of God touching his wor-    <sup>12</sup> tain make any orders not meet,  
"ship and touching all matters and    <sup>13</sup> the magistrate may and ought to  
"orders of the Church be exercised    <sup>14</sup> hinder them and drive them to  
"and duly observed, and to see that    <sup>15</sup> better." ]  
"every ecclesiastical person do that    <sup>16</sup> See below, c. ii. l.

tinguished only in nature and definition, but in subsistence<sup>10</sup> BOOK VIII.  
perpetually severed; so that they which<sup>11</sup> are of the one can  
neither appoint nor execute, in whole nor in part, the duties  
which belong unto them which are of the other, without open  
breach of the law of God, which hath divided them, and doth  
require that being so<sup>12</sup> divided they should distinctly and<sup>13</sup> severally  
work, as depending both upon God, and not hanging one  
upon the other's approbation for that which either hath to do.

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<sup>14</sup> of them for  
distinction from the rest; so that every body politic hath some  
religion, but the Church that religion which is only true.  
Truth of religion is that proper difference whereby a church  
is distinguished from other politic societies of men. We here  
mean true religion in gross, and not according to every partic-  
ular: for they which in some particular points of religion  
do swerve<sup>15</sup> from the truth, may nevertheless most<sup>16</sup> truly, if  
we compare them to men of an heathenish religion, be said to  
hold and profess that religion which is true. For which  
cause, there being of old so many politic societies established  
throughout<sup>17</sup> the world, only the commonwealth of Israel,  
which had the truth of religion, was in that respect the  
Church of God: and the Church of Jesus Christ is every such  
politic society of men, as doth in religion hold that truth  
which is proper to Christianity. As a politic society it doth  
maintain religion; as a church, that religion which God hath  
revealed by Jesus Christ.

With us therefore the name of a church importeth only a  
society of men, first united into some public form of regiment,  
and secondly distinguished from other societies by the exercise  
of Christian<sup>18</sup> religion. With them on the other side the name  
of the Church in this present question importeth not only a  
multitude of men so united and so distinguished, but also  
further the same divided necessarily and perpetually from  
the body of the commonwealth: so that even in such a politic  
society as consisteth of none but Christians, yet the Church of

<sup>10</sup> subsistence, ed. 1676, 'sz.    <sup>11</sup> that E.Q.C.L. which E.    <sup>12</sup> so being E.C.  
<sup>13</sup> as E.Q.L.    <sup>14</sup> every one of them E.    <sup>15</sup> swerve E. [swerve Palm.]    <sup>16</sup> most  
om. E.    <sup>17</sup> through E.C.    <sup>18</sup> Christian om. C.L.

BOOK VIII  
Ch. I. A.  
Christ and the commonwealth are two corporations, independently each subsisting by itself<sup>a</sup>.

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<sup>c</sup> 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<sup>d</sup> do cause the name of a commonwealth, qualities and functions of another sort the name of a Church<sup>e</sup> to be given unto<sup>b</sup> 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<sup>f</sup> of the other. Contrariwise, unless they against us should hold, that the Church and the commonwealth are two, both distinct and separate societies, of which two, the one comprehendeth always persons not belonging to the other: that which they do<sup>g</sup> they could not conclude out of the difference between the Church and the commonwealth; namely, that<sup>h</sup> bishops may not meddle with the affairs of the commonwealth, because they are governors of another corporation, which is the Church; nor kings with making laws for the Church, because they have government not of this corporation, but of another divided from it, the commonwealth; and the walls of separation between these two must for ever be upheld. They hold the necessity of personal separation, which clean excludeth the power of one man's dealing in<sup>i</sup> both; we of natural, which doth not hinder<sup>k</sup> but that one and the same person may in both bear a<sup>l</sup> principal sway<sup>l</sup>.

<sup>a</sup> E. reads the church and commonwealth are two corporations, independently subsisting [each Firm.] by itself. The correction is made upon the authority of all the MSS. <sup>b</sup> man a cm. E.C. <sup>c</sup> triangle E. <sup>d</sup> kind cm. E. <sup>e</sup> the Church E.L. <sup>f</sup> go E.Q.C. <sup>g</sup> both. <sup>h</sup> No, it is so E. <sup>i</sup> The MSS. read as above, only C. omits so. <sup>j</sup> also to be E.C. <sup>k</sup> the cm. E.Q.C.L. <sup>l</sup> that do between brackets E. <sup>m</sup> the bishops E. <sup>n</sup> with E. <sup>o</sup> which does not hinder, cm. E. inserted from Q.D. <sup>p</sup> a cm. E.C.L.

<sup>1</sup> Eni duo sunt gubernationis genera, alterum civitatis, alterum ecclesie, tamen utrumque ab eodem productum est auctore. Quod quoniam diversa fit ratio, et illud a Deo sit quatenus Creator et Moderator rerum humanarum, hoc quatenus Redemptor est humani generis, et unumquodque suum habeat finem; tamen quatenus

[3.] The causes of common received error<sup>a</sup> in this point seem to have been especially two; one, that they who embrace true religion living in such commonwealths as are opposite thereunto, and in other public affairs retaining civil communion with such, are constrained, for the exercise of their religion, to have a several communion with those who are of the same religion with them. This was the state of the Jewish Church both in Egypt and in Babylon, the state of Christian Churches a long time after Christ. And in this case, because the proper affairs and actions of the Church, as it is the Church, have<sup>b</sup> no dependence<sup>c</sup> upon the laws, or upon the government<sup>d</sup> of the civil state, an opinion hath thereby grown, that even so it should be always<sup>e</sup>. This was it which deceived Allen in the writing of his Apology: "The Apostles," saith he<sup>f</sup>, "did govern the church in Rome when

<sup>a</sup> error. E.Q.C.L. <sup>b</sup> such as are E. [such] as Fals. <sup>c</sup> in om. E.D.

<sup>d</sup> hanc E.C. <sup>e</sup> dependentia D. <sup>f</sup> government E.

<sup>g</sup> de eadem societas ecclesia est et civitas, sicut ab eodem utriusque regiminis auctoritas manat, ita ad eundem potestatum suam respicit, et eodem se recolligit. Unde fit,

<sup>h</sup> ut multa habeant communia, quae sanguinem recte nisi communi consilio et assensu possunt perferri.

<sup>i</sup> Evangelii ministra Deo-Servatore regiminis in ecclesiam habet auctoritatem: magistratus a Deo omnium Creatore in civem. Qui quoniam simul amice conspirant, et eodem sua consilia referunt, optime cum civitate, optime agitur cum ecclesia." Saravia de Diversa. Ministr. Grad. c. xi. p. 27.]

<sup>j</sup> [\* Dicunt, ecclesiam et rempublicam res distinctas esse: quod nos quidem fatemur nonnunquam ratione tantum. Ubi quoniam versa civitas aut resp. Idem Christi profitetur et amplectitur, ratione tantum differunt civis regni Dei, et resp. Ubi civitas et principis est infidelis, ibi non ratio tantum, sed personae civium utriusque diversae possunt esse summae jurisdictiones. Ubi vero eadem est resp. et ecclesia, minime hoc fieri potest. Cum igitur in nostro regno idem sint civis regni Dei, et

<sup>k</sup> reip. una debet esse summa potestas, nisi subditorum et praesidium alia sit ratio." Sutcliffe, de Presbyterianis, p. 42.]

<sup>l</sup> [Apol. doctissimi Viri D. Gulielmi Alani [i. e. Cardinali Allen, v. p. 22, note.] pro Sacerdotibus Societatis Jesu, et aliis Seminariorum Alumnis: Augustae Trevirorum, 1583, cap. iv. p. 84, 85.] "Est error

<sup>m</sup> manifestus, omni eruditione tam humana quam divina damnatus, affirmare primum in causis ecclesiasticis naturalibus aut Christianis legibus in potestate et jure regis temporalis includi, aut hujusmodi dignitatem unquam in gubernatorem aliquem civilem jure collatam aut conferri posse, sive is ethnicus, sive Christianus fuerit, asserere. . . Sub Nerone, praecipui Apostoli ecclesiam Romanam gubernabant: quemadmodum modo, ubi regna ab avita fide desciverunt, ecclesia suam apostolicam necessario habeat gubernationem, quae a regibus ethnicis, quibus tamen in rebus saecularibus obtemperant Christiani, minime dependeat. Quapropter omnia quae a Protestantibus ex sacris literis adducuntur, non plus principi Christiano quam ethnico quoad hanc potestatem favent."

<sup>n</sup> tem favent."

<sup>o</sup> tem favent."

<sup>p</sup> tem favent."

<sup>q</sup> tem favent."

<sup>r</sup> tem favent."

<sup>s</sup> tem favent."

<sup>t</sup> tem favent."

<sup>u</sup> tem favent."

<sup>v</sup> tem favent."

<sup>w</sup> tem favent."

<sup>x</sup> tem favent."

<sup>y</sup> tem favent."

<sup>z</sup> tem favent."

BOOK VIII. Nero bare<sup>t</sup> rule, even as at this day in all the Turk's<sup>t</sup>  
 Ch. 14 "dominions, the Church hath a spiritual regiment without  
 "dependence, and so ought she to have, live she<sup>t</sup> amongst  
 "heathens, or with Christians."

[4.] Another occasion of which misconceit is, that things  
 appertaining unto religion are both distinguished from other  
 affairs, and have always had in the Church special<sup>t</sup> persons  
 chosen to be exercised about them. By which distinction of  
 spiritual affairs and persons therein employed from temporal,  
 the error of personal separation always necessary between the  
 Church and the<sup>t</sup> commonwealth hath strengthened itself.  
 For of every politic society that being true which Aristotle  
 hath<sup>t</sup>, "namely, " that the scope thereof is not simply to live,  
 " nor the duty so much to provide for life<sup>t</sup>, as for means of  
 " living well : " and that even as the soul is the worthier part  
 of man, so human societies are much more to care for that  
 which tendeth properly unto the soul's estate, than for that  
 temporal things as this life doth stand in<sup>t</sup> need of: other  
 proof there needs<sup>t</sup> none to shew that as by all men the King-  
 dom of God is first to be sought<sup>t</sup> for<sup>t</sup>, so in all common-  
 wealths things spiritual ought above temporal to be provided<sup>t</sup>  
 for. And of things spiritual, the chiefest is religion<sup>t</sup>. For  
 this cause, persons and things employed peculiarly about the  
 affairs of religion, are by an excellency termed spiritual. The  
 heathen<sup>t</sup> themselves had their spiritual laws, causes, and  
 offices<sup>t</sup>, "always severed from their temporal; neither did  
 this make two independent estates among<sup>t</sup> them. God by  
 revealing true religion doth make them that receive it his

Y  
 \* did bare D. \* church's E.C. \* live she am. E.C.L. \* spiritual E.  
 \* the am. E.C.L. \* said E.C.L. \* the life E. \* which the life hath  
 need of E. as this life hath need of C. \* saith E. \* to be sought first for E.  
 \* sought E. \* heathens E.Q.C.L. \* affairs E. \* states amongst D.

<sup>t</sup> Polit. lib. iii. cap. 6] p. 102. \* Arist. Pol. lib. iii. cap. 20 [113.  
 [αὐτῶν ἀρχαίων νόμων, καὶ ἡ  
 ἐκείνῳ παύσειται πρὸς ἑαυτῶν τοῦ  
 νόμου, καὶ οὐκ ἔστιν ἄλλο πρὸς  
 ἑαυτῶν. ἢ καὶ οὐκ ἔστιν ἄλλο πρὸς  
 ἑαυτῶν. ἢ καὶ οὐκ ἔστιν ἄλλο πρὸς  
 ἑαυτῶν.] Liv. lib. i. c. 20. [“(Numa)  
 “ sacerdotibus creandis animam ad-  
 “ jecit. . . Pontificem . . . legi equae  
 “ sacra omnia exscripta insignita-  
 “ que attribuit . . . ut esset quo con-  
 “ sultum plebis veniret.”]

Church. Unto the Jews he so revealed the truth of religion, BOOK VIII. Ch. 14. that he gave them in special consideration<sup>f</sup> laws, not only for the administration of things spiritual, but also temporal. The Lord himself appointing both the one and the other in that commonwealth, did not thereby distract it into several independent communities, but institute several functions of one and the same<sup>g</sup> community. Some reason<sup>h</sup> therefore must<sup>i</sup> be alleged<sup>k</sup> why it should be otherwise in the Church of Christ.

I shall not need to spend any great store of words in Three kinds of proofs for confirmation of the formal separation between the Church and commonwealth, the first taken from difference of affairs and offices in each. answering that which is brought out of<sup>l</sup> holy Scripture to shew that secular and ecclesiastical affairs and offices are distinguished; neither that which hath been borrowed from antiquity, using by phrase of speech to oppose the commonwealth<sup>m</sup> to the Church of Christ; nor yet the<sup>n</sup> reasons which are wont to be brought forth as witnesses, that the Church and commonwealth are<sup>o</sup> always distinct. For whether a church and a<sup>p</sup> commonwealth do differ, is not the question we strive for; but our controversy is concerning the kind of distinction, whereby they are severed the one from the other; whether as under heathen kings the Church did deal with her own affairs within herself, without depending at all upon any in civil authority, and the commonwealth in hers, altogether without the privity of the Church; so it ought to continue still, even in such commonwealths as have now publicly embraced the truth of Christian religion; whether they ought to be<sup>q</sup> evermore two societies, in such sort, several and distinct.

I ask therefore, what society that was, that was<sup>r</sup> in Rome, wherunto the Apostle did give the name of the Church of Rome in his time? If they answer, as needs they must, that the Church of Rome in those days was that whole society of men which in Rome professed the name of Christ, and not that religion which the laws of the commonwealth did then authorize; we say as much, and therefore grant that the commonwealth of Rome was one society, and the Church of

<sup>f</sup> considerations E.Q.    <sup>g</sup> selfsame E.L.    <sup>h</sup> reasons E.Q.C.L.    <sup>i</sup> there be E.  
<sup>k</sup> already [alleged Palm.]    <sup>l</sup> the holy E.    <sup>m</sup> E. read, Three kinds of their proofs are 1. Palm. taken from the difference of affairs and offices. L. as in the text, only reading, offices for affairs D.C. and Q. give the reading above.    <sup>n</sup> commonwealth in E. throughout this §.    <sup>o</sup> their E.C.L.Q.    <sup>p</sup> were E.    <sup>q</sup> or E.    <sup>r</sup> evermore to be E.C.Q.    <sup>s</sup> was that E. that was C.L.Q.

BOOK VIII  
Ch. I.  
→

Rome another, in such sort as<sup>1</sup> there was between them no mutual dependency<sup>2</sup>. But when whole Rome became Christian, when they all embraced the gospel, and made laws in the<sup>3</sup> defence thereof, if it be held that the church and the<sup>4</sup> commonwealth of Rome did then remain as before; there is no way how this could be possible, save only one, and that is, they must restrain the name of the<sup>5</sup> Church in a Christian commonwealth to the clergy, excluding all the residue<sup>6</sup> of believers, both prince and people. For if all that believe be contained<sup>7</sup> in the name of the Church, how should the Church remain by personal subsistence<sup>8</sup> divided from the commonwealth, when the whole commonwealth doth believe?

The Church and the commonwealth therefore<sup>9</sup> are in this case personally one society, which society being termed a commonwealth as it liveth under whatsoever form of secular law and regiment, a church as it hath<sup>10</sup> the spiritual law of Jesus Christ<sup>11</sup>; forasmuch<sup>12</sup> as these two laws contain so many and so<sup>13</sup> 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.

The difference therefore either of affairs or offices ecclesiastical from secular<sup>14</sup>, is no argument that the Church and the commonwealth are always separate and independent the one on<sup>15</sup> the other: which thing even Allen himself considering somewhat better, doth in this point a little<sup>16</sup> correct his former judgment before mentioned<sup>17</sup>, and confesseth in his

<sup>1</sup> that E.Q.C.L.    <sup>2</sup> dependence E.C.    <sup>3</sup> the em. E.C.L.Q.    <sup>4</sup> the em. E.  
<sup>5</sup> a church E.Q.C.L.    <sup>6</sup> see E.    <sup>7</sup> contained E. gov. in 1662.    <sup>8</sup> subsistence D.  
<sup>9</sup> are in this case therefore E.Q.C.L.    <sup>10</sup> as it liveth under E.C.L.    <sup>11</sup> Jesus em.  
E.C.L.    <sup>12</sup> forasmuch E.C.L.    <sup>13</sup> so em. E.    <sup>14</sup> from D.    <sup>15</sup> a little em. Q.

<sup>16</sup> 2 Chron. xiv. 8, 11; Heb. v. 1;    <sup>17</sup> ment ecclesiastical and spiritual  
<sup>18</sup> Thess. v. 12; T. C. bk. 151.    <sup>19</sup> commonwealth called the Church  
<sup>20</sup> [A true, sincere, and modest    <sup>21</sup> or body mystical of Christ, and  
<sup>22</sup> Defence of English Catholics that    <sup>23</sup> the magistrate spiritual and civil  
<sup>24</sup> suffer for their faith both at home    <sup>25</sup> divers and distinct, and sometime  
<sup>26</sup> and abroad; against a false, se-    <sup>27</sup> so far that the one hath no de-  
<sup>28</sup> ditious and slanderous libel, en-    <sup>29</sup> pendance of the other, nor subal-  
<sup>30</sup> titled 'the Execution of Justice    <sup>31</sup> teration to the other in respect  
<sup>32</sup> in England.' c. v. p. 96, 99.    <sup>33</sup> of themselves, (as it is in the  
<sup>34</sup> Though the state, regiment, policy    <sup>35</sup> churches of God residing in hea-  
<sup>36</sup> and power temporal be in itself    <sup>37</sup> then kingdoms, and was in the  
<sup>38</sup> always of distinct nature, quality,    <sup>39</sup> Apostles' times under the pagan  
<sup>40</sup> and condition from the govern-    <sup>41</sup> emperors,) yet now when the laws

Defence of English Catholics, that "the power political hath  
 "her princes, laws, tribunals; the spiritual, her prelates,  
 "canons, councils, judgments; and those (when the<sup>b</sup> princes  
 "are pagans) wholly separate, but in Christian common-  
 "wealths joined though not confounded<sup>c</sup>." Howbeit after-  
 wards his former sting appeareth again; for in a Christian<sup>d</sup>  
 commonwealth he holdeth, that the Church ought not to  
 depend at all upon the authority of any civil person what-  
 soever, as in England he saith it doth.

[5] It will be objected, that "the Fathers do oftentimes  
 "mention the commonwealth and the Church of God by way  
 "of opposition<sup>e</sup>. Can the same thing be opposite<sup>f</sup> unto  
 "itself? If one and the same society be both<sup>g</sup>, what sense  
 "can there be in that speech which saith<sup>h</sup>, that 'they suffer  
 "and flourish together<sup>i</sup>?' What sense in that which maketh  
 "one thing<sup>j</sup> adjudged to the Church, another<sup>k</sup> to the com-  
 "monwealth<sup>l</sup>? Finally, in that which putteth a difference  
 "between the causes of the province and of<sup>m</sup> the Church?  
 "Doth<sup>n</sup> it not hereby appear that the Church and the common-  
 "wealth are things evermore personally separate<sup>o</sup>?"  
 No, it doth not hereby appear that there is<sup>p</sup> perpetually

BOOK VIII.  
 Ch. 1. 3

a. Proof of  
 separation  
 between  
 the Church  
 and  
 common-  
 wealth<sup>h</sup>,  
 taken from  
 the  
 speeches of  
 the Fathers  
 opposing  
 the one to  
 the other.

<sup>b</sup> temporal princes C.    <sup>c</sup> Christian an. E.C.L.    <sup>d</sup> Proof... commonwealth  
 an. E.    <sup>e</sup> opposit E.    <sup>f</sup> both Church and commonwealth E.C.L.    <sup>g</sup> which  
 saith an. E. that saith Q.    <sup>h</sup> to be adjudged E.    <sup>i</sup> and another E.Q.C.L.  
<sup>k</sup> of an. E.C.L.    <sup>l</sup> Church, doth E.Q.C.L.    <sup>m</sup> not E. edd. 1662, 76. corr. 1682.

"of Christ are received, and the    "the body... So likewise, the power  
 "bodies politic and mystical, the    "political," &c.]  
 "Church and civil state, the magi-    "[1] Nor yet the spiritual turned  
 "strate ecclesiastical and temporal,    "into the temporal, or subject by  
 "concur in their kinds together,    "perverse order (as it is now in  
 "(though ever of distinct regimens,    "England) to the same; but the  
 "natures and ends) there is such    "civil, which indeed is the inferior,  
 "a concurrence and subordination    "subordinate, and in some cases  
 "betwixt both, that the inferior of    "subject to the ecclesiastical; though  
 "the two (which is the civil state)    "so long as the temporal state is no  
 "must needs (in matters pertaining    "hindrance to eternal felicity and  
 "any way either directly or indirectly    "the glory of Christ's kingdom, the  
 "to the honour of God and benefit    "other intermeddeth not with his  
 "of the soul) be subject to the    "actions." Allen, ubi supra.]  
 "spiritual; and take direction from    "<sup>1</sup> T. C. I. li. p. 151.  
 "the same. The condition of these    "<sup>2</sup> Socr. lib. 5. prefat. Somm.  
 "two powers (as St. Gregory Nazi-    lib. 3. c. 22. [These two references  
 "anzen most excellently resembleth    from D.]  
 "it) is like unto the distinct state of    "<sup>3</sup> Euseb. de Vita Constant. lib. iii.  
 "the spirit and body or flesh in a    [c. 64.]  
 "man... The spirit may and must    "<sup>4</sup> Aug. Ep. 167. [al. 89.]  
 "command, overrule, and chastise



BOOK VIII. any such separation; we may<sup>a</sup> speak of them as two, we may sever the rights and causes of the one well enough from the other, in regard of that difference which we grant there<sup>b</sup> is between them, albeit we make no personal difference. For the truth is, that the Church and the commonwealth are names which import things really different; but those things are accidents<sup>c</sup>, and such accidents as may and should always<sup>d</sup> dwell lovingly<sup>e</sup> together in one subject. Wherefore the real difference between the accidents signified by those names, doth not prove different subjects for them always to reside in. For albeit the subjects wherein they are<sup>f</sup> resident be some-time<sup>g</sup> different, as when the people of God have their being<sup>h</sup> among infidels; yet the nature of them is not such but that their subject may be one, and therefore it is but a changeable accident, in those accidents<sup>i</sup>, when the subjects they are in be diverse.

There can be no error in our conceit concerning this point, if we remember still what accident that<sup>m</sup> is, for which a society hath the name of a commonwealth, and what accident that which doth cause it to be termed a Church. A commonwealth we name it simply in regard of some regiment or policy under which men live; a church for the truth of that religion which they profess. Now names betokening accidents unabstracted, do betoken<sup>n</sup> not only those<sup>o</sup> accidents, but also together with them the<sup>p</sup> subjects whereunto they cleave. As when we name a schoolmaster and a physician, these<sup>q</sup> names do not only betoken two accidents, teaching and curing, but also some person or persons in whom these accidents are. For there is no impediment but both may be one man<sup>r</sup>, as well as they are for the most part diverse<sup>s</sup>. The commonwealth and the Church therefore being such names, they do not only betoken those accidents of civil government and Christian religion which we have mentioned, but also together with them such multitudes as are the subjects of those<sup>t</sup> accidents. Again, their nature being such that<sup>u</sup> they may well enough dwell together in one subject, it followeth

<sup>a</sup> may om. E.C.    <sup>b</sup> there om. E.Q.C.L.    <sup>c</sup> accident E.    <sup>d</sup> always should E.C.L.    <sup>e</sup> lovingly dwell E.L.D.    <sup>f</sup> be E.C.L.    <sup>g</sup> sometimes E.    <sup>h</sup> residence E.    <sup>i</sup> in those accidents they are to be divers E.    <sup>j</sup> that om. E.    <sup>k</sup> inabstracted, betoken E.; so in 1561-83.    <sup>l</sup> the accidents themselves E.Q.C.L.    <sup>m</sup> the om. E.    <sup>n</sup> those E.C.L.    <sup>o</sup> in one man E.Q.C.    <sup>p</sup> in divers E. not in E.    <sup>q</sup> these E. such C.L.    <sup>r</sup> as E.Q.



that their names, though always implying that difference of book viii.  
accidents which<sup>a</sup> hath been set down, yet do not always  
imply different subjects also. When we oppose the Church<sup>b</sup>  
therefore and the commonwealth in a<sup>c</sup> Christian society, 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<sup>d</sup> affairs  
besides: when that society which is both a church and a  
commonwealth doth flourish in those things which belong  
unto it as a commonwealth, we then say, "the commonwealth  
doth flourish;" when<sup>e</sup> in those things which concern it as  
a church, "the Church doth flourish;" when in both, then<sup>f</sup>  
"the Church and commonwealth flourish together."

The Prophet Esay, to note corruptions in the common-  
wealth, complaineth, "That where judgment and justice<sup>g</sup>  
had lodged now were murderers; princes were become  
companions of thieves; every one loved gifts and rewards;  
but the fatherless was not judged, neither did the widow's  
cause come before them." To shew abuses in the Church,  
Malachy doth make his complaint<sup>h</sup>: "Ye offer unclean  
bread upon mine altar: if ye offer the blind for sacrifice, it  
is not amiss<sup>i</sup> as ye think; if the lame and the sick, nothing  
is amiss." The treasures<sup>j</sup> which David<sup>k</sup> did bestow<sup>l</sup> upon  
the temple do<sup>m</sup> argue the love which he bare to the Church:  
the pains that<sup>n</sup> Nehemias<sup>o</sup> took for building the walls of the  
city are tokens of his care for the commonwealth. Causes of  
the commonwealth, or province, are still as Gallio was con-  
tent to be judge of<sup>p</sup>: "If it were a matter of wrong, or an  
evil deed, O ye Jews, I would according to reason maintain  
you." Causes of the Church are such as Gallio there<sup>q</sup>  
rejecteth: "If it be a question of your law, look you unto  
it, I will be no judge of those things<sup>r</sup>." In respect of these

<sup>a</sup> that E.C.L. <sup>b</sup> therefore the Church E.C.L. <sup>c</sup> a am. E. <sup>d</sup> without any  
affairs; besides, when, E. <sup>e</sup> when church doth flourish am. E.C.L. <sup>f</sup> when  
in both [of] them, we then say E. <sup>g</sup> justice and judgment E.C.L. [The Geneva  
Bible, do and do: read as in the text] <sup>h</sup> evil Gen. Bible, E.C.L. <sup>i</sup> you D.  
<sup>j</sup> treasure E.C. <sup>k</sup> bestowed E. <sup>l</sup> did E.C.L. <sup>m</sup> which E.C.L. <sup>n</sup> Nehemias E.  
<sup>o</sup> miseth E.C.L. [rejecteth Fulm.] <sup>p</sup> thereof E.C. of those matters L. of those  
things, Gen. Bible.

<sup>1</sup> Isai. i. 21, 23. <sup>2</sup> Mal. i. 7, 8. [cf. VII. xxii. 4.] <sup>3</sup> 1 Chron. xxix. 3.  
<sup>4</sup> Nehem. ii. 17. <sup>5</sup> Acts xviii. 14. <sup>6</sup> Ver. 15.

BOOK VIII. differences<sup>b</sup> therefore the Church and the commonwealth may  
Ch. I. 6. in speech be compared or opposed aptly enough the one to  
the other; yet this is no argument that they are two independent societies.

3. Proof of perpetual antagonism and independence between the commonwealth and the Church.<sup>c</sup> [6.] Some other reasons there are, which seem a little more nearly to make for the purpose, as long as they are but heard and not sifted. For what though a man being severed by excommunication from the Church, be not thereby deprived of freedom in the city; nor<sup>d</sup> being there discommoded, is thereby<sup>e</sup> forthwith excommunicated and excluded from<sup>f</sup> the Church?<sup>g</sup> what though the Church be bound to receive them upon repentance, whom the commonwealth may refuse again to admit<sup>h</sup> if it chance the same men to be shut out of both? That division<sup>i</sup> of the church and commonwealth, which they contend for, will very hardly hereupon follow.

For we must note that members of a Christian commonwealth have a triple state; a natural, a civil, and a spiritual. No man's natural estate is cut off otherwise than by that capital execution, after<sup>kk</sup> which he that is gone from<sup>l</sup> the body of the commonwealth doth not, I think, remain still<sup>m</sup> in the body of the<sup>n</sup> visible Church.

And concerning a<sup>o</sup> man's civil estate<sup>p</sup>, the same is subject partly to inferior abatements of liberty, and partly unto diminution in the very<sup>q</sup> highest degree, such as banishment is; which<sup>r</sup>, sith it casteth out quite and clean from the body of the commonwealth, must<sup>s</sup> needs also consequently cast the banished party even out of the very Church he was of before, because that Church and the commonwealth he was of were

<sup>b</sup> this difference E. <sup>c</sup> Proofs... Church em. E. <sup>d</sup> and released em. E. or released Q.C. <sup>e</sup> or E. <sup>f</sup> is not therefore E.Q. is therefore C.L. <sup>g</sup> from em. E.C. <sup>h</sup> admit? <sup>i</sup> If it chance the same man be shut out of both, divisions E. 1666. <sup>j</sup> both, divisions E. <sup>k</sup> execution. After E. <sup>l</sup> some of E. some of is gone from L. cut off is gone from C. some that way gone from Q. is E. [still Palms.] <sup>m</sup> that E. <sup>n</sup> a. em. E.D.C.L. <sup>o</sup> state D. <sup>p</sup> very em. E.C. <sup>q</sup> which em. E. <sup>r</sup> it must E.

<sup>s</sup> T. C. I. iii. p. 152. [151. <sup>t</sup> A <sup>u</sup> by excommunication... When one <sup>v</sup> man may, by excommunication, be <sup>w</sup> is for his misbehaviour deprived <sup>x</sup> sundred from the Church, which <sup>y</sup> of his privileges both in the <sup>z</sup> forthwith loseth not of necessity <sup>aa</sup> Church and commonwealth; al- <sup>ab</sup> his burgesship or freedom in the <sup>ac</sup>beit the Church be upon his re- <sup>ad</sup> city or commonwealth... The civil <sup>ae</sup>pentance bound to receive him <sup>af</sup> magistrate may by banishment cut <sup>ag</sup> in again as member thereof, yet <sup>ah</sup> off a man from being a member <sup>ai</sup> the commonwealth is at her liberty <sup>aj</sup> of the commonwealth, when the <sup>ak</sup> whether she will restore him or <sup>al</sup> Church cannot by and by cast out <sup>am</sup> no.]

*the two not hereby proved incapable of Union.* 339

both one and the same society: so that whatsoever doth separate utterly<sup>a</sup> a man's person from the one, it separateth also from the other<sup>a</sup>. As for such abatements of civil state as take away only some privilege, dignity, or other benefit which a man enjoyeth in the commonwealth, they reach only unto our dealing with public affairs, from which what should<sup>a</sup> let but that men may be excluded and thereunto restored again, without diminishing or augmenting the number of persons in whom either church or commonwealth consisteth? He that by way of punishment loseth his voice in a public election of magistrates, ceaseth not thereby to be a citizen. A man disfranchised may notwithstanding enjoy as a subject the common benefit of protection under laws and magistrates. So that these inferior diminutions which touch men civilly, but neither do clean extinguish their estate as they belong to the commonwealth, nor impair a whit their condition as they are of the Church of God: these I say clearly do<sup>a</sup> prove a difference of the affairs of<sup>a</sup> the one from the other, but such a difference as maketh nothing for their surmise of distracted societies.

And concerning excommunication, it cutteth off indeed from the Church, and yet not from the commonwealth; howbeit so, that the party excommunicate is not thereby severed from one body which subsisteth in itself, and retained of<sup>a</sup> another in like sort subsisting; but he that<sup>a</sup> before had fellowship with that society whereof he was a member, as well touching things spiritual as civil, is now by force of excommunication, although not severed from the same<sup>a</sup> body in civil affairs, nevertheless for the time cut off from it as touching communion in those things which belong to the said<sup>a</sup> body, as it is the Church.

A man which hath<sup>a</sup> both been excommunicated by the Church, and deprived of civil dignity in the commonwealth, is upon his repentance necessarily readmitted<sup>a</sup> into the one, but not of necessity into the other. What then? that which he is admitted<sup>a</sup> unto is a communion in things divine, whereof saints<sup>a</sup> are partakers; that from which he is withheld

<sup>a</sup> utterly separate E. sever C. <sup>a</sup> from the other also E. <sup>a</sup> may E. <sup>a</sup> do clearly E. <sup>a</sup> the affairs of one. E.C.L. <sup>a</sup> by E. <sup>a</sup> which E.C.L. <sup>a</sup> same as E. <sup>a</sup> same E.C. <sup>a</sup> which having E.L.Q. which having been both D.A. man which hath both been C. <sup>a</sup> reunited E.L. received C. <sup>a</sup> admitted E.C. <sup>a</sup> both parts E.

340 *Case of the Supremacy stated: Plan of the Argument.*

BOOK VIII is the benefit of some human privilege or right which other citizens haply enjoy. But are not those<sup>a</sup> Saints and Citizens one and the same people? are they not one and the same society? doth it hereby appear that the Church which receiveth<sup>b</sup> an excommunicate man<sup>c</sup>, can have no dependency of<sup>d</sup> any person which is of<sup>e</sup> chief authority and power, in those things of<sup>f</sup> the commonwealth whereunto the same<sup>g</sup> party is not admitted?

[7.] Wherefore to end this point, I conclude: First, that under<sup>h</sup> dominions of infidels, the Church of Christ, and their commonwealth, were two societies independent. Secondly, that in those commonwealths where the bishop of Rome beareth sway, one society is both the Church and the commonwealth; but the bishop of Rome doth divide the body into two diverse bodies, and doth not suffer the Church to depend upon the power of any civil prince or<sup>i</sup> potentate. Thirdly, that within this realm of England the case is neither as in the one, nor as in the other of the former two: but from the state of pagans we differ, in that with us one society is both the Church and commonwealth, which with them it was not; as also from the state of those nations which subject<sup>j</sup> themselves to the bishop of Rome, in that our Church hath dependency upon<sup>k</sup> the chief in our commonwealth, which it hath not under him<sup>l</sup>. In a word, our estate is according to the pattern of God's own ancient elect people, which people was not part of them the commonwealth, and part of them the Church of God, but the selfsame people whole and entire were both under one chief Governor, on whose supreme authority they did all<sup>m</sup> depend.

II. [1.] Now the drift of all that hath been alleged to prove perpetual separation and independency between the Church and the commonwealth is, that this being held necessary, it might consequently be thought<sup>n</sup>, that in a Christian kingdom he whose power is greatest over the commonwealth may not lawfully have supremacy of power also over the

<sup>a</sup> these E.C.    <sup>b</sup> received E.L. receives C.    <sup>c</sup> man om. E.C.L.Q.    <sup>d</sup> or E.L. on C.Q. E. 1666.    <sup>e</sup> both E. 1666.    <sup>f</sup> of these things in E. of those things of C.L.    <sup>g</sup> said D.    <sup>h</sup> the dominions E.C.L.    <sup>i</sup> and E.C.L.    <sup>j</sup> subjected E. submitted C.    <sup>k</sup> dependence from E.C.L.    <sup>l</sup> when he is referred to rule E.C.L. where he, Acc. Q.    <sup>m</sup> all om. D. all did L.    <sup>n</sup> thought & E.

Church, as it is a church<sup>a</sup>; that is to say, so far as to order<sup>b</sup> BOOK VIII.  
and dispose<sup>c</sup> of spiritual affairs, <sup>as the highest uncommanded</sup> CH. II. A.  
commander in them. Whereupon it is grown a question,  
whether power<sup>d</sup> ecclesiastical over the Church<sup>e</sup>, power<sup>f</sup>  
of dominion in such degree<sup>g</sup> as the laws<sup>h</sup> of this land do grant  
unto the sovereign governor thereof, may by the said supreme  
Head and<sup>i</sup> Governor lawfully be enjoyed and held? For  
resolution wherein, we are, first, to define what the power of  
dominion is: <sup>then to shew by what right: after what sort:</sup>  
in what measure: with what conveniency<sup>j</sup>: according unto  
whose example Christian. kings may have it. And when  
these generalities<sup>k</sup> are opened, to examine afterwards how  
lawful that is which we in regard of dominion do attribute  
unto our own: namely, the title of headship over the Church,  
so far as the bounds of this kingdom do reach: <sup>the prerogative</sup>  
of calling and dissolving greater<sup>l</sup> assemblies, about  
spiritual affairs public: the right of assenting unto all those  
orders concerning religion, which must after be in force as  
laws<sup>m</sup>: the advancement of principal church-governors to their  
rooms of prelacy: judicial authority higher than others are  
capable of: and exemption from being punishable with such  
kind of censures as the platform of reformation doth teach  
that they ought to be subject unto.

[a.] Without order there is no living in public society, <sup>What the</sup>  
because the want thereof is the mother of confusion, where <sup>power of</sup>  
upon division of necessity followeth, and out of division, <sup>dominion</sup>  
inevitable<sup>n</sup> destruction<sup>o</sup>. The Apostle<sup>p</sup> therefore giving  
instruction to public societies, requireth that all things be  
orderly done. Order can have no place in things, unless<sup>q</sup>  
it be settled amongst the persons that shall by office be con-  
versant about them. And if things or<sup>r</sup> persons be ordered,

<sup>a</sup> as it is a Church *om.* E.C.L.Q. <sup>b</sup> order thereby E.C.L.Q. <sup>c</sup> and to  
dispose E.C.L. <sup>d</sup> so far as E.C.L. <sup>e</sup> government E.C. <sup>f</sup> over the  
Church *om.* E.C. <sup>g</sup> and power E.C. <sup>h</sup> degree E.C.L.Q. <sup>i</sup> *of Law E. 1666.*  
<sup>j</sup> Head and *om.* E.C.L.Q. <sup>k</sup> E.C.L. insert <sup>l</sup> secondly, thirdly, fourthly, fifthly,  
to mark the respective clauses of this sentence; to which C. and L. add (as would  
be correct) *stantly* before the word *assenting*; but E. in that place has a full stop,  
for which in the current text *and* has been substituted. Q. notes the numbers  
in the margin. The whole stands here as in the Dobl. MSS. <sup>m</sup> in what in-  
conveniency E. in what conveniency C. <sup>n</sup> generally E.C. <sup>o</sup> secondly, the  
prerogative, *Ac.* E.C.L. (and so in the following clauses of this *om.* *om.* *om.*)  
<sup>p</sup> great E. <sup>q</sup> law E. <sup>r</sup> inevitable *om.* E.C.L. <sup>s</sup> except E.C.L.  
and E.C.L.

<sup>1</sup> Luke xi. 17. <sup>2</sup> 1 Cor. xiv. 40.

BOOK VIII. this doth imply that they are distinguished by degrees. For  
Ch. 1. 3.  
 order is a gradual disposition.

The whole world consisting of parts so many, so different, is by this only thing upheld; he which framed them hath set them in order. Yea<sup>3</sup>, the very Deity itself both keepeth and requireth for ever this to be kept as a law, that wheresoever there is a coagmentation<sup>39</sup> of many, the lowest be knit to the highest by that which being interjacent may cause each to cleave unto other<sup>4</sup>, and so all to continue one.

This order of things and persons in public societies is the work of polity<sup>4</sup>, and the proper instrument thereof in every degree is power; power being that ability which we have of ourselves, or receive from others, for performance of any action. If the action which we are<sup>5</sup> to perform be conversant about matter<sup>1</sup> of mere religion, the power of performing it is then spiritual; and if that power be such as hath not any other to overrule it, we term it dominion, or power supreme, so far as the bounds thereof do extend<sup>6</sup>.

[3.] When therefore Christian kings are said to have spiritual dominion or supreme power in ecclesiastical affairs and causes, the meaning is, that within their own precincts and territories they have authority and power to command even in matters of Christian religion, and that there is no higher nor greater that can in those causes<sup>7</sup> over-command them, where they are placed to reign as kings. But withal we must likewise note that their power is termed supremacy, as being the highest, not simply without exception of any thing. For what man is there<sup>8</sup> so brain-sick, as not to except in such speeches God himself, the King of all the kings of the earth?<sup>8</sup> Besides, where the law doth give him dominion<sup>9</sup>, who doubteth but that the king who receiveth it must hold it of and under<sup>4</sup> the law? according to that<sup>10</sup> axiom, "Attribuat rex legi, quod lex attribuit ei, potestatem et dominium<sup>4</sup>;" and again, "Rex non debet esse sub homine, sed sub Deo et lege<sup>1</sup>." Thirdly, whereas it is not<sup>4</sup> alto-

<sup>1</sup> Yes om. E.C.L.Q. <sup>2</sup> coagmentation E. 1666. corr. 1676. <sup>3</sup> to the  
 other E.Q. <sup>4</sup> polity E.Q.C.L. <sup>5</sup> have E.C.L. <sup>6</sup> matters E. <sup>7</sup> in. <sup>8</sup> extend. om. D. do  
 om. E. <sup>9</sup> as authority E. <sup>10</sup> cases E.C.L. <sup>11</sup> there om. E.C.L. <sup>12</sup> of all Dominion?  
 om. E. 1666. <sup>13</sup> Besides—dominion om. E. 3im om. D. <sup>14</sup> order E. [Falm. under.]  
<sup>15</sup> old axiom E. <sup>16</sup> et dominium om. E. potestatem, dominium C. <sup>17</sup> and om. E.C.  
<sup>18</sup> [Bracton (circ. 1244.) de Leg. the reading in the former quotation  
 Angl. l. 8. fol. 5. ed. 1599; where is "dominationem et potestatem."]

gether without reason, "that kings are judged to have by virtue of their dominion, although greater power than any, yet not than all the states<sup>f</sup> of those societies conjoined, wherein such sovereign rule is given them;" there is not hereunto any thing contrary<sup>g</sup> by us affirmed, no, not when we grant supreme authority unto kings, because supremacy is no<sup>h</sup> otherwise intended or meant<sup>i</sup> than to exclude partly foreign powers, and partly the power which belongeth in several unto others, contained as parts<sup>k</sup> within that politic body over which those kings have supremacy. "Where the king hath power of dominion, or supreme power, there no foreign state or potentate, no state or potentate domestical, whether it consist<sup>l</sup> of one or<sup>m</sup> of many, can possibly have in the same affairs and causes authority higher than the king."

Power of spiritual dominion therefore is in causes ecclesiastical that ruling authority, which neither any foreign state, nor yet any part of that politic body at home, wherein the same is established, can lawfully overrule<sup>n</sup>.

[4.] Unto which supreme power in kings two kinds of adversaries there are that<sup>o</sup> have opposed themselves: one sort defending, "that supreme power in causes ecclesiastical throughout the world appertaineth of divine right to the bishop of Rome;" another sort, "that the said power belongeth in every national church unto the clergy thereof assembled." We which defend as well against the one as against the other<sup>p</sup>, "that kings within their own precincts may have it," must shew by what right it may<sup>q</sup> come unto them.

[5.] First, 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<sup>r</sup> supreme authority, full dominion over itself, even as a man

<sup>f</sup> state E.    <sup>g</sup> any thing hereto to the contrary E.C.    <sup>h</sup> not E.C.L.Q.  
<sup>i</sup> meant to exclude E. (Falm. inserts "but").    <sup>j</sup> in E.    <sup>k</sup> consisteth E.  
<sup>l</sup> of one E.    <sup>m</sup> On the authority of the Dublin MS. confirmed by internal evidence, the section headed, "By what rule," is omitted here, and inserted § 17. Of this arrangement a relic remains in E.Q. and L. viz. the marginal note, "By what rule," inserted in that place, without any section to which it might refer. Falm. notes in the margin there, "des," which probably means "desert [quodam]."    <sup>n</sup> The right which men give, God ratifies, E. In Q., on a separate paper, in another hand, (perhaps Bishop Barlow's,) this side-note stands thus: "By what right kings hold supreme power over causes ecclesiastical in their own dominions; namely, though such as men do give, yet God doth ratify."    <sup>o</sup> which E.    <sup>p</sup> against the other E.Q.C.L.    <sup>q</sup> must E.Q.  
<sup>r</sup> God supreme E.Q.C.L.



BOOK VIII  
Ch. II, 5

not tied with the bond<sup>1</sup> of subjection as yet unto any other, hath over himself the like power. God creating mankind did endue it naturally with \*full power to guide itself<sup>1</sup>, in what kind<sup>2</sup> of societies<sup>3</sup> soever it<sup>4</sup> should choose to live. A man which is born lord of himself may be made another's servant: and that power which naturally whole societies have, may be derived into<sup>5</sup> many, few, or one, under whom the rest shall then live in subjection.

Some multitudes are brought into subjection by force, as they who being subdued are fain to submit their necks unto what yoke it pleaseth their conquerors to lay upon them; which conquerors by just and lawful wars do hold their power over such multitudes as a thing descending unto them, divine providence itself so disposing. For it is God who giveth victory in the day of war. And unto whom dominion in this sort is derived, the same they enjoy according unto that<sup>6</sup> law of nations, which law authorizeth conquerors to reign as absolute lords over them whom they vanquish.

