

# **ST. LUKE’S INN OF COURT**

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

**By**

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

### PREFACE

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

### INTRODUCTION

I return in this essay to the essential theme of St. Augustine of Hippo’s *The City of God* as I interpreted and applied it to secular history during my college and graduate-school years.<sup>1</sup> That is to say, I read into secular British history a Christian moral standard which revealed St. Augustine’s theory of earthly city. As

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<sup>1</sup> The subject matter of this paper (i.e., the period of the Hundred Years’ War and the War of the Roses) was introduced to the author as early as the mid to late 1980s in high school and college. However, the author did not attain a more mature understanding of this subject matter, as reflected in this paper, until several years later when the author was almost thirty. Education is a life-long journey, and many aspects of religion, philosophy, and general history, which are unclear or shielded from the understanding of an untrained or less-experienced high-school or college student, are much more clairvoyant to an experienced and trained professional who is in his thirties and forties. For this reason, I wish to make clear that the general facts of the history presented in this paper were known to the author as early as the late 1980s, but the mature theological interpretation of this history, as set forth in this paper, was not fully developed until several years later.

I have written in a previous essay, I had been taught in the A.M.E. and Baptist churches of northern Florida that all things flowed from the controlling, omnipotent, and all-powerful hand of God. Aside from Biblical stories of major kings and prophets, there were many examples of God's laws on display in the history of ancient Israel, such as in the book of Second Chronicles, as follows:

### **King A-sa**

"A-sa his son reigned in his stead. In his days the land was quiet ten years. And A-sa did that which was good and right in the eyes of the LORD his God....<sup>2</sup> The LORD is with you, while ye be with him; and if ye seek him, he will be found of you; but if ye forsake him, he will forsake you. Now for a long season Israel hath been without the true God, and without a teaching priest, and without law."<sup>3</sup>

### **King Jo-ash**

"Jo'ash was seven years old when he began to reign, and he reigned forty years in Jerusalem. His mother's name also was Zib-i-ah of Be-er-she-ba. And Jo-ash did that which was right in the sight of he LORD all the days of Je-hoi-a-da the priest."<sup>4</sup>

### **King Am-a-zi'-ah**

"Am-a-zi-ah was twenty and five years old when he began to reign, and he reigned twenty and nine years in Jerusalem. And his mother's name was Je-ho-ad-dan of Jerusalem. And he did that which was right in the sight of the LORD, but not with a perfect heart."<sup>5</sup>

### **King Uz-zi'-ah**

"Sixteen years old was Uz-zi'-ah when he began to reign, and he reigned fifty and two years in Jerusalem.... And he did that which was right in the sight of the LORD, according to all that his father Am-a-zi'-ah did."<sup>6</sup>

### **King Jo'-tham**

"Jo'-tham was twenty and five years old when he began to reign, and he reigned sixteen years in Jerusalem.... And he did that which was right in the sight

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<sup>2</sup> 2 Chronicles 14:1-2.

<sup>3</sup> 2 Chronicles 15:2-3.

<sup>4</sup> 2 Chronicles 24:1-2.

<sup>5</sup> 2 Chronicles 25:1-2.

<sup>6</sup> 2 Chronicles 26:3-4.

of the LORD, according to all that his father Uz-zi'-ah did: howbeit he entered not into the temple of the LORD. And the people did yet corruptly.”<sup>7</sup>

### **King Ahaz**

“Ahaz was twenty years old when he began to reign, and he reigned sixteen years in Jerusalem: but he did not that which was right in the sight of the LORD, like David his father....”<sup>8</sup>

Just as the Old Testament had assessed the integrity and moral quality ancient Israelite kings such as Saul, David, and Solomon, I applied a similar assessment to the British monarchy and to the papacy (and, eventually, as a law student, to American constitutional law). Consequently, I studied political science, history and constitutional law with very close references to St. Augustine’s central theme in *The City of God*, which revolved around God’s eternal and universal law; original sin and the fall; and the resulting present human condition. According to St. Augustine’s description of this human condition, the whole of humankind is divided into two camps: those who live according to God and those who are in rebellion to God’s law.<sup>9</sup> Earthly law, government, and human institutions were not

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<sup>7</sup> 2 Chronicles 27:1-2.

<sup>8</sup> 2 Chronicles 28:1.

<sup>9</sup> St. Augustine of Hippo defines the condition of humankind as divided into two broad camps: the city of man and the city of God. “This race we have distributed into two parts,” St. Augustine explains, “the one consisting of those who live according to man, the other of those who live according to God. And these we also mystically call the two cities, or the two communities of men, of which the one is predestined to reign eternally with God, and the other to suffer eternal punishment with the devil.... Of these two first parents of the human race, then, Cain was the first-born, and he belonged to the city of men; after him was born Abel, who belonged to the city of God.... When these two cities began to run their course by a series of deaths and births, the citizen of this world was the first-born, and after him the stranger in this world, the citizen of the city of God, predestined by grace, elected by grace, by race a stranger below, and by grace a citizen above.... Accordingly, it is recorded of Cain that he built a city, but Abel, being a sojourner, built none. For the city of the saints is above, although here below it begets citizens, in whom it sojourns till the time of its reign arrives, when it shall gather together all in the day of the resurrection; and then shall the promised kingdom be given to them, in which they shall reign with their Prince, the King of the ages, time without end.” [*The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 478-479.] According to Saint Augustine, these two cities share a common desire to enjoy peace, safety, and security; but otherwise these two cities have two distinct lifestyles which are leading to two different ends. “Of these,” Saint Augustine explained, “the earthly one has made to herself of whom she would, either from any other quarter, or even from among men, false gods whom she might serve by sacrifice; but she which is heavenly, and is a pilgrim on the earth, does not make false gods, but is herself made by the true God, of whom she herself must be the true sacrifice. Yet both alike either enjoy temporal good things, or are afflicted with temporal evils, but with diverse faith, diverse hope, and diverse love, until they must be separated by the last judgment, and each must receive her own end, of which there is no end.” [*The City of God* (New York, N.Y.: The Modern Library, 1950), p. 668.]

exempt from this human condition; there are by definition godly laws and evil laws; godly human governments and evil human governments; godly human institutions and evil human institutions. But in truth, according to St. Augustine, there is no easy way to place labels, or assess judgments, because of the dual nature of the grace-sin dynamic that is inside of all human beings, and because of the difficulty of gathering and knowing all of the facts.<sup>10</sup> Conflict, litigation and war which plague the human condition are most troubling—who is right and who is wrong? For Saint Augustine, this problem is fundamental to the human condition:

It is thus that pride in its perversity apes God. It abhors equality with other men under Him; but, instead of His rule, it seeks to impose a rule of its own upon its equals. It abhors, that is to say, the just peace of God, and loves its own unjust peace; but it cannot help loving peace of one kind or other. For there is no vice so clean contrary to nature that it obliterates even the faintest traces of nature. He, then, who prefers what is right to what is wrong, and what is well-ordered to what is perverted, sees that the peace of unjust men is not worthy to be called peace in comparison with the peace of the just. And yet even what is perverted must of necessity be in harmony with, and in dependence on, and in some part of the order of things, for otherwise it would have no existence at all.<sup>11</sup>

Mature Christians then must accept flawed human nature and flawed human institutions. They must deal constructively with them as best they can. For there is, after all, no perfect human institution—not even the church as it currently exists.

