BOOK VIII. is the benefit of some human privilege or right which other Ch. i. 7. ii. 1. citizens haply enjoy. But are not those Saints and Citizens one and the same people? are they not one and the same society? doth it hereby appear that the Church which receivethh an excommunicate mani, can have no dependency ofk any person which is ofkk chief authority and power, in those things of 1 the commonwealth whereunto the same m party is not admitted?

> [7.] Wherefore to end this point, I conclude: First, that under "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 opotentate. 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^p themselves to the bishop of Rome, in that our Church hath dependency upon q the chief in our commonwealth, which it hath not under him. 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 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^t, that in a Christian kingdom he whose power is greatest over the commonwealth may not lawfully have supremacy of power also over the

Church, as it is a church^u; that is to say, so far as to order^x BOOK VIII. and dispose^y of spiritual affairs, ^zas the highest uncommanded commander in them. Whereupon it is grown a question, whether power^a ecclesiastical over the Church^b, power^c of dominion in such degree^d as the laws^{dd} of this land do grant unto the sovereign governor thereof, may by the said supreme Head and Governor lawfully be enjoyed and held? For resolution wherein, we are, first, to define what the power of dominion is: fthen to shew by what right: after what sort: in what measure: with what conveniency^g: according unto whose example Christian kings may have it. And when these generalities 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: the prerogative of calling and dissolving greater assemblies, about spiritual affairs public: the right of assenting unto all those orders concerning religion, which must after be in force as laws¹: 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.

[2.] Without order there is no living in public society, What the because the want thereof is the mother of confusion, where-dominion upon division of necessity followeth, and out of division, is. inevitable^m destruction¹. The Apostle² therefore giving instruction to public societies, requireth that all things be orderly done. Order can have no place in things, unlessⁿ it be settled amongst the persons that shall by office be conversant about them. And if things or persons be ordered,

u as it is a Church om. E.C.L.Q. * order thereby E.C.L.Q. y and to dispose E.C.L. z so far as E.C.L. a government E.C. b over the d degrees E.C.L.Q. Church om. E.C. ° and power E.C. d degrees E.C.L.Q. dd Law E'. 1666 C.L.Q. f E.C.L. insert "secondly, thirdly, fourthly, fifthly," e Head and om. E.C.L.Q. to mark the respective clauses of this sentence; to which C. and L. add (as would be correct) sixthly before the word according; 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 Dubl. MSS. g in what inconveniency E. in what conveniency C. h generals E.C. i secondly, the prerogative, &c. E.C.L. (and so in the following clauses of this enumeration). 1 law E. m inevitable om. E.Q.C.L. k great E. u except E.C.L. o and E.C.L.

g these E.C. h received E.L. receives C. i man om. E.C.L.Q. E.L. on C.Q. E'. 1666. kk hath E'. 1666. of these things in E. of those things of C.L. m said D. n the dominions E.C.L. p subjected E. submitted C. q dependence from E.C.L. r when he is suffered to rule E.C.L. where he, &c. Q. all om. D. all did L. t thought

¹ Luke xi. 17.

² I Cor. xiv. 40.

BOOK VIII. this doth imply that they are distinguished by degrees. For Ch. ii. 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^p, the very Deity itself both keepeth and requireth for ever this to be kept as a law, that wheresoever there is a coagmentation ^{pp} of many, the lowest be knit to the highest by that which being interjacent may cause each to cleave unto other^q, and so all to continue one.

This order of things and persons in public societies is the work of polity^r, 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^S to perform be conversant about matter^t 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 ^u.

[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, 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 z so brain-sick, as not to except in such speeches God himself, the King of all the kings of the earth? Besides, where the law doth give him dominion^b, who doubteth but that the king who receiveth it must hold it of and under the law? according to that axiom. "Attribuat rex legi, quod lex attribuit ei, potestatem et "dominiumd:" and again, "Rex non debet esse sub homine, "sed sub Deo et lege1." Thirdly, whereas it is note altogether without reason, "that kings are judged to have by BOOK VIII. "virtue of their dominion, although greater power than any, "yet not than all the states of those societies conjoined, "wherein such sovereign rule is given them;" there is not hereunto any thing contrary by us affirmed, no, not when we grant supreme authority unto kings, because supremacy is noh otherwise intended or meant than to exclude partly foreign powers, and partly the power which belongeth in several unto others, contained as parts 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 of one or "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.