Sometimes<sup>7</sup> it pleaseth God himself by special appointment to choose out and nominate such as to whom dominion shall be given, which thing he did often in the commonwealth of Israel. They who<sup>8</sup> in this sort receive power have it<sup>9</sup> immediately from God, by mere divine right; they by human, on whom the same is bestowed according unto men's discretion, when they are left free<sup>10</sup> by God to make choice of their own governour<sup>11</sup>. By which of these means soever it happen that kings or governors be advanced unto their states<sup>12</sup>, we must acknowledge both their lawful choice to be approved of God, and themselves to be<sup>13</sup> God's lieutenants<sup>14</sup>, and confess their power<sup>15</sup> his<sup>16</sup>.

<sup>1</sup> had E.C.L.      <sup>2</sup> full sw. E.      <sup>3</sup> kinds D.      <sup>4</sup> society E.C.L.  
<sup>5</sup> they E. he C.L.      <sup>6</sup> unto E.Q.C.L.      <sup>7</sup> to the E.C. to that Q.  
<sup>8</sup> Sometime D.      <sup>9</sup> which E.C.      <sup>10</sup> have it sw. E.C.L. [which insert is  
also "God."]      <sup>11</sup> lively E.      <sup>12</sup> governours E.C.L.Q.      <sup>13</sup> states E.C.  
<sup>14</sup> for D. [see p. 346, line 5.]      <sup>15</sup> power which they have to be his E.C.L.Q.

<sup>16</sup> [Comp. Allen, Apol. c. iv. p. 67. "Oportet ecclesiam . . . illam  
rationem et conservare gubernandi  
rationem, quam Christus ipse im-  
mediate instituit, quaque nec  
elegit nec ordinavit populi decre-  
tum et consensus qui erigit au-  
torem statuum humanarum est et  
formarum politica." It is the  
principle of the Roman law: "Quod  
principi placuit, legis habet vigo-  
rem: ad hoc cum lege regia, quae  
de ejus imperio lata est, populus et  
et in eum omne suum imperium et  
potestatem conferat." Dig. l. iv. l. 3.]  
<sup>17</sup> Dan. ii. 31. iv; Is. xlv; Rom. xiii.  
<sup>18</sup> "Corona est potestas delegata  
a Deo." Erastus. [The editor has

As for supreme power in ecclesiastical affairs, the word of God doth no where appoint that all kings should have it, neither that any should not have it; for which cause it seemeth to stand altogether by human right, that unto Christian kings there is such dominion given.

[6.] Again, on whom the same is bestowed even<sup>4</sup> at men's discretion, they likewise do hold it by divine right. If God in his own<sup>5</sup> revealed word have<sup>6</sup> appointed such power to be, although himself extraordinarily bestow it not, but leave the appointment of the<sup>7</sup> persons unto men; yea, albeit God do neither appoint the thing<sup>8</sup> nor assign the person; nevertheless when men have<sup>9</sup> established both, who doth doubt but that sundry duties and offices<sup>10</sup> depending thereupon are prescribed in<sup>11</sup> the word of God, and consequently by that very right to be exacted?

For example's sake, the power which the<sup>12</sup> Roman emperors had over foreign provinces was not a thing which the law of God did ever institute, neither was Tiberius Caesar by special commission from heaven therewith invested; and yet the<sup>13</sup> payment of tribute unto Caesar being<sup>14</sup> made emperor is the plain law of Jesus Christ. Unto kings by human right, honour by very divine right, is due; man's ordinances are

<sup>1</sup> even om. E.Q.C.L.      <sup>2</sup> own om. E.C.L.      <sup>3</sup> both E.Q.C.L.  
<sup>4</sup> the om. E.C.      <sup>5</sup> the thing om. E. [Folm. J. the power]      <sup>6</sup> assigned  
and established E.      <sup>7</sup> affords E.      <sup>8</sup> by E.C.      <sup>9</sup> the om. E.  
<sup>10</sup> the om. E.      <sup>11</sup> being now made E.Q.C.L.      <sup>12</sup> by E.C.

not been able to find these words in the Book De Legibus Angliæ, but the sentiment occurs continually, E. g. ed. 1566, fol. 1. "Rex vicarius Dei;" et fol. 5. "Quod sub lege esse debeat, cum sit Dei vicarius, evidenter apparet ad similitudinem Jesu Christi, cujus vices gerit in terra;" and fol. 53. "Habet omnia jura in manu sua, que ad coronam et laticlarem pertinet potestatem... ut es jurisdictione sua, sicut Dei minister et vicarius, tribuat unicuique quod suum fuerit... Est enim corona regis facere justitiam et iudicium, et tenere pacem;" and fol. 107. lib. iii. cap. 5 throughout. "Rex" (inquit Sthenidas [Ephantus] Lucas de Regno) ré sév [révé] est le premier des seigneurs de l'île alvée d'ici les royaumes d'Espagne. [Ap. Stobæus, li. 321. ed. Gaisford\*.]

\* E. and C. omit this note; L. gives the following version. "A king, in regard of the tabernacle of his body, is like to other men, as made of the same matter, but fashioned by the best workman, who artificially framed him, using himself for the pattern. The word *videtur* therefore seems to have been inadvertently omitted by the copist. It may be questioned, however, whether this version be Hooker's. In MS. D. a space is left here.

BOOK VIII many times presupposed<sup>7</sup> as grounds in the statutes of God.  
 Ch. 13. And therefore of what kind soever the means be whereby  
 ----- governors are lawfully advanced unto their seats<sup>8</sup>, as we by  
 the law<sup>9</sup> of God stand bound meekly to acknowledge them  
 for God's lieutenants, and to confess their power his, so they  
 by the same law<sup>9</sup> are both authorized and required to use  
 that power as far as it may be in any sort<sup>6</sup> available to his  
 honour. The law appointeth no man to be an husband, but  
 if a man have<sup>4</sup> betaken himself unto that condition, it giveth  
 him then<sup>5</sup> authority over his own wife. That the Christian  
 world should be ordered by<sup>1</sup> kingly regiment, the law of God  
 doth not any where command; and yet the law of God doth  
 give them right<sup>6</sup>, which once are exalted to that<sup>8</sup> estate, to  
 exact<sup>4</sup> at the hands of their subjects general obediences in  
 whatsoever affairs their power may serve to command. So<sup>1</sup>  
 God doth ratify the<sup>8</sup> works of that sovereign authority which  
 kings have received by men.

After what [7.] This is therefore the right whereby kings do hold  
 sort<sup>1</sup>. their power; but yet in what sort the same doth rest and  
 abide in them it somewhat further behoveth<sup>6</sup> to search.  
 Wherin, that we be not enforced to make over-large dis-  
 courses about the different conditions of sovereign or supreme  
 power, that which we speak of kings shall be with<sup>8</sup> respect to<sup>9</sup>  
 the state and according to the nature of this kingdom, where  
 the people are in no subjection, but such as willingly them-  
 selves have condescended unto, for their own most behoof  
 and security. In kingdoms therefore of this quality the  
 highest governor hath indeed universal dominion, but with  
 dependence upon that whole entire body, over the several  
 parts whereof he hath dominion; so that it standeth for an  
 axiom in this case, The king is "major singulis, universis  
 "minor!"

<sup>7</sup> proposed E.    <sup>8</sup> states E. estates C.    <sup>9</sup> laws E.    <sup>1</sup> so by the same  
 law they E.    <sup>2</sup> state E.    <sup>3</sup> hath E.Q.C.L.    <sup>4</sup> power and authority E. /  
 power over C.    <sup>5</sup> the kingly E.    <sup>6</sup> right om. E.Q.C.L.    <sup>7</sup> place of estate E.  
 the place of state C. that place Q.    <sup>8</sup> right to exact E.Q.C.L.    <sup>9</sup> and E.Q.C.L.  
<sup>1</sup> the om. E.    <sup>2</sup> / asserted from D.Q.L.    <sup>3</sup> behoveth farther E.    <sup>4</sup> in E.Q.C.L.  
 of E.

<sup>1</sup> Vindic. cont. Tyr. p. 65, 66.    "auctoritatem acceperunt, magis-  
 "Cum de universo populo loqui-    "tratus . . . intelligimus etiam co-  
 "mur, intelligimus eos qui a populo    "mita, quæ nil aliud sunt, quam

[8.] The king's dependency we do not construe as some have done, who are of opinion that no man's birth can make him a king, but every particular person advanced unto such authority hath at his entrance into his reign the same bestowed upon him, as an estate in condition, by the voluntary deed of the people, in whom it doth lie to put by any one, and to prefer some other before him, better liked of, or judged fitter for the place, and that the party so rejected hath herein<sup>a</sup> no injury<sup>b</sup>, no not<sup>c</sup> although this<sup>d</sup> be done in a place where the crown doth go *parâ*<sup>e</sup> *yâvee*, by succession, and to a person which being capable<sup>f</sup> hath apparently, if blood be respected, the nearest right. They plainly affirm<sup>g</sup>, that<sup>h</sup> " in all well-

<sup>a</sup> herein *em.* E.Q.C.L.    <sup>b</sup> injury done unto him E.Q.C.L.    <sup>c</sup> not *em.* E.C.L.  
<sup>d</sup> the sense E.C.L.    <sup>e</sup> *parâ* E. *Yâvee*, by birth, *parâ* E. *parâ* E. both Greek words  
*em.* C.    <sup>f</sup> is capable, and E. is capable, and C.    <sup>g</sup> that *em.* E.

<sup>h</sup> *regni cuiusque epitome, ad que publica omnia negotia referuntur* "... *illi vero ut singuli regi inflo-*  
*pius sunt, ita universi sup-*  
*erent.*"  
<sup>i</sup> Junius Brutus, *Vindiciæ*, p. 83.  
<sup>j</sup> *Vindiciæ contra Tyrannos*, sive, *de Principia in Populum Popu-*  
*lique in Principem legitima Potes-*  
*tate*; Stephano Junio Bruto, *Cæsa*, sive, *ut putatur, Theodoro*  
*Beza, auctore.* P. 112, ed. Am-  
stædæ, 1660. " *Etsi, ex quo virtu-*  
*tem patrum imitari sibi seposse*  
*regna sibi quasi hereditaria fecisse*  
*videntur, in quibusdam region-*  
*ibus electionis libera facultas de-*  
*missæ quodammodo videatur;*  
*mansit tamen perpetuo in omni-*  
*bus regnis hæc constitutio ea*  
*consuetudo, ut demeritis non*  
*præ succederent liberi, quam a*  
*populo quasi de novo constitu-*  
*rentur; nec tanquam sui hæredes*  
*patribus agnoscerentur, sed tum*  
*démum reges consenserunt, cum*  
*ab illis, qui populi majestatem re-*  
*presentarent, regni investituram*  
*quasi per scriptum et diadema*  
*acceptarent.*" The first edition  
of this work bears date 1579. It  
appears by the prefixed epistle to  
have been completed 1577: and  
from internal evidence to have been  
written soon after the coronation of  
the Duke of Angou (afterwards Henry

III.) as king of Poland. See p. 225,  
ed. 1660; and compare a disserta-  
tion by Le Clerc at the end of  
Bayle's Dictionary, Eng. Transl.  
1734, in which, from this and other  
circumstances, he seems to have  
established in opposition to Bayle  
that Du Flessis Mornay, not Hu-  
ber Languet, was the probable  
author of the *Vindiciæ*. Suncliffe  
in his Answer to the Petition to the  
Queen, 1591, mentions it repeatedly  
as the work either of Beza or Hot-  
man; p. 75, 76, 81. Dr. Mac Crie in  
his life of Melville, p. 425 (Edinb.  
1870), says that the *Vindiciæ* is  
properly an enlargement of Beza's  
suppressed treatise of *De Jure Ma-*  
*gistratuum*. This, Mr. Gibbins sug-  
gests, may be the reason why Hooker  
seems to have been inclined to as-  
cribe the book to Beza: see above,  
Editor's Preface, p. xxii. At one  
time it was ascribed to the Jesuit  
Saunders: see Bancroft, Survey, c.  
22. It is an essay to settle four ques-  
tions: 1. "An subditi tenentur  
aut debeant principibus obedire,  
si quid contra legem Dei impe-  
*rent." 2. "An liceat resistere*  
*principi, legem Dei abrogare vo-*  
*lenti, ecclesiæque vastanti. Item*  
*quibus, quomodo et quatenus."*  
3. "An et quatenus principi temp-  
tari possint: aut periculis re-  
sistere liceat. Item, quibus id,

BOOK VIII. "appointed kingdoms, the custom evermore hath been, and  
 CH. II. "is, that children succeed not their deceased<sup>d</sup> parents till  
 "the people after a sort have created them anew, neither that  
 "they grow to their fathers as natural and proper heirs, but  
 "are then to be reckoned for kings, when at the hands of such  
 "as represent the people's<sup>e</sup> majesty they have by a sceptre  
 "and diadem<sup>f</sup> received as it were the investiture of kingly  
 "power." Their very words are<sup>g</sup>, "That where such power  
 "is settled into a family or kindred, the stock itself is thereby  
 "chosen, but not the twig that springeth of it. The next of  
 "the stock unto him which<sup>h</sup> reigneth are not through near-  
 "ness of blood made kings, but rather set forth to stand for  
 "the kingdom. Where regal dominion is hereditary, it is  
 "notwithstanding if ye<sup>i</sup> look to the persons themselves<sup>k</sup> which  
 "have it altogether elective." To this purpose are alleged<sup>l</sup>  
 "heaps of Scriptures concerning the solemn coronation or  
 "inauguration of Saul, of David, of Solomon, of<sup>m</sup> others, by the  
 "nobles, ancients, and people of the commonwealth of Israel ;  
 "as if these solemnities were a kind of deed, whereby the right  
 "of dominion is given<sup>n</sup>. Which<sup>o</sup> strange, untrue, and unnatural  
 "conceits, set abroad by seedsmen of rebellion, only to animate  
 "unquiet spirits, and to feed them with a possibility of aspiring

<sup>d</sup> deceased *om.* E.C.L.    <sup>e</sup> king's E.    <sup>f</sup> sceptre and a diadem E.    <sup>g</sup> that  
 E.C.L.    <sup>h</sup> *om.* E.C.L.    <sup>i</sup> themselves *om.* E.C.L.    <sup>k</sup> selected E.    <sup>l</sup> and  
 E.Q.C.L.    <sup>m</sup> given with E.

" quomodo, et quo jure permissum    " frust; non tam reges, quam regum  
 " sit." 4. "An jure possint aut    " candidati habentur." p. Et. [110.]  
 " debeant vicini principes auxilium    " Si stirpem spectas, hereditarium  
 " ferre aliorum principum subditis,    " certe falsum; at sane si personas,  
 " religiois pure causa afflicti, aut    " omnino electivum."]  
 " manifesta tyrannide oppressa."    " Page 28. [105, &c.]  
<sup>1</sup> Junius Brutus, Vindic. p. 83.    " [See this subject treated of at  
 [116. "In summa: omnes omnino    large by Dr. Saravia, "De Impe-  
 " reges ab initio electi fuerunt. Et    randi Auctoritate, et Christiana  
 " qui hodie per successionem reg-    " Obedientia," lib. iii. cap. 1-17 ;  
 " num adire videntur, prius a popu-    against William Reynolds, of Rheims,  
 " lo constituantur necesse est. De-    who had maintained the contrary  
 " nique etiam populus est egregia    doctrine on the part of a Roman  
 " quedam merita ex aliqua stirpe    Catholic clergy and people in his  
 " reges sibi deligere in quibusdam    work, "De Reip. Christiane Po-  
 " regionibus solet; stirpem ipsam,    testate super Reges," published  
 " non auriculum deligit; nec, ita    1592, under the name of G. Gul.  
 " deligit, quin, si degeneret, aliam    Rossaeus. It appears to have been  
 " eligere non [i] possit. Qui vero    the standing doctrine of the extreme  
 " ex ea stirpe etiam proximi sunt,    papal party in their contentions with  
 " non tam reges nascuntur, quam    the imperialists.]

unto thrones and sceptres<sup>a</sup>, if they can win the hearts of the people, what hereditary title soever any other before them may have, I say, these<sup>b</sup> unjust and insolent positions I would not mention, were it not thereby to make the countenance of truth more orient: for unless we will openly proclaim defiance unto all law, equity, and reason, we must (there is no remedy) acknowledge, that in kingdoms hereditary birth giveth right unto sovereign dominion; and the death of the predecessor putteth the successor by blood in seisin. Those public solemnities before mentioned<sup>c</sup> do but either<sup>d</sup> serve for an open testification of the inheritor's right, or belong to the form of inducting him into possession of that thing he hath right unto. And<sup>e</sup> therefore in case it do<sup>f</sup> happen that without right of blood a man in such wise be possessed, all those things<sup>g</sup> are utterly void, they make him no indefeasible estate, the inheritor by blood may dispossess him as an usurper.

[9.] The case thus standing, albeit we judge it a thing most true, that kings, even inheritors, do hold their right to<sup>h</sup> the power of dominion, with dependency upon the whole entire<sup>i</sup> body politic over which they rule<sup>j</sup> as kings; yet so it may not be understood, as if such dependency did grow, for that every supreme governor doth personally take from thence his power by way of gift, bestowed of their own free accord upon him at the time of his entrance into his<sup>k</sup> said place of sovereign<sup>l</sup> government. But the cause of dependency is in<sup>m</sup> that first original conveyance, when power was derived by<sup>n</sup> the whole into one; to pass from him unto<sup>o</sup> them, whom out of him nature by lawful birth<sup>p</sup> should produce, and no natural or legal inability make incapable<sup>q</sup>. Neither can any man with reason think, but that the first institution of kings is<sup>r</sup> a sufficient consideration wherefore their power should always depend on that from which it did then flow<sup>s</sup>. Original<sup>t</sup> influence of power from the body into the king, is cause of the king's<sup>u</sup> dependency in power upon the body.

<sup>a</sup> and so<sup>v</sup> in am. E.Q.C.L. <sup>w</sup> have. I say these am. E. <sup>x</sup> specified E.C.L. <sup>y</sup> either am. E.Q.C.L. <sup>z</sup> And am. E. <sup>aa</sup> doth E.Q.C. <sup>ab</sup> all these new elections and inheritings E.Q.C.L. <sup>ac</sup> in E.Q.C.L. <sup>ad</sup> entire am. E. inserted in C. by me after head. <sup>ae</sup> have rule Q.C.L. E. am. E. <sup>af</sup> the D.C.L. (Q. read his.) <sup>ag</sup> of his sovereigns E.C.L. <sup>ah</sup> in am. E.Q.C.L. <sup>ai</sup> from E.C. <sup>aj</sup> into D. <sup>ak</sup> birth E.Q.C.L. <sup>al</sup> incapable D.C.L. <sup>am</sup> in am. E. which gives the whole sentence in Italics. <sup>an</sup> it did always flow by original E. <sup>ao</sup> the cause of king's E.

<sup>ap</sup> Vide Cicero, de Offic. [ii. 12.]

BOOK VIII. [10.] By dependency we mean subordination and subjection. A manifest token of which dependency may be this: as there is no more certain argument that lands are held under any as lord<sup>d</sup>, than if we see that such lands in defect of heirs do fall by escheat unto him<sup>e</sup>; in like manner it doth rightly follow<sup>f</sup>, that seeing dominion, when there is none to inherit it, returneth unto the body, therefore they which before were inheritors thereof did hold it with dependency upon the body. So that by comparing the body with the head, as touching power, it seemeth always to reside in both; fundamentally or<sup>g</sup> radically in the one, in the other derivatively; in the<sup>h</sup> one the habit, in the other the act of power.

May then a body politic<sup>a</sup> at all times withdraw in whole or in part that influence of dominion which passeth from it, if inconvenience doth<sup>b</sup> grow thereby? It must be presumed, that supreme governors will not in such case oppose themselves, and be stiff in detaining that, the use whereof is with public detriment: but surely without their consent I see not how the body should be able by any just means<sup>i</sup> to help itself, saving when dominion doth escheat. Such things therefore must be thought upon beforehand, that power may be limited ere it be granted; which is the next thing we are to consider.

In what INTERLUDE. [11.] In power of dominion, all kings have not an equal latitude. Kings by conquest make their own charter: so that how large their power, either civil or spiritual, is, we cannot with any certainty define, further than only to set them in general<sup>m</sup> the law of God and nature for bounds. Kings by God's own special appointment have also that largeness of power, which he doth assign or permit with approbation. Touching kings which were first instituted by agreement and composition made with them over whom they reign, how far their power may lawfully<sup>n</sup> extend, the articles of compact between them must<sup>o</sup> shew: not the articles only<sup>p</sup> of compact at the first beginning, which for the most part are either clean worn out

<sup>a</sup> both E.C.                      <sup>d</sup> fall unto them by escheat E.C.                      <sup>g</sup> follow rightly E. rightly em. C.                      <sup>e</sup> and E.Q.C.L.                      <sup>h</sup> the em. E.Q.C.L.                      <sup>i</sup> may a body politic then E.C.                      <sup>f</sup> the E.C.L.                      <sup>m</sup> inconveniences do E.Q.C. controversies do E.                      <sup>l</sup> by any just means should be able E.                      <sup>n</sup> the law of E. [understood by Fals.]                      <sup>o</sup> lawfully em. E.Q.C.L.                      <sup>p</sup> is to E.Q.C.L. <sup>r</sup> only the articles E.C.L.







BOOK VIII. "most restrained power".<sup>a</sup> A king which hath not supreme power in the greatest things, is rather entitled a king, than invested with real sovereignty. We cannot properly term him a king, of whom it may not be said, at the leastwise, as touching certain the very<sup>b</sup> chiefest affairs of state, *αὐτῷ μὲν ἄρχεω, ἀρχεῖσθαι δὲ ἔτι ὑπερέχει*, "his right in them is to have rule, not subject to any other predominant".<sup>c</sup> I am not of opinion that simply always<sup>d</sup> in kings the most, but the best limited power is best<sup>e</sup>: the most limited is, that which may deal in fewest things; the best, that which in dealing is tied unto the soundest, perfectest, and most indifferent rule; which rule is the law; I mean not only the law of nature and of God, but very national or municipal law consonant thereunto<sup>b</sup>. Happier that people whose law is their king in the greatest things, than that whose king is himself their law. Where the king doth guide the state, and the law the king, that commonwealth is like an harp or melodious instrument, the strings whereof are tuned and handled all by one<sup>h</sup>, following as laws the rules and canons of musical science<sup>h</sup>. Most divinely therefore Archytas maketh unto public felicity these four steps<sup>i</sup>, every later whereof doth spring from the former, as from a mother<sup>k</sup> cause; *ὁ μὲν βασιλεὺς νόμος, ὁ δὲ ἄρχων ἀδελφεός, ὁ δὲ ἀρχόμενος ἐλεύθερος*, & ἔπειτα κοινωρία εὐδαιμονία<sup>l</sup>; adding on the contrary side, that "where this order is not, it cometh by transgression thereof to pass that the king<sup>m</sup> groweth<sup>n</sup> a tyrant; he that ruleth under him abhorreth

<sup>a</sup> they were most tied to law, and so [had C.L.Q.] the most restrained power E.C.L.Q. <sup>b</sup> very om. E.C.L. <sup>c</sup> the same E.C.L. <sup>d</sup> αὐτῷ μὲν, and afterwards M. om. E.C. <sup>e</sup> predominancy E. <sup>f</sup> always om. E.C.L. <sup>g</sup> E.Q.C. insert "both for them and the people," as does L, repeating "best" before this clause. <sup>h</sup> The reading of C. here is, "I mean not only the law of nature and the law of God, but the national custom thereunto." Q. as in the text, omitting "very." L and M. "I mean not only the law of nature and of God, but the national law consonant thereunto." The text is from D. <sup>i</sup> hand om. E. <sup>j</sup> Happier—science viz. E. <sup>k</sup> and degrees viz. E.Q.C.L. <sup>l</sup> every of which E. here of which Q.C.L. <sup>m</sup> another E.C.L. <sup>n</sup> M. E. <sup>o</sup> ἀδελφεός E. <sup>p</sup> M. Day E.Q. [C. omits the Greek.] <sup>q</sup> a king E.C. <sup>r</sup> grows D.

<sup>1</sup> [The margin of the Queen's Coll. MS. has here, "Εὐφρανται ἀρχεῖσθαι ἢ ὡς ἀδελφεός." Pythagoricus." Vid. Stob. Floril. ed. Gaisford, II. 396. The whole passage is, "Ὅσαυτ' ἔστι μὲν τῷ θεῷ, ἔστι καὶ τῷ βασιλεὶ, αὐτῷ μὲν ἄρχεω." "following, the subject free, and the whole society happy".]

<sup>2</sup> This English is text of E. om. D. in marg. Q.C.L.



"to be guided and commanded by him<sup>a</sup>; the people subject  
"under<sup>b</sup> both, have freedom under neither; and the whole  
"community is wretched<sup>c</sup>."

[13.] In which respect, I cannot choose but commend highly  
their wisdom, by whom the foundations of this<sup>d</sup> commonwealth  
have been laid; wherein though no manner person<sup>e</sup> or cause  
be unsubject to the king's power, yet so is the power of the  
king over all and in all limited, that unto all his proceedings  
the law itself is a rule. The axioms of our regal government  
are these: "Lex facit regem:" the king's grant of any favour  
made contrary to the<sup>f</sup> law is void; "Rex nihil potest nisi  
"quod jure potest." Our kings therefore, when they take<sup>g</sup>  
possession of the room<sup>h</sup> they are called unto, have it painted<sup>i</sup>  
out before their eyes, even by the very solemnities and rites of  
their inauguration, to what affairs by the said<sup>j</sup> law their su-  
preme authority and power<sup>k</sup> reacheth. Crowned we see they  
are, and<sup>l</sup> enthroned, and anointed: the crown a sign of  
military<sup>m</sup>; the throne, of sedentary or<sup>n</sup> judicial; the oil, of  
religious or sacred power.

[14.] It is not on any side denied, that kings may have such<sup>o</sup>  
authority in secular affairs. The question then is, "What  
"power they lawfully may<sup>p</sup> have, and exercise in causes of  
"God." "A prince, a magistrate, or community," saith D.  
Stapleton<sup>q</sup>, "may have power to lay corporal punishment<sup>r</sup>  
"on them which are teachers of perverse things; power to  
"make laws for the peace of the Church; power to proclaim,  
"to defend, and even by revenge to preserve from violation<sup>s</sup>  
"dogmata, very<sup>t</sup> articles of religion themselves." Others<sup>u</sup>

<sup>a</sup> by him, or commanded E. <sup>v</sup> unto E.Q.L. <sup>w</sup> the E.C. <sup>x</sup> manner  
of person E.Q.C.L. <sup>y</sup> the em. D. <sup>z</sup> are to take E.C. <sup>aa</sup> contra E.  
<sup>ab</sup> pointed E.C.L. <sup>ac</sup> same E.Q.C.L. <sup>ad</sup> power and authority, E.Q.C.L.  
<sup>ae</sup> and em. E. <sup>af</sup> military dominion E.Q.C.L. <sup>ag</sup> and E.Q.L. <sup>ah</sup> such em.  
E.C.L. <sup>ai</sup> may lawfully E.C. <sup>aj</sup> punishments D. <sup>ak</sup> from violation em. E.  
<sup>al</sup> which saith of aglor themselves. <sup>am</sup> the very E.

<sup>1</sup> [καὶ οὐτως ἐπαχθίονα πῶς βα-  
σῆλεως, ἑπισημῶν ἢ δι' ἑαυτοῦ, ἀποδεί-  
κνυται ἢ ἂν ἀποδείκνυται, δεικνύται ἢ ἂν  
ἐκ τῆς κοινῆς, καθολικῆς, ἰδ. ἰβιδ.]  
<sup>2</sup> Stapl. de Doct. Princip. [Con-  
trov. II.] lib. v. c. 17. ["Non nega-  
"mur principi, magistratu, vel com-  
"munitati potestas, perversa do-  
"centes corporali poena puniendi,  
"regisque pro ecclesiarum pace ferendi,  
"dogmata promulgandi, defendendi,  
"et contra violatores vindicandi,"  
p. 150. Paris, 1579.]  
<sup>3</sup> Choppin. [René Chopin, 1537-  
1606.] de Sacra Potestate Sacerdot. Par.  
1577, and 1590. Prefat. [This re-  
ference is from the Dubl. MS.  
Hooker quotes from the dedica-  
tion of the edition of 1580, ad-  
dressed to cardinal Bourbon under  
the name of Charles X. "Regnum  
"isud est, civiliumque magistro-  
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BOOK VIII  
CH. 24  
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in affection no less devoted unto the papacy, do likewise yield, that "the civil magistrate may by his edicts and laws keep all ecclesiastical persons within the bounds of their duties, and constrain them to observe the canons of the Church, and follow the rules<sup>a</sup> of ancient discipline." That "if Joas<sup>b</sup> were commended for his care and provision concerning so small a part of religion as the church-treasury<sup>c</sup>; it must needs be both unto Christian kings themselves greater honour, and to Christianity a larger benefit, when the custody of religion whole<sup>d</sup> and of<sup>e</sup> the worship of God in general is their charge." If therefore all these things mentioned be most properly the affairs of God, and ecclesiastical<sup>f</sup> causes; if the actions specified be works of power; and if that power be such as kings may use of themselves, without the leave<sup>g</sup> of any other power superior in the same things<sup>h</sup>: it followeth necessarily, that kings may have supreme power, not only in civil, but also in ecclesiastical affairs; and consequently, that they may withstand what bishop or pope soever shall, under the pretended claim of higher spiritual authority, oppose himself<sup>i</sup> against their proceedings. But they which have made us the former grant, will hereunto never<sup>j</sup> condescend. What they yield that princes may do, it is with secret exception always understood, if the bishop of Rome give leave, if he interpose no prohibition: wherefore somewhat it is in shew, in truth nothing, which they grant.

Our own reformers do the very like. When they make their discourses<sup>k</sup> in general concerning the authority which magistrates may have, a man would think them far<sup>l</sup> from withdraw-

<sup>a</sup> vide E. <sup>b</sup> Joas E. 1666. <sup>c</sup> was E.Q. <sup>d</sup> transtulit E. <sup>e</sup> whole ecc. E.Q.C.L. <sup>f</sup> of ecc. E.Q.C.L. <sup>g</sup> God's ecclesiastical E.Q.C.L. <sup>h</sup> for E.Q.C.L. <sup>i</sup> thing E.C. <sup>j</sup> themselves E.C.L. <sup>k</sup> never heretofore E.Q.C.L. <sup>l</sup> discourse E.C.L. <sup>m</sup> to se far E.

<sup>n</sup> num minus, ecclesie decreta tueri, <sup>o</sup> inde scriba suo presentis fabricae ac <sup>p</sup> conservare, tum laici legibus om- <sup>q</sup> camentarii eregari. Sed longe au- <sup>r</sup> nes sacris addictos continere in <sup>s</sup> gustius illud, Christianaeque utilius <sup>t</sup> officio; urgendos etiam ad cano- <sup>u</sup> resp. regem ipsius adeo religionis <sup>v</sup> num ecclesiasticorum veterisque <sup>w</sup> cultusque divini custodem se pro- <sup>x</sup> cultum disciplinae, principali non <sup>y</sup> teni, nedum sacri aerarii: qualem <sup>z</sup> minus auctoritate quam pontificali. <sup>aa</sup> se gessit Constantinum Magnum <sup>ab</sup> . . . Laudatus est enim vel ex eo <sup>ac</sup> acceptimus, et Galliae tunc hermas <sup>ad</sup> Joas Hebraeorum rex, quod me- <sup>ae</sup> praestantissimos pteroque. The <sup>af</sup> tuens se sacerdotes numeros inter- <sup>ag</sup> writer was a lawyer of eminence in <sup>ah</sup> verteret, qui offerretur a populo <sup>ai</sup> the parliament of Paris, and a ve- <sup>aj</sup> ad tutelam tempore, eos primam in <sup>ak</sup> hement partisan of the League. <sup>al</sup> arcem clausam inferri jussisset, de- <sup>am</sup> v. Biog. Univ.]

ing any jot of that which with reason may be thought due. BOOK VIII.  
 "The prince and civil magistrate," saith one of them, "hath Ch. 6. 15.  
 "to see that<sup>a</sup> the laws of God touching his worship, and  
 "touching all matters and orders<sup>b</sup> of the Church be<sup>c</sup> executed,  
 "and duly observed; and to see that<sup>d</sup> every ecclesiastical  
 "person do that office whereunto he is appointed, and to  
 "punish those which fall in their office accordingly." Another  
 acknowledged<sup>e</sup>, that "the magistrate may lawfully uphold  
 "all truth by his sword, punish all persons, enforce all to do<sup>f</sup>  
 "their duties unto<sup>g</sup> God and men; maintain by his laws every  
 "point of God's word, punish all vice in all men; see into all  
 "causes, visit the ecclesiastical estate, and correct the abuses  
 "thereof; finally, to look to his subjects, that under him they  
 "may lead their lives in all godliness and honesty." A third  
 more frankly professeth<sup>h</sup>, that in case their church-discipline  
 were established, so little it shorteneth the arms of sovereign  
 dominion in causes ecclesiastical, that her gracious Majesty,  
 for any thing which<sup>i</sup> they teach or hold to the contrary, may  
 no less than now<sup>j</sup> remain still over all persons, in all things  
 "supreme governess, even with that full and royal authority,  
 "superiority, preeminence<sup>k</sup>, supremacy, and prerogative,  
 "which the laws already established do give her, and her  
 "Majesty's injunctions, and the articles of the Convocation-  
 "house, and other writings apologetical of her royal authority  
 "and supreme dignity, do declare and explain."  
 [15.] Posidonius was wont to say of the Epicure, "That  
 "he thought there were no gods, but that those things which  
 "he spake concerning the gods were only given out for fear of  
 "growing odious amongst men; and therefore that in words  
 "he left gods remaining, but in very deed overthrew them,  
 "inasmuch<sup>l</sup> as he gave them no kind of motion<sup>m</sup>, no kind of  
 "action<sup>n</sup>." After the very selfsame manner, when we come

<sup>a</sup> that em. E.    <sup>b</sup> all orders E.C.    <sup>c</sup> to be E.    <sup>d</sup> that em. E.    <sup>e</sup> do em. E.  
<sup>f</sup> towards E.    <sup>g</sup> which em. E.Q.C.L.    <sup>h</sup> and preeminence E.C.    <sup>i</sup> inas-  
 much E.Q.C.L.    <sup>j</sup> no kind of motion em. E.

<sup>k</sup> T. C. lib. i. p. 192. [154.]    "of Ecclesiastical Government."  
<sup>l</sup> Fenner's "Defence of the godly" 1587. Sign. E. 1.]  
<sup>m</sup> Ministers [against the slanders of    <sup>n</sup> Humble Motion, p. 63.  
<sup>o</sup> D. Bridges, contained in his answer    <sup>p</sup> Cicero, lib. i. de Nat. Deor.  
<sup>q</sup> to the preface before the Discourse [c. 44.    <sup>r</sup> Posidonius disseruit in  
 Fenner's E.C. Fenner's D. Fenner's Q. Fenner's L.

BOOK VIII. into those particular effects and<sup>a</sup> prerogatives of dominion  
 Ch. II. 14. which the laws of this land do grant unto the kings thereof,  
 it will appear how these<sup>1</sup> men, notwithstanding their large  
 and liberal speeches, abate such parcels out of the fore-alleged  
 grand<sup>2</sup> and flourishing sum<sup>3</sup>, that a man comparing the one  
 with the other may half stand in doubt, lest their opinions<sup>4</sup>  
 in very truth be against that authority which by their speeches  
 they seem mightily to uphold, partly for the avoiding of public  
 obloquy, envy, and hatred; partly to the intent they may both  
 in the end, by establishment<sup>5</sup> of their discipline, extinguish  
 the force of supreme power which princes have, and yet in  
 the meanwhile by giving forth these smooth discourses, obtain  
 that their favourers may have somewhat to allege for them by  
 way of apology, and that in such words as sound towards all  
 kind of fulness in power<sup>6</sup>. But for myself, I had rather con-  
 strue such their contradictions in the better part, and impute  
 their general acknowledgment of the lawfulness of kingly  
 power unto the force of truth, presenting itself before them  
 sometimes alone<sup>7</sup>; their particular contrarieties, oppositions,  
 denials, unto that error which having so fully possessed their  
 minds, casteth things inconvenient upon them; of which  
 things in their due place.

[16.] Touching that which is now in hand, we are on all  
 sides fully agreed; first, that there is not any restraint or limita-  
 tion of matter for regal authority and power to be conversant  
 in, but of religion whole<sup>8</sup>, and of whatsoever cause thereto<sup>9</sup>  
 appertaineth, kings may lawfully have charge, they lawfully  
 may therein exercise dominion, and use the temporal sword:  
 secondly, that some kinds<sup>10</sup> of actions conversant about such  
 affairs are denied unto kings; as, namely, actions of the power

<sup>a</sup> and om. E. <sup>1</sup> those D. <sup>2</sup> after alleged E. grant E.C. grand Q. <sup>3</sup> show E.  
 some C. <sup>4</sup> opinion E.Q.C.L. <sup>5</sup> the establishment E.Q.C.L. <sup>6</sup> that such  
 words only sound towards all kind of fulness of power E. All the MSS. read as in  
 the text: except that C has a kind of fulness of power. <sup>7</sup> above E. <sup>8</sup> only E.  
<sup>9</sup> thereto E.Q.C.L. <sup>10</sup> kinds Q.L. In the margin of E. kinds stand here, as  
 if the title of a section; perhaps by the printer's mistake, from its being inserted in  
 his copy as a probable emendation.

<sup>11</sup> libro quinto, nullus esse deos, <sup>12</sup> geret . . . omnino nihil curantem,  
<sup>13</sup> Epicuro videri; quaque in de <sup>14</sup> nihil agentem . . . Re tollit, oca-  
<sup>15</sup> dis immortalibus dixerit, incidit <sup>16</sup> none reliquit, deos.<sup>17</sup> Lactant.  
<sup>18</sup> detestanda gratia dixisse: neque <sup>19</sup> Epit. 36. <sup>20</sup> Verbo reliquit, re sus-  
<sup>21</sup> enim tam desipiens fuisset, ut fu- <sup>22</sup> tulisti.]

of order<sup>a</sup>, and of that power of jurisdiction, which is<sup>b</sup> with it unseparably<sup>c</sup> joined; power to administer the word and sacraments, power to ordain, to judge as an ordinary, to bind and loose, to excommunicate, and such like: thirdly, that even in these<sup>d</sup> very actions which are proper unto dominion, there must be some certain rule, whereunto kings in all their proceedings ought to be strictly tied; which rule for proceedings<sup>e</sup> in ecclesiastical affairs and causes by regal power, hath not hitherto been agreed upon with so<sup>f</sup> uniform consent and certainty as might be wished<sup>g</sup>. The different sentences of men herein I will not<sup>h</sup> now go about to examine, but it shall be enough to propose what rule doth seem in this case most reasonable.

[17.] It hath been declared already<sup>i</sup> in general, how<sup>j</sup> the best established dominion is where the law doth most rule<sup>k</sup> the king; the true effect whereof particularly is found as well in ecclesiastical as in<sup>l</sup> civil affairs. In these the king, through his supreme power, may do great things and sundry<sup>m</sup> himself, both appertaining unto peace and war, both at home, by commandment<sup>n</sup> and by commerce with states abroad, because so much the law doth<sup>o</sup> permit. Some things<sup>p</sup> on the other side, the king<sup>q</sup> alone hath no power<sup>r</sup> to do without consent of the lords and commons assembled in parliament<sup>s</sup>; the king<sup>t</sup> himself cannot change the nature of pleas, nor courts, nor not so much as restore blood; because the law is a bar unto him; not any law divine<sup>u</sup> or natural<sup>v</sup>, for against neither it were though kings of themselves<sup>w</sup> might do both, but<sup>x</sup> the positive laws of the realm have abridged therein<sup>y</sup> and restrained<sup>z</sup> the king's power; which positive laws, whether by custom or otherwise established without repugnancy unto the law<sup>aa</sup> of God and nature, ought no<sup>ab</sup> less to be of<sup>ac</sup> force even in the spiritual<sup>ad</sup>

<sup>a</sup> power and order, and of spiritual jurisdiction E. the power of order and of spiritual jurisdiction C.L. <sup>b</sup> hath E. which has no stop at joined. <sup>c</sup> inseparably E.Q.C.L. <sup>d</sup> those E.Q.C.L. <sup>e</sup> proceeding E. <sup>f</sup> such E.C. some L. <sup>g</sup> wish<sup>d</sup> D. <sup>h</sup> E. wish<sup>d</sup> not. <sup>i</sup> see. D. <sup>j</sup> in see. E.Q.C.L. <sup>k</sup> sundry great things E.Q.C.L. <sup>l</sup> and by command E. <sup>m</sup> the law doth so much E. <sup>n</sup> sometimes E. <sup>o</sup> the king, &c. (as a quotation) E. <sup>p</sup> right E.C.L. <sup>q</sup> his lords and commons in parliament E.C. <sup>r</sup> of see. E. <sup>s</sup> either divine Q. <sup>t</sup> human E. <sup>u</sup> the kings in themselves C. <sup>v</sup> not any. both, but see. E. <sup>w</sup> have a privilege therein E.Q.C.L. <sup>x</sup> restrain E.Q.C.L. <sup>y</sup> laws E.Q.L. <sup>z</sup> not E. <sup>aa</sup> in E.C.L. <sup>ab</sup> supernatural E.

<sup>i</sup> [Vid. supra, § 2, 3.]

BOOK VIII  
CH. 19  
affairs of the Church. Wherefore<sup>3</sup> in regard of ecclesiastical laws, we willingly embrace that of Ambrose, "Imperator bonus<sup>4</sup> intra ecclesiam, non supra ecclesiam, est; kings have dominion to exercise in ecclesiastical causes, but according to the laws of the Church." Whether it be therefore the nature of courts, or the form of pleas, or the kind of governors, or the order of proceedings<sup>5</sup> in whatsoever spiritual<sup>6</sup> businesses<sup>7</sup>; for the received laws and liberties<sup>8</sup> of the Church the king hath supreme authority and power, but against them, none<sup>9</sup>.

What such positive laws have appointed to be done by others than the king, or by others with the king, and in what form they have appointed the doing of it, the same of necessity must be kept, neither is the king's sole authority to alter it.

Yea<sup>10</sup> even as it were a thing unreasonable, if in civil affairs the king (albeit the whole universal body did join with him) should do any thing by their absolute supreme power<sup>11</sup> for the ordering of their state at home, in prejudice of any of<sup>12</sup> those ancient laws of nations which are of force throughout<sup>13</sup> the world, because the necessary commerce of kingdoms dependeth on them; so in principal matters belonging to Christian religion, a thing very scandalous and offensive it must needs be thought, if either kings or laws should dispose of the affairs<sup>14</sup> of God, without any respect had to that which of old hath been reverently thought of throughout the world, and wherein there is no law of God which forceth us to swerve from the way<sup>15</sup> wherein so many and so<sup>16</sup> holy ages have gone.

Wherefore not without good consideration the very law itself hath provided, "That judges ecclesiastical appointed under the king's commission shall not adjudge for heresy any thing but that which heretofore hath been so<sup>17</sup> adjudged

<sup>3</sup> church, whether E. church; when even C.      <sup>4</sup> preceding E.Q.C.L.  
<sup>5</sup> spiritual *non* E.Q.C.L.      <sup>6</sup> business E.C.L.      <sup>7</sup> liberty E.Q.C.L.      <sup>8</sup> C. has that church.  
<sup>9</sup> never E.      <sup>10</sup> after B; 1st E. (Polin. 709.)      <sup>11</sup> suppose *non* E.  
<sup>12</sup> way of *non* E.Q.      <sup>13</sup> throughout all E.Q.L. throughout the whole C.      <sup>14</sup> law E. laws Q.C.L.      <sup>15</sup> way E.Q.C.L.      <sup>16</sup> as *non* E.      <sup>17</sup> so *non* E.

<sup>1</sup> Ambros. Ep. 32. d. 160\*. [II. 87]. N. B. The word "bonus" is not in the MSS. of St. Ambrose.

\* This marginal reference from C.

" by the authority of the canonical scriptures, or by the first  
 " four general councils, or by some other general council  
 " wherein the same hath been declared heresy by the express  
 " words of the said canonical scriptures, or such as hereafter  
 " shall be termed<sup>a</sup> heresy by the high court of parliament of  
 " this realm, with the assent of the clergy in the convoca-  
 " tion<sup>b</sup>. By which words of the law who doth not plainly  
 see, how in that<sup>c</sup> one branch of proceeding by virtue of the  
 king's supreme authority, the credit which those four<sup>d</sup> general  
 councils have throughout all churches evermore<sup>e</sup> had, was  
 judged by the makers<sup>f</sup> of the foresaid act a just cause where-  
 fore they<sup>g</sup> should be mentioned in that case, as a requisite  
 part of the<sup>h</sup> rule wherewith dominion was to be limited<sup>i</sup>.  
 But of this we shall further consider, when we come unto  
 that which sovereign power may do in making ecclesiastical  
 laws.

