ST. LUKE'S INN OF COURT

"Law & Religion Forum"

Volume 1, Apostolate Paper #30

"A History of the Anglican Church—Part XIX:

An Essay on the Role of Christian Lawyers and Judges within the Secular State"©

By

Roderick O. Ford, Litt.D., D.D., J.D.

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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 thirtieth essay in this series: “A History of the Anglican Church—Part XIX.”

INTRODUCTION[1]

Queen Elizabeth I (1533-1603) was a great monarch and perhaps the greatest that England had ever seen,-- and I have often wondered if, within the shadows of Ann Boleyn's awful execution in 1536 for giving birth to the red-headed baby Elizabeth, instead of a son for Henry VIII, God stood watching over this little girl-woman. Indeed, the reign of Elizabeth I appeared to me as having been ordained by the hand of God. We turn now briefly in this paper to this great Christian queen and to the Protestant Church of England which she led from 1558 to 1603. Here we find an imperfect Church of England charged with grappling with all of the political, social, and economic circumstances which engulfed sixteenth century England. When I was a college student, I can recall that my English history courses really started to get very interesting after 1558, because that was the year when Queen Elizabeth ascended to the throne of England. From this point forward, the great social, economic and political issues of the day were discussed and debated in London and in Parliament, and the British North American colonies were established. For me, British political economy opened the door to "light and learning" in all of my other courses: economics, political theory, comparative government, constitutional law, political parties, and African American studies. In

[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."

my mind, the fundamental problem in law and politics was "economic," and at the heart of all these economic problems was the "Law of Christ."[2]

My juris doctor thesis research paper, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787 to 1910*, was significantly influenced by British history, especially since the reign of Queen Elizabeth I. In other words, starting with the Elizabethan era, I commenced my review of English history from the standpoint that all people were reflections of economic and social classes that bore legal relationships one toward another. That idea was reinforced during the late 1980s as I read the chapters, "Of the Quest of the Golden Fleece," "Of the Black Belt," and "Of the Sons of Master and Man," in W.E.B. Du Bois' classic book *The Souls of Black Folk*. (Here Du Bois unraveled the mystery of important economic relations between classes and races of men during the early twentieth century.) And then, in law school, at the University of Illinois, I took two courses which had a significant influence upon my intellectual development in economics: "Theorizing the Market," taught by Dr. A. Belden Fields (Ph.D., Yale) and "An Economic Analysis of the Law," taught by Dr. Thomas Ulen (Ph.D., Stanford). The fundamental ethical questions involving "land, capital, and labor" were vividly discussed in these courses, which only reinforced in my mind the saga that played out in British history from the days of Queen Elizabeth I up to the early 1900s,[3]

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[2] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

[3] For this reason, this essay is a turning point in this series in that it incorporates classical economics (or political economy) into the "Law of Christ," as I first began to conjoin these two subjects in law school. I was first introduced to this subject through the text The English Philosophers From Bacon To Mill, where I first read the utilitarian views of James Mill, Jeremy Bentham, and John Stuart Mill. Closely following my review of these authors was my reading of Paul Samuelson's classic college course-book on Economics, which was published during the late 1970s. Samuelson's work supplemented the more up-to-date economics textbooks which had been assigned to me, because Samuelson's explanations were easier to read, provided much more detailed examples, and closely paralleled the classical economics materials (i.e., political economy) which I had self-assigned myself t read. In law school, at the University of Illinois, I took a course on "Law and Economics," which was also called "An Economic Analysis of Law," in which, as supplemental readings, I included John Kenneth Galbraith's The Affluent Society, Adam Smith's The Wealth of Nations, and Karl Marx's Capital. In those days, I had not forgotten my high-school algebra, trigonometry, and calculus, so that bars, graphs, formulas and statistics were readily within my grasp to help with my arguments. All of these readings, to be sure, helped to fill in the void that I had encountered when studying British history, the class struggles for the franchise and Parliamentary representation, the Chartist Movements, the passage and repeals of various landmark laws (e.g., the Corn Laws); and much more. The "Law of Christ" (i.e., religion and the Church of England) at all times remained a central theme in British history, but during the late 1980s and early 1990s I began to closely follow the English industrial revolutions and the struggle of the working classes, and I sought parallels within the American labor movements. To a great degree, the Elizabethan era was the "second phase" of the history of the Anglican Church. Under Queen Elizabeth I, the Church of England

thus leading up to, and establishing the context for, my juris doctor research thesis, *The American Jurist*.

During Elizabeth I's forty-five year reign, the Church of England was wrested back from the Catholics and firmly re-established as the Protestant institution which eventually gave birth to the Episcopalian and Methodist churches of the United States.[4] During this reign, the English navy defeated the mighty Catholic Spanish Armada in 1588; various Catholic plots against Elizabeth's life were rooted out and quelled; and Mary Queen of Scots, who was implicated in one of those plots to overthrow Elizabeth I, was beheaded. Through these tumultuous events, Elizabeth I sought to stabilize religious friction by establishing a "compromise" Church of England that maintained some traditional Catholic liturgy and some newer Protestant liturgical modifications. Catholic and other Protestant non-conformists were suppressed.

Elizabeth I also had the burden of leading a national church while simultaneously forging national unity in a rather hostile world. Meanwhile, England struggled to compete with France, Spain, and the Netherlands for international markets, commerce and trade. Hence, I admired this red-headed monarch for the same reasons that I admired Abraham Lincoln: the presence of God-given genius and originality which no human hands could bestow.[5] That is to

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became a "wealthy merchant's church," and an imperial church that sent is chaplains alongside seafaring merchants to conquer the world. And England's economic, financial, political, and social class structures began to resemble their modern-day counterparts.

[4] Thus, Queen Elizabeth I is in many respects the spiritual mother of "Mother Church of England," which gave rise to European and American Methodism, including African American Methodism (i.e., the African Methodist Episcopal Church, the African Methodist Episcopal Zion Church, and the Christian Methodist Episcopal Church).

[5] I hope that I am not misusing the terms "genius" or "Davidic holiness," but to a degree there are parallels in the life of King David and Queen Elizabeth I. I think of King David of Israel as the first true "Christian" king who as a shepherd boy attending to his father's flock of sheep came from humble beginnings; who fought and killed the Goliath, the Philistine champion; who ran and hide from King Saul in order to protect his life and safety; and who wrote many of the Psalms in the Book of Psalms. For like King David, Queen Elizabeth I appeared to me as a "Christian" monarch who came to the throne through fortuitous happenstance, and who maintained the throne through her Christian faith. Elizabeth Tudor had to endure a jealous monarch in her own half-sister, Queen Mary I, who sent Elizabeth to the Tower of London under suspicion of treason. Like King David, Elizabeth Tudor was very close to being executed at the hands of a monarch whom she loved and served. After Elizabeth Tudor became the Queen of England in 1558, she was never safe from Catholic and other radical conspiracies which tried to murder her. The great powers of France and Spain were against her, and even plotted to replace her with her cousin, the Catholic Mary Stuart, Queen of Scots. One of Elizabeth's saddest and most difficult moments was when she was forced to sign Mary Stuart's death warrant. But Elizabeth I persevered and triumphed through it all. Under her forty-five year reign as queen, England flourished and laid the foundations for a mighty empire. For this reason, I have always considered Elizabeth I to be the greatest monarch in British history.

say, I found within the personality and character of Queen Elizabeth I an air of *Davidic holiness*[6] which I saw in few other world leaders. For instance, Elizabeth, while committed to the Tower of London, where she was imprisoned for over a year, said: *"Here lands as true a subject, being prisoner, as ever landed at these stairs. Before Thee, O God, I speak it, having none other friend but Thee alone."* While on the eve of her coronation as Queen of England in 1558, she said: *"I will be as good unto ye as ever a Queen was unto her people. No will in me can lack, neither do I trust shall there lack any power. And persuade yourselves that for the safety and quietness of you all I will not spare if need be to spend my blood."* Soon after her coronation, while addressing her privy counselors, she said: *"I shall desire you all, my lords, (chiefly you of the nobility, everyone in his degree and power) to be assistant to me that I, with my ruling, and you with your service, may make a good account to Almighty God and leave some comfort to our posterity on earth."* While addressing Parliament, she said: *"I have already joined myself in marriage to a husband, namely the kingdom of England."* And while standing before her navy and armies to deliver a speech in 1588, just before they faced Philip II's Spanish Armada, she is reported to have said: *"I know I have the body of a weak and feeble woman, but I have the heart and stomach of a king, and of a king of England too."*

