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

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

PREFACE

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

INTRODUCTION¹

The interplay between Christianity, law, and economics first confronted me when I was a law student at the University of Illinois during the early 1990s. This was the period of my most profound intellectual growth in my understanding of capitalism, socialism, the market system, and economics. My favorite economists were John Kenneth Galbraith, Paul Samuelson, Karl Marx, and Joseph Schumpeter, in that order. Aside from the laws of supply and demand, these economists put a real human face upon the dismal science of economics. I also became interested the role which the African American Church could play in the economic development in Black America's rural and urban communities.² I began to view the history role of the African American Church within the context of the political economy of the early twentieth-century American South. This academic subject came naturally and easily to my attention. I had grown up in rural, northern Florida during the 1970s and 80s; and I had travelled frequently and extensively throughout rural, southern Georgia. I attained a fairly thorough knowledge of the economic relations between white and black southerners; and a general knowledge of the plight of African American farmers (e.g., tenant farming, share-cropping, peonage, and the like). And, during my undergraduate years in Baltimore, I became quite familiar with the ideas and work of Booker T. Washington, W.E.B. Du Bois, and several other turn-of-the-century social reformers. During my undergraduate collegiate years, I attained broad ideas and a working knowledge of general history, economics, and sociology. In law school, however, I was able to study case law and judicial opinions which placed a human face on the economic problems of African American farmers and farm-workers: e.g., *Clyatt v. U.S.*, 197 U.S. 207 (1905) and *Baily v. Alabama*, 219 U.S. 219 (1911). These and similar cases opened the lid to the can of the myriad forms of race-based economic abuses, directed specifically against African American farmers and farm-workers, which I had seldom ever heard discussed in collegiate courses of any kind, or amongst civil rights groups or organizations in any forum. Without question, my interest in the

¹ This paper is dedicated to the late distinguished professor in economics **Dr. Homer E. Favor** (B.A., M.A., Ph.D., University of Pittsburg), who taught me economics (Econ. 101-Macroeconomics and 102-Microeconomics) at Morgan State University during the 1988-89 academic year. Dr. Favor was a World War II veteran and a decorated bronze-star recipient. He taught at Morgan State University from 1956-2001. One day, I approached Dr. Favor in utter bewilderment and lack of confidence in my ability to comprehend collegiate-level economics. Dr. Favor looked at me and said, "Son, grab that economics book." I grabbed the book. He then asked me, "What did Jacob tell the Angel, after he wrestled with him all night?" I could not recall. Dr. Favor then said, "Jacob told the Angel: 'I am not going to let you go until you bless me!'" And then, like a football coach on the grid-iron, Dr. Favor then pointed his finger in my chest and said, "Don't let that economics book go until it blesses you!" Ever since then, I have tried to keep my promises to Dr. Favor. This paper is written in his honor and memory.

² All of this laid the foundations for my novel, *Bishop Edwards* (first published in 2001 as *Defending the Faith: Tales from an A.M.E. Church*), wherein I set forth my general ideas about the role and function Christian lawyers within the secular state.

American labor movement, labor law, employment law, federal bankruptcy law, consumer law, and civil rights were formed during this period. But it is also quite interesting, in retrospect, that I held a deeply religious attitude toward these issues—a religious attitude that was thoroughly Catholic, Anglican, Puritan, and Wesleyan. Leadership in these matters, I thought, should come not simply from the lawyers, but especially from Christian lawyers acting through the agency of the Christian Church. Even then, while a law student, I believed that Christian ethics and ideas, through the agency of the Black Church, could guide the economic relations between whites and blacks into the Promised Land of social and economic justice.

Twenty years later, I published *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* which listed “economic oppression and discrimination,” within the preface, as one of my reasons for writing this book. That preface section then goes on to state:

My curiosities regarding the idea of natural justice originated during my first year of law school, where I often questioned the interplay between law and religion.... [My juris doctor thesis, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787-1910*] was a 150-page research paper on American jurisprudence that traced natural law theories in the United States Supreme Court’s opinions from 1787 through the early 1900s, from the period of the American Revolution through the Civil War, the downfall of the post-war Reconstruction, the rise of organized labor, and the Gilded Age. I reached the unfortunate conclusion that, fundamentally, the breach of natural law and natural justice constitutes grievous economic crimes: theft; fraud; deception; oppression; and exploitation.... And although I could never agree with Marx’s atheism and critique of world capitalism in general, I nevertheless found his ‘theory of profit,’ as being an extraction of excess wealth that was produced from workers, to be mathematically verifiable, and I tried to verify it with mathematical formula in a ‘law and economics’ course in law school. Additionally, the writings of James Mill, the father of John Stuart Mill, then introduced me to the ‘labor theory of government,’ which purported in no uncertain terms that the fundamental objective of government is to ensure a just and equitable share to each productive worker the value of his or her labor. In John Stuart Mill’s essay Utilitarianism, I found the fundamental elements of economics and moral economic reasoning, presented as ‘utiles,’ ‘utility,’ and the

doctrine ‘greatest good for the greatest number.’ ... All of this led me back to the fundamental basis of moral reasoning in economic analysis, as well as to the question of whether religion is a positive force or, as Marx had claimed, merely an ‘opiate of the poor.’ I re-read the Old Testament as an economic history. Was this simply religion or was it also a moral discourse on economic theory? ... More and more, I began to consider natural justice and natural law to be economic laws.³

In *Jesus Master of Law*, I analyzed, among other things, how the ancient Hebrew prophets applied the moral law (i.e., the Decalogue and the Pentateuch) to economic injustices within ancient Israel. In the *Book of Isaiah*, there is the forewarning against “unjust gains from oppression,” “bribery,” and “oppression of the poor, the needy, and the innocent.”⁴ In the *Book of Jeremiah*, the prophet observed many Jews becoming rich through craftily exploiting the needy, the fatherless, and the innocent.⁵ “For among my people,” Jeremiah observed, “are found wicked men: they lay wait, as he that setteth snares; they set a trap, they catch men. As a cage is full of birds, so are their houses full of deceit: therefore they are become great, and waxen rich.”⁶ In the *Book of Ezekiel*, the prophet charges that many in Jerusalem committed “dishonest gain”; “[h]ath oppressed the poor and needy, hath spoiled by violence....”; have “dealt by oppression with the stranger: in thee have they vexed the fatherless and the widow”; and “have they taken gifts to shed blood; thou has taken usury and increase, and thou has greedily gained of thy neighbours by extortion, and hast forgotten me, saith the Lord GOD.” In the *Book of Hosea*, the prophet described Israel as “a merchant, the balances of deceit are in his hand: he loveth to oppress.... [saying] I am become rich....” In the *Book of Amos*, “[b]usiness is booming and boundaries are bulging. But below the surface, greed and injustice are festering. Hypocritical religious motions have replaced true worship, creating a false sense of security and a growing callousness to God’s disciplining hand.”⁷ Amos does not consider Israel’s material success to be honest or honorable, considering the fact that there is much affliction of the poor and needy.⁸ He charges Israel with having oppressed the poor and the needy. He forewarns the wealthy in Israel that there shall be consequences

³ Roderick O. Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (Tampa, FL: Xlibris Pub., 2015), pp. 11-14.

⁴ *Ibid.*, p. 91.

⁵ *Ibid.*, p. 102.

⁶ *Ibid.*

⁷ *Ibid.*, p. 127.

