

# **ST. LUKE’S INN OF COURT**

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

**By**

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### **TABLE OF CONTENTS**

**Preface**

**Introduction**

**Summary**

**Part XIV. Anglican Church: The House of Tudor (1485-1509 A.D.)- Part 1**

- A. Henry Tudor (King Henry VII, 1457 – 1509 A.D.)**
- B. Court of Star Chamber**
- C. Power of Taxation, Commerce, and the New Aristocracy**
- D. Tudor Absolutism and the Church**
- E. The English Renaissance and the Church**

**Conclusion**

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-fifth essay in this series: “A History of the Anglican Church—Part XIV.”

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

The three British royal houses which intrigued me the most when I was a high school and college student were the House of Tudor (1485- 1603), the House of Stuart (1603- 1714), and the House of Hanover (1714 to 1901). Each family or “house” had its own unique story, background, and character; and I could more easily memorize the major events of English history by associating them with the various monarchs within each of these “houses.” For instance, in high school, I had learned that Henry VIII and Elizabeth I were the great Tudor monarchs; and I had memorized the acronym “J.C.C.J.” for “James I--- Charles I--- Charles II--- James II” as the Stuart monarchs. In between the first Charles and the second Charles was the English Civil War and the rise of Oliver Cromwell. In college, I revisited this history again and again in at least three or four different college courses: American history; world history; British history; and African history. I began to look at these same historical periods from slightly different perspectives: from that of the American colonists and modern American historians; from that of Great Britain and modern British historians; from the perspective of global European economic and social development; and from the perspective of the Third World. In

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

this series, however, I am again revisiting these historical periods from the perspective of a Christian and that of the Church of England. I write from this perspective, while relying upon the political theory and theology of St. Augustine's *The City of God*, primarily to set forth the Christian foundations of Anglo-American constitutional law. As I have already written in previous essays in this series, the true "Catholic Church" is very much a mystery in that nobody in this present lifetime will ever be able to ascertain with absolute precision all of those persons who are saints and will be saved at Christ's Last Judgment. Instead, my objective now is to vindicate the Christian foundations of Anglo-American constitutional law through St. Augustine's theology and view of history, as presented in *The City of God*, by showing how, notwithstanding the presence of corruption within the established church, there are nevertheless true Christian saints who have continued to positively guide and influence the secular earthly city (i.e., the secular law and public policy of England).

The English monarchy continued to style itself as a vicar of Christ, together with the Pope; and the Christian faith continued to have a positive influence upon, and to remain as, the foundations of English law and government throughout the reign of the Tudors (1485- 1603). In this paper, I turn to the life and political career of Henry Tudor, the founder of the Tudor Dynasty, in order to display how the Christian political order organized itself in Europe and England. The Pope and the Church remained as the superior Lords Spiritual, and, at least in theory, the secular monarchs reigned at the mercy and grace of the Christian faith (first, Jesus Christ and, second, the Pope). In England, the Tudor monarchy conceptualized itself as being subordinate to the "Law of Christ" and as a "Christian monarchy."

The Tudor ideals of order and harmony, the links of a great chain of being, the inherent sinfulness of disorder and rebellion, all were stressed in places as far apart as the homilies and Lord Burghley's Execution of Justice in England (1583). 'Every degree of people, in their vocation, calling, and office, hath appointed to them their duty and order. Some are in high places, some are in low.... Remove this divine order and there reigneth all abuse, carnal liberty, enormity, sin, and babylonical confusion.' The whole Christian universe was conceived to be under divine ordinance. Chief Justice Catline summarized a part of the temper of the times in 1572: 'It is the chiefest point of the duty of every natural and reasonable man to know his prince ad his head, to be true to his head and prince.... We must

first look unto God, the high prince of all princes, and then to the Queen's Majesty....<sup>2</sup>

When Richard Hooker [in his *Laws of Ecclesiastical Polity*] identified the church and commonwealth as different aspects of the same system he was writing not only for the Tudor age but for some ends and ideals still widely held today. The foundation of morality, in the judgment of Hooker, was to be found in the religion of the state, in objective order and principle binding individuals together to themselves and to God.<sup>3</sup>

Thus, St. Thomas Aquinas' view of ecclesiastical and secular law held firm in Tudor England:

<b>Tudor England's Hierarchy of Laws</b>
Eternal Law (God's omnipotent and eternal will)
Divine Law (Old & New Testaments)
Natural Law
Human Law (Common Law; Ecclesiastical Law; and Civil Law)

However, as the Hundred Years' War (1337-1454), the Great Schism (1378-1437), and the War of Roses (1400 -1485) revealed, the Pope could not always be trusted to be infallible. More and more, European and English theologians were moving towards adopting "Jesus Christ, head of the church" instead of "Pope, head of the Catholic Church" as their fundamental creed. But these Reformation developments had to take time. Much depended upon commerce and trade and the economic foundations of kingdoms and empires. Once the new aristocracy emerged, and international trade increased competition between nation-states hungry for world power and influence, the moral theology of the Roman Catholic Church and its universal moral theology appeared to interposed hurdles and challenges for the new economic nationalism of the sixteenth century. The Church sometimes accommodated change, but European nationalism and the Reformation eventually eclipsed its unquestioned, universal grip on northern Europe. Under the Tudors, commerce and economic development still fell within the purview of the moral theology of the church. This occurred for a number of reasons: one of which, the church needed and sought revenue:

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<sup>2</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 261.

<sup>3</sup> *Ibid.*, p. 269.

[T]he clergy, whose intellectual contributions to English life in the sixteenth and seventeenth centuries need further investigation, were shortly to begin new activities as an unfamiliar breeze was added to the ancient winds of doctrine. The clergy labored to convert the heathen and thus ‘enlarge the bounds of heaven.’ As has been earlier suggested, they labored also to obtain tangible rewards; to checkmate Spain; to answer the problem of overpopulation; to be real estate promoters for stock companies; to popularize by propaganda the notion of imperial manifest destiny and to undermine the words of the promoters of colonies and commerce. The mingled themes of salvation and profit ran clear and strong. In another age, the sweet showers of April had impelled men to go on pilgrimages. Now, for divers reasons, the treasure of England was seen to be by foreign trade, by colonies, and by the increase of Christian souls....<sup>4</sup>

Elizabethan seadogs had furrowed waters where no man had been before.... The seventeenth century was to be at once more commercial and religious than the sixteenth. There were intimate connections between the Anglican Church and the merchants.<sup>5</sup>

This link between the Anglican Church and English merchants should not be construed as anecdotal evidence of church corruption. To be sure, there may have been some church corruption, but the fact is: the Western Church had long ago pioneered the field of economics.<sup>6</sup> This may very well prove the Anglican Church’s guiding moral presence in the field of commerce, finance and economics.<sup>7</sup> That guiding moral presence would have most certainly stressed

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<sup>4</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 280.