Indeed, for throughout all of her travails as the illegitimate child of Henry VIII, as the political enemy of her half-sister Queen Mary I, and through all of her later triumphs as the Queen of England, I could feel her soul crying out to her God, saying:

> Unto thee will I cry, O LORD my rock…
> The Lord is my strength and my shield;
> My heart trusted in him, and I am helped…
> My heart greatly rejoiceth…
> And with my song will I praise him.[7]

Hence, Elizabeth I immediately struck me as both a great "Christian monarch," within the city of God, and a great "Machiavellian monarch" within the earthy city, or the city of man. She reflected and represented the "mixed character" of both the

[6] Ibid.
[7] Psalm 28:1-7.

institutional church and the "city of man," or "the earthly city." Elizabeth I understood worldliness, but she herself was compassionate and not worldly. Elizabeth I was political and superb at governance within the "city of man," but she did so primarily through her devotion to her God and country. What else can explain Elizabeth I's forty-five years of remarkable commitment to the political, economic, and social development of England; her remarkable forty-five years of unmarried celibacy, in deference to her priestly duties to God and country; and her forty-five years of sublime devotion as governor of the Church of England, as the Queen of England and Ireland, and as the Defender of the Faith? Under her remarkable reign, England achieved the height of greatness not hitherto achieved.

Today, like Abraham Lincoln, Queen Elizabeth I has multinational appeal and stands as perhaps the greatest of England's monarchs and as one of greatest leaders in world history. Historians look back at Elizabeth I's reign as the "Golden Age." *For it is ironic that Henry VIII's illegitimate daughter, who was third in line to throne of England behind Edward VI and Mary I, would become the greatest monarch that England had hitherto witnessed*. Indeed, "God hath chosen the weak things of the world to confound the things which are mighty."[8] For Elizabeth I had the right temperament and the right leadership style at the precise moment in history when England needed stability, cool-headedness, common sense, and vigor. England flourished under her leadership and was catapulted into being a great world empire.[9]

At the same time, the moral fiber of the sixteenth- and seventeenth-century Church of England has been criticized as having been corroded through its close affiliations with English mercantilism and capitalism, which more and more coveted colonial expansion and profits from the African slave trade. [10] Returning

[8] 1 Corinthians 1:27.

[9] This paper does not assess whether the empire that Elizabeth I set in motion lived up to Christian standards. That assessment shall be made in succeeding papers.

[10] For, as St. Augustine reminds us, it is because of the "mixed characteristic" of theses institutional churches-- such as the Roman Catholic, Anglican, Methodist, and Baptist churches-- that they contain the corruption. This "mixed character" reflects the same sins and virtues that exist in any other man-made institution, and reflects that the corruption that is inside of the "earthly city of man" and the institutional church. Of this "mixed character" of institutional churches, St. Augustine states in *The City of God*: "But let this city [of man] bear in mind," St. Augustine explained, "that among her enemies lie hid those who are destined to be fellow-citizens, that she may not think it a fruitless labour to bear what they inflict as enemies until they become confessors of the faith. So, too, as long as she is a stranger in the world, the city of God has in her communion, and bound to her by the sacraments, some who shall not eternally dwell in the lot of the saints. Of these, some are not now recognized; others declare themselves, and do not hesitate to make common cause with our enemies in murmuring against

thus to our primary text, Saint Augustine's *The City of God*[11], we Christians are reminded to not place too great of value on material things, on worldly power, worldly glory, and worldly empire, but instead to hold fast to the Christian faith, which is in God's eternal word, and which enjoins Christians to work nobly and diligently within the earthly city of man to achieve peace and justice. For, as Saint Augustine of Hippo has correctly described the chief characteristics of the "city of God" on earth, which is the "true church":

> a. "'God resisteth the proud, but giveth grace unto the humble.' But this, which is God's prerogative, the inflated ambition of a proud spirit also affects, and dearly loves that this be numbered among its attributes, to 'Show pity to the humbled soul, and crush the sons of pride.'…" [12]
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> b. "[W]e must speak also of the earthly city, which, though it be mistress of the nations, is itself ruled by lust of rule…. For to this earthly city belong the enemies against whom I have to defend the city of God."[13]
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> c. "Wherefore, though good and bad men suffer alike, we must not suppose that there is no difference between the men themselves, because there is no differenced in what they both suffer. For even in the likeness of the sufferings, there remains an unlikeness in the sufferers; and though exposed to the same anguish, virtue and vice are not the same thing. For as the same fire causes gold to glow brightly, and chaff to smoke; and under the same flail the straw is beaten small, while the grain is cleansed; and as the lees are not mixed with the oil, though squeezed out of the vat by the same pressure, so the same violence of affliction proves, purges, clarifies the good, but damns, ruins, exterminates the wicked. And thus it is that in the same affliction the wicked detest God and blaspheme, while the good pray and praise. So material a difference does it make, not what ills are suffered, but what kind of man suffers them. For, stirred up with the

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God, whose sacramental badge they wear." Hence, according to Saint Augustine of Hippo, the enemies of the true "city of God" are to be found inside of the institutional church. This is why throughout human history many institutional churches have been complicit in national crime and sin.

[11] Saint Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950).

[12] Ibid., p. 3

[13] Ibid.

same movement, mud exhales a horrible stench, and ointment emits a fragrant odour."[14]

d. "For every man, however laudably he lives, yet yields in some points to the lust of the flesh. Though he do not fall into gross enormity of wickedness, and abandoned viciousness, and abominable profanity, yet he slips into some sins, either rarely or so much the more frequently as the sins seem of less account."[15]

e. "Accordingly, this seems to me to be one principal reason why the good are chastised along with the wicked, when God is pleased to visit with temporal punishments the profligate manners of a community. They are punished together, not because they have spent an equally corrupt life, but because the good as well as the wicked, though not equally with them, love this present life; while they ought to hold it cheap, that the wicked, being admonished and reformed by their example, might lay hold of life eternal."[16]

f. "Then, lastly, there is another reason why the good are afflicted with temporal calamities—the reason which Job's case exemplifies: that the human spirit may be proved, and that it may be manifested with what fortitude of pious trust, and with how unmercenary a love, it cleaves to God."[17]

g. "For these are the wealth of Christians, to whom the wealthy apostle said, 'Godliness with contentment is great gain. For we brought nothing into this world, and it is certain we can carry nothing out. And having food and raiment, let us be therefore content. But they that will be rich fall into temptation and a snare, and into many foolish and hurtful lusts, which drown men in destruction and perdition. For the love of money is the root of all evil; which, while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows.'"[18]

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[14] Ibid., pp. 10-11.
[15] Ibid., p. 11.
[16] Ibid., p. 12-13.
[17] Ibid., p. 13.
[18] Ibid., p. 13.

h. “They, then, who lost their worldly all in the sack of Rome, if they owned their possessions as they had been taught by the apostle, who himself was poor without, but rich within—that is to say, if they used the world as not using it—could say in the words of Job, heavily tried, but not overcome: ‘Naked came I out of my mother’s womb, and naked shall I return thither: the Lord gave, and the Lord hath taken away; as it pleased the Lord, so has it come to pass: blessed be the name of the Lord.’ Like a good servant, Job counted the will of his Lord his great possession, by obedience to which his soul was enriched; nor did it grieve him to lose, while yet living, those goods which he must shortly leave at his death.”[19]

i. “For when the apostle say, ‘They that will be rich fall into temptation,’ and so on, what he blames in riches is not the possession of them, but the desire of them. For elsewhere he says, ‘Charge them that are rich in this world, that they be not high-minded, nor trust in uncertain riches, but in the living God, who giveth us richly all things to enjoy; that they do good, that they be rich in good works, ready to distribute, willing to communicate; laying up in store for themselves a good foundation against the time to come, that they may lay hold on eternal life.’”[20]

j. “Our Lord’s injunction runs, ‘Lay not up for yourselves treasures upon earth, where moth and rust doth corrupt, and where thieves break through and steal; but lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through nor steal: for where your treasure is, there will your heart be also.’ And they who have listened to this injunction have proved in the time of tribulation how well they were advised in not despising this most trustworthy teacher, and most faithful and mighty guardian of their treasure.”[21]

h. “Thus our Paulinus, bishop of Nola, who voluntarily abandoned vast wealth and became quite poor, though abundantly rich in holiness, when the barbarians sacked Nola, and took him prisoner, used silently to pray, as he afterwards told me, “O Lord, let me not be

[19] Ibid., pp. 13-14.
[20] Ibid., p. 14.
[21] Ibid.

