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**“A History of the Anglican Church—Part XVI:
An Essay on the Role of Christian Lawyers and Judges within the Secular
State”©**

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The ideas expressed in this Apostolate Paper are wholly those of the author, and subject to modification as a result of on-going research into this subject matter. This paper is currently being revised and edited, but this version is submitted for the purpose of sharing Christian scholarship with clergy, the legal profession, and the general public.

PREFACE

The organized Christian church of the Twenty-First Century is in crisis and at a crossroad. Christianity as a whole is in flux. And I believe that Christian lawyers and judges are on the frontlines of the conflict and changes which are today challenging both the Christian church and the Christian religion. Christian lawyers and judges have the power to influence and shape the social, economic, political, and legal landscape in a way that will allow Christianity and other faith-based institutions to evangelize the world for the betterment of all human beings. I write this essay, and a series of future essays, in an effort to persuade the American legal profession to rethink and reconsider one of its most critical and important jurisprudential foundations: the Christian religion. To this end, I hereby present the twenty-seventh essay in this series: “A History of the Anglican Church—Part XVI.”

INTRODUCTION¹

My novel *Bishop Edwards: A Gospel for African American Workers* (2001, 2009, and 2015) was conceived largely from the impression which the history of England and the Catholic Church made upon me during the late 1980s and 1990s. I envisioned a story about the struggles of a fictional A.M.E. Church Bishop who was an educated and well-respected clergyman and who stood steadfast upon the Christian faith against evil forces within secular state. I patterned my leading character (an A.M.E. bishop) after a great theologian and churchman like Saul of Tarsus (St. Paul), Dr. Martin Luther King, Jr. and many of the Catholic and Anglican clergymen whose lives are outlined in this paper. I envisioned a story about a senior clergymen who was caught up with zeitgeist—the spirit of the

¹ This paper is dedicated to Dr. Susan Chapelle (A.B. Harvard; Ph.D. Johns Hopkins) of the History Department at Morgan State University. Dr. Chapelle taught me how to think about and to interpret race, ethnicity, and gender within the social currents and movements of American history for two semesters during the Fall of 1988 and Spring 1989. Dr. Chapelle supervised my history research project, “The Philosophy and Times of William Edward Burghardt DuBois, 1868- 1963.”

times—and who could not relent to heresy, apostasy, and breach of conscience. For this reason, my fictional A.M.E. bishop was prosecuted and incarcerated within the “City of Man” for crimes which he did not commit. This story of faith and long-suffering had been sown into my soul ever since a tenth-grade high school history course where I first learned about the conflict between King Henry II and Archbishop Thomas Becket. And this relationship between “Church and State” has remained manifest in my mind as more than a dry legal or constitutional question as to the function and role of two separate institutions, but rather as a spiritual struggle over the administration of justice between “City of God” and the earthly city or “City of Man.”

We thus return briefly in this essay to the systematic theology of St. Augustine of Hippo’s “City of God” within secular history of England and Great Britain during the reigns of Kings Henry VII and Henry VIII. That “City of God” is, of course, a mystery² but its outward manifestation may be seen in the development and history of the institutional churches of the “earthly city” or city of man. And so we can see the “City of God’s” manifestation within the earthly reigns of Henry VII and Henry VIII of England; that is to say, leaders of the institutional church—the Church of England—assumed the helm of leadership, as St. Augustine admonished all Christians to do, within the city of man. These

² St. Augustine of Hippo defines the condition of humankind as divided into two broad camps: the city of man and the city of God. “This race we have distributed into two parts,” St. Augustine explains, “the one consisting of those who live according to man, the other of those who live according to God. And these we also mystically call the two cities, or the two communities of men, of which the one is predestined to reign eternally with God, and the other to suffer eternal punishment with the devil.... Of these two first parents of the human race, then, Cain was the first-born, and he belonged to the city of men; after him was born Abel, who belonged to the city of God.... When these two cities began to run their course by a series of deaths and births, the citizen of this world was the first-born, and after him the stranger in this world, the citizen of the city of God, predestined by grace, elected by grace, by race a stranger below, and by grace a citizen above.... Accordingly, it is recorded of Cain that he built a city, but Abel, being a sojourner, built none. For the city of the saints is above, although here below it begets citizens, in whom it sojourns till the time of its reign arrives, when it shall gather together all in the day of the resurrection; and then shall the promised kingdom be given to them, in which they shall reign with their Prince, the King of the ages, time without end.” [*The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 478-479.]