<sup>5</sup> *Ibid.*, p. 301.

<sup>6</sup> See, also, Thomas E. Woods, Jr., *How The Catholic Church Built Western Civilization* (Washington, D.C.: Regnery Publishing, Inc., 2005), pp. 155- 169 (“The standard story of the history of economic thought essentially begins with Adam Smith and other eighteenth-century thinkers. Catholics themselves, particularly those hostile to the market economy, have also tended to identify modern economic principles and insights more or less with thinkers of the Enlightenment. To the contrary, however, medieval and late Scholastic commentators understood and theorized about the free economy in ways that would prove profoundly fruitful for the development of sound economic thinking in the West. Modern economics, therefore, constitutes another important area in which Catholic influence has, until recently, all too often been obscured or overlooked. In fact, Catholics are no being called its founders. Joseph Schumpeter, one of the great economists of the twentieth century, paid tribute to the overlooked contributions of the late Scholastics in *History of Economic Analysis* (1954).... In devoting scholarly attention to this unfortunately neglected chapter in the history of economic thought, Schumpeter would be joined by other accomplished scholars over the course of the twentieth century, including Raymond de Roover, Marjorie Grice-Hutchinson, and Alejandro Chafuen.”).

<sup>7</sup> *Ibid.*

“natural law” and “natural justice,”<sup>8</sup> within these disciplines. In many respects, Henry Tudor and the House of Tudor had set all of this commercial and economic progress in motion. The rising middle class became the “new aristocracy” in Tudor England, and this new aristocracy associated capitalism with a divine command of the Christian faith.

In theory, at least as I then conceived it in law school, the “Law of Christ” still reigned supreme even in the field of market economics. As Adam Smith would later explain in *The Wealth of Nations*, during the eighteenth century, mercantilism (i.e., capitalism and the free market) was conceptualized as an important form of Christian natural law; mercantilism and *laissez faire* was also as a reflection of God’s divine command to Adam to earn a living by the sweat of his brow. See Genesis 3:19.<sup>9</sup> For these reasons, and thinking and believing as I did about the Christian foundations of Anglo-American common law and constitutional law, I could not separate America’s economic and social problems from the Christian faith (i.e., the moral theology of the Catholic Church as expressed in Saint Augustine’s *The City of God* and the various writings of St. Thomas Aquinas).

Thus, when I entered law school during the Fall of 1991, I had already within me a vague idea about the relationship of the Christian faith to American law. At some point, though, I began to recognize that fundamentally the Christian faith (i.e., the Law of Christ) was also founded upon guiding economic and social interactions. After all, the Egyptians had enslaved and economically exploited the ancient Israelites, and Moses was sent to free them from this economic bondage which was national Egyptian sin. This idea of Christianity as guiding, inter alia, the fundamental economic and social relations of peoples and nations was carried over into my thesis research in law school, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787-1910*. I continued to see in major landmark Supreme Court decisions the fundamental problem of applying the Golden Rule and the Christian duty of stewardship over private property (i.e., natural justice) important legal cases whose fundamental controversies involved the alleviation of oppression of disenfranchised groups. In my mind, the foundational ideas of American constitutional law (e.g., fundamental rights; ordered liberty; and due process of law) were fundamentally reflections of the

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<sup>8</sup> Ibid.

<sup>9</sup> To my mind, the Marxists’ materialist interpretation of human history and analysis of economic exploitation — though very thought-provoking indeed — were not more potent and compelling than the practical application of the Law of Christ to the same economic and social problems.

“Law of Christ,” as it had been developed and applied in law courts throughout the history of England leading up to the American Revolution.

For many reasons, Henry VII set in motion a chain of events that would lead straight to the American Revolution nearly three centuries later. Most importantly, the “new aristocracy” that arose during Henry VII’s reign was to become the forefathers of the American Revolution. These forefathers were merchants, country gentlemen, absentee landlords, and the new landed aristocracy. As they became the backbone of the Reformed Church of England and English nationalism, the Anglican clergy and the British monarchy not only relied upon them, but elevated them to the status of the “new aristocracy.” This new aristocracy would continue to press for a constitutional monarchy with Parliament playing a greater role in creating law and policy. This new aristocracy would also press the Church of England for theological justifications for greater freedoms and democracy. They promoted the Renaissance and, later, the Enlightenment philosophy, which ushered into existence the idea of fundamental human equality and democracy. For these reasons, as we shall see below, Christianity is the key to Tudor England’s political and social history. Beginning in 1534, the Christian faith would be transformed by the Reformed Church of England and slowly and persistently influence the process of elevating the lot of the common man in England.

Theologically speaking, as reflected in the Old and New Testaments, as well as Saint Augustine’s *The City of God*, *the true Christian church had always been deeply democratic*; the secular states of the world, by contrast, had always been aristocratic, oligarchic, and repressive. The movements of Luther, Calvin, Zwingli, and other Protestant leaders were for the re-establishment of the *true Christian church* for the benefit of both the secular and the sacred organs of society. The fundamental idea of Christian leadership—as exemplified by Jesus of Nazareth—had been that the “last shall be first, the first shall be last”; “he that is greatest among you, shall be your servant”; and “love ye one another, as I have loved you.” These fundamentally Christian ideas of leadership and service, though, had to reach the English and European peasantry and working classes; and this process could not occur until the masses could read the Bible for themselves in their own language; for it was the Protestant Reformation which made this possible—a revolution which the Tudor Dynasty (1485-1603) set in motion. This idea of Christian leadership and service was also found in the Law of Moses and amongst the ancient Israelites, who been governed by judges, before they demanded a king

to rule over them, so that they could be just like all of the other nations. See, e.g., 1 Samuel 8: 1-22.