> troubled for gold and silver, for where all my treasure is Thou knowest.'"[22]

And to this tangle of classical Christian thought may be added, too, the lessons of classical Greece and Rome, upon which the Roman Catholic Church, Christendom, and Western Civilization rest. We find, for instance, a clear expression of this in W.E.B. Du Bois' rendition of the epic Greek tale of Atalanta, where he writes: "Atalanta is not the first or the last maiden whom *greed of gold* has led to defile the temple of Love; and not maidens alone, but *men in the race of life*, sink from high and generous ideals of youth to the gambler's code of the Bourse; and in all our Nation's striving is not the Gospel of Work befouled by the Gospel of Pay?"[23] And, similarly, regarding the same principle as it applied to early the twentieth-century American republic, Du Bois observed: "[t]he gospel of money has risen triumphant in church and state and university. The great question which Americans ask to-day is, 'What is he worth?' or 'What is it worth?'… This wave of materialism… strangely maddens and blinds us."[24]

For this reason, we must be reminded that the Church of England of the sixteenth and seventeenth centuries (like all other Christian churches) is merely an imperfect tool for which Christians may cooperate in channeling their Christian service, both to themselves and to the outer world. But clearly one of the greatest mistakes among non-Christian scholars is that they confuse the actions of the organized, institutional church, such as the Roman Catholic Church or the Church of England, with the true nature and embodiment of the Christian faith, as Saint Augustine of Hippo had defined that nature in *The City of God*. Non-Christian scholars forget that the true Christian church, since the days of Judas Iscariot, has never claimed that its present church organizations were perfect reflections of the eternal body of Christ— unfortunately, there are heresies and wickedness within our Christian churches.

For this reason, when assessing the history of the Church of England during the sixteenth and seventeenth centuries, we should be reminded that while there were indeed true Christian saints inside of this church, men and women such as, methinks, Queen Elizabeth I, there were also church members who were true enemies of the Christian faith, who achieved great influence within the church, who spread church corruption, and who sought to utilize the church for exploitation of the poor and for profit in slavery and the slave trade. This moral

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[22] Ibid., p. 15.
[23] W.E.B. Du Bois, *The Souls of Black Folk* (New York, N.Y.: Dover Publications, Inc., 1994), p. 48.
[24] David Levering Lewis, *W.E.B. Du Bois: A Reader* (New York, N.Y.: Holt and Co., 1995), p. 329.

corrosion certainly lent itself to bending the "Law of Christ" toward a callous exploitation of the poor, jingoistic nationalism, and racism.[25] As W.E.B. Du Bois once eloquently petitioned in his classic work *The Souls of Black Folk*:

> The world-old phenomenon of the contact of diverse races of men is to have new exemplification during the new century. Indeed, the characteristic of our age is the contact of European civilization with the world's undeveloped peoples. Whatever we may say of the results of such contact in the past, it certainly forms a chapter of human action not pleasant to look back upon. War, murder, slavery, extermination, and debauchery,-- this has again and again been the result of carrying civilization and the blessed gospel to the isles of the sea and the heathen without the law.[26]

Although DuBois' broad description of European imperialism had not occurred through the hands of Englishmen during the days of Queen Elizabeth I, some historians have placed the origins of these sinister developments in Elizabethan-era policies and values. For it was Elizabeth I who had commissioned Sir Walter Raleigh to explore North America with the objective of founding a Virginia colony, and who had issued in 1600 the charter to the East India Company, which later established colonialism in India. Nor has Queen Elizabeth I herself escaped accusations of having held personal prejudices against Londoners who were the Moors or of African descent. While there is some truth in such conjectures, I think that it is important to point out, as I have throughout this series, that the true "city of God," which is not exclusively found inside of the institutional church—such as the Roman Catholic, Anglican, Methodist, and Baptist churches—has always remained on the right side of history, whereas often these institutional Christian churches have badly faltered and veered afar from the true Christian faith.[27]

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[25] Saint Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 3-18.

[26] W.E.B. Du Bois, *The Souls of Black Folk* (New York, N.Y.: Dover Publications, Inc., 1994), p. 99.

[27] For, as St. Augustine reminds us, it is because of the "mixed characteristic" of theses institutional churches-- such as the Roman Catholic, Anglican, Methodist, and Baptist churches-- that they contain the corruption. This "mixed character" reflects the same sins and virtues that exist in any other man-made institution, and reflects that the corruption that is inside of the "earthly city of man" is also inside of the institutional church. Of this "mixed character" of institutional churches, St. Augustine states in *The City of God*: "But let this city [of man] bear in mind," St. Augustine explained, "that among her enemies lie hid those who are destined to be fellow-citizens, that she may not think it a fruitless labour to bear what they inflict as enemies until they become confessors of the faith. So, too, as long as she is a stranger in the world, the city of God has in her communion, and bound to her by the sacraments, some who shall not eternally dwell in the lot of the saints. Of these, some are not now recognized; others declare themselves, and do not hesitate to make common cause with our enemies in murmuring against God, whose sacramental badge they wear." Hence, according to Saint Augustine of Hippo, the enemies of the true "city of God" are to be found inside of the institutional church. This is why throughout human history many institutional churches have been complicit in national crime and sin.

As for Queen Elizabeth I herself, I believe that in her heart, at the very core, was a Christian love of freedom and justice.[28] Her Machiavellian genius, which allowed her to out-general her Catholic conspirators, did not taint her Christian sensibilities when it really counted, as we can readily observe from her concerns for the commoners, the poor, and the working classes. Elizabeth I was not naive as to the wickedness which had befallen earthly politics and the state of mankind.[29] As the second woman to reign as Queen of England[30], she had to rely upon--perhaps much more than any of her male predecessors—humility, negotiation, political compromise, and the loneliness of agonizing prayer before her God. For as a Machiavellian princess, Elizabeth I must have imagined that within this troublesome world "the children of this world are in their generation wiser than the children of light,"[31] and, for this reason, that a Christian monarch must be as "wise as serpents, and harmless as doves,"[32]-- but ready at all times to judge "not according to appearance, but judge righteous judgment."[33] Thus unmarried to a natural man, but married to a supernatural Christ and to her devotion to the English people, Elizabeth I was both high priestess and monarch of England. For Elizabeth I ruled not by her divine right to the royal prerogative, but by the will of her God, by her approval from the English people, and by the wise counsel of her chief advisors.

SUMMARY

The Life and Times of Queen Elizabeth constitute a watershed moment in the histories of England, America, and the world. This paper cannot adequately address every aspect of her personal influence or the influence of the great Elizabethan era (1558-1603). The great contributions of Elizabethan literature and poetry, for example, are omitted in this paper. What, however, is most relevant

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[28] As an African American Christian and student of history during the 1980s and 90s, I received Elizabethan culture and history as part and parcel of American constitutional, social and cultural history. I saw no connection between Elizabeth I's England and racism or slavery.

[29] Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 259.

[30] Elizabeth I's older sister Mary I (who was fourteen years her senior) had laid the precedent for having a woman reign as the monarch of England.

[31] Luke 16:8.

[32] Matthew 10:16.

[33] John 7:24.

from the perspective of Anglican Church history is outlined in this paper, although not with great detail. Under Queen Elizabeth I, the English nation moved towards great political independence and greater economic interdependence. Queen Elizabeth severed the Church of England's ties from Rome forever, but this created a "cold war" with France and Spain that lasted throughout the entire Elizabethan reign. The Roman Catholic Church considered Elizabeth I to be the "Jezebel of England" and it orchestrated several covert operations to overthrow her. These covert operations thus dominated Elizabeth's attention. On more than one occasion she escaped either execution or assassination. She was forced to keep a standing secret service around her at all times. After the Philip II of Spain realized that Elizabeth could not be overthrown through covert operations, he sent his Spanish Armada to subdue her in 1588. But Elizabeth made no bones about her viewpoint that England was God's chosen nation and that she was His servant. So that when England successfully crushed the Spanish Armada in 1588, a major turning point in world history occurred. Spanish international power declined throughout the world, and England's international power and influence increased. Under Elizabeth, the great English merchants grew in political statute and influence; they opened up exploration, trade, and the possibility of colonizing the new world. Most importantly, the merchants were the source of most the revenue and the exciting change occurring in England. The Church of England partnered with these merchants, and together they defined England as God's chosen nation with a manifest national destiny. But perhaps the most important development in Elizabethan England was the rise of the parish as a secular, local government district. Within these local districts, the Church of England maintained its authority and leadership, but most of the most important parish offices and functions were transferred over to the lay churchmen who were not priests—these were normally the yeomen and the country gentry. Together with the parish priests, the yeomen and the gentry laid the foundations for modern Anglo-American local self-government.