According to Saint Augustine, these two cities share a common desire to enjoy peace, safety, and security; but otherwise these two cities have two distinct lifestyles which are leading to two different ends. “Of these,” Saint Augustine explained, “the earthly one has made to herself of whom she would, either from any other quarter, or even from among men, false gods whom she might serve by sacrifice; but she which is heavenly, and is a pilgrim on the earth, does not make false gods, but is herself made by the true God, of whom she herself must be the true sacrifice. Yet both alike either enjoy temporal good things, or are afflicted with temporal evils, but with diverse faith, diverse hope, and diverse love, until they must be separated by the last judgment, and each must receive her own end, of which there is no end.” [*The City of God* (New York, N.Y.: The Modern Library, 1950), p. 668.]

Christian leaders were everywhere throughout English society, but this paper shall briefly highlight only a few of the high-profiled English clergymen and Christian lawyers who represented, to a greater or lesser degree, the “City of God” within the secular state. See Table 1, Senior Clergy and Lawyers, 1485 to 1600.

Table 1. Senior Clergy and Lawyers in England, 1485 to 1600

Name of Bishop/ Public Servant	Life Span (Years)	Education/ Degrees	Monarch Served
Bishop John Morton	1420-1500	B.C.L., J.C.D., D.C.L. Oxford University	Henry VII; Henry VIII
Bishop Richard Foxe	1448- 1528	Oxford University; Cambridge Univ.	Henry VII; Henry VIII
Bishop William Warham	1450-1532	Oxford University	Henry VIII
Bishop John Fisher	1469-1535 (executed)	B.A., M.A., Cambridge Univ.	Henry VIII
Bishop Thomas Wolsey	1473-1530	Oxford University	Henry VIII
Sir Thomas More	1478-1535 (executed)	Oxford University; Lincoln’s Inn of Court	Henry VIII
Sir Thomas Cromwell	1485-1540 (expected)	Grey’s Inn of Court	Henry VIII
Bishop Hugh Latimer	1487-1555 (executed)	B.A., M.A., Cambridge University	Henry VIII; Edward VI; Mary I
Bishop Thomas Cranmer	1489-1556 (executed)	B.A., M.A., D.D. Cambridge University	Henry VIII; Edward VI; Mary I
Bishop Edmund Bonner	1500-1569	BCL, LLB, DCL, Oxford University	Henry VIII; Edward VI; Mary I; Elizabeth I
Bishop Matthew Parker	1550-157	B.A., M.A., D.D., Cambridge University	Elizabeth I
Rev. & Dr. Richard Hooker	1554-1600	Doctor of the Church (Anglican); Fellow of Corpus Christi College, Oxford.	Elizabeth I

All of these senior leaders walked in the footsteps of the Church of England's great leaders who came before them: Augustine, Archbishop of Canterbury (7th century); Bishop Dunstan (10th and 11th centuries); Bishop Stigand (11th century); Bishop Anselm (11th century); Bishop Lan Franc (11th century); Bishop Thomas Becket (13th century); William of Ockham (14th century); John Wycliffe (14th Century); Fr. John Ball (14th Century), etc.

Most, if not all, of these senior leaders experienced what St. Augustine describes as the fierce mystical conflict that occurs between the City of God (Abel) and the City of Man (Cain). These two cities often do not, and indeed cannot, comprehend each other; because while they both seek peace and prosperity, they often do so from different vantage points, and for vastly different reasons. But as St. Augustine admonished Christian magistrates and lawyers, they must discharge their duty in helping to steer the City of Man toward justice and peace.