**The proverbial “City of God” (Ancient Israel before Christ; the Christian Church after Christ), as Foundation of Western Democracy**

1. God’s Law (i.e., Abraham’s Faith; the Law of Moses; the Law of Christ)
2. God’s Prescribed Form of Earthly or Civil Government (i.e., ruled by Judges (ancient Israel) ; Bishops (who were similar to judges in the Early Church)

Sometime in law school, I had learned that in ancient Judea-Christian sacred texts, the monarchy was not prescribed by God as his recommended form of earthly or civil government. Instead, the God’s recommended form of earthly or civil government had always been the “rule of law”—his Law—with a system of Judges especially picked to administer that Law. The Christian doctrine slowly but persistently elevated the lot of the common man in England and Europe, and it eventually took root in America and throughout the British Empire. This original idea of Christian government, together with examples from the ancient Greek City States and the Roman imperial form, set the stage for democratic government. In the New World, this Christian idea democracy influenced the early colonial American leaders such as Thomas Hooker and Roger Williams, who, in turn, laid the foundation for the American founding fathers, who were then seeking an alternative form of democratic government, without a monarchy and rule of the Roman or Anglican papacy. The American Founding Fathers, who were Christians, and even non-Christians such as Thomas Paine, found what they were looking for in 1 Samuel 8:1-22,<sup>10</sup> where the Prophet Samuel had forewarned the ancient Israelites against adopting a monarchy as their form of government:

**1 Samuel 8:10-22 (KJV)**

<sup>10</sup> And Samuel told all the words of the LORD unto the people that asked of him a king.

<sup>11</sup> And he said, This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his

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<sup>10</sup> “Samuel Warns the Israelites of the Dangers of a King,” <http://oll.libertyfund.org/pages/samuel-warns-the-israelites-of-the-dangers-of-kings>, (“Many Christians in 17th century England and 17th and 18th century North America were struck by some passages in I Samuel in which the prophet Samuel warned about the dangers a King would pose to the liberties of the Israelite people. This struck a chord with those who were fighting the growing power of the Stuart monarchy or the efforts of the British Empire to exert its power over the North American colonies.”)



chariots, and to be his horsemen; and some shall run before his chariots.

<sup>12</sup> And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots.

<sup>13</sup> And he will take your daughters to be confectionaries, and to be cooks, and to be bakers.

<sup>14</sup> And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants.

<sup>15</sup> And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants.

<sup>16</sup> And he will take your menservants, and your maidservants, and your goodliest young men, and your asses, and put them to his work.

<sup>17</sup> He will take the tenth of your sheep: and ye shall be his servants.

<sup>18</sup> And ye shall cry out in that day because of your king which ye shall have chosen you; and the LORD will not hear you in that day.

<sup>19</sup> Nevertheless the people refused to obey the voice of Samuel; and they said, Nay; but we will have a king over us;

<sup>20</sup> That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.

<sup>21</sup> And Samuel heard all the words of the people, and he rehearsed them in the ears of the LORD.

<sup>22</sup> And the LORD said to Samuel, Hearken unto their voice, and make them a king. And Samuel said unto the men of Israel, Go ye every man unto his city.

This prophetic forewarning was used by Christian dissenters during the English Civil War of the 1640s and would later be echoed across the Atlantic amongst dissenters in the English colonies during the seventeenth and eighteenth

centuries.<sup>11</sup> According to these American colonists, the British monarchy and its Church had become much too repressive, just as the Roman Catholic Church had been centuries earlier. Hence, the idea of the “written constitution” was deeply rooted in Christian thought (i.e., natural law doctrine) as especially as developed by Christian dissenters during the English Civil War of the 1640s (see, e.g., the Levellers’ “Agreement of the People”)<sup>12</sup>, the written works of men such as the Anglican John Lock, and the Catholic French philosophers.<sup>13</sup>

In truth, the executive authority in the hands of the great English monarchs—men and women with a genius for leadership—is what Englishmen sought to establish in their Prime Ministers (and, to a great extent, this is what Americans sought to preserve in the Office of the American President). The mixed form of the new American federal republic would eventually include elements of the monarchy (President); upper chamber of the lords (Senate); and lower chamber of the commons (House of Representatives). Like Henry Tudor, the English citizens and subjects (including the American colonists) wanted no more wars of succession; they wanted no more infant and minor monarchs with inefficient and corrupt regents; and they wanted no more weak and incompetent monarchs who could not be quickly and easily replaced. Experience had taught the Englishmen (and later the Americans) that men and women from low and humble origins often had a genius for greatness. It is true, that a Henry II, a Henry VII, a Queen Elizabeth I, or a Queen Victoria would come on the scene and rule effectively though a monarchy, but more often than not the British people had experienced that the sad, agonizing words of the Prophet Samuel (1 Samuel 8:1-22) were true: the monarchical form of government, in general, tended to be inefficient, self-centered, and incapable of governance. The House of Tudor (Henry VII, Henry VIII<sup>14</sup> and Queen Elizabeth I) was certainly an exception to the rule, because it displayed all of the features of firm and strong leadership that Englishmen (and later Americans) wanted to see in their English Prime Ministers (and later

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<sup>11</sup>Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), pp. 336-337. See also, “Samuel Warns the Israelites of the Dangers of a King,” <http://oll.libertyfund.org/pages/samuel-warns-the-israelites-of-the-dangers-of-kings>, (“Many Christians in 17th century England and 17th and 18th century North America were struck by some passages in I Samuel in which the prophet Samuel warned about the dangers a King would pose to the liberties of the Israelite people. This struck a chord with those who were fighting the growing power of the Stuart monarchy or the efforts of the British Empire to exert its power over the North American colonies.”)

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Henry VIII, who as the second son of Henry Tudor (Henry VII), was a towering but troubled genius. He ultimately miscalculated the royal prerogative and the idea of “Divine Right of Kings.” His leadership and influence are great due to his legacy of towering achievements and mistakes.

American Presidents)—a chief executive with common sense, wisdom, courage, tenacity, and leadership ability.