⁸ *Ibid.*, p. 129.

for their economic transgressions.⁹ In the *Book of Micah*, the prophet charges his fellow Judeans as being economically oppressive and evil. “For the rich men thereof,” says Micah, “are full of violence, and the inhabitants thereof have spoken lies, and their tongue is deceitful in their mouth.” The result was, as Micah noted, widespread injustice, economic oppression, religious hypocrisy, and the social disintegration within Judean society. In the *Book of Habakkuk*, the prophet notices economic injustices in the southern kingdom of Judah. He described the poor, who were victims of all sorts of crafty economic injustices in the southern kingdom of Judea, and he proclaims “[w]oe to him that increaseth that which is not his!”¹⁰ And finally, in the New Testament, there is Jesus’ Parable of the Rich Man and Lazarus (Luke 6:46-49), the Beatitudes, and the “Law of Christ”¹¹ which further set the theme that true religion means, among other things, alleviating the manacles of economic injustice.

Theories of commercial morality and economic justice were instilled into sixteenth-century England, through the ancient Christian teachings of its Medieval Roman Catholic Church. Indeed, the Roman Church of England had nourished the British Isles with the “Law of Christ” for more than a thousand years before the Protestant Reformation. “The first fact which strikes the modern student... is [the Church of England’s] continuity with the past. In its insistence that buying and selling, letting and hiring, lending and borrowing, are to be controlled by a moral law, of which the Church is the guardian, religious opinion after the Reformation did not differ from religious opinion before it.”¹²

The Roman Catholic Church had tamed and civilized the Celtic and Anglo-Saxon tribes and elevated their cultural and moral standards. For more than a thousand years the “Law of Christ” was the supreme and unchallenged law of the land. Then, suddenly, during the sixteenth-century, came the global and commercial expansion of Portugal and Spain, together with the continental Protestant Reformation. The Church of England was then forced to come to terms with a new commercial age. “In England, as on the continent, the new economic realities came into sharp collision with the social theory [of Christian economic morals and ethics] inherited from the Middle Ages. The result was a re-assertion of

⁹ *Ibid.*, p. 128.

¹⁰ *Ibid.*, p. 149.

¹¹ The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

¹² R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), p. 134.

the traditional doctrines with an almost tragic intensity.”¹³ “The assumption of all is that the traditional teaching of the Church as to social ethics is as binding on men’s consciences after the Reformation as it had been before it.”¹⁴ “The Bible, the Fathers and the Schoolmen, the decretals, church councils, and commentaries on the canon law—all these, and not only the first, continued to be quoted as decisive on questions of economic ethics by men to whom the theology and government of the medieval Church were an abomination.”¹⁵

The fundamental law of England (i.e., the Common Law of the Realm) was also deeply-rooted in the “Law of Christ” and the canon law of the Roman Catholic Church. Therefore, no financial, commercial, or economic activity fell outside of the auspices of the Church; and any modifications or changes within those activities could contravene the “Law of Christ.” England’s ecclesiastical courts continued to exert its influence over commercial activities.¹⁶ “The jurisdiction of the Church in these matters was expressly reserved by legislation, and ecclesiastical lawyers, while lamenting the encroachments of the common law courts, continued to claim certain economic misdemeanors as their province.... Even in 1619 two instances occur in which money-lenders are cited before the Court of the Commissary of the Bishop of London, on the charge of ‘lending upon pawnes for an excessive gain commonly reported and cried out of.’”¹⁷ Closely aligned with the Church were “the peasantry and the humble bourgeoisie... who regarded the growth of the new power with something of the same jealous hostility as they opposed to the economic radicalism of the enclosing landlord.”¹⁸ The big merchants and financiers were aligned against the Church, because the Church curtailed their desires and sought to protect the interests of the peasants, the artisans, the shopkeepers, and the disenfranchised working classes. Considerations of secular public policy and Christian social morality converged in sixteenth- and seventeenth- and eighteenth-century England, as it was not uncommon for a bishop within the Church of England to also hold a post as judge or justice of the peace.¹⁹ The Church’s system of natural law required balance and order, and its “enemies were disorder and the restless appetites which, since they led to the encroachment of class on class, were thought to provoke it. Distrusting economic individualism for reasons of state as heartily as did churchmen for reasons of religion, their aim was to crystallize existing class relationships by submitting them to the pressure, at

¹³ Ibid., p. 116.

¹⁴ Ibid., pp. 135-136.

¹⁵ Ibid., p. 135.

¹⁶ R.H. Tawney, pp. 137-138.

¹⁷ R.H. Tawney, p. 138.

¹⁸ R.H. Tawney, p. 140.

¹⁹ R.H. Tawney, pp. 140-141.

once restrictive and protective, of a paternal Government, vigilant to detect all movements which menaced the established order....”²⁰ The sixteenth-century Anglican divine Richard Hooker’s theology was carried forward into the seventeenth century by Archbishop William Laud, and in the eighteenth-century by John Locke and the Tory Party. Their belief was that “Church and State are one Jerusalem: ‘Both Commonwealth and Church are collective bodies, made up of many into one; and both so near allied that the one, the Church, can never subsist but in the other, the Commonwealth; nay, so near, that the same men, which in a temporal respect make the Commonwealth, do in a spiritual make the Church.’”²¹

Commencing during the reign of Queen Elizabeth I (1558-1603), the poor-relief efforts in England were important matters of both public policy and religion. See, e.g., Table 1, “Delivery of Poor Relief and Charity in England, 1066-1800.” The Church of England insisted that its proper role was to regulate business and commerce through application of “The Law of Christ.”

‘Whatever the world thinks,’ wrote Bishop Berkely, ‘he who hath not much meditated upon God, the human mind and the *summum bonum* may possibly make a thriving earthworm, but will most indubitably make a sorry patriot and a sorry statesman.’

The philosopher of today, who bids us base our hopes of progress on knowledge inspired by love, does not differ from the Bishop so much, perhaps, as he would wish.

The most obvious facts are the most easily forgotten. Both the existing economic order, and too many of the projects advanced for reconstructing it, break down through their neglect of the truism that, since even quite common men have souls, no increase in material wealth will compensate them for arrangements which insult their self-respect and impair their freedom.

A reasonable estimate of economic organization must allow for the fact that, unless industry is to be paralyzed by recurrent revolts on the part of outraged human nature, it must satisfy criteria which are not purely economic.

²⁰ R.H. Tawney, p. 142.

²¹ R.H. Tawney, p. 145-146.

A reasonable view of its possible modifications must recognize that natural appetites may be purified or restrained, as, in fact, in some considerable measure they already have been, by being submitted to the control of some larger body of interests.

The distinction made by the philosophers of classical antiquity between liberal and servile occupations, the medieval insistence that riches exist for man, not man for riches, Ruskin's famous outburst, 'there is not wealth but life,' the arguments of the Socialist who urges that production should be organized for service, not for profit, are but different attempts to emphasize the instrumental character of economic activities by reference to an ideal which is held to express the true nature of man.