As we have seen in the history of the early Christians, such as St. Paul and St. Peter, the role of a bishop within the secular state is a difficult task. On the one hand, there is the most solemn duty to uphold the "Law of Christ," and on the other hand, there is the trying and difficult task of deciphering when and how to "render unto Caesar the things that are Caesar's." Throughout history, bishops, senior clergy, and Christian lawyers have been persecuted; and some—following in the footsteps of their Lord and Savior-- have even received the ultimate penalty of state execution.

SUMMARY

The secular history of England cannot be rightly placed into context without Christian theology and the spiritual history of the Church of England-- more specifically, the individual Christians within the Church of England. These individuals, their thoughts, struggles, reactions to current events, and sacrifices constitute the spiritual history of the "City of God" ever since the fratricide between Cain and Abel. This does not imply that the "City of God" has always remained within a non-cooperative and hostile relationship with the "City of Man." Quite the contrary, the spiritual history of the "City of God" is also one of triumph, victory, and success within the "City of Man" as well. This essay highlights the lives of a few Christian leaders within the "City of God" during the important reigns of the Tudor monarchs Henry VII, Henry VIII, Edward VI, and Mary I, covering the period 1485 to 1600, A.D.

Part XVI: Anglican Church: The House of Tudor- Part 3 (*Great Lawyers and Clergymen within the Church of England, 1485-1600 A.D.*)

The Anglo-American heritage of secular leadership within the bar, bench, and secular state is deeply rooted within the Church of England. This leadership was deeply influence by the Christian Faith, and the Law of Christ continuously reinforced its jurisprudence, state policy, and legislation.

A. Bishop John Morton³ (c.1420 – 1500) was a senior clergyman and state official during the reign of Henry VII. He held distinguished positions such as that of Lord Chancellor of England, Archbishop of Canterbury, and Cardinal. Bishop Morton was the quintessential lawyer and Christian theologian.⁴

Bishop Morton held the degrees of Bachelor of Civil law (B.C.L.), Doctor of Canon Law (J.C.D.) and Doctor of Civil Law (D.C.L.) from Balliol College, Oxford.⁵ He practiced law in various ecclesiastical courts, and became a government lawyer for the House of Lancaster.

Thus, Bishop Morton was integrally caught upon into the politics surrounding the War of Roses (between the House of York and the House of Lancaster), having served King Henry VI, before making peace with the House of York and King Edward IV, who gave him a royal pardon.

After Henry Tudor (later King Henry VII defeated the dreaded King Richard III) in 1485, Bishop Morton was appointed Archbishop of Canterbury in 1486 and as Lord Chancellor in 1487.

As Lord Chancellor, Morton was tasked with restoring the royal estate, depleted by Edward IV. By the end of Henry VII's reign, the king's frugality, and Morton's tax policy, carried out by Edmund Dudley and Richard Empson, had replenished the treasury. Morton gave a statement, later known as 'Morton's Fork', that no one was to be exempted from taxes: "If the subject is seen to live frugally, tell him because he is clearly a money saver of great ability, he can afford to give generously to the King. If, however, the subject lives a life of

³ [https://en.wikipedia.org/wiki/John_Morton_\(cardinal\)](https://en.wikipedia.org/wiki/John_Morton_(cardinal))

⁴ [https://en.wikipedia.org/wiki/John_Morton_\(cardinal\)](https://en.wikipedia.org/wiki/John_Morton_(cardinal))

⁵ *Ibid.*

great extravagance, tell him he, too, can afford to give largely, the proof of his opulence being evident in his expenditure."⁶

In 1493, Pope Alexander VI appointed him “Cardinal” and priest of the church of St. Anastasia in Rome. Bishop Morton died on September 15, 1500.

B. Bishop Richard Foxe⁷ (c. 1448-1528) was one of Henry Tudor's close companions during his exile in France. After Henry Tudor (the future King Henry VII) defeated King Richard III in battle in 1485, he pointed Foxe to key high-level positions, including Bishop of Exeter, Bath and Wells, Durham, and Winchester, Lord Privy Seal.