Part XIX. Anglican Church: The House of Tudor- Part 6 (*Queen Elizabeth I: Towards Protestant Nationalism- 1558- 1603*)

Section I. Elizabeth I: The Making of a Great Queen

A. Elizabeth Tudor: Early Years (1533-1558)

Elizabeth Tudor was born on September 7, 1533 as the first child of Henry VIII and Ann Boleyn. Her mother was executed in 1536 when Elizabeth was only two years old, and she was almost from the beginning of her life an illegitimate

step-child who was destined to serve as the handmaiden of the Tudor monarchy. While growing up, it is Elizabeth received training from excellent tutors, and, having learned English, Latin, Italian, Welsh, Cornish, French, and Greek, was considered to be the most educated woman in the world. The Venetian ambassador stated in 1603 that she "possessed [these] languages so thoroughly that each appeared to be her native tongue".[34]

Henry VIII died when Elizabeth was just 14 years old. His widow, Catherine Parr, married Thomas Seymour, who took Elizabeth in to live with them. It is believed that Elizabeth suffered from abuse during these years. During this period, from 1547 through 1553, Elizabeth's half-brother Edward VI reigned as King of England. When Edward died in 1553, Elizabeth's Catholic half-sister Mary Tudor became the first female Queen of England. Mary I brought Elizabeth to London in a show of family unity. However, the tide of anti-Catholicism eventually turned against Queen Mary I, and Elizabeth, who was a Protestant, was now considered to be a potential threat to Mary's throne. Following a rebellion against Queen Mary's plans to marry the Catholic Phillip II of Spain, Elizabeth was arrested on suspicion of her having been complicit in the conspiracy to overthrow the queen. Elizabeth was confined for over a year in the Tower of London and was almost convicted of treason, but for her witty and evasive answers to her interrogators. In late 1558, Queen Mary lay dying and was forced to acknowledge Elizabeth I as her heir to the English throne. At age 25, Elizabeth became Queen Elizabeth I of England.

Section II. Church and State under Elizabeth I (1558-1603)

B. Church and State: Matthew Parker, Archbishop of Canterbury

On the question of religion, Elizabeth I was level-headed, pragmatic and practical, but because the Pope referred to her as the "Jezebel of England" and considered her to be an illegitimate heir to the throne, Elizabeth was left with few realistic options except selecting a Protestant course for the English people. Elizabeth I was a reluctant, defensive warrior; she did not easily and quickly choose to go to war. Rather, the Roman Catholic Church brought religious warfare to England. And once at war, the sagacious Queen Elizabeth fought like a lion with Christian devotion, Machiavellian savvy, and nerves of steel. Indeed, the Catholic conspiracy to overthrow Elizabeth I was dangerous and real; and against this conspiracy, Elizabeth deployed her secret service agents and spies—much as her

[34] https://en.wikipedia.org/wiki/Elizabeth_I_of_England

grandfather (Henry VII) and father (Henry VIII) had done—in order to root out would-be assassins and treacherous traitors.

At the same time, Elizabeth I promoted a unified Church of England, one that sought a moderate course between two extremes: conservative Catholicism and radical Puritanism. The Church of England was then led by Matthew Parker, who was the Archbishop of Canterbury, and who carried forth Elizabeth I's programme of moderation and stability. Archbishop Parker was himself open to compromise and a peaceful settlement between the Catholics, Puritans and the moderate Anglicans. "Parker, formerly dean of Lincoln, was a man without marked religious enthusiasm. He wanted to preserve a convenient peace in the church. 'Experience doth teach,' he once wrote, 'that the world is much given to innovations, never content to stay and live well.' So far as the church was concerned, Parker's chief desire was to see Englishmen 'stay and live well.' He did not want the church agog with spiritual excitement. Neither he nor his queen demanded unity of hearts or conviction. They demanded only external conformity."[35]

C. Church and State: The New Compromise Anglican Church (Protestant/Catholic Liturgy)

Henry VIII is given credit for founding the Church of England, which he defined as "catholic." Elizabeth I, however, remade the Church of England in her own image. Whereas the Church of England under Henry VIII had been decidedly Catholic; and whereas under Edward VI it was decidedly Protestant, the Church of England under Elizabethan I would become both Catholic and Protestant. Elizabeth I wanted to weigh and balance competing interests. Elizabeth I and Archbishop Parker, in fact, stepped away from stressing religious conversion of its communicants, such as making sure that communicants were "born again" or "getting saved," and the like. Instead, their primary focus was national unity, outward conformity, and stability, while at the same time leaving men and women free to hold their own private views of religion, so long as they did not publicly denounce the Queen and her Church. During the meanwhile, the Elizabethan-era English Renaissance produced the Golden Age of humanism, literature, drama, exploration and international trade and commerce. For these reasons, the new

[35] Ibid., p. 247.

Protestant Church of England that emerged under Elizabeth I was at once humanistic and sectarian, Protestant as well as Catholic. To men and women who wanted more out of their church experience, the Church of England appeared to be inadequate, if not altogether corrupt.

But why could the English people not tolerate more than one religion to thrive and flourish? To be sure, it was not then conceivable that religion could not serve as the foundation of the morality, ethics, and law of the nation-state. The legal philosophy of St. Thomas Aquinas was very much at the foundation of the English constitution. At the foundations of law was God's eternal will or law; next, the divine law (i.e., the Old and New Testament Scriptures); then came the natural law; and finally human or civil law of the commonwealth. In a world such as this, there could be only one state church and one state religion, because these instruments were the levers of the legal and political systems of the state. It thus mattered who controlled these institutions. There could not be two earthly sovereigns within this important political sphere; the Pope and the Monarch could not both simultaneously be heads of the Church of England. In thus removing the Pope from within this realm, Elizabeth I sought to instill a delicate balance in order to accommodate all of her subjects' spiritual needs, but she was not then ready to recognize "freedom of religion" in the sense in which it is practiced in the United States and throughout the world today. The Church of England and its leadership (i.e., the Lords Spiritual) were important components of the unwritten English constitution. To the non-conforming sects, however, this new Protestant Church of England spawned bitter disapproval from scores of radicals who felt that the Elizabethan Church had not gone far enough in rooting out the Catholic heresies and idolatries. "As the years passed, the Anglican compromise was loudly opposed by two groups, the Catholics and the Puritans; the former rejected the Act of Supremacy; the latter demanded further Protestant reforms."[36]

Elizabeth's church also seemed cold and unspiritual, because, as previously mentioned, the queen felt it unnecessary to force ideas upon her subjects—only outward conformity, as political compromise, was what she required. Hence, in a strictly evangelical perspective, this new Church of England appeared to be void of the Holy Spirit. And then, too, Henry VIII's Act of Supremacy of 1534 had taken

[36] Ibid., p. 248.

away much of the Church's physical presence from the lives of ordinary citizens. The Catholic monasteries, almshouses, chantries, and guilds were demolished. Under Elizabeth I, the authority and roles of these institutions were transferred over into the hands of her civil magistrates—all sworn to the allegiance of the crown and communicants within the Church of England-- who served as the secular lawyers and secular judges in the parish, county, borough, and shire courts throughout England.[37] See Table 1, "Civil Jurisdiction of Catholic Charities and Poor Relief After 1560." These secular judges "directed the administration of the poor laws; they licensed beggars and forced the physically fit to work; they determined local wages and prices; they supervised the building and maintenance of public works, roads, and prisons; they enforced the laws against the Puritans and Roman Catholics. In scores of ways they helped the central crown authorities in the government of England." [38]

It should be stressed here that England's secular laws were deeply rooted in the Roman Catholic theology and canon law. That these secular laws were, in fact, Christian was not up for debate or in serious dispute or doubt. The Catholic canon law and its variations on the principles and laws of the New Testament Gospel were now reflected within the statutory law of Elizabethan England, particular the poor relief laws. Even in the secular sphere, Elizabethan England remained committed to administering the "Law of Christ,"[39] whether through the Church or through the secular courts. See, e.g., Table 1. Delivery Poor Relief and Charity in England, 1066- 1800.

