

# ST. LUKE'S INN OF COURT

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### "A History of the Anglican Church—Part XXI: 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 thirty-second essay in this series: “A History of the Anglican Church—Part XXI.”

## **INTRODUCTION<sup>1</sup>**

In the United States today, we have all but forgotten that at one time in English and early North American colonial history, the college and the university were the training grounds primarily for the clergy and for ecclesiastical service.

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<sup>1</sup> This paper on the *Book of Common Prayer* (1549-1662) is dedicated to the local chapter of *The Federalist Society* at the University of Illinois College of Law. I joined *The Federalist Society* as a law student during the 1992-1993 academic term in order to better understand the historical origins of the United States Constitution; American constitutional law and jurisprudence; the doctrine of “original intent” in constitutional interpretation; and the doctrine of States Rights and 10th Amendment jurisprudence. I had at that time a working knowledge of *The Federalist Papers*, written by John Jay, Alexander Hamilton, and James Madison, and I was curious to observe how The Federal Society’s programmes promoted the ideals and ideas which Jay, Hamilton, and Madison set forth in *The Federalist Papers*.

For well-nigh eight hundred years (1100-1900 A.D.), the Church, and not public schools, provided almost all of formal education outside of the home. And even when, during the late nineteenth and early twentieth centuries, the secularism of public schools and colleges slowly began to convert the *raison d'être* of high-school and higher education from church service to service within the secular vocations, the lingering impact of the Christian faith existed alongside secular institutions and continued to guide Anglo-American values and thought, even in the public sphere. So that today, as a secular faith in juridical and civil equality increasingly displaces Christianity and the natural law tradition, the splintering of Christianity's centrifugal force and the Christian epicenter of western civilization appears to have left a void which existentialists have grappled with since the end of World War II, but which pure secular theorists, lawyers, and magistrates have not resolved. And that is, What does it mean to be human? And what is the just aim of human society? Today, Christianity's answers to these questions (e.g., the doctrine of Original Sin), at least in the public sphere, appear to have fallen into disfavor in the popular mind and into desuetude within Anglo-American jurisprudence. Nevertheless, it is my firm conviction, and part of my purpose for submitting this essay, that we have misjudged what Christianity is and what it does for the melioration of the human condition. As we embark upon this increasingly diverse and multicultural twenty-first century, the unifying force of the universal, holy, and catholic Christian faith may still guide us aright.

St. Augustine has said that "[i]n order to discover the character of people we have only to observe what they love."<sup>2</sup> Thus measured by this standard, it is safe to conclude that Elizabethan England loved Christian holiness and the Christian faith, and this love for that faith extended deep into the 19<sup>th</sup> century, alongside the rapid growth and materialism of the British Empire. Elizabethan-era policy and law was unapologetically committed to Medieval virtue and chivalry, and deeply rooted in the Christian faith. And, howsoever misplaced and misguided, Elizabethan-era policy and law sought to elevate the holiness, virtue, and moral standards of the English population. The results yielded the "Golden Age" of English art, literature, philosophy, law, science, and commercial expansion. And it goes without saying that at the very core of this amazing prosperity was Elizabeth I's deep devotion to the Christian faith together with her commitment to England's stability, growth, and international standing. When Elizabeth I died in 1603, the Stuart monarchs attempted to replicate and to expand these Elizabethan era policies throughout the seventeenth century, insisting upon exerting their authority through constitutional theory called the "Divine Right of Kings." Christianity and the Church of

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<sup>2</sup> Saint Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. [omitted].

England's leaders continued to mold English character, custom, culture and law, much as they had done since the days of King Ethelbert during the sixth and seventh centuries. And since the mid-sixteenth century, the *Book of Common Prayer* was one of the most important religious texts which the British monarchy and Church of England relied upon to shape Christian mores, custom, and values throughout the English body politic.

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In this essay we return to the proposition set forth in several of the earlier essays in this series, to wit, that the foundation of Common Law of England (i.e., the common law, statutory law, and constitutional law) is decisively Christian; and that, for this very reason, by the time of the American Revolution of the 1770s, the Christian faith had been thoroughly sewn into Anglo-American jurisprudence. For indeed the "Law of Christ" was from the very first the mother of England's equity and chancery jurisprudence; it was as the executive arm of the Lord Chancellor the ultimate and guiding canon for all other laws both secular and sacred. Hence, England's equity jurisprudence, which guided the development of the English common law, was 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). The *Book of Common Prayer* instilled values within England, such as:

*"God be merciful unto us, and blesse us, and shew us the lighte of his countenance:  
and bee mercifull unto us. That thy waye maye bee knowen upon yearth,  
thy saving health emong all nacions."*  
--1549 Book of Common Prayer

*"O God, for as much as without thee we are not able to please thee;  
Mercifully grant, that thy holy Spirit may in all things direct,  
And rule our hearts, though Jesus Christ our Lord. Amen."*  
--1662 Book of Common Prayer

This essay provides an example, through the early history of the *Book of Common Prayer*,<sup>3</sup> of precisely how the Christian faith came to dominate 17<sup>th</sup> century English legal thought, including its continuing influence on the development of the English common law and its unwritten constitutional law. This essay also reveals how important the Christian faith was to 17<sup>th</sup> century English

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<sup>3</sup> Although a survey of the texts within the various sections of the *Book of Common Prayer* is beyond the scope of this essay, one should review this prayer book prior to reading this essay.

society and culture, which in turn influenced English common law and constitutional law, influencing the development of important constitutional ideas such as “fundamental law.” In other words, the *Book of Common Prayer* has had such a profound influence upon English social custom that it may very well be said that it has been incorporated into the Common Law of England (i.e., the English common law, statutory law, and constitutional law).

It is also quite unfortunate that the history of the *Book of the Common Prayer* sheds light on another important aspect of Anglo-American constitutional law: religious intolerance and the denial of freedom of conscience. Although the *Book of Common Prayer* is considered to be a precious relic of ancient English culture, it came about through social and religious revolution, leading to the deaths of many martyrs and to the English Civil War (1641-1659). Thus, despite the precious good that it has provided to generations of faithful Christians, the *Book of Common Prayer* must also be considered an unnecessary evil for many Englishmen who did not wish to worship in accordance with its mandates. Therefore, I believe that an obvious constitutional lesson which this essay teaches to lawyers, judges, pastors, and theologians is the simple proposition that freedom of religion and freedom of conscience are socially, politically, and spiritually healthy for the secular body politic; and that Christian evangelization should be by persuasion only, and not through coercion. At the same time, I think that, while the Christian faith (or any other religion) should not be imposed upon the body politic, many of its various teachings are still nevertheless in perfect alignment with reason, science, and the amelioration of many social ills, such that a public policy that outright rejects Christian dogma, simply because it is a sectarian principle, is irresponsible. I believe that the history and lessons of the *Book of Common Prayer* should be read within this light.