In truth, as will be vividly displayed in the paper, the true universal and holy Catholic Church is still very much a mystery, and its membership may not be readily ascertained within this sad state of human affairs:

Let these and similar answers (if any fuller and fitter answers can be found) be given to their enemies by the redeemed family of the Lord Christ, and by the pilgrim city of King Christ. But let this city bear in

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<sup>10</sup> Ibid., pp. 681-682. ["Of the error of human judgments when the truth is hidden"]

<sup>11</sup> Ibid., p. 689.

mind, that among her enemies lies hid those who are destined to be follow-citizens, that she may not think it a fruitless labor 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.<sup>12</sup>

And this difficulty of ascertaining those who are the true saints within the church, and who are the true sinners without it, too, according to St. Augustine, is part and parcel of original sin and the human condition. All of this, I saw readily in the history of Western Europe and England during the period covering the “Western Schism,” the Hundred Years’ War, and the War of the Roses.”

In law school, as I completed my thesis paper, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution 1787 to 1910*, I began to embrace the following idea: secular lawyers and judges, whether they acknowledge secular litigation as part and parcel of original sin or not, are still grappling with the exact same injustices that ultimately evolve into Christ’s Last Judgement.<sup>13</sup> In my subjective thoughts, I believed fundamentally that it behooves Christian lawyers and judges—and indeed all lawyers and judges<sup>14</sup>-- to remain mindful that

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<sup>12</sup> Saint Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 38.

<sup>13</sup> “And men are punished by God for their sins often visibly, always secretly, either in this life or after death, although no man acts rightly save by the assistance of divine aid; and no man or devil acts unrighteously save by the permission of the divine and most just judgment. For, as the apostle says, ‘There is no unrighteousness with God; and as he elsewhere says, ‘His judgments are inscrutable, and His ways past finding out.’ In this book, then, I shall speak, as God permits, not of those first judgments, nor of these intervening judgments of God, but of the last judgment, when Christ is to come from heaven to judge the quick and the dead.” [*The City of God* (New York, N.Y.: The Modern Library, 1950), p. 711]

<sup>14</sup> Today, Christian lawyers, judges, and public officials should remain mindful of their secular legal authority to do justice and judgment and *its relations to their Christian faith*, because they often operate on the front lines and in the trenches where there are social and political problems that involve real diabolical evil and major social injustice. The relationship between the secular law and Christianity comes from the Law of Moses. The Law of Moses was unnecessary until there was a lack of faith in God’s law; so that, the Law of Moses is a restatement of God’s law already revealed to mankind through reason. And, as Saint Paul has said, God is not only the God of the Jew but also the God of the Gentiles. Hence, God’s law is universal. It is the common law of the nations; it is the law of universal reason. In classical Greece and Rome, this was stated as natural law; in ancient Hebrew, it is called the law of God, the law of nature, and the law of conscience; and all of the major world religions, including the philosophy

“the founder of the earthly city was a fratricide. Overcome with envy, he slew his own brother, a citizen of the eternal city, and a sojourner on earth.”<sup>15</sup> Thus, the earthly governments of this world, howsoever hard they may try, cannot be rightfully seen as substitutes for the one true city of God, because they are tainted with original sin, and too often exist to satisfy their own insatiable lusts of pride and glory. Within this set of circumstances, Christian lawyers and judges must come to terms with an “iron law” called the “human condition.” As St. Augustine of Hippo has said:

Accordingly, two cities have been formed by two loves: the earthly by the love of self, even to the contempt of God; the heavenly by the love of God, even to the contempt of self. The former, in a word, glories in itself, the latter in the Lord. For the one seeks glory from men; but the greatest glory of the other is God, the witness of conscience. The one lifts up its head in its own glory; the other says to its God, ‘Thou art my glory, and the lifter up of mine head.’ In the one, the princes and the nations it subdues are ruled by the love of ruling; in the other, the princes and the subjects serve one another in love, the latter obeying, while the former take thought for all. The one delights in its own strength, represented in the persons of its rulers; the other says to its God, ‘I will love Thee, O Lord, my strength.’ And therefore the wise men of the one city, living according to man, have sought for profit to their bodies or souls, or both, and those who have known God ‘glorified Him not as God, neither were thankful, but became vain in their imaginations, and their foolish heart was darkened; professing themselves to be wise’—they became fools, and changed the glory of the incorruptible God into an image made like to

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of Confucius, and nearly every minor religion, the innate presumption that the “Golden Rule” is self-evident is also apparent. This universal common law says, “do unto others as you would have them do unto you.” But the Law of Christ takes this a step further, for it says, “love ye one another,” which shifts the focus on the quality and state of the human heart. This law of love also defines “faith,” because love as faith automatically fulfills the entire Law of Moses. In the western legal tradition, these ideas have been incorporated into the secular legal system: contracts, torts, property law, marriage, etc. It has also governed politics, public policy, and matters affecting law of war and peace. See, e.g., Roderick O. Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (Tampa, FL.: Xlibris Pub., 2015).

<sup>15</sup> Saint Augustine, *The City of God* (New York, NY: The Modern Library, 1950), p. 482.

corruptible man, and to birds, and four-footed beasts, and creeping things. For they were either leaders or followers of the people in adoring images, ‘and worshipped and served the creature more than the Creator, who is blessed for ever.’ But in the other city there is no human wisdom, but only godliness, which offers due worship to the true God, and looks for its reward in the society of the saints, of holy angels as well as holy men,’ that God may be all in all.<sup>16</sup>

During my undergraduate college years, I was fortunate to have had an unusual curiosity in British history—it opened up the gates to World Empire! So that when I reached law school in 1991, I had a working knowledge of the history of England, and I could see in England’s history not only the foundations of American common law but also a universal manifestation of an “iron law” called the human condition.

Quite frankly, I studied St. Augustine’s *The City of God* as I studied the history of England; and, as I shall explain further, the two complimented each other. That is to say, the duality of St. Augustine’s two cities-- the earthly city and the city of God-- were not separate and distinct, but mixed together and inseparable, and would remain so until the end of the world and Christ’s Final Judgment. And in the history of England, I could see a tiny microcosm of St. Augustine’s spiritual history in *The City of God* being played out. That is to say, in England’s rich history lay the rendition of the universal human condition. Within this human condition, in our the present moment, as St. Augustine has rightfully observed, “this [earthly] city is often divided against itself by litigations, wars, quarrels, and such victories as are either life-destroying or short-lived. For each part of it that arms against another part of it seeks to triumph over the nations though itself in bondage to vice.... For it desires earthly peace for the sake of enjoying earthly goods, and it makes war in order to attain to this peace; since, if it has conquered, and there remains no one to resist it, it enjoys a peace which it had not while there were opposing parties who contested for the enjoyment of those things which were too small to satisfy both. This peace is purchased by toilsome wars; it is obtained by what they style a glorious victory.”<sup>17</sup>

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<sup>16</sup> Saint Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 477.