[18.] The cause<sup>m</sup> of deriving supreme power from a whole  
 entire multitude unto<sup>n</sup> some special part thereof, is partly the  
 necessity of expedition in public affairs; partly the incon-  
 veniency of<sup>o</sup> confusion and trouble, where a multitude of  
 equals dealeth; and partly the dissipation which must needs  
 ensue in companies, where every man wholly seeketh his own  
 particular (as we all would do, even with other men's hurt<sup>p</sup>)  
 and haply the very overthrow of ourselves<sup>q</sup> in the end also, if  
 for procurement<sup>r</sup> of the common good of all men, by keeping  
 every several man in order, some were not armed<sup>s</sup> with author-  
 ity over all, and encouraged with prerogatives of honour<sup>t</sup>  
 to sustain the weighty burden of that charge. The good which  
 is proper unto each man belongeth to the common good of  
 all, as a part of the whole's perfection<sup>u</sup>; but yet<sup>v</sup> these two

<sup>a</sup> determined to be E.Q.C.L. [The phrase of the statute is, "adjudged to be."  
<sup>b</sup> that in E.Q.C.L. <sup>c</sup> four first E.C. <sup>d</sup> churches, and evermore E.  
<sup>e</sup> making E.L. <sup>f</sup> in D. <sup>g</sup> that E. <sup>h</sup> This marginal note om. E.C.  
 [Palm. For what inconveniency.] <sup>i</sup> case F. 1662. <sup>j</sup> into E.C.L. <sup>k</sup> incon-  
 veniency E.L. <sup>l</sup> harts E. <sup>m</sup> observations E. <sup>n</sup> the procurement E.C.  
<sup>o</sup> invoked E. sayed marg. Q. <sup>p</sup> prerogative honour E. <sup>q</sup> as part  
 of the whole perfection E. as part of L.C. as part to Q. <sup>r</sup> yet om. E.C.L.

<sup>s</sup> An. 1. Reg. Eliz. [1 Eliz. c. 1. <sup>t</sup> of 16 Car. 1. c. 11, yet these rules  
 § 36.] <sup>u</sup> will be good directions to eccle-  
<sup>v</sup> It hath been generally holden <sup>w</sup> siastical courts in relation to her-  
<sup>x</sup> that although the high commission <sup>y</sup> resy." [ Hawkins & ap. Burn.  
<sup>z</sup> court was abolished by the statute Eccl. Law, II. 377. ed. 1788.]





BOOK VIII are things different; for men by that which is proper are severed, united they are by that which is common. Wherefore, besides that which moveth each man in particular to seek his private, there must<sup>a</sup> of necessity in all public societies be also a general mover, directing unto the<sup>b</sup> common good, and framing every man's particular to it. The end whereunto all government was instituted, was *bonum publicum*, the universal or common good. Our question is of dominion, for that end and purpose derived into one<sup>c</sup>. Such as in<sup>d</sup> one public state have agreed that the supreme charge of all things should be committed unto one, they I say, considering what inconveniences<sup>e</sup> may grow where states are subject unto sundry supreme authorities, were<sup>f</sup> for fear of those<sup>g</sup> inconveniences withdrawn from liking to establish many; *οὐκ ἀγαθὸν πολυκομιστῆν*, the multitude of supreme commanders is troublesome. "No man," saith our Saviour, "can serve two masters:" surely two supreme masters would make any one<sup>h</sup> man's service somewhat uneasy in such cases as might fall out. Suppose that to-morrow 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<sup>i</sup> 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.

According  
unto what  
example of  
pattern<sup>k</sup>. [III.] But there is nothing for which some colourable<sup>l</sup> reason or other may not be found. Are we able to shew any commendable state of government, which by experience and practice hath felt the benefit of being in all causes subject unto the supreme authority of one? Against the polity<sup>m</sup> of

<sup>a</sup> *E. inserto be here, and omit it after societates.*    <sup>b</sup> the one. E.    <sup>c</sup> all in E.  
<sup>d</sup> inconsistency E.    <sup>e</sup> have E.C.L.Q.    <sup>f</sup> these E.Q.C.L.    <sup>g</sup> one's E.C.  
<sup>h</sup> them in such case thou shouldst be E.    <sup>i</sup> or pattern one. E.C.L.Q.    <sup>j</sup> comparable E.C.    <sup>k</sup> policy E.  
<sup>l</sup> *Ob utilitatem publicam Reip. per unum consuli oportere, prudentissimi jurisconsulti docuerunt.*    <sup>m</sup> *videbatur, per partes evenit, ut necesse esset reip. per unum consuli: nam seminus non perinde possent. Igitur constituto Principi, dicitur datum est ei jus, ut quod transiret juris constituti via.*  
<sup>n</sup> *docent E.C.L. Jurisconsulti. Just. Dig. one. E. + L. in § novissimi. § de orig. Juris. D. E. ad C. velle.*





BOOK VIII.  
Ch. III.  
"delivered unto us in writing; for which cause the state of  
"the Church doth now require that the spiritual authority  
"of ecclesiastical persons be large, absolute, and not subor-  
"dinate to regal power." Thirdly<sup>1</sup>, "that whereas God  
"armeth religion Jewish, with<sup>1</sup> temporal, Christian, with  
"a<sup>2</sup> sword but of spiritual punishment; the one with power  
"to imprison, to scourge, and<sup>3</sup> to put to death, the other  
"with bare authority to censure and excommunicate; there  
"is no reason that the Church, which now<sup>4</sup> hath no visible  
"sword, should in regiment be subject unto any other power,  
"than only unto theirs which have authority to bind and  
"loose." Fourthly<sup>5</sup>, "that albeit while<sup>6</sup> the Church was  
"restrained unto<sup>7</sup> one people, it seemed not incommodious  
"to grant their kings<sup>8</sup> the general chiefly of power; yet  
"now, the Church having spread itself over all nations, great  
"inconveniency<sup>9</sup> might<sup>1</sup> thereby grow, if every Christian  
"king in his several territory should have the like power."  
Of all these differences, there is not one which doth prove it  
a thing repugnant unto the law either of God or nature<sup>2</sup>,  
that all supremacy of external power be in Christian king-  
doms granted unto the<sup>3</sup> kings thereof, for preservation of  
quietness, unity, order, and peace, in such manner as hath  
been shewed.

<sup>1</sup> as E.    <sup>2</sup> the E.Q.C.L.    <sup>3</sup> and see E.    <sup>4</sup> now see E.    <sup>5</sup> whilst  
E.Q.C.L.    <sup>6</sup> into E.C.    <sup>7</sup> king E.C.    <sup>8</sup> inconveniencem E.    <sup>9</sup> must  
E.C.L.Q.    <sup>10</sup> of nature E.    <sup>11</sup> the see E.

<sup>1</sup> idem ibid. [<sup>1</sup> Tertio, synagoge    <sup>2</sup> mixtaerint. Nunc vero, cum visi-  
"disciplina erat gladius, et prius    <sup>3</sup> bilis gladius non pertinet amplius  
"temporales. . . Ut totus ille status    <sup>4</sup> ad disciplinam ecclesie, ut docuit  
"servorum erat, non filiorum; sic    <sup>5</sup> Augustinus, datur intelligi non  
"terrore et externis penis, non    <sup>6</sup> amplius ad reges disciplinam ec-  
"amore et spiritualibus penis duce-    <sup>7</sup> cliesie et regimen pertinere; sed  
"bantur. Quod enim tunc sebat    <sup>8</sup> ad illos tantum quorum est ligare  
"gladio, lapidationibus, aliisque    <sup>9</sup> et solvere, et cetera.]  
"corporeis censis, illud (ait Au-    <sup>10</sup> Stapl. ibid. [<sup>1</sup> Quarto, cum  
"gustinus) "degradationibus et    <sup>2</sup> synagoga vetus in uno populo  
"excommunicationibus faciendum    <sup>3</sup> concluderetur, et in uno loco sub  
"esse significatum est hoc tempore;    <sup>4</sup> illo sacrificaretur, non erat in-  
"cum in ecclesie disciplina visibilis    <sup>5</sup> commodum, ut uni quoque regi  
"fuerit gladius cessaturus. Hec    <sup>6</sup> synagoge cura magna ex parte  
"ille. Hinc ergo factum est, ut    <sup>7</sup> committeretur. At in ecclesia  
"propter disciplinam illam corpo-    <sup>8</sup> multarum gentium et idem fiat  
"rarem, et visibilis gladii, qui in    <sup>9</sup> impossibile est. . . . Cum unitate  
"mano regum erat, reges ipsi causis    <sup>10</sup> religionis Christiane bene constat  
"ecclesiasticis non solum pie, sed    <sup>11</sup> multitudo regnorum."]   
"etiam necessariis sese monachi im-

<sup>1</sup> [De Fid. et Opes. c. 3.]



*from the more spiritual Sanctions of Christianity.* 363

[a.] The service which we do unto the true God who made heaven and earth is far different from that which heathens have done unto their supposed gods, though nothing else were respected but only the odds between their hope and ours. The offices of piety or true religion sincerely performed have the promises both of this life and of the life to come: the practices of superstition have neither. If notwithstanding the heathens, reckoning upon no other reward for all which they did but only protection and favour in the temporal estate and condition of this present life, and perceiving how great good did hereby publicly grow, as long as fear to displease (they knew not what) divine power was some kind of bridle unto them, did therefore provide that the highest degree of care for their religion should be the principal charge of such as having otherwise also the greatest and chiefest power were by so much the more fit to have custody thereof: shall the like kind of provision be in us thought blameworthy?

A gross error it is, to think that regal power ought to serve for the good of the body, and not of the soul; for men's temporal peace, and not for their eternal safety: and 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 mast? Indeed, to lead men unto salvation by the hand of secret, invisible, and ghostly regiment, or by the external administration of things belonging unto priestly order, (such as the word and sacraments are,) this is denied unto Christian kings: no cause in the world to think them incapable of supreme authority in the outward government which disposeth the affairs of religion so far forth as the same are disposable by human authority, and to think them incapable thereof, only for that the said religion is everlastingly beneficial to them that faithfully continue in it. And even as little cause there is, that being admitted thereunto amongst the Jews, they should amongst the Christians of necessity be delivered from ever exercising any such power, for the

\* The following paragraphs, to "kings and priests" in p. 363, are inserted here on the authority of the Dublin MS.; and collated with *Clavi Trebatex*, pp. 64-71. \* for om. Cl. Trab. D.

† [See book v. c. 26, § 4.]

364 *Answer to alleged Need of more absolute Discretion:*

BOOK VIII  
Ch. iii. 3. +  
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Ad secun-  
dam.<sup>1</sup>

dignity and perfection which is in our religion more than in theirs<sup>1</sup>.

[3] It may be a question, whether the affairs of Christianity require more wit, more study, more knowledge of divine things in him which shall order them, than the Jewish religion did. For although we deny not the form of external government, together with all other rites and ceremonies, to have been in more particular manner set down: yet withal it must be considered also, that even this very thing did in some respects make the burthen of their spiritual regiment the harder to be borne; by reason of infinite doubts and difficulties which the very obscurity and darkness of their law did breed, and which being not first decided, the law could not possibly have due execution.

Besides, inasmuch as their law did also dispose even of all kind of civil affairs; their clergy, being the interpreters of the whole law, sustained not only the same labour which divines do amongst us, but even the burthen of our lawyers too. Nevertheless, be it granted that more things do now require to be publicly deliberated and resolved upon with exacter judgment in matters divine than kings for the most part have: their personal inability to judge, in such sort as professors do, letteth not but that their regal authority may have the selfsame degree or sway which the kings of Israel had in the affairs of their religion, to rule and command according to the manner of supreme governors.

Ad tertium.  
[4.] As for the sword, wherewith God armed his Church of old, if that were a reasonable cause why kings might then have dominion, I see not but that it ministreth still as forcible an argument for the lawfulness and expediency of their continuance therein now. As we degrade and excommunicate, even so did the Church of the Jews both separate offenders from the temple, and depose the clergy also from their rooms, when cause required. The other sword of corporal punishment is not by Christ's own appointment in the hands of the Church of Christ, as God did place it himself in the hands of the Jewish Church. For why? He knew that they whom

<sup>1</sup> 2 Cor. iii. 7, 8. which stands here in the ME. by  
<sup>2</sup> [The editor has substituted this mistake.]  
from Cl. Trüb. for "ad primum."

to the Plea that the Church has now no civil Sword. 365

he sent abroad to gather a people unto him only by persuasive means, were to build up his Church even within the bosom of kingdoms, the chiefest governors whereof would be open enemies unto it every where for the space of many years. Wherefore such commission for discipline he gave them, as they might any where exercise in quiet and peaceable manner; the subjects of no commonwealth being touched in goods or person, by virtue of that spiritual regiment whereunto Christian religion embraced did make them subject.

Now when afterwards it came to pass, that whole kingdoms were made Christian, I demand whether that authority, which served before for the furtherance of religion, may not as effectually serve to the maintenance of Christian religion. Christian religion hath the sword of spiritual discipline. But doth that suffice? The Jewish which had it also, did nevertheless stand in need to be aided with the power of the civil sword. The help whereof, although when Christian religion cannot have, it must without it sustain itself as far as the other which it hath will serve; notwithstanding, where both may be had, what forbiddeth the Church to enjoy the benefit of both? Will any man deny that the Church doth need the rod of corporal punishment to keep her children in obedience withal? Such a law as Macabeus<sup>1</sup> made amongst the Scots, that he which continued an excommunicate two years together, and reconciled not himself to the church, should forfeit all his goods and possessions.

Again, the custom which many Christian churches have to fly to the civil magistrate for coercion of those that will not otherwise be reformed,—these things are proof sufficient that even in Christian religion, the power wherewith ecclesiastical persons were endued at the first is unable to do of itself so much as when secular power doth strengthen it; and that,

<sup>1</sup> which see. Cl. Trak.

<sup>2</sup> see D.

<sup>1</sup> [See in Hector Boeth. Scot. Hist. lib. xii. fol. 290. ed. Paris 1574; circ. A.D. 1090, the third law of Macabeus (or Macbeth): "Qui pontificis auctoritatem annuum notam excommunicati contempserit, neque se interim reconciliarit, hostis reip. habetur: qui vero duos annos in ea contumacia per-

"severarit, fortassis omnibus malis satoc." This may be seen in the Councils, Hand. t. vi. p. 1. pag. 974: with his other canons, the one transferring all judicature over Christians to the clergy; the other confirming their right to tithes and oblations.]

BOOK VIII not by way of ministry or service, but of predominancy, such  
Ch. 31, 3, 6  
 as the kings of Israel in their time exercised over the Church  
 of God.

Ad quaer-  
 tum. [5.] Yea, but the Church of God was then restrained more  
 narrowly to one people and one king, which now being spread  
 throughout all kingdoms, it would be a cause of great dis-  
 similitude in the exercise of Christian religion if every king  
 should be over the affairs of the church where he reigneth  
 supreme ruler.

Dissimilitude in great things is such a thing which draweth  
 great inconvenience after it, a thing which Christian religion  
 must always carefully prevent. And the way to prevent it is,  
 not as some do imagine, the yielding up of supreme power  
 over all churches into one only pastor's hands; but the  
 framing of their government, especially for matter of sub-  
 stance, every where according to the rule of one only Law, to  
 stand in no less force than the law of nations doth, to be re-  
 ceived in all kingdoms, all sovereign rulers to be sworn no  
 otherwise unto it than some are to maintain the liberties,  
 laws, and received customs of the country where they reign.  
 This shall cause uniformity even under several dominions,  
 without those woeful inconveniences whereunto the state of  
 Christendom was subject heretofore, through the tyranny  
 and oppression of that one universal Nimrod<sup>1</sup> who alone  
 did all.

And, till the Christian world be driven to enter into the  
 peaceable and true consultation about some such kind of  
 general law concerning those things of weight and moment  
 wherein now we differ, if one church hath not the same  
 order which another hath: let every church keep as near  
 as may be the order it should have, and commend the  
 just defence thereof unto God, even as Juda did, when it  
 differed in the exercise of religion from that form which  
 Israel followed.

[6.] Concerning therefore the matter whereof we have  
 hitherto spoken, let it stand for our final conclusion, that in a  
 free Christian state or kingdom, where one and the selfsame  
 people are the Church and the commonwealth, God through

<sup>1</sup> [Whitaker, *adv. Campian*, p. "Nemrodus, robustus venator ec-  
 clesiae." "Pontifex Romanus ille est "clertze."]

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; forasmuch as the light of reason doth lead them unto it, and against it God's own revealed law hath nothing: surely they do not in submitting themselves thereunto any other than that which a wise and religious people ought to do.

It was but a little overflowing of wit in Thomas Aquinas<sup>1</sup>, so to play upon the words of Moses<sup>2</sup> in the Old, and of Peter<sup>3</sup> in the New Testament, as though because the one did term the Jews "a priestly kingdom," the other us "a kingly priesthood," those two substantives "kingdom" and "priesthood" should import, that Judaism did stand through the kings' superiority over priests, Christianity through the priests' supreme authority over kings. Is it probable, that Moses and Peter had herein so nice and curious conceits? Or else more likely that both meant one and the same thing; namely that God doth glorify and sanctify his, even with full perfection in both; which thing St. John doth in plainer sort express, saying that "Christ hath made us both kings and priests".<sup>4</sup>

<sup>1</sup> [In 1 Pet. ii. 9. Comm. in Epist. omnes Canonice, Antwerp, 1594, fol. 270. "Cum dicitur, Esod. xix. *Fis eritis in regnum sacerdotale*, quare dicitur hoc *regale sacerdotium*? Resp. Ad imitandum prerogativam novi testamenti respectu veteris; in novo enim testamento sacerdotium preeminet regno; sicut spiritus preeminet corpori. Regnum enim consistit in regimine corporali, sacerdotium vero in regimine spirituali. Ideo preestas sacerdotalis ponitur in substantivo, regalis autem in adjectivo." This work is omitted in the Roman and Venetian editions of Aquinas, and is ascribed by many critics to Thomas Anglicus; i. e. to Thomas Gualensis or Wallensis, a Dominican of Oxford, about A.D. 1332: whose *nomen gentilitium* may have been confounded with Angelicus, the well-known episcopus of Aquinas. See Wharton ap. Cave,

Hist. Lit. l. 728, and App. 10, 29, ed. 1668; Sitz. Senens. Biblioth. l. 482. Neap. 1742; Lorinus, in S. Jac. Præf. § 11. The same doctrine however is clearly enough taught in the treatise *De Regimine Principum*, Aquin. t. xvii. Opusc. xx. lib. i. c. 14. "Ab eo (Christo) regale sacerdotium derivatur... Quia in veteri lege promittebantur bona terrena... religio populo exhibenda... ideo et in lege veteri sacerdotes regibus leguntur fuisse subjecti. Sed in nova lege est sacerdotium aliis, per quod homines traduntur ad bona celestia: unde in lege Christi reges debent sacerdotibus esse subjecti." Wharton however doubts the genuineness of this treatise also.]

<sup>2</sup> Esod. xix. [c.]  
<sup>3</sup> 1 Pet. ii. [9.] Thomas in eum locum.  
<sup>4</sup> Revelat. i. 6.



BOOK VIII. [IV. 1.] These things being thus first considered<sup>a</sup>, it will be the easier<sup>b</sup> to judge concerning our own estate, whether by force of ecclesiastical dominion<sup>c</sup> with us<sup>d</sup> kings have any other kind of prerogative than they may lawfully hold and enjoy. It is as some do imagine too much, that kings of England should be termed Heads, in relation to the Church. That which we understand<sup>e</sup> by headship, is their only supreme power in ecclesiastical affairs or<sup>f</sup> causes. That which lawfully<sup>g</sup> princes are, what should make it unlawful for men by<sup>h</sup> special<sup>i</sup> styles or titles to signify? If the having of supreme power be allowed, why is the expressing thereof by the title of head condemned? They seem in words, at the<sup>k</sup> leastwise some of them, now at the length to acknowledge that kings may have supreme<sup>l</sup> government even over all, both persons and causes. We in terming our princes *heads of the Church*, do but testify that we acknowledge them such governors.

[4.] Against<sup>m</sup> this peradventure it will<sup>n</sup> be replied<sup>o</sup>, that

<sup>a</sup> first considered thus E. <sup>b</sup> first thus considered C.L. <sup>c</sup> easier E.C.L. <sup>d</sup> government E. <sup>e</sup> with us. C. <sup>f</sup> do understand E. <sup>g</sup> and E.C. <sup>h</sup> lawful E.C. princes lawfully Q. <sup>i</sup> in E.C.Q.L. <sup>j</sup> spiritual E. [Falsely special] D. <sup>k</sup> the one E.C.Q. <sup>l</sup> dominion or [of C.] supreme E.C.Q.L. <sup>m</sup> Again to E. <sup>n</sup> it will peradventure E.L.Q.

<sup>1</sup> T. C. lib. ii. p. 411. [See also T. C. l. 35; Def. 181; and in Britton, *Motives to the Catholic Faith*, fol. 157, ed. 1590, almost the same argument alleged on the part of the Church of Rome. The following memoranda are found in the *Dubl. MS. fol. 154.* with a reference, in Archbishop Usher's handwriting, to this part of the treatise. <sup>2</sup> The name of 'Head of the Church of England' to give to the prince, they count it injurious unto Christ. See Mr. Cartw. <sup>3</sup> second book, p. 412." [Here Ahp. Usher adds a note: "vid. sup. pag. 47." i. e. p. 47, of the MS.] <sup>4</sup> See Counterpoison, pag. 173, what authority they leave to princes." <sup>5</sup> The cause of this doubt is a conceit that the Church and commonwealth in respect of regiment must needs be always two distinct bodies; so that the head of the one cannot be the head of the other also. Their reason frivolous, that because Christ is properly termed the *Head of the Church*,

<sup>6</sup> ["For his" (Colet's Answer to the Abbot, p. 207.) "clauder that we agree with the papists to give Christian princes power of fact, but not of law, and authority to promise and set forward, not to intermeddle in causes ecclesiastical;" we esteem it no more than a fool's truth, which every man of judgment can conceive. For if they have authority in our judgment by the word of God to see to their ministry, and to cause them to make such laws as they know to be agreeable to God's word; to authorize such and disannul the contrary; cause them to make good when they would make ill; or orderly to procure such as can and will be present in the action, and give their consent if it please them (all which are given by T. C. lib. [iii.] 182.) and by so all unto the negative; then do we grant them no more than *power of fact* than *to private matters*!"]

howsoever we interpret ourselves, it is not fit for a mortal man, and therefore not fit<sup>a</sup> for a civil magistrate, to be entitled head of the Church. Why so? First "this title, Head of the Church", was given unto our Saviour Christ<sup>b</sup>, to lift "him above all powers, rules, and dominions", either in "heaven or in earth. Where if this title belong also to the "civil magistrate", then it is manifest that there is a power in "earth whereunto our Saviour Christ is not in this point "superior. Again, if the civil magistrate may have this title, "he may be also termed<sup>c</sup> the first-begotten of all creatures, "the first-begotten of<sup>d</sup> the dead, yea the Redeemer of his "people. For these are alike given him as dignities whereby "he is lifted up above all creatures. Besides this, the whole "argument of the Apostle in both places doth lead to shew "that this title, Head of the Church, cannot be said of any "creature. And further, the very demonstrative article<sup>e</sup>, "among the Hebrews especially, whom S. Paul doth follow, "serveth to tie that which is verified of one, unto himself "alone: so that when the apostle doth say that Christ is

<sup>a</sup> fit and D. <sup>b</sup> entitled Head of the Church, which was given E. <sup>c</sup> ruled, dominions, titles E. rules or dominions C. <sup>d</sup> to civil magistrates E. <sup>e</sup> termed also E. <sup>f</sup> of all E. <sup>g</sup> articles E.

"therefore the Prince may not be "called the *Head of this Church* "under Christ. What the name of "Headship doth import, being at- "tributed unto Christ; that his "headship over all churches doth "not exclude the authority of go- "vernors placed as heads over each "particular church for the visible "regiment thereof. That a Chris- "tian prince within his dominions "hath supreme power, authority, "and *headship*, over all governors, "and that in cases of whatsoever "kind, no less if they belong to the "Church of Christ than if they "merely concern the temporal and "civil state.

"Their minds, I doubt not, are "far from treason. Howbeit, in the "days of Henry VIII. to have held "that which now is maintained con- "cerning the prince's power, had thus "been adjudged a capital offence.

[e.g. Feary, Coppinger, Arthington.]

BOOK VIII. § εφελλ, the Head; it is as much as<sup>a</sup> if he should say,  
 Ch. 14-2  
 "Christ, and no<sup>b</sup> other, is the Head of the Church."

[3] Thus have we against the entitling of the highest magistrates<sup>b</sup>, Head, with relation unto the Church, four several arguments, gathered by strong surmise out of words marvellous unlikely to have been written for<sup>c</sup> any such purpose as that whereunto they are now urged<sup>d</sup>. To the Ephesians, the apostle writeth<sup>e</sup>, "That Christ, God hath seated on his<sup>f</sup> own right hand in the heavenly places, above all regency, and authority, and power, and dominion, and whatsoever name is named, not in this world only, but in that which shall be also: and hath under his feet set all things, and hath given him head above all things unto the Church, which is his body, even the complement<sup>g</sup> of him which accomplished all in all." To the Colossians in like manner<sup>h</sup>, "That He is the head of the body of the Church, who is a first-born regency out of the dead, to the end he might be made amongst them all such an one as hath the chiefly: he meaneth, amongst all them whom before he mentioned<sup>i</sup>, saying<sup>j</sup>, "In<sup>k</sup> him all things that are, were made; the things in the heavens, and the things in<sup>l</sup> the earth, the things that are visible, and the things that are invisible, whether they be thrones, or dominations<sup>m</sup>, or regencies," &c.

Unto the fore-alleged arguments therefore we answer: first, that it is not simply the title of Head, which lieth our Saviour above all powers, but the title of Head<sup>n</sup> in such sort understood, as the apostle himself meant it: so that the same being imparted in another sense unto others, doth not any way<sup>o</sup> make those others therein<sup>p</sup> his equals; inasmuch as diversity of things is usual<sup>q</sup> to be understood, even when of words there is no diversity; and it is only the adding of one and the selfsame<sup>r</sup> thing unto diverse persons, which doth argue equality in them. If I term Christ and Cæsar lords, yet this is no equalling of<sup>s</sup> Cæsar with Christ, because it is not

<sup>a</sup> such as *em. E.C.L.Q.*    <sup>b</sup> none *E.*    <sup>c</sup> magistrate *E.Q.C.L.*    <sup>d</sup> to *E.C.*  
<sup>e</sup> used and urged *E.C.*    <sup>f</sup> had [hath *C.*] set on his *E.C.*    <sup>g</sup> fulness *E.*    <sup>h</sup> he  
 mentioned before *E.C.L.*, named before *Q.*    <sup>i</sup> By *E.*    <sup>j</sup> *see D.*    <sup>k</sup> dominions  
*E.C.*    <sup>l</sup> which lieth    <sup>m</sup> of head *em. E.*    <sup>n</sup> ways *E.*    <sup>o</sup> therein *em. E.*  
<sup>p</sup> usually *E.*    <sup>q</sup> self *em. E.C.*    <sup>r</sup> equalizing *E.*, equaling [of *em.*] *C.*

<sup>s</sup> Ephes. i. 20-23.    <sup>t</sup> Col. i. 18.    <sup>u</sup> Col. i. 16.

thereby intended. "To term the emperor Lord," saith Ter. BOOK VIII.  
tullian<sup>1</sup>, "I for mine own part will not refuse, so that I be Ch. ix. 4.  
"not required to term<sup>2</sup> him Lord in the same sense that God  
"is so termed."

Neither doth it follow, which is objected in the second place, that if the civil magistrate may be entitled an Head, he may also as well be<sup>3</sup> termed, "the first-begotten of all creatures," "the first-begotten of the dead," and "the Redeemer of his people." For albeit the former dignity do<sup>4</sup> lift him up no less than these, yet these terms are not applicable and apt to signify any other inferior dignity, as the former term of Head was.

The argument or matter which the Apostle followeth hath small evidence for<sup>5</sup> proof, that his meaning was to appropriate unto Christ<sup>6</sup> the foresaid title, otherwise than only in such sense as doth make it, being so understood, too high to be given to any creature.

As for the force of the article, whereby<sup>7</sup> our Lord and Saviour is named<sup>8</sup> the Head, it serveth to tie that unto him by way of excellency, which in a meaner degree<sup>9</sup> is common to others; it doth not exclude any other utterly from being termed Head, but from being entitled as Christ is, the Head, by way of the very highest degree of excellency. Not in the communication of names, but in the<sup>10</sup> confusion of things, is<sup>11</sup> error.

[4.] Howbeit, if Head were a name which well could not be<sup>12</sup>, or<sup>13</sup> never had been used to signify that which a magistrate may be in relation unto some church, but were by continual use of speech appropriated unto that<sup>14</sup> only thing which<sup>15</sup> it signifieth, being applied unto Jesus Christ; then, although we might<sup>16</sup> carry in ourselves a right understanding, yet ought we otherwise rather to speak, unless we interpret our own meaning by some clause of<sup>17</sup> plainer speech; because

<sup>1</sup> call E.      <sup>2</sup> may be also as well D.      <sup>3</sup> doth E.C.L.      <sup>4</sup> or E.  
<sup>5</sup> Christ, that the E.C.L.      <sup>6</sup> where E.      <sup>7</sup> called E. termed C.      <sup>8</sup> in meaner degree E.C. in meaner degree L.  
<sup>9</sup> that could not well be E.      <sup>10</sup> the em. D.      <sup>11</sup> there is E. in the C.L.  
<sup>12</sup> must E. [might Fulm.]      <sup>13</sup> plain E.      <sup>14</sup> the E.C.L.      <sup>15</sup> which em. E.C.L.  
<sup>16</sup> Apol. [adv. Gent. c. 34.] "Di-      <sup>17</sup> num sed quando non cogor ut  
"cam plane Imperatorem Domi-      "Dominam Dei vice dicam".

\* This note em. E.  
z b z

BOOK VIII. we are else in manifest danger to be understood according to that construction and sense wherein such words are usually taken<sup>a</sup>. But here the rarest construction, and most removed from common sense, is that which the word doth import being applied unto Christ; that which we signify by it in giving it unto the magistrate, is a great deal more familiar in the common conceit of men. The word is so fit to signify<sup>b</sup> all kinds of superiority, preeminence, and chiefly, that no one thing<sup>c</sup> is more ordinary than so to use it even<sup>d</sup> in vulgar speech, and in common understanding so to take it. If therefore a Christian king<sup>e</sup> may have any preeminence or chiefly above all other<sup>f</sup> in the Church, (albeit it were<sup>g</sup> less than<sup>h</sup> Theodore Beza<sup>i</sup> giveth, who placeth kings amongst the principal members whereunto public function in the Church belongeth, and denieth not, but that of them which have public function, the civil magistrate's power hath all the rest at commandment<sup>j</sup>, in regard of that part of his office, which is to procure that peace and good order be especially kept in things concerning the first Table;) even<sup>k</sup> hereupon to<sup>l</sup> term him *the Head of that Church which is his kingdom*, should not<sup>m</sup> seem so unfit a thing: which title surely we would<sup>n</sup> not communicate to any other, no not although it should at our hands be exacted with torments, but that our meaning herein is made known to the whole<sup>o</sup> world, so that no man which will understand can easily be ignorant, that we do not impart to kings, when we term them *Heads*, the honour which properly is<sup>p</sup> given to our Lord and Saviour

<sup>a</sup> personally spoken E. usually taken C. <sup>b</sup> nothing E. <sup>c</sup> even so E. <sup>d</sup> Christian kings E. <sup>e</sup> others D. <sup>f</sup> other, although it be E.C. although Q.L. <sup>g</sup> than that which E.Q.L. <sup>h</sup> command E. <sup>i</sup> if even E. <sup>j</sup> they E. <sup>k</sup> the E.C. <sup>l</sup> it should not E. <sup>m</sup> could E. <sup>n</sup> whole so E. <sup>o</sup> is properly E.Q.C.L.

<sup>1</sup> Capita papaverum, primores civitatis. Liv. l. [14] Roma accipere. Thales. Dionys. Hæc. Antiq. lib. II. Pekah is termed the Head of Samaria, which was the seat of his throne and kingdom\*. Esai. vii. 9.

<sup>2</sup> Confess. c. 3. art. 218 [\* Eorum qui publico munere funguntur in ecclesia, alii . . . partim administrant civilia negotia, partim ec-

clesiæ tranquillitatem in genere procurant ac tuentur, et quidem accepta in hoc usus gladii potestatem:] et 32. [\* Civili magistratum obnoxi] sicut omnes, capus etiam potestas est suo respectu administrandi, quatenus pacem et iustitiam procurare debet, presentem in his quæ primam tabulam respiciunt. Tract. Theol. l. 42. 46. Gen. 1570.]

\* This note, except the reference to Isaiah, see E. † This reference see E.

Three Differences in Christ's Headship and that of Kings. 373

Christ, when the blessed Apostles in Scripture do<sup>b</sup> term him BOOK VIII.  
*the Head of the Church.*

[5] The power which we signify by that name, differeth in  
 three things plainly from that which Christ doth challenge.

It differeth in order, measure, and kind. In order, because<sup>d</sup>  
 God hath given him to his Church for the Head, *ἐν τῷ κεφαλή*  
 above all<sup>e</sup>, *ὑπεράνω πάντων τῶν ἀγγέλων*, "far<sup>f</sup> above all princi-  
 pality, and power<sup>g</sup>, and might, and dominion, and every  
 "name that is named, not in this world only, but also in  
 "that which is to come:" whereas the power which others  
 have is subordinate<sup>h</sup> unto his.

Again<sup>i</sup>, as he differeth in order, so in measure of power  
 also; because God hath given unto him<sup>j</sup> the ends of the  
 earth for his possession; unto him, dominion from sea to sea;  
 unto him, all power<sup>k</sup> in heaven and in earth; unto him, such  
 sovereignty, as doth not only reach over all places, persons,  
 and things, but doth rest in his one<sup>l</sup> only person, and is not  
 by any succession continued: He reigneth as Head and King  
 for ever<sup>m</sup>, nor is there any kind of law which tieth him, but  
 his own proper will and wisdom: his power is absolute, the  
 same jointly over all which it is severally over each; not so  
 the power of any other's<sup>n</sup> headship. How kings are restrained,  
 and in what sort their authority<sup>o</sup> is limited, we have shewed  
 before. So that unto him is given by the title of *Headship*  
*over the Church*, that largeness of power, wherein neither man  
 nor angel can be matched or compared with him.

The last<sup>p</sup> and the weightiest<sup>q</sup> difference between him and  
 them, is in the very kind of their power. The head being  
 of all other parts of man's<sup>r</sup> body the<sup>s</sup> most divine<sup>t</sup>, hath  
 dominion over all the rest: it is the fountain of sense, of  
 motion; the throne where the guide of the soul doth reign;  
 the court from whence direction of all things human pro-

<sup>a</sup> Apostle... doth E.      <sup>b</sup> This *side-note* *om.* E.      <sup>c</sup> First, it differeth in  
 order, because E. in measure... in kind Q.L. first in order, secondly, thirdly C.  
<sup>d</sup> above all *om.* E.C.      <sup>e</sup> *ὑπεράνω* E. i. v. v. d. *om.* L. all the Greek *om.* C.  
<sup>f</sup> principality... powers E.C.      <sup>g</sup> subordinate D.      <sup>h</sup> Secondly, again E.  
<sup>i</sup> both in E.C.L.      <sup>j</sup> *om.* E.C.      <sup>k</sup> for ever *om.* E.C.      <sup>l</sup> other E.C. Q.L.  
<sup>m</sup> How their power E.C.      <sup>n</sup> Thirdly, The last E.      <sup>o</sup> and greatest E.C.  
<sup>p</sup> the E.C.      <sup>q</sup> the *om.* E.C.

<sup>r</sup> Ephes. i. 21, 22.      <sup>s</sup> Psal. ii. 8.  
<sup>t</sup> *Ουδέποτε σείσθη ἐν τῷ αἰῶνι ἡ κεφαλή ἡ ἐκκλησία.* Plat. in Tim.  
 \* This note *om.* E. in English C.

BOOK VIII  
CH. IV. A  
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ceedeth. Why Christ is called *Head of his Church*<sup>A</sup>, these causes they\* themselves do yield. As the head is the highest\* part of a man, above which there is none, always joined with the body: so Christ is<sup>1</sup> the highest in his Church, inseparably knit with it\*. Again, as the head giveth sense and moving to\* all the body, so he quickeneth\*, and together with understanding of heavenly things, giveth strength to walk therein. Seeing therefore, that they cannot affirm Christ sensibly present, or always visibly joined unto his body the Church which is on earth, inasmuch as his corporal residence is in heaven; again, seeing they do not affirm (it were intolerable if they should) that Christ doth personally administer the external regiment of outward actions in the Church, but by the secret inward influence of his grace, giveth spiritual life and the strength of ghostly motions thereunto: impossible it is, that they should so close up their eyes, as not to discern what odds there is between that kind of operation which we imply in the headship of princes, and that which agreeth to our Saviour's dominion over the Church. The headship which we give unto kings is altogether visibly exercised, and ordereth only the external frame of the Church's affairs\* here amongst us; so that it plainly differeth from Christ's, even in very nature and kind. To be in such sort united unto the Church as he is; to work as he worketh, either on the whole Church, or on any particular assembly, or in any one man; doth neither agree, nor hath possibility\* of agreeing, unto any besides\* him.

[A] Against the first distinction or difference it is objected<sup>1</sup>, that to entitle a magistrate Head of the Church, although it be under Christ, is most\* absurd. For Christ hath a twofold superiority; a superiority over his Church, and a superiority over kingdoms\*: according to the one, he hath a superior, which is his Father; according to the other, none but immediate authority with his Father: that is to

Opposition against the first distinction, whereby, Christ being Head simply, princes are said to be Heads under Christ.  
<sup>1</sup> the Head of the Church E.C.L.    <sup>2</sup> they are, E.C.    <sup>3</sup> chiefest E.C.  
<sup>4</sup> is one, E.C.L.    <sup>5</sup> is always knit to it E. is inseparably knit with it, L.  
<sup>6</sup> motion unto E.    <sup>7</sup> quickeneth as E.    <sup>8</sup> Church affairs E.C.L.    <sup>9</sup> any possibility E.C.Q.  
<sup>10</sup> over his, and over kingdoms, E. [Palin. "other kingdoms", i. e. over his own, and over other kingdoms."]  
<sup>11</sup> T. C. lib. ii. p. 411. [and l. 167.]



*Christ's absolute Government over the whole World.* 375

say, of the Church he is Head and Governor only as the Son of man; Head and Governor over kingdoms only as the Son of God. In the Church, as man, he hath officers under him, which officers are ecclesiastical persons: as for the civil magistrate, his office belongeth unto kingdoms, and commonwealths, neither is he therein an under or subordinate head of Christ<sup>1</sup>; "considering that his authority cometh from God, simply and "immediately, even as our Saviour Christ's doth<sup>1</sup>."

Whereunto the sum of our answer is, first, that as Christ being Lord or Head over all, doth by virtue of that sovereignty rule all; so he hath no more a superior in governing his Church, than in exercising sovereign dominion upon the rest of the world besides. Secondly, that all authority, as well civil as ecclesiastical, is subordinate unto his<sup>1</sup>. And thirdly, that<sup>2</sup> the civil magistrate being termed Head, by reason of that authority in ecclesiastical affairs which it<sup>1</sup> hath been already declared that themselves do in word<sup>3</sup> acknowledge to be lawful; it followeth that he is an Head even subordinated of<sup>4</sup>, and to Christ.

For more plain explication whereof, first<sup>5</sup>, unto God we acknowledge daily<sup>6</sup>, that kingdom, power, and glory, are his; that he is<sup>7</sup> the immortal and invisible<sup>8</sup> King of ages, as well the future which shall be, as the present which now is. That which the Father doth work as Lord and king over all, he worketh not without, but by the Son, who through coeternal generation receiveth of the Father that power which the Father hath of himself. And for that cause our Saviour's words concerning his own dominion are, "To me "all power both in heaven and in<sup>9</sup> earth is given." The Father by the Son both<sup>10</sup> did create, and doth guide all; wherefore Christ hath supreme dominion over the whole universal world.

Christ is God, Christ is *Adyos*, the consubstantial Word of God, Christ is also that consubstantial Word made<sup>11</sup> man.

<sup>1</sup> of E.C.L.Q.    <sup>2</sup> to commonwealths E.    <sup>3</sup> these E.C.    <sup>4</sup> of Christ *em.*  
<sup>5</sup> E.C.    <sup>6</sup> him E.C.    <sup>7</sup> that *em.* E.C.Q.L.    <sup>8</sup> in *em.* E.C.    <sup>9</sup> in word *em.* E.C.  
<sup>10</sup> in words Q.    <sup>11</sup> of Christ E.C.Q.L.    <sup>12</sup> first *em.* E.C.L.Q.    <sup>13</sup> the invisible D.  
<sup>14</sup> in *em.* D.    <sup>15</sup> both *em.* E.C.L.    <sup>16</sup> which made E.

<sup>1</sup> T. C. lib. ii. p. 418. [Of this and stance is given, not the very words.]  
the passage last referred to, the sub-    <sup>2</sup> Matt. vi. 13.    <sup>3</sup> 1 Tim. i. 17.



376 *Christ is King of Rebels as well as of true Subjects.*

BOOK VIII. As God, he saith of himself<sup>1</sup>, "I am Alpha and Omega, the beginning and the end: he which was, which is, and which is to come; even the very Omnipotent." As the consubstantial Word of God, he had<sup>2</sup> with God before the beginning of the world, that glory which as man<sup>3</sup> he requesteth<sup>4</sup> to have<sup>5</sup>; "Father, glorify thy Son now<sup>6</sup> with that glory which with thee I<sup>7</sup> enjoyed before the world was." For there is no necessity<sup>8</sup> that all things spoken of Christ should agree unto him either as God, or else as man; but some things as he is the consubstantial Word of God, some things as he is that Word incarnate. The works of supreme dominion which have been since the first beginning wrought by the power of the Son of God, are now most truly and properly<sup>9</sup> the works of the Son of man; the Word made flesh doth sit for ever, and reign as sovereign Lord over all. Dominion belongeth unto the kingly office of Christ, as propitiation and mediation unto his priestly; instruction, unto his pastoral or<sup>10</sup> prophetic office. His works of dominion are in sundry degrees or<sup>11</sup> kinds, according to the different condition<sup>12</sup> of them which are subject unto it; he presently doth govern, and hereafter shall judge the world, entire and whole<sup>13</sup>, therefore<sup>14</sup> his regal power cannot be with truth restrained unto a portion<sup>15</sup> of the world only. Notwithstanding forasmuch as all do not shew and acknowledge with dutiful submission that obedience which they owe unto him; therefore such as do, their Lord he is termed by way of excellency, no otherwise than the Apostle doth term God<sup>16</sup>, the Saviour<sup>17</sup> generally of all, but especially of the faithful: these being brought to the obedience of faith, are every where spoken of as men translated into that kingdom, wherein whosoever is comprehended, Christ is<sup>18</sup> the author of eternal salvation unto them; they have a high kind of ghostly<sup>19</sup> fellowship<sup>20</sup> with God, and Christ, and saints; or as the Apostle in more ample manner speaketh<sup>21</sup>, "Aggregated they are unto

<sup>1</sup> both E.      <sup>2</sup> as he was man E.      <sup>3</sup> requesteth E.      <sup>4</sup> now an. E.C.L.  
<sup>5</sup> he E.      <sup>6</sup> Further, it is not necessary E.C.L.Q.      <sup>7</sup> properly and truly E.  
<sup>8</sup> and E.C.      <sup>9</sup> and E.C.      <sup>10</sup> conditions E.C.L.      <sup>11</sup> wholly E.      <sup>12</sup> and  
therefore E.C.      <sup>13</sup> proposition E.      <sup>14</sup> account E. 1566, corr. 1576.      <sup>15</sup> high  
and ghostly E.C.L.Q.

<sup>16</sup> Apoc. i. 8.      <sup>17</sup> Heb. v. 9.  
<sup>18</sup> John xvii. 3.      <sup>19</sup> 1 John i. 3.  
<sup>20</sup> 1 Tim. iv. 16.      <sup>21</sup> Heb. xii. 22[-24.]

<sup>a</sup> Mount Sion, and to the city of the living God, the celestial BOOK VIII  
<sup>b</sup> Jerusalem, and to the company of innumerable angels, and CH. 16. 4.  
<sup>c</sup> to the congregation of the first-born, which are written in  
<sup>d</sup> heaven, and to God the judge of all, and to the spirits  
<sup>e</sup> of just and perfect men, and to Jesus the Mediator of the  
<sup>f</sup> "New Testament." In a word, they are of that mystical  
body, which we term the Church of Christ. As for the rest,  
we find them accounted <sup>g</sup> "aliens from the commonwealth  
<sup>h</sup> "Israel, men that lay<sup>i</sup> in the kingdom of darkness, and that  
<sup>j</sup> "are in this present world without God." Our Saviour's  
dominion is therefore over these, as over rebels; over them as  
dutiful subjects<sup>k</sup>.

