360

BOOK VIII. are things different; for men by that which is proper are Ch. iii. 1. severed, united they are by that which is common. Wherefore, besides that which moveth each man in particular to seek his private, there mustk of necessity in all public societies be also a general mover, directing unto the 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>1</sup>. Such as in <sup>m</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>n</sup> may grow where states are subject unto sundry supreme authorities, were of for fear of those pinconveniences withdrawn from liking to establish many; οὖκ ἀγαθὸν πολυκοιρανίη, the multitude of supreme commanders is troublesome. "No man," saith our Saviour, "can serve two masters:" surely two supreme masters would make any one q 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 shouldest be in such case obedient to all: by choosing any one whom thou wilt obey, certain thou art for thy disobedience to incur the displeasure of the other two.

According unto what pattern s.

[III.] But there is nothing for which some colourable<sup>t</sup> example or 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 of Israel<sup>x</sup>, I hope there will no man except, where Moses BOOK VIII. deriving so great a part of his burden in government unto others, did notwithstanding retain to himself universal supremacy. Jehosaphat appointing one to be chief y in the affairs of God, and another in the king's affairs, did this as having himself z dominion over them in both. If therefore, with a approbation from b heaven, the kings of God's own chosen people had in the affairs of Jewish religion supreme power, why not Christian kings the like power also in Christian religion? Unless<sup>d</sup> men will answer, as some have done<sup>1</sup>, "that touching the Jews, first their religion was of far less 1. "perfection and dignity than ours isf, ours being that truth "whereof theirs was but a shadowish prefigurative resem-"blance." Secondly<sup>2</sup>, "That all parts of their religion, 2. "their laws, their sacrifices, their rites and ceremonies, "being fully set down to their hands, and needing no more "but only to be put in execution, the kings might well have "highest authority to see that done: whereas with us there "are a number of mysteries even in belief, which were not so "generallyh for them, as for us, necessary to be with sound "express acknowledgment understood; a number of things "belonging unto external regimenti, and onek manner of "serving God, not set down by particular ordinances, and

\* the Israelites E. y chosen E. b of E.C.L. c power om. E. [first C.] religion E.C. i is om. E. generally om. Q. i government E.C.L.

<sup>1</sup> Staplet[on] de Princ. Doct. p. 197. [194. Opp. t. i. Controv. 11.] lib. v. c. 22. "Primum, ut Judæo-"rum sacerdotium imperfectius erat, " quia umbraticum tantum ac meli-"oris præfigurativum, suoque tem-"pore in melius commutandum: "sic ipsius sacerdotii regimen im-" perfectius fuit \*, ut illud viz. etiam "aliqua ex parte ad Reges pertinere "non incongrue posset."

<sup>2</sup> Stapl. ibid. ["Rursum, sacer-"dotium vetus habuit suas leges, "sacrificia, ritus, et cæremonias "omnes a Moyse præscriptas atque "conscriptas, quibus nefas erat vel "addere vel detrahere quicquam: "ut hic nulla fere alia re opus

"esset, quam præscriptos cultus et "leges executioni mandare; in quo genere Reges concurrere commo-"dissime possent. Nam ardua et sublimiora fidei mysteria, quæ sa-" cerdotum judicia maxime deside-"rarent, nondum erant necessario ab omnibus explicite credenda, sed tantum a majoribus, a cæteris autem in fide majorum . . . At in "ecclesia Christi et quam plurima "accesserunt mysteria explicite cre-"denda, etiam a minoribus et vul-"go fidelium ... et præterea cultus "divini externique regiminis ratio, "ritus, ac cæremoniæ, scriptæ om-"nino non fuerunt."]