He became chancellor of Oxford in 1500. The crowning glory of Bishop Foxe's career was his founding Corpus Christi College, Oxford. Bishop Foxe baptized the infant Henry (the future King Henry VIII) in 1491, and later served under Henry VIII after 1509. Foxe's influence eventually yielded to the rising star power of Bishop Thomas Woolsey. Bishop Foxe died in October 1528.

C. Bishop William Warham⁸ (c. 1450-1532) was Archbishop of Canterbury during the reigns of both Henry VII and Henry VIII, covering the years 1503 until his death in 1532. The son of a tenant farmer, Warham's phenomenal rise was historic and extraordinary. He graduated from Winchester College and New College, Oxford.

After graduating, Warham practiced and taught law both in London and Oxford. He took holy orders and became a priest in 1494. King Henry VII discovered Warham's talents and elevated his servant. In 1502, Warham was consecrated Bishop of London; and in 1504, he was made Lord Chancellor and Archbishop of Canterbury.

D. Bishop John Fisher⁹ (Saint John Fisher)(c. 19 October 1469 – 22 June 1535) was a high-level royal servant to both Kings Henry VII and Henry VIII. King Henry VII appointed him Bishop of Rochester. At that time Rochester was one of the poorest dioceses in England, and its bishopric was viewed as a stepping stone to higher ecclesiastical callings.

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⁷ https://en.wikipedia.org/wiki/Richard_Foxe

⁸ https://en.wikipedia.org/wiki/William_Warham.

⁹ https://en.wikipedia.org/wiki/John_Fisher

However, Bishop Fisher decided to stay at Rochester for his entire career until his death. A renowned scholar and theologian, Bishop Fisher was appointed as Chancellor of the University of Cambridge, where he became the tutor of young Henry (the future King Henry VIII). Even before the beginnings of the Protestant Reformation, Bishop Fisher was an outspoken critic of abuses occurring within the Church.

At the same time, he is credited with tutoring and assisting Henry VIII in writing and publishing his *Defense of the Seven Sacraments*, a polemic against Fr. Martin Luther. Bishop Fischer thereafter became a staunch supporter of Orthodox Catholicism and a defender of Papal authority. For example, when Henry VIII sought a divorce from his wife Catherine of Aragon, Bishop Fisher was one of Catherine's strongest supporters. It has been rumored that Bishop Fisher had conspired to overthrow Henry VIII.

After the Supremacy Act of 1534, which made Henry VIII the head of the Church of England, Bishop Fisher refused to take the Oath of Supremacy to the crown and was executed by order of Henry VIII in 1535. "Fisher was a figure universally esteemed throughout Europe and notwithstanding the subsequent efforts of the English government, was to remain so.

In the Decree of Beatification issued on 29 December 1886 by Pope Leo XIII, when 54 English martyrs were beatified, the greatest place was given to Fisher. He was later canonised, on 19 May 1935, by Pope Pius XI along with Thomas More, after the presentation of a petition by English Catholics."

E. Bishop Thomas Wolsey¹⁰ (c. March 1473 – 29 November 1530), was "an English churchman, statesman and a cardinal of the Roman Catholic Church. When Henry VIII became King of England in 1509, Wolsey became the King's almoner.

"Wolsey's affairs prospered, and by 1514 he had become the controlling figure in virtually all matters of state and extremely powerful within the Church, as Archbishop of York, the second most important cleric in England. The 1515 appointment of Wolsey as a cardinal by Pope Leo X gave him precedence even over the Archbishop of Canterbury.

¹⁰ https://en.wikipedia.org/wiki/Thomas_Wolsey

“The highest political position Wolsey attained was Lord Chancellor, the King's chief adviser (formally, as his successor and disciple Thomas Cromwell was not). In that position, he enjoyed great freedom and was often depicted as an *alter rex* (other king).