For instance, the 1563 Statute of Artificers provided for a fair wage and an economic safety net for apprentices, servants and laborers; the 1572 Poor Law provided for the compulsory collection of taxes aimed at poor relief and for overseers to set up to administer poor relief; the 1601 Poor Law authorized overseers to levy taxes in every parish for the purpose of collecting a tax aimed at the alleviation of poverty and for assistance for the poor. "Measures such as these

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[37] "The suppression of the monasteries, guilds, and chantries had increased the need for public care of the afflicted poor, for in earlier days the monks had frequently maintained hospitals. With the dissolution of the religious houses and with the increase in enclosures the cripples, lepers, discharged soldiers, rogues, and beggars trekked desperately into London and other cities." Gordon Smith, *A History of England*, p. 265.

[38] Gordon Smith, *The History of England*, p. 278.

[39] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

helped to increase public order and security; they also improved the lot of those who were too ill or too old to help themselves."[40] In addition, the Catholic "parish made its appearance as a civil unit after the Reformation, and poor relief, as noted earlier, became largely a civil rather than a religious function."[41] But in Elizabethan England, the "civil" function of the state was also governed by the "Law of Christ"[42] and administered chiefly by Anglican churchmen. See, Table 1, below:

Table 1. Delivery Poor Relief and Charity in England, 1066- 1800

Roman Catholic Church of England (1066-1534)	**Protestant Church of England (1534-1800)**
Law of Christ-- Poor Relief (Canon Law)	*Law of Christ*—Poor Relief (Canon Law) *Civil Law*--(Statute of Artificers (1563); Poor Law of 1598, 1601, etc.)
Secular Clergy—Bishops, Priests, *Regular Clergy*—Abbots, Monks, Nuns, Orders	*Secular Clergy*—Parish Priests; Bishops *Gentry (Laymen)*— Overseers, constables, lawyers, justices of the peace, judges.
Economy—Agriculture; Feudalism.	*Economy*—Agriculture; Mercantilism; Capitalism.

It is important here to underscore the nature of the unwritten English constitution. Within that unwritten constitution, the Church of England, its

[40] Gordon Smith, *A History of England*, pp. 263-264.
[41] Ibid., p. 279.
[42] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

leadership (i.e., the Lords Spiritual), and the "Law of Christ" remained at the very core, foundation, and heart of law and government. There was no "Establishment Clause," as we find today in the written United States Constitution; and there was no other legal or constitutional doctrine similar to that of the "separation of church and state" in Elizabethan England. Indeed, even after the older Catholic parishes came under the direct control of the English crown and the secular, civil authorities, the "Law of Christ" continued to dominate the Tudor conception of law and order. This idea was implicit with the eligibility requirements for holding public office and exercising the civil authority in England. "All who held church and state offices in England were required to take an oath acknowledging the queen as Supreme Governor and denying the spiritual jurisdiction of any 'foreign prince, person, prelate, state, or potentate, spiritual or temporal.'"[43] The English constitutional and legal order was decidedly Christian in Elizabethan England:

> 'The heavens themselves,' wrote William Shakespeare, 'the planets and this centre, Observe degree, priority, and place.' The Tudor ideals of order and harmony, the links of a great chain of being, the inherent sinfulness of disorder and rebellion, all were stressed in places as far apart as the homilies and Lord Burghley's *Execution of Justice in England* (1583). 'Every degree of people, in their vocation, calling, and office, hath appointed to them their duty and order. Some are in high places, some are in low… Remove this divine order and there reigneth all abuse, carenal liberty, enormity, sin, and babylonical confusion.' The whole Christian universe was conceived to be under divine ordinance. Chief Justice Catlin summarized a part of the temper of the times in 1572: 'It is the chiefest point of the duty of every natural and reasonable man to know his prince and his head, to be true to his head and prince…. We must first look unto God, the high prince of all princes, and then to the Queen's Majesty.'[44]

And Bishop Thomas Hooker's *Laws of Ecclesiastical Polity*, published during the reign of Elizabeth I and based largely upon the legal philosophy of St. Thomas Aquinas, would guide England's theologians and constitutional lawyers for the next two centuries.

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[43] Ibid., p. 246.
[44] Ibid., p. 261.

> 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.[45]
>
> 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.[46]

The historian Goldwin Smith has written of the important prose during the Elizabethan era that:

> [t]he 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.

[45] http://justus.anglican.org/resources/bio/64.html
[46] Ibid.

> 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.
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> 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.[47]

Without question, then, the sixteenth century's cultural renaissance and humanism did not upend the firm grip of Church doctrine upon England's jurisprudence. The rapid social and economic changes which occurred during the Elizabethan era only deepened Christian ideals and ideas within the English constitutional and legal system.

The foundation of religious dissent in Elizabethan England was thus the Holy Bible, as understood by the common man. As Englishmen became more literate and commenced the study of the Scriptures for themselves, they began to conceptualize their constitutional rights as New Testament jurisprudence. For example, if the Law of Moses or the Law of Christ said that it was not lawful to steal, then workers had a legal or constitutional right to be protected against the

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

unchecked thievery and robbery of capitalists; and if the Law of Moses or the Law of Christ imposed a duty to worship God and to have no other gods before Him, then the government could not limit or restrict the free exercise of religious conscience.

> At the same time, in an age of polemics and propaganda, every religious sect or minority was driven by the logic of the situation to state its will to live in terms of political right. In such sects and revolutions the ideas of freedom and equality, the New Testament principles appeared in a brighter light. In the Middle Ages they had been obscured by Aristotle, St. Augustine, and the Roman law. Emerging slowly was the social dynamite of the idea that a natural state should be a commonwealth of free citizens.[48]

The Tudor order nevertheless stressed responsibility, duty, harmony, and order, and it disdained freedom to commit sin, sloth, waste, disunity, and disharmony. The Church of England remained the chief arbiter of change, whether a change in ideas would promote or detract from Tudor order and England's divine destiny.

D. Church and State: France, Spain and Mary Queen of Scots (1558-1603)

By the time Elizabeth I ascended to the throne of England in 1558, most Englishmen clearly did not want Catholicism as the official state religion. But Pope Paul IV, France and Spain remained steadfast in their efforts to impose Catholicism upon England. The Pope wished to depose the "Jezebel of England," and to place the Catholic Mary Stuart (also known as Mary Queen of Scots) on the English throne. The French backed Mary's claim to the English throne and leveraged their influence in Scotland to gain support for Mary. On the other hand, the Spanish also wanted to depose Elizabeth, I but they did not want their rival France to place Mary on the throne and take control of England. For this reason, Elizabeth was able to buy herself both time and leverage, as she could play the French off against the Spanish, while building support for her national Protestant Church at home. Meanwhile, the Protestant John Knox of Scotland and his Presbyterians led a revolt against the Scottish Catholics, thus weakening Mary Stuarts influence there. Elizabeth sent troops to help Knox fight and defeat the Scottish Catholics and the French. In 1560, the French withdrew from Scotland, and Mary Stuart's hopes of becoming Queen of England grew dim. In 1560,

[48] Ibid., p. 261.

Francis II of France died, and Mary Stuart, who was then only nineteen years old, returned to Scotland, where she was allowed to live with the title "Mary Queen of Scots." For the time being, the threat from Mary Queen of Scots was quashed. But decades later, the Catholic plots to overthrown the English monarch kept emerging, and many of them included deposing Elizabeth I and replacing her with the Catholic Mary Queen of Scots.

> The last major plot was one led by Anthony Babington in 1586. This, like the earlier plots, was a plot to murder Elizabeth and to place Mary Stuart on the throne. Anthony Babington, the Jesuit Father Ballard, and several English Catholics were involved. Sir Francis Walsingham discovered all the details, placed the evidence before Elizabeth, and then arrested the plotters. Thirteen were executed. Mary Stuart, who was apparently aware of the plot, was brought to trial on a charge of treason. She was found guilty and Parliament petitioned for her early execution. The convocation of the Church of England declared that 'the former Queen of Scotland hath heaped up together all the licentious sins of the sons of David' and stated that Elizabeth could proceed with the execution 'with a white conscience.'… Elizabeth finally signed the death warrant of 'the monstrous and huge dragon.' The council hastened to execute the warrant lest Elizabeth change her mind…. Mary was beheaded in February, 1587….[49]

The beheading of Mary Queen of Scots in 1587 led Phillip II of Spain to organize a great military invasion of England (i.e., the Spanish Armada of 1588), because then it was clear that the only way that England would be brought back into the Catholic fold was by war.