<sup>17</sup> *Ibid.*, p. 481.



The British Empire, and the Christian lawyers and judges who functioned within it, was set juxtaposed to St. Augustine's *The City of God* in my mind for several years. As a devoted Christian, I reached the inevitable conclusion, with St. Augustine as my spiritual mentor, that the Christian faith still had an important role to play in law and public policy. Christian lawyers and judges, who are uniquely positioned within the earthly city, to mediate the conflict between the earthly city and the heavenly city, and to counsel and admonish the earthly city to seek and to establish a just and lasting peace, must discharge their solemn professional obligations, not simply to the bar but to the Church and to Christ.

Nor did I let go of St. Thomas' Catholic conception of law: as there is only one God, there can be only one eternal and divine law, to which the earthly city is ultimately subjected. But because the earthly city is often blind to God's eternal and divine law, and can see only a law of its immediate gratification, the Christian lawyer and judge must, in service of meaningful and lasting justice, unmask as short-sighted and short-lived glory, and guide the earthy city back towards safety and salvation. Nor did I confine myself to the Christian faith, but I looked critically into the lives and philosophies of men who were seemingly secular humanists; and the general thrust of their arguments, that mankind could not long last without altruism and justice, were omnipresent. The same principles were omnipresent in the writings and speeches of great African American activists, thinkers and scholars as well: e.g., Frederick Douglass, W.E.B. Du Bois, James Weldon Johnson, Paul Robeson, and Martin Luther King, Jr.

Up to this point, we have examined the English monarchy up to the reign of Richard II and the year 1399. In this essay, while analyzing the central theme in Augustine's *The City of God*, we shall examine the reign of the following six English kings, leading up to the reign of Richard III and the year 1485:

1. King Henry IV (1400 – 1413)
2. King Henry V (1413 – 1422)
3. King Henry VI (1422-1461)
4. King Edward IV (1461- 1483)
5. King Edward V (1483)

## 6. King Richard III (1483-1485)

The Church of England as the reflection of *The City of God* on earth—i.e., the voices of William of Ockham; John Wycliff; John Ball; Sir John Fortesue (Governor of Lincoln’s Inn (1425) and Chief Justice (1442); Thomas Bourcher, Archbishop of Canterbury; William Booth, Archbishop of York; Laurence Booth, Archbishop of York; John Morton, Archbishop of Canterbury; and Thomas Rotherham, Archbishop of York—served the role of humble counselor and wise servant, without taking active sides in the ensuing warfare which engulfed England and France. For it is clear that, thousands of secular and regular clergy set about the task of fulfilling the authentic role and mission of the church during the years of the Hundred Years’ War (1337 - 1454) and the War of Roses (1400 - 1485). On the other hand, there were other clergymen who used the church for personal gain. These clergymen led the church into the “Great Western Schism” and the attainment of resplendent luxury for the papal palaces in Avignon, France and for many other bishoprics. These materialistic, ungodly clergymen reflected another important theme in Augustine’s *City of God*, namely, that not every ordained church leader is a true child of God but, instead, are enemies of the true, universal church. As a consequence of these ungodly clergymen, men more and more came to conclude, particularly during the eighteenth century, that the “monarchy” and the “church” were flawed, and that the “rule of law” (i.e., fundamental or divine law) was ultimately most important component to government.

### SUMMARY

European nationalism and the emergence of the modern nation-state grew largely out of economic competition and warfare between them, leading to mercantilism and the struggle to control international trade and markets during the fifteenth and sixteenth centuries. Does the Church—its sons and daughters, lawyers, judges, public officials, etc.—have duty to influence and to guide nations, groups of nations, and global institutions when such national and international changes occur? In England and Western Europe, the Church did respond: on the one hand, it condoned whatever earthly or governmental activity that brought in gold, silver, money and riches to the church. The Church’s bishops, lawyers and judges gained the favor of princes and wealthy merchants in fulfilling this role. The obvious incompatibility of Church opulence and luxury with the Gospel of

Christ hastened the rise of church dissenters. Church leaders such as William of Ockham, John Wycliffe, and Martin Luther led the Church in a different direction; they admonished the church against the pursuit of worldliness and worldly riches at the expense of the Gospel of Christ. And at the very heart of their criticisms were truth, justice, and the dignity and worth of the common man, whom they believed had equal access to the blessings of Christ and liberty. Hence, the seed of the Protestant Reformation grew out from this later form of Church leadership. In England, these changes originated in the Hundred Year's War (1337 to 1453). England fought France for the French throne and nothing more. But this war also created national English unity as well as a growing distrust of the infallibility of the universal Roman Catholic Church, due in large part to the Avignon Popes and the subsequent "Great Western Schism." These developments set in motion ideas about church and state which naturally led to revolutionary changes which evolved during several decades throughout the Tudor Dynasty (1485 to 1603) and eventually culminated in the American Revolution of 1776.

### **Part XIII. Anglican Church: The Hundred Year's War, War of Roses, and the Church (1337-1485, A.D.)**

We now turn to a history of England and the Anglican Church, while keeping in mind the general themes set forth in Saint Augustine's *The City of God*.

#### **A. Hundred Years' War (1337-1453 A.D.)**

The House of Plantagenet, which ruled in England, was Anglo-Norman in origin and controlled vast territory in both England and France. The war began when Edward III of England claimed the throne of France which was held by his cousin King Philip VI. The first phase of the war last from 1337 to 1360. This was called the "Edwardian War." King Edward III and his son, the Black Prince, launched several military campaigns; some were successful, others were not; thus leading to peace talks and settlement (i.e., the Treaty of Bretigny) in 1360.

Nine years later, in 1369, the war resumed when Charles V of France sought to reverse France's losses through renegotiating the Treaty of Bretigny. However, when the Black Prince refused to renegotiate and ignored a summons which he received from Charles V. Charles V next waged several successful military campaigns to retake French territory from the English. Later, his son Charles VI negotiated a peace treaty with Richard II, the son of the Black Prince, in 1389. This truce as extended several times until 1415, when England's Henry V (1413-

1422) of the House of Lancaster) renewed the war against France. This was the third and final phase of the Hundred Year's War (1415 to 1453).