Which things being in holy Scriptures so plain, I some-  
what muse at those<sup>l</sup> strange positions, that Christ<sup>m</sup> in the  
government of the<sup>n</sup> Church, and superiority over the officers  
of it, hath himself a superior, which is his<sup>o</sup> Father; but in the  
government<sup>p</sup> of<sup>q</sup> kingdoms and commonwealths, and in the  
superiority which he hath over kings<sup>r</sup>, no superior. Again<sup>s</sup>,  
<sup>t</sup> "that the civil magistrate<sup>u</sup> cometh from God immediately, as  
<sup>v</sup> "Christ<sup>w</sup> doth, and is not subordinate<sup>x</sup> unto Christ." In  
what evangelist, apostle, or prophet, is it found, that Christ,  
supreme governor of the Church, should be so unequal to  
himself, as he is supreme governor of kingdoms? The works  
of his providence for preservation<sup>y</sup> of mankind by upholding  
of<sup>z</sup> kingdoms, not only obedient unto, but even<sup>aa</sup> rebellious  
and obstinate<sup>ab</sup> against him, are such as proceed from divine  
power; and are not the works of his providence for safety of  
God's elect, by gathering, inspiring, comforting, and every  
way preserving his Church, such as proceed from the same  
power likewise? Surely, if Christ<sup>ac</sup> as God and man have  
<sup>ad</sup> "ordained certain means for the gathering and keeping of his  
<sup>ae</sup> "Church," seeing this doth belong to the government of his<sup>af</sup>  
Church; it must in reason follow, I think, that as God and  
man he worketh in church regiment, and consequently hath

<sup>a</sup> we account them E.C.L.Q.    <sup>b</sup> and that live E.C.L.Q.    <sup>c</sup> as over dutiful  
and loving subjects E.C.L.Q.    <sup>d</sup> the E.    <sup>e</sup> his E.    <sup>f</sup> the E.C.    <sup>g</sup> is  
governing E.Q.L.C.    <sup>h</sup> of om. E. (not E.)    <sup>i</sup> kingdoms E.    <sup>j</sup> magistracies  
authority E.C.L.    <sup>k</sup> Christ's E.C.L.Q.    <sup>l</sup> is subordinate E.    <sup>m</sup> the  
generative E.C.    <sup>n</sup> of om. E.L.C.Q.    <sup>o</sup> also E.    <sup>p</sup> obstinate and rebellious  
E.C.    <sup>q</sup> that E. the C.L.Q.

<sup>r</sup> [T. C.] R. 417. l. 14.    <sup>s</sup> T. C. lib. ii. p. 418. l. 10. [rather 416 . . . 418.]  
<sup>t</sup> T. C. R. 417. l. 12.



378 *Meaning of Christ's final Surrender of His Kingdom.*

BOOK VIII.  
Ch. iv. 6.  
no more therein<sup>a</sup> any superior<sup>b</sup>, than in the government of commonwealths<sup>c</sup>.

Again, to "be in the midst of his, wheresoever they are assembled in his name," and to be "with them till<sup>d</sup> the world's end," are comforts which Christ doth perform to his Church as Lord and Governor; yea, such as he cannot perform but by that very power wherein he hath no superior.

Wherefore, unless it can be proved, that all the works of our Saviour's government in the Church are done by the mere and only force of his human nature, there is no remedy but to acknowledge it a manifest error, that Christ in the government of the world is equal unto the Father, but not in the government of the Church. Indeed, to the honour of this dominion it cannot be said that God did exalt him otherwise than only according to that human nature wherein he was made low: for as the Son of God, there could no advancement or exaltation grow unto him: and yet the dominion, wherunto he was in his human nature lifted up, is not without divine power exercised. It is by divine power, that the Son of man who sitteth in heaven, doth work as king and lord upon us which are on earth.

The exercise of his dominion over the Church militant cannot choose but cease, when there is no longer any militant Church in the world. And therefore as generals of armies when they have finished their work, are wont to yield up such commissions as were given them<sup>e</sup> for that purpose, and to remain in the state of subjects and not of<sup>f</sup> lords, as concerning their former authority; even so, when the end of all things is come, the Son of man, who till then reigneth, shall do the like, as touching regiment over the militant Church on earth<sup>g</sup>. So that between the Son of man and his brethren, over whom he now reigneth<sup>h</sup> in this their warfare, there shall be then, as touching the exercise of that regiment, no such difference; they not warfaring under him any longer<sup>i</sup>, but he together with them under God receiving the joys of everlasting triumph, that so God may be all in all; all misery in all the wicked through his justice; in all the righteous, through his

<sup>a</sup> there E.L. om. C.      <sup>b</sup> superior E.Q.C.L.      <sup>c</sup> of the commonwealth E.  
<sup>d</sup> to E.Q. still C.      <sup>e</sup> them om. E.      <sup>f</sup> as E.      <sup>g</sup> on the earth E.C.L.  
<sup>h</sup> reigneth now E.      <sup>i</sup> any longer under him E.C.L.Q.

love, all felicity and bliss. In the meanwhile he reigneth over <sup>BOOK VIII.</sup> this<sup>1</sup> world as king, and doth those things wherein none is <sup>Ch. 16. 6.</sup> superior unto him, whether we respect the works of his providence over kingdoms<sup>2</sup>, or of his regiment over the Church.

The cause of error in this point doth seem to have been a misconceit, that Christ, as Mediator, being inferior unto his Father, doth, as Mediator, all works of regiment over the Church<sup>3</sup>; when in truth, government<sup>4</sup> doth belong to his kingly office, mediatorship, to his priestly. For, as the high priest both offered sacrifice<sup>5</sup> for expiation of the people's sins, and entered into the holy place, there to make intercession for them: so Christ<sup>6</sup>, having finished upon the cross that part of his priestly office which wrought the propitiation for our sins, did afterwards enter into very heaven, and doth there as mediator of the New Testament appear in the sight of God for us. A like slip<sup>7</sup> of judgment it is, when they hold<sup>8</sup> that civil authority is from God, but not mediately<sup>9</sup> through Christ, nor with any subordination unto Christ. For "there is no power," saith the Apostle, "but from God<sup>10</sup>;" nor doth any thing come from God but by the hands of our Lord Jesus Christ<sup>11</sup>.

They deny it not to be said of Christ in the Old Testament<sup>12</sup>, "By me kings reign, and princes decree justice<sup>13</sup>"; by me "princes rule, and the nobles, and all the judges of the "earth." In the New as much is taught<sup>14</sup>, "That Christ is the "Prince of the kings of the earth." Wherefore to the end it may more plainly appear how all authority of man is derived from God through Christ, and must by Christian men be acknowledged to be no otherwise held than of and under him;

<sup>1</sup> the E.    <sup>2</sup> providence and kingdom E.    <sup>3</sup> regiment E.    <sup>4</sup> sacrifices E.  
<sup>5</sup> might E.Q.C.L.    <sup>6</sup> immediately E.C.    <sup>7</sup> use with any subordination  
to God, nor doth any thing from God, but by the hands of our Lord, &c. E.  
<sup>8</sup> By me.....justice est. E.

<sup>1</sup> [T. C.] lib. ii. p. 411. lin. 16.    "rity, to set up that which remain-  
[D.]    "eth of Christ's most holy laws,  
<sup>2</sup> Heb. ix. 25.    "and to banish all the pope's  
<sup>3</sup> T. C. lib. ii. p. 415.    "canons! May not her princely  
<sup>4</sup> Rom. xiii. 1.    "mind perceive it to be so, if she  
<sup>5</sup> Prov. viii. 16. Humble Motion,    "remember that it is said of Christ,  
p. 63. [I] Seeing her highness doth    "By me kings reign, and princes  
acknowledge Christ to be her    "decree justice: by me princes  
<sup>6</sup> head, and renounceth the pope, is    "rule," &c.]  
<sup>7</sup> "it not for her safety, by her autho-    " Rev. i. 3.

BOOK VIII. we are to note, that because whatsoever hath necessary being, the Son of God doth cause it to be, and those things without which the world cannot well continue, have necessary being in the world; a thing of so great use as government amongst men, and human dominion in government<sup>a</sup>, cannot choose but be originally from him, and have reference also of subordination unto him<sup>b</sup>. Touching that authority which civil magistrates have in ecclesiastical affairs, it being from God by Christ, as all other good things are, cannot choose but be held as a thing received at his hands; and because such power as<sup>c</sup> is of necessary use<sup>d</sup> for the ordering of religion, wherein the essence and very being of the Church consisteth, can no otherwise flow from him, than according to that special care which he hath to guide and govern<sup>e</sup> his own people: it followeth that the said authority is of and under him after a more peculiar<sup>f</sup> manner, namely<sup>g</sup>, in that he is Head of the Church, and not in respect of his general regency over the world. "All things," (saith the Apostle<sup>h</sup> speaking unto the Church) "are yours, and ye are Christ's, and Christ is God's." Kings are Christ's, as saints; and kings are Christ's, as kings: as saints, because they are of the Church; as kings, because they are in authority over the Church, if not collectively<sup>i</sup>, yet divisively understood; that<sup>j</sup> is over each particular person within that Church where they are kings. Such<sup>k</sup> authority, reaching<sup>l</sup> both unto all men's persons, and unto all kinds of causes also, it is not denied but that they lawfully may have and exercise<sup>m</sup>: such authority it is, for which, and for no other in the world, we term them heads; such authority they have under Christ, because he in all things is Lord over all. And even of Christ it is that they have received such authority, inasmuch as of him all lawful powers are: therefore the civil magistrate is, in regard of this power, an under and subordinate head of Christ's people.

<sup>a</sup> amongst—government om. E.C.L. <sup>b</sup> and have—unto him om. E. <sup>c</sup> as om. E. <sup>d</sup> of necessity E.C. <sup>e</sup> govern and guide E.C. <sup>f</sup> special E. <sup>g</sup> namely om. E. <sup>h</sup> E. read kings are Christ's as saints, because they are of the Church, if not collectively. &c. C. reads, as saints, because they are of the Church: as kings, because they are in authority over the Church, &c. in which L. agrees. D. and Q. give it as in the text. <sup>i</sup> In E. [The mistake might arise from the old way of abbreviating "that."] <sup>j</sup> surely E.C.L. <sup>k</sup> reacheth E.C. <sup>l</sup> may have and lawfully exercise it E.

<sup>1</sup> 1 Cor. iii. 22, [23.]

*Difference in Extent of Rule; cleared from Objections.* 381

[:] It is but idle "when they plead", that although for several companies of men there may be several heads or governors, differing in the measure of their authority from the chiefest who is head of all; yet so it cannot be in the Church, for that the reason why head-magistrates appoint others for such several places is, because they cannot be present every where to perform the office of a head. But Christ is never from his body, nor from any part of it, and therefore needeth not to substitute any, which may be heads, some over one church and some over another." Indeed the consideration of man's imbecillity, which maketh many hands necessary where the burden is too great for one, moved Jethro to be a persuader of Moses, that a number of heads or rulers might be instituted for discharge of that duty by parts, which in whole he saw was troublesome. Now although there be not in Christ any such defect or weakness, yet other causes there may be diverse, more than we are able to search into, wherefore it might seem to him expedient to divide his kingdom into many portions, and to place many heads over it, that the power which each of them hath in particular with restraint, might illustrate the greatness of his unlimited authority. Besides, howsoever Christ be spiritually always united unto every part of his body, which is the Church; nevertheless we do all know, and they themselves who allege this will, I doubt not, confess also, that from every church here visible, Christ, touching visible and corporal presence, is removed as far as heaven from earth is distant. Visible government is a thing necessary for the Church; and it doth not appear how the exercise of visible government over such multitudes every where dispersed throughout the world should consist without sundry visible governors; whose power being the greatest in that kind so far as it reacheth, they are in consideration thereof termed so far heads. Wherefore, notwithstanding that perpetual conjunction, by virtue whereof our Saviour remaineth always spiritually united unto the parts of his mystical body; Heads endued with supreme power, extending unto a certain compass, are for the exercise of visible regiment not unnecessary.

BOOK VIII.  
Ch. IX.  
—  
Against the second difference, whereby Christ is said to be universally head, the King no further than within his own dominions.

\* This rule may see. E.Q. \* where they speak E. where C.L.Q. \* over E.  
\* seeing E. \* heads E.L. \* the E's. \* may see. E. [Folm. \* may be"] C.  
\* more E's. \* provinces E.C. \* to see. E. \* the earth E. \* is see. D.  
\* the E. \* always remaineth E.C.L. \* indeed E. \* a visible E.

<sup>1</sup> T. C. lib. ii. p. 413.

BOOK VIII. Some other reasons there are belonging unto this branch, which seem to have been objected, rather for the exercise of men's wits in dissolving sophisms, than that the authors of them could think in likelihood thereby to strengthen their cause. For example<sup>1</sup>, "If the magistrate be head of the Church within his own dominion, then is he none of the Church; for all that Church maketh<sup>2</sup> the body of Christ, and every one of the Church fulfilleth the place of one member of the body. By making the magistrate therefore head<sup>3</sup>, we do exclude him from being a member subject to the head, and so leave him no place in the Church." By which reason, the name of a body politic is supposed to be always taken of the inferior sort alone, excluding the principal guides and governors; contrary to all men's custom<sup>4</sup> of speech. The error riseth by misconstruing<sup>5</sup> of some scripture sentences, where Christ as the head, and the Church as the body, are compared or opposed the one to the other: and because in such comparisons and<sup>6</sup> oppositions, the body is taken for<sup>7</sup> those only parts which are subject to the head, they imagine that whoso is head<sup>8</sup> of any church, he is even thereby<sup>9</sup> excluded from being a part of that church: that the magistrate can be none of the Church, if so be<sup>1</sup> we make him the head of the church in his own dominions. A chief and principal part of the Church<sup>10</sup>, therefore no part; this is<sup>11</sup> surely a strange conclusion. A church doth indeed make the body of Christ, being wholly taken together; and every one in the same church fulfilleth the place of a member in the body, but not the place of an inferior member, he<sup>12</sup> which hath supreme authority and power over all the rest. Wherefore, by making the magistrate head in his own dominions, we exclude him from being a member subject unto any other person which may visibly there rule in place of an head or governor<sup>13</sup> over him; but so far are we off from leaving him by this means no place in the Church, that we grant<sup>14</sup> him the chiefest<sup>15</sup> place. Indeed the heads of those visible bodies, which are many, can be but parts inferior

<sup>1</sup> that are of the Church make E. <sup>2</sup> custom E.C.L. <sup>3</sup> misconstruing E.Q.C.L. <sup>4</sup> or E.Q.C.L. <sup>5</sup> from E.C.L. <sup>6</sup> the head E.Q.C.L. <sup>7</sup> therefore even E. <sup>8</sup> he are E.Q.C.L. <sup>9</sup> of the Church are. D. <sup>10</sup> the Church therefore next this, is E. <sup>11</sup> the E. <sup>12</sup> a superior or head E.C.L. <sup>13</sup> do grant E.C. <sup>14</sup> chief E.

<sup>1</sup> T. C. lib. ii. p. 419. <sup>2</sup> Ut Hen. 8. 6. 9. [16 Hen. viii. cap. 1.]

in that spiritual body which is but one; yea, they may from this be excluded clean, who notwithstanding ought to be honoured, as possessing in the other<sup>a</sup> the highest rooms: but for the magistrate to be termed, one way, within<sup>b</sup> his own<sup>c</sup> dominions, an head, doth not bar him from being either<sup>d</sup> way a part or member of the Church of God.

As little to the purpose are those other cavils: "A Church which hath the magistrate for head, is a<sup>e</sup> perfect man without Christ. So that the knitting of our Saviour thereunto should be an addition of that which is too much." Again, "If the Church be the body of Christ, and of the civil magistrate, it shall have two heads, which being monstrous, is to the great dishonour of Christ and his Church!"<sup>f</sup> Thirdly, "If the Church be planted in a popular estate, then, forasmuch as all govern in common, and all have authority, all shall be head<sup>g</sup> there, and no body at all; which is another monster!"<sup>h</sup> It might be feared what this birth of so many monsters<sup>i</sup> might portend, but that we know how things natural enough in themselves may seem monstrous through misconceit; which error of mind is indeed a monster, and so the skillful in nature's mysteries have used to term it. The womb<sup>j</sup> of monsters, if any be, is<sup>k</sup> that troubled understanding, wherein, because things lie confusedly mixed together, what they are it appeareth not<sup>l</sup>.

A Church perfect without Christ, I know not which way<sup>m</sup> a man should<sup>n</sup> imagine; unless there may be either Christianity without Christ, or else a Church without Christianity. If magistrates be heads of the Church, they are of necessity Christians; if Christians<sup>o</sup>, then is their Head Christ.

The adding of Christ the<sup>p</sup> universal Head over all unto the<sup>q</sup> magistrate's particular headship, is no more superfluous in any church than in other societies it<sup>r</sup> is to be both severally each<sup>s</sup> subject unto some head, and to have also a head<sup>t</sup> general for them all to be subject unto. For so in armies and<sup>u</sup> in

<sup>a</sup> order E.L. the order C.    <sup>b</sup> termed in E.Q. termed within [C. in] his own dominions C.L.    <sup>c</sup> own om. E.Q.C.L.    <sup>d</sup> any E.    <sup>e</sup> a om. E.<sup>s</sup>    <sup>f</sup> heads E.  
<sup>g</sup> monsters together E.C.L.Q.    <sup>h</sup> the skillful in nature's mysteries have been used to term it. The womb, &c.    <sup>i</sup> it is E.    <sup>j</sup> appears D.    <sup>k</sup> how E.C.L.  
<sup>l</sup> shall E.    <sup>m</sup> of Christians om. E.    <sup>n</sup> the om. E.    <sup>o</sup> each E.    <sup>p</sup> each om. E.  
<sup>q</sup> a head also E.    <sup>r</sup> and om. E.

<sup>s</sup> T. C. li. 412.



BOOK VIII. civil corporations we see it fareth. A body politic in such respects is not like to a natural body; in this, moe<sup>h</sup> heads than one are<sup>h</sup> superfluous; in that, not.

It is neither monstrous nor as much as uncomely<sup>h</sup> for a church to have different heads: for if Christian churches be in number many, and every of them a body perfect<sup>h</sup> by itself, Christ being Lord and Head over all; why should we judge it a thing more monstrous for one body to have two heads, than one head so many bodies? Him God<sup>h</sup> hath made the supreme Head of the whole Church; the Head, not only of that mystical body which the eye of man is not able to discern, but even of every Christian politic society, of every visible Church in the world.

And whereas, lastly, it is thought so strange, that in popular states a multitude should to itself<sup>h</sup> be both body and head, all this wonderment doth grow from a little oversight, in deeming that the subject wherein headship is<sup>h</sup> to reside, should be evermore some one person; which thing is not necessary. For in a<sup>h</sup> collective body that hath not derived as yet the principality of power into some one or few, the whole of necessity must be head over each part; otherwise it could not possibly have power<sup>h</sup> to make any one certain person head; inasmuch as the very power of making a head belongeth unto headship. These supposed monsters therefore we see<sup>h</sup> are no such giants, that<sup>h</sup> there should need any Hercules to tame them.

[8] <sup>1</sup> For the title or style<sup>h</sup> itself, although the laws of this land have annexed it to the crown, yet so far we would<sup>h</sup> not strive, if so be men were nice and scrupulous in this behalf only, because they do wish that for reverence unto Christ Jesus, the civil magistrate did rather use some other form of speech wherewith to express that sovereign authority which

<sup>h</sup> more E.    <sup>h</sup> is E.C.    <sup>h</sup> see yet uncomely E.Q.C.    <sup>h</sup> perfect body E.C.  
<sup>h</sup> him that God E.C.L.    <sup>h</sup> to itself should E. should be to itself C.    <sup>h</sup> ought E.  
<sup>h</sup> the E.    <sup>h</sup> have power possibly E.C.    <sup>h</sup> we see therefore E.C.    <sup>h</sup> as that  
E.C.    <sup>h</sup> This paragraph is inserted before "these things," p. 388 E.Q.C.L.  
There it is clearly *incompræhensibile*, and here the transition would be clearer without it.    <sup>h</sup> state E.C. [style Palm.]    <sup>h</sup> should E.

<sup>1</sup> [This section stands here on the authority of the Dublin MS. But it must be apparent to every reader that it is out of its place. Probably it was a note made to be inserted, in substance, somewhere in the treatise, but the place of insertion not determined. The conclusion of the whole subject, in p. 391, seems no improper place for it. But without MS. authority it might be too great a liberty to transpose it. The Dublin MS. bears marks of unusual attention in this part.]

he lawfully hath over all, both persons and causes of the Church. But I see that hitherto they which condemn utterly the name so applied, do it because they mislike that any<sup>a</sup> such power should be given unto civil governors. The greatest<sup>4</sup> exception that Sir Thomas More took against that title, who suffered death for denial of it<sup>5</sup>, was "for that it maketh a lay, "or secular<sup>6</sup> person, the head of the state<sup>7</sup> spiritual or ecclesiastical;" as though God himself did not name even<sup>8</sup> Saul the head of all the tribes of Israel; and consequently of that tribe also among the rest, whereunto the state spiritual or ecclesiastical belonged. When the authors of the Centuries reprove it in kings and civil governors, the reason is<sup>9</sup>, "istis non com-  
petit iste primatus;" "such kind of power is too high for them, they fit it not." In excuse of Mr. Calvin<sup>10</sup>, by whom this realm is condemned of blasphemy for entitling Henry the Eighth Supreme Head of this Church under Christ, a charitable conjecture is made, that he spake by misinformation, and thought we had meant thereby far otherwise than we do<sup>11</sup>; howbeit, as he profeseth utter dislike of that name, so whether the name be used or no, the very power itself which we give unto civil magistrates he much complaineth of,

<sup>a</sup> any am. E.    <sup>4</sup> great E.    <sup>6</sup> a secular E.    <sup>7</sup> even am. E.    <sup>8</sup> and thought ... we do am. E.

<sup>1</sup> G. Courin. in Epist. de Morte T. Mori, et Episcopi Roffensis, p. 517. [ap. Thomae Mori, Angliae Ornamenti eximii Lucubrations. Basil. 1563.]  
<sup>2</sup> "Illa dico, me septem annis intendisse animum studiumque meum in istam causam, verum hactenus in nullo doctorum ab ecclesia probatorum repertis scriptum, quod laicus, aut, si vocant, secularis, possit aut debeat esse caput status spiritualis aut ecclesiastici."  
<sup>3</sup> Praef. Cent. 7. [l. iv. p. 11. Basil. 1567.] "Non sint capita ecclesiae, quia istis, &c."  
<sup>4</sup> Calvin. in Com. in Amos vii. 13. [Quoted by T. C. ii. 413.] "Qui cum regem Angliae, certe fuerunt  
 "inconsiderati homines: dederunt illi summam rerum omnium potestatem: et hoc me semper graviter vulneravit. Erant enim blasphemii, qui vocarent eum summum caput ecclesiae sub Christo. Hoc certe fuit nimium. Sed tamen scriptum hoc maneat, quia peccarunt inconsiderato zelo... Faciunt illos nimis spirituales. Et hoc vitium passim regnat in Germania. In his etiam regionibus nimium grassatur... Principes, et quicumque potentur imperio, putant se ita spirituales esse, ut nullum sit amplius ecclesiasticum regimen. Non putant se posse regnare, nisi aboleant omnem ecclesiae auctoritatem, et sint summi iudices, tam in doctrina, quam in toto spirituali regimine." p. 282. ed. 1610.]

<sup>5</sup> This note, except "Roffens. Episc. p. 517." am. E. Q. C. L. "p. 517." am. D. VOL. III.

386 *Christ's Headship unlike the King's, as being spiritual.*

BOOK VIII  
Ch. 10  
and testifieth<sup>b</sup>, "That their power over all things was it which  
"had ever wounded him deeply; that unadvised persons had  
"made them too spiritual; that throughout Germany this  
"fault did reign; that in those very parts where Calvin him-  
"self was, it prevailed more than were<sup>c</sup> to be wished; that  
"rulers, by imagining themselves so spiritual, have taken  
"away ecclesiastical regiment<sup>d</sup>; that they think they cannot  
"reign unless they abolish all authority<sup>e</sup> of the Church, and  
"be themselves the chief judges, as well in doctrine, as in the  
"whole spiritual regency." So that 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<sup>f</sup>.

Opposition  
against the  
difference  
in kind<sup>g</sup>.  
[5.] The last difference which we have made<sup>h</sup> between the  
title of head when we gave it unto Christ, and when we gave<sup>i</sup>  
it to other governors, is, that the kind of dominion which it  
importeth is not the same in both. Christ is head as being  
the fountain of life and ghostly nutriment, the well-spring of  
spiritual blessings poured into the body of the Church; they<sup>k</sup>  
heads, as being<sup>l</sup> his principal instruments for the Church's  
outward government: He head, as founder of the house;  
they, as his chiefest overseers<sup>m</sup>. Against this there<sup>n</sup> is ex-  
ception<sup>o</sup> especially taken, and our purveyors are herein said  
to have their provision from the popish shambles: for by

<sup>a</sup> parenthesis E.L.Q.    <sup>b</sup> through D.    <sup>c</sup> was E.C.    <sup>d</sup> government E.  
<sup>e</sup> the authority E.C.L.Q.    <sup>f</sup> Here the Public MS. presents us in p. 388,  
line 20. "Their meaning is," to "whole or any part," in p. 392: and then  
inserts what follows in this place, as far as "spiritual government," p. 388.  
<sup>g</sup> This side-note om. E.Q.C. Against the third difference I.    <sup>h</sup> made om. E.  
<sup>i</sup> give E.Q.C.L.    <sup>j</sup> these D.    <sup>k</sup> the E.C.    <sup>l</sup> there om. E.C.    <sup>m</sup> exceptions D.

<sup>n</sup> [Whig. Def. 300, 301. "Christ  
"is the only head of the Church, if  
"by the head you understand that  
"which giveth the body life, sense,  
"and motion: for Christ only by  
"his Spirit doth give life and nutri-  
"ment to his body. He only doth  
"pour spiritual blessings into it, and  
"doth inwardly direct and govern  
"it. Likewise he is only the head of  
"the whole Church, for that title  
"cannot agree to any other. But  
"if by the head you understand an  
"external ruler and governor of any  
"particular nation or church, (in  
"which signification head is usually  
"taken) then I do not perceive why  
"the magistrate may not as well be  
"called the head of the church, i.e.  
"the chief governor of it in the ex-  
"ternal policy, as he is called the  
"head of the people, and of the  
"commonwealth. And as it is no  
"absurdity to say, that the civil  
"magistrate is head of the com-  
"monwealth, next and immediately  
"under God, (for it is most true,)  
"so is it come to say, that under  
"God also he is head of the church,  
"i.e. chief governor, as I have be-  
"fore said."] ]

*Unfairness of stigmatizing this Distinction as Popish.* 387

Pighius and Harding, to prove that Christ alone is not head of the Church, this distinction they say is brought, that according to the inward influence of grace, Christ only is head; but according to outward<sup>a</sup> government the being head<sup>a</sup> is a thing common with him to<sup>b</sup> others<sup>c</sup>.

To raise up falsehoods of old condemned, and to<sup>b</sup> bring that<sup>a</sup> for confirmation of any thing doubtful, which hath already<sup>b</sup> been sufficiently<sup>a</sup> proved an error, and is worthily so taken, this would justly deserve censuring. But shall manifest truth be therefore<sup>a</sup> reproached, because men in some things convicted<sup>a</sup> of manifest untruth have at any time taught<sup>f</sup> or alleged it? If too much eagerness against their adversaries had not made them forget themselves, they might remember where being charged as maintainers of those very things, for which others before them have been condemned of heresy, yet lest the name of any such heretic holding the same which they do should make them odious, they stick not frankly to profess<sup>a</sup>, "that they are not afraid to consent in "some points with Jews and Turks." Which defence, for all that, were a very weak buckler for such as should consent with Jews and Turks, in that which they have been abhorred and hated for of<sup>b</sup> the Church.

But as for this distinction of headship, spiritual and mystical in<sup>1</sup> Jesus Christ, ministerial and outward in others besides Christ; what cause is<sup>b</sup> to dislike<sup>1</sup> either Harding, or Pighius, or any other besides for it? That which they have been proved for is, not because they did herein<sup>2</sup> utter an untruth, but such a truth as was not sufficient to bear up the cause which they did thereby seek to maintain. By this distinction they have both truly and sufficiently proved that the name of head, importing power of<sup>a</sup> dominion over the Church, might be given unto others besides Christ, without prejudice unto any part of his honour. That which they should have made

<sup>a</sup> the outward E.C.    <sup>b</sup> of head D.    <sup>c</sup> to him with E.C.L.Q.    <sup>d</sup> to em. E.Q.C.L.    <sup>e</sup> if E.    <sup>f</sup> already hath E.    <sup>g</sup> sufficiently been E.C.L.Q.  
<sup>h</sup> therefore be E.Q.C.    <sup>i</sup> convicted in some things E.Q.C.L.    <sup>j</sup> thought E.  
<sup>k</sup> confess E.C.    <sup>l</sup> is E.C.    <sup>m</sup> of E. is E.    <sup>n</sup> in there E.Q.C.L.    <sup>o</sup> mistake E.  
<sup>p</sup> therein E.    <sup>q</sup> and E.C.

<sup>1</sup> T. C. li. 414. ["It is first to "so the doctor's purveyors had it  
<sup>2</sup> be noted from whom this provi- "from Harding, or from both."  
<sup>3</sup> sion was brought him. For as    <sup>4</sup> T. C. li. iii. p. 168.  
<sup>5</sup> Harding borrowed it of Pighius,

BOOK VIII  
Ch. ix. 16.

manifest was, that<sup>a</sup> the name of Head, importing the power of universal dominion over the whole Church of Christ militant, doth, and that by divine right, appertain unto the Pope of Rome. They did prove it lawful to grant unto others besides Christ the power of headship in a different kind from his; but they should have proved it lawful to challenge, as they did to the bishop of Rome, a power universal in that different kind. Their fault was therefore in exacting wrongfully so great power as they challenged in that kind, and not in making two kinds of power, unless some reason<sup>b</sup> can be shewed for which this distinction of power should be thought erroneous and false.

[10.] A little they stir, although in vain, to prove that we cannot with truth make any<sup>c</sup> such distinction of power, whereof the one kind should agree unto Christ only, and the other be further communicated. Thus therefore they argue<sup>d</sup>: "If there be no head but Christ, in respect of the spiritual government, there is no head but he in respect of the word, sacraments, and discipline, administered by those whom he hath appointed, forasmuch as that is also his spiritual government." Their meaning is, that whereas we make two kinds of power, of which two, the one being spiritual is proper unto Christ; the other men are capable of, because it is visible and external: we do amiss altogether, they think, in so distinguishing<sup>e</sup>, forasmuch as the visible and external power of regiment over the Church, is only in relation unto the word, the sacraments, and discipline, administered by such as Christ hath appointed thereunto, and the exercise of this power is also his spiritual government: therefore we do but vainly imagine a visible and external power in the Church differing from his spiritual power.

Such disputes as this do somewhat resemble the wonted<sup>f</sup> practising of well-willers upon their friends in the pangs of death, whose manner is even then to put smoke in their nostrils, and so to fetch them again, although they know it a matter impossible to keep them living. The kind affection<sup>g</sup> which the favourers of this labouring cause bear towards it will

<sup>a</sup> that om. E.Q.C.L.    <sup>b</sup> reasons E.C.L.    <sup>c</sup> any om. E.    <sup>d</sup> to be D.  
<sup>e</sup> the om. E.Q.C.L.    <sup>f</sup> also as it is E. as it is also C.    <sup>g</sup> is distinguishing,  
they think E. as they think, in so distinguishing C.    <sup>h</sup> doth D.E.    <sup>i</sup> wonted  
om. E.C.    <sup>j</sup> kind of affection E.C.L.

<sup>1</sup> T. C. lib. ii. p. 415.

not suffer them to see it die, although by what means they <sup>BOOK VIII.</sup> should be able to \* make it live, they do not see. But they <sup>Ch. 30. 22.</sup> may see that these wrestlings will not help. Can they be ignorant how little it booteth to overcast so clear a light with some mist of ambiguity in the name of spiritual regiment?

To make things therefore so plain that henceforth<sup>a</sup> a child's capacity may serve rightly to conceive our meaning: we make the spiritual regiment of Christ to be generally that whereby his Church is ruled and governed in things spiritual. Of this general we make two distinct kinds; the one invisibly exercised<sup>b</sup> by Christ himself in his own person; the other outwardly administered by them whom Christ doth allow to be the<sup>c</sup> rulers and guiders of his Church. Touching the former of these two kinds, we teach that Christ in regard thereof is peculiarly<sup>d</sup> termed the Head of the Church of God; neither can any other creature in that sense and meaning be termed head besides him, because it importeth the conduct and government of our souls by the hand of that blessed Spirit wherewith we are sealed and marked, as being peculiarly his. Him only therefore we do acknowledge<sup>e</sup> to be that<sup>f</sup> Lord, which dwelleth, liveth and reigneth in our hearts; him only to be that Head, which giveth salvation and life unto his body; him only to be that fountain, from whence the influence of heavenly grace<sup>g</sup> distilleth, and is derived into all parts, whether the word, or sacraments<sup>h</sup>, or discipline, or whatsoever be the mean<sup>i</sup> whereby it floweth. As for the power of administering these<sup>j</sup> things in the Church of Christ, which power we call the power of order, it is indeed both Spiritual and His; Spiritual, because such duties properly concern<sup>k</sup> the Spirit; His, because by him it was instituted. Howbeit neither spiritual, as that which is inwardly and invisibly exercised; nor his, as that which he himself in person doth exercise.

Again, that power of dominion which is indeed the point of this controversy, and doth also belong to the second kind of spiritual government<sup>l</sup> namely unto that regiment which is

<sup>a</sup> be able to see. E.    <sup>b</sup> henceforward E.C.L.Q.    <sup>c</sup> invisibly, exercised E.C.L.  
<sup>d</sup> the son. E.    <sup>e</sup> particularly E.Q.C.L.    <sup>f</sup> him only do we acknowledge E.  
<sup>g</sup> him therefore only (i.e. only therefore) do we C.L.    <sup>h</sup> the E.C.    <sup>i</sup> grace E.  
<sup>j</sup> the sacraments E.C.L.Q.    <sup>k</sup> means E.C.L.    <sup>l</sup> those D.    <sup>m</sup> such properly concerns E.    <sup>n</sup> regiment D.

390 *Objection from Christ's Presence in Church Assemblies;*

BOOK VIII external and visible; this likewise being spiritual in regard of  
Ch. ix. 16.  
 the matter about which it dealeth, and being his, inasmuch as  
 he approveth whatsoever is done by it, must notwithstanding  
 be distinguished also from that power whereby he himself  
 in person administereth the former kind of his own spiritual  
 regiment, because he himself in person doth not administer  
 this. We do not, therefore, vainly imagine, but truly and  
 rightly discern a power external and visible in the Church,  
 exercised by men, and severed in nature from that spiritual  
 power of Christ's own regiment, which power is termed  
 spiritual, because it worketh secretly, inwardly, and invisibly;  
 his, because none doth or<sup>a</sup> can it personally exercise, either  
 besides or together with him. So<sup>b</sup> that him only we may  
 name our Head, in regard of this<sup>c</sup>, and yet, in regard of that  
 other power differing<sup>d</sup> from this, term others also besides him  
 heads, without any contradiction at all.

[11.] Which thing may very well serve for answer unto  
 that also which they further allege against the foresaid  
 distinction, namely<sup>e</sup>, "that even in<sup>f</sup> the outward society<sup>g</sup> and  
 "assemblies of the Church, where one or two are gathered<sup>h</sup>  
 "in his name, either for bearing of the word, or for prayer,  
 "or any other church-exercise, our Saviour Christ being in  
 "the midst of them as Mediator, must needs be there as  
 "head<sup>i</sup>; and if he be there not<sup>j</sup> idle, but doing the office of  
 "the head fully, it followeth that even in the outward society<sup>k</sup>  
 "and meetings of the Church, no mere man can be called the  
 "head of it, seeing that our Saviour Christ doing the whole  
 "office of the head himself alone, leaveth nothing to men by  
 "doing whereof they may obtain that title."

Which objection I take as being made for nothing but only  
 to maintain argument. For they are not so far gone as to  
 argue thus in sooth and right good earnest. "God standeth,"  
 saith the Psalmist, "in the midst of gods;" if God be there  
 present, he must undoubtedly be present as a God<sup>l</sup>; if he be  
 there not<sup>m</sup> idle, but doing the office of a God fully, it followeth,

<sup>a</sup> not E.Q.C.L.    <sup>b</sup> seeing E.    <sup>c</sup> his E.    <sup>d</sup> differing om. E.    <sup>e</sup> in om. E.  
<sup>f</sup> societate E.Q.    <sup>g</sup> gathered together E.L.    <sup>h</sup> must be their head E. must  
 needs be their head C.L.    <sup>i</sup> not their E.C. there E.    <sup>j</sup> societate E.Q.C.  
<sup>k</sup> as God E.C.    <sup>l</sup> not there E. there om. C.

<sup>1</sup> T. C. 3b. ii. p. 415.

and from certain Expressions of the Fathers; answered. 391

that God himself alone doing the whole office of a God, BOOK VIII.  
leaveth nothing in such assemblies unto any other, by doing CH. IV.  
whereof they may obtain so high a name. The Psalmist  
therefore hath spoken amiss, and doth ill to call judges gods.  
Not so; for as God hath his office differing from theirs, and  
doth fully discharge it even in the very<sup>a</sup> midst of them, so  
they are not thereby<sup>d</sup> excluded from all kind of duty for  
which that name should be given unto them also, but in that  
duty for which it was given them they are encouraged  
religiously and carefully to order themselves. After the self-  
same manner, our Lord and Saviour being in the midst of his  
Church as Head, is<sup>e</sup> our comfort, without the<sup>f</sup> abridgment of  
any one duty, for performance whereof others are termed  
heads in another kind than he is.

[13.] If there be of the ancient Fathers which say, "There<sup>g</sup>  
"is but one Head of the Church, Christ; and that the minister  
"which<sup>h</sup> baptizeth cannot be the head of him which<sup>i</sup> is bap-  
"tized, because Christ is the head of the whole Church; and  
"that Paul could not be the<sup>k</sup> head of the Churches<sup>l</sup> which  
"he planted, because Christ is Head<sup>m</sup> of the whole body<sup>n</sup>,"  
they understand the name of head in such sort as we grant  
that it<sup>o</sup> is not applicable to any other, no not in relation to the

<sup>a</sup> very om. E.C.    <sup>b</sup> hence E.C.L.    <sup>c</sup> as D.    <sup>d</sup> not ant the D.    <sup>e</sup> that  
there E.Q.C.L.    <sup>f</sup> that E.Q.C.L.    <sup>g</sup> that E.    <sup>h</sup> the om. E.L.    <sup>i</sup> Church E.  
<sup>j</sup> the head E.Q.C.L.    <sup>k</sup> it om. D.

<sup>l</sup> T. C. ii. 413. ["As it hath cer-    "bridegroom of this spouse.")  
"tain ground in the Scripture that    "Augustine proveth that the mini-  
"this title of Head of the Church is    "ster which baptizeth cannot be the  
"too high to be given unto any    "head of him which is baptized,  
"man, so hath it been confirmed    "because Christ is the Head of the  
"from time to time by writers both    "whole Church. Contr. Lit. Prol.  
"old and new, which have had the    "l. [4.] 3." ("Id enim agunt isti,  
"honour of Christ in any conve-    "ut origo, radix, et caput baptizati  
"nient estimation. . . Cyprian saith,    "non non ille sit a quo baptizatur. . .  
"there is but one head of the    "O humana temeritas et superbia  
"Church." De Simplicitate Præla-    " . . . Cur non sint ut semper sit  
"torum," (i.e. de Unitate Ecclesie:    "Christus origo Christiani, in  
"Ecclesia Domini . . . ramos suos in    "Christo radicem Christianus in-  
"universam terram copia ubertatis    "figat, Christus Christiano sit ca-  
"extendit. . . Usam tamen caput est,    "put). . . An vero Apostolus Paulus  
"et origo una." p. 195. ed. Baluz.)    "caput est et origo eorum quos  
"The bishop of Sarisbury affirmeth    "plantaverat . . . cum dicat, nos mul-  
"the same. Apol. p. 2. c. 2. div. 1."    "tos unum esse corpus in Christo,  
"Christ alone is the prince of this    "ipsiqueque Christum caput esse  
"kingdom; Christ alone is the head    "universi corporis?" l. ix. 206.  
"of this body; Christ alone is the    "comp. 8b. iii. c. 42. p. 122.]



BOOK VIII  
Ch. v. 1, 2  
least part of the whole Church: he which baptizeth, baptizeth into Christ: he which converteth, converteth unto<sup>o</sup> Christ; he which ruleth, ruleth for Christ. The whole Church can have but one to be head as lord and owner of all: wherefore if Christ be Head in that kind, it followeth, that no other can be so<sup>o</sup> else either to the whole or to any part<sup>s</sup>.

To call and dissolve all solemn assemblies about the public affairs of the Church.  
V. [1.] <sup>1</sup>The consuls of Rome Polybius affirmeth<sup>1</sup> to have had a kind of regal authority, in that they might call together the senate and people whensoever it pleased them. Seeing therefore the affairs of the Church and Christian religion are public affairs, for the ordering whereof more solemn assemblies sometimes are of as great importance and use, as they are for secular affairs; it seemeth no less an act of supreme authority to call the one than the other. Wherefore amongst sundry other<sup>o</sup> prerogatives of Simon's dominion over the Jews, this<sup>o</sup> is reckoned as<sup>o</sup> not the least, "that no man might gather any "great assembly in the land without him." For so the manner of Jewish regiment had always been, that whether the cause for which men assembled themselves in peaceable, good, and orderly course<sup>o</sup>, were ecclesiastical or civil, supreme authority should assemble them. David gathered all Israel together unto Jerusalem, when the ark was to be removed; he assembled the sons of Aaron and the Levites<sup>o</sup>. Solomon did the like at such time as the temple was to be dedicated<sup>o</sup>; when the Church was to be reformed, Asa in his time did the same: the same upon like occasions done afterwards by Joas, Ezekias, Josias, and others<sup>o</sup>.

[2.] <sup>2</sup>The ancient imperial law<sup>o</sup> forbiddeth such assemblies

<sup>1</sup> into E. <sup>2</sup> besides can be so E. <sup>3</sup> Here the Dublin MS. goes back to p. 388. <sup>4</sup> The last difference . . . spiritual government." p. 388. <sup>5</sup> E.C.L.Q. begins this paragraph with the word "amongst," in lin. 14, transposing all that goes before it so as to come in after "and others." <sup>6</sup> other see E.C. <sup>7</sup> there E. <sup>8</sup> see E.Q.C.L. <sup>9</sup> Before this paragraph two insertions are made in E.Q.C.L. 1. From "The Consuls" to "Wherefore," noticed above note <sup>1</sup>. 2. From "The clergy" to "shall not need," as below, p. 295. The two are connected thus: "Wherefore the clergy," &c.

<sup>1</sup> Polyb. lib. vi. de Milit. ac Domest. Rom. Discipl. [c. 12.] <sup>2</sup> Mandatis principalibus precipitur praesidibus provinciarum, ne patiuntur esse collegia sodalitia, <sup>3</sup> I MacC. xiv. 44. <sup>4</sup> I Chr. xv. 3, 4. <sup>5</sup> I Reg. viii. 1. <sup>6</sup> I Chr. xv. 9; xxiv. 5; xxx. 1; xxxv. 29. <sup>7</sup> Dig. xlvii. 27. De Collegiis <sup>8</sup> non prohibentur: dum tamen per illicitis [et Corporibus] L. 1. [1. <sup>9</sup> hoc non fiat contra sensus con-

was part of the Imperial Prerogative since Constantine. 393

as the emperor's authority did not cause to be made. Before BOOK VIII  
emperors became Christian<sup>7</sup>, the Church had never any synod  
general<sup>8</sup>; their greatest meetings<sup>9</sup> consisted<sup>9</sup> of bishops and  
others the gravest in each province. As for the civil gov-  
ernor's authority, it suffered them only as things not regarded  
or accounted<sup>10</sup> of, at such times as it did suffer them. So that  
what right a Christian king hath as touching assemblies of  
that kind we are not able to judge, till we come unto later  
times, when religion had won the hearts of the highest  
powers. Constantine (as Pighius<sup>11</sup> doth grant) was not only  
the first that ever did call any general council together, but  
even the first that devised the calling of them for consultation  
about the business<sup>12</sup> of God. After he had once given the  
example, his successors<sup>13</sup> a long time followed the same; in-  
somuch that S. Jerome, to disprove the authority of a synod  
which was pretended to be general, useth<sup>14</sup> this as a forcible  
argument<sup>15</sup>, "Dic quis imperator hanc synodum jussert con-  
vocari." The answer hereunto is no answer, which say,  
"that emperors did not this without consent had with

<sup>7</sup> Christian E.C.L.      <sup>8</sup> general synod E.C.      <sup>9</sup> meeting E.Q.C.L.  
<sup>10</sup> consisting E. consists C.      <sup>11</sup> not accounted E.Q.C.L.      <sup>12</sup> business E.  
<sup>13</sup> used D.      <sup>14</sup> the em. D.