## **SUMMARY**

The House of Tudor and its founder, Henry VII, are two of the most important factors of Anglo-American constitutional law and development. Henry Tudor, the founder of this great Tudor Dynasty (1485-1603), had come from the class of country gentry, and had not enjoyed a royal upbringing inside of the golden halls of a palace. Instead, Henry Tudor was raised in an environment where he was able to know real life and understand the common man, the country gentry, the merchants, and the nobility. The English throne had not been promised to him; for he had to take the throne of England in battle against the unpopular King Richard III (the Battle of Bosworth, 1485 A.D.). Nor was Henry VII's blood lineage a guarantee of his rights to the English crown. But Henry VII was shrewd, manipulative and popular. He understood what England needed and the times in which he lived: England needed to strangle to death the old Medieval spirit that was keeping it in civil war and economic serfdom, and it needed to transform itself into a world economic commercial power. Simultaneously, England needed cultural regeneration, respect for the rule of law, and the Church of England's firm, moral foundations. Henry VII was the right man for these times and challenges. He understood how to wield despotic power without himself being a despot. At the same time, Henry VII wedded the House of Tudor to the Roman Catholic Church. The rule of law under the House of Tudor was to remain fundamentally Christian and with Christian foundations. These Christian foundations, now firmly re-established during the Tudor years (1485 – 1603), enabled the Church of England to continue to exert its moral leadership and influence upon English law and government.

### **Part IX: Anglican Church: The House of Tudor- Part 1 (1485-1509 A.D.)**

Shortly after the Hundred Years' War came to a close in 1454, Henry Tudor was born on January 28, 1457 A.D. Although he had aristocratic blood in his veins and a remote genealogical connection to the House of Lancaster, the English throne had never been promised to him and he had no real chance that it would ever have been offered or given to him. Though an aristocrat, Henry Tudor was not a royal; and thus his practical experiences growing up in an every-day world bode him very well after he became a British monarch.

## A. Henry Tudor (King Henry VII (1457-1509))

Henry Tudor, who became as King Henry VII (1457 – 1509) the founder of the great Tudor Dynasty (1485 to 1603), wrote no autobiographies of himself and we have few of his own commentaries and quotations, but from what we know of him, he must have conceptualized himself as a man called of God, extracted out from the same fabric as the ancient Israelite Kings David and Solomon, and sent to establish justice, judgment and equity throughout England.

The king's heart is in the hand of the LORD, as the rivers of water: he turneth it whithersoever he will. Every way of a man is right in his own eyes: but the LORD pondereth the hearts. To do *justice* and *judgment* is more acceptable to the LORD than sacrifice.<sup>15</sup>

Indeed, Henry VII was self-titled “Henry, by the Grace of God, King of England and France and Lord of Ireland.” For by this title he must have known that the throne of England had passed into his hands through fortuitous circumstances, through an act of battle, bloodshed and war and the Battle of Bosworth in 1485, by the grace of God. Nothing had ever come easy for young Henry Tudor (King Henry VII); his nobility was no guarantee of success and fortune; he experienced poverty and uncertainty as a youth; he had known firsthand the difficulties of the common man; and, despite his noble blood, he had no clear hereditary right to the throne of England. And yet somehow, at the age of twenty-eight, Henry Tudor, who was given an opportunity to overthrow King Richard III during the early 1480s, seized upon it—risking everything, no doubt, for his Lord. These risks were greatly rewarded with the throne of England, which King Henry VII no doubt assumed with the firm belief that he had a divine commission to bring order and stability—*by any means necessary*—to a kingdom that had been torn apart by eighty-five years of bloodshed and civil war.

Consolidation of power marked Henry VII's reign, which required him to displace old inefficiencies within the government—inefficiencies which had led to so much instability and civil war.<sup>16</sup> His first order of business was to reign in the

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<sup>15</sup> Proverbs 21:1-3.

<sup>16</sup> “In the closing lines of Shakespeare's *Richard III*, Henry VII spoke of the new peace: ‘Abate the edge of traitors, gracious Lord, That would reduce these bloody days again, And make poor England weep in streams of blood.’” Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 187.

nobility that had felt itself on par with the monarchy or that had operated as smaller sovereigns almost detached from the royal prerogative and law.<sup>17</sup> “They had been the leaders in the War of the Roses and their armies of liveried retainers had been used to defy the royal authority.”<sup>18</sup> Henry believed that these nobles were the major cause of England’s inefficient government; and that these nobles needed to be brought under the rule of law.<sup>19</sup>

In a very real sense, during the War of Roses (1400 to 1485), England had lost its ability to establish justice, judgment and equity. “It was natural that Henry VII should use every possible agency to curb the powerful nobles. The common law courts had been seriously weakened during the chaotic years of civil war. Trial by jury had often mocked justice because the judges and juries were bribed or terrorized. Many criminals were never apprehended. The national disorder was only partially checked by acts limited at punishing jurors for returning false verdicts and setting up machinery to determine their guilt for innocence. Townships which failed to discover and arrest murderers were fined heavily. Coroners who neglected to hold inquests were also punished.”<sup>20</sup> Two years after Henry VII assumed the throne, an act of 1487 was passed which stated:

[T]he policy and good rule of this realm is almost subdued... whereby the laws of the land in execution may take little effect, to the increase of robberies, perjuries, and insurities of all men living, and losses of their lands and goods, to the great displeasure of Almighty God.<sup>21</sup>

Thus, many of the Old Testament’s indictments against fraud and corruption were directly applicable to England. See, e.g., Table 1, “Prophetic Indictments against Corruption.”

### **Table 1. “Prophetic Indictments against Corruption”**

**Zephaniah<sup>22</sup>**

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<sup>17</sup> Ibid., pp. 191-192.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid. pp. 192-193.

<sup>21</sup> Ibid., p. 193.

<sup>22</sup> Zephaniah 2:1-15; 1:4; 2:5; 2:8; 2:12; 2:13; 3:8; 1:14-18; 1:12; 3:1-2; 1:9; 3:4; 3:12-13; and 3:17.

1. Charge-- Disbelief that God would Render Justice and Judgment;
2. Charge-- Violence and Deceit; and,
3. Charge-- False Religion; False Prophets and Priests.

### **Habakkuk<sup>23</sup>**

1. Charge-- Refusal to establish Justice and Judgment;
  2. Charge-- Economic exploitation; Theft; Bloodthirsty economic gain;
- and
3. Charge-- False Religion; Idolatry; Graven Images.