King Henry V was successful in his execution of the war and was able to regain French territory for England. However, his successor, Henry VI (1422-1461), through poor leadership, lost the Hundred Year's War to France in 1453. The result of this English defeat and humiliation lead to the War of the Roses, a struggle between two factions within the House of Plantagenet (the House of Lancaster and the House of York). The War of Roses officially ended in 1485, when Henry Tudor, earl of Richmond, defeated Richard III at the Battle of Bosworth. Although Henry Tudor was crowned as Henry VII and united both house of York and Lancaster, rebellious resistance to the Tudor Dynasty would continue through the reign of his granddaughter Elizabeth I (1533-1603).

**1. The Avignon Popes (1305-1370 A.D.) ; and, 2. The Great Schism (1378-1437 A.D.)**

What role did the Roman Catholic Church play in mediating the conflict between England and France during the Hundred Year's War? During the first phase of the Hundred Years' War (1337 to 1360), all of the Popes were Frenchmen who resided in Avignon, not Rome. Initially, this created consternation among English and French clergy, but the papacy clearly fell into the French camp in support of the French crown.

This hastened the development of the Church of England's cultural distinctiveness. Second, because of the Great Schism (1378-1417), the Roman Church was not unified during the second phase of the Hundred Years' War. England now favored the Popes at Rome (Pope Gregory IX (1270-1278; Pope Urban VI (1378- 1389), etc.); whereas France continued to support the Avignon Popes (Pope Clement VII (1378-1394); Pope Benedict XIII (1394-1423), etc.). The entire period of the Hundred Years' War (1337 to 1454) thus witnessed changes within the Wester Church which laid the foundations for nationalism and the development of the Protestant Reformation. This began with the "Avignon Popes" (1305 to 1378) and the "Western Schism" (1378-1437). See table 1, "Popes during the Hundred Years' War"

**A. Legitimate Popes**

**B. Illegitimate Popes**

<b>Popes (Avignon, France)</b>	
Clement V (1305-1314)	
John XXII (1316-1334)	
Benedict XII (1334-1342)	

Clement VI (1342-1352)	
Innocent VI (1352-1362)	
Urban V (1362-1370)	
Gregory IX (1370-1378)	<b>Anti-Popes (Great Western Schism)</b>
Urban VI (1378-1389)	Clement VII (1378-1394)
<b>Popes (Rome, Italy)</b>	--
Bonafice IX (1389- 1404)	Benedict XIII (1394- 1423)
Innocent VII (1404- 1406)	--
Gregory XII (1406-1415)	--
Martin V (1417-1431)	Clement VIII (1423- 1424)
Eugene IV (1431-1447)	Benedict XIV (1424- 1430)
Nicholas V (1447-1455)	Benedict XV (1430-1437)

Needless to say, there were serious problems fomenting within the Western Church. First off, it became materialistic and corrupt. After 1305, when Pope Clement V decided to move the Holy See from Rome, Italy to Avignon, France, it became even more materialistic and corrupt. That is to say, the papacy, cardinals, and archbishops spoiled themselves with luxury and showing-off; and in return for their material wealth, Holy Roman Emperor and the French crown received ecclesiastical blessing and support.

The temporal role of the Catholic Church increased the pressure upon the papal court to emulate the governmental practices and procedures of secular courts. The Catholic Church successfully reorganised and centralized its administration under Clement V and John XXII.<sup>18</sup>

The papacy now directly controlled the appointments of benefices, abandoning the customary election process that traditionally allotted this considerable income. Many other forms of payment brought riches to the Holy See and its cardinals: tithes, a ten-percent tax on church property; annates, the income of the first year after filling a position such as a bishopric; special taxes for crusades that never took place; and many forms of dispensation, from the entering of benefices without basic qualifications like literacy for newly appointed priests to the request of a converted Jew to visit his unconverted parents.<sup>19</sup>

Popes such as John XXII, Benedict XII, and Clement VI reportedly spent fortunes on expensive wardrobes, and silver and gold plates

<sup>18</sup> "The Avignon Papacy," [https://en.wikipedia.org/wiki/Avignon\\_Papacy](https://en.wikipedia.org/wiki/Avignon_Papacy).

<sup>19</sup> Ibid.

were used at banquets. Overall the public life of leading church members began to resemble the lives of princes rather than members of the clergy. This splendor and corruption at the head of the Church found its way to the lower ranks: when a bishop had to pay up to a year's income for gaining a benefice, he sought ways of raising this money from his new office. This was taken to extremes by the pardoners who sold absolutions for all kinds of sins to the poor. While pardoners were hated but needed to redeem one's soul, the friars who failed to follow the Church's moral commandments by failing their vows of chastity and poverty were despised. This sentiment strengthened movements calling for a return to absolute poverty, relinquishment of all personal and ecclesiastical belongings, and preaching as the Lord and his disciples had.<sup>20</sup>

After the Pope moved to Avignon, France, the papacy fell under the influence of the French crown. In England, these developments had a significant influence upon the Roman Church of England, because Englishmen paid taxes and tithes to the Roman Catholic Church. Needless to say, these Englishmen were not too pleased with supporting a French-controlled papacy which appeared opulent, corrupt, and hostile toward England's interests. English clergymen such as William of Ockham (1285-1347) and John Wycliff (1320 – 1384) began to speak out against this corruption.

William of Ockham (1285-1347) was a Franciscan priest. Known as the “invincible doctor,” and one of the most important scholastics after Thomas Aquinas, William of Ockham raised serious questions regarding the church's inherent right to disobey an obviously heretical Pope, such as Pope John XXII. William of Ockham “asserted that the Scriptures were the sole source of law. He attacked canon law, the legalism of medieval Christianity, the hierarchy in the church. Canon law, he declared, was valid only as an interpretation of the Scriptures; it was an administrative device, nothing more.”<sup>21</sup> This meant that the Church should have no power over the State, but instead should only wield authority within the confinement of the church. Furthermore, William of Ockham also purported that the true Church is really the invisible congregation of all the faithful, and was not confined to the earthly Roman Catholic Church. “William also claimed that the church was really the whole body of Christian people and that

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<sup>20</sup> Ibid.

<sup>21</sup> Goldwin Smith, *A History of England* (New York, NY: Charles Scribner's Sons, 1957), p. 158.

the Pope never did possess the authority to speak for all the church.”<sup>22</sup> These radical ideas laid the seeds for the Protestant reformation two centuries later.

John Wyclife (1320-1384) was a professor at Oxford and a priest in the Roman Church of England. Like William of Ockham, Wyclife also questioned papal authority. “[H]e vigorously advanced his theories about the relations of church and state in several pamphlets, most famous of which were two, *On Civil Dominion* and *On Divine Dominion*. In all of his writings Wycliffe exalted the state at the expense of the church. Kings, he held, ruled by divine right. Both priestly power and royal power came from divine appointment; the church and state should cooperate with each other. Christ was the head of the church, not the Pope.... He declared that the main source of spiritual authority was the Scriptures, not the Pope.”<sup>23</sup> Wycliff’s ideas were suppressed, and by 1400 the English crown and the Roman Church had banished or executed all of Wycliff’s supporters. However, Wycliff’s ideas would continue to spread throughout England and the European continent through men such as John Huss (1369-1415), who, “in turn, influenced Martin Luther”<sup>24</sup> and the Protestant Reformation.