<sup>15</sup> "aitiam." 3. "Nisi ex sensus  
"consulti auctoritate, vel Caesaris,      <sup>16</sup> "Constant concilium a Theodosio  
"collegium, vel quodcumque tale      sen. indictum: Theod. l. i. [1.] c. 9.  
"corpus coierit: contra sensus con-      Ephesinum 1. nota Theodori jun-  
"sensus, et mandata, et constitu-      conveni. Exagr. l. 2. [1.] 3] Sardi-  
"tiones collegium celebrat." Cod.      cen. concil. a Constant. [Sardicense  
Just. l. 3. De Episc. et Presbyt. [et      Constantianum indict. D.] Theod. ii. 4.  
Chr. l. 15]. De illicit. Conventi-      Chalcedon. impetratum a Mariiano.  
culis. [Conventicula illicita etiam      Leo, Ep. 43\*.  
"extra Ecclesiam in privatis aedibus      <sup>17</sup> Hieron. cont. Rufinum, lib. ii.  
"celebrari prohibemus; proscrip-      [1] 20. St. Jerome, as appears by the  
"tiosis domus periculo imminente,      context, was rather disputing the  
"si dominus ejus in ea clericos nova      existence than the authority of the  
"se tumidiosa conventicula extra      alleged synod.      <sup>18</sup> Response, quæso,  
"ecclesiam celebrantes susceperit."      "synodus, a qua excommunicatus  
A. D. 404.]      est (S. Hilarius), in qua urbe fugi?

[Albert Pighius, of Kempen in  
Holland, (1490-1542).] "Aucun con-  
"sementaire n'a posséd plus loin le  
"sile pour les prévisions de la cour  
"Romaine." [Bing. Univ.] The  
work quoted in *Hierarchia Ecclesi-  
astica auctoritate*, 1544, several times  
reprinted. Hierarch. lib. vi. cap. 1.  
[Constantini principes plus religio-  
susque relix prima evocandem  
"sententias subscriptionum. . . Doce  
"qui ex anno convocati fuerint, quis  
"imperator hanc synodum jussert  
"congregari; Galliane tantum epi-  
"scopi fuerint, an et Italie et His-  
"panie: certe quam ob causam syn-  
"odus congregata sit. Nihil horum  
"nominas." t. ii. 513. ed. Vallars.]

\* These references are in part supplied by the MSS. D. and L.

BOOK VIII. "bishops:" for to our purpose it is enough, if the clergy alone did it not otherwise than by the leave or<sup>a</sup> appointment of their sovereign lords and kings.

Whereas therefore it is on the contrary side alleged, that Valentinian the elder<sup>1</sup> being requested by Catholic bishops to grant that there might be a synod for the ordering of matters called in question by the Arians, answered, that he being one of the laity might not meddle with such affairs<sup>b</sup>, and thereupon wished<sup>c</sup>, that the priests and bishops, to whom the care of those things belonged<sup>d</sup>, should meet and consult thereof<sup>e</sup> by themselves wheresoever<sup>f</sup> they thought good: we must together<sup>g</sup> with the emperor's speech weigh the occasion and the<sup>h</sup> drift thereof. Valentinian and Valens, the one a Catholic, the other an Arian, were emperors together: Valens the governor of the east, Valentinian<sup>3</sup> of the west empire. Valentinian therefore taking his journey from the east part into the west<sup>4</sup>, and passing for<sup>5</sup> that intent through Thracia, the bishops there<sup>6</sup> which held the soundness of Christian belief, because they knew that Valens was their professed enemy, and therefore if the other were<sup>7</sup> once departed out of those quarters, the Catholic cause was like to find small<sup>8</sup> favour, moved presently Valentinian about a council to be

<sup>a</sup> the em. D.    <sup>b</sup> and E.Q.C.L.    <sup>c</sup> matters E.C.    <sup>d</sup> willed E.Q.L. called C.  
<sup>e</sup> belonged E.Q.C.L.    <sup>f</sup> together E.C.    <sup>g</sup> where E.    <sup>h</sup> together em. E.  
<sup>i</sup> the em. E.Q.C.    <sup>j</sup> and Valentinian E.C.    <sup>k</sup> east unto the west parts E.  
<sup>l</sup> to D.    <sup>m</sup> there the bishops E.    <sup>n</sup> was E.C.    <sup>o</sup> very small E.C.L.Q.

<sup>1</sup> Scythian. lib. vi. cap. 7. [Οὐ κέραι ἐκλήρωσαν αὐτὸν βελήσαι ἐκείνου, καὶ ἐστὶν ἄλλοι ἐκείνου ἐν Περσίαι τοῖς ἴσθμοι ἵδου, ἐπιβάλλουσι πρὸς τὸν αὐτὸν ἑαυτοῦ. . . ὡς ἐπισημασίου ἀνακρίσει ἐν ἀποδοῦναι τοῖς ἰσθμοῖς προσελθόντες ἐν αὐτοῖς, καὶ ἐν τῷ παρὰ τοῦ ἐπισημασίου διδόνοντες ἐπιδοκίμους Οὐκ ἀνεγνωσίου, ἐστὶν πρὸς, ἔφη, μὲν καὶ πρὸς τῷ παρὰ τῷ ἐπισημασίου, οὐδὲν ἐστὶν τοῦ αὐτοῦ πρὸς τῷ παρὰ τῷ ἐπισημασίου, οὐδὲν ἐστὶν τοῦ αὐτοῦ πρὸς τῷ παρὰ τῷ ἐπισημασίου.] Ambros. Epist. 35. [21. t. ii. 860. Ad Valentinian. ii. Augustus memorie pater tuus non solum sermone respondi sed etiam legibus suis statui, in causa fidei vel ecclesiastici alicujus officii eum judicare debere, qui nec munere impar sit nec jure dignissimus; hanc enim verba rescripti sunt, hoc est, sacerdotes de sacerdotibus velint judicare. . . Pater tuus, Deus favore . . . dicabas. Non est meum judicare inter episcopos.] Quoiquam longe aliter Nierperger, lib. vii. c. 12\*. [21. 3. where Valentinian is represented as saying, ἔφη, πρὸς τῷ παρὰ τῷ ἐπισημασίου, οὐδὲν ἐστὶν τοῦ αὐτοῦ πρὸς τῷ παρὰ τῷ ἐπισημασίου, οὐδὲν ἐστὶν τοῦ αὐτοῦ πρὸς τῷ παρὰ τῷ ἐπισημασίου.]

<sup>3</sup> This refers to em. E.C.



assembled under the countenance of his authority; who by BOOK VIII.  
 likelihood considering what inconvenience might thereby Ch. 11.  
 grow<sup>a</sup>, inasmuch as it could not be but a mean<sup>b</sup> to incense  
 Valens the more against them, refused himself to be author  
 of, or present at any such assembly; and of this his denial  
 gave them a colourable reason, to wit, that he was although  
 an emperor, yet a secular person, and therefore not able in  
 matters of so great obscurity to sit as a competent judge; but,  
 if they which were bishops and learned men did think good  
 to consult thereof together, they might. Whereupon when  
 they could not obtain that which they most desired, yet that  
 which was<sup>c</sup> granted them<sup>d</sup> they took, and forthwith had a  
 council. Valentinian went on towards Rome, they remaining  
 in consultation till Valens which accompanied him returned  
 back; so that now there was no remedy, but either to incur a  
 manifest contempt, or else at the hands even<sup>e</sup> of Valens  
 himself to seek approbation of that they had done. To him,  
 therefore, they became suitors: his answer was short, "Either  
 " Arianism, or else<sup>f</sup> exile, which they would;" whereupon  
 their banishment ensued. Let reasonable men therefore  
 now<sup>g</sup> be judges, how much this example of Valentinian doth  
 make against the authority, which we say that sovereign  
 rulers may lawfully have as concerning synods and meetings  
 ecclesiastical.

"The clergy, in such wise gathered together, is an eccle-  
 siastical senate, which with us, as in former times the chiefest  
 prelate at his discretion did use to assemble, so<sup>h</sup> afterwards in  
 such considerations as have been before specified, it seemed<sup>i</sup>  
 more meet to annex the said prerogative unto the crown. The  
 plot of reformed discipline not liking hereof<sup>j</sup> so well, taketh  
 order that every former assembly before it break<sup>k</sup> up should  
 itself appoint both the time and place of their after meeting  
 again. But because I find not any thing on that side par-  
 ticularly alleged against us herein, a longer disputation about  
 so plain a cause shall not need.

<sup>a</sup> grow thereby E.C.    <sup>b</sup> means E.C.L.    <sup>c</sup> be E.Q.C.L.    <sup>d</sup> unto them  
 E.Q.C.L.    <sup>e</sup> even so, E.    <sup>f</sup> else so, E.C.L.    <sup>g</sup> now therefore E.Q.C.L.  
<sup>h</sup> This passage, from "The clergy" to "shall not need," in E.C.L.Q. occurs before,  
 viz. after "the other. Wherefore" in p. 394.    <sup>i</sup> that afterward E. [Palm. del.]  
<sup>j</sup> seemeth D.    <sup>k</sup> thereof E.C.    <sup>l</sup> breaketh E.Q.C.L.

BOOK VIII. VI. [1.] The natural subject of power<sup>a</sup> civil all men confess to be the body of the commonwealth; the good or evil estate whereof dependeth so much upon the power of making laws, that in all well settled states, yea though they be monarchies, yet diligent care is evermore had that the commonwealth do not clean resign up herself and make over this power wholly into the hands of any one. For this cause William, whom we call the Conqueror, making war against England in right of his title to the crown, and knowing that as inheritor thereof he could not lawfully change the laws of the land by himself, for that the English commonwealth had not invested their<sup>b</sup> kings before with the fulness of so great power; therefore he took the style and title of a conqueror. Wherefore, as they themselves cannot choose but grant that the natural subject of power to make laws civil is the commonwealth; so we affirm that in like congruity the true original subject of power also to make church-laws is the whole entire body of that church for which they are made. Equals cannot impose laws and<sup>c</sup> statutes upon their equals. Therefore neither may any one man indifferently impose canons ecclesiastical upon another, nor yet one church upon another. If they go about at any time to do it, they must either shew some commission sufficient for their warrant, or else be justly condemned of presumption in the sight both of God and men. But nature itself doth abundantly authorize the Church to make laws and orders for her children that are within her. For every whole thing, being naturally of greater power than is any part thereof, that which a whole church will appoint may be with reason exacted indifferently of any within the compass of the same church, and so bind all unto strict obedience.

[2.] The greatest agents of the bishop of Rome's inordinate sovereignty strive against no one point with such earnestness as against this, that jurisdiction (and in the name of jurisdiction they also comprehend the power of dominion spiritual)

<sup>a</sup> This whole §. down to the words "laws thereof" is inserted here from the Dublin MS. [It does not appear in E. 1568, 1621, or Gauden, 1663.] It might not improperly be marked as a fragment, as it evidently has not been brought into coherence with what comes before and after. It appears to be the introduction of this part of the treatise, as re-written by the author, but not yet finished off so as to smooth the transitions and avoid repetition. The marginal heading is transferred, as the subject seemed to require, from the beginning of the following section, "The case is," &c. <sup>b</sup> viz E. Q. C. L. <sup>c</sup> viz D. \* or E. Q. C. L.

## Conflict regarding this between Popes and Councils. 397

should be thought originally to be the right of the whole Church; and that no person hath or can have the same, otherwise than derived from the body of the Church.

The reason wherefore they can in no wise brook this opinion is, as friar Soto confesseth<sup>1</sup>, because they which make councils above popes do all build upon this ground, and therefore even with teeth and all they that favour the papal throne must hold the contrary. Which thing they do. For, as many as draw the chariot of the pope's preeminence, the first conclusion which they contend for is<sup>2</sup>: The power of jurisdiction ecclesiastical doth not rest derived from Christ immediately into the whole body of the Church, but into the prelacy. Unto the prelacy alone it belongeth; as ours also do imagine, unto the governors of the Church alone it was first given, and doth appertain, even of very divine right, in every church established to make such laws concerning orders and ceremonies as occasion doth require.

[3.] Wherein they err, for want of observing as they should, in what manner the power whereof we speak was instituted. One thing it is to ordain a power, and another thing to bestow the same being ordained: or, to appoint the special subject of it, or the person in whom it shall rest. Nature hath appointed that there should be in a civil society power to make laws; but the consent of the people (which are that society) hath instituted the prince's person to be the subject wherein supremacy of that power shall reside. The act of instituting

<sup>1</sup> Soto in 4 Sent. [ubi infra.  
"Gerson in Tract. Potest. Eccles."  
(tom. iv, xi), "... atque alii fautores  
"illius opinionis, quod concilium  
"est supra papam, arbitrati suam  
"opinionem ex hoc fundamento  
"pendere, aiant, potestatem eccle-  
"siasticam jurisdictionis in utroque  
"foro residere in tota universitate  
"Ecclesie, hoc est, in toto corpore  
"... Jure enim nature potestas re-  
"gendi rempubl. in tota ipsa est,  
"et in nullo eorum membro, nisi  
"ab ipsa eligatur, ut est videre in  
"antiquo regimine Romanorum ...  
"Nisi quod ille que reges guber-  
"nantur ipsum elegerunt, in quem  
"suam transtulerunt auctoritatem,  
"que jure hereditario perpetua  
"succederet in suam sobolem, juxta

"tenorem legis, *Quod principi pla-*  
"cat. Sic ergo aiant existere po-  
"testatem in corpore Ecclesie im-  
"mediate." Which opinion he pro-  
"ceeds to combat on the ground of  
"the apostolical charter granted in  
"Scripture.]  
<sup>2</sup> Potestas jurisdictionis ecclesias-  
"tice non residet in toto corpore im-  
"mediate, sed in prelati. Caiet.  
[Thomas de Vio, of Gaeta, Domi-  
"nican theologian, 1469-1534.] in  
"Opusc. de comp. Pag. et Concil. [l. i.  
"tract. i. c. xii.] Turrecr. [John Tor-  
"quemada of Valladolid, Dominican  
"theologian, 1388-1462.] Summ.  
"Ecc. l. 2. c. 72. [fol. 196, 197.  
"Venet. 1561. apud] Soto in 4 Sent.  
"Dist. 20 q. 1. art. 4.

BOOK VIII. such power may and sometimes doth go in time before the  
 CH. VI. act of conferring or bestowing it. And for bestowing it there  
 may be order two ways taken : namely, either by appointing  
 thereunto some certain person, one or many ; or else, without  
 any personal determination, and with appointment only of  
 some determinate condition touching the quality of their persons  
 (whosoever they be that shall receive the same), and for  
 the form or manner of taking it.

Now God himself preventeth sometimes these communities,  
 himself nominateth and appointeth sometimes the subject  
 wherein their power shall rest, and by whom either in whole  
 or in part it shall be exercised ; which thing he did often in the  
 commonwealth of Israel. Even so Christ having given unto  
 his Church the power whereof we speak, what she doth by  
 her appointed agents, that duty though they discharge, yet is  
 it not theirs peculiarly, but hers ; her power it is which they  
 do exercise. But Christ hath sometimes prevented his Church,  
 conferring that power and appointing it unto certain persons  
 himself, which otherwise the Church might have done. Those  
 persons excepted which Christ himself did immediately bestow  
 such power upon, the rest succeeding have not received power  
 as they did, Christ bestowing it upon their persons ; but the  
 power which Christ did institute in the Church they from the  
 Church do receive, according to such laws and canons as Christ  
 hath prescribed, and the light of nature or Scripture taught men  
 to institute.

But in truth the whole body of the Church being the first  
 original subject of all mandatory and coercive power within  
 itself, in case a monarch of the world together with his whole  
 kingdom under him receive Christianity, the question is whether  
 the monarch of that commonwealth may without offence or  
 breach of the law of God have and exercise power of dominion  
 ecclesiastical within the compass of his own territories, in such  
 ample sort as the kings of this land may do by the laws thereof.

\* \* \* \* \*

[4.] \*The case<sup>o</sup> is not<sup>s</sup> like when such assemblies are

<sup>o</sup> This portion of the work, so "assent not asked" p. 407, is omitted in the  
 edition of 1651, but found in part in *Clevis Trilobus*, p. 73-76, &c. and was

<sup>s</sup> [Possibly this paragraph might case it should stand as § 1 of this  
 be meant as a transition from the chapter. It is here given as in the  
 former chapter to this : in which *Dubi*, MS.]

gathered together by supreme authority concerning other affairs of the Church, and when they meet about the making of ecclesiastical laws or statutes. For in the one they are only to advise, in the other they are to decree. The persons which are of the one, the King doth voluntarily assemble, as being in respect of gravity fit to consult withal; them which are of the other he calleth by prescript of law, as having right to be thereunto called. Finally, the one are but themselves, and their sentence hath but the weight of their own judgment; the other represent the whole clergy, and their voices are as much as if all did give personal verdict. Now the question is, Whether the clergy alone so assembled ought to have the whole power of making ecclesiastical laws, or else consent of the laity may thereunto be made necessary, and the King's assent so necessary, that his sole denial may be of force to stay them from being laws.

[5] If they with whom we dispute were uniform, strong and constant in that which they say, we should not need to trouble ourselves about their persons to whom the power of making laws for the Church belongeth. For they are sometimes very vehement in contention, that from the greatest thing unto the least about the Church, all must needs be immediately from God. And to this they apply the pattern of the ancient tabernacle which God delivered unto Moses, and was therein so exact, that there was not left so much as the least pin for the wit of man to devise in the framing of it.

What laws may be made for the affairs of the Church, and to whom the power of making them appertaineth.

inserted by Bishop Gauden in his edition of Hooker's works, 1662. It occurs in MSS. Q.C.L. but much later, viz. where Bishop Gauden inserted it, after the words "diligence of the truth therein," at the end of s. viii. On the authority of the MS. D. confirmed by internal evidence, it is now placed here. Case E. is not om. D. It had been "artificers," but the "om." is wrong. of om. Cl. Trab. \* they are om. E. \* quality E.Q.C.L. \* belongs E. \* as E.Q. Cl. Trab.

<sup>1</sup> [Ecc. Disc. transl. by T. C. p. 4. ed. 1677; comp. T. C. I. 84. al. 63. ap. Whigg. Def. 305. "Moses that was the overseer of the work was a wise and a godly man; the artificers that wrought it, Bezaleel and Aholiab, most cunning workmen; and yet observe how the Lord leaveth nothing to their will, but telleth not only of the boards,

"of the curtains, of the apparel; but also of the bars, of the rings, of the strings, of the hooks, of the besoms, of the snuffers," &c. . . "If in the shadows, how much more in the body... is it a like thing... that he that then remembered the pins did here forget the master builders?"]



BOOK VIII. To this they often<sup>7</sup> apply that strict<sup>a</sup> and severe charge<sup>1</sup>  
 Ch. vi. 5  
 which God so often gave concerning his own law, "What-  
 soever I command you, take heed ye<sup>a</sup> do it; thou shalt  
 "put nothing thereunto, thou shalt take nothing from it;"  
 nothing, whether it be great or small. Yet sometime be-  
 thinking themselves better, they speak as acknowledging that  
 it doth suffice to have received in such sort the principal  
 things from God, and that for other matters the Church hath<sup>b</sup>  
 sufficient authority to make laws. Whereupon they now have  
 made it a question, what persons they are whose right it is to  
 take order for the Church's affairs, when the institution of any  
 new thing therein is requisite.

Laws<sup>a</sup> may be requisite to be made either concerning  
 things that are only to be known and believed in, or else  
 touching that which is to be done by the Church of God.  
 The law of nature and the law of God are sufficient<sup>2</sup> for  
 declaration in both what belongeth unto each man separately,  
 as his soul is the spouse of Christ, yea so sufficient, that they  
 plainly and fully shew whatsoever God doth require by way  
 of necessary introduction unto the state of everlasting bliss.  
 But as a man liveth joined with others in common society,  
 and belongeth unto the outward politic body of the Church,  
 albeit the same<sup>a</sup> law of nature and scripture<sup>a</sup> have in this  
 respect also made manifest the things that are of greatest  
 necessity; nevertheless, by reason of new occasions still  
 arising which the Church having care of souls must take<sup>7</sup>  
 order for as need requireth, hereby it cometh to pass, that  
 there is and ever will be<sup>a</sup> great use even of human laws and  
 ordinances, deducted by way of discourse as conclusions<sup>b</sup>  
 from the former divine and natural, serving for<sup>1</sup> principles  
 thereunto.

No man doubteth, but that for matters of action and  
 practice in the affairs of God, for the manner of<sup>a</sup> divine

<sup>a</sup> also E.Q.C.L. Cl. Trsh. <sup>1</sup> strait E. <sup>2</sup> to Cl. Trsh. you D. <sup>3</sup> had E.  
<sup>4</sup> law E. <sup>5</sup> said Cl. Trsh. D. <sup>6</sup> of scripture D. <sup>7</sup> must needs take D.  
<sup>a</sup> as great E.Q.C.L. Cl. Trsh. <sup>b</sup> as a conclusion E. <sup>c</sup> as E.Q.C. <sup>d</sup> for  
 manner in E.C.L. Cl. Trsh. for manner of Q.

<sup>1</sup> Deut. iv. 2; xii. 32; [quoted <sup>2</sup> Thom. ii.\* [2 Sum. pars i.]  
 in Admonit. p. i. ed. 1617.] Jos. quart. 108. art. 2. [p. 709. Venet.  
 1596.]

\* z. a. D.

service, for order in ecclesiastical proceedings about the regiment of the Church, there may be oftentimes cause very urgent to have laws made: but the reason is not so plain wherefore human laws should appoint men what to believe. Wherefore in this we must note two things: First, That in matter of opinion, the law doth not make that to be truth which before was not, as in matter of action it causeth that to be duty<sup>1</sup> which was not before, but it<sup>m</sup> manifesteth only and giveth men notice of that to be truth, the contrary whereunto they ought not before to have believed. Secondly, That as<sup>a</sup> opinions do cleave to the understanding, and are in heart assented unto, it is not in the power of any human law to command them, because to prescribe what men shall think belongeth only unto God. "Corde creditur, ore fit confessio," saith the Apostle<sup>1</sup>. As opinions are either fit or inconvenient to be professed, so man's law hath<sup>o</sup> to determine of them. It may for public unity's sake require men's professed assent, or prohibit contradiction<sup>o</sup> to special articles, wherein, as there haply hath been controversy what is true, so the same were like to continue still, not without grievous detriment to a number of souls, except law to remedy that evil should set down a certainty which no man is<sup>a</sup> to gainsay. Wherefore as in regard of divine laws, which the Church receiveth from God, we may unto every man apply those words of Wisdom<sup>1</sup> in Solomon<sup>2</sup>, *Conserve, fili mi, precepta patris tui*: "My son, keep thou thy father's precepts;" even so concerning the statutes and ordinances which the Church itself maketh<sup>1</sup>, we may add thereunto the words that follow, *Et ne dimittas legem matris tue*, "And forsake not thou<sup>a</sup> thy mother's law<sup>2</sup>."

[6.] It is undoubtedly<sup>a</sup> a thing even natural, that all free and independent societies should themselves make their own laws, and that this power should belong to the whole, not to any certain part of a politic body, though haply some one part may have greater sway in that action than the rest: which thing being generally fit and expedient in the making

<sup>1</sup> a duty E.      <sup>2</sup> it are. E.C.L.      <sup>3</sup> as are. E.      <sup>4</sup> man's laws have E.  
<sup>5</sup> their constitution E.Q.C.L. Cl. Trah.      <sup>6</sup> man afterwards in E.C.L. Cl. Trah.  
<sup>7</sup> man of wisdom apply those words of D.      <sup>8</sup> The English first E.Q.  
E.Q.C.L.      <sup>9</sup> thus are E.Q.C.L.      <sup>10</sup> a thing even undoubtedly E.C.L.      <sup>11</sup> makes

<sup>1</sup> [Rom. x. 10.]      <sup>2</sup> Prov. vi. 20.

BOOK VIII of all laws, we see no cause why to think otherwise in laws  
CH. VI. 7. concerning the service of God; which in all well-ordered<sup>7</sup>  
 states and commonwealths is the first thing that law hath  
 care to provide for<sup>1</sup>. When we speak of the right which  
 naturally belongeth to a commonwealth, we speak of that  
 which needs must<sup>2</sup> belong to the Church of God. For if the  
 commonwealth be Christian, if the people which are of it do  
 publicly embrace the true religion, this very thing doth make  
 it the Church, as hath been shewed. So that unless the  
 verity and purity of religion do take from them which em-  
 brace it, that power wherewith otherwise they are possessed;  
 look, what authority, as touching laws for religion, a common-  
 wealth hath simply<sup>3</sup>, it must of necessity being Christian,  
 have the same as touching laws for Christian religion<sup>4</sup>.

[7.] It will be therefore perhaps alleged, that a part of the  
 verity of Christian religion is to hold the power of making  
 ecclesiastical laws a thing appropriated unto the clergy in  
 their synods; and that<sup>5</sup> whatsoever is by their only voices  
 agreed upon, it needeth no further approbation to give unto  
 it the strength of a law: as may plainly appear by the canons  
 of that first most venerable assembly<sup>6</sup>, where those things  
 which<sup>7</sup> the Apostles and James had concluded, were after-  
 ward<sup>8</sup> published and imposed upon the churches of the  
 Gentiles abroad as laws, the records thereof remaining still  
 in the book of God for a testimony, that the power of  
 making ecclesiastical laws belongeth to the successors of the  
 Apostles<sup>9</sup>, the bishops and prelates<sup>10</sup> of the Church of God.

<sup>7</sup> omitted D.    <sup>8</sup> must needs E.Q.C.L.    <sup>9</sup> Here the first part in Cl. Truh.  
*Archiep. off.*    <sup>10</sup> It must of necessity retain the same, being of the Christian  
 religion E. of necessity being [of 1696] Christian Religion, Gaudin, 1664.  
<sup>1</sup> that in E.C.Q. inserted L.D.    <sup>2</sup> which are, E.    <sup>3</sup> afterwards E.Q.C.L.  
<sup>4</sup> belongeth to the prelates E.    <sup>5</sup> The MSS. all give it as above: except that the 1696  
 bishops is omitted in D.

<sup>1</sup> *ἀπὸ τῆς φύσεως τῆς κοινῆς θεοῦ ἐστὶν*    = parents, and universally those  
*ἐπισημασθῆναι τῶν ἁγίων, καὶ ἁπλῶς τῶν ἀγαθῶν*    = things which be virtuous and  
*καὶ τιμῶν, καὶ ἰσχυρῶν [ἰσχυρῶν] τιμωρῶν*    = honourable; in the second place,  
*βεβαιωθῆναι δὲ τῶν ἀποστόλων τῶν ἁγίων*    = those things that be convenient  
*καὶ κερδοσίων τῶν μαθητῶν ἰσχυρῶν καὶ*    = and profitable: for it is so that  
*ἐπισημασθῆναι.*    Archyt. de Leg. et    = matters of the less weight should  
 Justit. That is, "It behoveth the    = come after the greater?" [Ap.  
 "law first to establish or settle those    = things which belong to the gods,  
 "and divine powers, and to our    = [See App. No. iv.]  
 \* This word is omitted D.    + Translation om. D.



To this we answer, that the council of Jerusalem is no argument for the power of the clergy alone<sup>a</sup> to make laws. For first, there hath<sup>b</sup> not been sithence<sup>c</sup> any council of like authority to that in Jerusalem: secondly, the cause why that was of such authority came by a special accident: thirdly, the reason why other councils being not like unto that in nature, the clergy in them should have no power to make laws by themselves alone, is in truth so forcible, that except some commandment of God to the contrary can be shewed, it ought notwithstanding the foresaid example to prevail.

The decrees of the council of Jerusalem were not as the canons of other ecclesiastical assemblies, human, but very divine ordinances: for which cause the churches were far and wide commanded<sup>d</sup> every where to see them kept, no otherwise than if Christ himself had personally on earth been the author of them.

The cause why that council was of so great authority and credit above all others which have been sithence<sup>e</sup>, is expressed in those words of principal observation<sup>f</sup>, "Unto the Holy Ghost and to us it hath seemed good:" which form of speech, though other councils have likewise used, yet neither could they themselves mean, nor may we so understand them, as if both were in equal sort assisted with the power of the Holy Ghost; but the later had the favour of that general assistance and presence which Christ doth promise<sup>g</sup> unto all his, according to the quality of their several estates and callings; the former, that<sup>h</sup> grace of special, miraculous, rare, and extraordinary illumination, in relation wherunto the Apostle, comparing the Old Testament and the New together, termeth<sup>i</sup> the one a Testament of the letter, for that God delivered it written in stone, the other a Testament of the Spirit, because God imprinted it in the hearts and declared it by the tongues of his chosen Apostles through the power of the Holy Ghost, framing both their conceits and speeches in most<sup>j</sup> divine and incomprehensible manner. Wherefore inasmuch as the council

<sup>a</sup> alone om. E.    <sup>b</sup> has E.C.L. hath Guden.    <sup>c</sup> sithence D.    <sup>d</sup> since D.  
<sup>e</sup> the E.C.    <sup>f</sup> more D.

<sup>g</sup> Acts xvi. 4.  
<sup>h</sup> Acts xv. 28.

<sup>i</sup> Matt. xxviii. 20.  
<sup>j</sup> 2 Cor. iii. 3, 6.

BOOK VIII.  
CH. VI. 8.  
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of Jerusalem did chance to consist of men so enlightened, it had authority greater than were meet for any other council besides to challenge, wherein no<sup>1</sup> such kind of persons are.

[8.] As now<sup>2</sup> the state of the Church doth stand, kings being not then that which now they are, and the clergy not now that which then they were: till it be proved that some special law of Christ hath for ever annexed unto the clergy alone the power to make ecclesiastical laws, we are to hold it a thing most consonant with equity and reason, that no ecclesiastical law<sup>3</sup> be made in a Christian commonwealth, without consent as well of the laity as of the clergy, but least of all without consent of the highest power.

For of this thing no man doubteth, namely, that in all societies, companies, and corporations, what severally each shall be bound unto, it must be with all their assents<sup>4</sup> ratified. Against all equity it were that a man should suffer detriment at the hands of men, for not observing that which he never did either by himself or by others, mediately or immediately, agree unto; much more that a king should constrain all others unto the strict observation of any such human ordinance as passeth without his own approbation. In this case therefore especially that vulgar axiom is of force<sup>5</sup>, "Quod omnes tangit ab omnibus tractari et approbari debet." Whereupon Pope Nicholas, although otherwise not admitting lay-persons, no not emperors themselves to be present at synods, doth notwithstanding seem to allow of their presence when matters of faith are determined, whereunto all men must

<sup>1</sup> so ecc. E.    <sup>2</sup> so, as now E.C.L.    <sup>3</sup> laws E.Q.C.L.

<sup>1</sup> Cap. *Dilecta*, de Excess. Prelator. [Decretal. Greg. v. 31, 14. c. 1642. Lugd. 1572. This is an inhibition of Pope Honorius III. to the clergy of Fouars, in the diocese of Meaux, forbidding them to make or use a common seal without the consent of the abbes of Fouars, who was "ignotum caput et patrem."] L. *Per fundum* [Tit. de servitutib. rusticor. Præd. Digest. lib. viii. tit. iii. l. 11. "Per fundum, qui plurimum est, jus mihi esse eundi, agendi, potest separatim cedi: ergo sub-

<sup>2</sup> This note from D.

<sup>3</sup> illi ratione non aliter meum fiet  
<sup>4</sup> jus, quam si omnes cedant: et  
<sup>5</sup> novissima demum occasione superius omnes confirmabuntur.]  
et i. *Religiosorum*. De rerum divia.  
[Inst. l. 1. § 9. "Religiosum locum  
<sup>1</sup> unusquisque sua voluntate facit.  
<sup>2</sup> In communem autem locum pa-  
rum invito socio inferre non licet."] <sup>3</sup> Gloss. [in verb. *Fortiter*]. Dist.  
96. c. *Utham*\*. [fol. ccix. Lugd.  
1599. *Summar.* viii. De Regalis  
juris, ad calc. lib. 6<sup>a</sup> Decretal.  
Lugd. 1572. Reg. xxix. col. 742.]

stand bound<sup>1</sup>: "Ubinam legistis imperatores, antecessores vestros, synodalibus conventibus interfuisse; nisi forsitan in quibus de fide tractatum est, quae universalis est, quae omnibus communis est<sup>2</sup>, quae non solum ad clericos, verum etiam ad laicos et omnes pertinet Christianos?" A law, be it civil or ecclesiastical, is as a public obligation, wherein seeing that the whole standeth charged, no reason it should pass without his privity and will, whom principally the whole doth depend upon. "Sicut laici jurisdictionem clericorum perturbare, ita clericum jurisdictionem laicorum non debent imminuere"; saith Innocent<sup>3</sup>, "As the laity should not hinder the clergy's jurisdiction, so neither is it reason that the laity's right should be abridged by the clergy<sup>4</sup>." But were it so that the clergy alone might give laws unto all the rest, forasmuch as every estate doth desire to enlarge the bounds of their own liberties, is it not easy to see how injurious this might prove unto men of other condition<sup>5</sup>? Peace and justice are maintained by preserving unto every order their rights<sup>6</sup>, and by keeping all estates as it were in an even balance. Which thing is no way better done, than if the king, their common parent, whose care is presumed to extend most indifferently over all, do bear the chiefest sway in the making of laws<sup>7</sup> which all must be ordered by.

<sup>1</sup> que sola . . . communis est eos. E. \* as an. E.Q.C.L. \* minores E.C.L.  
<sup>2</sup> saith Pope Innocent E.Q.C.L. \* conditionis E.L. \* right E.C. \* in making laws E.Q.C.L.

<sup>3</sup> [Decr. Gratian. pars I. d. 96. col. 468, from a letter of Nicholas I. to the Greek emperor Michael III, reproving him for having been a party to the proceedings of the provincial synod which deposed Ignatius patriarch of Constantinople without any charge of heresy, and substituted Photius in his place. A.D. 865. Concil. Hard. v. 158 C.]

<sup>4</sup> Extrav. de Judic. C. Novit. (Extra de iudicis novit, Gauden in text.) [This passage does not appear in the Extravagantes. Tit. De iudicis, ad calc. vi. Decretal. ed. 1573.] The forty-second canon of the fourth Lateran council, which was drawn up by Innocent III, A.D. 1215, runs thus: "Sicut volumus ut iura clericorum non usurpent laici, ita velle debemus, ne clerici iura sibi vindicent laicorum. Quo circa universis clericis interdiximus, ne quis pretextu ecclesiasticae libertatis suam de cetero jurisdictionem extendat in proiudicium iustitiae secularis." Conc. Hard. vii. 49. In the title *De iudicis*, Decretal. Greg. ix. lib. ii. tit. i. cap. 13, (which begins, *Novit ille qui novit ignorat*) the following passage is given of the letter from Innocent to the bishops of France; by which he interferred between king John and Philip Augustus, A.D. 1214: "Non potest aliquis quod jurisdictionem illustris regis Francorum perturbare aut minuire intendamus, cum ipse jurisdictionem nostram nec velit nec debeat impedire." col. 489. Logd. 1572.]

BOOK VIII. [9.] Wherefore, of them which in this point attribute most  
 CH. VI. 9  
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 to the clergy, I would demand what evidence there is, which  
 way<sup>a</sup> it may clearly be shewed, that, in ancient kingdoms  
 Christian, any canon devised by the clergy alone in their  
 synods, whether provincial, national, or general, hath by mere  
 force of their agreement taken place as a law, making all men  
 constrainable to be obedient thereunto, without any other  
 approbation from the king before or afterwards required in  
 that behalf? But what speak we of ancient kingdoms, when  
 at this day, even in<sup>b</sup> the papacy itself, the very Tridentine<sup>c</sup>  
 council hath not every where as yet obtained to have in all  
 points the strength of ecclesiastical law<sup>d</sup>. Did not Philip,  
 king of Spain, publishing that council in the Low Countries,  
 add thereunto<sup>e</sup> an express clause of special provision, that  
 the same should in no wise prejudice, hurt, or diminish any  
 kind of privilege which the king or his vassals aforesaid had  
 enjoyed, either touching<sup>f</sup> possessory judgments of ecclesiasti-  
 cal livings, or concerning nominations thereunto, or belonging  
 to whatsoever rights<sup>g</sup> they had else in such affairs? If  
 therefore the king's exception<sup>h</sup> taken against<sup>i</sup> some part  
 of the canons contained in that council, were a sufficient

<sup>a</sup> whenby E.Q.C.L.    <sup>b</sup> in an. E.C.L.    <sup>c</sup> Tridentine E.    <sup>d</sup> laws E.  
<sup>e</sup> touching ether E.Q.C.L.    <sup>f</sup> right E.Q.C.L.    <sup>g</sup> again D.

<sup>h</sup> Boet. Epi. Heroic. Quest. lib. i. sect. 284. ["Ecclesiasticarum sive  
 Heroicarum Quæstionum libri  
 "sex." No date, but some time  
 before 1588, in which year were  
 published three additional books,  
 "De jure Sacro." The author was  
 Boetius Epi, a native of Friesland,  
 [1420-1599] Professor of Canon Law  
 at Douay, 1578. The editor has not  
 obtained a sight of the work here  
 quoted. It appears from the con-  
 clusion of it, that the writer was a  
 strenuous assertor of the pope's  
 plenary power; and from the pre-  
 face to his "Antiquit. Ecclesiast.  
 "Synagoga," that he had once been  
 a Protestant. [Meeri; Hurter,  
 Nomenclator Liter. i. 228.]

<sup>i</sup> [It should seem from Strada's  
 account, b. iv. p. 106, 107, that no  
 formal exception was made, but  
 from Fra Paolo, viii. 85, that the  
 publication took place in the king's  
 name and not in the pope's; and  
 from Brandt, (Hist. of the Reform.  
 in the Low Countries, b. v. Eng.  
 Transl. t. i. 153,) that the "temporal  
 "magistrates were directed to assist  
 "the prelates . . . and to be con-  
 "formable to the canons of the  
 "council in every thing, save only  
 "where they might seem to dero-  
 "gate from his majesty's preroga-  
 "tives or from the rights of any  
 "of his vassals." This statement  
 is confirmed by the original docu-  
 ments as they stand in Le Fiat,  
 Museum. Hist. Concil. Trid. t. vii.  
 especially the king's final letter to  
 the duchess of Parma, p. 91. The  
 points specified by Hooker about  
 the patronage, &c. are specified not in  
 the king's letter, but in various me-  
 morials, given by Le Fiat, from the  
 councils of Namur, Brabant, &c.  
 (p. 71, 83,) and forwarded by the  
 duchess to Philip; which memo-  
 rials occasioned the letter.]

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bar to make them of none effect within his territories; it followeth<sup>1</sup> that the like exception against any other part had been also of like efficacy, and so consequently that no part thereof had obtained the strength of a law, if he which excepted against a part had so done against the whole: as, what reason was there but that the same authority which limited might quite and clean have refused that council? Whoso alloweth the said act of the Catholic King<sup>2</sup> for good and lawful, must grant that the canons even of general councils have but the force<sup>3</sup> of wise men's opinions concerning that whereof they treat, till they be publicly assented unto, where they are to take place as laws; and that, in giving such public assent, as maketh a Christian kingdom subject unto those laws, the king's authority is the chiefest. That which an University of men, a Company or Corporation<sup>4</sup> doth without consent of their Rector, is as nothing. Except therefore we make the king's authority over the clergy less in the greatest things, than the power of the meanest governor is in all things over the college or society which is under him; how should we think it a matter decent, that the clergy should impose laws, the supreme governor's assent not asked<sup>5</sup>?

[10.] There are which wonder that we should count<sup>6</sup> any statute a law, which the high court of parliament in England hath established about the matter of church regiment; the prince and court of parliament having, as they suppose, no more lawful means to give order to the Church and clergy in these<sup>7</sup> things, than they have to make laws for the hierarchies of angels in heaven<sup>8</sup>: that the parliament being a mere temporal court, can neither by the law of nature, nor of God,

<sup>1</sup> follows E.C.L.    <sup>2</sup> King's E.C. Kings Gand.    <sup>3</sup> see E.L.    <sup>4</sup> a corporation E.    <sup>5</sup> Here the printed editions since Gauden, and all the MSS., insert a passage, which will be found below, as a note by way of Appendix to this book. The reasons for inserting it here will be found elsewhere. The Dublin MS. then proceeds as in § 24. "And concerning" to "over the Church." But as that MS. is clearly erroneous and incoherent in one part of this arrangement, the transposition has not been adopted.    <sup>6</sup> ancient E.Q.C.L.    <sup>7</sup> those E.C.L.

<sup>8</sup> [Allen, Apol. 1583, c. iv. p. 69. "ordo commensuratum." The points which he had just been mentioning were the royal supremacy and the validity of the protestant episcopal orders.]  
<sup>9</sup> Veritas est, nec regem nec parlamentum habere potestatem legitimum prescribendi ordinem ecclesie vel clero in hac parte, magis quam hierarchis angelorum in





voluntarily have derived their very personal right unto<sup>1</sup>. The parliament is a court not so merely temporal as if it might meddle with nothing but only leather and wool<sup>1</sup>. Those days of Queen Mary are not yet forgotten, wherein the realm did submit itself unto the legate of Pope Julius<sup>2</sup>; at which time had they been persuaded as this man seemeth now to be, had they thought that there is no more force in laws made by parliament concerning the<sup>3</sup> Church affairs, than if men shall<sup>4</sup> take upon them to make orders for the hierarchies of angels in heaven, they might have taken all former statutes in<sup>2</sup> that kind as cancelled, and by reason of nullity abrogated in themselves<sup>4</sup>. What need was there that they should bargain with the cardinal, and purchase their pardon by promise made beforehand, that what laws they had made, assented unto, or executed against the bishop of Rome's supremacy, the same they would in that present parliament effectually abrogate and repeal? Had they power to repeal laws made, and none to make laws concerning the regiment of the Church?

Again, when they had by suit obtained his confirmation for such foundations<sup>4</sup> of bishoprics, cathedral churches, hospitals, colleges, and schools; for such marriages before made, for such institutions unto<sup>3</sup> livings ecclesiastical, and for all such judicial processes, as having been ordered according to laws<sup>4</sup> before in force, but contrary to the canons and orders of the church of Rome, were in that respect thought defective; although the cardinal in his letters of dispensation did give validity unto those acts, even *apostolica firmitatis robor*,<sup>5</sup> the very strength

"of apostolical solidity;" what had all this been without those

<sup>1</sup> For they . . . . unto ans. E.    <sup>2</sup> Jule D.    <sup>3</sup> the ans. E.Q.C.L.    <sup>4</sup> should E.  
<sup>5</sup> of E.Q.C.L.    <sup>6</sup> in themselves ans. E.    <sup>7</sup> foundation D.    <sup>8</sup> into E.  
<sup>9</sup> the laws E.C.

<sup>1</sup> Saravia, de Honore Presulibus et Presbyteris debitor, c. 25.  
<sup>2</sup> Coriarum, tinctorum, texores, coc-  
<sup>3</sup>tores cervisiae, fabri, fallones, mer-  
<sup>4</sup>catores, comitia celebrant, de  
<sup>5</sup> Repubi. sententiam dicunt (quod  
<sup>6</sup>equidem in libero populo non im-  
<sup>7</sup>probi); sed pastores ecclesiarum  
<sup>8</sup>excludi, contra aequabile jus ci-  
<sup>9</sup>vium est, qui sub eisdem legibus  
<sup>10</sup>et magistratu vivunt, et communia  
<sup>11</sup>ferunt cum ceteris civibus onera:  
<sup>12</sup>de quorum vita et fortuna, de  
<sup>13</sup>isque omnibus a quibus tam ip-  
<sup>14</sup>sorum privata salus, tum ecclesi-  
<sup>15</sup>arum publica pendet, non minus  
<sup>16</sup>deliberatur, quam de panis, de  
<sup>17</sup>Jona, de piscibus, de ceteris carter-  
<sup>18</sup>isque mercibus importandis aut  
<sup>19</sup>exportandis. Num minor pas-  
<sup>20</sup>toribus ecclesiarum cura Reip.  
<sup>21</sup>esse debet, quam Burgimagi-  
<sup>22</sup>stra? ]

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BOOK VIII. grave<sup>d</sup> authentical words<sup>1</sup>, "Be it enacted by the authority  
 CH. VI. OF of this present parliament, that all and singular articles  
 "and clauses contained in the said dispensation, shall remain  
 "and be reputed and taken to all intents and constructions in  
 "the laws of this realm, lawful, good and effectual to be  
 "alleged and pleaded in all courts ecclesiastical and temporal,  
 "for good and sufficient matter either for the plaintiff or  
 "defendant, without any allegation or objection to be made  
 "against the validity of them by pretence of any general  
 "council, canon, or decree to the contrary." Somewhat belike  
 they thought there<sup>e</sup> was in this mere temporal court, without  
 which the pope's own mere ecclesiastical legate's dispensation  
 had taken small effect in the Church of England; neither did  
 they or the cardinal himself, as then, imagine<sup>f</sup> any thing com-  
 mitted against the law of nature or of God, because they took  
 order for the Church's affairs, and that even in the court of  
 parliament.