## SUMMARY

The Christian faith became the foundation of Anglo-American constitutional and common-law jurisprudence through the various agencies of the Church of England. The *Book of Common Prayer* became one of the most important evangelization tools of the Anglican Church. This prayer book was used to instill a uniformity of Christian values throughout the English body politic. It thus became an important document in English political, social, legal, ecclesiastical, and constitutional history. This prayer book took the first practical step to move England away from the Roman Catholic Church and to re-define its own independence. It also took the first step toward the democratization of the Church of England, in that church services were then, for the first time, conducted in

English—the language of the people. Significantly, the *Book of Common Prayer*, as an official act of Parliament, also became a worldwide Anglican cultural icon. Together with King James’s authorized Bible of 1611, this prayer book transformed English society and culture in many profound ways. Not only was the Christian faith permanently cemented into England’s Christian conscience, but it also shaped nearly every aspect of English secular life as well. And not even the English common law was shielded from its influence. The *Book of Common Prayer, together with its implementing Acts of Uniformity*, signified that, at the time of the American Revolution of the 1770s, England was a Christian nation.

## **Section I. Biography of Archbishop Thomas Cranmer (1489 – 1556)**

### **A. Early Years**

The *Book of Common Prayer* owes its existence to Thomas Cranmer, who was an Archbishop of Canterbury. A founding father of the Reformed Church of England, Bishop Cranmer’s life spanned 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 later rose to prominence as “a leader of the English Reformation.... 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.”<sup>4</sup>

### **B. Church Career and Anglican Theology**

Archbishop Cranmer was a student of Luther and Calvin and had had an opportunity to study, in person, the reformed movements of continental Europe. “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

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<sup>4</sup> [https://en.wikipedia.org/wiki/Thomas\\_Cranmer](https://en.wikipedia.org/wiki/Thomas_Cranmer)

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.”<sup>5</sup>

Today, Archbishop Cranmer is remembered as a founding father of Anglicanism because of his pioneering work in authoring the first *Book of Common Prayer* of 1549 and in laying the foundations for the “Thirty-Nine Articles of Religion” (adopted in 1563). “Cranmer’s death was immortalized in *Foxe’s Book of Martyrs* and his legacy lives on within the Church of England through the *Book of Common Prayer* and the *Thirty-Nine Articles*, an Anglican statement of faith derived from his work.”<sup>6</sup>

## **Section II. The *Book of Common Prayer*- A History**

### **C. The *Book of Common Prayer* and the English Common Law**

It has been said that religion “is a belief in divine (superhuman or spiritual) being(s) and the practice (rituals) and moral code (ethics) that result from that belief. Beliefs give religion its mind, rituals give religion its shape, and ethics give religion its heart.”<sup>7</sup> The Christian religion in England has produced a theology (i.e., a systematic belief system), a liturgy (i.e., system of rituals), and a moral code (i.e., ethics) that have directly influenced England’s legal and constitutional system. This is true in large measure because Christianity was thoroughly woven into the English legal system, as, for example, as we shall see below, where the Act of Uniformity of 1662 mandated the every person within England’s realm attend regular church service or pay a fine; and where, Oaths of Allegiance to the Church and Crown were necessary to hold public office; and, most significantly, through England’s equity jurisprudence and its chancery and ecclesiastical courts. During the sixteenth and seventeenth centuries, both the civil and ecclesiastical authorities

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Rabbi Marc Gellman and Monsignor Thomas Hartman, *Religion For Dummies* (Indianapolis, IN: Wiley Publishing, Inc., 2002), p. 10.

enforced Christian dogma and church doctrine as the supreme law of the land in England.

Christianity thus was cemented into English customary practice and the common law. The Archbishops and bishops (i.e., the Lords Spiritual) worked in close cooperation with Parliament to enforce ecclesiastical laws, one of which was the important and influence laws that enacted the *Book of the Common Prayer*. “Today ‘Parliament’ is the name given to the supreme legislature of the kingdom of Great Britain and Northern Ireland. Many of the legislative bodies of the world are modelled upon this famous institution. In the assembly called Parliament sit the lords spiritual (archbishops and bishops) and the lords temporal, constituting the House of Lords, and the representatives of the counties and boroughs, constituting the House of Commons. These two houses with the king or queen form the modern Parliament.”<sup>8</sup> In other words, the Lords Spiritual who sit in England’s House of Lords in Parliament no doubt represent the Church of England (i.e., English spiritual tradition, morals, and ethics). That they have a direct voice in legislation and other functions of the Parliamentary process is an exemplification of the powerful presence of the “law of Christ” within the English legal and constitutional system. Their role in both the Church of England and Parliament is to safeguard Anglican and Christian tradition and values, and to serve as the moral conscience and powerful voice of the poor. They also preside over the doctrine and liturgy of the Church of England, and as such, they help to shape England’s moral conscientiousness and culture. Their *Book of Common Prayer* has arguably done more to shape English culture than any other book except, of course, the King James Bible. The *Book of Common Prayer* has, since 1549, thoroughly shaped the British values, cultural, and legal system, thus instilling and weaving the Christian faith throughout every aspect of British life. It has thoroughly influence both law and society.

From the Reformation to the Beatles, with some interruptions and alterations, it formed the order of service in the established church in England. It has been said, with some justice, that it has reached more listeners, via its daily offices, than the works of Shakespeare. Human life in the English imagination is mediated through its idiom: in loving

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<sup>8</sup> Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorsett Press, 1990), p. 148.



a partner, we promise to ‘love her, comfort her, honour and keep her in sickness and in health’; in saying farewell to the dead, we come to terms with our own mortality, ‘Earth to earth, ashes to ashes, dust to dust.’ In the breadth of this practical influence, Prayer Book prose has seeped into the collective consciousness more profoundly than that of any other book written in English, even the Bible. Millions of English-speaking people, godly, wicked or indifferent, have been baptized, married, or buried to its words.<sup>9</sup>

The *Book of Common Prayer* has so profoundly impacted everyday life in England and throughout the British Empire that it may rightfully be seen as a valid source of the English common law. This is true because the common law is merely a compilation of local custom and practice from various human groupings, and on the British Isles, the Church and Christian faith organized the English common law within the purview of the royal and ecclesiastical courts. The *Book of Common Prayer* reflected the “Law of the Church,” which, after 1549, thoroughly transformed English culture. The *Book of Common Prayer*’s Anglican liturgy was so thoroughly interwoven into English events, special occasions, family gatherings, church services, marriage ceremonies, funerals, and even court proceedings that has certainly been woven into the unwritten English common law.