E. Church and State: Repeal of Mary I's Catholic Legislation

As soon as the time was right, Elizabeth I implemented her repeals of Queen Mary I's "Marian laws," and she reinstated Henry VIII's Act of Supremacy in 1559. "All who held church or state offices in England were required to take an oath acknowledging the queen as Supreme Governor and denying the spiritual jurisdiction of any 'foreign prince, person, prelate, state, or potentate, spiritual or temporal.'"[50]

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[49] Ibid., p. 255.
[50] Ibid., p. 246.

After the Catholic plots began to appear, however, Elizabeth was forced to enact stiff anti-treason laws, such as the Treason Act of 1571. As Elizabeth's power and influence grew after 1558, she repealed all of the Mary I's laws (i.e., the Marian legislation) that had brought England back into the Roman church. At the same time, Elizabeth I wanted tolerance for the sake of both Catholics and Protestants.

Within the Church of England, "[a]lterations were made to provide a form of religious service acceptable to as many Englishmen as possible. Doctrinally much scope was left for varying shades of belief; precise doctrinal definition was carefully avoided. For example, the Catholic and Protestant doctrine were merged together in a chameleon communion service that could mean different things to different individuals. The completely contradictory words of Zwingli and the mass book on the sacrament were neatly compressed into one sentence…. In 1562 the convocation of the Church of England agreed upon certain changes in the doctrines of the church; these were enacted by Parliament in the Thirty-nine articles of 1571. This revision purged Forty-two articles of Edward VI of their extreme Protestant elements."[51]

And yet despite Queen Elizabeth I's, Archbishop Parker's, and the Church of England's efforts to adopt a generalized church liturgy, the radical and dissatisfied elements within the ranks of the Catholics and Protestants fomented mob frenzy, seditious speech, and violence. As a result, the crown was forced to crack down on all religious dissenters. This crackdown included the passage of the Treason Act of 1571, which declared it to be treason for anyone who "by writing, printing, preaching, speech, express words or sayings, maliciously, advisedly, and directly to publish, set forth, and affirm that our said sovereign lady, Queen Elizabeth, is an heretic, schismatic, tyrant, infidel, or an usurper of the crown."[52]

In 1593, Parliament passed "an act to retain the queen's subjects in obedience,' directed against 'the wicked and dangerous practices of seditious sectaries and disloyal persons' and providing for imprisonment of all offenders and disloyal persons' and providing for imprisonment of all offenders until they should conform. In the same year an act was passed 'for the better discovering and avoiding of all such traitorous and most dangerous conspiracies and attempts as are daily devised and practized… by sending wicked and seditious persons… calling themselves Catholics.' The result was an increase of persecution; many Puritans

[51] Ibid., pp. 246-247.
[52] Ibid., p. 250.

found themselves victims of the court of high commission. Some were put to death; others fled overseas, especially to Holland."[53]

The only explanation for the civil crackdown against these dissenters is the important fact the "Law of Christ" remained at the foundation and core of the European political and legal systems, and whoever controlled the power to interpret and administer this law held the power to govern Christendom. Up to the time if Henry VIII, England had thus held two sovereigns: the Pope (the Lord Spiritual) and the King (the Lord Temporal). But under popular Medieval political theory, the king was also part and parcel of the Lords Spiritual as well. Under Elizabeth I, England shifted in the direction of establish the temporal monarch as the supreme head or governor over the Church of England, thus making the English crown the final arbiter over the "Law of Christ" throughout England.

F. Church and State: Religious Repression and Executions

As previously mentioned, this English Protestant Reformation threatened the balance of power throughout Christendom. The Pope, as the Vicar of Christ, still considered himself to be the head of the Church of England. He believed that he should still be the final arbiter in spiritual matters there. This, of course, meant that the Pope could still enforce his papal taxes upon England, and also subject England to papal administration, authority, and multinational jurisdiction. The European balance of power was intimately tied to Vatican and to the Pope, who at least in theory still possessed the power to interpret and to administer the "Law of Christ" in England and Europe. For this reason, the English Catholics were ready to help the Pope regain his "rightful" jurisdiction over the Church of England. This meant that Catholic zealots were ready to lay down their lives to defend what they believed rightfully belonged to "city of God" and not the "city of man." This made Elizabeth I's reign both treacherous and dangerous. For, in order for her to maintain her power, she had no other option but to suppress Catholic dissent.

From between 1578 and 1585, eighteen Catholic priests and three Catholic laymen were executed in London. In 1585, all Jesuits and seminary priests were banished from England. And, as previously mentioned, the last major plot before the Spanish Armada of 1558, was led by Anthony Babington in 1586, which eventually led to the execution of Mary Queen of Scots in 1587.[54] But by no means was the Queen's wrath restricted to Catholics. Indeed, radical Protestant

[53] Ibid., p. 251.

[54] Ibid., p. 255.

Puritans, Separatists, Non-Conformists, and other evangelical-type groups vehemently disrupted civic order through their protests and printing of seditious tracts that were aimed against both the queen and Anglican bishops and priests.

Protestant dissent generally aimed its focus upon particular bishops of the Church of England. These Protestants honestly saw no difference between an Anglican bishop and a Catholic bishop—both groups were "poppish thieves." As a prelude to the English Civil War that would occur under the Stuart monarchies, attacks upon the Anglican bishops became more frequent during the latter part of Elizabeth's reign. For example, "Presbyterian tracts published at intervals during 1588 and 1589 under the pseudonym of Martin Marprelate… described [Anglican bishops]… as 'false governors of the church; petty popes; proud, popish, profane, presumptuous, paltry, pestilent, pernicious prelates, and usurpers, enemies of God and the state…' [and the clergy were described] as 'popish priests, ale hunters, drunkards, dolts, hogs, dogs, wolves, desperate and forlorn atheists, a crew of bloody soul murderers, sacrilegious church robbers.'"[55]

For these and similar activities, scores of Protestant dissenters were arrested, and some were even executed. After Archbishop Whitgift cracked down on these radical non-conformists, the tide of Protest protests against the Church of England subsided.

Section III. Law and Economics under Elizabeth I (1558-1603)

G. Law and Economics: Capitalism and the Church of England

The singular most important development during the Elizabethan era was the rise of capitalism—a fundamental shift in the nature of human economic activity and the social and political relations between members of the English commonwealth. The broad development of a capitalist class and a laboring class were commenced during the Elizabethan era. The relationship between these two groups had to be adjusted and mediated in order to fit the changing times. From the beginning, the Church of England and its leading clergymen had promoted capitalism as part and parcel of a divine plan. Indeed, commerce and industry provided the wealth that enabled both the Church and State to meet their desires.[56] But the Church soon recognized that the widespread social dislocations which resulted from these economic changes—such as when the implementation of the

[55] Ibid., p. 251.
[56] Ibid., p. 262.

land "enclosure system" created widespread poverty and misery and when the "monopoly system" systematically concentrated wealth and power into the hands of a few privileged merchants—required its clergymen to take the lead in devising solutions to ameliorate the lot of the common man. In these matters, Elizabethan leadership did not shirk its responsibility in taming and restricting predatory capitalism.

On the other hand, the Church of England remained committed to the merchants and to the capitalists, for they in large measure gave them divine blessings and assured them that Englishmen were a chosen people of God:

> There were soon to be strangely confused and disruptive ideas about the destiny of England under a Protestant Jehovah. Was English imperialism a part of the divine plan? …. Was the religion of Englishmen connected with the rise of capitalism? Was prosperity the barometer of godliness? [57]

Indeed, international trade and competition with other European nations for overseas economic expansion created "the idea of these geographically minded clergymen that the expansion of England and the extension of British commerce was part of a divine mission. Many men, besides ships' captains and company preachers, doubtless held the same unquestioning belief that if they sought first to extend the kingdom of God many material blessings would be theirs. The outburst of maritime activity in Elizabeth's reign also arose from the hope of gain by plundering the hated Catholic Spaniards; from profits in trade; from a very human desire for adventure; from patriotic pressures; and often from a combination of all these motives."[58] "Meanwhile, too, the clergy… were shortly to begin new activities as an unfamiliar breeze was added to the ancient winds of doctrine. The clergy labored to convert the heathen and thus 'enlarge the bounds of heaven.'… [T]hey labored also to obtain tangible rewards; to checkmate Spain; to answer the problem f overpopulation; to be real estate promoters for stock companies; to popularize by propaganda the notion of imperial manifest destiny and to underlie the words of the promoters of colonies and commerce. The mingled themes of salvation and profit ran clear and strong…. Now, for divers reasons, the treasure of England was seen to be by foreign trade, by colonies, and by the increase of Christian souls."[59]

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[57] Ibid, p. 262.
[58] Ibid., p. 272
[59] Ibid., p. 280.