The most natural and religious course in making of<sup>g</sup> laws  
 is, that the matter of them be taken from the judgment of the  
 wisest in those things which they are to concern. In matters  
 of God, to set down a form of public<sup>h</sup> prayer, a solemn con-  
 fession of the articles of Christian<sup>i</sup> faith, rites<sup>j</sup> and ceremonies  
 meet for the exercise of religion; it were unnatural not to  
 think the pastors and bishops of our souls a great deal more  
 fit, than men of secular trades and callings: howbeit, when all  
 which the wisdom of all sorts can do is done for devising<sup>k</sup> of  
 laws in the Church, it is the general consent of all that giveth  
 them the firm and vigour of laws, without which they could  
 be no more unto us than the counsels of physicians to the sick:  
 well might they seem as wholesome admonitions and instruc-  
 tions, but laws could they never be without consent of the  
 whole Church, which is the only thing that bindeth each mem-  
 ber of the Church<sup>l</sup>, to be guided by them. Whereunto both  
 nature and the practice of the Church of God set down in  
 Scripture, is found every way so fully consonant, that God  
 himself would not impose, no not his own laws upon his people

<sup>d</sup> good D.    <sup>e</sup> there om. D.    <sup>f</sup> neither did they or the cardinal imagine E.  
 or the cardinal himself, as they imagine, any thing commit Q; commit any thing  
 C.L.    <sup>g</sup> of om. E.Q.C.L.    <sup>h</sup> public om. E.C.L.    <sup>i</sup> the Christian E.  
<sup>j</sup> rites om. E.    <sup>k</sup> the devising E.    <sup>l</sup> This clause om. E.  
<sup>1</sup> An. 1 et 2 Phil. et Mar. c. 8.

by the hand of Moses, without their free and open consent. Wherefore to define and determine even of the church's affairs by way of assent and approbation, as laws are defined of in that right of power, which doth give them the force of laws; thus to define of our own church's regiment, the parliament of England hath competent authority.

Touching the<sup>1</sup> supremacy of power which our kings have in this case of making laws, it resteth principally in the strength of a negative voice; which not to give them, were to deny them that without which they were but kings<sup>2</sup> by mere title, and not in exercise of dominion. Be it in states of<sup>3</sup> regiment popular, aristocratical, or regal, principality resteth in that person, or those persons, unto whom is given the<sup>4</sup> right of excluding any kind of law whatsoever it be before establishment. This doth belong unto kings, as kings; pagan emperors even Nero himself had not<sup>5</sup> less, but much more than this in the laws of his own empire. That he challenged not any interest in<sup>6</sup> giving voice in the laws of the church, I hope no man will so construe, as if the cause were conscience, and fear to encroach upon the Apostles' right.

If then it be demanded by what right from Constantine downward, the Christian emperors did so far intermeddle with the church's affairs, either we must herein condemn them utterly<sup>7</sup>, as being over presumptuously bold, or else judge that by a law which is termed *Regia*, that is to say royal<sup>8</sup>, the people having derived into<sup>9</sup> the emperor their whole power for making of laws, and by that mean<sup>10</sup> his edicts being made laws<sup>11</sup>, what matter soever they did concern, as imperial dignity endowed<sup>12</sup> them with competent authority and power to make laws for religion, so they were taught<sup>13</sup> by Christianity to use their power, being Christians, unto the benefit of the Church of Christ. Was there any Christian bishop in the world which did then judge this repugnant unto the dutiful subjection which Christians do owe to the pastors of their souls? to whom,

<sup>1</sup> the E.C.L.    <sup>2</sup> kings but E.    <sup>3</sup> states of em. E.    <sup>4</sup> the em. E.  
<sup>5</sup> no E.C.L.    <sup>6</sup> of E.C.L.    <sup>7</sup> strictly em. E.C.L.    <sup>8</sup> royal E.C.  
<sup>9</sup> unto their emperors E.C.L.    <sup>10</sup> means E.C.L.Q.    <sup>11</sup> edict ed. E.    <sup>12</sup> thought E.  
<sup>13</sup> "Quod principi placuit, legis summi et potestatem concedat."  
<sup>14</sup> "habet vigorem: cum lege Regia, Inst. Dig. l. t. 2.] de J. N. G. et C.  
<sup>15</sup> "que de ejus imperio lata est, potestatem." [§ 6.]  
<sup>16</sup> "pulsus est et in eum omne imperium"  
<sup>17</sup> "cum... concedat" em. E.C.L.

BOOK VIII. in respect of their sacred order, it is not by us, neither may be  
 Ch. vi. 12. denied, that kings and princes are as much as the very meanest  
 that liveth under them, bound in conscience to shew themselves  
 gladly and willingly obedient, receiving the seals of salvation,  
 the blessed sacraments, at their hands, as at the hands of our  
 Lord Jesus Christ, with all reverence, not disdain- ing from them  
 as much as the least part of their due and decent honour. All  
 which, for any thing that hath been alleged, may stand very well  
 without resignation of supremacy of power in making laws, even  
 laws concerning the most spiritual affairs of the Church.

Which laws being made amongst us, are not by any of us so taken  
 or interpreted, as if they did receive their force from power which  
 the prince doth communicate unto the parliament, or to any other  
 court under him, but 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 far forth as  
 hath been declared. So that our laws made concerning religion,  
 do take originally their essence from the power of the whole  
 realm and church of England, than which nothing can be more  
 consonant unto the law of nature and the will of our Lord Jesus  
 Christ.

[12.] To let these go, and to<sup>b</sup> return to our own men, "Ecclesiastical  
 governors," they say<sup>1</sup>, "may not meddle with the<sup>a</sup> making of civil  
 laws, and of laws for the commonwealth; nor the civil magistrate,  
 high or low, with making of orders for the Church." It seemeth  
 unto me very strange, that those<sup>c</sup> men which are in no cause  
 more vehement and fierce, than where they plead that ecclesiastical  
 persons may not exercise, *he lords*<sup>d</sup>, should hold that the power of  
 making ecclesiastical laws, which thing is of all other<sup>e</sup> most proper  
 unto

<sup>a</sup> not E.C.L.      <sup>b</sup> the E.      <sup>c</sup> to sm. E.C.L.      <sup>d</sup> the sm. E.C.  
<sup>e</sup> these E.C.L.      <sup>f</sup> *he lords* sm. D.      <sup>g</sup> of all other is E. is most  
 proper of all other C.

<sup>1</sup> T. C. lib. i. p. 92. (292 D.) [al. 154. ap. Whitig. Def. 692. "As for  
 "the making of the orders and ce-  
 "remonies of the Church, they do  
 "(where there is a constituted and  
 "ordered church), pertain unto the  
 "ministers of the Church and to  
 "the ecclesiastical governors; and  
 "as they meddle not with the  
 "making of civil laws for the com-  
 "monwealth, so the civil magistrate  
 "hath not to ordain ceremonies per-  
 "taining to the Church."]

dominion, belongeth to none but persons ecclesiastical<sup>a</sup> only. Their oversight groweth herein for want of exact observation, what it is to make a law. Tully, speaking of the law of nature, saith, "That thereof God himself was *inventor, disceptator, lator*, " the deviser, the discussor, the<sup>b</sup> deliverer<sup>1</sup>:" wherein he plainly alludeth unto the chiefest parts<sup>1</sup> which then did appertain to this<sup>a</sup> public action. For when laws were made, the first thing was to have them devised; the second, to sift them with as much exactness of judgment as any way might be used; the next, by solems voice of sovereign authority to pass them, and give them the force of laws. It cannot in any reason seem otherwise than most fit, that unto ecclesiastical persons the care of devising ecclesiastical laws be committed, even as the care of civil unto them which are in those affairs most skilful. This taketh not away from ecclesiastical persons all right of giving voice with others, when civil laws are proposed for regiment of that<sup>1</sup> commonwealth, whereof themselves, (howsoever<sup>m</sup> now the world would have them annihilated,) are notwithstanding as yet a part: much less doth it cut off that part of the power of princes, whereby, as they claim, so we know no reasonable cause wherefore we may not grant them, without offence to Almighty God, so much authority in making of<sup>a</sup> all manner of laws within their own dominions, that neither civil nor ecclesiastical do pass without their royal assent. In devising and discussing of laws, wisdom is specially<sup>e</sup> required: but that which establisheth<sup>g</sup> and maketh them, is power, even power of dominion; the chieftly whereof, amongst us, resteth in the person of the king. Is there any law of Christ's which forbiddeth kings and rulers of the earth to have such sovereign and supreme power in the making of laws, either civil or ecclesiastical? If there be, our controversy hath an end.

[13] Christ in his church hath not appointed any such law concerning temporal power, as God did of old deliver<sup>4</sup> unto the commonwealth of Israel; but leaving that to be at the

<sup>a</sup> ecclesiastical persons E.C.    <sup>b</sup> and E. and the C.L.    <sup>1</sup> part D.    <sup>2</sup> his E.C.L. [Falm. this]    <sup>3</sup> the E.L.    <sup>4</sup> though E. however C.    <sup>5</sup> of ecc. C.L.    <sup>6</sup> especially in E.    <sup>7</sup> establisheth them E.C.L.Q.    <sup>8</sup> deliver on, E.Q.C.L.

<sup>1</sup> [De Rep. iii. ap. Lactant. vi. 8.]

414 *Absurdity of excluding Kings from Church Legislation.*

BOOK VIII. world's free choice, his chiefest care was\* that<sup>t</sup> the spiritual  
Ch. vi. 12. law of the Gospel might be published far and wide.

They that received the law of Christ, were for a long time people scattered in sundry kingdoms, Christianity not exempting them from the laws which they had been subject unto, saving only in such cases as those laws did enjoin that which the religion of Christ forbade<sup>s</sup>. Hereupon grew their manifold persecutions throughout all places where they lived: as oft as it thus came to pass, there was no possibility that the emperors and kings under whom they lived, should meddle any whit at all with making laws for the Church. From Christ therefore having received power, who doubteth, but as they did, so they might bind themselves<sup>a</sup> to such orders as seemed fittest for the maintenance of their religion, without the leave of high or low in the commonwealth; forasmuch as in religion it was divided utterly from them, and they from it?

But when the mightiest began to like of the Christian faith; by their means whole free states and kingdoms became obedient unto Christ. Now the question is, whether kings by embracing Christianity do therein<sup>r</sup> receive any such law, as taketh from them the weightiest part of that sovereignty which they had even when they were heathens: whether being infidels they might do more in causes of religion, than now they can by the law<sup>u</sup> of God, being true believers. For whereas in regal states, the king or supreme head of the commonwealth, had before Christianity a supreme stroke in the<sup>v</sup> making of laws for religion: he must by embracing Christian religion utterly thereof deprive himself<sup>p</sup>, and in such causes become a<sup>q</sup> subject to his own<sup>s</sup> subjects, having even within his own dominions them whose commandment he must obey; unless this<sup>a</sup> power be placed in the hand<sup>w</sup> of some foreign spiritual potentate: so that either a foreign or domestical commander upon<sup>t</sup> earth he must needs<sup>x</sup> admit, more now than before he had, and that in the chiefest things wheresupon commonwealths do stand. But apparent it is unto all men which are not strangers in<sup>y</sup> the doctrine of Jesus Christ, that no state in<sup>z</sup> the world receiving Christianity is by any law therein contained

\* in E.    <sup>t</sup> that om. D.    <sup>s</sup> did forbid E.    <sup>a</sup> them E.    <sup>r</sup> thereby E.Q.  
<sup>v</sup> laws E.C.    <sup>u</sup> the om. E.Q.C.L.    <sup>p</sup> deprive himself thereof E.    <sup>q</sup> a om.  
E.Q.C.L.    <sup>r</sup> own om. E.Q.C.L.    <sup>w</sup> his E. (Frim. this) L.    <sup>t</sup> head E.  
Gordon. 54, 76, 78.    <sup>z</sup> on D.    <sup>x</sup> needs om. E.Q.C.L.    <sup>y</sup> into E.Q.    <sup>z</sup> of E.



bound to resign the power which they lawfully held before: but over what persons and in what causes soever the same hath been in force, it may so remain and continue still. That which as kings they might do in matter<sup>1</sup> of religion, and did in matter of false religion, being idolaters<sup>2</sup> or<sup>3</sup> superstitious kings, the same they are now even in every respect as<sup>4</sup> fully authorized to do in all affairs pertinent unto the state of true Christian<sup>5</sup> religion.

[14] And concerning their<sup>6</sup> supreme power of making laws for all persons in all causes to be guided by, it is not to be let pass, that the head enemies of this headship are constrained to acknowledge<sup>7</sup> the king endowed<sup>8</sup> even with this very power, so that he may and ought to exercise the same, taking order for the Church and her affairs of what nature or kind soever, in case of necessity: as when there is no lawful ministry, which they interpret then to be (and this surely is a point very markable<sup>9</sup>), whensoever<sup>10</sup> the ministry is wicked. A wicked ministry no<sup>11</sup> lawful ministry<sup>12</sup>; and in such sort no lawful ministry, that what doth belong to them as ministers by right of their calling, the same to be annihilated in respect of their bad qualities<sup>13</sup>; their wickedness in itself a deprivation of right to deal in the affairs of the Church, and a warrant for others to deal in them which are held to be of a clean other society, the members whereof have been before so peremptorily for ever excluded from power of dealing with the affairs<sup>14</sup> of the Church.

<sup>1</sup> matters E.C.L.    <sup>2</sup> idolatrous E.Q.C.L.    <sup>3</sup> and E.C.    <sup>4</sup> as an E.  
<sup>5</sup> true and Christian D.    <sup>6</sup> The passage which follows, down to "over the Church," p. 419, is placed by the Dublin MS. before "There are which wonder," &c. c. vi. p. The margin of D. has, "Power to make laws."    <sup>7</sup> the E.C.L.  
<sup>8</sup> for D.    <sup>9</sup> notable E.    <sup>10</sup> remarkable E.C.L.    <sup>11</sup> whensoever E.Q.C.L.  
<sup>12</sup> is no E.    <sup>13</sup> ministry? D.    <sup>14</sup> quality? D.    <sup>15</sup> dealing for ever with affairs E.

<sup>1</sup> T.C. lib. iii. p. 119 (11 E.) [T. C. 159; (quoting Jewel and Nowell.)  
 i. 193, at 155 ap. Whig, Def. 701.    <sup>2</sup> Christian princes have rather to  
 says, "We say, that if there be no    <sup>3</sup> do with these matters than igno-  
 lawful ministry to set good orders    <sup>4</sup> rant and wicked priests. In case  
 "in in ruinous decays and over-    <sup>5</sup> of necessity (meaning when the  
 throws of religion,) that then the    <sup>6</sup> ministry is wicked) the prince  
 prince ought to do it; and if (when    <sup>7</sup> ought to provide for convenient  
 there is a lawful ministry) it shall    <sup>8</sup> remedy: the very selfsame thing  
 agree of any unlawful or unmeet    <sup>9</sup> which we maintain, in saying,  
 order, that the prince ought to    <sup>10</sup> when there is no lawful ministry,  
 stay that order, and not to suffer    <sup>11</sup> that then the prince ought to take  
 it, but to drive them to that which    <sup>12</sup> order in these things."  
 "is lawful and meet." And iii.



BOOK VIII.  
Ch. VI. 24

They which have once thoroughly learned this lesson, will quickly be capable perhaps of another equivalent unto it. For if the wickedness of the ministry transfer<sup>b</sup> their right unto the king; in case the king be as wicked as they, to whom then shall the right descend? There is no remedy, all must come by devolution at the<sup>c</sup> length, even as the family of Brown will have it<sup>d</sup>, unto the godly among the people; for confusion unto<sup>e</sup> the wise and the<sup>f</sup> great, the poor and the simple<sup>g</sup>, some Knipperdoling<sup>h</sup> with his retinue, must take the<sup>i</sup> work of the Lord in hand; and the making of church laws and orders<sup>k</sup> must prove to be their right in the end. If not for love of the truth, yet for very<sup>l</sup> shame of so<sup>m</sup> gross absurdities, let these contentions<sup>n</sup> and shifting<sup>o</sup> fancies be abandoned.

The cause which moved them for a time to hold a wicked ministry no lawful ministry; and in this defect of a lawful ministry, kings authorized<sup>p</sup> to make laws and orders for the affairs of the Church, till the Church be well<sup>q</sup> established, is surely this: First, they see that whereas the continual dealing of the kings of Israel in the affairs of the Church doth make

<sup>a</sup> transfers E.      <sup>b</sup> the *an.* E.C.Q.      <sup>c</sup> to D.      <sup>d</sup> and to the D.E.  
<sup>e</sup> the great, by the poor and the simple; some Knipperdoling, &c. E. Guden.  
 Knipperdoling E.G. Knipperdoling 1676.      *But all the MSS. omit by; which seems to indicate the change of punctuation here adopted.*      <sup>f</sup> this E.C.L.      <sup>g</sup> and orders *an.* D.      <sup>h</sup> very *an.* E.      <sup>i</sup> as *an.* E.      <sup>j</sup> *qu. contentions?*  
<sup>k</sup> shifting E. [trifling Felm. Q. *in marg.*]      <sup>l</sup> authorized kings E.      <sup>m</sup> till it were well E.

<sup>n</sup> [See at the end of Greenwood's "Answer to G. Gifford's pretended "Defence of Read Prayers", 1590, a circular letter from the bishop of London (Aymer) to his clergy, with "A list of the Positions holden by "the new sectary of Recusants:" of which the 10th is, "That if the "prince, or magistrate under her, "do refuse, or defer to refer, such "faults as are amins in the Church, "the people may take the reforming "of them into their own hands, be- "fore or without her authority." And in a subsequent paper, Art. 6. "They affirm that the people must "reform the Church and not tarry "for the magistrate." Their own reply is, "We go not about to re- "form your Romish bishopicks, "deans, officers, advocates, courts, "canons, neither your popish priests, "half priests, ministers, all which

"come out of the bottomless pit; "but we leave those merchantmen "and their wares with the curse of "God upon them until they repent "..." We are to obey God rather than "man, and if any man be i- rant "let him be ignorant still. "We are "not to stay from doing the Lord's "commandment upon the pleasure "or offence of any." ]  
<sup>o</sup> [Bernard Knipperdoling, of Munster, one of the leaders of the anabaptists in the tumult of 1533, and designated by Sleidan as "facile "primus eam factionis." Commentar. b. x. f. 106. ed. Argentorat. 1559. "Vaticinator Knipperdolingus, fore "at in summo gradu collicati de- "narbentur, alii autem e sordibus "et infimos emergant subsellis: de- "inde jubet omnia templa destrui." *Ibid.*]

*Why such Interference was allowed by Cartwright.* 417

now very strongly<sup>2</sup> against them, the burden thereof<sup>3</sup> they shall in time well enough shake off, if it may be obtained that it is for kings lawful indeed<sup>4</sup> to follow those<sup>5</sup> holy examples, howbeit no longer than during the foresaid<sup>6</sup> case of necessity, while the wickedness, and in respect thereof the unlawfulness of the ministry doth continue. Secondly, they perceive right well, that unless they should yield authority unto kings in case of such supposed necessity, the discipline they urge were clean excluded, as long as the clergy of England doth these- unto remain opposite. To open therefore a door for her entrance, there is no remedy<sup>7</sup> but the tenet must be this: that now when the ministry of England is universally wicked, and, in that respect, hath lost all authority, and is become no law- ful ministry, no such ministry as hath the right which other- wise should belong unto them, if they were virtuous and godly as their adversaries are; in this necessity the king may do somewhat for the church: that which we do imply in the name of headship, he may both have and exercise till they be entered which will disburden and ease him of it; till they come, the king is licensed to hold that power which we call headship. But what afterwards? In a church [well] ordered, that which the supreme magistrate hath<sup>8</sup>, is<sup>9</sup> to see that the "laws of God touching his worship, and touching all matters "and orders of the Church, be executed and duly observed; "to see that every ecclesiastical person do that office where- unto he is appointed; to punish those that fall in their "office." In a word, (that which Allen himself acknow- ledgeth<sup>10</sup>) unto the earthly power which God hath given him it doth belong to defend the laws of the Church, to cause them to be executed, and to punish the transgressors<sup>11</sup> of the same. On all sides therefore it is confessed, that to the king belong- eth power of maintaining laws<sup>12</sup> made for church<sup>13</sup> regiment,

<sup>2</sup> strong E.Q.C.L.    <sup>3</sup> whereof E. boreof C.    <sup>4</sup> indeed lawful for kings E.C.L.  
<sup>5</sup> these E.C.L.    <sup>6</sup> foresaid om. E.C.L.Q.    <sup>7</sup> reason C.    <sup>8</sup> *ibid.* p. 17: [sic] D.]  
<sup>9</sup> punish rebels and transgressors E.Q.C.L.    <sup>10</sup> the laws E.Q.C.L.    <sup>11</sup> the church D.

<sup>12</sup> T. C. lib. i. p. 192. [al. 153. ap.    <sup>13</sup> ecclesie leges defendere, negotio-  
 Whig. Def. 694.]    <sup>14</sup> rum suscipere executionem, et

<sup>15</sup> Apol. fol. 40<sup>a</sup>, p. 2. [c. iv. p.    <sup>16</sup> punire rebelles atque transgres-  
 67. "Ad terrenam spectat potesta-    <sup>17</sup> sores."]  
 tem, quam Deus illis largitus est,

<sup>18</sup> 4 D.

BOOK VIII. and of causing them to be observed; but principality of  
 CH. VI. 14. power in making them, which is the thing that<sup>a</sup> we attribute  
 unto kings, this both the one sort and the other do<sup>a</sup> with-  
 stand<sup>1</sup>; although<sup>2</sup> not both in such sort but that still it is  
 granted by the one that albeit ecclesiastical councils consisting  
 of church officers did frame the laws whereby the church affairs  
 were ordered in ancient times, yet no canon, no not of any  
 council, had the force of a law in the Church, unless it were  
 ratified and confirmed by the emperor being Christian. Seeing  
 therefore it is acknowledged<sup>3</sup>, that it was then the manner of  
 the emperor to confirm the ordinances which were made by  
 the ministers, which is as much in effect to say that the em-

<sup>a</sup> that see E.Q.C.L.      <sup>a</sup> both D.

<sup>1</sup> [Here in E.Q.C.L. ends the treatise on Legislative Supremacy, and the section "Touching the king's supereminence authority," &c. (c. viii.) begins. But in D. the following passage is inserted: which, occurring as it does afterwards, the first part of it almost verbatim, was probably put here as a note in the copy from which MS. was transcribed, and got by mistake into the text. (It appears also in Cl. Trab. p. 71.) "Wherein it is, from the purpose altogether, alleged, that Constantine, &c. (as in c. viii. j. & "a matter of theirs:) all which hereupon may be inferred reacheth no further than only unto the administration of church affairs, or the determination of strifes and controversies arising about the matter of religion: it proveth that in former ages of the world it hath been judged most convenient for church officers to have the hearing of causes merely ecclesiastical, and not the emperor himself in person to give sentence of them. No one man can be sufficient for all things. And therefore public affairs are divided, each kind in all well-ordered states allotted unto such kind of persons as reason presumeth fittest to handle them. Reason cannot presume kings ordinarily so skilful as to be personal judges meet for the com-

<sup>a</sup> contrary Cl. Tr.

<sup>†</sup> matters Cl. Tr.

mon hearing and determining of church controversies; but they which are hereunto appointed, and have all their proceedings authorized by such power as may cause them to take effect. The principality of which power in making laws, whereupon all these things depend, is not by any of these allegations proved incommunicable unto kings."<sup>1</sup>  
<sup>2</sup> [In a second instance here the order of the Dublin MS. fol. 107; and of Cl. Trab. p. 72, has been departed from; the following passage to the end of this section, as they give it, is quite incoherent, following the extract given above, (note 1.) in this way: "The principality of which power in making laws whereupon all these things depend, is not by any of these allegations proved incommunicable unto kings, although not both in such sort," &c. This being clearly wrong, and the passage as it stands in the text fitting in tolerably well, perhaps the insertion of it on conjecture may not seem too bold.]

<sup>3</sup> T. C. lib. i. p. 103. [at 152 ap. Def. 668. "By the emperor's epistle in the first action of the council of Constantinople... it appeareth that it was the manner of the emperors to confirm the ordinances which were made by the ministers, and to see them kept."]

peror had in church ordinances a voice negative;—and that without his confirmation they had not the strength of public ordinances;—why are we condemned as giving more unto kings than the Church did in those times, we giving them no more but that supreme power which the emperor did then exercise with much larger scope than at this day any Christian king either doth or possibly can use it over the Church?<sup>3</sup>

VII. Touching the advancement of prelates unto their rooms by the king; whereas it seemeth in the eyes of many a thing very strange that prelates, the officers of God's own sanctuary, than which nothing is more sacred, should be made by persons secular; there are<sup>4</sup> that will not have kings altogether of the laity, but to participate that sanctified power which God hath endued his clergy with, and that in such respect they are anointed with oil. A shift vain and needless. For as much as, if we speak properly, we cannot say kings do make, but that they only do place, bishops. For in a bishop there are these three things to be considered; the power whereby he is distinguished from other pastors; the special portion of the clergy and people<sup>5</sup> over whom he is to exercise that bishoply power; and the place of his seat or throne, together with the profits, preeminences, honours thereunto belonging. The first every bishop hath by consecration; the second his<sup>6</sup> election investeth him with; the third he receiveth of the king alone.

[4.] With consecration the king intermeddleth not further than only by his letters to present such an elect bishop as shall be consecrated. Seeing therefore that none but bishops do consecrate, it followeth that none but they only<sup>7</sup> do give unto every bishop his being. The manner of uniting bishops as heads, unto the flock and clergy under them, hath often

<sup>3</sup> These sentences from "although not both," p. 418, l. 4, occur only in D. They are followed by the passage "There are which wonder," &c. c. vi. p. 10 "Christian religion," p. 419. After which at an interval, that MS. proceeds with the words "Touching the advancements," &c. as in the text. <sup>4</sup> This sentence from C. T. is in all the various readings in this seventh chapter. <sup>5</sup> the people. <sup>6</sup> the. <sup>7</sup> only are.

<sup>8</sup> [Vid. Sarav. De Imp. Asct. et Christian. Obedient. lib. iii. c. 37. Polit. Imp. p. 71, 80, 95.] "quem sacerdotii principia pars relicta" "amicum quondam imperator Ca-regibus." In the consecration of "rotus Magnus gestaverat." Ibid. the emperors of Germany at Aix la Chapelle, after their anointing, they put on a deacon's habit: (Goldast. p. 71, 80, 95.) "quem sacerdotii principia pars relicta" "amicum quondam imperator Ca-regibus." Ibid. p. 144.]

BOOK VIII.  
Ch. vi. 1, 2



420 *Rights of the Clergy and People in choosing Bishops:*

BOOK VIII. altered. For, if some be not deceived, this thing was some-  
Ch. vi. 2. time<sup>a</sup> done even without any election at all. At the first  
 (saith he to whom the name of Ambrose is given<sup>b</sup>) the first  
 created in the college of presbyters was still the bishop. He  
 dying, the next senior did succeed him. "Sed quia coepe-  
 runt sequentes presbyteri indigni inveniri ad primatus  
 tenendos immutata est ratio, prospiciente concilio; ut non  
 ordo sed meritum crearet episcopum multorum sacerdotum  
 "judicio<sup>c</sup> constitutum, ne indignus temere usurparet et esset  
 "multis scandalum."

In elections at the beginning the clergy and the people both  
 had to do, although not both after one sort. The people gave  
 their testimony, and shewed their affection, either of desire or  
 dislike, concerning the party which was to be chosen. But  
 the choice was wholly in the sacred college of presbyters.  
 Hereunto it is that those usual speeches of the ancient do  
 commonly allude: as when Pontius concerning S. Cyprian's  
 election saith, he was chosen "judicio Dei et populi favore,"  
 "by the judgment of God and favour<sup>d</sup> of the people<sup>e</sup>," the  
 one branch alluding to the voices of the ecclesiastical senate  
 which with religious sincerity choose<sup>f</sup> him, the other to the  
 people's affection, who earnestly desired to have him chosen  
 their bishop.

Again, Leo<sup>g</sup>; "Nulla ratio sinit, ut inter episcopos habe-  
 "antur qui nec a clericis sunt electi nec a plebibus expetiti."  
 "No reason doth grant that they should be reckoned amongst  
 "bishops, whom neither clergy hath elected nor laity coveted."  
 In like sort Honorius<sup>h</sup>; "Let him only be established bishop

<sup>a</sup> sometimes.    <sup>b</sup> *judicio em.*    <sup>c</sup> the favour.    <sup>d</sup> chose.

<sup>e</sup> Pseudo. Ambros. in 4 ad Ephes. be 62. § 1. Dec. Grat. pars 1. p. 311.  
 [v. 11, 12. "Non per omnia conve- He adds, "Nec a comprovinciali-  
 "niant scripta apostoli ordinationi" bus episcopia cum metropolitani  
 "que nunc in ecclesia est: quia" "judicio consecrati." See his Ca-  
 "hæc inter ipsa primordia sunt" nonical Epistle to Rusticus, arch-  
 "scripta. Nam et Timotheum pres- bishop of Narbonne, t. l. 496, ed.  
 "byterum a se creatum episcopum" Quessel. circ. a. d. 450: and com-  
 "vocat; quia primi presbyteri epi- pare the canonical letter of Corles-  
 "scopi appellabantur; et recedente" tine to the bishops of Gaul, a. d.  
 "eo, sequens ei succederet. . . . Sed 428; can. v. "Nullus in viciis detur  
 "quia coeperunt," &c. t. ii. Ap. "episcopus: cleri, plebis, et ordinis  
 241.] "consensus et desiderium requira-  
<sup>f</sup> In Vit. Cypr. [§ 4.] tur." Conc. Hard. i. 1266.]  
<sup>g</sup> *Nulla ratio.* Dist. 63. [it should  
<sup>h</sup> Ep. Honor. Imp. ad Bonif.

"in the see of Rome whom Divine judgment and universal  
"consent hath chosen."

BOOK VIII.  
Ch. vi. 3.

[3] That difference, which is between the form of electing bishops at this day with us, and that which was usual in former ages, riseth from the ground of that right which the kings of this land do claim in furnishing the place<sup>1</sup> where bishops, elected and consecrated, are to reside as bishops. For considering the huge charges which the ancient famous princes of this land have been at, as well in erecting episcopal sees, as also in endowing them with ample possessions; sure of their religious magnificence<sup>m</sup> and bounty we cannot think but to have been most deservedly honoured with those royal prerogatives, [of] taking the benefit which groweth out of them in their vacancy, and of advancing alone unto such dignities what persons they judge most fit for the same. A thing over and besides even therefore the more reasonable<sup>n</sup>; for that, as the king most justly hath preeminence to make lords temporal which are not such by right of birth, so the like preeminence of bestowing where pleaseth him the honour of spiritual nobility also, cannot seem hard, bishops being peers of the realm, and by law<sup>o</sup> itself so reckoned.

Now, whether we grant so much unto kings in this respect, or in the former consideration whereupon the laws have annexed it unto the crown<sup>1</sup>, it must of necessity being

<sup>1</sup> places.    <sup>m</sup> magnificence.    <sup>n</sup> reasonable.    <sup>o</sup> the law.

Council, tom i. [col. 123]. ed. Hard.  
" Beatitudine tua predicante, ut ad  
" cunctorum clericorum notitiam  
" volumus pervenire, ut si quid  
" forte religioni tue (quod non op-  
" tatus) humana sorte contigerit,  
" sciant omnes ab ambitionibus esse  
" cessandum. At si duo contra fas  
" temeritate certantes fuerint ordi-  
" nati, nullum ex his futurum peni-  
" tus sacerdotem, sed illum solum  
" in sede apostolica permansurum,  
" quem ex numero clericorum nova  
" ordinatione divinum iudicium et  
" universitatis consensus elegerit."  
Circ. A.D. 419.  
<sup>1</sup> Ed. 3. [c. 6. A Statute of  
Provisors, reciting the Statute of  
Carlisle, 25 Edw. I. c. 4. preamble:  
" Whereas the holy Church of  
" England was founded in the estate  
" of prelacy within the realm of  
" England, by king Edward and  
" his progenitors, and the earls,  
" barons, and other nobles of his  
" said realm, and their ancestors, to  
" inform them and their people of  
" the law of God, and to make hos-  
" pitalities, alms, and other works of  
" charity, in the places where the  
" churches were founded, for the  
" souls of the founders, their heirs,  
" and all Christians; and certain  
" possessions, as well in fees, lands,  
" rents, as in advowsons, which do  
" extend to a great value, were as-  
" signed by the said founders to  
" the prelates and other people of  
" the holy Church of the said realm,  
" to sustain the same charge, and

BOOK VIII  
Ch. 40. 3

granted, both make void whatsoever interest the people aforesaid hath had towards the choice of their own bishop, and also restrain the very act of canonical election usually made by the dean and chapter; as with us in such sort it doth, that they neither can proceed unto<sup>a</sup> any election till leave be granted<sup>1</sup>, nor elect any person<sup>2</sup> but that is named unto them. If they might do the one, it would be in them to defeat the king of his profits; if the other, then were the king's preeminences of granting those dignities nothing. And therefore, were it not for certain canons requiring canonical election to be before consecration<sup>3</sup>, I see no cause but that the king's letters patents alone might suffice well enough

\* 10.

<sup>a</sup> especially of the possessions which were assigned to archbishops, bishops, abbots, priors, religious and all other people of holy Church, by the kings of the said realm, earls, barons, and other great men of his realm; the same kings, earls, barons and other nobles, as lords and advowees, have had and ought to have the custody of such voidances, and the presentments and the collations of the benefices being of such prelates." *Ec. A.D. 1320.*

<sup>1</sup> *Ibid.* [§ iii.] "The election was first granted by the king's progenitors upon a certain form and condition, as to demand licence of the king to chuse, and after the election to have his royal assent, and not in other manner." *Stat. at Large, by Ruffhead and Runnington, t. i. 260, 62.*

<sup>2</sup> 25 Hen. VIII, c. 20. [§ iv.] "Be it ordained and established by the authority aforesaid, that at every avoidance of every archbishoprick or bishoprick . . . the king . . . may grant to the prior and convent, or the dean and chapter of the cathedral churches or monasteries where the see . . . shall happen to be void, a licence under the great seal . . . to proceed to election . . . with a letter missive, containing the name of the person which they shall elect." [§ vii.] "If the prior and convent of any monastery, or

dean and chapter of any cathedral church, . . . proceed not to election and signify the same according to the tenor of this act, within the space of twenty days next after such licence shall come to their hands; or else if any archbishop or bishop, . . . shall refuse, and do not confirm, invest, and consecrate, with all due circumstance . . . every such person as shall be so elected, nominate, or presented . . . within twenty days next after the king's letters patents . . . shall come to their hands . . . then every prior and particular person of his convent, and every dean and particular person of the chapter, and every archbishop and bishop, and all other persons so offending . . . shall run in the dangers, pains, and penalties of the estate of Provision and *Provisorem*; i.e. imprisonment, outlawry, and forfeiture of lands and goods."

<sup>3</sup> *C. Anselm, Dist. 63.* [*Decret. Gratian, pars i. dist. 62. § 3.*] "Nul- lus in episcopum nisi canonicè electum consecret. Quod si pœsumptum fuerit, et consecratus et consecratus absque recuperationis spe depœnatur." This is the ninth Canon of the first Lateran council, held under Callistus II, A.D. 1123. See *Concil. Hard. t. vi. pars ii. p. 1122.*

*Foreign Precedents for such Prerogative in Kings.* 423

to<sup>a</sup> that purpose, as by law they do in case those electors should happen not to satisfy the king's pleasure. Their 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.

[4.] Neither do the kings of this land use herein any other than such prerogatives as foreign nations have been accustomed unto.

About the year of our Lord 425<sup>1</sup>, pope Boniface solicited most earnestly the emperor Honorius to take some order that the bishops of Rome might be created without ambitious seeking of the place. A needless petition, if so be the emperor had no right at all in the placing of bishops there. But from the days of Justinian the emperor, about the year 533, Onuphrius<sup>2</sup> himself doth grant that no man was bishop in the see of Rome whom first the emperor by his letters patents did not license to be consecrated. Till in Benedict's<sup>3</sup> time it pleased the emperor to forego that right; which afterwards

<sup>a</sup> *See Cl. Tr.*

<sup>1</sup> Tom. i. Concil. [i. 1237. ed. Hard. "Ecclesie mee, cui Deus noster meum sacerdotium, vobis res humanas regentibus, deputavit, cura constringit, ne causis ejus, quamvis ad hoc corporis incommoditate detinetur, propter communitatem, qui a sacerdotibus universis et clericis, et Christianae plebis perturbatoribus agitantur, apud aures Christianissimi principis desim."]   
<sup>2</sup> Onuphr. [Onuphrius Panvinus, of Verona, 1129-1166, annotated and continued the Lives of the Popes, by Platina, 1421-1481] in Pelag. II. [in his note on Platina's life of that pope, who was next before S. Gregory the Great; and of whom Platina had remained, that owing to the Lombards who beset the city, he was elected without the emperor's consent; A.D. 577: "Nil enim sum a clero in eligendo Pontifice actum erat nisi ejus electionem Imperator approbasset." On which Onuphrius observes, "Gothis Italia omni per Narsem Patricium pulsâ, eaque cum urbe Roma Orientalis imperii parte facta sub Justiniano Imperatore, ex auctoritate Papae Vigili, novus quidam in cunctis Pontificum mos inolevit. Is fuit, ut mortuo Papa, nova quidem electio more majorum statim a clero S.P.Q.R. fieret, verum electus Romanus Pontifex non ante consecrari atque ab Episcopis ordinari posset, quam ejus electio ab Imperatore Constantinopolitano confirmata esset, ipseque literis suis patribus licentiam electo Pontifici concederet, ut ordinari et consecrari posset." p. 75. ed. Colon. 1606.]   
<sup>3</sup> [Benedict II. A.D. 684. "Ad hunc Constantinus Imperator hominis sanctitate permotus, sanctionem misit, ut deinceps quem clerus, populus, exercitusque Romanus in Pontificem delegasset, eundem statim verum Christi vicarium esse omnes crederent; nulla aut Constantinopolitani Principis aut Italise exarchi expectata auctoritate, ut antea fieri consueverat." Ibid. p. 93.]



BOOK VIII was restored to Charles with augmentation<sup>1</sup>, and continued  
 Ch. vi. e. in his successors till such time as Hildebrand took it from  
 Henry IV<sup>2</sup>, and ever since the cardinals have held it as  
 at this day.

Had not the right of giving them belonged to the emperors of Rome within the compass of their dominions, what needed' pope Leo the fourth to trouble Lotharius and Lodowick with those his letters<sup>3</sup>, whereby, having done them to understand that the church called Reatina was without a bishop, he maketh suit that one Colonus might have the room, or, if that were otherwise disposed of, his next request was, "Tusulanam ecclesiam, quæ viduata existit, illi vestra serenitas dignetur concedere, ut consecratus a nostro præsulatu Deo Omnipotenti vestroque imperio grates

<sup>1</sup> needeth.

<sup>2</sup> of one.

<sup>3</sup> [Grat. Decr. pars i. dist. 63. c. *Hadrianus*. (A.D. 774.) Carolus . . . constituit synodum cum Hadriano papa in patriarchatu Lateranensi, in ecclesia Sancti Salvatoris: quæ synodus celebrata est a clivi episcopis religiosiss et abbatibus. Hadrianus autem papa cum universa synodo tradiderunt Carolo jus et potestatem eligendi pontificem, et ordinandi apostolicam sedem . . . Insuper archiepiscopos et episcopos per singulas provincias ab eo investituram accipere definivit; ut nisi a rege laudetur et investatur episcopus, a semine constitretur: et quicumque contra hoc decretum ageret, anathematis vinculo eum innotavit." col. 322. Lagd. 1572. This seems to have been altogether false, though a story current in the time of Graean, (A.D. 1131.) who took it from an interpolated copy of the Chronicle of Sigebert. (A.D. 1101.) Vid. Pagi in Ann. Baron. iii. 341.]

<sup>1</sup> [In council at Rome, A.D. 1080, in which Henry IV. was finally deposed, and Rodolph of Suabia confirmed emperor in his place. Canon i. "Sequentes statuta sanctorum patrum . . . decernimus . . . ut si quis deinceps episcopatum vel abbatiam de manu aliquis laice persone susceperit, nullatenus inter episcopos vel abbates habeatur . . . Insuper etiam si gratiam S. Petri et introitum ecclesie interdicimus" . . . Item, "si quis imperatorem, regem, ducem, marchionem, comitem, vel quilibet secularium potestatum ac personarum investituram episcopatum vel aliquam ecclesiasticæ dignitatis dare presumpserit, ejusdem sententia vinculo se obstrictum esse sciat." Conc. Hard. t. vi. pars i. col. 1387.]

<sup>2</sup> C. *Reatina*. Dist. 63. [Decr. Grat. pars i. d. 63. l. 16. "Reatina ecclesia, quæ per tot temporum spatia pastoralibus curis destinata cunctis, dignam est ut brachio amplitudinis vestre sublevetur, ac gubernationis regimine protegetur. Unde salutationis alioquo premissio, vestram mansuetudinem deprecamur, quatenus Colonus humilii diacono eandem ecclesiam ad regendam concedere dignemini: ut vestra licentia accepta, ibidem eum, Deo adjuvante, consecraret, valeamus episcopum." circ. A.D. 847. The Church was greatly depressed at that time, the Saraceni often ravaging Italy to the very gates of Rome.]

"peragere valeat." "May it please<sup>1</sup> your clemencies to grant  
"unto him the church of Tusculum now likewise void;  
"that by our episcopal authority he being after conse-  
"crated may be to Almighty God and your highness<sup>2</sup>  
"therefore thankful."

BOOK VIII  
Ch. vi. 5

[5.] Touching other bishopricks, extant there is a very short but a plain discourse<sup>1</sup>, written almost 500 years since, by occasion of that miserable contention raised between the emperor Henry IVth and pope Hildebrand, named otherwise Gregory the VIIth, not, as Platina<sup>2</sup> would bear men in hand, for that the bishop of Rome would not brook the emperor's simoniacal dealings<sup>3</sup>, but because the right, which Christian kings and emperors had to invest bishops, hindered so much his ambitious designments, that nothing could detain him from attempting to wrest it violently out of their hands.

This treatise I mention, for that it shortly comprehendeth not only the fore-alleged right of the emperor of Rome acknowledged by six several popes<sup>4</sup>, even with bitter execration against whomsoever of their successors that should by word or deed at any time go about to infringe the same, but also further<sup>5</sup> these other<sup>6</sup> specialties appertaining thereunto<sup>7</sup>: First<sup>8</sup>, that the bishops likewise of Spain, England, Scotland, Hungary, had by ancient institution always been invested by their kings, without opposition or disturbance. Secondly, that such

<sup>1</sup> please, &c.    <sup>2</sup> highness.    <sup>3</sup> dealing.    <sup>4</sup> further on.    <sup>5</sup> other on.  
<sup>6</sup> heretico.

<sup>1</sup> Walthamus [Walsley, Bp. of Naumburg, 1089-1111] Naumburgensis, de Investit. Episcoporum per Imperator. faciendâ. [ap. Scharidum, " Sylloge Historico-Politico-Ecclesiastica, de Discrimine Potestatis imperialis et ecclesiasticæ." pp. 72-74. Argentorati, 1618, [published by Ulric Hutten, 1520.] The tract was written, A.D. 1109, by a German bishop, a strong partisan of the imperial side.]  
<sup>2</sup> [Pal. vii. Greg. VII. p. 165. A.D. 1273.] "Adeptus pontificatum Gregorius, statim Henricum imperatorem admonet, ne deinceps  
<sup>3</sup> largitione corruptus, episcopatus et beneficia alicui per simoniacam cupiditatem committat, aliter se minus in se et delinquentes censuris ecclesiasticis."  
<sup>4</sup> [Vit. Sylvester, Gregory I, Adrian I, Leo (III?), Leo (IV?) and Benedict (VIII?) Waltham, 73 A.]  
<sup>5</sup> [Ibid. "Ligitur etiam de episcopis Hispaniæ, Scotiæ, Angliæ, Ungariæ, quomodo ex antiqua institutione, usque ad modernam novitatem, per reges interierint, cum pace temporalium, pure et integrè."]

BOOK VIII was their<sup>b</sup> royal interest, partly<sup>c</sup> for that they were  
 founders of bishopricks, partly because they undertook<sup>d</sup>  
 the defence of them against all ravenous oppressions and  
 wrongs, partly<sup>e</sup> in as much that it was not safe that  
 rooms of so great power and consequence in their estate  
 should without their appointment be held by any under  
 them. And therefore<sup>f</sup> that bishops even then did homage  
 and took their oaths of fealty unto the kings which in-  
 vested them. Thirdly<sup>g</sup>, that what solemnity or ceremony  
 kings do use in this action it skilleth not, as namely  
 whether they do it by word, or by precept set down in  
 writing, or by delivery of a staff and a ring, or by any  
 other means whatsoever, only that use and custom would,  
 to avoid all offence, be kept. Some base canonists there  
 are, which contend that neither kings nor emperors had  
 ever any right hereunto, saving<sup>h</sup> only by the pope's either  
 grant or toleration. Whereupon not to spend any further  
 labour, we leave their folly to be controlled by men of  
 more ingenuity and judgment even among themselves,

<sup>b</sup> the.      <sup>c</sup> understood.      <sup>d</sup> save.