Hence, the *Book of Common Prayer* is “[m]ore than a book of devotion, then, this is a book to live, love, and die to. This is no other-worldly or unworldly book of the spirit removed from the body, but a book of the daily experience of the body, and of ordinary routine temporarily endowed with a quality of the eternal. Nor is it a book only of prayer, narrowly conceived. It is a book of ritual, of practices and performances used to transform the activities of a life.”<sup>10</sup> There was no single *Book of Common Prayer*, as it evolved frequently throughout English history since 1549; “the moment of origin, in 1549, a text of great influence but with almost no life of its own; then the text of 1559, with which Shakespeare and Milton were both familiar, although neither perhaps paid any allegiance to it; and finally the master-text of 1662, which saw out Jonathan Swift, Charles Dickens,

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<sup>9</sup> *The Books of Common Prayer: The Texts of 1549, 1559, and 1662* (Oxford, United Kingdom: Oxford University Press, 2011), p. ix.

<sup>10</sup> *Ibid.*, p. xii.

and T.S. Elliot. No text of the Book of Common Prayer is a word set in stone”<sup>11</sup>; and its “language with an unmitakeable power, employed freely by all other users of the English language, whatever their religious affiliation or whether they have one at all.”<sup>12</sup> Hence, the English common law necessarily drew upon the culture, values, and realities of the English people, all of which were molded and shaped by the rituals of the *Book of Common Prayer*.<sup>13</sup> “The rituals...while special to the Christian tradition of one particular church, help us to understand the wider processes by which human beings communicate with each other and incorporate their lives in structures beyond the individual self or a single lifetime.”<sup>14</sup> As the reflection of the people’s system of beliefs, as the will of the English sovereign and as an act of Parliament (i.e., the Act of Uniformity of 1549), the *Book of Common Prayer* synthesized the spirit of English law both sacred and civil.

#### **D. The *Book of Common Prayer* of 1549, 1559—A Revolutionary Document**

Now the *Book of Common Prayer* first appeared in 1549, at the editorship and direction of Archbishop Thomas Cranmer. It was a radical document that reflected the Protestant revolutionary spirit against the papal authority from Rome. Several important events since Henry VIII’s Act of Supremacy of 1534 preceded it:

- 1535 Miles Coverdale’s Bible printed in English
- 1536 Dissolution of the Catholic monasteries
- 1536 Ten Articles of Religion set out the theology of the Church of England
- 1537 Bishop’s Book (with expositions of the Creed, sacraments, and Ten Commandments) published
- 1538 Royal Injunctions on religion, including condemnation of the cult of saints, images, and superstition
- 1539 The *Great Bible* becomes official Bible for use in the Church of England

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<sup>11</sup> Ibid., p. li.

<sup>12</sup> Ibid., p. lii.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

- 1543 *King's Book*, a book of doctrinal explanation, authorized
- 1545 The Council of Trent; Catholic counter-Reformation
- 1545 *King's Primer* regularizes liturgical materials in English
- 1548 *Order of Communion* authorized
- 1549 Act of Uniformity: first *Book of Common Prayer* authorized

When it first appeared in 1549, “the very idea of it was in its time startling and even provocative... a majority of the people told to use it probably thought any prayer book written in English was incapable of enacting the prayers within it. The book was the heir... to several hundred years of Latin liturgical tradition in England based on the Roman rite.”<sup>15</sup> The 1549 *Book of Common Prayer* was patterned largely after the Latin rite, but the fact that it was printed in English signified a major cultural, psychological, and emotional shift within the spiritual and national life of England. The English language now finally supplanted the foreign tongues of French and Latin which had dominated its history since the year 1066.

The contents of the 1549 *Book of Common Prayer* contained the following:

### **The Book of Common Prayer- 1549**

#### The Contents of This Book

- i. A Preface:
- ii. A Calendar for Psalms and Lessons
- iii. Order of Morning and Evening Prayers and Songs
- iv. The Collections, Epistles and Gospels for celebrations for the Lord's Supper and Holy Communion (i.e., Eucharist); Diverse Feasts and Other Holy Days
- v. The Supper of the Lord and Holy Communion (Mass)
- vi. The Litany and Suffrages
- vii. Baptism, Public and Private
- viii. Confirmation and Catechism for Children
- ix. Matrimony (Weddings and Ceremonies)
- x. Visitation of the Sick and Communion
- xi. Burial
- xii. Purification of Women
- xiii. Declaration of Scripture; Prayers for Lent; Ash Wednesday

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<sup>15</sup> Ibid. p. xvii.

xv. Certain notes for the more plain explication and decent ministration of things contained in this book.

### **The Book of Common Prayer- 1559**

#### The Contents of This Book

- i. An act for the uniformity of Common Prayer [revised in 1662]
- ii. A Preface [adopted 1549 edition]
- iii. Of Ceremonies [revised in 1662]
- iv. The order of how Psalter is appointed [revised in 1662]
- v. Table for order of Psalmes, Morning and Evening Prayer [revised in 1662]
- vi. Order of Rest of holy Scripture [revised in 1662]
- vii. Proper Psalms and lessons at Morning and Evening Prayer [revised in 1662]
- viii. An Almanac [revised in 1662]
- ix. Table of Calendar for Psalms and Lessons [revised in 1662]
- x. Order of Morning Prayer and Evening Prayer
- xi. The Litany
- xii. The Collects, Epistles, and Gospels to be used in Holy Communion
- xiii. Order of ministration of Holy Communion
- xiiii. Baptism- Public and Private
- xv. Confirmation
- xvi. Matrimony
- xvii. Visitation of the Sick
- xviii. The Communion of the Sick
- xix. Burial
- xx. Thanksgiving of women after child birth
- xxi. Comminacion againste synners, wyth certayne prayers to be used diverse tymes in the yeare.

### **1. Preface to the *Book of Common Prayer* (1549, 1559)**

The Reformed Church of England continued to hold the ancient Catholic Church Fathers in very high esteem and sought to preserve the ancient traditions of the universal church since time of the Apostles.<sup>16</sup> The *Book of Common Prayer* of 1549 clearly reflects how leaders within the Reformed Anglican Church

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<sup>16</sup> Ibid., pp. 4-6.

conceptualized themselves.<sup>17</sup> They did not see themselves as radicals but rather as restorers and preservers of the true catholic faith.<sup>18</sup> As the Preface to the *Book of Common Prayer* (1549, 1559) stated, “the common prayers of the Church” had been corrupted and the purpose of this book was to preserve the “divine service” as had been previously set forth by the “ancient fathers.”<sup>19</sup> The divine service which these ancient fathers had instituted was for “a good purpose” and a “great advancement of godliness.”<sup>20</sup> The Preface states that the Roman Church had corrupted the traditional rites of the church: “[b]ut these many yeares passes this Godly and decent ordre of the auncient fathers, hath been so altered, broken, and neglected, by planting in uncertain stories, Legendes, Respondes, Verses, vaine repetitions, Commemaracions, and Synodalles, that commonly when any boke of the Bible was begon: before three or foure Chapters were read out, all the rest were unread.... After a like sort ewer other bokes of holy scripture used. And moreover, whereas S. Paule would have suche language spoken to the people in the church, as they mighte understand and have profite by hearyng the same: the service in this Church of England (these many yeares) hath been read in Latin to the people, whiche they understood not, so that they have heard with theyr eares onely: and their hartes, spirite and minde, have not been edified thereby.”<sup>21</sup>