Of that nature and its possibilities the Christian Church was thought... to hold by definition a conception distinctively its own. It was therefore committed to the formulation of a social theory, not as a philanthropic gloss upon the main body of its teaching, but as a vital element in a creed concerned with the destiny of men whose character is formed, and whose spiritual potentialities are fostered or starved, by the commerce of the market-place and the institutions of society.²²

But the globalization which emerged from the Age of Discovery effectively challenged and loosed the Church of England's powerful grip over finance and commerce— for there simply was no real way to regulate, monitor, and enforce “commercial ethics” and “economic morality” upon overseas middlemen and overseas financiers during the sixteenth-, seventeenth- and eighteenth centuries. English merchants soon began to discredit the Church's role in commerce; and early during the seventeenth century, they coalesced their interests into a clamor for “freedom,” that is to say, “economic freedom” and “individualism.” Traditional Christian ideals about usury and business ethics soon gave way to unrestrained individualism:

With the expansion of finance and international trade in the sixteenth century, it was this problem which faced the Church. Granted that I should love my neighbor as myself, the questions which, under modern conditions of large-scale organization, remain for solution are, **Who precisely is my neighbor?** And,

²² R.H. Tawney, pp. 233-234.

How exactly am I to make my love for him effective in practice? To these questions the conventional religious teaching supplied no answer, for it had not even realized that they could be put. It had tried to moralize economic relations by treating every transaction as a case of personal conduct, involving personal responsibility. In an age of impersonal finance, world-markets and a capitalist organization of industry, its traditional social doctrines had no specific to offer, and were merely repeated, when, in order to be effective, they should have been thought out again from the beginning and formulated in new and living terms. It had endeavored to protect the peasant and the craftsman against the oppression of the money-lender and the monopolist. Faced with the problems of a wage-earning proletariat, it could do no more than repeat, with meaningless iteration, its traditional lore as to the duties of master to servant and servant to master. **It had insisted that all men were brethren. But it did not occur to it to point out that, as a result of the new economic imperialism which was beginning to develop in the seventeenth century, the brethren of the English merchants were the Africans whom he kidnaped for slavery in America, or the American Indians whom he stripped of their lands, or the Indian craftsmen from whom he bought muslims and silks at starvation prices....** [T]he social doctrines advanced from the pulpit offered, in their traditional form, little guidance. Their practical ineffectiveness prepared the way for their theoretical abandonment.... [T]he **Church of England turned its face from the practical world, to pore over doctrines which, had their original authors been as impervious to realities as their later exponents, would never have been formulated. Naturally it was shouldered aside. It was neglected because it had become negligible.**²³

The England of the late-sixteenth, seventeenth- and eighteenth-centuries, which took part in the transatlantic slave trade and slavery in the New World, was the same England that had challenged and repudiated the teachings of the Church of England.²⁴ Overseas in the colonies, Anglo-American merchants appointed and

²³ R.H. Tawney, pp. 156-157.

²⁴ R.H. Tawney, pp. 157-163.

controlled their own clergy, and these merchants were practically free from the Church of England's ecclesiastical discipline. And even though the Puritan movement had no intention of lowering any of its moral standards, its deprecation of rule of archbishops, bishops, archdeacons, and ecclesiastical authority unwittingly hastened the decline of commercial morality in seventeenth- and eighteenth-century England. So that, by the time of beginnings of the Methodist movement, which emerged during the early 1700s, more and more Englishmen were beginning to recognize the fact that "[c]ompromise is as impossible between the Church of Christ and the idolatry of wealth... as it was between the Church and the State idolatry of the Roman Empire."²⁵

SUMMARY

The Medieval and Renaissance Church of Rome both developed and nourished the fields of economics and finance, and it did so within the strict parameters of the "Law of Christ." The Church of England thus inherited its ideals and ideas on economic morality from its holy mother, the Roman Catholic Church. The sixteenth-century Protestant Reformers and their heirs did not jettison these ideals following the Protestant Reformation and they continued to subordinate commercial activities to the "Law of Christ." During the seventeenth-century, the Church of England became engulfed in the Age of Discovery, the Age of Imperialism, and international trade, commerce, and empire. Seventeenth- and eighteenth-century British merchants and their allies successfully challenged the Church's authority over trade and commerce, thus weakening the Church's ability to instill Christian morality within the economic behavior of England's financiers, tradesmen, merchants, and capitalists. From the late seventeenth-century onward, these powerful economic interests often overrode the Church of England's moral influence and legal authority.

Part XXIV. Anglican Church: "Puritanism and the Rise of Capitalism (1600-1750)"

A. Medieval Economic Theory, the Schoolmen, and Natural Law

The idea that Christianity has nothing to do with business, commerce, and economics was non-existent during the Medieval period (800 A.D. to 1500 A.D.) The Western Church was the heir of the Roman Empire, and as such it inherited the Roman Empire's law on commerce and economics. Since the days of Pope

²⁵ R.H. Tawney, p. 235.

Gregory the Great (c.520- 604 A.D.), the Church took hold of government administration and commercial development. Economic development in Western Europe thus occurred under the auspices of the Roman Catholic Church. “The Papacy was, in a sense, the greatest financial institution of the Middle Ages....”²⁶ And Roman Catholic bishops, abbots, priests, and monks studied and developed Medieval finance and economic theory, and they regulated Medieval trade. The consequence of all this the important fact that western finance and economic theory were invented in the Roman Catholic Church and developed together as a branch of Christian moral theology. As Catholic scholar Thomas Woods has argued:

The standard story of the history of economic thought essentially begins with Adam Smith and other eighteenth-century thinkers.... 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.

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). ‘[I]t is they,’ he wrote, ‘who come nearer than does any other group to having been the ‘founders’ of scientific economics.’....

Alejandro Chafuen, in his important book *Faith and Liberty: the Economic Thought of the Late Scholastics* (2003), shows that on one issue after another these sixteenth- and seventeenth-century thinkers not only understood and developed crucial economic principles, but also defended the principles of economic liberty and a free-market economy. From prices and wages to money and value theory, the late Scholastics anticipated the very best economic thought of later centuries....²⁷

²⁶ R.H. Tawney, *Religion and the Rise of Capitalism*, p. 33.

²⁷ Thomas E. Woods, Jr. *How The Catholic Church Built Western Civilization* (Washington, D.C.: Regnery Publishing, Inc., 2005), pp. 155-156, 168.

For it was the Roman Catholic Schoolmen (i.e., the Scholastics), led by St. Thomas Aquinas (1225-1274), Jean Buridan (1300-1358), Nicolas Orseme (1325-1382), Cardinal Thomas de Vio (1468-1534), Martin de Azpilcueta (1493-1586), Cardinal Juan de Lugo (1583-1660), Leonardus Lessius (1554-1623), Juan de Lugo (1583-1660), who laid these foundations in economics while at the same time infusing within this discipline the “moral law” of God and of Christ.²⁸

In Medieval England, both the ecclesiastical courts and the king’s royal courts competed for jurisdiction of matters involving commercial morality. “The question at issue was not whether the usurer should be punished—a point as to which there was only one opinion—but who should have the lucrative business of punishing him, and in practice he ran the gauntlet of all and each [i.e., the ecclesiastical and the royal courts]”²⁹ “For, in spite of the conflict of jurisdictions, the rising resentment against the ways of ecclesiastical lawyers, and the expanding capitalism of the later Middle Ages, it is evident that commercial cases continued... to come before the courts christian.”³⁰ “The records of ecclesiastical courts show that, though sometimes commercial questions were dismissed as belonging to the secular courts, cases of breach of contract and usury continued, nevertheless, to be settled by them.”³¹ “Cases of usury were being heard by ecclesiastical courts under Elizabeth, and even in a great commercial center like the City of London it was still possible in the reign of James I for the Bishop’s Commissary to be trying tradesmen for ‘lending up pawnes for an excessive gain.’”³²

But not only did the Roman Catholic Church (and the Church of England) enforce anti-usury laws, but it proactively organized lending and financial institutions in order to provide alternatives to the poor who were in need of cheap loans or cheap capital.³³ “[H]owever lawyers might distinguish and refine, the

²⁸ R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), p. 42 (“The formal theory of the just price went, it is true, through a considerable development. The dominant conception of Aquinas—that prices, though they will vary with the varying conditions of different markets, should correspond with the labor and costs of the producer, as the proper basis of the *communis estimatio*, conformity with which was the safeguard against extortion—was qualified by subsequent writers.”)