“Wolsey's rise to a position of great secular power paralleled his increased responsibilities in the Church. He became a Canon of Windsor in 1511. In 1514 he was made Bishop of Lincoln, and then Archbishop of York in the same year. Pope Leo X made him a cardinal in 1515, with the titular church of *St Cecilia in Trastevere*. Following the success of his campaign in France and the peace negotiations that followed, Wolsey's ecclesiastical career advanced further: in 1523 he became additionally Bishop of Durham, a post with wide political powers and for that reason known as Prince-Bishop of Durham.

“After failing to negotiate an annulment of Henry's marriage to Catherine of Aragon, Wolsey fell out of favour and was stripped of his government titles. He retreated to York to fulfill his ecclesiastical duties as Archbishop of York, a position he nominally held, but had neglected during his years in government. He was recalled to London to answer to charges of treason—a common charge used by Henry against ministers who fell out of favour—but died en route of natural causes.”¹¹

F. Sir Thomas More¹² (Saint Thomas More) (1478 – 1535), was a lawyer who served in high-level positions under King Henry VIII.

Although not a clergymen, More was so closely affiliated with the Third Order of Saint Francis, that he was given an honorary membership as “monk” for his deep commitment and devotion to the monastery. A devoted Catholic, More was a superb Renaissance scholar, philosopher, and statesman.

His greatest publication is *Utopia*, published in 1516, a novel about an imaginary political system which later scholars and theorists believed was early socialism.

More remained a staunch opponent of Martin Luther and the Protestant Reformation, including Henry VIII's establishment of an independent, reformed Church of England in 1534. More refused to take the Oath of Supremacy.

¹¹ Ibid.

¹² https://en.wikipedia.org/wiki/Thomas_More

“After refusing to take the Oath of Supremacy, he was convicted of treason and beheaded. Of his execution, he was reported to have said: ‘I die the King's good servant, and God's first.’”¹³

G. Sir Thomas Cromwell (1485-1540), was a lawyer, politician, and statesman who arose to power through hard work and talent, eventually coming into contact with Cardinal Thomas Wolsey. Cardinal Wolsey introduced Cromwell to Henry VIII. Cromwell, a staunch Protestant and a friend to the family of Ann Boleyn, was eager to help King Henry attain an annulment from Catherine of Aragon.

Henry VIII elevated Cromwell to the position of Vicar-General and Vicegerent of the King in spirituals, a position which elevated him above the Lord Chancellor and the Archbishop of Canterbury. Cromwell was thus able to ensure that the England's clergy supported Henry VIII's agenda and the successful transfer of authority within the Church of England from the Pope to the King. Cromwell was also instrumental in suppressing the rebellions which occurred following the Act of Supremacy in 1534.

Soon thereafter, the Boleyn family fell out of favor with Henry VIII, and Cromwell was instrumental in bringing down Queen Ann Boleyn and the Boleyn family. Cromwell believed that a new wife for Henry VIII would help ease his disappointment and grief, and so he arranged for Henry VIII to marry the Protestant and German princess Ann of Cleves. Henry VIII, however, found Ann of Cleves to be unattractive and thus Cromwell quickly fell out of favor with the king. Henry VIII arranged an annulment with Ann of Cleves; Cromwell was arraigned, convicted for treason, and executed in 1540.

H. Bishop Hugh Latimer¹⁴ (c. 1487 – 16 October 1555) lived during the reigns of Henry VIII, Edward VI, and Mary I. He attended Cambridge University and was elected a fellow of Clare College on 2 February 1510.

He received a Master of Arts degree and was ordained a priest in 1515. Early in his career, he was a reformist who advocated translating the Bible into English. In 1535, he was appointed Bishop of Worcester. In 1539, Bishop Latimer was sent to the Tower of London for opposing Henry VIII's Six Articles.

¹³ Ibid.

¹⁴ https://en.wikipedia.org/wiki/Hugh_Latimer

When King Edward VI came to power, Bishop Latimer was briefly restored to favor, as England shifted in a Protestant direction. Unfortunately, when the Catholic Queen Mary I came to the throne, Bishop Latimer was again imprisoned for treason and in October 1555, he was burned at the stake.