In other words, the Reformers criticized the Roman Catholic rites as being incoherent, infused with superstition, and unresponsive to the spiritual nourishment of parishioners. The Latin rites were furthermore criticized as being difficult to follow and “so hard and intricate a matter, that many times, there was more business to fynd out what should be read, then to read it when it was founde out.”<sup>22</sup> The new *Book of Common Prayer* of 1549 was designed to correct “inconveniencences” of the Latin rites, and to present a new liturgical calendar “for that purpose, whiche is plaine and easy to understand....”<sup>23</sup> The new *Book of Common Prayer* asserts that has gotten rid of the “vain and superstitious” Latin liturgical rites and replaced them with rites that are “easy and plain for the

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

understanding.”<sup>24</sup> Furthermore, it held that “by this ordre, the curates shal need none other books for their publique service, but this boke and the Bible: by the meanes wherof, the people shall not be at so great charge for books, as in tyme past they have been.”<sup>25</sup> All dioceses in the English kingdom were now ordered through the Act of Uniformity to use the new *Book of Common Prayer*, with each bishop given some latitude to implement local standards and customs within the parishes.<sup>26</sup>

## 2. The Elizabethan *Book of Common Prayer* of 1559

The *Book of Common Prayer* of 1559 was enacted one year after Elizabeth I ascended to the throne of England and it reflected her desire to compromise between the Catholic advocates on the one hand and the radical Puritans on the other. “While there was some alteration in 1604, especially to the Baptism service, the 1559 text held sway until the tumult of the Civil Wars of the 1640s. Unlike its more famous siblings, 1549 and 1552, which were revolutionary books consigned to history almost as soon as they were created, 1559 moulded hearts over several generations.”<sup>27</sup> “While Catholics lamented the loss of their religion in the *Book of Common Prayer*, Puritans thought they might as well be Papists’ by using it at all.”<sup>28</sup> During this period, it was reported that local priests differed, while some catered to the English Catholics, and others to the Puritans. Bishops were often unable to enforce one version of the liturgy over another form, but over time Anglican liturgical unification developed. But despite the attempts of Anglican bishops to defend the *Book of Common Prayer* as both theologically sound and egalitarian in scope, the Puritan discomfort only increased. After Elizabeth I died in 1604, the Puritans held conference at Hampton Court to persuade James I to change the *Book of Common Prayer*, which request was denied. Although economic turmoil (including mercantile and land monopoly) lay at the heart of social conflict in England, the power of the Anglican bishops, who supported the monarchy, together with the Church of England, remained a prime target of the Puritan dissenters.

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid., p. xxxiv.

<sup>28</sup> Ibid., p. xxxvii.

By the time of political divisions of the 1630s widened into the Civil War which broke out in 1642, the Book of Common Prayer had become the badge of the royalist party, and church ceremonies were its cultural clothing as much as cavalier hats and lace. The Root and Branch Petition of 1640—signed by 15,000 Londoners and presented to parliament a year later by Oliver Cromwell and Henry Vane—called for the elimination of episcopacy, ‘root and branches,’ and singled out the Book of Common Prayer for opprobrium: the ‘Liturgy for the most part is framed out of the Romish Breviary, Rituals and Mass-Book.’ The book had by now settled into the national consciousness. There were counter-petitions in favour of the liturgy in 1641, and contrary to the view that the Book of Common Prayer was imposed from above and was the creature of the aristocracy and gentry, support was said to come from ‘hedgers at the hedge, plowmen at the plow, threshers in the barns.’ The abolition of the *Book of Common Prayer* in 1645 was equally as political an act as its imposition had been in 1549.<sup>29</sup>

Hence, from 1645 to 1660, following the English Civil War (1642-1651) and the rise of the Puritan Commonwealth government, the Elizabethan *Book of Common Prayer* was rescinded and disappeared from the Church of England.

#### **E. The Thirty-Nine Articles of Religion, 1563 (Addendum to the *Book of Common Prayer* of 1559)**

In addition, the reign of Queen Elizabeth I produced the landmark “Thirty-Nine Articles of Religion,” which were drafted in an effort to clearly define Anglican theology; and to defend the Church of England against attacks from Catholics and Puritans; and to differentiate Anglican theology from other Protestant theologies, such as Calvinism and Lutheranism. Below is the Church of England’s Thirty-Nine Articles of Religion (including Δ to indicate those articles that were later adopted by the Methodist Episcopal Church in 1784 in Baltimore, Maryland):

<b>Addendum to The Book of Common Prayer</b>
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<sup>29</sup> *Ibid.*, pp. xl-xli.

## The Church of England's Thirty-Nine Article of Religion of 1563

### **I. Of Faith in the Holy Trinity. Δ**

There is but one living and true God, everlasting, without body, parts, or passions; of infinite power, wisdom, and goodness; the Maker, and Preserver of all things both visible and invisible. And in unity of this Godhead there be three Persons, of one substance, power, and eternity; the Father, the Son, and the Holy Ghost.

### **II. Of the Word or Son of God, which was made very Man. Δ**

The Son, which is the Word of the Father, begotten from everlasting of the Father, the very and eternal God, and of one substance with the Father, took Man's nature in the womb of the blessed Virgin, of her substance: so that two whole and perfect Natures, that is to say, the Godhead and Manhood, were joined together in one Person, never to be divided, whereof is one Christ, very God, and very Man; who truly suffered, was crucified, dead, and buried, to reconcile his Father to us, and to be a sacrifice, not only for original guilt, but also for actual sins of men

### **III. Of the going down of Christ into Hell.**

As Christ died for us, and was buried, so also is it to be believed, that he went down into Hell.

### **IV. Of the Resurrection of Christ. Δ**

Christ did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature; wherewith he ascended into Heaven, and there sitteth, until he return to judge all Men at the last day.

### **V. Of the Holy Ghost. Δ**

The Holy Ghost, proceeding from the Father and the Son, is of one substance, majesty, and glory, with the Father and the Son, very and eternal God.

### **VI. Of the Sufficiency of the Holy Scriptures for Salvation. Δ**

Holy Scripture containeth all things necessary to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of the Faith, or be thought requisite or necessary to salvation. In the name of the Holy Scripture we do understand those canonical Books of the Old and New Testament, of whose authority was never any doubt in the Church.