²⁹ *Ibid.*, p. 50-51.

³⁰ *Ibid.*, p. 51.

³¹ *Ibid.*, p. 52.

³² *Ibid.*, p. 53.

³³ *Ibid.*

essential facts were simple. The Church sees buying and selling, lending and borrowing, as a simple case of neighborly or unneighborly conduct. Though a rationalist like Bishop Pecock may insist that the rich, as such, are not hateful to God, it has a traditional prejudice against the arts by which men—or at least laymen—acquire riches, and is apt to lump them together under the ugly name of avarice. Merchants who organize a ring, or money-lenders who grind the poor, it regards, not as business strategists, but as *nefandae belluae*—monsters of iniquity.”³⁴

The Scholastics’ lasting contributions were to insist upon interposing the “moral law” in business and commercial practices, so as to avoid exploitation of the weak and the poor. As British economist and historian R.H. Tawney has observed, the Schoolmen taught that the “unpardonable sin is that of the speculator or the middleman, who snatches private gain by the exploitation of public necessities. The true descendant of the doctrines of Aquinas is the labor theory of value. The last of the Schoolmen was Karl Marx.”³⁵

According to Dr. Tawney, the significance of these Roman Catholic Scholastics “consists, not in its particular theories as to prices and interest... but in its insistence that society is a spiritual organism, not an economic machine, and that economic activity, which is one subordinate element within a vast and complex unity, requires to be controlled and repressed by reference to the moral ends for which it supplies the material means. So merciless is the tyranny of economic appetites, so prone to self-aggrandizement of empire of economic interests, that a doctrine which confines them to their proper sphere, as the servant, not the master, of civilization, may reasonably be regarded as among the pregnant truism which are a permanent element in any sane philosophy. Nor is it, perhaps, as clear today as it seemed a century ago, that it has been an unmixed gain to substitute the criterion of economic expediency, so easily interpreted in terms of quantity and mass, for the conception of a rule of life superior to individual desires and temporary exigencies, which was what the medieval theorist meant by **‘natural law.**”³⁶

³⁴ Ibid., p. 54.

³⁵ Ibid., pp. 38-39.

³⁶ Ibid., p. 59.

Indeed, the guiding hand of natural law guided Medieval trade and economic activity, and the Church, in an effort to enforce economic morality, applied this natural law to every social transaction, whether ecclesiastical or secular:

The Church accepts this popular sentiment, gives it a religious significance, and crystalizes it in a system, in which **economic morality** is preached from the pulpit, emphasized in the confessional, and enforced, in the last resource, through the courts. The philosophical basis of it is the conception of natural law. ‘Every law framed by man bears the character of a law exactly to that extent to which it is derived from the law of nature. But if on any point it is in conflict with the law of nature, it at once ceases to be a law; it is a mere perversion of law.’ The plausible doctrine of compensations, of the long run, of the self-correcting mechanism, has not yet been invented. The idea of a law of nature—of natural justice which ought to find expression in positive law, but which is equity of particular relations can be measured. The most fundamental difference between medieval and modern economic thought consists, indeed, in the fact that, whereas the latter normally refers to economic expediency, however it may be interpreted, for the justification of any particular action, policy, or system of organization, the former starts from the position that there is a moral authority to which considerations of economic expediency must be subordinate. The practical application of this conception is to attempt to try every transaction by a rule of right....”³⁷

And to stress this point further, the Medieval Church and its role in regulating finance, commerce, and economics, a more lengthy description from Tawney’s classic work is appropriate here:

The mercantilist thought of later centuries owed a considerable debt to scholastic discussions of money, prices, and interest. But the specific contributions of medieval writers to the technique of economic theory were less significant than their premises. Their fundamental assumptions, *both of which were to leave a deep imprint on the social*

³⁷ R.H. Tawney, pp. 41-42.

thought of the sixteenth and seventeenth centuries, were two: that economic interests are subordinate to the real business of life, which is salvation, and that economic conduct is one aspect of personal conduct, upon which, as on other parts of it, the rules of morality are binding. Material riches are necessary; they have a secondary importance, since without them men cannot support themselves and help one another the wise ruler, as St. Thomas said, will consider in founding his State the natural resources of the country. But economic motives are suspect. Because they are powerful appetites, men fear them, but they are not mean enough to applaud them. Like other strong passions, what they need, it is thought, is not a clear field, but repression. There is no place in medieval theory for economic activity which is not related to a moral end, and to found a science of society upon the assumption that the appetite for economic gain is a constant and measurable force, to be accepted, like other natural forces, as an inevitable and self-evident datum would have appeared to the medieval thinker as hardly less irrational or less immoral than to make the premise of social philosophy the unrestrained operation of such necessary human attributes as pugnacity or the sexual instinct.... *At every turn, therefore, there are limits, restrictions, warnings against allowing economic interests to interfere with serious affairs.* It is right for a man to seek such wealth as is necessary for a livelihood in his station. To seek more is not enterprise, but avarice, and avarice is a deadly sin. *Trade is legitimate;* the different resources of different countries show that it was intended by Providence. *But it is a dangerous business. A man must be sure that he carries it on for the public benefit,* and that the profits which he takes are no more than the wages of his labor....³⁸

The Roman Catholic Church heavily regulated against the sin of avarice in general, and the practice of usury, in particular.³⁹ “It would not be easy to find a more drastic example, either of ecclesiastical sovereignty, or of the attempt to assert the superiority of the moral law to economic expediency, than the

³⁸ Ibid., pp. 34-35.

³⁹ R.H. Tawney, p. 46-54.

requirement, under threat of excommunication, that all secular legislation sanctioning usury shall be repealed.” “To take usury is contrary to Scripture; it is contrary to Aristotle; it is contrary to nature, for it is to live without labor; it is to sell time, which belongs to God, for the advantage of wicked men; it is to rob those who use the money lent, and to whom, since they make it profitable, the profits should belong: it is unjust in itself, for the benefit of the loan to the borrower cannot exceed the value of the principle sum let him; it is in defiance of sound juristic principles.... The part played by authority in all this is obvious. There were the texts in Exodus and Leviticus; there was Luke vi:35....”⁴⁰ “A man is to be accounted a usurer, not only if he charges interest, but if he allows for the element of time in a bargain, by asking a higher price when he sells on credit.”⁴¹ “An archbishop of Canterbury is reminded that usury is perilous, not only for the clergy, but for all men whatever, and is warned to use ecclesiastical censures to secure the restoration, without the deduction of interest, of property which has been pawned....”⁴² Quoting Gratian, R.H. Tawney writes that Medieval thought did not think too highly of traders (buy low; sell high).⁴³ “The essence of the argument was that payment may properly be demanded by the craftsmen who make the goods, or by the merchants who transport them, for both labor in their vocations and serve the common end. The unpardonable sin is that of the speculator or the middleman, who snatches private gain by the exploitation of public necessities.”⁴⁴ “The medieval theorist condemned as a sin precisely that effort to achieve a continuous and unlimited increase in material wealth which modern society applaud as a quality, and the vices for which he reserved his most merciless denunciations were the more refined and subtle of the economic virtues.”⁴⁵ Though the laws against avarice, usury, and economic oppression was difficult to administer, it was indeed applied and administered to a wide variety of subjects; “[c]oncerning avarice it is to be asked in this wise: hast thou been guilty of simony... an unjust judge... a thief, a robber, a perjurer, a sacrilegious man, a gambler, a remover of landmarks in fields... a false merchant, an oppressor of any man and above all of widows, wards and others in misery, for the sake of unjust

⁴⁰ Ibid., 44-45.