The period of the Hundred Years’ War (1337 to 1454) also witnessed the rise of the middle classes and growing conscientiousness of the peasantry classes. The Black Death of 1372-73 had so horrified and decimated the country-side, wiping out clergy, nobility, and peasant alike. This created a dearth in the labor market, and the lower classes now stood ready to demand better working conditions and their demands were more and more being considered and met. The Church was not silent; monks and friars often came to the aid of these peasants. One such friar was John Ball, who preached a form of liberation theology, contending that the Gospel itself condemned their lack of rights and destitute social conditions.<sup>25</sup> In a speech on June 13, 1381, Fr. John Ball stated:

From the beginning *all men by nature were created alike*, and our bondage or servitude came in by the unjust oppression of naughty men. For if God would have had bondmen from the beginning, he would have appointed who should be bond, and who free. And therefore I exhort you to consider that now the time is come,

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid., p. 159.

<sup>24</sup> Ibid., p. 160.

<sup>25</sup> Ibid. pp. 149-150.

appointed to us by God, in which ye may (if ye will) cast off the yoke of bondage, and recover liberty. I counsel you therefore well to bethink yourselves, and to take good hearts unto you, that after the manner of a good husband that tilleth his ground, and riddeth out thereof such evil weeds as choke and destroy the good corn, you may destroy first the great lords of the realm, and after, the judges and lawyers, and questmongers, and all others who have undertaken to be against the common. For so shall you procure peace and surety to yourselves in time to come; and by dispatching out of the way the great men, there shall be an equality in liberty, and no difference in degrees of nobility; but alike dignity and equal authority in all things brought in among you.

During the reign of Richard II (1377- 1400), the English peasants' discontent reached a boiling point; they refused to pay taxes; they went on strike and picked; and eventually they resorted to rioting, mob frenzy, looting, and mass murder of church officials and magistrates, evening executing the archbishop of Canterbury in London. Richard II pretended to meet the peasants' demand; but then he took his vengeance against them. "Many peasants were slaughtered in a bloody progress of the army through the countryside. When the peasants at Waltham objected they were brutally answered: 'Villeins ye are and villeins ye will remain.' The Peasants' Revolt was crushed in a strong and cruel reaction."<sup>26</sup> Fr. John Ball was executed on June 15, 1381.

Hence, the result of the Hundred Years' War not only created great national identity among Englishmen, who now began to see their country as a distinct nation-state, but it also weakened the powerful grip which the Roman Catholic Church held over England and Western Europe and set in motion economic changes that affected all socioeconomic classes. All of these forces led to political and theological dissent which laid the foundations of the Protestant Reformation. In England, these forces culminated in the reign of the House of Tudor (1485 to 1603), during which period King Henry VIII would sever ties with Rome and establish an independent Church of England in 1534.

## **B. The War of Roses (1399 to 1485 A.D.)**

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<sup>26</sup> Ibid., pp. 152-153.



The War of Roses resulted largely from the struggle for power that occurred when Henry IV replaced Richard II in 1399 and climaxed as a result of King Henry VI's lack of leadership and England's final defeat in the Hundred Years' War in 1454. The House of Lancaster fought with the House of York over rights of succession to the English throne for eighty five years, until Henry Tudor, earl of Richmond, led a successful revolt against Richard III, defeating him in 1485 at the Battle of Bosworth.

### **1. King Henry IV (1400 to 1413)**

In 1399, King Henry IV easily ousted Richard II from the throne. A major reason that Richard II lost the throne was because of he had “declared the laws to be ‘in his own heart.’”<sup>27</sup> This is a clear reference to Judea-Christian jurisprudence; for the king could not arbitrarily make laws without first heeding the voice of God and adhering to this higher divine law.<sup>28</sup> For “Richard, with all his vagaries, had finally aimed at making himself an absolute monarch; the result was revolution and the establishment of the Lancastrian dynasty.”<sup>29</sup>

#### **(a). The House of Lancaster**

King Henry IV's reign, which had ousted King Richard II, greatly resembled that of King Henry III would was brought in to replace the rebellious King John in 1216. In the spirit of Magna Carta, Parliament again exerted its power and authority over the monarchy. As it turned out, King Richard II would be “the last king of England to rule by strict hereditary right.”<sup>30</sup> Thereafter, Parliament reserved the constitutional right to intervene when necessary, in order to preserve God's natural justice. “In 1327 Parliament had deposed Edward II. In 1399 Parliament not only deposed Richard II but choose his successor.... A king who consistently failed to satisfy Parliament could not long expect to keep his crown, even if the issue had to be settled by civil war, as it was in the age of the Stuarts. Edward II had been deposed because he governed too little, Richard II because he

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<sup>27</sup> Goldwin Smith, *A History of England* ( New York, NY: Charles Scribner's Sons, 1957), p. 145.

<sup>28</sup> “If the king does not judge and punish the sins committed in his realm, God will take the king's place and render his own judgment. And in his anger, God will send devastation, war, diseases, and hunger upon the land for its failure to do justice—just as he had condemned Sodom and Gomorrah in earlier days (Deuteronomy 29:15-27; Leviticus 26).” John Witte, Jr. and Frank S. Alexander, *Christianity and Law: An Introduction* ( Cambridge, UK: Cambridge Press, 2008)., p. 145.

<sup>29</sup> Ibid.

<sup>30</sup> Goldwin Smith, *A History of England* ( New York, NY: Charles Scribner's Sons, 1957), p. 146.

tried to govern too much. Astute, wily, and unscrupulous, [King Henry IV] the successor of Richard II was determined to hold his throne against all challenge.”<sup>31</sup>

The Lancastrian dynasty thus was instituted to establish a limited, constitutional monarchy. King Henry IV reigned from 1400 to 1413 with this Parliamentary mandate. But because King Henry IV’s “hereditary claim” to the English throne was not the strongest, other stronger claims persisted and created internal friction. The strongest challenge to the House of Lancaster’s claim to the English throne came from the House of York.