#### *Of the Names and Number of the Canonical Books.*

Genesis, The First Book of Samuel, The Book of Esther,  
Exodus, The Second Book of Samuel, The Book of Job,  
Leviticus, The First Book of Kings, The Psalms,  
Numbers, The Second Book of Kings, The Proverbs,  
Deuteronomy, The First Book of Chronicles, Ecclesiastes or Preacher,  
Joshua, The Second Book of Chronicles, Cantica, or Songs of Solomon,  
Judges, The First Book of Esdras, Four Prophets the greater,  
Ruth, The Second Book of Esdras, Twelve Prophets the less.

And the other Books (as Hierome saith) the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any doctrine; such are these following:

The Third Book of Esdras, The rest of the Book of Esther,  
The Fourth Book of Esdras, The Book of Wisdom,  
The Book of Tobias, Jesus the Son of Sirach,  
The Book of Judith, Baruch the Prophet,  
The Song of the Three Children, The Prayer of Manasses,  
The Story of Susanna, The First Book of Maccabees,  
Of Bel and the Dragon, The Second Book of Maccabees.



All the Books of the New Testament, as they are commonly received, we do receive, and account them Canonical.

#### **VII. Of the Old Testament. Δ**

The Old Testament is not contrary to the New: for both in the Old and New Testament everlasting life is offered to Mankind by Christ, who is the only Mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign that the old Fathers did look only for transitory promises. Although the Law given from God by Moses, as touching Ceremonies and Rites, do not bind Christian men, nor the Civil precepts thereof ought of necessity to be received in any commonwealth; yet notwithstanding, no Christian man whatsoever is free from the obedience of the Commandments which are called Moral.

#### **VIII. Of the Creeds.**

The Nicene Creed, and that which is commonly called the Apostles' Creed, ought thoroughly to be received and believed: for they may be proved by most certain warrants of Holy Scripture.

*The original Article given Royal assent in 1571 and reaffirmed in 1662, was entitled "Of the Three Creeds; and began as follows, "The Three Creeds, Nicene Creed, Athanasius's Creed, and that which is commonly called the Apostles' Creed ..."*

#### **IX. Of Original or Birth-Sin. Δ**

Original sin standeth not in the following of Adam, (as the Pelagians do vainly talk;) but it is the fault and corruption of the Nature of every man, that naturally is engendered of the offspring of Adam; whereby man is very far gone from original righteousness, and is of his own nature inclined to evil, so that the flesh lusteth always contrary to the Spirit; and therefore in every person born into this world, it deserveth God's wrath and damnation. And this infection of nature doth remain, yea in them that are regenerated; whereby the lust of the flesh, called in Greek, φρονημα σαρκος, (which some do expound the wisdom, some sensuality, some the affection, some the desire, of the flesh), is not subject to the Law of God. And although there is no condemnation for them that believe and are baptized; yet the Apostle doth confess, that concupiscence and lust hath of itself the nature of sin.

#### **X. Of Free-Will. Δ**

The condition of Man after the fall of Adam is such, that he cannot turn and prepare himself, by his own natural strength and good works, to faith; and calling upon God. Wherefore we have no power to do good works pleasant and acceptable to God, without the grace of God by Christ preventing us, that we may have a good will, and working with us, when we have that good will.

#### **XI. Of the Justification of Man. Δ**

We are accounted righteous before God, only for the merit of our Lord and Saviour Jesus Christ by Faith, and not for our own works or deservings. Wherefore, that we are justified by Faith only, is a most wholesome Doctrine, and very full of comfort, as more largely is expressed in the Homily of Justification.

#### **XII. Of Good Works. Δ**

Albeit that Good Works, which are the fruits of Faith, and follow after Justification, cannot put away our sins, and endure the severity of God's judgment; yet are they pleasing and acceptable to God in Christ, and do spring out necessarily of a true and lively Faith insomuch that by them a lively Faith may be as evidently known as a tree discerned by the fruit.

#### **XIII. Of Works before Justification.**

Works done before the grace of Christ, and the Inspiration of his Spirit, are not pleasant to God, forasmuch as they spring not of faith in Jesus Christ; neither do they make men meet to receive grace, or (as the School-authors say) deserve grace of congruity: yea rather, for that they are not done as God hath willed and commanded them to be done, we doubt not but they have the nature of sin.

#### **XIV. Of Works of Supererogation. Δ**

Voluntary Works besides, over and above, God's Commandments, which they call Works of Supererogation, cannot be taught without arrogancy and impiety: for by them men do declare, that they do not only render unto God as

much as they are bound to do, but that they do more for his sake, than of bounden duty is required: whereas Christ saith plainly When ye have done all that are commanded to you, say, We are unprofitable servants.

**XV. Of Christ alone without Sin.**

Christ in the truth of our nature was made like unto us in all things, sin only except, from which he was clearly void, both in his flesh, and in his spirit. He came to be the Lamb without spot, who, by sacrifice of himself once made, should take away the sins of the world; and sin (as Saint John saith) was not in him. But all we the rest, although baptized and born again in Christ, yet offend in many things; and if we say we have no sin, we deceive ourselves, and the truth is not in us.

**XVI. Of Sin after Baptism. Δ**

Not every deadly sin willingly committed after Baptism is sin against the Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after Baptism. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God we may arise again, and amend our lives. And therefore they are to be condemned, which say, they can no more sin as long as they live here, or deny the place of forgiveness to such as truly repent.

**XVII. Of Predestination and Election.**

Predestination to Life is the everlasting purpose of God, whereby (before the foundations of the world were laid) he hath constantly decreed by his counsel secret to us, to deliver from curse and damnation those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation, as vessels made to honour. Wherefore, they which be endued with so excellent a benefit of God, be called according to God's purpose by his Spirit working in due season: they through Grace obey the calling: they be justified freely: they be made sons of God by adoption: they be made like the image of his only-begotten Son Jesus Christ: they walk religiously in good works, and at length, by God's mercy, they attain to everlasting felicity.

As the godly consideration of Predestination, and our Election in Christ, is full of sweet, pleasant, and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their mind to high and heavenly things, as well because it doth greatly establish and confirm their faith of eternal Salvation to be enjoyed through Christ as because it doth fervently kindle their love towards God: So, for curious and carnal persons, lacking the Spirit of Christ, to have continually before their eyes the sentence of God's Predestination, is a most dangerous downfall, whereby the Devil doth thrust them either into desperation, or into wretchedness of most unclean living, no less perilous than desperation.

Furthermore, we must receive God's promises in such wise, as they be generally set forth to us in Holy Scripture: and, in our doings, that Will of God is to be followed, which we have expressly declared unto us in the Word of God.

**XVIII. Of obtaining eternal Salvation only by the Name of Christ.**

They also are to be had accursed that presume to say, That every man shall be saved by the Law or Sect which he professeth, so that he be diligent to frame his life according to that Law, and the light of Nature. For Holy Scripture doth set out unto us only the Name of Jesus Christ, whereby men must be saved.