⁴¹ Ibid., p. 48.

⁴² Ibid., p. 48.

⁴³ R.H. Tawney, p. 37.

⁴⁴ Ibid., p. 38.

⁴⁵ Ibid., p. 38.

and greedy gain?”⁴⁶ The catechism of the archbishop of St. Andrews denounced “usurers, masters who withhold wages, covetous merchants who sell fraudulent wares, covetous landlords who grind their tenants....”⁴⁷ “On the Continent we catch glimpses of occasional raids. Bishops declare war on notorious usurers.... At the end of the thirteenth century an archbishop of Bourges makes some thirty-five usurers disgorge at a sitting, and seventy years later an inquisitor at Florence collects 7,000 florins in two years from usurers and blasphemers....”⁴⁸

The Medieval Roman Catholic Church thus nursed the idea of business ethics alongside a primitive science of economics. Its influence was bequeathed to England through Oxford and Cambridge universities, and provided the “theological mould which shaped political theory from the Middle Ages to the seventeenth century.”⁴⁹ The “State of the Tudors had some of the characteristics of a Church; and it was *precisely the impossibility*, for all but a handful of sectaries, of conceiving a society which treated religion as a thing privately vital but publicly indifferent.” The Christian faith under the Tudors was not “publicly indifferent,” but rather functioned as the Tudor state’s constitutional law. Though unchecked economic opportunism and unchecked greed existed at the highest of levels, “a general belief in the validity of moral standards” existed throughout Tudor England. As British economists and historian R.H. Tawney has observed:

No one can read the discussions which took place between 1500 and 1550 on three burning issues—the rise in prices, capital and interest, and the land question in England—without being struck by the constant appeal from the new clamorous economic interests of the day to the traditional Christian morality, which in social organization, as in the relations of individuals, is still conceived to the final authority. It is because it is regarded as the final authority that the officers of the Church claim to be heard on questions of social policy; and that, however Catholics, Anglicans, Lutherans, and Calvinists may differ on doctrine or ecclesiastical government, Luther and Calvin, Latimer and Laud, John Knox and the Pilgrim Fathers are agreed that social

⁴⁶ Ibid., pp. 48-49.

⁴⁷ Ibid., p. 50.

⁴⁸ Ibid.

⁴⁹ Ibid., p. 13.

morality is the province of the Church, and are prepared both to teach it, and to enforce it, when necessary, by suitable discipline.⁵⁰

The Medieval moral influence—whose prime virtue was *asceticism*⁵¹-- was still being felt in the late sixteenth and early seventeenth-century England. “The first fundamental assumption which is taken over by the sixteenth century is that the ultimate standard of human institutions and activities is religion. The architectonics of the system had been worked out in the *Summae* of the Schoolmen.”⁵²

The Church of England and its clergy “attempted to spiritualize” economic and commercial life “by incorporating it in a divine universe, which should absorb and transform it.”⁵³ Were there evasions, deception, and hypocrisy beneath? Absolutely! “Gentlemen took hard tallages and oppressed the poor; but it was something that they should be told that their true function was ‘to defend God’s law by power of the world.’”⁵⁴ But the Church of England aimed to maintain its control, even over the pesky financiers, investors, and merchants. “A religious philosophy, unless it is frankly to abandon nine-tenths of conduct to the powers of darkness, cannot admit the doctrine of a world of business and economic relations self-sufficient and divorced from ethics and religion.”⁵⁵

B. Early Modern Economic Theory, the Anglican Church, and Political Economy (1550-1603)

The singular most important development during the Elizabethan era (1550-1603) was the rise of capitalism—a fundamental shift in the nature of human economic activity and the social and political relations between members of the English commonwealth. The broad development of a capitalist class and a laboring class were commenced during the Elizabethan era. The relationship between these two groups had to be adjusted and mediated in order to fit the changing times. From the beginning, the Church of England and its leading clergymen had

⁵⁰ Ibid., pp. 16-17.

⁵¹ Ibid., p. 23 (“In the early Middle Ages the ascetic temper predominates. Lanfranc, for example, who sees nothing in economic life but the struggle of wolves over carrion, thinks that men of business can hardly be saved, for they live by cheating and profiteering. It is monasticism, with its repudiation of the prizes and temptations of the secular world, which is par excellence the life of religion”).

⁵² Ibid., p. 25.

⁵³ Ibid., p. 28.

⁵⁴ Ibid.

⁵⁵ Ibid., p. 30.

promoted capitalism as part and parcel of a divine plan. Indeed, commerce and industry provided the wealth that enabled both the Church and State to meet their desires.⁵⁶ But the Church soon recognized that the widespread social dislocations which resulted from these economic changes—such as when the implementation of the land “enclosure system” created widespread poverty and misery and when the “monopoly system” systematically concentrated wealth and power into the hands of a few privileged merchants—required its clergymen to take the lead in devising solutions to ameliorate the lot of the common man. In these matters, Elizabethan leadership did not shirk its responsibility in taming and restricting predatory capitalism.

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

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

So far Europeans, especially the Spanish and French, had approached the Americas like miners; they extracted gold from America either directly by digging into the land or indirectly by following rivers into the heart of North America and taking furs. And at first the English crown and other English imaginers of wealth were as money-driven as any. John Smith contemptuously reported that in Virginia ‘there was no talke, no hope, no worke, but dig gold, wash gold, refine gold, load gold.’ But others in England saw deeper. They saw the land itself as the prize. They saw the future in it. Puritans saw this most clearly—for they were seeking to build not a new world nor even a new England, but a New Jerusalem.⁵⁸

⁵⁶ Goldwin Smith, *A History of England*, p. 262.

⁵⁷ *Ibid*, p. 262.

⁵⁸ John M. Barry, *Roger Williams and the Creation of the American Soul: Church, State, and the Birth of Liberty* (New York, N.Y., Penguin Books, 2012), pp. 94-95.