[4.] Unto which supreme power in kings two kinds of By what adversaries there are that have opposed themselves: one right, namely, sort defending, "that supreme power in causes ecclesiastical such as "throughout the world appertaineth of divine right to the men do "bishop of Rome:" another sort, "that the said power begive, God doth ra-"longeth in every national church unto the clergy thereof tify." "assembled." We which defend as well against the one as against the other, "that kings within their own precincts may "have it," must shew by what right it may 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's⁸ supreme authority, full dominion over itself, even as a man

state E. sany thing hereunto to the contrary E.C. is meant to exclude E. (Fulm. inserts "but"). sin E. 1 consisteth E. of om. E. non 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. Fulm. notes in the margin there, "des." which probably means "desunt [quædam]." 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." P which E. q against the other E.Q.C.L. r must E.Q. God supreme E.Q.C.L.

P Yea om. E.C.L.Q.

Pp coaugmentation E'. 1666. corr. 1676.

q to the other E.Q. policy E.Q.C.L. have E.C.L. matters E. so...extend om. D. do om. E. an authority E. cases E.C.L. there om. E.C.L. of all Dominion? om. E. 1666.

Besides—dominion om. E. him om. D. order E. [Fulm. under.] old axiom E'. det dominium om. E. potestatem, dominium C. onot om. E.C.

¹ [Bracton (circ. 1244.) de Leg. the reading in the former quotation Angl. i. 8. fol. 5. ed. 1569; where is "dominationem et potestatem."]

BOOK VIII. not tied with the bondt 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", in what kind* of societies* soever it* 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 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 law of nations, which law authorizeth conquerors to reign as absolute lords over them whom they vanquish.

> Sometimes e 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 whod in this sort receive power have ite 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 freef by God to make choice of their own governorg. By which of these means soever it happen that kings or governors be advanced unto their statesh, we must acknowledge both their lawful choice to be approved of God, and themselves to be God's lieutenants, and confess their powerk his3.

> t band E.C.L. u full om, E. y society E.C.L. b to the E.C. to that Q. * they E. he C.L. a unto E.Q.C.L. Sometime D. d which E.C. • have it om. E.C.L. [which insert it after "God."] f freely E. governors E.C.L.Q. h estates E.C. 1 for D. [see p. 346, line 5.] be power which they have to be his E.C.L.O.

> ¹ [Comp. Allen, Apol. c. iv. p. principle of the Roman law: "Quod 67. "Oportet ecclesiam . . . illam "principi placuit, legis habet vigo-"retinere et conservare gubernandi "rationem, quam Christus ipse im-"mediate instituit, quamque nec "et in eum omne suum imperium et "elegit nec ordinavit populi decre-"potestatem conferat." Dig. i. iv. 1.] "tum et consensus qui origo om-

> "principi placuit, legis habet vigo-"rem: utpote cum lege regia, quæ "de ejus imperio lata est, populus ei ² Dan. ii.21. iv ; Is. xlv ; Rom. xiii. "nium statuum humanorum est et
> "formarum politiæ." It is the "a Deo." Bracton. [The editor has

As for supreme power in ecclesiastical affairs, the word of BOOK VIII. 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 even¹ at men's discretion, they likewise do hold it by divine right. If God in his own m revealed word have appointed such power to be, although himself extraordinarily bestow it not, but leave the appointment of theo persons unto men; yea, albeit God do neither appoint the thing p nor assign the person; nevertheless when men have q established both, who doth doubt but that sundry duties and offices depending thereupon are prescribed in the word of God, and consequently by that very right to be exacted?

For example's sake, the power which thet Roman emperors had over foreign provinces was not a thing which the law of God did ever institute, neither was Tiberius Cæsar by special commission from heaven therewith invested; and yet theu payment of tribute unto Cæsar being* 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

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1 even om. E.Q.C.L.
                                      m own om. E.C.L.
                                                                        n hath E.Q.C.L.
                        p the thing om. E. [Fulm. f. the power.]
r affairs E. by E.C.
o the om. E.C.
                                                                              q assigned
and established E.
                                                                            the om. E.
u the om. E.
                      * being now made E.O.C.L.
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not been able to find these words in the Book De Legibus Angliæ, but the sentiment occurs continually. E. g. ed. 1569, fol. 1. "Rex vica-"rius Dei;" et fol. 5. "Quod sub "lege esse debeat, cum sit Dei vi-" carius, evidenter apparet ad simi-"litudinem Jesu Christi, cujus vices "gerit in terris;" and fol. 55.
"Habet omnia jura in manu sua, "quæ ad coronam et laicalem per-" tinent potestatem ... ut ex jurisdic-"tione sua, sicut Dei minister et ford*.]