### **(b) The Anglican Church (1400 to 1413 AD)**

In order to fend off Yorkist claims that that his throne was not legitimate, King Henry IV turned to the Church of England for assistance. In exchange for the Church’s support of this throne, King Henry IV enacted the statute *De Haeretico Comburendo*. This statute outlawed dissenters and heretics; it prevented unlicensed preaching and evangelization by non-ordained preachers. Most severely, this law provided for the burning at the stake of any who “against the law of God and of the church usurping the office of preaching, do perversely and teach these days openly and privily divers new doctrines and wicked heretical and erroneous opinions.”<sup>32</sup>

However, King Henry IV’s reign suffered from numerous insurrections and rebellions, even from within the Church of England itself when Scrope, the archbishop of York, and the earl of Nottingham, led a Yorkist rebellion against the crown. Although King Henry IV successfully put down these numerous rebellions, he was “exhausted by the arduous demands of war and business... [h]arrassed and unloved, Henry IV died in 1413, at the age of forty-six.”<sup>33</sup>

### **2. King Henry V (1413 to 1422)**

King Henry V came to the throne in 1413. He was young and energetic. Uninterested in pursuing and suppressing Church dissenters and heretics, King Henry V turned toward regaining past glory through renewing the Hundred Year’s War with France in 1415. This launched the third and final phase of the Hundred Year’s War (1415 to 1453)—called the “Lancasterian War.” Through this war, King Henry V sought to regain the “lost heritage of the Angevins” in France.<sup>34</sup> His timing was fortunate, for the French has been engaged in a civil war. “France was

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<sup>31</sup> Ibid., p. 146.

<sup>32</sup> Ibid., p. 170.

<sup>33</sup> Ibid., p. 170-171.

<sup>34</sup> Ibid., p. 171.

in a desperate situation,” when Henry decided to renew the Hundred Year’s War against it. In a single Battle of Agincourt, the English overwhelmed the French, losing only an estimated 500 men in battle, to the French’s estimated losses of 7,000. The great discrepancy in the number of casualties was due to the advancement in military weaponry and tactics.

The settlement terms of the conflict were also very favorable. “By the terms of the treaty of Troyes, signed in 1420 between Charles VI and Henry V, Henry agreed to marry Katherine, daughter of the French king, to seal the new Anglo-French settlement. This treaty, largely the work of Philip of Burgandy, also disinherited the son of Charles VI and provided that on the death of the French king the throne of France should go to Henry of England.”<sup>35</sup>

Two years following this settlement, in 1422, King Henry V died and his son, Henry VI, while still an infant, replaced him. Meanwhile, Henry V’s younger brother John, Duke of Bedford, became the Regent of France. Henry’s second brother, Humphrey, Duke of Gloucester, was made regent of England during the minority of Henry VI.

### **3. King Henry VI (1422 – 1461)**

Henry VI is today remembered as a saintly scholar who founded Eton College and King’s College, Cambridge, but he lacked ability to rule effectively as an English monarch. It is unfortunate that King Henry VI was too young to know his father when he died. He was yet still an infant. England had been placed in the hands of his uncle, Humphrey, Duke of Gloucester, who squandered all that King Henry V had gained, including France. The civil war in France was renewed; and Charles VII (his armies led by the Christian martyr and saint Joan of Arc) recaptured the French throne from the Burgundians, thus igniting a continuation of the Hundred Year’s War, which did not end until 1453. Henry VI was not himself a strong leader, subjected to bouts of depression, mood swings, and long periods of insanity in which a regent had to be temporarily appointed. Under this set of circumstances, England lost all of the gains which it had made in 1422 under the leadership of Henry V:

A truce with France was arranged in 1445, mainly by Suffolk. The terms provided for a marriage between the young Henry VI and Margaret of Anjou, niece of the queen of France. It was also secretly agreed that England would cede Maine to France. A few years later war broke out again and a newly organized French army with strong

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<sup>35</sup> Ibid., p. 172.

artillery power began the conquest of Normandy. Charles VII completed that task late in 1450. In 1451 Gascony collapsed. Two years later an English expeditionary army was disastrously defeated at Castillon. Charles VII entered Bordeaux in triumph. Of all the English possessions in France only Calais remained. The Hundred Years' War had ended.<sup>36</sup>

Moreover, Henry VI did not seem particularly interested in ruling England. He turned over much of his executive authority to certain nobles. These nobles' apparent mismanagement created widespread discontent, eventually resulting in rebellion and the return of the Yorkists to reclaim the throne of England. Thus, when the Hundred Years' War had ended in English defeat in 1453, widespread discontent led to an English civil war known as the "War of the Roses," which was a contest between the House of Lancaster and the House of York for the throne of England.

At first, in 1460 Richard, Duke of York, captured Henry VI and demanded that Parliament declare him king. However, Parliament refused; and so civil war ensued. Richard was killed in battle in December 1460; but he was quickly avenged by his son, Edward. Edward maintained a military genius and successfully led the Yorkists to a decisive and crushing defeat of the Lancastrian forces. "Late March, 1461, the Yorkists and Lancastrians met at Towton near York. The resulting struggle, fought in a snowstorm, was bloody and savage. It was a decisive victory for the Yorkists. Thousands of Lancastrians lay dead on the battlefield; many Lancastrian nobles who survived the battle were beheaded later. Henry VI, his queen, and his young son fled to Scotland."<sup>37</sup>

#### **4. King Edward IV (1461 to 1483 A.D.)**

King Edward IV came to the English throne with vengeance and punishment of Lancastrian resisters as his first priority. But there was so much intrigue from within his own camp, that the line between friend and foe often became blurred. For instance, his cousin Richard Neville, earl of Warwick, had helped him defeat Henry VI and become king. In fact, Warwick became known as the "king-maker." However, Edward IV "apparently weary and resentful of Warwick's tutelage and hectoring arrogance, began to seek ways of diminishing his cousin's power."<sup>38</sup> This led to political alliances and friction within the ranks the Yorkists; and these alliances sought to gain leverage with old enemies, including the Lancasterians and

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<sup>36</sup> Ibid., p. 174.

<sup>37</sup> Ibid., p. 178.

<sup>38</sup> Ibid., p. 179.

the French. Even Edward IV's own brother, George, Duke of Clarence, sided with Warwick, and turned on Edward IV.

The powerful Warwick, with French backing, invaded England and restored the imbecile and weak Henry VI to the throne; but this restoration was brief. In 1471, Edward IV defeated Warwick was defeated at the Battle of Barnet; he defeated Queen Margaret and, her son, Prince Edward, during the same year; and, soon afterwards, the demented Henry VI was murdered inside the Tower of London. "The direct line of Lancastrians was ended and the last male Beaufort was dead. The only junior claimant to the Lancastrian inheritance was Henry Tudor, the earl of Richmond."<sup>39</sup>

Suddenly, King Edward IV died in 1483 at age forty-one. His successor was his son, Edward V, who was only twelve years old.

### **5. King Edward V (1483 A.D.)**

King Edward IV's brother Richard, Duke of Gloucester, wished to serve as regent while Edward V was a minor. Edward V's mother, Elizabeth Woodville, wished to be regent and opposed Richard's plan to serve as regent. In response to Elizabeth's opposition, Richard "seized and executed several of Elizabeth's relatives and supporters and forced the royal council to declare him regent and protector. He then secured custody of Edward V and his young brother, the Duke of York. Claiming that the sons of Edward V were illegitimate and the queen mother was a witch, Richard packed Parliament with his supporters and had himself declared king. In July, 1483, he was crowned king as Richard III.... Richard's deformities may have been exaggerated, but hardly his crimes. The glittering bait of the crown was tempting. There appears to be no doubt that Edward V and his brother were murdered in the Tower and that Richard III was responsible for the deed."<sup>40</sup>

Hence, the reign of Edward V was very short and quite tragic, as he was likely murdered by his own uncle (i.e., King Richard III) who then served as the regent.