Indeed, international trade and competition with other European nations for overseas economic expansion created “the idea of these geographically minded clergymen that the expansion of England and the extension of British commerce was part of a divine mission. Many men, besides ships’ captains and company preachers, doubtless held the same unquestioning belief that if they sought first to extend the kingdom of God many material blessings would be theirs. The outburst of maritime activity in Elizabeth’s reign also arose from the hope of gain by plundering the hated Catholic Spaniards; from profits in trade; from a very human desire for adventure; from patriotic pressures; and often from a combination of all these motives.”⁵⁹ “Meanwhile, too, the clergy... were shortly to begin new activities as an unfamiliar breeze was added to the ancient winds of doctrine. The clergy labored to convert the heathen and thus ‘enlarge the bounds of heaven.’... [T]hey labored also to obtain tangible rewards; to checkmate Spain; to answer the problem of overpopulation; to be real estate promoters for stock companies; to popularize by propaganda the notion of imperial manifest destiny and to underlie the words of the promoters of colonies and commerce. The mingled themes of salvation and profit ran clear and strong.... Now, for diverse reasons, the treasure of England was seen to be by foreign trade, by colonies, and by the increase of Christian souls.”⁶⁰

The Church of England thus became the handmaiden of British merchants and the chief architect of British capitalism. The Church of England’s bishops, priests, and theologians provided the theoretical and theological foundations for English commerce and trade. Religion, law, and economics—bishop, judge, and captain of industry—thus worked in unison within the Tudor order in Elizabethan England. There was no room for dissent or non-conformity at any level or at any stage. Elizabeth I thus gave England her heart, and England responded to its queen by giving back to her its greatness. Thus English nationalism laid the foundations “for the next two centuries when England was to become a great colonizing power and the center of an expanding empire.”⁶¹

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

The English yeomen and gentry began to form the new upper middle classes in sixteenth and seventeenth century England. They controlled the local

⁵⁹ Goldwin Smith, *A History of England*, p. 272

⁶⁰ *Ibid.*, p. 280.

⁶¹ *Ibid.*, p. 280.

governments, became justices of the peace, judges, lawyers, and magistrates.⁶² They held modest parcels of land, and served as the brokers for the larger landholders and the managers of trade and commerce. In those days, churchmen and businessmen were interchangeable parts, or two sides to the same coin. “Under Elizabeth there was a considerable increase in the functions of local government officials, particularly in the parish, where the church officials assumed many civil duties.”⁶³ English capitalism was, at least in theory, regulated by the “Law of Christ,” through the crown’s local magistrates. Power now rested, through the crown, in the hands of the country gentry and the yeomen, who were under general instructions to create a “community of interests” among the rich, middle class, and the poor, with an eye on the national and international markets.

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

⁶² “In the counties the sheriff had been progressively deprived through the centuries of most of his importance, and the country gentlemen who were the pivotal justices of the peace now saw their judicial and administrative tasks steadily mount in number. Under ‘stacks of statutes’ their powers became very extensive; they were judges in the local courts; they directed the administration of the poor laws; they licensed beggars and forced the physically fit to work; they determined local wages and prices; they supervised the building and maintenance of public works, roads, and prisons; they enforced the laws against the Puritans and Roman Catholics. In scores of ways they helped the central crown authorities in the government of England. The justices of the peace were appointed by the crown. In the local government system under the Tudors only the constables of the parish and the coroners were elected. The remaining officials, such as the surveyors and overseers, were appointed by the justices of the peace or by the superior agents of the queen in Westminster. All the local royal officials, except the lords-lieutenants of the counties, were in fact responsible to the justices of the peace. They, in turn, were responsible to the privy council of the queen. The importance of the justice of the peace in Elizabethan England was very great. In their local areas these officials were men of property and prestige; they knew their neighbors and they understood the needs and nature of their communities.” Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), pp. 277-278.

⁶³ *Ibid.*, p. 277.

capitalist merchants distributed the raw materials and collected the completed product. In most cases the workers were completely dependent upon the capitalist employers. As industry and capitalist organization expanded in the later Tudor period there were more workers needed. Consequently the number of men dependent upon capitalist employers increased.⁶⁴

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

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

The suppression of the monasteries, guilds, and chantries had increased the need for public care of the afflicted poor, for in earlier days the monks had frequently maintained hospitals. With the dissolution of the religious houses and with the increase in enclosures the cripples, lepers, discharged soldiers, rogues, and beggars trekked desperately into London and other cities.⁶⁵

Queen Elizabeth I’s government (1558-1603) arose to meet these and similar challenges. “Elizabeth’s government... attempted to erase some evils in the labor situation. The enclosures had compelled many men to leave the rural areas; large numbers of artisans, fleeing from rigid guild controls in the towns, had remained to live unsupervised lives in the country.”⁶⁶ Elizabeth replaced the older Catholic charities with social welfare programs and legislation designed to ameliorate the plight to the poor. Here we may see the “Law of Christ” being implemented within the civil law as it related to the economic and social conditions of the period:

(a). Statute of Artificers (1563). This law provided for ““a uniform order, prescribed and limited, concerning the wages and other orders for

⁶⁴ Ibid., p. 281.

⁶⁵ Ibid., p. 265.

⁶⁶ Ibid., p. 263.

apprentices, servants, and labourers,’ and stated that ‘there is good hope that it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person both in the time of scarcity and in the time of plenty a convenient proportion of wages.’”⁶⁷

Under this 1563 law, the artisans “were required to serve an apprenticeship for seven years. All physically fit men who were not apprentices or artisans were ordered to labor as agricultural workers when needed. The justices of the peace, supervised by the central privy council, were empowered to fix annually the wages for their locality in accordance with ‘the plenty or scarcity of the time.’”⁶⁸

It should be noted here, too, that this Statute of Artificers, which certainly reflected the “Law of Christ,”⁶⁹ was not repealed until 1813.⁷⁰

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

(c). Poor Law (1601). This general law supplemented the Statute of Artificers. It “provided that there should be overseers of the poor in each parish. They were given authority to levy a tax, or rate, on all property and owners to provide funds for the assistance of the poor. For physically fit paupers the overseers were to find work. Unemployed men who would not work were publically whipped or shut up in houses of correction.”⁷¹

This Poor Law of 1601, which certainly implemented the “Law of Christ,” remained essentially unchanged until 1834.⁷²

(d). Court of Requests. And finally, the Elizabethan government developed a special court for the poor, the “court of requests,” which provided special legal assistance in civil cases for men and women who were too poor to afford lawyers or “to sue in the ordinary common law courts.”⁷³

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

⁷⁰ Ibid., p. 263.

⁷¹ Ibid., pp. 263-264.

⁷² Ibid.

⁷³ Ibid., p. 277.

Hence, the court of requests, the Statute of Apprentices and the poor law legislation “illustrate the increasing interest of the state in general social welfare and the improvement of working conditions in England.”⁷⁴ The rise of capitalism did not dim the light of Christian spirit or of the “Law of Christ” in sixteenth and seventeenth century England. On the contrary, the dislocations among the poor and the working classes stimulated true Christians to rise up and to demand more from both the government and the Church of England. Indeed, juxtaposed to church corruption and materialism within the Church of England was authentic Christianity and charity! These tensions within with the Church of England were not unique, but had been part and parcel of the Christian experience since the days of the first apostles. Queen Elizabeth I, to her great credit, emphasized the very best in this Christian experience. And these Christian mobilizations within the secular “city of man” would continue to influence and inspire Anglo-American jurisprudence and democracy, even carrying over to the North American colonies where Christians then advocated for the abolition of African slavery and the slave trade.