**XIX. Of the Church. Δ**

The visible Church of Christ is a congregation of faithful men, in which the pure Word of God is preached, and the Sacraments be duly ministered according to Christ's ordinance, in all those things that of necessity are requisite to the same.

As the Church of Jerusalem, Alexandria, and Antioch, have erred, so also the Church of Rome hath erred, not only in their living and manner of Ceremonies, but also in matters of Faith.

**XX. Of the Authority of the Church. Δ**

The Church hath power to decree Rites or Ceremonies, and authority in Controversies of Faith: and yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of

Holy Writ, yet, as it ought not to decree any thing against the same, so besides the same ought it not to enforce any thing to be believed for necessity of Salvation.

#### **XXI. Of the Authority of General Councils.**

*[The Twenty-first of the former Articles is omitted; because it is partly of a local and civil nature, and is provided for, as to the remaining parts of it, in other Articles.]*

*The original 1571, 1662 text of this Article, omitted in the version of 1801, reads as follows: "General Councils may not be gathered together without the commandment and will of Princes. And when they be gathered together, (forasmuch as they be an assembly of men, whereof all be not governed with the Spirit and Word of God,) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to salvation have neither strength nor authority, unless it may be declared that they be taken out of holy Scripture."*

#### **XXII. Of Purgatory. Δ**

The Romish Doctrine concerning Purgatory, Pardons, Worshipping and Adoration, as well of Images as of Relics, and also Invocation of Saints, is a fond thing, vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the Word of God.

#### **XXIII. Of Ministering in the Congregation.**

It is not lawful for any man to take upon him the office of public preaching, or ministering the Sacraments in the Congregation, before he be lawfully called, and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have public authority given unto them in the Congregation, to call and send Ministers into the Lord's vineyard.

#### **XXIV. Of Speaking in the Congregation in such a Tongue as the people understandeth. Δ**

It is a thing plainly repugnant to the Word of God, and the custom of the Primitive Church to have public Prayer in the Church, or to minister the Sacraments, in a tongue not understood of the people.

#### **XXV. Of the Sacraments. Δ**

Sacraments ordained of Christ be not only badges or tokens of Christian men's profession, but rather they be certain sure witnesses, and effectual signs of grace, and God's good will towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our Faith in him.

There are two Sacraments ordained of Christ our Lord in the Gospel, that is to say, Baptism, and the Supper of the Lord.

Those five commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and Extreme Unction, are not to be counted for Sacraments of the Gospel, being such as have grown partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures, but yet have not like nature of Sacraments with Baptism, and the Lord's Supper, for that they have not any visible sign or ceremony ordained of God.

The Sacraments were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use them. And in such only as worthily receive the same, they have a wholesome effect or operation: but they that receive them unworthily, purchase to themselves damnation, as Saint Paul saith.

#### **XXVI. Of the Unworthiness of the Ministers, which hinders not the effect of the Sacraments.**

Although in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the Ministration of the Word and Sacraments, yet forasmuch as they do not the same in their own name, but in Christ's, and do minister by his commission and authority, we may use their Ministry, both in hearing the Word of God, and in receiving the Sacraments. Neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such as by faith, and rightly, do receive the Sacraments ministered unto

them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men.

Nevertheless, it appertaineth to the discipline of the Church, that inquiry be made of evil Ministers, and that they be accused by those that have knowledge of their offences; and finally, being found guilty, by just judgment be deposed.

#### **XXVII. Of Baptism. Δ**

Baptism is not only a sign of profession, and mark of difference, whereby Christian men are discerned from others that be not christened, but it is also a sign of Regeneration or New-Birth, whereby, as by an instrument, they that receive Baptism rightly are grafted into the Church; the promises of the forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed, Faith is confirmed, and Grace increased by virtue of prayer unto God.

The Baptism of young Children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.

#### **XXVIII. Of the Lord's Supper. Δ**

The Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another, but rather it is a Sacrament of our Redemption by Christ's death: insomuch that to such as rightly, worthily, and with faith, receive the same, the Bread which we break is a partaking of the Body of Christ; and likewise the Cup of Blessing is a partaking of the Blood of Christ.

Transubstantiation (or the change of the substance of Bread and Wine) in the Supper of the Lord, cannot be proved by Holy Writ; but is repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions.

The Body of Christ is given, taken, and eaten, in the Supper, only after an heavenly and spiritual manner. And the mean whereby the Body of Christ is received and eaten in the Supper, is Faith.

The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

#### **XXIX. Of the Wicked, which eat not the Body of Christ in the use of the Lord's Supper.**

The Wicked, and such as be void of a lively faith, although they do carnally and visibly press with their teeth (as Saint Augustine saith) the Sacrament of the Body and Blood of Christ; yet in no wise are they partakers of Christ: but rather, to their condemnation, do eat and drink the sign or Sacrament of so great a thing.

#### **XXX. Of both Kinds. Δ**

The Cup of the Lord is not to be denied to the Lay-people: for both the parts of the Lord's Sacrament, by Christ's ordinance and commandment, ought to be ministered to all Christian men alike.

#### **XXXI. Of the one Oblation of Christ finished upon the Cross. Δ**

The Offering of Christ once made is that perfect redemption, propitiation, and satisfaction, for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone. Wherefore the sacrifices of Masses, in the which it was commonly said, that the Priest did offer Christ for the quick and the dead, to have remission of pain or guilt, were blasphemous fables, and dangerous deceits.

#### **XXXII. Of the Marriage of Priests. Δ**

Bishops, Priests, and Deacons, are not commanded by God's Law, either to vow the estate of single life, or to abstain from marriage: therefore it is lawful for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness.

#### **XXXIII. Of excommunicate Persons, how they are to be avoided.**

That person which by open denunciation of the Church is rightly cut off from the unity of the Church, and excommunicated, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be

openly reconciled by penance, and received into the Church by a Judge that hath authority thereunto.

**XXXIV. Of the Traditions of the Church.**

It is not necessary that Traditions and Ceremonies be in all places one, or utterly like; for at all times they have been divers, and may be changed according to the diversity of countries, times, and men's manners, so that nothing be ordained against God's Word. Whosoever, through his private judgment, willingly and purposely, doth openly break the Traditions and Ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly, (that others may fear to do the like,) as he that offendeth against the common order of the Church, and hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethren.

Every particular or national Church hath authority to ordain, change, and abolish, Ceremonies or Rites of the Church ordained only by man's authority, so that all things be done to edifying.

**XXXV. Of the Homilies.**

The Second Book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome Doctrine, and necessary for these times, as doth the former Book of Homilies, which were set forth in the time of Edward the Sixth; and therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understood of the people.

Of the Names of the Homilies.