"vicarius, tribuat unicuique quod "suum fuerit.... Est enim corona "regis facere justitiam et judicium, "et tenere pacem;" and fol. 107. lib. iii. cap. 9. throughout.] "'Rex'" "(inquit Sthenidas [Ecphantus] Lo-"crus de Regno) τὸ μὲν [σκανος] " τοις λοιποις ομοίος οία γεγονώς έκ " τας αὐτας ύλας ὑπὸ τεχνίτα δ' είρ-" γασμένος λώστω δς έτεχνίτευσεν " αὐτὸν ἀρχετύπω χρώμενος έαυτω." [Ap. Stobæum, ii. 321. ed. Gais-

^{*} 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 $\sigma \kappa \hat{a} \nu \sigma$ therefore seems to have been inadvertently omitted by the copyist. It may be questioned, however, whether this version be Hooker's. In MS. D. a space is left here.

BOOK VIII. many times presupposed as grounds in the statutes of God. And therefore of what kind soever the means be whereby governors are lawfully advanced unto their seats^z, as we by the lawa of God stand bound meekly to acknowledge them for God's lieutenants, and to confess their power his, so they by the same law are both authorized and required to use that power as far as it may be in any sort° available to his honour. The law appointeth no man to be an husband, but if a man haved betaken himself unto that condition, it giveth him thene authority over his own wife. That the Christian world should be ordered by kingly regiment, the law of God doth not any where command; and yet the law of God doth give them right^g, which once are exalted to that^h estate, to exacti at the hands of their subjects general obediences in whatsoever affairs their power may serve to command. Soj God doth ratify thek works of that sovereign authority which kings have received by men.

After what

[7.] This is therefore the right whereby kings do hold their power; but yet in what sort the same doth rest and abide in them it somewhat further behovethm to search. Wherein, that we be not enforced to make over-large discourses about the different conditions of sovereign or supreme power, that which we speak of kings shall be with respect too the state and according to the nature of this kingdom, where the people are in no subjection, but such as willingly themselves 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 1."

[8.] The king's dependency we do not construe as some BOOK VIII. 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^p no injury^q, no not^r although this^s be done in a place where the crown doth go κατὰ^t γένος, by succession, and to a person which being capable hath apparently, if blood be respected, the nearest right. They plainly affirm1, thatx "in all well-

Pherein om. E.Q.C.L. q injury done unto him E.Q.C.L. r not om. E.C.L. the same E.C.L. μετά Ε. Fulm. by birth, μετά L. μεία Ε'. both Greek words om. C. u is capital, and E. is capable, and C. that om. E.

"publica omnia negotia referuntur ed. 1660; and compare a disserta-

¹ Junius Brutus, Vindic. p. 83. ["Vindiciæ contra Tyrannos, sive, "de Principis in Populum Popu-"lique in Principem legitima Potes"tate; Stephano Junio Bruto,
"Celta, sive, ut putatur, Theodoro
"Beza, auctore." P. 112, ed. Amstelod, 1660. "Etsi, ex quo virtu-"tem patrum imitati filii nepotesve "regna sibi quasi hæreditaria fecisse "videntur, in quibusdam regioni-"bus electionis libera facultas de-"siisse quodammodo videatur; "mansit tamen perpetuo in omni-"bus regnis bene constitutis ea "consuetudo, ut demortuis non "prius succederent liberi, quam a "populo quasi de novo constitue-"rentur; nec tanquam sui hæredes "patribus agnascerentur, sed tum "demum reges censerentur, cum "ab iis, qui populi majestatem re-"præsentarent, regni investituram "quasi per sceptrum et diadema "accepissent." 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 Anjou (afterwards Henry "sistere liceat. Item, quibus id,

"regni cujusque epitome, ad quæ III.) as king of Poland. See p. 223, "... Illi vero ut singuli rege infe"riores sunt, ita universi supe"riores."]