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

Late in Elizabeth’s reign there also arose wide discontent about the question of monopolies. Grants of monopolies, the sole right to sell various articles, had often been made to favored nobles and businessmen. It was clearly an evil. There had been many petitions to the queen. Londoners were particularly resentful. In 1601 Parliament became so incensed that Sir Robert Cecil lost control of the commons. Elizabeth knew when to yield. She revoked several monopolies and summoned the commons to hear her speech at Whitehall. It was a

⁷⁴ Ibid., p. 281.

noble speech. ‘I have more cause to thank you all than you me; for, had I not received a knowledge from you, I might have fallen into a lap of an error only from lack of true information.’

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

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

The word “parish” first entered my lexicon in the early 1990s through my associations with the Roman Catholics. The parish is a geographical area and the most basic unit of church organization within the Roman Catholic Church system. Several parishes together are assigned to a “diocese.” Each parish is assigned a “parish priest” or “pastor”; and each “diocese” is assigned a bishop. After the Church of England separated from the Roman Catholic Church in 1534, the new Protestant Church of England maintained this same fundamental church structure, with two dioceses: York and Canterbury. The Diocese of York had about 14 parishes and the Diocese of Canterbury had about 30. Under the Roman Catholic system, the parishes also contained monasteries, guilds, chantries, and nunneries which maintained hospitals, charities, and other social service centers for poor relief. However, after the Church of England separated from Rome in 1534 and shut down these charitable organizations, the Anglican parish shifted the administration of poor relief to the local pastors or “parish priests” together with leading local churchmen, who typically the yeomen and the gentry. This development would have a significant impact on the development of Anglo-American ideas of democracy and self-government.

Who were the yeomen? Unlike the Medieval feudal system which made land the primary basis of duty, military service, and employment, the new “yeomen” were small freeholders and owed no homage or fealty to anyone, save the obligation to pay property taxes. Yeomen were thus “the freeholders of common rank.” They were, in essence, small farmers; and because they held only modest portions of the land, they were more likely to make the most efficient and productive uses of the land. The Yeomen were artistic, creative, and cooperative; often combining their economic strengths and ambitions to deliver products to national and international markets. Queen Elizabeth turned over the privilege of local self-government to these yeomen. The parish priests helped to train and

educate these yeomen, who in turn took over from the monks and nuns in running the Anglican churches' various charities. "In the unpaid offices of the parish the yeomen were becoming increasingly important; their responsibility and position trained them towards habits of individual initiative and judgment long before England approached democracy."⁷⁵ Hence, the parish made its entrance as a form of local civil government after the Reformation and during the Elizabethan era.

The yeomen could rise in rank to the status of a country gentleman (i.e., the country gentry). The country gentry were closely affiliated with the local parish church and the priests as well, but they were more likely to be entrusted with paid royal offices from the crown. The gentry typically held larger tracts of land than the yeomen, and were typically more influential politically. The gentry served as the justices of the peace, overseers, lords-lieutenants, constables, coroners, lawyers, etc. "Under Elizabeth there was a considerable increase in the functions of local government officials, particularly in the parish, where the church official assumed many civil duties. In the counties the sheriff had been progressively deprived through the centuries of most of his importance, and the country gentlemen who were the pivotal justices of the peace now saw their judicial and administrative tasks steadily mount in number. Under 'stages of statutes' their powers became very extensive; they were judges in the local courts; they directed the administration of the poor laws; they licensed beggars and forced the physically fit to work; they determined local wages and prices; they supervised the building and maintenance of public works, roads, and prisons; they enforced the laws against the Puritans and Roman Catholics. In scores of ways they helped the central crown authorities in the government of England."⁷⁶

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

Roman Catholic Church of England (1066-1534)	Protestant Church of England (1534-1800)
<i>Law of Christ</i> -- Poor Relief (Canon Law)	<i>Law of Christ</i> —Poor Relief (Canon Law) <i>Civil Law</i> --(Statute of Artificers (1563); Poor Law of 1598, 1601, etc.)

⁷⁵ Ibid, p. 279.

⁷⁶ Ibid., pp. 277-278.

<i>Secular Clergy</i> —Bishops, Priests, <i>Regular Clergy</i> —Abbots, Monks, Nuns, Orders	<i>Secular Clergy</i> —Parish Priests; Bishops <i>Gentry (Laymen)</i> — Overseers, constables, lawyers, justices of the peace, judges.
<i>Economy</i> —Agriculture; Feudalism.	<i>Economy</i> —Agriculture; Mercantilism; Capitalism.

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

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

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

The rise of royal charters for joint stock companies proliferated in Elizabethan England. At the epicenter of the new international movement were the new graduates of Oxford and Cambridge who were the sons and grandsons of the new rising middle class merchants. They rubbed elbows with the English aristocracy and coveted seats in the House of Commons. They were also adventurers, sea farers and international investors. They chartered exploration projects and sought ways to make money through international trade and overseas investments. Pooling of their economic resources led to the development of joint stock companies which sought out royal patronage from the British crown as well as new trading privileges in the near and far east, as well as in the Americas. “In 1600 there was added to the ranks of the Merchant Adventurers, the Muscovy Company, the Levant Company, and the rest, a new business venture. This was the East India Company, formed by a group of London merchants as a joint stock

enterprise. They could not have dreamed of the mighty organization they were beginning when the charter was granted by the crown on December 31, 1600.”⁷⁷

In 1578, Sir Humphrey Gilbert, who was the half-brother of Sir Walter Raleigh, received a patent for “the planting of our people in America.”⁷⁸ And in 1583, he founded the first colony in British North America on the coast of Newfoundland.⁷⁹ On his return voyage home, his ship was lost at sea.⁸⁰ In 1585, Sir Walter Raleigh obtained Elizabeth’s permission to send out a second voyage to the Roanoke Island off the coast of what is now North Carolina.⁸¹ This colony was not a success, and a second group of 150 colonists disappeared completely.⁸² Notwithstanding, England never relented. The planting of the Virginia colony, which was named for Queen Elizabeth I (i.e., the “virgin queen”), came only a few years later. Together with the Church of England and its fleet of company chaplains and priests, England’s merchants and adventurers continued to press forward with new discoveries, explorations, and the planting of overseas colonies.

C. Economic Impact of Spain and Portugal upon England (1550-1750)

The heroes of the fifteenth- and early sixteenth-centuries were those who could solve the riddle of the material necessities of humankind through conquering time, space, and distance. This was an Age of Discovery. And, beginning in the late fifteenth century, Spain and Portugal, under the auspices of both Pope and Holy Roman Emperor, led the way forward:

The Age of Discovery, or the Age of Exploration (approximately from the beginning of the 15th century until the end of the 18th century) is an informal and loosely defined term for the period in European history in which extensive **overseas exploration emerged as a powerful factor in European culture** and was **the beginning of globalization**. It also marks the rise of the period of widespread adoption in **Europe of colonialism and mercantilism as national policies**. Many lands previously unknown to Europeans were discovered by them during this period, though most were already

⁷⁷ Ibid., p. 274.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

inhabited. From the perspective of many non-Europeans, the Age of Discovery marked the arrival of invaders from previously unknown continents.

Global exploration started with the Portuguese discoveries of the Atlantic archipelagos of Madeira and the Azores, the coast of Africa, and the discovery of the sea route to India in 1498; and the Crown of Castile (Spain) the trans-Atlantic Voyages of Christopher Columbus to the Americas between 1492 and 1502 and the first circumnavigation of the globe in 1519–1522. These discoveries led to numerous naval expeditions across the Atlantic, Indian and Pacific oceans, and land expeditions in the Americas, Asia, Africa and Australia that continued into the late 19th century, and ended with the exploration of the polar regions in the 20th century.