- 1 Of the right Use of the Church.
- 2 Against Peril of Idolatry.
- 3 Of repairing and keeping clean of Churches.
- 4 Of good Works: first of Fasting.
- 5 Against Gluttony and Drunkenness.
- 6 Against Excess of Apparel.
- 7 Of Prayer.
- 8 Of the Place and Time of Prayer.
- 9 That Common Prayers and Sacraments ought to be ministered in a known tongue.
- 10 Of the reverend Estimation of God's Word.
- 11 Of Alms-doing.
- 12 Of the Nativity of Christ.
- 13 Of the Passion of Christ.
- 14 Of the Resurrection of Christ.
- 15 Of the worthy receiving of the Sacrament of the Body and Blood of Christ.
- 16 Of the Gifts of the Holy Ghost.
- 17 For the Rogation-days.
- 18 Of the State of Matrimony.
- 19 Of Repentance.
- 20 Against Idleness.
- 21 Against Rebellion.

*[This Article is received in this Church, so far as it declares the Books of Homilies to be an explication of Christian doctrine, and instructive in piety and morals. But all references to the constitution and laws of England are considered as inapplicable to the circumstances of this Church; which also suspends the order for the reading of said Homilies in churches, until a revision of them may be conveniently made, for the clearing of them, as well from obsolete words and phrases, as from the local references.]*

**XXXVI. Of Consecration of Bishops and Ministers.**

The Book of Consecration of Bishops, and Ordering of Priests and Deacons, as set forth by the General Convention of this Church in 1792, doth contain all things necessary to such Consecration and Ordering; neither hath it any thing that, of itself, is superstitious and ungodly. And, therefore, whosoever are consecrated or ordered according to

said Form, we decree all such to be rightly, orderly, and lawfully consecrated and ordered.

*The original 1571, 1662 text of this Article reads as follows: "The Book of Consecration of Archbishops and Bishops, and Ordering of Priests and Deacons, lately set forth in the time of Edward the Sixth, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such Consecration and Ordering; neither hath it any thing, that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the Rites of that Book, since the second year of the forenamed King Edward unto this time, or hereafter shall be consecrated or ordered according to the same Rites; we decree all such to be rightly, orderly, and lawfully consecrated and ordered."*

**XXXVII. Of the Power of the Civil Magistrates.**

The Power of the Civil Magistrate extendeth to all men, as well Clergy as Laity, in all things temporal; but hath no authority in things purely spiritual. And we hold it to be the duty of all men who are professors of the Gospel, to pay respectful obedience to the Civil Authority, regularly and legitimately constituted.

*The original 1571, 1662 text of this Article reads as follows: "The King's Majesty hath the chief power in this Realm of England, and other his Dominions, unto whom the chief Government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign Jurisdiction. Where we attribute to the King's Majesty the chief government, by which Titles we understand the minds of some slanderous folks to be offended; we give not our Princes the ministering either of God's Word, or of the Sacraments, the which thing the Injunctions also lately set forth by Elizabeth our Queen do most plainly testify; but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God himself; that is, that they should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evil-doers."*

*The Bishop of Rome hath no jurisdiction in this Realm of England.*

*The Laws of the Realm may punish Christian men with death, for heinous and grievous offences.*

*It is lawful for Christian men, at the commandment of the Magistrate, to wear weapons, and serve in the wars."*

**XXXVIII. Of Christian Men's Goods, which are not common. Δ**

The Riches and Goods of Christians are not common, as touching the right, title, and possession of the same; as certain Anabaptists do falsely boast. Notwithstanding, every man ought, of such things as he possesseth, liberally to give alms to the poor, according to his ability.

**XXXIX. Of a Christian Man's Oath. Δ**

As we confess that vain and rash Swearing is forbidden Christian men by our Lord Jesus Christ, and James his Apostle, so we judge, that Christian Religion doth not prohibit, but that a man may swear when the Magistrate requireth, in a cause of faith and charity, so it be done according to the Prophet's teaching in justice, judgment, and truth.

## **F. The Book of Common Prayer of 1662—the Restoration**

After revolution and civil war (1641-1651), together with the rise and fall of Oliver Cromwell, King Charles II was restored to the throne of England in 1660, and the High-Church Anglicans were restored along with him. Nearly all agreed

that the Church of England should be restored to its ancient faith, and that the *Book of Common Prayer* should be reinstated as the official liturgical book for the Church of England. The primary mover (and successor to Archbishop Thomas Cranmer) was Archdeacon John Cosin, a doctor of divinity and an expert in church liturgy who sought to restore the original 1549 *Book of Common Prayer*. But the new and revised *Book of Common Prayer* would not be issued until 1662, only after bitter political struggle and compromise: “[a]s events turned out... it was a political settlement that determined the appearance of the 1662 *Book of Common Prayer*, rather than religion alone.”<sup>30</sup>

Critical and key players in the debate to reinstate a new *Book of Common Prayer* included the earl of Clarendon, the Lord Chancellor, a group of ecclesiastics such as Gilbert Sheldon and John Cosin, and the bishop of London. The Presbyterians were key players in the debate; they were asked to draw up their objections to any of the wording in the new documents. “The new preface, usually attributed to [Bishop of London Robert Sanderson] although no doubt approved in committee, sums up the 1662 *Book of Common Prayer*, which, with the Act of Uniformity, received the royal assent on 19 May 1662 and was prescribed for use from St. Bartholomew’s Day, 24 August: ‘Our general aim therefore in this undertaking was, not to gratify this or than party in any their unreasonable demands, but to do that, which to our best understandings we conceived might most tend to the preservation of Peace and Unity in the Church’.”<sup>31</sup> The contents of the 1662 *Book of Common Prayer* are as follows:

## ***The Book of Common Prayer- 1662***

### The Contents of This Book

1. The Acts for the Uniformity of Common Prayer
2. The Preface
3. Concerning the Service of the Church
4. Concerning Ceremonies

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<sup>30</sup> Ibid., p. xlili.

<sup>31</sup> Ibid., p. xlv.

5. The Order how the Psalter is appointed to be read
6. The Order how the rest of the holy Scripture is appointed to be read
7. A Table of proper Lessons and Psalms
8. The Kalendar, with the table of Lessons
9. Tables and Rules for the Feasts and Fasts throughout the whole year
10. The Order for Morning Prayer
11. The Order for Evening Prayer
12. The Creed of S. Athanasius
13. The Litany
14. Prayers and Thanksgiving upon several occasions
15. The Collects, Epistles and Gospels, to be used at the ministration of the holy Communion throughout the year.
16. The Order of the ministration of the holy Communion
17. The Order of Baptism, both publick and private
18. The Order of Baptism for those of riper years
19. The Catechism, which the Order of Confirmation of children
20. The Form of Soleminization of Matrimony
21. Visitation of the Sick, and Communion of the Sick
22. The Order for the Burial of the Dead
23. Thanksgiving for Women after child-bearing
24. A Commination or Denouncing of Gods anger and judgments against Sinners
25. The Psalter
26. The Order of Prayers to be used at Sea
27. The Form and Manner of Ordaining Bishops, Priests, and Deacons

As previously mentioned, the 1662 *Book of Common Prayer*, together with the King James Bible, transformed English society and culture. Thus legally enforced through royal legislation, and punishable as criminal offenses or civil infractions, violations of the 1662 Act of Uniformity transformed the *Book of Common Prayer*'s ecclesiastical mandates to the status of civil law. Bishops and secular judicial officers together legally enforced the terms of the 1662 Act of Uniformity, leading to religious persecutions and outrage throughout realm. Thus the Church of England entered a dark chapter of religious repression and persecution through the enforcement of legislations such as "An Act For The Uniformity of Common Prayers and Service in the Church and Administration of



the Sacraments” (1662) and “An Act For the University of Public Prayers and Administration the Sacraments, and Other Rites and Ceremonies” (1662).