I. Bishop Thomas Cranmer¹⁵ (2 July 1489 – 21 March 1556) also lived during the reigns of Henry VIII, Edward VI, and Mary I. He held the bachelor of arts, master of arts and doctor of divinity degrees from Cambridge University.

He was “was a leader of the English Reformation and Archbishop of Canterbury during the reigns of Henry VIII, Edward VI and, for a short time, Mary I. He helped build the case for the annulment of Henry's marriage to Catherine of Aragon, which was one of the causes of the separation of the English Church from union with the Holy See. Along with Thomas Cromwell, he supported the principle of Royal Supremacy, in which the king was considered sovereign over the Church within his realm.”¹⁶

“When Edward came to the throne, Cranmer was able to promote major reforms. He wrote and compiled the first two editions of the *Book of Common Prayer*, a complete liturgy for the English Church. With the assistance of several Continental reformers to whom he gave refuge, he changed doctrine in areas such as the Eucharist, clerical celibacy, the role of images in places of worship, and the veneration of saints. Cranmer promulgated the new doctrines through the Prayer Book, the *Homilies* and other publications.

“After the accession of the Roman Catholic Mary I, Cranmer was put on trial for treason and heresy. Imprisoned for over two years and under pressure from Church authorities, he made several recantations and apparently reconciled himself with the Roman Catholic Church.

“However, on the day of his execution, he withdrew his recantations, to die a heretic to Roman Catholics and a martyr for the principles of the English Reformation.

“Cranmer's death was immortalised in *Foxe's Book of Martyrs* and his legacy lives on within the Church of England through the *Book of Common*

¹⁵ https://en.wikipedia.org/wiki/Thomas_Cranmer

¹⁶ Ibid.

Prayer and the Thirty-Nine Articles, an Anglican statement of faith derived from his work.”¹⁷

J. Bishop Edmund Bonner (1500- 1569) (c. 1500- 1569) was educated at Broadgates Hall, now Pembroke College, Oxford, graduating bachelor of civil and canon law in June 1519.¹ He was ordained about the same time and admitted doctor of civil law (DCL) in 1525.² He is reputed to have been a first-rate Oxford lawyer and public servant. He served under Bishop Thomas Woolsey and Sir. Thomas Cromwell. Boner was instrumental in negotiating Henry VIII’s annulment of his marriage to Catherine of Aragon and the enactment of the Act of Supremacy of 1534. He fully supported Henry VIII’s theological programme, which was both conservative and “catholic.” When Edward VI came to the throne in 1547, Bonner was less enthusiastic toward the Protestant Reformation. Due to his reluctance, he was stripped of his see in London. After Mary I ascended to the throne in 1553, Bishop Bonner was restored to his see as Bishop of London. In this role, he served as a presiding judge over the trials of hundreds of Protestants who were accused of heresy, including Bishop Hugh Latimer and Archbishop Thomas Cranmer. After Elizabeth I returned England back to the Protestant faith, Bishop Bonner refused to acknowledge the new Queen as Supreme Governor of the Church of England. He was imprisoned in the Tower of London, where he died in 1569.

K. Bishop Matthew Parker (1504-1575) was the Archbishop of Canterbury during the reign of Elizabeth I. He was influential in piloting the Church of England toward a moderate course between Roman Catholicism and Puritanism. This shift in theological direction was known as the Elizabethan settlement, which was strenuously defended in Rev. Richard Hooker’s groundbreaking work, *Of the Laws of Ecclesiastical Polity*.

L. Rev. and Dr. Richard Hooker (c 1554 to 1600) was an influential priest and theologian in the Church of England during the reign of Queen Elizabeth I. He was conferred the honorary degree “Doctor of the Church.” He is the father of Anglicanism and perhaps of modern Anglo-American constitutional legal theory. His famed *Of Laws of Ecclesiastical Polity*, which was a series of books which

defended the establish Church of England against Puritans and other dissenters, helped to define the powers of the new Church of England within the Tudor monarchy; the relationship between ecclesiastical and civil (secular) laws; and the relationship between Church and State. Widely considered the most important constitutional and ecclesiastical document of the sixteenth century, Hooker's *Laws of Ecclesiastical Polity* would guide England's theologians and legal and political theorists for the next two centuries.