Bayle's Dictionary, Eng. Transl.
1734, in which, from this and other circumstances, he seems to have established in opposition to Bayle that Du Plessis Mornay, not Hubert Languet, was the probable author of the Vindiciæ. Sutcliffe in his Answer to the Petition to the Queen, 1591, mentions it repeatedly as the work either of Beza or Hotoman: p. 75, 79, 81. Dr. Mac Crie in his life of Melville, p. 425 (Edinb. 1819), says that the Vindicia is properly an enlargement of Beza's suppressed treatise of De Jure Magistratuum. This, Mr. Gibbings suggests, may be the reason why Hooker seems to have been inclined to ascribe 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 questions: I. "An subditi teneantur "aut debeant principibus obedire, "si quid contra legem Dei impe-"rent." 2. "An liceat resistere "principi, legem Dei abrogare vo-"lenti, ecclesiamve vastanti. Item "quibus, quomodo et quatenus." 3. "An et quatenus principi remp. "aut opprimenti aut perdenti re-

y proposed E. z states E. estates C. a laws E. b so by the same law they E.

states E.

dath E.Q.C.L.

power over C.

the place of state C. that place Q.

the place of state C. that place Q.

the place of state C. that place Q.

the om. E.

Inserted from D.Q.L.

behoveth further E.

in E.Q.C.L.

in in E.Q.C.L. of E.

¹ [Vindic. contr. Tyr. p. 63, 65. "auctoritatem acceperunt, magis-"Cum de universo populo loqui- "tratus...intelligimus etiam co-"mur, intelligimus eos qui a populo "mitia, quæ nil aliud sunt, quam

BOOK VIII. "appointed kingdoms, the custom evermore hath been, and "is, that children succeed not their deceased" 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 majesty they have by a sceptre "and diadem" received as it were the investiture of kingly "power." Their very words are1, "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 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 yec look to the persons themselvesd which "have it altogether elective." To this purpose are alleged ²heaps of Scriptures concerning the solemn coronation or inauguration of Saul, of David, of Solomon, off 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 given3. Whichff 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

> deceased om. E.C.L. z king's E. * sceptre and a diadem E. b that E.C.L. c we E.C.L. d themselves om. E.C.L. E.Q.C.L. " given with E'.

"religionis puræ causa afflictis, aut "omnino electivum."]

"religionis puræ causa afflictis, aut
"manifesta tyrannide oppressis."]

¹ Junius Brutus, Vindic. p. 85.

[116. "In summa: omnes omnino
"reges ab initio electi fuerunt. Et
"qui hodie per successionem reg"num adire videntur, prius a popu"lo constituantur necesse est. De"nique etsi populus ob egregia
"quædam merita ex aliqua stirpe
"reges sibi deligere in quibusdam
"regionibus solet; stirpem ipsam,
"non surculum deligit; nec ita
"deligit, quin, si degeneret, aliam
"omnino electivum."]

² Page 78. [105, &c.]

³ [See this subject treated of at large by Dr. Saravia, "De Impe"randi Auctoritate, et Christiana
"Obedientia," lib. iii. cap. 1-17; against William Reynolds, of Rheims, who had maintained the contrary doctrine on the part of a Roman Catholic clergy and people in his work, "De Reip. Christianæ Po"testate super Reges," published 1592, under the name of G. Gul.
Rossæus. It appears to have been "non tam reges nascuntur, quam the imperialists.]

"quomodo, et quo jure permissum "fiunt; non tam reges, quam regum "sit." 4. "An jure possint aut "candidati habentur." p. 81. [110.] "debeant vicini principes auxilium "Si stirpem spectas, hæreditarium "ferre aliorum principum subditis, "certe fuisse; at sane si personas,

"deligit, quin, si degeneret, aliam Rossæus. It appears to have been the standing doctrine of the extreme ex ea stirpe etiam proximi sunt,

unto thrones and sceptresg, if they can win the hearts of the BOOK VIII. people, what hereditary title soever any other before them may have, I say, thesegg 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 b do but either 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. Andk therefore in case it dol happen that without right of blood a man in such wise be possessed, all those things^m 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 ton the power of dominion, with dependency upon the whole entireº body politic over which they rule 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 hisq said place of sovereign^r government. But the cause of dependency is in^s that first original conveyance, when power was derived by^t the whole into one; to pass from him unto them, whom out of him nature by lawful birth* should produce, and no natural or legal inability make uncapable. Neither can any man with reason think, but that the first institution of kings is a sufficient consideration wherefore their power should always depend on that from which it did then flow1. Originala influence of power from the body into the king, is cause of the king's^b dependency in power upon the body.

and sceptres om. E.Q.C.L.

solution in the second of the control o sentence in italics. • it did always flow by original E. • the cause of kings' E.

¹ Vide Cicer. de Offic. [ii. 12.]