### **Amos<sup>24</sup>**

1. Charge-- Economic crimes (i.e., oppression of the poor and the needy);
2. Charge-- Indifference of the wealthy toward the economic oppression of the poor and the needy;
3. Charge-- Lack of Justice; Perversion of Judgment and Justice; and,
4. Charge-- Religious indifference toward the economic oppression of the poor and the needy.

### **Ezekiel<sup>25</sup>**

1. Charge-- Idolatry and Moral relativism;
2. Charge-- Violence;
3. Charge-- Oppression of the poor, needy, strangers. Unjust economic gain;
4. Charge-- Religious hypocrisy;
5. Charge-- Rejection of the Mosaic Law; and,
6. Charge-- General charges against the nations.

### **Jeremiah<sup>26</sup>**

1. Charge-- A prophet to the nations (because of multinational injustice);
2. Charge-- Genuine disinterest in justice;

<sup>23</sup> Habakkuk 1:4; 2:6; 9:12; 3:8-14; 1:14; 1:13-17; 2:18-20; 1:5; and 2:4.

<sup>24</sup> Amos 1:3-15; 2:1-3; 3:1-2; 3:9; 4:1; 5:12; 5:11; 6:1-6; 6:8; 5:7; 6:12; 5:10; 5:21-24; and 5:4; 5:14.

<sup>25</sup> Ezekiel 37:1-28; 20:24; 2:3; 20:19; 5:9; 6:11; 16:1-2; 6:9; 14:3-4; 16:15-16; 16:27-43; 23:1-49; 23:3; 23:7; 23:11; 23:19; 23:37; 23:43-45; 7:11; 7:23; 8:17; 9:9; 11:6; 12:19; 22:1-6; 24:6; 24:8; 22:13; 18:12; 22:7; 22:12; 22:29; 22:27; 22:25-26; 20:24; 27:13; 34:23; 37:24-28; 18:18-23; and 19:30-32.

<sup>26</sup> Jeremiah 1:5; 4:1-2; 1:10-11; 2:1-3; 5:23-24; 9:13-14; 17:9-10; 4:4; 6:10; 7:23; 11:8; 13:10; 14:14; 16:12; 18:12; 22:17; 2:19; 31:33; 5:23-24; 8:8-9; 5:1; 5:28; 22:3-4; 7:5-7; 5:4; 8:6; 5:4; 5:12-14; 44:9-10; 4:22; 2:32; 3:20; 4:22; 6:13; 9:4-6; 5:28; 17:11; 22:13-14; 5:8; 5:7; 23:10; 23:14; 13:27; 2:8; 23:26-27; 10:21; 5:31; 23:11; 23:30-32; 14:14; 18:15; 18:7-9; 10:10-12; 25:13-14; 4:1-2; 10:7; 16:19-21; 23:2; 33:15; and 9:25-26.

3. Charge-- Genuine disbelief in the Mosaic law;
4. Charge -- Genuine Love of Covetousness, Deceitfulness, Unrighteousness and Injustice;
5. Charge-- Economic exploitation and Unjust Riches;
6. Charge-- Sexual Crimes and Licentiousness;
7. Charge-- Religious Hypocrisy;
8. Charge-- Lamentations (General Charges); and,
9. Charge-- Messiah will Come to Establish Justice.

### **Isaiah<sup>27</sup>**

1. Charge-- Shedding Innocent blood;
2. Charge-- Speaking lies and perverseness;
3. Charge-- Refusing or failing to establish justice;
4. Charge-- Disregarding truth;
5. Charge-- Intentionally planning mischief and iniquity;
6. Charge-- Hastily rushing to perform evil works;
7. Charge-- Lying against God;
8. Charge-- Unjust gains from oppression;
9. Charge-- Bribery;
10. Charge-- Oppression of the poor, needy, and innocent; and
11. Charge-- “truth faileth... he that departeth from evil maketh himself prey....”

The duty of a Christian monarch was to establish the sort of divine justice within his Christian kingdom that the Old Testament prophets had spoken about, because this divine justice was the manifestation of Christ himself.

### **B. Court of Star Chamber**

In order to quell the widespread post-war lawlessness in England, Henry VII’s most important judicial reform was the “court of star chamber.” This court sat in Westminster Palace and was specifically designed to deal with powerful nobles who believed that they were above the law.<sup>28</sup> The court of star chambers was an elastic law unto itself, an ultimate expression of royal equity, designed to

<sup>27</sup> Isaiah 54:5; 2:2-4; 24:5-6; 14:24-27; 45:18-19; 14:1; 14:5-6; 14:12-14; 58:3-10; 1:11-15; 18:18-19; 5:7-9; 1:21-23; 10:1-2; 5:20-23; 59:3; 59:7; 59:3; 59:13; 59:4; 59:14; 59:13; 33:15; 32:7; 10:1-2; 59:15; 33:15; 9:6-7; 11:1-10; 9:6-7; 42:1-4; 1:26-27; 37:5; 37:2; 37:6; 37:17-20; and 37:35-36.

<sup>28</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 193.

take whatever means that were necessary to secure respect for the rule of law among the powerful nobles and to establish justice.<sup>29</sup> There was no jury; no right of cross-examination of witnesses; no right against torture or against cruel and unusual punishment (except death); and no constitutional or due process rights.<sup>30</sup> “This star chamber was an admirable and efficient instrument in the restoration of order and respect for the law.... As used by Henry VII the court of star chambers swiftly put the fear of the law into the turbulent nobles and brought them to heel.”<sup>31</sup>

### C. Power of Taxation, Commerce, and the New Aristocracy

Capitalism became married to the Church of England as “natural law philosophy” during the Renaissance reign of the House of Tudor (1485-1603), beginning with King Henry VII.<sup>32</sup> This strange marriage occurred fortuitously, but eventually the field of economics came to be viewed as Christian natural law and moral theology.<sup>33</sup> King Henry VII had relied upon his power to tax in order to subdue the mighty nobles. Led by special agent John Morton, who was Archbishop of Canterbury, Henry VII extracted forced loans and benevolences from the wealthy. “If a noble lived well he was informed that he could surely afford to make a gift to the king; if he lived poorly he was told that he must be saving enough to do the same thing. This dilemma was known as ‘Morton’s fork.’”<sup>34</sup>

The rising middle class applauded Henry VII’s moves to curtail the nobles. These nobility had represented a dying age of feudalism; whereas the rising middle class merchants represented the emerging Renaissance (i.e., ideas of Greco-Roman humanism merged with Christianity or Roman Catholicism).<sup>35</sup> The latter group came to represent the “new nobility.” These were the country gentlemen and the “city men of business.”<sup>36</sup> To a degree, Henry VII was more country gentleman than nobleman, and he had a mind for business enterprise and international commerce.