\* This quotation om. E.

k E inserts be here, and omits it after societies. 1 the om. E. o have E.C.L.Q. n inconveniency E. P these E.Q.C.L. q one's E.C. r then in such case thou shouldest be E. or pattern om. E.C.L.Q. parable E.C. u policy E.

per unum consuli oportere, prudentissimi jurisconsulti docuerunt \*. "transisse ipsis rebus dictantibus

<sup>&</sup>lt;sup>1</sup> Ob utilitatem publicam Reip. "videbatur, per partes evenit, ut "necesse esset reip. per unum con-"suli: nam senatus non perinde Just. Dig. i. 2. de Orig. Juris. 2. § "omnes provincias probe gerere 11†. [quoted in substance. The "poterat. Igitur constituto Prinwords are, "Novissime, sicut ad "cipe, datum est ei jus, ut quod "pauciores juris constituendi via "constituisset, ratum esset."]

<sup>\*</sup> docent E.C.L. Jurisconsuiti . . Just, Dig. om, E'. + L. ii. § novissimè. ¶ de orig. Juris, D. E'. adds Civilis.

<sup>\*</sup> himself om. E.C.L. a from E.C.L. d First, unless E.C. e that the Jews g and their E.C.L. Rights E'. k our E.O.C.L.

BOOK VIII. " delivered unto us in writing; for which cause the state of Ch. iii. r. "the Church doth now require that the spiritual authority "of ecclesiastical persons be large, absolute, and not subor-3. "dinate to regal power." Thirdly1, "that whereas God "armeth religion Jewish, with temporal, Christian, with "a" sword but of spiritual punishment; the one with power "to imprison, to scourge, and" to put to death, the other "with bare authority to censure and excommunicate; there "is no reason that the Church, which now hath no visible "sword, should in regiment be subject unto any other power, "than only unto theirs which have authority to bind and 4 "loose." Fourthly2, "that albeit whilep the Church was "restrained unto q one people, it seemed not incommodious "to grant their kings" the general chiefty of power; yet " now, the Church having spread itself over all nations, great "inconveniencys might 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", that all supremacy of external power be in Christian kingdoms granted unto thex kings thereof, for preservation of quietness, unity, order, and peace, in such manner as hath been shewed.

> 1 as E. m the E.Q.C.L. q into E.C. n and om. E. o now om. E. p whilst E.Q.C.L. r king E.C. <sup>8</sup> inconveniences E. t must E.C.L.O. u of nature E. \* the om. E.

> <sup>1</sup> Idem ibid. ["Tertio, synagogæ "miscuerint. Nunc vero, cum visi-"disciplina erat gladius, et pœnæ temporales... Ut totus ille status "servorum erat, non filiorum; sic "terrore et externis pœnis, non "amore et spiritualibus pœnis duce-"bantur. 'Quod enim tunc fiebat
> "gladio, lapidationibus, aliisque
> "corporeis censuris, illud' (ait Au-"corporeis censuris, illud' (ait Au"gustinus\*) 'degradationibus et
> "excommunicationibus faciendum"
> "corporeis censuris, illud' (ait Au"gustinus\*) 'degradationibus et
> "solvete, et cæteta. ]
> "Stapl. ibid. ["Quarto, cum
> "synagoga vetus in uno populo
> "concluderetur, et in uno loco sub "esse significatum est hoc tempore; "illo sacrificaretur, non erat in-"cum in ecclesiæ disciplina visibilis "commodum, ut uni quoque regi "fuerit gladius cessaturus.' Hæc
> "ille. Hinc ergo factum est, ut
> "committeretur. At in ecclesia "propter disciplinam illam corpo"multarum gentium ut idem fiat "ralem, et visibilis gladii, qui in "impossibile est .... Cum unitate "religionis Christianæ bene constat "ecclesiasticis non solum pie, sed "multitudo regnorum."] "etiam necessario sese nonnihil im-

"bilis gladius non pertineat amplius "ad disciplinam ecclesiæ, ut docuit "Augustinus, datur intelligi non "amplius ad reges disciplinam ec-"clesiæ et regimen pertinere; sed "ad illos tantum quorum est ligare "et solvere, et cætera."]