### **6. King Richard III (1483-1485 A.D.)**

Richard III's cruelty led many within the Yorkist camp to turn against him. They soon found their champion in Henry Tudor, earl of Richmond, the son of Lady Margaret and descendant of Edward III. Henry VII had royal blood on both

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<sup>39</sup> Ibid., p. 181.

<sup>40</sup> Ibid., p. 186.

sides of his family, but his Beaufort lineage had been officially bared by an act of 1407 from the succession. Nevertheless, Henry VII was the only male on the Lancaster side of the House of Plantagenet. He had the closest hereditary succession claim outside the House of York. To help alleviate this problem, Henry Tudor agreed to marry Edward IV's daughter, Elizabeth, thus uniting the House of York with the House of Lancaster. Many Yorkists now rushed over to the banner of Henry Tudor. They raised revenue and an army to support Henry Tudor against King Richard III.

On August 22, 1485, the armies of Henry Tudor met the armies of Richard III in battle at Bosworth. Several of Richard III's nobles and soldiers deserted him. Richard III was slain in battle. Henry Tudor, through act of battle and Parliament, was to become King Henry VII in 1485.

### **C. The War of Roses and the Church (1400 to 1485)**

What role, if any, did the Church of England play in helping the House of Lancaster and the House of York achieve peace in the War of Roses?

According to the *Encyclopedia of the War of Roses*, the Church of England was somewhat neutralized by its lack of strong, political leadership. This criticism seems counterintuitive where, on the other hand, the Church of England had been criticized for being too worldly and political. Regardless, it seems reasonable to conclude that, as with any civil war, particularly where the leading combatants are engaged in a family feud, the leading clergymen and the church tend not to take sides. It seems natural, too, that under such circumstances the Church of England would have fulfilled its natural role as "pastor" and "spiritual advisor," rather than as "political advisor" or "government administrator." But in England, there was no such conceptualization as separation of the church from the state. The "Lords Spiritual" was integrally woven into the British governmental system. For instance, King Edward IV, after defeating the House of Lancaster, imprisoned an Archbishop who had opposed him. And King Richard III usurped the good reputations of various clergymen to further his own selfish, political objectives. These historical developments would continue through the seventeenth century and lay the foundations of American's understanding of religion and politics in the eighteenth century, thus leading to the ratification of the Establishment Clause, First Amendment, U. S. Constitution. More fundamentally, these developments also laid the foundation for the English colonists' distrust of the British monarchy during the seventeenth and eighteenth centuries.

The *Encyclopedia of the War of Roses* sets forth an interesting and detailed summary of the role with certain English clergymen played in the War of Roses:

Because of a lack of political talent among its leaders, the English Church took little part in the WARS OF THE ROSES, and few bishops were strong or consistent advocates for either the house of LANCASTER or the house of YORK. Thus, the various changes in dynasty brought the church neither great harm nor great benefit. Also, the brief and intermittent nature of civil war campaigns caused the church to suffer little material damage during the conflict....<sup>41</sup>

Because HENRY VI made bishops of the pious and scholarly men who served him as confessors and spiritual advisors, the outbreak of civil war in 1459 found his government deficient in the practical, politically experienced bishops who had formed the core of previous royal administrations.

Thomas BOURCHIER, the archbishop of Canterbury, had been appointed during the FIRST PROTECTORATE of Richard PLANTAGENET, duke of York, and supported the Yorkists in 1460 after having accommodated both sides during the 1450s. William Booth, archbishop of York, and his brother Lawrence BOOTH, bishop of Durham, were Lancastrians, but neither gave sufficient support to Henry's cause to suffer any consequences when EDWARD IV won the throne in 1461, although Lawrence was suspended briefly from office in 1462 for his Lancastrian sympathies.

The most vigorous ecclesiastical involvement in the conflict in 1459–1461 was by a foreign bishop, Francesco Coppini, bishop of Terni..., who used his position as papal legate to actively promote the Yorkist cause. Although some historians have argued that the church demanded redress of its grievances in return for sanctioning the Yorkist usurpation in 1461, the bishops made few complaints, Edward IV granted few concessions, and the house of York based its claim to the Crown on hereditary right, thus avoiding any need for the church to legitimize the family's position.<sup>42</sup>

In 1470–1471, the most political bishop was George NEVILLE, archbishop of York, who abandoned Edward IV (whom he had served as chancellor) to actively support his brother, Richard NEVILLE, earl of Warwick, the head of the Lancastrian READEPTION government. After Warwick's death and the Yorkist restoration, Edward IV imprisoned the archbishop in the TOWER OF LONDON.

In 1472, after being pardoned and released, Neville was re-arrested and confined at CALAIS until 1475. Besides Neville, no other bishops were so harshly treated, and politically talented Lancastrian clerics, such as John MORTON, the future

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<sup>41</sup> *Encyclopedia of the War of Roses*,  
[http://war\\_of\\_roses.enacademic.com/124/English\\_Church\\_and\\_the\\_Wars\\_of\\_the\\_Roses](http://war_of_roses.enacademic.com/124/English_Church_and_the_Wars_of_the_Roses).

<sup>42</sup> *Ibid.*

archbishop of Canterbury, were pardoned and admitted to Edward's COUNCIL. Unlike those of Henry VI, most of Edward's ecclesiastical appointees tended to be men of humble origins who displayed a talent for secular government, such as Thomas ROTHERHAM as archbishop of York, John RUSSELL as bishop of Lincoln, and Morton as bishop of Ely.<sup>43</sup>

In 1483, Morton was one of the few bishops to oppose RICHARD III's usurpation of the throne. Arrested at the infamous COUNCIL MEETING OF 13 JUNE 1483, Morton later participated in BUCKINGHAM'S REBELLION and, after the failure of that uprising, fled to BURGUNDY to support Henry Tudor, earl of Richmond, the future HENRY VII.

Meanwhile, Richard III employed various ecclesiastical servants to successfully complete his seizure of the throne... He sent aging Archbishop Bourchier to persuade Queen Elizabeth WOODVILLE, then in SANCTUARY at Westminster, to surrender her younger son, Richard PLANTAGENET, duke of York, into Richard's custody.