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<sup>29</sup> Ibid., p. 193-194.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> This strange marriage occurred fortuitously, but eventually the field of economics, as expressed in Adam Smith’s *The Wealth of Nations* (1776), became a viewed as Christian natural law and moral theology. See, also, Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 280.

<sup>33</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 193-194.

<sup>34</sup> Ibid., p. 194.

<sup>35</sup> Ibid., p. 202 (“To the Renaissance humanist the teachings of Greece and Rome were not very far distant from the Christian creeds of the medieval age.”)

<sup>36</sup> Ibid.



Indeed, Henry VII believed that the future of England rested with international trade, the merchant classes, and the new middle-class nobility (i.e., the new aristocracy). “Henry was a successful king partly because he was a shrewd businessman.... Throughout his reign the first Tudor worked to advance the interests of the wealthy and influential middle class merchants and businessmen. Through them, above all, Henry sought the welfare of England and the Tudors. His aims of peace, security, and the prosperity of commerce and trade commended themselves to the middle class.”<sup>37</sup> Henry VII gave very high priority and much attention to developing English capitalism, opening markets for English manufactures, and securing advantageous terms of trade with foreign merchants. To Henry VII’s privy council, the most fundamental questions of the day were these:

‘Why should foreign merchants and foreign ships carry English wool over the seas and bring back foreign goods to sell at huge profits for themselves?’<sup>38</sup>

‘Could the English government adequately protect and extend the commercial privileges and rights of Englishmen?’<sup>39</sup>

‘How could foreign competitors be met and held at bay?’<sup>40</sup>

These and similar economic questions became of most importance to the English crown and to the new English aristocracy. “Thus the economic power of England increased. The national resources were husbanded. Native industry was fostered and protected. So far as numbers went, Henry VII made his navy the most efficient the world.”<sup>41</sup> And all of this occurred generally under the auspices of the Church of England, which now more and more reflected the mercantilist ideas of the new English aristocracy. Under the new doctrine of Reformed Christianity and Counter-Reformed Catholicism, these mercantilist ideas became standard natural law doctrine. In Renaissance England, both capitalism and commerce—like law and the administration of justice—became the defining character of England’s new

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<sup>37</sup> Ibid., p. 198.

<sup>38</sup> Ibid.,

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid., p. 200.

aristocracy, as well as subfields of Christian moral theology within the Church of England and Oxford and Cambridge universities.

#### **D. Tudor Absolutism and the Church**

Henry Tudor's first order of business was to gain the firm support of the Roman Catholic Church. Shortly after his coronation as Henry VII, he persuaded Pope Innocent VIII (1432- 1492) to issue a papal bull affirming his marriage to Elizabeth of the House of York, and to excommunicate anyone who opposed his reign or who tried to usurp or overthrow the Tudor throne of England. See, e.g., Table 2. Pope Innocent VIII's Papal Bull on King Henry VII.

**Table 2. Pope Innocent VIII's Papal Bull on King Henry VII.**

#### **BULL OF POPE INNOCENT VIII.**

OUR holy fadre, the Pope Innocent the viij.

To the p[er]petuall memory of this he to he hade, by his p[ro]p[re] mocion without p[ro]curewent of our soverayn lord the Kyng or other person for consernacyon of the vniuersal peas and esehewyng of Sklaundres, and to engendre the contrary of the same. Vnderstanding of the longe and greuous variaunce, contentions, and debates that hath ben in this Realme of Englonde betwene the house of the Duchre of Lancastre on the one party, And the house of the Duchre of Yorke on that other party. Wylling alle suehe diuysions [ ] following to be put apart By the Counsell and consent of his Colledge of Cardynalles approveth confirmyth and stablshyth the matrimonye and coniuncion made betwene our sou[er]ayn lord King Henre the seuenth of the house of Lancastre of that one party And the noble Princesse Elyzabeth of the house of Yorke of that other [party] with all thaire Issue laufully borne betwene the same

And in lyke wise his holmes co[n]fermeth stablshith and approueth the right and title to the Crowne of England of the sayde oure souerayn lorde Henry the seuenthe, and the heires of his body laufully begoten to hym [ ] p[er]teynig aswel by reason of his nyghest and vndouted title of succession as by the right of his most noble [ ] and by eleccyon of the lordes spyrituales and temporales, and other nobles of his Realme and by the naunce and auctorite of parlyament made by the iij. states of this lande

Also our saide holy Padre the Pope of hys propur mocyon by hyegh and holy commaundemeut [ ] requireth eu[er]y inhabitant of this lande and euery subgiect in the same of what degree, state or condicion [ ] that non of them by occasion of any successyon, or by any other coloure or cause within this Realme [by hym]selfe, or other mediate persones attempte, in worde, or dedc ayenst the sayd oure

souerayn lorde, or the [heires] of his body lawfully begoten, contrary to the peas of him and his Realme, vpon the payne of his grete curse [and Ana] theme, the whiche thay and euery of thaim that so attempteth, fallyth in forth right by that selfe dede done: the whiche curse and Anatheme noo man hath power to assoyle thaim: but our holy Fadre him selfe [or his speci]all depute to the same

Forthermore he approueth confirmeth and declareth. That yf hit please god that the sayde Elizabeth whiche God forbede shulde decesse withoute Issue bytwene oure souerayn lorde and hir of thair bodyes borne than suche Issue as bytwene hym and hir whome after that God shall ioyne him to shalbe bade and borne [ ] heritours to the same croune and realme of Englande, Commaundyng that noo man attempte the [ ] the payne of his grete curse, whiche thay and euery of thaim soo doynge fallyth in, in the selfe dede done and may not be assoyled but by hym or his speciall depute to the same.