The Church of England thus became the handmaiden of British merchants and the chief architect of British capitalism. The Church of England's bishops, priests, and theologians provided the theoretical and theological foundations for English commerce and trade. Religion, law, and economics—bishop, judge, and captain of industry—thus worked in unison within the Tudor order in Elizabethan England. There was no room for dissent or non-conformity at any level or at any stage. Elizabeth I thus gave England her heart, and England responded to its queen by giving back to her its greatness. Thus English nationalism laid the foundations "for the next two centuries when England was to become a great colonizing power and the center of an expanding empire."[60]

H. Law and Economics: Land Enclosures, Monopoly Grants and the Division of Work

The English yeomen and gentry began to form the new upper middle classes in sixteenth and seventeenth century England. They controlled the local governments, became justices of the peace, judges, lawyers, and magistrates.[61] They held modest parcels of land, and served as the brokers for the larger landholders and the managers of trade and commerce. In those days, churchmen and businessmen were interchangeable parts, or two sides to the same coin. "Under Elizabeth there was a considerable increase in the functions of local government officials, particularly in the parish, where the church officials assumed many civil duties."[62] English capitalism was, at least in theory, regulated by the "Law of Christ," through the crown's local magistrates. Power now rested, through the crown, in the hands of the country gentry and the yeomen, who were under general

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[60] Ibid., p. 280.

[61] "In the counties the sheriff had been progressively deprived through the centuries of most of his importance, and the country gentlemen who were the pivotal justices of the peace now saw their judicial and administrative tasks steadily mount in number. Under 'stacks of statutes' their powers became very extensive; they were judges in the local courts; they directed the administration of the poor laws; they licensed beggars and forced the physically fit to work; they determined local wages and prices; they supervised the building and maintenance of public works, roads, and prisons; they enforced the laws against the Puritans and Roman Catholics. In scores of ways they helped the central crown authorities in the government of England. The justices of the peace were appointed by the crown. In the local government system under the Tudors only the constables of the parish and the coroners were elected. The remaining officials, such as the surveyors and overseers, were appointed by the justices of the peace or by the superior agents of the queen in Westminister. All the local royal officials, except the lords-lieutenants of the counties, were in fact responsible to the justices of the peace. They, in turn, were responsible to the privy council of the queen. The importance of the justice of the peace in Elizabethan England was very great. In their local areas these officials were men of property and prestige; they knew their neighbors and they understood the needs and nature of their communities." Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), pp. 277-278.

[62] Ibid., p. 277.

instructions to create a "community of interests" among the rich, middle class, and the poor, with an eye on the national and international markets.

> As the guilds declined there arose several new and large-scale capitalistic enterprises aided and controlled by the central government. Mills, shops, and works, sometimes employing hundreds of men, were built: sugar refineries; gunpowder plants; paper mills; alum plants; brass, saltpeter, and cannon works. The discovery and use of new production techniques in manufacturing and mining proceeded apace with the concentration of industrial capital. In the so-called 'domestic system' of manufacturing there was a considerable increase in capital investment. Under the domestic system the workers lived in their rural cottages. These workers usually obtained their raw materials, such as cotton, wool, and metals, from a capitalist; they took the materials home and manufactured the finished product; then they brought back the article and were paid for the work they had done. Sometimes the worker bought a small amount of raw material for himself, manufactured and sold it, and made a profit. Often capitalist merchants distributed the raw materials and collected the completed product. In most cases the workers were completely dependent upon the capitalist employers. As industry and capitalist organization expanded in the later Tudor period there were more workers needed. Consequently the number of men dependent upon capitalist employers increased.[63]

Hence, the Church of England was from the very outset of the rise of sixteenth-century English capitalism a key player in instilling moral values and economic justice within the fundamental relationships between labor and capital.

For instance, during the reigns of Edward VI (1547-1553) and Mary I (1553-1558), the English wool trade ignited widespread speculations in large tracts of land, thus prompting the dreaded "land enclosure" system that expelled thousands of small farmers and tenants from countryside and opened upon commercial farmlands for sheep-growers. For the first time since the Black Death, the Church of England and the English government were faced with a widespread social and economic crisis.

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[63] Ibid., p. 281.

> The suppression of the monasteries, guilds, and chantries had increased the need for public care of the afflicted poor, for in earlier days the monks had frequently maintained hospitals. With the dissolution of the religious houses and with the increase in enclosures the cripples, lepers, discharged soldiers, rogues, and beggars trekked desperately into London and other cities.[64]

Queen Elizabeth I's government (1558-1603) arose to meet these and similar challenges. "Elizabeth's government… attempted to erase some evils in the labor situation. The enclosures had compelled many men to leave the rural areas; large numbers of artisans, fleeing from rigid guild controls in the towns, had remained to live unsupervised lives in the country."[65] Elizabeth replaced the older Catholic charities with social welfare programs and legislation designed to ameliorate the plight to the poor. Here we may see the "Law of Christ" being implemented within the civil law as it related to the economic and social conditions of the period:

1. Statute of Artificers (1563). This law provided for "'a uniform order, prescribed and limited, concerning the wages and other orders for apprentices, servants, and labourers,' and stated that 'there is good hope that it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person both in the time of scarcity and in the time of plenty a convenient proportion of wages.'"[66]

Under this 1563 law, the artisans "were required to serve an apprenticeship for seven years. All physically fit men who were not apprentices or artisans were ordered to labor as agricultural workers when needed. The justices of the peace, supervised by the central privy council, were empowered to fix annually the wages for their locality in accordance with 'the plenty or scarcity of the time.'"[67]

It should be noted here, too, that this Statute of Artificers, which certainly reflected the "Law of Christ,"[68] was not repealed until 1813.[69]

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[64] Ibid., p. 265.
[65] Ibid., p. 263.
[66] Ibid.
[67] Ibid.
[68] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).
[69] Ibid., p. 263.

2. Poor Law (1598). This general law supplemented the Statute of Artificers by enforcing stiff penalties against loafers, stragglers, and those feigning schemes to avoid going to work.

3. Poor Law (1601). This general law supplemented the Statute of Artificers. It "provided that there should be overseers of the poor in each parish. They were given authority to levy a tax, or rate, on all property and owners to provide funds for the assistance of the poor. For physically fit paupers the overseers were to find work. Unemployed men who would not work were publically whipped or shut up in houses of correction."[70]

This Poor Law of 1601, which certainly implemented the "Law of Christ," remained essentially unchanged until 1834.[71]

4. Court of Requests. And finally, the Elizabethan government developed a special court for the poor, the "court of requests," which provided special legal assistance in civil cases for men and women who were too poor to afford lawyers or "to sue in the ordinary common law courts."[72]

Hence, the court of requests, the Statute of Apprentices and the poor law legislation "illustrate the increasing interest of the state in general social welfare and the improvement of working conditions in England."[73] The rise of capitalism did not dim the light of Christian spirit or of the "Law of Christ" in sixteenth and seventeenth century England. On the contrary, the dislocations among the poor and the working classes stimulated true Christians to rise up and to demand more from both the government and the Church of England. Indeed, juxtaposed to church corruption and materialism within the Church of England was authentic Christianity and charity! These tensions within with the Church of England were not unique, but had been part and parcel of the Christian experience since the days of the first apostles. Queen Elizabeth I, to her great credit, emphasized the very best in this Christian experience. And these Christian mobilizations within the secular "city of man" would continue to influence and inspire Anglo-American jurisprudence and democracy, even carrying over to the North American colonies where Christians then advocated for the abolition of African slavery and the slave trade.

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[70] Ibid., pp. 263-264.
[71] Ibid.
[72] Ibid., p. 277.
[73] Ibid., p. 281.

The other major economic development, which occurred during the reign of Elizabeth I of England, was the granting of "monopolies" to favored patrons of the crown and influential merchants. Like the "enclosure system," the monopoly system concentrated wealth and privileges into the hands of a few men, thus squeezing the commoners out of the economic system. The English commoners had by the last 1500s reached a very advanced stage of political maturity and began to organize around their class interests in such a manner as to force Parliament to yield to their reasonable demands. Matters of economics and the social plight of the common man—issues that were woven into the Christian ideal of right and justice-- became of critical importance as capitalism developed in early seventeenth century England.