\* [De Fid. et Oper. c. 3.]

[2.] The service which we do unto the true God who book viii. 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 [Ad prifor 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 mast1? 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 uncapable 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 uncapable 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

<sup>&</sup>lt;sup>7</sup> The following paragraphs, to "kings and priests" in p. 367, are inserted here on the authority of the Dublin MS.; and collated with Clavi Trabales, pp. 64-71. 2 for om. Cl. Trab. D.

Ad secundum 2.

Ad ter-

tium.

BOOK VIII. dignity and perfection which is in our religion more than Ch. iii. 3, 4. in theirs 1.

> [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 moe 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.

> [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

he sent abroad to gather a people unto him only by persuasive BOOK VIII. 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 a served before for the furtherance of religion, may not as effectually serve<sup>b</sup> 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,

a which om. Cl. Trab.

b seem D.

<sup>1</sup> [See in Hector Boeth. Scot. "severarit, fortunis omnibus mul-Hist. lib. xii. fol. 250. ed. Paris. "tator." This may be seen in the 1574; circ. A.D. 1050, the third Councils, Hard. t. vi. p. 1. pag. 974: law of Maccabæus (or Macbeth): with his other canons, the one "Qui pontificis authoritatem annum transferring all judicature over Christians to the clergy, the other "neque se interim reconciliarit, confirming their right to tithes and

<sup>&</sup>lt;sup>1</sup> 2 Cor. iii. 7, 8. which stands here in the MS. by <sup>2</sup> [The editor has substituted this mistake. from Cl. Trab. for "ad primum."

<sup>&</sup>quot;totum execratus contempserit, "hostis reip. habetor: qui vero oblations.] "duos annos in ea contumacia per-

BOOK VIII. not by way of ministry or service, but of predominancy, such Ch. iii. 5, 6. as the kings of Israel in their time exercised over the Church of God.

Ad quartum.

[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 dissimilitude 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 substance, every where according to the rule of one only Law, to stand in no less force than the law of nations doth, to be received 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 Nimrod1 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

Christ directing that people to see it for good and weighty BOOK VIII. considerations expedient that their sovereign lord and go- Ch. iii. 6. vernor 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 "priest-"hood" should import, that Judaism did stand through the kings' superiority over priests, Christianity through the priests' 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 4."

<sup>1</sup> [In 1 Pet. ii. 9. Comm. in Hist. Lit. i. 728, and App. 10, 29, Epist. omnes Canonicas, Antwerp, ed. 1668; Sixt. Senens. Biblioth. i. 1591. fol. 270. "Cum dicitur, Exod. "xix, Vos eritis in regnum sacer-" dotale, quare dicatur hic regale sa-"cerdotium? Resp. Ad innuendam "prærogativam novi testamenti re-"spectu veteris: in novo enim tes-"tamento sacerdotium præeminet "regno; sicut spiritus præeminet "corpori. Regnum enim consistit "in regimine corporali, sacerdotium "vero in regimine spirituali. Ideo "potestas sacerdotalis ponitur in "substantivo, regalis autem in ad-"jectivo." 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 epithet of Aguinas. See Wharton ap. Cave.

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 sacerdo-"tium derivatur ... Quia in veteri "lege promittebantur bona terrena "... religioso populo exhibenda, "ideo et in lege veteri sacerdotes "regibus leguntur fuisse subjecti. "Sed in nova lege est sacerdotium "altius, per quod homines tradu-"cuntur ad bona cœlestia: unde in "lege Christi reges debent sacerdo-"tibus esse subjecti." Wharton however doubts the genuineness of this treatise also.

<sup>2</sup> Exod. xix. [6.] <sup>8</sup> I Pet. ii. [9.] Thomas in eum

<sup>&</sup>lt;sup>1</sup> [Whitaker. adv. Campian, p. "Nemrodes, robustus venator ec-201. "Pontifex Romanus ille est "clesiæ."]