Ouer this the same our holy Fadre yeueth his blyssing to alle princes nobles and other inhabitants of this Realme or outwarde that faououreth aydeth and assisteth the sayde our souerayne lorde and his heires [ ] or thaire rebelles, Yeuing thayme that dye in his and thair querrall full and plenarye Pardon, and [remissi]on of all thaire synnes.

Fynally he commaundeth alle Metropolitanes and Bisshopes vpon the payne of interdiccion of [ ] the Chirehe Abbotes Prioures Archydecones Pareshpriestes Priores and wardeyns of the frerys and [other] men of the chirche Exernpte and not Exempte opon payn of his grete curse, whiche thay fallyth in [ ] it not to denu[n]ce and declare or cause to be denu[n]ced and declared alle suche contrary doers and rebelles [ ] suche time as thay to the same in the name of the sayd o[ur] sou[er]ayn Lorde shalbe requyred with aggraua[tion of the] same curse yf the case shall so require So that if thay for drede shall not moue to publisse the same [ ] them lefull to curse their resistantis to the same and to oppresse them by power temporall, whiche [ ] calle for their assistence to the same in the sayde our holy fader's Name

And as touching the articles of this Bulle The Popys holines by this presente Bulle derog[ ] maketh voide all maner grauntes, Priueleges and Exempcions made by hym or hys predecessors [ ] ny persone or place where as they shulde or myghte be preiudiciall to the execucion of this prese[n]tis [ ] alle suche as expressely reuoked by thys same as though they were written worde by worde within the presentis Bulles as by hit ondre leyde here more largely doith apere

The papal bull, which is an executive order from the Pope, carried the force of law throughout England. This also meant that Church of England was held in check and bound to Henry VII, who now assumed the title “His Grace,” which was

short for “*Henry, by the Grace of God, King of England and France and Lord of Ireland.*” This meant that Henry VII conceptualized himself as a Christian Prince who was bound to carry out the Law of Christ in both thought and deed. He was through this measure able to incorporate the Church of England into his general program of “Tudor absolutism.”

Henry VII, then, saw himself as Christ’s warrior; he has been described as a “cold, cautious, inscrutable, shrewd, Machiavellian individual.”<sup>42</sup> But even if that description is a correct one, it does not take away from the fact that King Henry VII believed that he was faithfully carrying out God’s will in a world rent with faithlessness enemies of Christ, intrigue, and pretenders to the Tudor throne. As the Christian sovereign, Henry VII was both a Spiritual and Temporal Lord within the Church of England. The royal prerogative—i.e., “Tudor absolutism” -- was thus derived from a God-given mandate to establish justice, judgment, and equity throughout the kingdom.<sup>43</sup> “Mercy and truth preserve the king: and his throne is upholden by mercy.”<sup>44</sup> That is to say, Henry VII (and his Tudor successors) was a determined monarch who believed in the royal prerogative in order to establish justice and the rule of law. “Henry VII was not tyrannical in his methods, nor were any of his Tudor successors. It is true that the Tudors extended the royal prerogative power. It is also true that they usually depended upon the cooperation of their people in making their rule effective.”<sup>45</sup> Thus, with respect to Tudor absolutism in general, “the Tudors did not abuse it; it enforced justice and stopped proud lawbreakers from defying royal authority and trampling on the rights of the king’s subjects.”<sup>46</sup>

However, whenever Henry VII and his Tudor successors did determine the royal prerogative needed to be exercised in order to punish lawbreakers—such as through the Court of Star Chamber—they were ruthless. Indeed, under the House of Tudor (1485-1603), there was brutal repression and cruelty against heretics,

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<sup>42</sup> Ibid., p. 190.

<sup>43</sup> “To do justice and judgment is more acceptable to the LORD than sacrifice.” Proverbs 21:3. “A king that sitteth in the throne of judgment scattereth away all evil with his eyes.” Proverbs 20:8. “The king’s strength also loveth judgment; thou dost establish equity, thou executes judgment and righteousness in Jacob.” Psalm 99:4.

<sup>44</sup> Proverbs 20:21.

<sup>45</sup> Ibid., p. 192.

<sup>46</sup> Ibid., p. 194.

dissenters, and traitors.<sup>47</sup> No mercy was shown towards heresy or treason. So-called witches and heretics were burned at the stake; insolvent debtors went to prison; and traitors (both clergy and laymen) were marked for execution. But in the end, the House of Tudor was determined to establish peace, justice, order, and a respect for the rule of law.

### **E. The English Renaissance and the Church**

Under the House of Tudor (1485- 1603), the Church of England, together with its great universities at Oxford and Cambridge, became more “catholic” in the truest sense and meaning of that word. The English Renaissance was indeed a culture and religious movement to upgrade the quality of Christian thought and scholarship inside of the university and the church—this was not a movement to uproot or deprecate fundamental Christian beliefs. Scientific knowledge and the Christian faith were not incompatible in sixteenth and seventeenth century England. Though

During the fifteenth century, Italy, Spain, Portugal and France were still slightly ahead of England in terms of modernity, science, advanced ideas, and culture, but that would change under the House of Tudor. With the exception of a few notable English scholars and men of letters, England, as a whole, had a great deal of catching up to do following eighty-five years of civil war. England not only had to rediscover Greco-Roman humanism, but it had to rediscover how to reconcile that Greco-Roman humanism to the Christian faith—much as Saints Augustine and Thomas Aquinas had already done centuries earlier. For this reason, Renaissance humanism and the re-discovery of Socrates, Plato, and Aristotle did not detract from Christian devotion within the Church of England. Instead, the English Renaissance simply incorporated humanism into their Christian worldview and subordinated it to the Law of Christ. Indeed, for alongside the rediscovery of the Greek classics came the rediscovery of St. Augustine’s *The City of God* and *The Confessions*, two great classics which helped to usher in the European and English Renaissance.<sup>48</sup> Indeed, as Professor Mark Vessey has observed:

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<sup>47</sup> Ibid., p. 190.

<sup>48</sup> “In the thirty years that ended the turbulent fifteenth century [1400 to 1499], twenty new editions of the *City of God* were published.” Page Smith, *Rediscovering Christianity: A History of Modern Democracy and the Christian Ethic* (New York, N.Y.: St. Martin’s Press, 1994), p. 24.