<sup>1</sup> [Ibid. p. 72. "Qui a primo  
 Constantinus gesta et decreta re-  
 solvit, patentes inveniet, quod per  
 reges et imperatores et devotos  
 sacros Romana ecclesia, aliisque  
 in orbe terrarum ecclesiae, in fun-  
 dis et mobilibus ditata et exalta-  
 tae sint; ubique tutelas et defen-  
 siones contra tyrannos et raptores  
 retinuerunt, ut gladius regalia et  
 stola Petri sibi invicem subven-  
 niant, quasi duo cherubim con-  
 versis vultibus respicientia in pro-  
 pitianorum."]      <sup>2</sup> [Ibid. p. 75. "Episcopatus qui  
 sub Romano degunt imperio,  
 majoribus fundis et amplioribus  
 vigent iusticiis; et ideo propter  
 majus scandalum a stola Petri  
 discretius tractandi sunt; quia  
 non omnes sunt Petri, qui  
 tenent sedem Petri." "Post-  
 quam a Sylvestro per Christianos  
 reges et imperatores dotata, di-  
 tata, et exaltatae sunt ecclesiae in  
 fundis et aliis mobilibus, et jura  
 civitatum in teloneis, moneris, vil-

licis, &c. . . . per reges delegata  
 sunt episcopis; congruum fuit et  
 consequens ut rex qui unus est  
 in populo, et caput populi, inves-  
 tiat et subornet episcopum; et  
 contra irruptionem hostium sciat  
 cui civitatem suam credit, cum  
 jus suum in domum illorum trans-  
 julerit."]      <sup>3</sup> [Ibid. "Longe ante decretum  
 Adriani pape, ejusque successo-  
 rum, reges, qui erant uncti, et  
 majores domus, investituras epi-  
 scoporum fecerunt."]      <sup>4</sup> [Ibid. "Nihil refert, sive verbo,  
 sive praecepto, sive baculo, sive  
 alia re quam in manu tenuerit,  
 investiat aut inthronizat rex et  
 imperator episcopum, quo die con-  
 secrationis veniens, anulum et  
 baculum ponit super altare, et in  
 curam pastorem singula accipit  
 a stola et auctoritate S. Petri.  
 Sed congruum magis est per ba-  
 culum, qui est duplex, i. e. tem-  
 poralis et spiritualis."]      <sup>5</sup> [Ibid. "Nihil refert, sive verbo,  
 sive praecepto, sive baculo, sive  
 alia re quam in manu tenuerit,  
 investiat aut inthronizat rex et  
 imperator episcopum, quo die con-  
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 Sed congruum magis est per ba-  
 culum, qui est duplex, i. e. tem-  
 poralis et spiritualis."]      <sup>6</sup> [Ibid. "Nihil refert, sive verbo,  
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 curam pastorem singula accipit  
 a stola et auctoritate S. Petri.  
 Sed congruum magis est per ba-  
 culum, qui est duplex, i. e. tem-  
 poralis et spiritualis."]      <sup>7</sup> [Ibid. "Nihil refert, sive verbo,  
 sive praecepto, sive baculo, sive  
 alia re quam in manu tenuerit,  
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 a stola et auctoritate S. Petri.  
 Sed congruum magis est per ba-  
 culum, qui est duplex, i. e. tem-  
 poralis et spiritualis."]

Duarens<sup>1</sup>, Papon<sup>2</sup>, Choppinus<sup>3</sup>, Ægidius<sup>4</sup>, Magister<sup>5</sup>, Arnulphus Ruseus<sup>6</sup>, Costius<sup>7</sup>, Philippus Probus<sup>8</sup>, and the rest, by whom the right of Christian kings and princes herein is maintained to be such as the bishop of Rome cannot lawfully either withdraw or abridge or hinder.

But of this thing there is with us no question, although with them there be. The laws and customs of the realm approving such regalities, in case no reason thereof did appear, yet are they hereby abundantly warranted unto us, except some law of God or nature to the contrary could be shewed. How much more, when they have been every where thought so reasonable that Christian kings throughout the world use and exercise, if not altogether, yet surely with very little odds the same. So far that Gregory the Tenth<sup>9</sup> forbidding such regalities to be newly begun where they were not in former

<sup>1</sup> [Francisci Duareni, [1509-1559] Biturig. "De Beneficis et ad ea pertinentibus, libri viii." Paris, 1551.] ap. Tract. Illustr. Jurisc. Ven. 1584, t. xv. pars ii. The author was accounted by Thuanus one of the most distinguished of the French jurists of the sixteenth century.]

<sup>2</sup> [Jean Papon, a lawyer in the service of Catharine de'Medici, and author of a work called Notaire, or Secrets de Notaire, in three parts, in the third of which, b. iii. p. 155, &c. is a statement and vindication of the rights of the Crown of France in the matter of presentation to benefices.]

<sup>3</sup> ["De Sacra Potestate forensi," [Par. 1577.] 1589. Vid. sup. c. ii. § 14. note.]

<sup>4</sup> [Ægidius de Columna, archbishop of Bourges, †1316, contemporary with Boniface VIII. and tutor to Philip the Fair: in his "Quæstio de Utraque Potestate," inserted by Goldastus in Monarch. S. Rom. Imp. t. iii. 95. &c.]

<sup>5</sup> [Ægidius Magister, "De Regalibus," in Tract. Illustr. Jurisc. t. xiii. pars ii. p. 437. &c.]

<sup>6</sup> [Arnulphus Ruseus, "De Jure Regalium." [Par. 1534. 1551.] Ibid. t. xii. 317. &c.]

<sup>7</sup> [Petrus Costius, "Adversaria ex Pandect. Justin." lib. i. p. 49. Colon. 1566.]

<sup>8</sup> [Philippus Probus [= Prudhomme], Bituricus, "De Jure Regalium," in Tract. Illustr. Jurisc. t. xii. 389. &c. v. Biog. Univ. Supplém. art. Russ[us].]

<sup>9</sup> Cap. general. de Elect. i. 6. [In 2 Conc. Lugd. A.D. 1274. can. 12.]

<sup>10</sup> Generali constitutione sancimus, universos et singulos, qui regalia, custodiam, sive guardiam advocacionis, vel defensionis titulum, in ecclesiis, monasteriis, sive quibuslibet aliis piis locis, de novo usurpare conantes, bona ecclesiarum, monasteriorum, aut locorum ipsorum vacantium occupare presu-

<sup>11</sup> munt, quantacunque dignitate honore prefulgeant, . . . eo ipso excommunicationis sententia sub-

<sup>12</sup> jaceant. . . Qui autem ab ipsarum ecclesiarum caterorumque loco-

<sup>13</sup> rum fundatione, vel ex antiqua consuetudine, jura sibi hujusmodi vindicant, ab illorum abusu sic prudenter abstinere, et suos mi-

<sup>14</sup> nistros in eis sollicite faciant abstinere, quod ea que non pertinent ad fructus sive redditus provenien-

<sup>15</sup> tes vacationis tempore non usurpent; nec bona cætera, quorum se asserunt habere custodiam, di-

<sup>16</sup> labi permittant, sed in bono statu conservent. Conc. Hard. vii. 711.]

BOOK VIII. times, if any do claim those rights from the first foundation  
 CH. VII. 6. of churches, or by ancient custom, of them he only requireth  
 that neither they nor their agents damnify the Church of God  
 by using the said prerogatives\*.

[6.] Now as there is no doubt but the church of England  
 by this means is much eased of some inconveniences, so like-  
 wise a special care there is requisite to be had, that other  
 evils no less dangerous may not grow. By the history of  
 former times it doth appear, that when the freedom of elec-  
 tions was most large, men's dealings and proceedings therein  
 were not the<sup>o</sup> least faulty.

Of the people S. Jerome complaineth<sup>1</sup> that their judg-  
 ments many times went much awry, and that in allowing of  
 their bishops every man favoured his own quality; every  
 one's desire was, not so much to be under the regiment of  
 good and virtuous men, as of them which were like himself.  
 What man is there whom it doth not exceedingly grieve to  
 read the tumults, tragedies, and schisms, which were raised by  
 occasion of the clergy at such time as, diverse of them standing  
 for some one place, there was not any kind of practice, though  
 never so dishonest<sup>o</sup> or vile, left unassayed whereby men  
 might supplant their competitors and the one side foil the  
 other. Sidonius, speaking of a bishoprick void in his time<sup>2</sup>,  
 "The decease of the former bishop," saith he, "was an  
 "alarum to such as would labour for the room: whereupon  
 "the people, forthwith betaking themselves unto parts, storm  
 "on each side: few there are that make suit for the advance-  
 "ment of any other man; many who not only offer, but en-  
 "force themselves. All things light, variable, counterfeit:  
 "what should I say? I see not any thing plain and open  
 "but impudence only."

\* prerogative.      \* the use.      \* dishonest.

<sup>1</sup> Hieron. adv. Jovin. l. [sq.      \* erili sacerdoti quodammodo clas-  
 " Nonnunquam errat plebs vul-      \* sicum creant. Frenit populos  
 " gique judicium, et in sacerdotibus      \* per studia divisus: pauci alteros,  
 " comprobantia unusquisque suis      \* multi sese non offerunt solum, sed  
 " moribus favet, ut non tam bonum      \* inferunt. Si aliquid pro virili por-  
 " quam sui similem querat pre-      \* tione secundum Deum consules,  
 " positum."      \* veritateque, omnia occurrunt  
<sup>2</sup> L. 7. Ep. l. 1<sup>o</sup> Ecclesia" (Bi-      \* levis, varia, furcata: et quid di-  
 " turicarum, i. e. Bourges.) "super      \* cam? sola est illic simplex impu-  
 " summo viduata pontifice, utrius-      \* dentia." In Bibl. Patr. Colon. t. v.  
 " que professionis ordinibus ambi-      pars i. p. 1022.]

In the church of Constantinople about the election of S. Chrysostom<sup>1</sup>, by reason that some strove mightily for him and some for Nectarius, the troubles growing had not been small, but that Arcadius the emperor interposed himself: even as at Rome the emperor Valentinian, whose forces were hardly<sup>2</sup> able to establish Damasus bishop, and to compose the strife between him and his competitor Ursicinus, about whose election the blood of a hundred and thirty-seven was already shed. Where things did not break out into so manifest and open flames, yet between them which obtained the place and such as before withstood their promotion, that secret heart burning often grew<sup>3</sup>, which could not afterwards be easily slaked. Inasmuch that Pontius doth note<sup>4</sup> it as a rare point of virtue in Cyprian, that whereas some were against his election, he notwithstanding dealt ever after in most friendly manner with them, all men wondering that so good a memory was so easily able to forget.

[7.] These and other the like hurts accustomed to grow from ancient elections we do not feel. Howbeit, lest the Church in more hidden sort should sustain even as grievous detriment by that order which is now of force, we are most humbly to crave at the hands of our<sup>5</sup> sovereign kings and governors, the highest patrons which this church of Christ hath on earth, that it would please them to be advertised thus much.

<sup>1</sup> Theod. l. v. c. 27. Sozom. l. viii. c. 2. [Ἐπισημαίνωμεν ἃν τοῦτο τοῦ λαοῦ καὶ τοῦ εὐαγγελίου, καὶ ἡ διαβολὴ οὐκ ἔσται. Nectarius was his predecessor, not his competitor.]

<sup>2</sup> [Ann.] Marcell. l. vi. [p. 24. c. 3. "Nec corrigere sufficiens nec mollire, coactus magna vi secessit in suburbanum."] Soz. lib. ii. c. 27. et iv. c. 29. [after the election.]

<sup>3</sup> εὐπρόσθετος τῶν ἐχθρῶν ὀνόματι φέρει καὶ ἐν τῶν εὐπρόσθετος πολλὰς ἀποδοχὰς, καὶ ἅν τὸν πολλὰς λαοῦ καὶ ἐν ἀποδοχῇ τοῦ τοῦ ἰσχυροῦ Μαξιμιανῶν παραστήσει. A.D. 366.] Sozom. lib. vi. c. 23.

<sup>4</sup> Soz. ii. 27. [Μαξιμιανὸς τῶν ἀποδοχῶν ὀνόματι. . . Χριστιανικὴν εὐνοίαν πολλὰς, οὐκ ἔγνωσεν ἡ δὲ τῶν αἰσῶν ἰσχυροῦ ἀποδοχῶν ὀνόματι. A.D. 356.] Soz. iv. 11. [ὁρ ἰσχυροῦ]

<sup>5</sup> ὁμοίως ἐν τῶν ἡμετέροις, . . . παρὰ τῶν ἡμετέρων ἐπισημαίνωμεν ἀποδοχῶν ὀνόματι. Theodor. ii. 15. 16, 17: [concerning the expulsion of Liberius bishop of Rome by the emperor Constantius, and the discontent of the people in his absence, A.D. 337.]

<sup>6</sup> Pontius in Vit. Cypri. c. 5. ["Invitus dico, sed dicam necesse est. Quidam illi resistunt, etiam si vinceret; quibus tamen quanta lenitate, quam patienter, quam benevolenter indulget! quam clementer ignovit, amicitiosissimos eos postmodum, et inter necessarios computans, mirantibus multis! Cui enim posset non esse mirabilem, cui tam memoriosae mentis oblivio?"]

BOOK VIII. Albeit these things which have been sometimes done by  
 CH. 10. 7. any sort may afterwards appertain unto others, and so the  
 kind of agents vary as occasions daily growing shall require;  
 yet sundry unremovable and unchangeable burthens of duty  
 there are annexed unto every kind of public action, which  
 burthens in this case princes must know themselves to stand  
 now charged with in God's sight no less than the people  
 and the clergy, when the power of electing their prelates did  
 rest fully and wholly in them. A fault it had been if they  
 should in choice have preferred any<sup>1</sup> whom desert of most  
 holy life and the gift of divine wisdom did not commend;  
 a fault, if they had permitted long<sup>2</sup> the rooms of the principal  
 pastors of God to continue void; not to preserve the church  
 patrimony as good to each successor as any predecessor did  
 enjoy the same, had been in them a most odious and grievous  
 fault. Simply good and evil do not lose their nature: that  
 which was, is the one or the other, whatsoever the subject  
 of either be. The faults mentioned are in kings by so much  
 greater, for that in what churches they exercise those regali-  
 ties whereof we do now entreat, the same churches they have  
 received into their special care and custody, with no less  
 effectual obligation of conscience than the tutor standeth  
 bound in for the person and state of that pupil whom he hath  
 solemnly taken upon him to protect and keep. All power is  
 given unto edification, none to the overthrow and destruction  
 of the Church.

Concerning therefore the first<sup>3</sup> branch of spiritual dominion

<sup>1</sup> C. Sacror. Can. dist. 63. [Grat. to the consecration of a bishop for  
 Decr. l. from Capital. Carol. et the church of Reate. "Scientes ec-  
 Ludovic. l. l. "Sacrorum canonum clesiam Dei sine proprio pastore  
 "non ignari, ut in Dei nomine "non debere consistere, glorie ves-  
 "sancta Ecclesia suo liberius po- "træ mandamus, quoniam aliter  
 "turretur honore, assensum ordini "nos agere non debimus, ut a  
 "ecclesiastico prebimus, ut sch. "vestra solertia imperiali tot prius  
 "episcopi, per electionem cleri et "consuetudo dictati precepta licen-  
 "populi, secundum statuta cano- "tia, et nobis, quemadmodum vos  
 "num, de propria diocesi, remota "acire credimus, imperatoria directa  
 "personarum et manerum accep- "epistola, tunc voluntati vestre de  
 "tione, ob vite meritum et sapien- "hoc parebitur, et eundem elec-  
 "tiam duntaxat aliquant, et exemplo "tum, Domino adjuvante, consecra-  
 "et verbis sibi subjectis undequaque "bitur."]  
 "prodesse valeant."]  
<sup>2</sup> C. Ludo. dist. 63. [from a letter Archbishop Usher has cor-  
 of Stephen to a count Guido, relating rected this to *Barth.*

thus much may suffice; seeing that they with whom we contend do not directly oppose themselves against regalities, but only so far forth as generally they hold that no church-dignity should be granted without consent of the common people, and that there ought not to be in the Church of Christ any episcopal rooms for princes to use their regalities in. Of both which questions we have sufficiently spoken before.

VIII. Touching<sup>1</sup> the king's supereminent authority in <sup>power to</sup> commanding, and in <sup>command</sup> judging<sup>2</sup> of causes ecclesiastical; First, <sup>and to be</sup> to explain therein our meaning, It hath been taken as if we <sup>over all</sup> did hold, that kings may prescribe what themselves think good to be done in the service of God; how the word shall be <sup>causes ec-</sup> taught, how sacraments<sup>3</sup> administered: that kings may per- <sup>clesiastical,</sup> sonally sit in the consistory where bishops<sup>4</sup> do, hearing and <sup>whatso-</sup> determining what causes soever do appertain unto those <sup>ever<sup>5</sup></sup> courts<sup>6</sup>: that kings and queens in their own proper persons are by judicial sentence to decide the questions which rise<sup>7</sup> about matters<sup>8</sup> of faith and Christian religion: that kings may excommunicate: finally, that kings may do whatsoever is incident unto the office and duty of an ecclesiastical judge. Which opinion because we count<sup>9</sup> as absurd as they who have fathered the same upon us, we do them to wit that thus<sup>10</sup> our meaning is, and no otherwise: There is not within this realm any<sup>11</sup> ecclesiastical officer, that may by the authority of his own place command universally throughout the king's dominions; but they of his<sup>12</sup> people whom one may command, are to another's commandment unsubject: only the king's royal power is of so large compass, that no man commanded by him according to order<sup>13</sup> of law, can plead himself to be without the bounds and limits of that authority; I say, according to order of law, because with us the highest have thereunto so tied themselves, that otherwise than so they take not upon them to command any.

[a.] And, that kings should be in such sort supreme commanders over all men, we hold it requisite, as well for the

<sup>1</sup> Their om. E.C. no marginal head Q. <sup>2</sup> whatsoever om. E.C. <sup>3</sup> The Dublin MS. has an interval of seven pages between this and the preceding dissertation. <sup>4</sup> the judging D. <sup>5</sup> the sacraments E. <sup>6</sup> the bishops E.C. <sup>7</sup> the Church E. the courts D. <sup>8</sup> do rise E. <sup>9</sup> matter D. <sup>10</sup> account E.Q.C.L. <sup>11</sup> this E.Q.C.L. <sup>12</sup> as E. <sup>13</sup> this E.Q.L. <sup>14</sup> the order E.



BOOK VIII ordering of spiritual as of<sup>h</sup> civil affairs ; inasmuch as without  
 CH. 103, 2 universal authority in this kind, they should not be able when  
 --- need is<sup>1</sup>, to do as virtuous kings have done. Joas<sup>2</sup>, pur-  
 posing to renew the "house of the Lord, assembled the  
 "Priests and Levites, and when they were together, gave  
 "them their charge, saying, Go out<sup>3</sup> unto the cities of Judah,  
 "and gather of all<sup>4</sup> Israel money to repair the house of your  
 "God<sup>5</sup> from year to year, and haste the things : but the  
 "Levites hasted not. Therefore the king called Jehoiada,  
 "the chief, and said unto him, Why hast thou not required  
 "of the Levites to bring in out of Judah and Jerusalem, the  
 "tax of Moses, the servant of the Lord, and of the congrega-  
 "tion of Israel, for the tabernacle of the testimony ? For  
 "wicked Athaliah and her children brake up the house of  
 "God<sup>6</sup>, and all the things that were dedicated for the house  
 "of the Lord did they bestow upon Baalim<sup>7</sup>. Therefore the  
 "king commanded, and they made a chest, and set it at the  
 "gate of the house of the Lord without ; and they made a  
 "proclamation through Judah and Jerusalem, to bring unto  
 "the Lord the tax of Moses the servant of God<sup>8</sup>, laid upon  
 "Israel in the wilderness." Could either he have done this, or  
 after him<sup>9</sup> Ezechias the like concerning the celebration of the  
 passover, but that all sorts of men in all things did owe unto  
 those<sup>8</sup> their sovereign rulers the same obedience which some-  
 time<sup>9</sup> Josua had them by solemn<sup>9</sup> vow and promise bound  
 unto<sup>10</sup> ? "Whosoever shall rebel against thy commandments,  
 "and<sup>4</sup> will not obey thy words in all that<sup>8</sup> thou commandest  
 "him, let him be put to death ; only be strong and of a good  
 "courage."

[3.] Furthermore, judgment ecclesiastical we say is necessary  
 for decision of controversies rising between man and  
 man, and for correction of faults committed in the affairs  
 of God ; unto the due execution whereof there are three  
 things necessary, laws<sup>8</sup>, judges, and a supreme governor<sup>9</sup> of  
 judgments.

<sup>1</sup> of om. E.Q.C.L. <sup>2</sup> serves D. <sup>3</sup> Josiah E.C. <sup>4</sup> "Go out, &c." (not  
 giving the quotation at length.) D. <sup>5</sup> all om. E. <sup>6</sup> "the Lord" in later  
 editions. <sup>7</sup> God<sup>6</sup> E.C. <sup>8</sup> the Lord God E.C. <sup>9</sup> Salomon E. <sup>10</sup> the Lord E.C.  
<sup>1</sup> these E.C.L.Q. <sup>2</sup> sometimes E.Q.L. <sup>3</sup> solemn om. E.C.L. <sup>4</sup> "and will. . . .  
 courage" om. D. <sup>5</sup> that om. E. <sup>6</sup> law D. <sup>7</sup> supreme governor E.C.

<sup>1</sup> 2 Chron. xxiv. 4-9. <sup>2</sup> 2 Chr. xxx. 6. <sup>3</sup> Josh. i. 18.

What courts there shall be, and what causes shall belong to each court, and what judges shall determine of every cause, and what order in all judgments shall be kept; of these things the laws have sufficiently disposed: so that his duty which sitteth in every such court is to judge, not of, but after, the said laws<sup>b</sup>: "Imprimis illud observare debet judex, ne aliter judicet quam legibus, aut constitutionibus, aut moribus proditum est<sup>c</sup>." Which laws (for we mean the positive laws of our own realm concerning ecclesiastical affairs) if they otherwise dispose of any such thing than according to the law of reason and of God, we must both acknowledge them to be amiss, and endeavour to have them reformed: but touching that point what may be objected shall after appear.

Our judges in causes ecclesiastical are either ordinary or commissary: ordinary, those whom we term Ordinaries; and such by the laws of this land are none but prelates only, whose power to do that which they do is in themselves, and belongeth unto the nature of their ecclesiastical calling. In spiritual causes, a lay person may be no ordinary; a commissary judge there is no let but that he may be: and that our laws do evermore refer the ordinary judgment of spiritual causes unto spiritual persons, such as are termed Ordinaries, no man which knoweth any thing in the practice of this realm can easily be ignorant.

[4.] Now, besides them which are authorized to judge in several territories, there is required an universal power which reacheth over all, importing supreme authority of government over all courts, all judges, all causes; the operation of which power is as well to strengthen, maintain and uphold particular jurisdictions, which haply might else be of small effect; as also to remedy that which they are not able to help, and to redress that wherein they at any time do otherwise than they ought to do. This power being sometime in the bishop of Rome, who by sinister practices had drawn it into

<sup>a</sup> who E.Q.C.L.    <sup>b</sup> say E.C.L.Q.    <sup>c</sup> same law E.    <sup>d</sup> see om. E.Q.C.L.  
<sup>e</sup> at Imperio Justitiarum E.C.    <sup>f</sup> om. om. E.Q.    <sup>g</sup> the D.    <sup>h</sup> belonging to E.C.    <sup>i</sup> say of E. say thing the practice C.L.Q.    <sup>j</sup> there om. D.  
<sup>k</sup> importing E.C.

<sup>l</sup> Just. Instit. l. ix. tit. i. de Offic. Judic.

BOOK VIII  
Ch. viii. 5  
his hands, was for just considerations by public consent annexed unto the king's royal seat and crown. From thence the authors of reformation would translate it into their national assemblies or<sup>1</sup> synods; which synods are the only help which<sup>2</sup> they think lawful to use against such evils in the Church as particular jurisdictions are not sufficient to redress. In which case<sup>3</sup> our laws have provided<sup>4</sup> that the king's supereminent authority and power shall serve. As namely, when the whole ecclesiastical state, or the principal persons therein, do need visitation and reformation; when, in any part of the Church, errors, heresies, schisms<sup>5</sup>, abuses, offences, contempts, enormities, are grown, which men in their several jurisdictions either do not or cannot help: whatsoever any spiritual authority or<sup>6</sup> power (such as legates from the see of Rome did sometimes exercise) hath done or might heretofore have done for the remedy of those evils in lawful sort (that is to say, without violation<sup>7</sup> of the law<sup>8</sup> of God or nature in the deed done), as much in every degree our laws have fully granted that the king for ever may do, not only by setting ecclesiastical synods on work, that the thing may be their act and the king their motioner<sup>9</sup> unto it, (for so much perhaps the masters of reformation will grant;) but by commissioners<sup>10</sup> a few or many, who having the king's letters patents, may in the virtue thereof execute the premises as agents in the right, not of their own peculiar and ordinary but of his supereminent power.

[5.] When men are wronged by inferior judges, or have any just cause to take exception against them, their way for redress is to make their appeal. An<sup>11</sup> appeal is a present delivery of him which maketh it out of the hands of their power and jurisdiction<sup>12</sup> from whence it is made. Pope Alexander<sup>13</sup> having sometime<sup>14</sup> the king of England at the<sup>15</sup> advantage, caused him, amongst other things, to agree, that as many of his subjects as would, might appeal<sup>16</sup> to the court of Rome.

<sup>1</sup> and D.    <sup>2</sup> that D.    <sup>3</sup> cause E.    <sup>4</sup> schisms, heresies E. schisms, &c. C.  
<sup>5</sup> and E.Q.C.L.    <sup>6</sup> the violation E.Q.C.L.    <sup>7</sup> laws E.C.    <sup>8</sup> motion E.Q.C.L.  
<sup>9</sup> commission E. commissioners Q.C.L.    <sup>10</sup> appeal and E.Q.C.L.    <sup>11</sup> jurisdictions E.Q.C.L.    <sup>12</sup> sometimes E.Q.C.L.    <sup>13</sup> the see, E.    <sup>14</sup> have appeal E.

<sup>15</sup> Elix. cap. 1.    Archbishop of Canterbury, A. D. 1172.  
<sup>16</sup> [Alexander III. in the arrangement made after the murder of the

"And thus," saith one<sup>1</sup>, "that whereunto a mean person  
 "at this day would scorn to submit himself, so great a king  
 "was content to be subject. Notwithstanding even when  
 "the pope," saith he, "had so great authority amongst princes  
 "which were far off, the Romans he could not frame to obe-  
 "dience, nor was able to obtain that himself might abide  
 "at Rome, though promising not to meddle with other than  
 "ecclesiastical affairs." So much are things that terrify more  
 feared by such as behold them aloof off than at hand.

Reformers I doubt not in some cases<sup>a</sup> will admit appeals<sup>b</sup>,  
 made unto their synods; even as the church of Rome doth  
 allow of them so they be made to the bishop of Rome. As  
 for that kind of appeal which the English laws<sup>c</sup> do approve,  
 from the judge of any<sup>d</sup> particular court unto the king, as the  
 only supreme governor on earth, who by his delegates may  
 give a final definitive sentence, from which no further appeal  
 can be made; will their platform allow of this? Surely, foras-  
 much as in that estate which they all dream of, the whole  
 Church must be divided into parishes, of<sup>e</sup> which none can  
 have greater or less authority and power than another; again,  
 the king himself must be but as a common member in the  
 body of his own parish, and the causes of that only parish  
 must be by the officers thereof determinable; in case the  
 king had so much preferment<sup>f</sup>, as to be made one of those  
 officers (for otherwise by their positions he were not to meddle  
 any more than the meanest amongst his<sup>g</sup> subjects with the  
 judgment of any ecclesiastical cause), how is it possible they  
 should allow of appeals to be made from any other abroad to  
 the king?

[6.] To receive appeals from all other judges, belongeth  
 unto the highest in power over<sup>h</sup> all; and to be in power over  
 all, as touching the judgment of<sup>i</sup> ecclesiastical causes, this

<sup>a</sup> cases E.      <sup>b</sup> appeals, but appeals made E.Q.C.L.      <sup>c</sup> any certain  
 particular E.Q.C.L.      <sup>d</sup> in E.C.L.      <sup>e</sup> favour or preferment E.Q.C.      <sup>f</sup> the D.  
<sup>g</sup> of E.      <sup>h</sup> judgment in E.

<sup>1</sup> Machiavel. Hist. Florent. lib. i.      <sup>a</sup> cose furono tutte da Enrico accet-  
 [°] Che dovesse annullare tutte le      tate, e sottomessesi a quel giudicio  
 "cose fatte nel suo regno in diadi      " un tanto Re, che oggi un uomo  
 "vove della liberta ecclesiastica; e      " privato si vergognarebbe a sotto-  
 "dovesse acconsentire, che qua-      " mettersi." p. 21. ed. Genev. 1550.]  
 "unque suo superiore potesse vi-      <sup>b</sup> 25 Hen. VIII. c. 19.  
 "verlo appellare a Roma: le quali

BOOK VIII as they think belongeth only unto synods. Whereas therefore  
Ch. vii. A. with us, kings do exercise over all kinds of persons<sup>a</sup> and  
 causes, power<sup>b</sup> both of voluntary and litigious jurisdiction<sup>c</sup>;  
 so that according to the one they visit<sup>d</sup>, reform, and com-  
 mand; according to the other, they judge universally, doing  
 both in far other sort than such as have ordinary spiritual  
 power: oppugned herein we are<sup>e</sup> by some colourable shew of  
 argument, as if to grant thus much unto any secular person it  
 were unreasonable. "For sith it is," say they<sup>f</sup>, "apparent  
 "out of the Chronicles, that judgment in church matters  
 "pertaineth unto God; seeing likewise it is evident out of  
 "the Apostle<sup>g</sup>, that the high priest is set over those matters  
 "in God's behalf; it must needs follow that the principality  
 "or direction of the judgment of them is by God's ordinance  
 "appertaining unto the high<sup>h</sup> priest, and consequently to  
 "the ministry of the Church: and if it be by God's ordinance  
 "appertaining unto them, how can it be translated from  
 "them unto the civil magistrate?" Which argument, briefly  
 drawn into form, lieth thus: That which belongeth unto God,  
 may not be translated unto any other than<sup>i</sup> whom he hath  
 appointed to have it in his behalf; but principality of judg-  
 ment in church matters appertaineth unto God, which hath  
 appointed the high priest, and consequently the ministry of  
 the Church alone, to have it in this<sup>k</sup> behalf; therefore<sup>l</sup>, it may  
 not from them be translated to the civil magistrate. The first  
 of which three<sup>m</sup> propositions we grant; as also in the second  
 that branch which ascribeth unto God principality in church<sup>n</sup>  
 matters. But that either he did appoint none but only the  
 high priest to exercise the said principality for him; or that  
 the ministry of the Church may in reason from thence be con-  
 cluded to have alone the same principality by his appoint-  
 ment: these two points we deny utterly.

For concerning the high priest, there is first no such ordi-  
 nance of God to be found. "Every high priest," saith the  
 Apostle<sup>o</sup>, "is taken from among men, and is ordained for

<sup>a</sup> things, persons E.Q.C.L.    <sup>b</sup> supreme power E.    <sup>c</sup> jurisdictions E.Q.C.L.  
<sup>d</sup> visit E.    <sup>e</sup> we are herein E.C.    <sup>f</sup> Apostle E. Apostle to the Hebrews Q.  
<sup>g</sup> high see. D.    <sup>h</sup> but E.Q.C.L.    <sup>i</sup> his E.Q.L.    <sup>j</sup> says E.Q.C.L.    <sup>k</sup> three  
 em. E.C.    <sup>l</sup> the Church D.

<sup>m</sup> T. C. I. iii. p. 154.    <sup>n</sup> Chron. xix. 5. Heb. v. 1.    <sup>o</sup> Heb. v. 1.

"men in things pertaining to God:" whereupon it may well be gathered, that the priest was indeed ordained of God to have power in things pertaining unto God. For the Apostle doth there mention the power of offering gifts and sacrifices for sins<sup>b</sup>; which kind of power was not only given of God unto priests, but restrained unto priests only. The power of jurisdiction and ruling authority, this also God gave them, but not them alone<sup>c</sup>. For it is held, as all men know, that others of the laity were herein joined by the law with them. But concerning principality in church affairs (for of this our question is, and of no other) the priests neither had it alone, nor at all; but (as hath been already shewed) principality in spiritual affairs<sup>d</sup> was the royal prerogative of kings<sup>e</sup>.

Again, though it were so, that God had appointed the high priest to have the said principality of government in those matters; yet how can they who allege this, enforce thereby that consequently the ministry of the Church, and no other, ought to have the same, when they are so far off from allowing as<sup>f</sup> much to the ministry of the Gospel, as the priesthood of the Law had by God's appointment, that we but collecting thereout a difference in authority and jurisdiction amongst the Clergy, to be for the policy<sup>g</sup> of the Church not inconvenient, they forthwith think to close up our mouths by answering, "That the Jewish high priests<sup>h</sup> had authority above the rest, "only in that they prefigured the sovereignty of Jesus Christ; "as for the ministers of the Gospel, it is," they say<sup>i</sup>, "altogether unlawful to give them as much as the least title, any syllable that any way<sup>j</sup> may sound towards<sup>k</sup> principality?" And of the regency which may be granted, they hold others even of the laity no less capable than pastors<sup>l</sup> themselves. How shall these things cleave together?

[7.] The truth is, that they have some reason to think it not all of the fittest for kings to sit as ordinary judges in matters of faith and religion. An ordinary judge must be of that<sup>m</sup> quality which in a supreme judge is not necessary:

<sup>a</sup> in E.Q.C.L. <sup>b</sup> alone only. <sup>c</sup> but in spiritual or church affairs, (as hath been already shewed) it was E. The whole clause *om.* from "Church affairs" just before C.L. <sup>d</sup> kings only E. <sup>e</sup> as E.Q.C.L. <sup>f</sup> or E. *polite* Gaudin. <sup>g</sup> priest E.C. <sup>h</sup> they say *om.* E. <sup>i</sup> whered E.C.L.Q. <sup>j</sup> to E. <sup>k</sup> the pastors E. <sup>l</sup> the E.C.L.Q.

BOOK VIII. because the person of the one is charged with that which the  
 CA. VII. 7. other's authority dischargeth, without employing personally  
 himself herein. It is an error to think that the king's authority  
 can have no force or<sup>a</sup> power in the doing of that which him-  
 self may not personally do. For first, impossible it is, that at  
 one and the same time the king in person should order so many  
 and so different affairs, as by his power every where present  
 are wont to be ordered both in peace and in war<sup>b</sup>, at home  
 and abroad. Again, the king, in regard of his nonage or  
 minority, may be unable to perform that thing wherein years  
 of discretion are requisite for personal action; and yet his  
 authority even then be of force. For which cause we say,  
 that the king's authority dieth not, but is, and worketh, always  
 alike. Sundry considerations there may be, effectual to with-  
 hold the king's person from being a doer of that which his  
 power must notwithstanding<sup>c</sup> give force unto. Even<sup>d</sup> in  
 civil affairs, where nothing doth either more<sup>e</sup> concern the  
 duty, or better beseeem the majesty of kings, than personally  
 to administer justice unto their people, as most famous princes  
 have done: yet, if it be in case of felony or treason, the  
 learned in<sup>f</sup> the laws of this realm do plainly<sup>g</sup> affirm<sup>1</sup>, that  
 well may the king commit his authority unto another to judge  
 between him and the offender; but the king being himself  
 here<sup>h</sup> a party, he cannot personally sit to give judgment<sup>i</sup>.

As therefore the person of the king may, for just consider-  
 ations<sup>j</sup>, even where the cause is civil, be notwithstanding  
 withdrawn from occupying the seat of judgment, and others  
 under his authority be fit, he unfit himself to judge; so the  
 considerations for which it were haply not convenient for kings  
 to sit and give sentence in spiritual courts, where causes  
 ecclesiastical are usually debated, can be no bar to that force  
 and efficacy which their sovereign power hath over those very  
 consistories, and for which, we hold without any exception  
 that all courts are the king's. All men are not for all things

<sup>a</sup> nor E.      <sup>b</sup> at war E.D. in Q.C.L.      <sup>c</sup> notwithstanding his power must E.  
<sup>d</sup> seen, even E.C.L.      <sup>e</sup> more either E.Q.C.L.      <sup>f</sup> of D.      <sup>g</sup> plainly see. L.  
<sup>h</sup> there E.C.L.      <sup>i</sup> What follows does not appear in the first edition, but was  
 added, in 1665, by Bishop Geslen.      <sup>j</sup> considerations D.

<sup>1</sup> Staunf. Pleas of the Crown, l. ii.      <sup>2</sup> seen in judgment in treason ou  
 c. 3. [fol. 54. ed. 1574.      <sup>3</sup> Le Roy in      <sup>4</sup> felony, eo quod il est un des par-  
 "person ne peut estre judge ne      <sup>5</sup> ties al judgment."]

sufficient; and therefore public affairs being divided, such persons must be authorized judges in each kind, as common reason may presume to be most fit: which cannot of kings and princes ordinarily be presumed in causes merely ecclesiastical; so that even common sense doth rather adjudge this burden unto other men. We see it hereby a thing necessary, to put a difference, as well between that ordinary jurisdiction which belongeth to the clergy alone, and that commissary wherein others are for just considerations<sup>a</sup> appointed to join with them; as also between both these jurisdictions, and a third, whereby the king hath a transcendent<sup>b</sup> authority, and that in all causes, over both. Why this may not lawfully be granted unto him, there is no reason.

[8.] A time there was when kings were not capable of any such power, as namely, while<sup>c</sup> they professed themselves open adversaries<sup>d</sup> unto Christ and Christianity. A time there followed, when they, being capable, took sometimes more sometimes less to themselves, as seemed best in their own eyes, because no certainty touching their right was as yet determined. The bishops, who alone were before accustomed to have the ordering of such affairs, saw very just cause of grief, when the highest, favouring heresy, withstood by the strength of sovereign authority religious proceedings. Whereupon they oftentimes, against this new irresistible<sup>e</sup> power, pleaded that<sup>f</sup> use and custom which had been to the contrary; namely, that the affairs of the Church should be dealt in by the clergy, and by no other: unto which purpose, the sentences that then were uttered in defence of unabolished orders and laws, against such as did of their own heads contrary thereunto, are now altogether impertinently brought in opposition against them who use but the<sup>g</sup> power which laws have given them, unless men can shew that there is in those laws some manifest iniquity or injustice.

Whereas therefore against the force judicial and imperial, which supreme authority hath, it is alleged, how Constantine<sup>h</sup> termeth church-officers, "Overseers of things within the

<sup>a</sup> consideration D.    <sup>b</sup> hath transcendent E.Q.C.L.    <sup>c</sup> when E.Q.C.L.  
<sup>d</sup> enemies E.C.    <sup>e</sup> this irresistible E.Q.    <sup>f</sup> an irresistible C.    <sup>g</sup> the E.Q.C.L.  
<sup>h</sup> that E.C.L.

<sup>i</sup> T. C. lib. iii. p. 155.





*Instances of their seeming to disavow it altogether.* 441

churches to the minister; that the emperor hath authority<sup>a</sup> over the common walls of the city, and not in holy things<sup>b</sup>; for which cause<sup>c</sup> he never would yield to have "the causes" of the Church<sup>d</sup> debated in the prince's consistory<sup>e</sup>! but "excused himself to the emperor Valentinian, for that being convened to answer concerning church matters in a civil court, he came not<sup>f</sup>;" we may by these testimonies drawn from antiquity, if we list to consider them, discern how requisite it is that authority should always follow received laws in the manner of proceeding. For inasmuch as there was at the first no certain law, determining what force the principal civil magistrate's authority should be of, how far it should reach, and what order it should observe; but Christian emperors from time to time did what themselves thought most reasonable in those affairs; by this mean<sup>g</sup> it cometh to pass that they in their practice vary, and are not uniform.

Virtuous emperors, such as Constantine the Great was, made conscience to swerve unnecessarily from the customs<sup>h</sup> which had been used in the Church, even when it lived under infidels. Constantine, of reverence to bishops and their spiritual authority, rather abstained from that which himself might lawfully do, than was willing to claim a power not fit or decent<sup>i</sup> for him to exercise. The order which had<sup>k</sup> been before, he ratified<sup>l</sup>, exhorting bishops<sup>m</sup> to look to the Church, and promising that he would do the office of a bishop over the commonwealth: which very Constantine notwithstanding, did

<sup>a</sup> the authority E.Q.C.L.    <sup>b</sup> consistories E.C.L.    <sup>c</sup> D inserts here *de re*  
<sup>d</sup> *ori*, "Besides these testimonies," &c. (as in note p. 440.)    <sup>e</sup> *etiam* E.C.L.O.  
<sup>f</sup> custom E.Q.C.L.    <sup>g</sup> fit and lawful C.    <sup>h</sup> hath E.    <sup>i</sup> suiteth E.Q.L.  
<sup>k</sup> the bishops E.Q.C.L.

<sup>l</sup> Ambrose hath a worthy saying, wherein he plainly noteth "both what a Christian prince may do in these things that appertain unto the Church, and how a godly bishop should in that case behave himself. "When it was proposed unto me," saith he, "that I should deliver the plate or vessel of the Church, I made this answer; If there were any thing required that was my own, either land, house, gold or silver, being of my own private right, that I would willingly deliver it: "but that I could not pull any thing from the Church of God. "And moreover I said, that in so doing I had regard to the emperor's safety, because it was not profitable either for me to deliver it, or for him to receive it. Let him receive the words of a free minister of God; if he will do that is for his own safety, let him forbear to do Christ injury!" Bishop Cooper's Adm. p. 212. [T. C. l. 193. al. 154. sp. Whigg. Def. 700.] [See Epistle 21, throughout.]

BOOK VIII. not thereby so renounce all authority in judging of spiritual<sup>d</sup> causes, but that sometime he took, as St. Augustine witnesseth<sup>1</sup>,  
 Ch. vii. 8. even personal cognition of them; howbeit whether as purposing to give therein judicially any sentence, I stand in doubt. For if the other, of whom St. Augustine elsewhere speaketh, did in such sort judge, surely there was cause why he should excuse it as a thing not usually done. Otherwise there is no let, but that any such great person may hear those causes to and fro debated, and deliver in the end his own opinion of them, declaring on which side himself doth judge that the truth is. But this kind of sentence bindeth no side to stand thereunto; it is a sentence of private persuasion, and not of solemn jurisdiction, albeit a king or an emperor pronounce it.

Again, on the contrary part, when governors infected with heresy were possessed of the highest power, they thought they might use it as pleased<sup>e</sup> themselves, to further by all means therewith<sup>f</sup> that opinion which they desired should prevail; they not respecting at all what was meet, presumed to command and judge all men in all causes, without either care of orderly proceeding, or regard to such laws and customs as the Church had been wont to observe. So that the one sort feared to do even that which they might; and that which the other ought not they boldly presumed upon; the one sort of modesty<sup>g</sup>, excused themselves where they scarce needed; the other, though doing that which was<sup>h</sup> inexcusable, bare it out with main power, not enduring to be told by any man how far they roved beyond their bounds. So great odds<sup>i</sup> between them whom before we mentioned, and such as the younger Valentinian, by whom St. Ambrose being commanded to yield up one of the churches under him unto the Arians, whereas they which were sent on the<sup>k</sup> message alleged, that the emperor did but use his own right, forasmuch as all things were in his power: the answer which the holy bishop gave them was<sup>l</sup>,

<sup>d</sup> special E.      <sup>e</sup> it pleased C.L.      <sup>f</sup> therewith see E.Q.C.L.      <sup>g</sup> not modestly D.      <sup>h</sup> in E.C.      <sup>i</sup> odds was between E.Q. in C.      <sup>l</sup> his E.Q.C. this l.

<sup>1</sup> Ep. 68. [D. al. 88. § 3. t. ii.      "dare, nec tibi accipere, imperator, 162. C. D. Ed. Bened. Antwerp.      "expedit. Domum privati nullo potes jure tentare, domum Dei"]  
<sup>2</sup> Ep. xx. § 16. (19.) "Manda-      "existimas auferendam?" Allega-  
 "tur denique, "Trade basilicam."      "tur, imperatori licere omnia, ipsius  
 "Respondet, "Nec mihi fas est tra-      "esse universa. Respondet, "Noli

" That the Church is the house of God, and that those things BOOK VIII.  
 " which be<sup>1</sup> God's are not to be yielded up, and disposed of Ch. viii. 9  
 " at the emperor's will and pleasure; his palaces he might  
 " grant unto whomsoever<sup>2</sup>, but God's own habitations<sup>3</sup> not  
 " so." A cause why many times emperors did<sup>4</sup> more by their  
 absolute authority than could very well stand with reason, was  
 the over great importunity of heretics<sup>5</sup>, who being enemies to  
 peace and quietness, cannot otherwise than by violent means  
 be supported.