<sup>\*</sup> Revelat. i. 6.

To be entitled, Heads of

under

Christ

within

their own

dominions [from D].

BOOK VIII. [IV. 1.] These things being thus first considered, it will be the easier<sup>d</sup> to judge concerning our own estate, whether by force of ecclesiastical dominion with usf kings have any other kind of prerogative than they may lawfully hold and the Church 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 by headship, is their only supreme power in ecclesiastical affairs orh causes. That which lawfully princes are, what should make it unlawful for men byk special1 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 them leastwise some of them, now at the length to acknowledge that kings may have supremen 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.

[2.] Against<sup>o</sup> this peradventure it will<sup>p</sup> be replied<sup>1</sup>, that

o first considered thus E. first thus considered C.L. d easier E.C.L. with us om. C. e government E. g do understand E. h and E.C. lawful E.C. princes lawfully Q. special] D. m the om. E.C.Q. k in E.C.Q.L. in E.C.Q.L. 1 spiritual E. [Fulm. n dominion or [of C.] supreme E.Q.C.L. Again to E. p it will peradventure E.L.O.

The following memoranda are found in the Dubl. MS. fol. 154. with a reference, in Archbishop Ussher's handwriting, to this part of the treatise.

<sup>1</sup> T. C. lib. ii. p. 411. [See also "second book, p. 411." (Here T. C. i. 35; Def. 181; and in Bris- Abp. Ussher adds a note; "vid. tow, Motives to the Catholic Faith, same argument alleged on the part of the Church of Rome.

"Solution, and in Birst App. Cashel adds a line, vide support of the Ms.) "See Counterpoison, authority they "leave to princes."

"The cause of this doubt is a "conceit that the Church and com-"monweale in respect of regiment "must needs be always two distinct "bodies; so that the head of the "The name of 'Head of the "one cannot be the head of the "Church of England,' to give to "other also. Their reason frivolous, "the prince, they count it injurious "that because Christ is properly unto Christ. See Mr. Cartw. "termed the Head of the Church, howsoever we interpret ourselves, it is not fit for a mortal BOOK VIII. man, and therefore not fit q for a civil magistrate, to be entitled head of the Church. Why so? First "this title, Head of "the Church<sup>r</sup>, was given unto our Saviour Christ<sup>1</sup>, to lift "him above all powers, rules, and dominionss, either in "heaven or in earth. Where if this title belong also to the "civil magistratet, 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" the first-begotten of all creatures, "the first-begotten of 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, "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

q fit om. D. r entitled Head of the Church, which was given E. dominions, titles E. rules or dominions C. to civil magistrates E. " termed \* of all 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 Christ-"ian prince within his dominions "hath supreme power, authority, "and headship, over all governors, "and that in causes 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 then "been adjudged a capital offence.

"Out of the principles which the "learneder sort of them deliver the "simpler\* may draw, as some have "done, that by just execution of law "hath cost them their lives. A hard "case, and to them small comfort "which have taught these silly per-"sons such doctrine as being un-"said they have notwithstanding "suffered death."

It will be perceived that most of these notes are expanded more or less entirely in the book as we now have it. Some of the topics however do not there occur. The memoranda are exactly of the same sort as those in the C. C. C. copy of the Christian Letter, inserted here and there in the notes on the five first books. This is a confirmation (if any were needed) of their genuine-

<sup>1</sup> Ephes. i. 21, Col. i. 18.

\* [e.g. Penry, Coppinger, Arthington.]

<sup>\* [&</sup>quot;For his" (Cosin's Answer to the Abstract, p. 207.) "slander that we "agree with the papists 'to give Christian princes power of fact, but not of "law, and authority to promote and set forward, not to intermeddle in causes "ecclesiastical;" we esteem it no more than a foul untruth, which every man of judgment can convince. 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. (ii. [iii.?] 167.) "and by us all unto the magistrate): then do we grant them no more than "'power of fact?' than 'to promote matters?""]