> Late in Elizabeth's reign there also arose wide discontent about the question of monopolies. Grants of monopolies, the sole right to sell various articles, had often been made to favored nobles and businessmen. It was clearly an evil. There had been many petitions to the queen. Londoners were particularly resentful. In 1601 Parliament became so incensed that Sir Robert Cecil lost control of the commons. Elizabeth knew when to yield. She revoked several monopolies and summoned the commons to hear her speech at Whitehall. It was a noble speech. 'I have more cause to thank you all than you me; for, had I not received a knowledge from you, I might have fallen into a lap of an error only from lack of true information.'

Here, we see a very diplomatic, thoughtful, and compassionate Elizabeth I who conceptualized the royal prerogative as a Christian duty which must, above all else, implement the "Law of Christ" in order to ensure that economic and social justice were meted out and affirmed.

I. Law and Economics: Rise of the Parish, the Yeomen and the Country Gentry

The word "parish" first entered my lexicon in the early 1990s through my associations with the Roman Catholics. The parish is a geographical area and the most basic unit of church organization within the Roman Catholic Church system. Several parishes together are assigned to a "diocese." Each parish is assigned a "parish priest" or "pastor"; and each "diocese" is assigned a bishop. After the Church of England separated from the Roman Catholic Church in 1534, the new Protestant Church of England maintained this same fundamental church structure, with two dioceses: York and Canterbury. The Diocese of York had about 14

parishes and the Diocese of Canterbury had about 30. Under the Roman Catholic system, the parishes also contained monasteries, guilds, chantries, and nunneries which maintained hospitals, charities, and other social service centers for poor relief. However, after the Church of England separated from Rome in 1534 and shut down these charitable organizations, the Anglican parish shifted the administration of poor relief to the local pastors or "parish priests" together with leading local churchmen, who typically the yeomen and the gentry. This development would have a significant impact on the development of Anglo-American ideas of democracy and self-government.

Who were the yeomen? Unlike the Medieval feudal system which made land the primary basis of duty, military service, and employment, the new "yeomen" were small freeholders and owed no homage or fealty to anyone, save the obligation to pay property taxes. Yeomen were thus "the freeholders of common rank." They were, in essence, small farmers; and because they held only modest portions of the land, they were more likely to make the most efficient and productive uses of the land. The Yeomen were artistic, creative, and cooperative; often combining their economic strengths and ambitions to deliver products to national and international markets. Queen Elizabeth turned over the privilege of local self-government to these yeomen. The parish priests helped to train and educate these yeomen, who in turn took over from the monks and nuns in running the Anglican churches' various charities. "In the unpaid offices of the parish the yeomen were becoming increasingly important; their responsibility and position trained them towards habits of individual initiative and judgment long before England approached democracy."[74] Hence, the parish made its entrance as a form of local civil government after the Reformation and during the Elizabethan era.

The yeomen could rise in rank to the status of a country gentleman (i.e., the country gentry). The country gentry were closely affiliated with the local parish church and the priests as well, but they were more likely to be entrusted with paid royal offices from the crown. The gentry typically held larger tracts of land than the yeomen, and were typically more influential politically. The gentry served as the justices of the peace, overseers, lords-lieutenants, constables, coroners, lawyers, etc. "Under Elizabeth there was a considerable increase in the functions of local government officials, particularly in the parish, where the church official assumed many civil duties. In the counties the sheriff had been progressively deprived through the centuries of most of his importance, and the country gentlemen who were the pivotal justices of the peace now saw their judicial and

[74] Ibid, p. 279.

administrative tasks steadily mount in number. Under 'stakes of statutes' their powers became very extensive; they were judges in the local courts; they directed the administration of the poor laws; they licensed beggars and forced the physically fit to work; they determined local wages and prices; they supervised the building and maintenance of public works, roads, and prisons; they enforced the laws against the Puritans and Roman Catholics. In scores of ways they helped the central crown authorities in the government of England."[75]

Table 1. Delivery Poor Relief and Charity in England, 1066- 1800

Roman Catholic Church of England (1066-1534)	**Protestant Church of England (1534-1800)**
Law of Christ-- Poor Relief (Canon Law)	*Law of Christ*—Poor Relief (Canon Law) *Civil Law*--(Statute of Artificers (1563); Poor Law of 1598, 1601, etc.)
Secular Clergy—Bishops, Priests, *Regular Clergy*—Abbots, Monks, Nuns, Orders	*Secular Clergy*—Parish Priests; Bishops *Gentry (Laymen)*— Overseers, constables, lawyers, justices of the peace, judges.
Economy—Agriculture; Feudalism.	*Economy*—Agriculture; Mercantilism; Capitalism.

Thus devoted lay members of the Church of England, the yeomen and the gentry, who were led by their local parish priests and diocesan bishops, laid the foundations for local government and Anglo-American democracy during the late sixteenth century in Elizabethan England.

[75] Ibid., pp. 277-278.

J. Law and Economics: International Trade and the New Middle Class

A seminal moment in Elizabeth I's reign was the defeat of King Phillip II of Spain's Armada in 1588. Although the war with Spain lasted until 1604, the great English naval victory in 1588 hastened the decline of Spanish power around the world, increased England's international stature, and opened up new economic possibilities around the world, such as the establishment of colonies in the new world.

The rise of royal charters for joint stock companies proliferated in Elizabethan England. At the epicenter of the new international movement were the new graduates of Oxford and Cambridge who were the sons and grandsons of the new rising middle class merchants. They rubbed elbows with the English aristocracy and coveted seats in the House of Commons. They were also adventurers, sea farers and international investors. They chartered exploration projects and sought ways to make money through international trade and overseas investments. Pooling of their economic resources led to the development of joint stock companies which sought out royal patronage from the British crown as well as new trading privileges in the near and far east, as well as in the Americas. "In 1600 there was added to the ranks of the Merchant Adventurers, the Muscovy Company, the Levant Company, and the rest, a new business venture. This was the East India Company, formed by a group of London merchants as a joint stock enterprise. They could not have dreamed of the mighty organization they were beginning when the charter was granted by the crown on December 31, 1600."[76]

In 1578, Sir Humphrey Gilbert, who was the half-brother of Sir Walter Raleigh, received a patent for "the planting of our people in America."[77] And in 1583, he founded the first colony in British North America on the coast of Newfoundland.[78] On his return voyage home, his ship was lost at sea.[79] In 1585, Sir Walter Raleigh obtained Elizabeth's permission to send out a second voyage to the Roanoke Island off the coast of what is now North Carolina.[80] This colony was not a success, and a second group of 150 colonists disappeared completely.[81] Notwithstanding, England never relented. The planting of the Virginia colony, which was named for Queen Elizabeth I (i.e., the "virgin queen"), came only a few

[76] Ibid., p. 274.
[77] Ibid.
[78] Ibid.
[79] Ibid.
[80] Ibid.
[81] Ibid.

years later. Together with the Church of England and its fleet of company chaplains and priests, England's merchants and adventurers continued to press forward with new discoveries, explorations, and the planting of overseas colonies.

CONCLUSION

Economic activity and rapid change were the hallmarks of Queen Elizabeth I's reign (1558-1603). Without these phenomena, the Church of England's final break from the Roman Catholic Church cannot rightfully be placed into a proper context. Under the old system, with the Roman Catholic Church in control over the Lords Spiritual and many of the ecclesiastical courts, England was treated as a fiefdom of the Holy Roman Emperor and the Pope. Not only that, but England's economy was stunted, if not altogether mismanaged. Self-interests thus propelled England forward toward independence. Under these conditions, Englishmen needed to set aside their technical religious differences and work together. Queen Elizabeth I was the right person at the right time. She had the right attitude toward religion and the right temperament toward tolerance, law, and order. Her new Reformed Church of England was designed to accommodate a wide latitude of Christian perspectives, including those of the Catholics and the Puritans. Her new Book of Common Prayer contained both Catholic and Protestant elements. Queen Elizabeth did not seek to convert the individual soul, and she was unconcerned about religious piety, private religious views and opinions. Rather, her only concern was with outward conformity and for the respect of law and order. For the most part, Elizabeth's religious reforms are what most of the English merchants, yeomen, and gentry wanted. Under her system, they were able to help forge national unity and lay the foundations of an economic empire. But the Englishmen who were ultraconservative Catholics or Puritans were not satisfied. This tension within the Church of England only increased during the seventeenth century, many years after Queen Elizabeth I was gone. Queen Elizabeth I's legacy is significant and she is arguably the greatest monarch that England has ever produced.

THE END

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