On any list of great English theologians, the name of Richard Hooker would appear at or near the top. His masterpiece is *The Laws Of Ecclesiastical Polity*. Its philosophical base is Aristotelian, with a strong emphasis on natural law eternally planted by God in creation. On this foundation, all positive laws of Church and State are developed from Scriptural revelation, ancient tradition, reason, and experience.¹⁸

The effect of the book has been considerable. Hooker greatly influenced John Locke, and (both directly and through Locke), American political philosophy in the late 1700's. Although Hooker is unsparing in his censure of what he believes to be the errors of Rome, his contemporary, Pope Clement VIII (died 1605), said of the book: 'It has in it such seeds of eternity that it will abide until the last fire shall consume all learning.'¹⁹

The historian Goldwin Smith has written:

¹⁷

Ibid.

¹⁸ <http://justus.anglican.org/resources/bio/64.html>

¹⁹ Ibid.

The crowning achievements of the Elizabethan prose writers were Sir Francis Bacon's familiar *Essays* and Richard Hooker's *Laws of Ecclesiastical Polity*, the prose masterpiece of the age. Hooker's famous explanation and defense of the position of the Anglican church contained much of Aristotelian and medieval conception of the universe and the state and man's place in both. Hooker's organic, hierarchical idea of the nature of a good state and a good individual was based on the theology of the Anglican church. His ideas have so deeply permeated English thought through recent centuries that today even Nonconformists tend sometimes to look upon the king as head of the Nonconformist churches. In many respects the work of Hooker still contains the basic political philosophy of the Anglican church and, to a lesser extent, of the modern Conservative political party.

Richard Hooker disliked the Puritan exaltation of the Scriptures as the sole rule of life. A constitutional monarchy, he declared, was 'that most sweet rule of kingly government.' Law, he asserted, was 'the very soul of a politic body.' In the comely paragraphs of his modulated prose Hooker described law as 'the divine order of the universe.' The seat of law 'is in the bosom of God whose voice is the harmony of the world.' To law all things in heaven and earth must do homage, for law is, 'the mother of their peace and joy.' In the union of the prelacy and monarchy Hooker saw the happiness and stability of England. For him, 'the commonwealth is like a harp or melodious instrument,' a delicate preserver of public tranquility.

In almost every page of Hooker's great work there was a reverence for England's historic past, an insistence upon the importance of continuity in the corporate life of the church and state, an emphasis upon the idea of balance and compromise in all aspects of political and religious life. When Richard Hooker identified the church and commonwealth as different aspects of the same system he was writing not only for the Tudor age but for some ends and ideals still widely today. The foundation of morality, in the judgment of Hooker, was to

be found in the religion of the state, in objective order and principle binding individuals together to themselves and to God.²⁰