[9.] In this respect therefore we must needs think the state  
 of our own church much better settled than theirs was; be-  
 cause our laws have with far more certainty prescribed bounds  
 unto each kind of power. All decisions<sup>6</sup> of things doubtful,  
 and corrections of things amiss, are proceeded in by order of  
 law, what person soever he be unto whom the administration  
 of judgment belongeth. It is neither permitted unto prelate<sup>7</sup>  
 nor prince to judge and<sup>8</sup> determine at their own discretion,  
 but law hath prescribed what both shall do. 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, and the king as head<sup>9</sup>  
 thereof, the highest in authority over all, causeth according  
 to the same law every particular to be framed and ordered  
 thereby. The whole body politic maketh laws, which laws  
 give<sup>10</sup> 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. There is no cause given unto  
 any to make supplication, as Hilary did, that civil governors,  
 to whom commonwealth-matters only belong, might<sup>11</sup> not  
 presume to take upon them the judgment of ecclesiastical  
 causes. If the cause be spiritual, secular courts do not meddle  
 with it: we need not excuse ourselves with Ambrose, but  
 boldly and lawfully we may refuse to answer before any civil

<sup>1</sup> that are E. which are Q.C.L.    <sup>2</sup> whomsoever he pleaseth, but E.    <sup>3</sup> habi-  
 tation E.Q.C.    <sup>4</sup> do E.    <sup>5</sup> wicked heretics E.Q.C.L.    <sup>6</sup> decision  
 E.L. correction C.    <sup>7</sup> prelates E.D.    <sup>8</sup> or D.    <sup>9</sup> the head E.D.L.  
<sup>10</sup> give E.    <sup>11</sup> may E.Q.C.L.    "esto Deo subditus. Scriptum est,  
 "in ea, que divina sunt, imperiale    "que Dei Deo, que Cesaris Cae-  
 "aliquid jus habere. Noli te ex-    "sari." t. ii. 837.]  
 "tolere, sed si vis divinus imperare,

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Ch. 10. A.

judge in a matter which is not civil, so that we do not mistake the nature either<sup>a</sup> of the cause or of the court, as we easily may do both, without some better direction than can be had<sup>b</sup> by the rules of this new-found discipline. But of this most certain we are, that our laws do neither suffer a spiritual court<sup>c</sup> to entertain those causes which by law<sup>d</sup> are civil, nor yet if the matter be indeed spiritual, a mere civil court to give judgment of it.

Touching supreme power therefore to command all men, in all<sup>e</sup> manner of causes of judgment to be highest, let thus much suffice as well for declaration of our own meaning, as for defence of the truth therein<sup>f</sup>.

The king's  
exemption  
from con-  
sure and  
other  
judicial  
power<sup>g</sup>.

IX. The last thing of all which concerns the king's supremacy is, whether thereby he may be exempted from being subject to that judicial power which ecclesiastical consistories have over men. It seemeth, first, in most men's judgments to be requisite that on earth there should not be any alive altogether without standing in awe of some by whom they may be controlled and bridled.

The good estate of a commonwealth within itself is thought on nothing to depend more than upon these two special affections, fear and love: fear in the highest governor himself; and love, in the subjects that live under him. The subject's love for the most part continueth as long as the righteousness of

<sup>a</sup> either the nature E.Q.C.L. <sup>b</sup> had *con. E.* <sup>c</sup> the law E.C.L. <sup>d</sup> and in all E.Q.C.L. <sup>e</sup> What follows is all found in D. alone of the MSS. with an interval of a blank leaf. But § 2, 2. is printed in Clavi Tolosæ, p. 92-94: as far as "to any," p. 446. <sup>f</sup> Harding *con. E.* (?)

<sup>g</sup> See the statute of Edw. I. and Edw. II. [13 Edw. I. st. 4. *Circumspice agatis*; 22 Edw. I. *De Consuetudine*; 9 Edw. II. st. 1.] and Nat. Brev. touching Prohibition, [p. 30. Lond. Tortell, 1584]. See also in Bracton these sentences, lib. v. [Tract. v.] cap. 2. "Est jurisdic-  
tio quedam ordinaria, quedam dele-  
gata, que pertinet ad sacerdotium,  
"et forum ecclesiasticum, sicut in  
"causis spiritualibus et spiritualitati  
"annexis. Est etiam alia jurisdic-  
"tio ordinaria vel delegata, que  
"pertinet ad coronam, et dignita-  
"tem regis, et ad regnum in causis  
"et placitis rerum temporalium in  
"foro seculari." Again: "Cum  
"diverse sint hinc inde jurisdic-  
"tiones, et diversi iudices, et diver-  
"se cause, debet quilibet ipsorum  
"imprimis estimare, an sua sit ju-  
"risdictio, ne factem videatur po-  
"nere in mensam alienam." Again:  
"Non pertinet ad regem injungere  
"pœnitentias, nec ad iudicem secu-  
"larem; nec etiam ad eos pertinet  
"cognoscere de iis, que sunt spiri-  
"tualibus annexa, sicut de decimis  
"et aliis ecclesie prebentionibus." Again: "Non est laicus convenien-  
"dus coram iudice ecclesiastico de  
"aliquo, quod in foro seculari ter-  
"minari possit et debeat." [fol. 400,  
401. ed. 1569.]

kings doth last; in whom virtue decayeth not as long as they fear to do that which may alienate the loving hearts of their subjects from them. Fear to do evil groweth from the harm which evildoers are to suffer. If therefore private men, which know the danger they are subject unto, being malefactors, do notwithstanding so boldly adventure upon heinous crimes, only because they know it is possible for some transgressor sometimes to escape the danger of law: in the mighty upon earth, (which are not always so virtuous and holy that their own good minds will bridle them,) what may we look for, considering the frailty of man's nature, if the world do once hold it for a maxim that kings ought to live in no subjection: that, how grievous disorders<sup>a</sup> soever they fall into, none may have coercive power over them? Yet so it is that this we must necessarily admit, as a number of right well learned men are persuaded.

[a.] Let us therefore set down first, what there is which<sup>\*</sup> may induce men so to think; and then consider their several inventions or ways, who judge it a thing necessary, even for kings themselves, to be punishable, and that by men. The question itself we will not determine. The reasons of each opinion being opened, it shall be best for the wise to judge which of them is likeliest to be true. Our purpose being not to oppugn any save only that which reformers hold; and of the rest, rather to inquire than to give sentence. Inducements leading men to think the highest magistrate should not be judged of any, saving God alone, are specially these. 1. First, as there could be in natural bodies no motion of any thing, unless there were some which moveth<sup>f</sup> all things and continueth unmoveable<sup>g</sup>; even so in politic societies there must be some unpunishable, or else no man shall suffer punishment. For sith punishments proceed always from superiors, to whom the administration of justice belongeth, which administration must have necessarily a fountain that deriveth it to all others, and receiveth it<sup>h</sup> not from any; because otherwise the course of justice should go infinitely in a circle, every superior having his superior without end, which cannot be: therefore a well-spring it followeth there is, and a supreme head of Justice,

<sup>a</sup> disorders Cl. Tr.    <sup>\*</sup> that.    <sup>f</sup> moveth.    <sup>g</sup> immovable.    <sup>h</sup> it see.

BOOK VIII whereunto all are subject, but itself in subjection to none.  
 Ch. 16. 3 Which kind of preeminence if some ought to have in a kingdom, who but the king should have it? Kings therefore no man can have lawfully power and authority to judge. If private men offend, there is the magistrate over them, which judgeth. If magistrates, they have their prince. If princes, there is Heaven, a tribunal, before which they shall appear: on earth they are not accountable to any.

2. Which thing likewise the very original of kingdoms<sup>1</sup> doth shew.

\* \* \* \* \*

[3.] " His second point, whereby he would make us odious, " is, that we think the prince may be subject to excommunication; that is, that he is a brother<sup>1</sup>, that he is not without " but within the Church<sup>2</sup>. If this be dangerous, why is it " printed and allowed in the famous writings of bishop Jewel<sup>3</sup>: " " In that the high priest<sup>4</sup> doth his office when he excommunicates and cuts off a dead member from the body, so far " forth the prince, be he never so mighty, is inferior to him. " Yea not only to a bishop, but to a simple priest? " Why is " it suffered which Mr. Nowell hath written<sup>5</sup>, 'The prince " ought patiently to abide excommunication at the bishop's " hands?' Why are not the worthy examples of emperors " raised<sup>6</sup> out of the histories, seeing they have been subject " to his [this] censure?<sup>7</sup>"

<sup>1</sup> kingdom.

<sup>1</sup> Deut. xvii. 15. Matt. xviii. 15. " minister executing these his offices  
<sup>2</sup> 1 Cor. v. 12, 13. " according to God's word; yea  
<sup>3</sup> Def. Apol. part 6. p. 720. [c. " though it be against the prince  
 12. div. 1. p. 582. ed. 1611.] " himself, according as Theodosius  
<sup>4</sup> Jewel, and the Counterpoison, " the emperor was in this case  
 both read *peius*; not *Agri peius*.] " obedient to St. Ambrose."]  
<sup>5</sup> Tom. ii. f. 53. [" The Reproof " Euseb. l. vi. c. 14. Theod. v.  
 " of M. Dorman his proof of certain c. 18.  
 " Articles of Religion, &c. continued by Alexander Nowell. With  
 " a Defence of the chief Authority [Comp. T. C. iii. 93, for the whole  
 " and Government of Christian Jewel. And Eccl. Disc. 142, 143.  
 " Princes as well in causes ecclesi- " Neque vero hic magistratus, etsi  
 " astical as civil within their own " in reliqua ecclesia pollice aucto-  
 " dominions, by M. Dorman maliciously suppressed." Lond. 1566. f. 51. " We profess, as doth Calvin, " ritatis ratione emittatur, se ab hoc  
 " that the prince himself ought to " parendi et ecclesiasticis magistra-  
 " be obedient to the ecclesiastical " tibus obediendi precepto et man-  
 " " dato eximendus esse arbitrentur. " Quam enim non minus de magis-

not made out by his being within the Church. 447

The Jews were forbidden to choose an alien king over them; inasmuch as there is not any thing more natural than that the head and the body subject thereunto should always, if it were possible, be linked in that bond of nearness also which birth and breeding as it were in the bowels of one common mother usually causeth. Which being true did not greatly need to be alleged for proof that kings are in the Church of God of the same spiritual fraternity with their subjects: a thing not denied nor doubted of.

Indeed the king is a brother; but such a brother as unto whom all the rest of the brethren are subject. He is a sheaf of the Lord's field as the rest are; howbeit, a sheaf which is so far raised up above the rest<sup>1</sup> that they all owe reverence unto it. The king is a brother which hath dominion over all his brethren. A strange conclusion to gather hereby, that therefore some of his brethren ought to have the authority of correcting him. We read that God did say unto David, "If Solomon thy son forget my laws, I will punish his transgressions with a rod." But that he gave dominion unto any of Solomon's brethren to chastise Solomon, we do not read.

It is a thing very much alleged, that the church of the Jews had the sword of excommunication. Is any man able to allege where the same was ever drawn forth against the king? Yet how many of their kings how notoriously spotted?

Our Saviour's words are, "If thy brother offend thee." And St. Paul's, "Do ye not judge them that are within?" Both which speeches are but indefinite. So that neither the one nor the other is any let but some brother there may be

<sup>1</sup>trorum quam de aliorum salute  
<sup>1</sup>illos sollicitos esse oporteat, et illi-  
<sup>1</sup>us etiam animam, ut ceterorum,  
<sup>1</sup>sua cura continent, illis etiam  
<sup>1</sup>non minus quam reliquis paren-  
<sup>1</sup>dum est, et ecclesiasticorum magis-  
<sup>1</sup>tratum iuste auctoritati obtem-  
<sup>1</sup>perandum. Atque cum illi Jesu  
<sup>1</sup>Christi non solum auctoritate  
<sup>1</sup>præsentis, sed ipsam quodammodo  
<sup>1</sup>personam sustineant, quam nullo  
<sup>1</sup>suo imperio, sed illius solo verbo  
<sup>1</sup>et mandato omnia administrant;

<sup>1</sup>annos æquum est, illis vel sum-  
<sup>1</sup>mos magistratus et reges ipsos  
<sup>1</sup>obtemperare? Huic enim omnes  
<sup>1</sup>orbis principes et monarchæ facces  
<sup>1</sup>suos submittere et parere decet  
<sup>1</sup>[debent]; quem Deus regni sui  
<sup>1</sup>heredes, et cæli atque terræ Do-  
<sup>1</sup>minum constituit. Then he pro-  
<sup>1</sup>ceeds to give examples, and dwells  
<sup>1</sup>especially upon the cases of Philip  
<sup>1</sup>and Theodosius. <sup>1</sup>Gen. xxxvii. 7.



BOOK VIII  
Ch. ix. b  
 whose person is exempt from being subject to any such kind of proceeding: some within, yet not therefore under, the jurisdiction of any other. Sentences, indefinitely uttered, must sometimes universally be understood: but not where the subject or matter spoken of doth in particulars admit that difference which may in reason seclude any part from society with the residue of that whole, whereunto one common thing is attributed. As in this case it clearly fareth where the difference between kings and others of the Church is a reason sufficient to separate the one from the other in that which is spoken of brethren, albeit the name of brethren itself do agree to both. Neither doth our Saviour nor the Apostle speak in more general sort<sup>1</sup> of ecclesiastical punishments than Moses in his law doth of civil: "If there be found men or the man "amongst you that hath served other gods<sup>2</sup>." Again, "The man that committeth adultery." The punishment of both which transgressions being death, what man soever did offend therein, why was not Manasses for the one, for the other why not David accordingly executed? "Rex judicat, "non judicatur," saith one. The king is appointed a judge of all men that live under him; but not any of them his judge.

<sup>1</sup>The king<sup>3</sup> is not subject unto laws; that is to say, the punishment which breach of laws doth bring upon inferiors

<sup>1</sup> D. *has a space of half a page here.*

<p><sup>1</sup> [T. C. iii. 92. "Who could be ignorant that our Saviour Christ speaketh generally when he saith, "if thy brother, &amp;c. whereby he comprehendeth all those that are members of one church and children of one heavenly Father. "In which number the Scripture reckoneth the king, whilst in that he is both called a brother, and calleth his subjects brethren. Or who could be ignorant that St. Paul subjecteth all unto this order, "saving those only which are strangers from the Church. So that to say that princes are not subject unto this order, is all one as if he should say that princes pertain not to the kingdom of heaven, are none of the Church,</p>	<p>"have no part with Christ, &amp;c. "Thus is both Christ robbed of his honour, which in contempt of his order (as though it were too base for princes to go under) is himself contemned; and princes defrauded of a singular aid of salvation, and way to draw them to repentance, when they, through the common corruption, fall into such diseases against which this medicine was prepared." ]</p> <p><sup>2</sup> Deut. xvii. 2. Ὁ βασιλεὺς οὐκ ἐπέκειται, ἕνεκεν ἀσπίτου ἐκ κληρονομίας. Καὶ μετὰ τοῦ βασιλέως οὐ γίνονται ἕνεκεν ἐκ ἀδελφῶν κληρονομία νόμου. Harmenop. [Prompruarium juris] l. i. c. i. § 48 et 39. [ed. Gotthofred. 1587.]</p>
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taketh not hold on the king's person ; although the general laws which all mankind is bound unto do tie no less the king than others, but rather more. For the grievousness of sin is aggravated by the greatness of him that committeth it : for which cause it also maketh him by so much the more obnoxious unto Divine revenge, by how much the less he feareth human.

[4.] Touching Bishop Jewel's opinion hereof<sup>1</sup>, there is not in the place alleged any one word or syllable against the king's prerogative royal to be free from the coercive power of all spiritual, both persons and courts, within the compass of his own dominions. " In that," saith he, " the priest doeth his office, in that he openeth God's word, or declareth his threats, or rebuketh sin, or excommunicateth and cutteth off a dead member from the body ; so far forth the prince, " be he never so mighty, is inferior unto him. But in this respect the prince is inferior not only to the pope or bishop, " but also to any other simple priest." He disputeth earnestly against that supremacy which the bishop of Rome did challenge over his sovereign lord the emperor : and by many allegations he laboureth to shew that popes have been always subject unto his supreme dominion, not he to theirs ; he supreme judge over them, not they over him. Now whereas it was objected, that within the Church, when the priest doth execute his office, the very prince is inferior to him ; so much being granted by Mr. Jewel, he addeth that this doth no more prove the pope than the simplest priest in the Church to be lord and head over kings. For although it doth hereby appear that in those things which belong to his priestly office the pope may do that which kings are not licensed to meddle with ; in which respect it cannot be denied but that the emperor himself hath not only less power than the chiefest bishop, but even less than the meanest priest within his empire, and is consequently every priest's inferior that way : nevertheless, sith this appertaineth nothing at all to judicial authority and power, how doth this prove kings and emperors to be by way of subjection inferior to the pope as to their ecclesiastical judge ? Impertinently therefore is the answer,

<sup>1</sup> Def. p. 6. c. 12. div. 1.





BOOK VIII. "forget the imbecility of that flesh which is covered there-  
 Ch. ix. 5  
 "with. Thy subjects (O emperor) are in nature thy col-  
 leagues: yea even in her vice [service?] thou art also  
 "joined as a fellow with them. For there is one Lord and  
 "Emperor, the Maker of this whole assembly of all things.  
 "With what eyes therefore wilt thou look upon the habitation  
 "of that common Lord? With what feet wilt thou tread  
 "upon that sacred floor? How wilt thou stretch forth those  
 "hands from which the blood as yet of unrighteous slaughter  
 "doth distill? The body of our Lord all holy how wilt thou  
 "take into such hands? How wilt thou put his honourable  
 "blood unto that mouth, the wrathful word whereof hath  
 "caused against all order of law the pouring out of so much  
 "blood? Depart therefore, and go not about by after deeds  
 "to add to thy former iniquity. Receive that bond where-  
 "with from heaven the Lord of all doth give consent that  
 "thou shouldst be tied; a bond which is medicinable, and  
 "procureth health." Hereunto the king submitted himself;  
 (for being brought up in religion he knew very well what  
 belonged unto priests, what unto kings;) and with sobbing  
 tears returned to the court again. Some eight months after,  
 came the feast of our Saviour's Nativity; but yet the king sat  
 still at home, mourning and emptying the lake of tears:  
 which when Rufinus beheld, being at that time commander  
 over the king's house, and by reason of usual access the  
 bolder to speak; he came and asked the cause of those tears.  
 To whom the king, with bitter grief and tears more abundantly  
 gushing out, answered; "Thou, O Ruffin, dalliest, for mine  
 "evils thou feelest not: I mourn and bewail mine own  
 "wretchedness, considering that servants and beggars go  
 "freely to the house of God, and there present themselves  
 "before their Lord: whereas both from thence and from  
 "heaven also I am excluded. For in my mind I carry that  
 "voice of our Lord which saith with express terms, 'Whom-  
 "soever ye shall bind on earth, he in heaven shall be bound  
 "also.'" The rest of the history, which concerneth the  
 manner of the emperor's admission after so earnest repent-  
 ance, needeth not to be here set down.

It now remaineth to be examined whether these alleged  
 examples prove that which they should do, yea or no. The

*not a Precedent, because extrajudicial.* 453

thing which they ought to confirm is, that no less Christian kings than other persons under them ought to be subject to the selfsame coercive authority of Church-governors, and for the same kinds of transgressions, to receive at their hands the same spiritual censure of excommunication judicially inflicted by way of punishment. But in the aforesaid examples, whether we consider the offence itself of the excommunicate, or the persons excommunicating, or the manner of their proceeding; which three comprehend the whole substance of that which was done; it doth not by any of these appear that kings in suchwise should be subject. For, concerning the offences of men, there is no breach of Christian charity, whether it be by deed or by word; no excess, no lightness of speech or behaviour; no fault for which a man in the course of his life is openly noted as blameable; but the same being unamended through admonition ought, (as they say,) with the spiritual censure of excommunication to be punished. Wherefore unless they can shew, that in some such ordinary transgression, kings and princes, upon contempt of the Church's more mild censure, have been like other men in ancient times excommunicated, what should hinder any man to think but that the rare and unwonted crimes of those two emperors did cause their bishops to try what unusual remedy would work in so desperate diseases? Which opinion is also made more probable, inasmuch as the very histories, which have recorded them, propose them for strange and admirable patterns; the bishops, of boldness; the emperors, of meekness and humility. The [they?] wonder at the one, for adventuring to do it unto emperors; at the other, for taking it in so good part at the hands of bishops. What greater argument that all which was herein done proceeded from extraordinary zeal on both sides, and not from a settled judicial authority which the one was known to have over the other by a common received order in the Church. For at such things who would wonder?

Furthermore, if ye consider their persons, whose acts these excommunications were; he which is said to have excommunicated Philip emperor of Rome was Babylas the bishop of Antioch: and he which Theodosius emperor of Constantinople, Ambrose the bishop of Milan. Neither of which two bishops

BOOK VIII.  
Ch. 14. 3  
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BOOK VIII (As I suppose) was ordinary unto either of the two emperors. And therefore they both were incompetent judges, and such as had no authority to punish whom they excommunicated: except we will grant the emperor to have been so much the more subject than his subjects, that whereas the meanest of them was under but some one diocesan, any that would might be judge over him. But the manner of proceeding doth as yet more plainly evict that these examples make less than nothing for proof that ecclesiastical governors had at that time judicial authority to excommunicate emperors and kings. For what form of judgment was there observed, when neither judges nor parties judged did once dream of any such matter; till the one by chance repaired unto the place where the others were, and at that very instant suffered a sudden repulse; not only besides their own expectation, but also without any purpose beforehand in them who gave it? Judicial punishment hath at the leastwise sentence going always before execution, whereas all which we read of here is, that the guilty being met in the way were presently turned back, and not admitted to be partakers of those holy things whereof they were famously known unworthy.

[6] I therefore conclude, that these excommunications have neither the nature of judicial punishments, nor the force of sufficient arguments to prove that ecclesiastical judges should have authority to call their own sovereign to appear before them into their consistories, there to examine, to judge, and by excommunication to punish them, if so be they be found culpable.

But concerning excommunication, such as is only a dutiful, religious, and holy refusal to admit notorious transgressors in so extreme degree unto the blessed communion of saints, especially the mysteries of the Body and Blood of Christ, till their humbled penitent minds be made manifest: this we grant every king bound to abide at the hands of any minister of God wheresoever through the world. As for judicial authority to punish malefactors, if the king be as the kings of Israel were, and as every of ours is, a supreme Lord, than whom none under God is by way of ruling authority and power higher, where he reigneth, how should any man there have the high place of a judge over him? He must be more

*Kings, subject to Correction, would not be Kings.* 455

than thine equal that hath a chastising power over thee: so far is it off that any under thee should be thy judge. Wherefore, sith the kings of England are within their own dominions the most high, and can have no peer, how is it possible that any, either civil or ecclesiastical person under them should have over them coercive power, when such power would make that person so far forth his superior's superior, ruler, and judge? It cannot therefore stand with the nature of such sovereign regiment that any subject should have power to exercise on kings so highly authorized the greatest censure of excommunication, according to the platform of Reformed Discipline: but if this ought to take place, the other is necessarily to give place. For which cause, till better reason be brought, to prove that kings cannot lawfully be exempted from subjection unto ecclesiastical courts, we must and do affirm their said exemption lawful.

\* \* \* \* \*







thereby make ourselves obnoxious unto external punishment in this world, so that the magistrate may in regard of such offence committed justly correct the offender, and cause him without injury to endure such pain as the law<sup>a</sup> doth appoint; but further it reacheth not. For first, the conscience is the proper court of God, the guiltiness thereof is sin, and the punishment eternal death: men are not able to make any law that shall command the heart, it is not in them to make the<sup>d</sup> inward conceit a crime, or to appoint for any crime other punishment than corporal: their laws therefore can have no power over the soul, neither can the heart of man be polluted by transgressing them. St. Augustine<sup>e</sup> rightly defineth sin to be that which is spoken, done or desired, not against any law<sup>a</sup>, but against the law of the living God. The law of God is proposed unto men, as a glass wherein to behold the stains and spots<sup>f</sup> of their sinful souls. By it they are to judge themselves, and when they find<sup>g</sup> themselves to have transgressed against it, then to bewail their offences with David<sup>h</sup>, "Against thee only, O Lord, have I sinned, and done wickedly in thy sight;" that so our present tears may extinguish the flames, which otherwise we are to feel, and which God in that day shall condemn the wicked unto, when they shall render account of the evil which they have done, not by violating statute laws and canons, but by disobedience unto his law and word<sup>k</sup>.

For our better instruction therefore concerning<sup>l</sup> this point, first we must note, that the law of God himself<sup>k</sup> doth require at our hands subjection. "Be ye subject," saith St. Peter; and St. Paul, "Let every soul be subject; subject all unto such powers as are set over us." For if such as are not set over us require our subjection, we by denying it are not disobedient to the law of God, or undutiful unto higher powers; because though they be such in regard of them over whom they have lawful dominion, yet having not so over us, unto us they are not such<sup>l</sup>.

<sup>a</sup> pain as law E. pain as law L. pain as the law C. <sup>d</sup> the son, E. <sup>e</sup> laws E.Q.C.L. <sup>f</sup> the spots E.Q.C.L. <sup>g</sup> feel E.Q.L. <sup>h</sup> his word E.Q.C.L. <sup>i</sup> in D. <sup>j</sup> shall E.Q.C.L.

<sup>l</sup> [Contra Faustum, lib. xiii. 27. "Peccatum est factum vel dictum vel concupitum aliquid contra aeternam legem. Lex vero aeterna est ratio divina vel voluntas Dei." t. viii. 298. f.]  
<sup>k</sup> Psalm ii. 4.  
<sup>h</sup> 1. Pet. ii. 13.  
<sup>l</sup> Rom. xiii. 1.  
<sup>m</sup> "Verum ac proprium civis a peregrino discrimen est, quod alter imperio ac potestate civili obligatur; alter jussa principis alieni respicere potest. Illum princeps ab hostium atque ac civium injuria tueri tenetur; hunc non item nisi rogatus et humanitatis officio impulsus," saith E-

BOOK VIII. Agendas. No. 4. Subjection therefore we owe, and that by the law of God; we are in conscience bound to yield it even unto every of them that hold the seats of authority and power in relation unto us. Howbeit, not all kind<sup>1</sup> of subjection unto every such kind of power. Concerning Scribes and Pharisees, our Saviour's precept was, "Whatsoever they shall tell you, do it;" was it his meaning, that if they should at any time enjoin the people to levy an army, or to sell their lands and goods for the furtherance of so great an enterprise; and in a word, that simply whatsoever<sup>2</sup> it were which they did command, they ought without any exception forthwith to be obeyed? No, but "whatsoever they shall tell you," must be understood as *permissibile* and *caute*, it must be construed with limitation, and restrained unto things of that kind which did belong to their place and power. For they had not power general, absolutely given them to command in<sup>3</sup> all things.

The reason why we are bound in conscience to be subject unto all such power<sup>4</sup> is, because all "powers are of God<sup>5</sup>." They are of God either instituting or permitting them. Power is then of divine institution, when either God himself doth deliver, or men by light of nature find out the kind thereof. So that the power of parents over children, and of husbands over their wives, the power of all sorts of superiors, made by consent of commonwealths within themselves, or grown from agreement amongst nations, such power is of God's own institution in respect of the kind thereof. Again, if respect be had unto those particular persons to whom the same is derived, if they either receive it immediately from God, as Moses and Aaron did; or from nature, as parents do; or from men by a natural and orderly course, as every governor appointed in any commonwealth, by the order<sup>6</sup> thereof, doth: then is not the kind of their power only of God's institution; but the derivation thereof also into their persons, is from him. He hath placed them in their rooms, and doth term them his ministers; subjection therefore is due unto all such powers, inasmuch as they are of God's own insti-

<sup>1</sup> kinds E.    <sup>2</sup> ye E.C.L.    <sup>3</sup> whatsoever simply D.    <sup>4</sup> in con. E.  
<sup>5</sup> powers D.    <sup>6</sup> orders D.    <sup>7</sup> instituting E.Q.C.L.

din, de Rep. lib. I. cap. 6. non multum a five p. 61 B. edit. Lugd. in such credit as to be used for a text book in lectures at Cambridge. fol. 136.\* [Hodius was a French jurist, and secretary to the duke of Bourg. Univ.]  
<sup>8</sup> Matt. xxiii. 3.    <sup>9</sup> Rom. xiii. 1.  
 His work "de Republica" had

\* *Vide* con. D.



BOOK VIII. He that resisteth them, resisteth God: and resisted they are<sup>a</sup>, if either the authority itself which they exercise be denied, as by Anabaptists all secular jurisdiction is<sup>b</sup>; or if resistance be made but only so far forth as doth touch their persons which are invested with power (for they which said, *Nolumus hunc regnare*, did not utterly exclude regiment; nor did they wish all kind of government clean<sup>c</sup> removed, which would not at the first have David govern<sup>b</sup>): or if that which they do by virtue of their power, namely, their laws, edicts, sentences<sup>d</sup>, or other acts of jurisdiction, be not suffered to take effect, contrary to the blessed Apostle's most holy precept<sup>e</sup>, "Obey them that have the oversight of you<sup>f</sup>." Or if they do take effect, yet is not the will of God thereby satisfied neither, as long as that which we do is contemptuously or repiningly done, because we can do no otherwise. In such sort the Israelites in the desert obeyed Moses, and were notwithstanding deservedly plagued for disobedience. The Apostle's precept therefore is, "Be subject even for God's cause; be subject, not for fear, but for<sup>g</sup> more conscience, knowing, that he which resisteth them, purchaseth unto himself condemnation." Disobedience therefore unto laws which are made by men<sup>h</sup> is not a thing of so small account as some would make it.

Howbeit, too rigorous it were, that the breach of every human law should be held a deadly sin: a mean there is between those extremities, if so be we can find it out.

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APPENDIX, No. II.

*A Discovery of the Causes of the Continuance of these Contentions concerning Church Government, out of the Fragments of Richard Hooker<sup>1</sup>.*

CONTENTION ariseth, either through error in men's judgments, or else disorder in their affections.

When contention doth grow by error in judgment, it ceaseth not

<sup>a</sup> be E.C.L.Q.    <sup>b</sup> jurisdictions E.    <sup>c</sup> cleanly E.    <sup>d</sup> to govern E.Q.  
<sup>e</sup> services E.    <sup>f</sup> rule E.    <sup>g</sup> of E.L.    <sup>h</sup> them E.

<sup>1</sup> Heb. xiii. 17.    "the Old and New Testament,  
<sup>2</sup> [Prefaced to "A Summarie "whereby the episcopal govern-  
"view of the government both of "ment of Christ's Church is vin-

till men by instruction come to see wherein they err, and what it is BOOK VIII  
that did deceive them. Without this, there is neither policy nor Appends.  
punishment that can establish peace in the Church. B. v.

The Moscovian emperor', being weary of the infinite strifes and

" dictated: out of the rude draughts  
" of Lancelot Andrews, late bishop  
" of Winchester." Oxford, printed  
" by Leonard Lichfield, A. D. 1641.  
This is part of a collection entitled,  
" Certain brief Treatises, written by  
" diverse learned men, concerning  
" the ancient and modern Govern-  
" ment of the Church; wherein  
" both the primitive institution of  
" Episcopacy is maintained, and  
" the lawfulness of the Ordination  
" of the Protestant Ministers be-  
" yond the seas likewise defended."  
The other fragments are, " The origi-  
" nial of Bishops and Metropoli-  
" tans, briefly laid down by Martin  
" Bucer, John Reynolds and James  
" archbishop of Armagh;" " A Dis-  
" quisition touching Proconsular  
" Asia and its seven Churches,"  
" by Usher; " A Declaration of the  
" Patriarchal Government of the  
" ancient Church," by Edward  
" Berrewood; " A brief Declaration  
" of the several forms of Govern-  
" ment received in the Reformed  
" Churches beyond the seas," by  
" John Darel; and " The Lawful-  
" ness of the Ordination of the  
" Ministers of those Churches,  
" maintained against the Roman-  
" ists," by Francis Mason. If the  
" fragment in question be Hooker's,  
" (a point on which the editor does  
" not feel entitled to express any de-  
" cided opinion; but is rather in-  
" clined to hold the negative,) it may  
" have been sketched by way of hints  
" for the conclusion of the whole  
" work: and for that reason it is in-  
" serted here. Compare the latter  
" part of Cranmer's letter to Hooker,  
" subjoined to the fifth book in this  
" edition.  
" Archdeacon Cotton informs the  
" editor, that this paper is in the  
" library of Trinity College, Dublin,  
" in MS. (D. 3. 3.) in the handwriting

\* But Usher afterwards erased the direction:—as Mr. Gibbings informs the  
Editor.

of some person unknown, " but  
" certainly," Mr. Gibbings adds,  
" the same amanuensis, who copied  
" the latter portions of the Sermon  
" on Pride, and also the Appendix i.  
" to B. v. together with B. vi. This  
" may afford a reason for ascribing  
" the Paper to Hooker." " The  
" marginal references to Scripture  
" are in Usher's hand, as likewise  
" several slight corrections in the  
" text. It is highly probable that  
" this is the very MS. from which  
" the printed copy was taken; more  
" especially as at p. 5. line 22.  
" Usher has added a side-note to  
" the printer, " a *larger space be-  
" twixt these*;"† which has been  
" followed: the space left there  
" being wider than between any  
" other two paragraphs of the  
" tract." Mr. Gibbings adds that  
" the Title or Heading is Usher's.  
" But it makes no mention of Hooker,  
" standing as follows: " The Causes  
" of the Continuance of these Con-  
" tentions concerning Church-Gov-  
" ernment."

† [Possesvin de Rebus Moscoviti-  
cis, p. 5. A. D. 1581. " Conciona-  
" tiones non habent, sed tantum,  
" quas diximus, vitas sanctorum,  
" vel eorum, quos pro sanctis ve-  
" neramus, atque homilie partem  
" ut dixi (a D. presertim Chry-  
" sostomo) a Poppis suis audiant."  
Herberstein, Rerum Moscovitic.  
Comment. p. 31. " Doctores quos  
" sequuntur sunt Basilus magnus,  
" Gregorius, et Joannes Chryso-  
" stomus." Concionatoribus carent.  
" Satis esse putant interfuisse sa-  
" cris, ac evangelii, epistolularum,  
" aliorumque doctorum verba, quae  
" vernacula lingua recitat sacrificus  
" audivisse: ad hoc, quod varias  
" opiniones ac hereses, quae ex  
" concionibus plerumque oriuntur,  
" sese effugere credunt." ap. Ren.

462 *Whether civil Interference be for the Church's Peace.*

BOOK VIII. contentions amongst preachers, and by their occasion amongst  
 Aggredi- others, forbad preaching utterly throughout all his dominions; and  
 Sta. 4. instead thereof commanded certain sermons of the Greek and Latin  
 Fathers to be translated, and them to be read in public assemblies,  
 without adding a word of their own thereunto upon pain of death.  
 He thought by this politic devise to bring them to agreement, or  
 at least to cover their disagreement. But so had a policy was no fit  
 salve for so great a sore.

We may think perhaps, that punishment would have been more  
 effectual to that purpose. For neither did Solomon speak without  
 book in saying<sup>1</sup>, that when "folly is bound up in the heart of  
 "a child, the rod of correction must drive it out;" and experience  
 doth shew, that when error hath once disquieted the minds of men  
 and made them restless, if they do not fear they will terrify. Nei-  
 ther hath it repented the Church at any time to have used the rod in  
 moderate severity for the speedier reclaiming of men from error, and  
 the reuniting<sup>2</sup> such as by schism have sundered themselves. But  
 we find by trial, that as being taught and not terrified, they shut  
 their ears against the word of truth, and soothe themselves in that  
 wherewith custom or sinister persuasion hath inured them; so con-  
 trariwise, if they be terrified and not taught, their punishment doth  
 not commonly work their amendment.

As Moses therefore, so likewise Aaron; as Zerubabel, so Je-  
 hoshua; as the prince which hath laboured by the sceptre of right-  
 eousness and sword of justice to end strife, so the prophets which  
 with the book and doctrine of salvation have soundly and wisely  
 endeavoured to instruct the ignorant in those litigious points where-  
 with the Church is now troubled: whether by preaching, as Apollon  
 among the Jews; or by disputing, as Paul at Athens, or by writing,  
 as the learned in their several times and ages heretofore, or by  
 conferring in synods and councils, as Peter, James, and others  
 at Jerusalem, or by any the like allowable and laudable means;  
 their praise is worthily in the gospel<sup>3</sup>, and their portion in that  
 promise which God hath made by his prophet<sup>4</sup>, "They that turn  
 many unto "righteousness shall shine as the stars for ever and

<sup>1</sup> the easier resulting. — *Sp. in D.*

Mosc. Auct. varii, Francof. 1660. See in the same  
 It appears from King's Greek collection, p. 220. Hist. Belii Li-  
 Church, p. 413. that Iwan Basilonici, per Tim. Bredenhach, 1563.]  
 lowitz held a synod in 1542, in <sup>1</sup> Prov. xxii. 15.  
 which possibly the law in question <sup>2</sup> 2 Cor. viii. 18.  
 might be enacted. He was very <sup>3</sup> Dan. xii. 3.  
 jealous of the progress of Luther-





BOOK VIII. Motives<sup>1</sup>, Censures<sup>2</sup>, Apologies<sup>3</sup>, Defences, and other writings, which our great enemies have published under colour of seeking peace; promising to bring nothing but reason and evident remonstrance of truth. But who seeth not how full gorged they are with virulent, slanderous, and immodest speeches, tending much to the disgrace, to the disproof nothing, of that cause which they endeavour to overthrow? "Will you speak wickedly for God's defence?" saith Job. Will you dip your tongues in gall and your pens in blood, when you write and speak in his cause? Is the truth confirmed, are men convicted of their error when they are upbraided with the miseries of their condition and estate? When their understanding, wit, and knowledge is depressed? When suspicions and rumours, without respect how true or how false, are objected to diminish their credit and estimation in the world? Is it likely that Invectives, Epigrams, Dialogues, Epistles, Libels, laden with contumelies and criminations, should be the means to procure peace? Surely they which do take this course, "the way of peace they have not known." If they did but once enter into a stayed consideration with themselves what they do, no doubt they would give over and resolve with Job, "Behold I am vile, what shall I answer? I will lay my hand upon my mouth. If I have spoken once amiss, I will speak no more; or if twice, I will proceed no further."

II. But how sober and how sound soever our proceeding be in these causes; all is in vain which we do to abate the errors of men, except their unruly affections be bridled. Selflove, vainglory, impatience, pride, pertinacity, these are the bane of our peace. And these are not conquered or cast out, but by prayer. Pray for Jerusalem, and your prayer shall cause "the hills to bring forth peace;" peace shall distil and "come down like the rain upon the mown grass, and as the showers that water the earth." We have used all other means, and behold we are frustrate, we have laboured in vain. In disputations, whether it be because men are ashamed to acknowledge their errors before many witnesses, or because extemporality doth exclude mature and ripe advice without which the truth cannot soundly and thoroughly be demonstrated, or because

\* 70 D.

<sup>1</sup> [The same author's "Sure Defence of the same by Parsons, ways to find out the Truth, or 1582.]  
<sup>2</sup> "Motives unto the Catholic Faith." [Allen's "Apology of the Eng. Antwerp, 1574. 8vo.] [ish Seminaries at Rome and "Kheims." Mons, 1581.]  
<sup>3</sup> [Campian's "Censure upon two books written in answer to Edmond Campian's offer of Disputation." Douay, 1581; and "Job xiii. 7. Rom. iii. 17. Job xl. 4. 5. Psalm lxxii. 3, 6.



466 *Account of the Fragments in Clavi Trabales.*

- BOOK VIII. VIII. "Among sundry prerogatives," p. 422, to "and others," p. 423.  
 See above, c. v. 1. latter part.
- IX. "The consuls of Rome," p. 423, to "than the other," *ibid.*  
 See above, c. v. 1. former part.
- X. "Wherefore the clergy," *ibid.* to "shall not need," *ibid.*  
 See above, c. v. 2. last paragraph.
- XI. "The ancient imperial," *ibid.* to "meetings ecclesiastical," p. 425.  
 See above, c. v. 2. former part.
- XII. "There are which wonder," p. 425, to "do withstand," p. 432.  
 See above, c. vi. 10-14. former part.
- XIII. "Touching the king's," p. 432, to "of the truth therein," p. 443.  
 See above, c. viii. 1-9.
- XIV. "The case is not like," p. 443, to "assent not asked," p. 449.  
 See above, c. vi. 4-9.
- XV. "Yea, that which is more," p. 449, to "can find it out," p. 453.  
 See above, Appendix to B. VIII. No. I.

*A Table, shewing the arrangement of the fragments in Bernard's Clavi Trabales, as compared with the present Edition.*

- P. 65. "The service which we do," to "kings and priests," p. 71.  
 See above, c. iii. 2-6.
- P. 71. "Wherein it is," to "unto kings," p. 72.  
 See above, c. vi. 14. note 1, p. 418.
- P. 72. "Although not both," to "over the Church," *ibid.*  
 See above, c. vi. 14. latter part.
- P. 73. "The case is not like," to "commonwealth hath simply," p. 75.  
 See above, c. vi. 4-6.
- P. 77. "Touching the advancement," to "sufficiently spoken before," p. 86.  
 See above, c. vii. 1-7.
- P. 86. "As therefore the person" to "he came not," p. 87.  
 See above, c. viii. 7, 8.
- P. 88. "Besides these testimonies," to "bear rule," *ibid.*  
 See above, c. viii. 8. note 3, p. 440.
- P. 88. "We may by these testimonies," to "the truth therein," p. 92.  
 See above, c. viii. 9.
- P. 92. "The last thing," to "accountable to any," p. 94.  
 See above, c. ix. 1, 2.

## APPENDIX, No. IV.

The following are detached notes in the Dublin MS. which occur, with an interval of one blank page, immediately after the dissertation on the making of laws, p. 419. The words "one man," at the top, probably refer to some passage intended to be produced for refutation.

"*One man.* Then could not any of them be under another's authority so far as thereby to be either licensed or hindered in those things which he doth by the said power, but God alone should himself on earth authorize and disauthorize all that bare rule in the Church. Wherefore, to set down briefly that which we hold for truth. Power ecclesiastical itself is originally God's ordinance: he hath appointed it to be; and therefore in that respect on him only they all which have it are most rightly said to depend. The derivation of that power into the several persons which have it is the proper deed of the Church, and of those high ministers which are in that case appointed to ordain and consecrate such as from time to time shall exercise and use the same. Furthermore, sith when they have that power, it resteth nevertheless unexercised, except some part of the people of God be permitted them to work upon; they must of necessity for the peaceable and quiet practice of their authority upon the persons of men, where all are subject to a Christian king, depend in that respect on him also. By holding therefore this dependency whereof we speak, it is not meant that either the king did first institute, or that he doth confer and give, the grace of ecclesiastical presidency; but only add unto it exercise by the pre-eminence of his supereminent authority and power, without the predominant concurrency whereof spiritual jurisdiction could take no effect, men's persons could not in open and orderly sort be subject therunto. A bishop, whose calling is authorized wholly from God, and received by imposition of sacred hands, can execute safely no act of episcopal authority on any one of the king's liege people, otherwise than under him who hath sovereignty over them all."

*The election of Bishops.*

At the first, the first created in the College of Presbyters was still the Bishop: he dying, the next senior did succeed him. "Sed

<sup>1</sup> [Compare B. vii. xi. 8. p. 211.]

BOOK VIII. "quia ceperunt sequentes Presbyteri indigni inveniri ad primatus  
 Appendix. "tenendos, immutata est ratio; prospiciente Concilio ut non ordo sed  
 No. 4. "meritum crearet Episcopum, multorum sacerdotum iudicio constitu-  
 ---- tum, ne indignus tenere usurparet, et esset multis scandalum."  
 Ambros. in 4. ad Epist.  
 "Apud nos Apostolorum locum episcopi tenent. Bishops, the  
 "Apostles' successors. Hieron. Epist. 54." [al. 41. tom. i. 187; ed.  
 Vallars.] "ad Marcell." "Absit ut de his quicquam sinistram  
 "loquar, qui Apostolico gradui succedentes Christi Corpus sacro  
 "ore conficiunt." "Speech against the clergy of God irreligious.  
 "Hieron. Ep. i. ad Heliodor." [al. 14. § 8. t. i. 33.]  
 "Privileges granted unto the Clergy. A law in general, to make  
 "good all such privileges as by way of honour had been granted to  
 "the clergy before, the Roman emperor thought himself bound  
 "in conscience to ratify." L. xii. c. De Sacr. Eccl. [Cod. i. tit. ii.  
 lex 12. a. D. 454. "Privilegia, quae generalibus constitutionibus  
 "universis sacrosanctis ecclesiis orthodoxae religionis retro Principes  
 "praestiterunt, firma et inlibata in perpetuum decernimus custodiri."  
 "Again, whereas Church lands did before stand charged with ordi-  
 "nary burdens even of the meanest kind, this the law imperial  
 "taketh away as a thing contumelious unto religion, and giveth for  
 "the time to come a privilege of immunity from such burdens."  
 "Prima illius usurpationis contumelia depellenda est, ne praedia  
 "uisibus caelestium secretorum dedicata, sordidorum munerum face  
 "vexentur." L. v. c. De Sacr. Eccl. [a. D. 412.] "Imprimis  
 "concessimus Deo, et hac praesenti charta nostra confirmavimus,  
 "pro nobis et haeredibus nostris in perpetuum, quod Ecclesia An-  
 "glicana libera sit, et habeat omnia iura sua integra, et libertates  
 "suas illenas." Magn. Chart. cap. 1.

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