To justify his usurpation, Richard commissioned the respected preacher Ralph Shaw to deliver a sermon extolling Richard's merits as king to the citizens of LONDON... Richard also used Bishop Robert STILLINGTON's revelation of the BUTLER PRECONTRACT to declare EDWARD V illegitimate and unfit for the Crown. While the English Church largely acquiesced in Richard's reign, both the papacy and the English bishops readily accepted Henry VII and the house of TUDOR after the Battle of BOSWORTH FIELD in 1485. The new dynasty, like its Lancastrian and Yorkist predecessors, faced few demands from the bishops and in return largely left the English Church as it found it.<sup>44</sup>

From the experience of the Anglican Church in warfare—the Hundred Years' War and the War of Roses—we may conclude that *the church cannot escape the earthly conflict that afflicts humankind in general*. To paraphrase Saint Augustine, the church must take part in secular affairs in order to lessen the awful effects of sin and sinners.<sup>45</sup>

Nor can the church shirk its responsibility to lead and guide its constituency: the laity, the clergy, and the nations. It must reflect the spirit and truth of Christ; and to do that, it has to make moral judgments about the pressing and critical

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Protestant and non-denominational Christianity have generally fallen behind the Roman Catholic Church with regards to effectively incorporating law and lawyers within its church structure. Protestant and non-denominational lawyers and judges in general do not conceptualize themselves as extensions of the church. This series generally makes the case that all Christian lawyers and judges have clergy-like obligations and are necessary extension of the Christian church.



issues that impact the human condition. For the Christian Church, there simply is no other way.<sup>46</sup>

Along the same lines, the role of Christian lawyers and judges is clear: that role must include going into places-- such as the bar, the bench, the courts and the legislative assemblies-- where most ordained church pastors cannot go; it must include serving as Christian advisors to the secular governments in order to achieve judgment and justice; it must include serving as senior church officials and leaders within the church; it must include functioning as Christian diplomats to the secular, non-believing world; it must include discharging a defense of the Christian faith and of the role of the church; and, it must include serving as the eyes and ears of the church within the earthly city. Significantly, this role of Christian lawyers and judges should not include imposing and forcing the Christian faith upon non-Christians, but instead it must be act only in self-defense of the Church, in an advisory capacity only, and restricted to achieving peace, justice, and judgment within the earthly city.<sup>47</sup>

## **CONCLUSION**

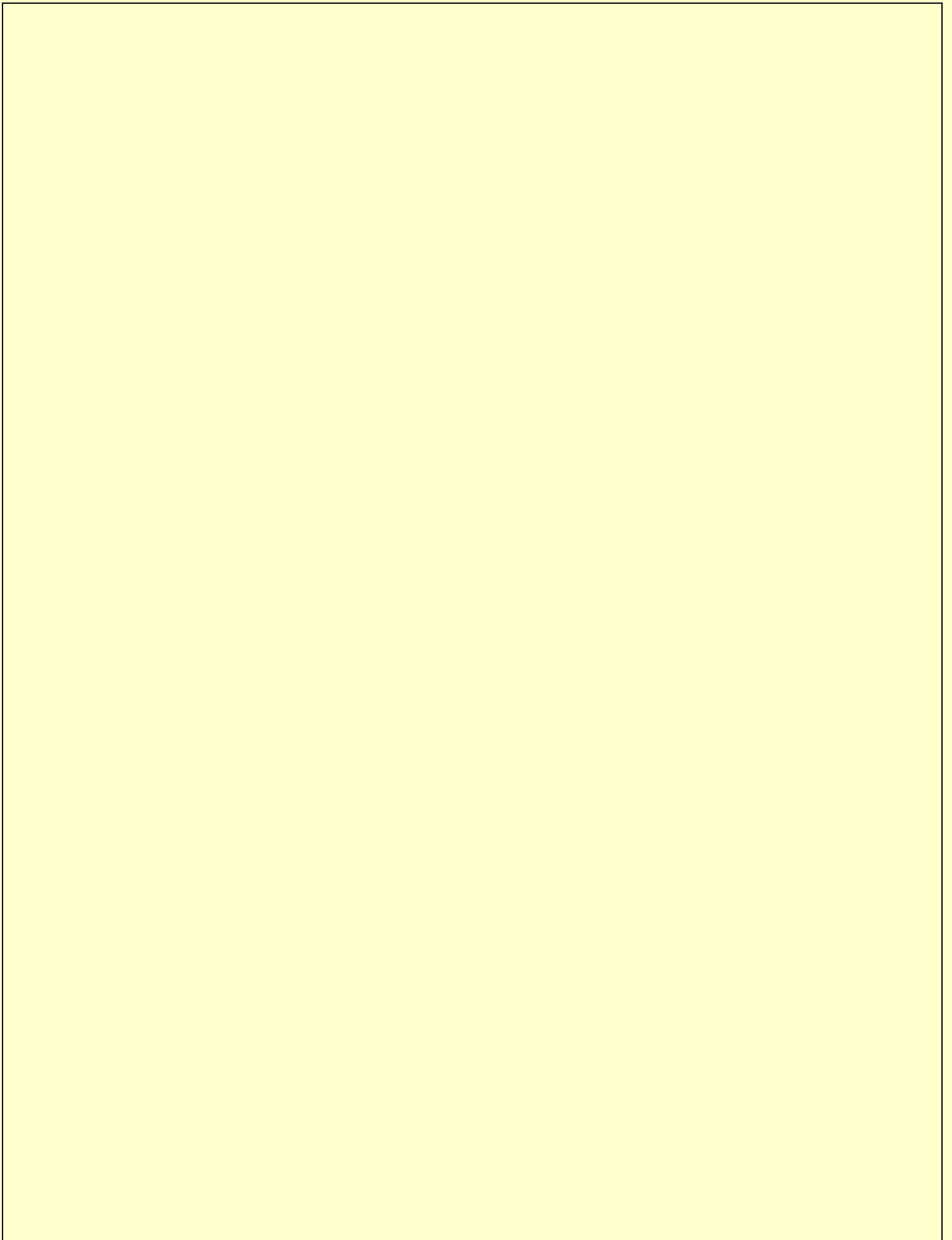
The Christian interpretation of the human condition is a compelling one. Even secular humanists would be hard-pressed to refute the existence of “sin” and its counter-part, the existence of “justice.” The Christian faith is one of universal justice, and this gives Christian lawyers and judges a unique opportunity and challenge to influence and to guide secular governments and institutions. As we have seen in this paper, as exemplified by the history of England from 1337 to 1485, the church and its leaders cannot effectively lead from the rear; nor can they reflect the Gospel of Christ while serving conflicting interests. These conflicting interests often stem from powerful governmental and financial interests that seek to use the church in exchange for ecclesiastical support and special favors. (These are the sorts of conflicts which Christian lawyers and judges are trained to recognize and rectify). This is what happened to the Catholic Church during fourteenth and fifteenth centuries, thus leading to a movement of church dissenters and the Protestant Reformation.

## **THE END**

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<sup>46</sup> Here, I would be remiss if I did not stress the significance of the Roman Catholic Church’s historical example in fulfilling this leadership role throughout the world.

<sup>47</sup> Here, I embrace both the Christian theologies of Baptist theologian Roger Williams and Catholic theologian Saint Augustine of Hippo.



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