### **G. “An Act For The Uniformity of Common Prayers and Service in the Church and Administration of the Sacraments” (1662)**

The Act of Uniformity of 1662 required that all church services in England and all ministers “be bounden to say and use the Mattens, Evensong, celebration of the Lords Supper, and administration of each of the Sacraments, and all other Common and open Prayer, in such order and form as is mentioned in the said Book.”<sup>32</sup> The Act of Uniformity (1662) made clear that the secular civil authorities were responsible for assisting the Archbishops and bishops with monitoring and enforcing all of the ecclesiastical provisions of the law. Significantly, the statute said: “And for due execution hereof, the Queens most excellent Majesty, the Lords Temporal, and all the Commons in the present Parliament assembled, doth in Gods name earnestly require, and charge all the Archbishops, Bishops, and other Ordinaries, that they shall endeavor themselves to the uttermost of their knowledges, that the due and true exection hereof may be had throughout their Diocess and Charges, as they will answer before God for such evils and plagues, wherewith Almighty God may justly punish his people for neglecting his good and wholesome law.”<sup>33</sup> Archbishops and bishops were vested with full authority to enforce the Act of Uniformity (1662) within their respective dioceses. Simultaneously, the secular justices and lower-level ecclesiastics such as priests and deacons were also given authority to police all infractions of the law as well. And, most significantly, every inhabitant of the realm were required to attend church services.

#### **1. Civil and Criminal Penalty for Refusing to Administer the Book of Common Prayer and the Sacraments.**

The said statute provided that any minister who shall “refuse to use the said Common Prayers or to minister the Sacraments... as they be mentioned and set forth in the said Book...or shall preach, declare, or speak anything in the derogation, or depraving of the said Book, or any thing therein contained, or of any

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<sup>32</sup> Ibid., p. 186.

<sup>33</sup> Ibid., p. 190.

part thereof, and shall be thereof lawfully convicted, according to the Laws of this Realm, by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact; he shall lose, and forfeit ... for his first offense, the profit of all his Spiritual Benefices... [a]nd also the person so convicted shall for the same offence suffer imprisonment by the space of six moneths, without Bail or Mainprise... That then the same person shall for his second offense suffer imprisonment by the space of one whole year, and also be deprived ipso facto of all his Spiritual Promotions...and convicted the third time shall be deprived ipso facto all his Spiritual Promotions, and also shall suffer imprisonment during his life....”<sup>34</sup>

**2. Civil and Criminal Penalty “concerning any of the premises (i.e., being the cause or causation of the underlying infraction).”**

The Act of Uniformity (1662) provided that a person causing or influencing the underlying violations of the act could also be punished, stating that “if the person that shall offend, and be convict in the form aforesaid, concerning any of the premises, shall not be Beneficed, nor have any Spiritual Promotion; that then the same person, so offending, and convict, shall for the first offense suffer imprisonment during one whole year next after his said conviction, without Bail or Mainprise...after his first conviction... then the same person shall for his second offence suffer imprisonment during his life.”<sup>35</sup>

**3. Civil and Criminal Penalty against speaking out against the Book of Common Prayer**

Furthermore, the Act of Uniformity (1662) prohibited speaking against the provisions of the *Book of Common Prayer* or making threats against any ordained Anglican minister. The statute also prohibited interrupting a minister while carrying out the provision of the statute. Penalties included paying a fine of one hundred marks for the first offense; five hundred marks for the second offense; and imprisonment for the third offense. The statute also called for six months of imprisonment for failure to pay the fine for the first offense; and one year for the failure to pay the fine for the second offense.

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<sup>34</sup> Ibid., pp. 187-188.

<sup>35</sup> Ibid., p. 188.

#### 4. **Civil and Criminal Penalty For Failure to Attend Sunday Services or other Holy Days**

Significantly, the statute compelled church attendance. Absence from church without a reasonable excuse was punishable under the 1662 law. The statute stated that “every person and persons, inhabiting within this Realm... shall diligently, and faithfully, having no lawful, or reasonable excuse to be absent, endeavor themselves to resort to the Parish-Church, or Chappel accustomed, or upon reasonable let thereof, to some usual place, where Common Prayer and such service of God shall be used in such time of let, upon every Sunday, and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly, during the time of Common Prayer, Preachings, or other Service of God there to be used and ministered, upon pain of punishment by the censures of the Church.”<sup>36</sup> Failure to attend church service, without excuse, could result in a fine of twelve pence, payable to the “Church-wardens of the Parish.”<sup>37</sup> What this shows is the true extent of ecclesiastical jurisdiction in 16<sup>th</sup> and 17<sup>th</sup> century England, together with the overarching influence of the Christian faith in English constitutional law and the English common law.

### **CONCLUSION**

A history of the *Book of Common Prayer* teaches theologians and lawyers that religious faith should not be coerced, while at the same time it reveals the supreme cultural value of religious faith to the entire body politic. Not only does this prayer book document the profound role which the Christian faith has played in the church history, but it also reveals how it shaped the secular customs and practices which have ripened into common and statutory law. For indeed the “Law of Christ”<sup>38</sup> was from the very first the mother of England’s equity and chancery jurisprudence; it was the guiding light, the ultimate canon for all laws both secular and sacred; and the *Book of Common Prayer* instilled this “Law of Christ” into England’s values, customs, and laws. Hence, to the modern-day legal scholar or

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<sup>36</sup> Ibid., pp. 189-190.

<sup>37</sup> Ibid., p. 190.

<sup>38</sup> The “Law of Christ” was 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).

legislator, all of this does not easily resolve itself in simply enacting a constitutional amendment that guarantees “Separation of Church and State” or the “Freedom of Religion,” because, as the history of the *Book of Common Prayer* shows, law and religion continue to cross-pollinate each other in profound ways. The history of this great prayer book reveals that while religion should not be imposed upon any one individual or group, still yet, and at the same time, religion can be useful, if not altogether indispensable, in resolving social conflict and bringing sustenance, stability and growth to the body politic.

**THE END**

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