Augustine was renowned in the Latin-speaking world as a founding father of Christian theology, but his influence proceeds far beyond that. In the *Confessions*, Augustine broke ground by exploring his chosen topic—faith in God—using a tool that had little precedent in prior scholarship: his own life. Equally important, Augustine found room in the young Christian religion for the highly evolved thought of the so-called pagan philosophers, particularly Plato. This may seem simple enough on its face, but, without exaggeration, Augustine was centuries ahead of his time. The personal nature of the *Confessions* gave everyday relevance to the more abstract elements of Platonic thought and Christian theology, bringing the rival philosophies into harmony and delivering them to millions of readers. Weaving together introspection, classical learning, and faith, Augustine outlined the underpinnings of the Renaissance in Europe, two centuries that followed the Middle Ages and were marked by a ‘rebirth’ of classical values and humanism, the belief in the dignity of each member of the human race. The Renaissance, according to many scholars, began on the spring day in 1336 when a young poet named Petrarch opened a copy of the *Confessions* and found in it a justification for scanning his own consciousness rather than searching the world for answers to the great questions of life. In some ways, the Renaissance never ended, as the innovations made during that period in art, science, commerce, and politics laid the basis for the world as recognize today. In many fundamental ways, in the *Confessions* Augustine articulated the soul of modern man.<sup>49</sup>

In England, the sixteenth and seventeenth century Renaissance was deeply religious, Catholic, and Anglican.<sup>50</sup> The Christian faith continued to anchor English humanism even up through the eighteenth century Enlightenment.

To the Renaissance humanist the teachings of Greece and Rome were not very far distant from the Christian creeds of the medieval age. The

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<sup>49</sup> St. Augustine, *Confessions* (New York, NY: Barnes & Noble Books, 2007), p. 293.

<sup>50</sup> “In the thirty years that ended the turbulent fifteenth century [1400 to 1499], twenty new editions of the *City of God* were published.” Page Smith, *Rediscovering Christianity: A History of Modern Democracy and the Christian Ethic* (New York, N.Y.: St. Martin’s Press, 1994), p. 24.

Christian humanists tried to reconcile as far as possible the teachings of Christianity and those of pagan classicism. Could classical humanism be Christianized? Could Christian education be humanized? In these formative years the Christian humanists, among them the great Desiderius Erasmus of Rotterdam, asserted that they believed in a rational and secular education resting mainly on a study of the classics. Added to this they demanded an education in the discipline and spirit of Christianity. The faith of the Christian humanists in such a philosophy of education for a 'Christian knight' was continuous and effective. They steadily stressed intellectual and ethical excellence; the virtues of human qualities; the idea of an ideal Christian order among princes and peoples.<sup>51</sup>

Thus, the English Renaissance tried to cope with the discoveries of the New World; international trade and competition between Portugal and Spain; the rise of the Atlantic coast as the new major center of world trade, as opposed to the Mediterranean; and the growing influx of new ideas, unknown cultures and peoples, along with the rediscovery of the Greco-Roman classics.

The great Renaissance writers and scholars who were Englishmen, or who came to England during the fifteenth and sixteenth century Renaissance, included Desiderius Erasmus, William Selling, Thomas Lincre, William Grocyn, John Colet, Sir Thomas More, Sir Thomas Malory, and Sir Thomas Elyot. And in the field of maritime discovery and seafaring, there was John Cabot, Sir Martin Frobisher, John Davis, Sir Humphrey Gilbert, and Henry Hudson. These forces tended to interpose new and interesting ideas into the English Christian worldview and slowly corroded many of the false and sterile presumptions of Medieval superstition. But to a great extent, what many in England was learning perhaps for the first time was not new to Southern Europe and Northern Africa—Saints Augustine and Thomas Aquinas having already grappled with and synthesized Greco-Roman ideas into the Christian faith. During the fifteenth century, Italy, Spain, Portugal and France were still slightly ahead of England in terms of modern ideas and culture, but that would change under the House of Tudor (1485- 1603). During the meanwhile, England would hold onto all of its Catholic presumptions

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<sup>51</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 202.

and beliefs. St. Thomas Aquinas' view of ecclesiastical and secular law held firm in England:

<b>Tudor England's Hierarchy of Laws</b>
Eternal Law (God's omnipotent and eternal will)
Divine Law (Old & New Testaments)
Natural Law
Human Law (Common Law; Ecclesiastical Law; and Civil Law)

For King Henry VII (1457- 1509) and the House of Tudor (1485- 1603), the throne of England was firmly founded upon the new aristocracy, the Christian faith and the Church of England. But, during this same period, as we shall see in future essays, the problem of developing intercourse with less-developed foreign cultures (e.g., the Native American conquests in the New World, African slavery, and the transatlantic slave-trade) together with the plight of England's peasantry and working classes, became predominant challenges to the Church of England's moral theology.

### **CONCLUSION**

Christianity is the key to Anglo-American constitutional history dating back to the reign of King Henry VII (1485- 1509). During the late 1400s, England simply could not continue in the direction in which it had taken and survive politically and economically. The landed nobility had operated like independent kingdoms separate from the English crown and that old nobility was deeply divided against itself. The Church of England, too, had become subject to political corruption and indifference. The War of Roses (1400 to 1485) had impaired England's ability to compete and grow economically. Meanwhile, Renaissance Europe-- particularly Spain and Portugal-- raced passed England in terms of power and prestige. During the sixteenth century, economic power shifted away from feudal land ownership and agriculture, to capitalism, mercantilism and the new business classes within the cities. Henry Tudor was fortunately an intelligent and capable leader who understood the times; he understood what was needed to lead England in a different direction, toward international competitiveness and greatness. Henry VII first gained the favor of the Pope and the Church; he next subdued the old landed nobility and elevated English merchants to the level of a



new aristocracy. Henry VII re-established peace and respect for the rule of law: this allowed English culture to catch up with the Renaissance spirit that had been sweeping across Europe and begin to compete for commercial trade on an international scale. In England, the Renaissance was essentially a Christian and Catholic Renaissance. For the House of Tudor was also deeply committed to the Catholic faith. It partnered with the Church of England to establish the correct religious doctrine and to re-assert the Christian faith as the foundations of English law.<sup>52</sup> As a consequence, the Christian faith slowly and persistently democratized Anglo-American political culture and, over a period of several centuries, elevated the lot of the common man.

**THE END**

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<sup>52</sup> *Ibid.*, p. 261.

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