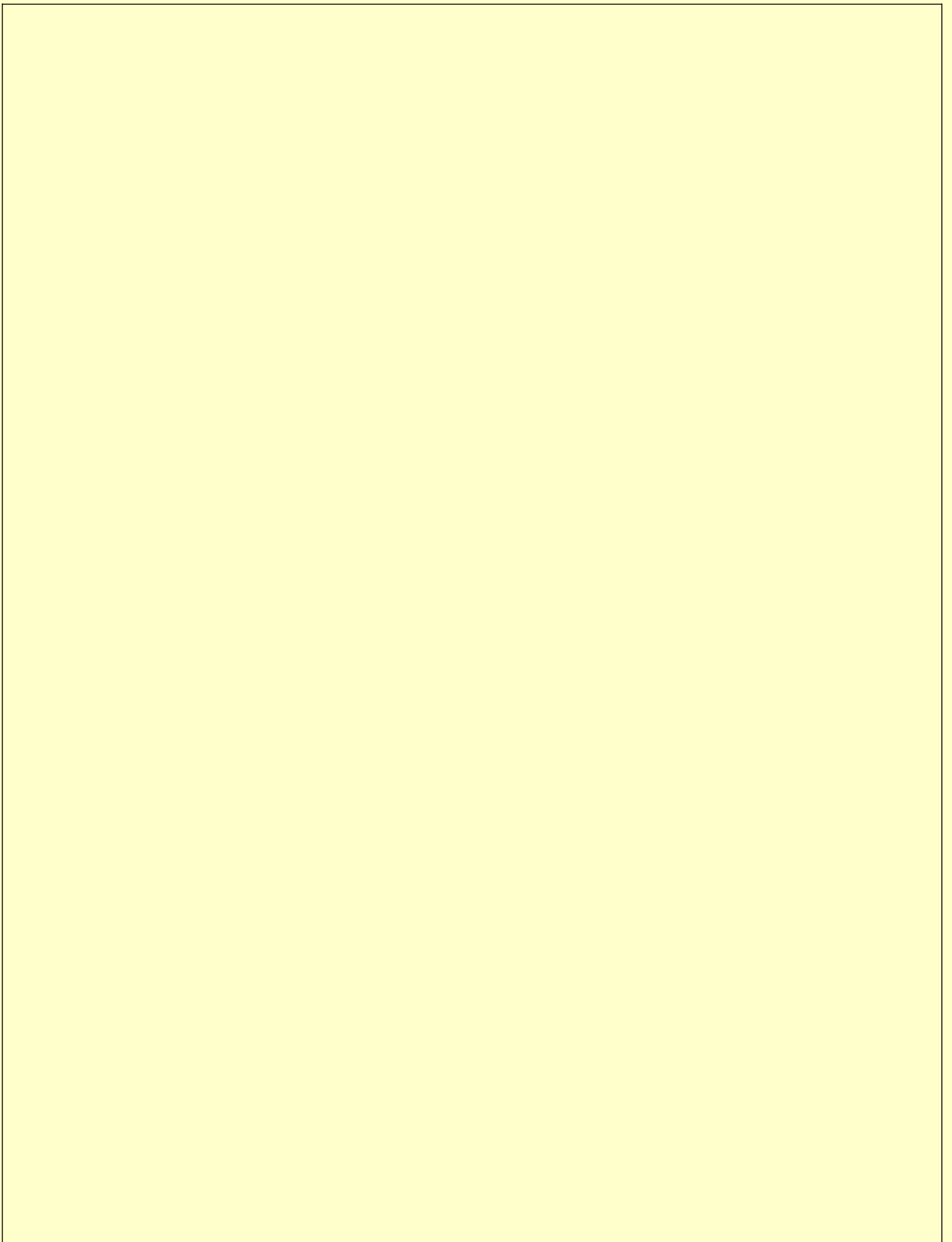
Richard Hooker's ideas and writings are immortalized in the writings of English philosophers John Locke, Thomas Hobbes, and many others.

CONCLUSION

The Church of England, during the period 1485 to 1600 A.D., was faced with its most difficult period in its long history. The break from the Roman Catholic Church did not come quickly or easily. Everywhere, the Reformation spirit was in the air, but these were dangerous times. Clergymen looked within themselves to ask deep theological questions. Some clergymen like Sir Thomas More and Bishop Fisher could not violate their consciences and faced execution. Today, their example and legacy instructs our juridical understanding of the "free exercise" clause of the First Amendment, U.S. Constitution, but most importantly it helps us to define the true meaning of "freedom" and "conscience"—not just in a religious sense, but legal and political as well. Indeed, during the sixteenth century, throughout England and Europe, the relationship between church and state was legal and political, as well as religious; and, in the United States, the nature of this relationship held constant. For this reason, Christian lawyers and judges within the secular state—while looking to the examples of their intellectual and spiritual fathers within Church of England-- have a stern duty to lead both within and without the Church and to explicate both church history and secular constitutional law within a conciliatory language that facilitates understanding, goodwill and peace between both Church and State.

THE END

²⁰ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), pp. 268-269.



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