European overseas exploration led to **the rise of global trade and the European colonial empires**, with the contact between the Old World (Europe, Asia and Africa) and the New World (the Americas and Australia) producing the Columbian Exchange; a wide transfer of plants, animals, food, human populations (including slaves), communicable diseases and culture between the Eastern and Western Hemispheres. **This represented one of the most-significant global events concerning ecology, agriculture and culture in history.** The Age of Discovery and later European exploration allowed the global mapping of the world, resulting in a new world-view and distant civilizations coming into contact, **but also led to the propagation of diseases that decimated populations not previously in contact with Eurasia and Africa and to the enslavement, exploitation, military conquest and economic dominance by Europe and its colonies over native populations.** It also allowed for the **expansion of Christianity throughout the world: with the spread of missionary activity, it eventually became the world's largest religion.**

The Portuguese began systematically exploring the Atlantic coast of Africa from 1418, under the sponsorship of Prince Henry. Under the direction of Henry the Navigator, the Portuguese developed a new, much lighter ship, the caravel, which could sail further and faster, and, above all, was highly manoeuvrable and could sail much nearer the wind, or into the wind. In 1488 Bartolomeu Dias reached the Indian Ocean by this route. In 1492 the Catholic Monarchs of Castile and

Aragon funded Christopher Columbus's plan to sail west to reach the Indies by crossing the Atlantic. He landed on a continent uncharted by Europeans and seen as a new world, the Americas. To prevent conflict between Portugal and Castile (the crown under which Columbus made the voyage), the Treaty of Tordesillas was signed dividing the world into two regions of exploration, where each had exclusive rights to claim newly discovered lands.

In 1498, a Portuguese expedition commanded by Vasco da Gama reached India by sailing around Africa, opening up direct trade with Asia. While other exploratory fleets were sent from Portugal to northern North America, in the following years Portuguese India Armadas also extended this Eastern oceanic route, touching sometimes South America and by this way opening a circuit from the New World to Asia (starting in 1500, under the command of Pedro Alvares Cabral), and explored islands in the South Atlantic and Southern Indian Oceans. Soon, the Portuguese sailed further eastward, to the valuable Spice Islands in 1512, landing in China one year later. In 1513, Spanish Vasco Núñez de Balboa crossed the Isthmus of Panama and reached the "other sea" from the New World. Thus, Europe first received news of the eastern and western Pacific within a one-year span around 1512. East and west exploration overlapped in 1522, when a Castilian (Spanish) expedition, led by Portuguese navigator Ferdinand Magellan and later by Spanish Basque navigator Juan Sebastián Elcano, sailing westward, completed the first circumnavigation of the world, while Spanish conquistadors explored the interior of the Americas, and later, some of the South Pacific islands.

Since 1495, the French and English and, much later, the Dutch entered the race of exploration after learning of these exploits, defying the Iberian monopoly on maritime trade by searching for new routes, first to the western coasts of North and South America, through the first English and French expeditions (starting with the first expedition of John Cabot in 1497 to the north, in the service of England, followed by the French expeditions to South America and later to North America), and into the Pacific Ocean around South America, but eventually by following the Portuguese around Africa into the Indian Ocean; discovering Australia in 1606, New Zealand in 1642, and Hawaii in 1778. Meanwhile, from the 1580s to the 1640s,

Russians explored and conquered almost the whole of Siberia, and Alaska in the 1730s.⁸³

The Age of Discovery is also marked by an initial contact of the darker races of the world with Europeans. In the beginning, this contact was purely economic and appears to have been mutually beneficial. Then came European-controlled coastal trading centers in Africa, India, Asia, and throughout the Americas; next, the desire for more land and permanent European settlements ensued. Plantations and commercial farming of products such as tobacco, rice, and a variety of indigenous fruits and spices next developed into an international trading system. The need for reliably and steady labor early and largely led to the need for indentured servants and slaves. Large-scale land ownership, agricultural labor, and finance for commercial shipping thus became the three-legged stool of early-modern capitalism and political economy.

Inevitably, the differences in culture, language, and skin-complexion, between the Europeans and the indigenous natives of Africa, India, Asia, and the Americas led to war, land confiscation, cultural imperialism, sexual debauchery, and slavery. Portuguese and Spanish merchants brought food-stuffs and products to India, Asia, America, and Africa; and they traded these European items in exchange for indigenous food-stuffs, animal skins, artifacts, plants, produce, and animals. “The phenomenon which dazzled contemporaries was the swift start into apparent opulence, first of Portugal and then of Spain.... Portugal and Spain held the keys of the treasure-house of East and West.”⁸⁴ This new wealth suddenly began to pour into central, southern, and northern Europe. “Once a year, [Europe] was irrigated with the bullion of America, once a year she was enriched with a golden harvest from the East. The period of mere experiment over, and the new connections firmly established, she appeared to be in sight of an economic stability based on broader foundations than ever before.”⁸⁵

But the Age of Discovery was also very a turbulent period for the Roman Catholic Church. How should the Church organize the relations between white Europeans and non-white Indians, Africans, Asians, and Americans? Should they be established on the basis of Christian brotherhood and social equality, or the basis of teacher and pupil, or of master and servant? The Church (whether the Anglican church or Roman Catholic Church) never lost its moral insight into good and evil, right and wrong, during the Age of Discovery, but it did struggle to

⁸³ https://en.wikipedia.org/wiki/Age_of_Discovery

⁸⁴ R.H. Tawney, pp. 65-66.

⁸⁵ R.H. Tawney, p. 66.

maintain its authority and influence over commercial activities, international trade, and the rising capitalism. The Church, however, can be bifurcated into two separate camps: those courageous clergymen and laymen who refused to compromise the authentic message of the Gospel, and those clergymen and laymen who were willing to lower moral standards and to evade Church dogma in exchange for profit, power, and influence.

For example, about the same time when the Augustinian priest and monk Martin Luther (1483-1546) was leading the Protestant Reformation in Germany (circa, 1517-1546), there were other courageous priests, monks and bishops within the Roman Catholic Church (e.g., Fr. Antonio de Montesinos (1475-1540), Fr. Francisco de Vitoria (1492-1546), Fr. Domingo de Soto (1494-1560) , and Bishop Bartolome de Las Casas(1484-1566) who were petitioning the Pope and the King and Queen of Spain for a legal redress of the atrocities that were being committed against scores of helpless Native Americans.⁸⁶ In Switzerland and France, during the same period, Catholic humanist and lawyer John Calvin (1509-1564) picked up and carried the mantle of Protestant leadership. Calvin’s views against slavery was much similar to those of the above-mentioned Spanish Catholic priests.

Table 2. Catholic Priests Who Petitioned the Roman Catholic Church and European Monarchies for Reform during the 16th Century

Catholic Priest’s Name	Date of Birth/ Death	Country/ Nationality	Reform Issues
Antonio de Montesinos	1475-1540	Spain/ Latin America	Native American genocide and slavery in the New World
Martin Luther	1483-1546	Germany/ Holy Roman Empire (Central Europe and Scandinavia)	Catholic Church Reform and Corruption; German national suppression
Bartolome de Las Casas	1484-1566	Spain/ Latin America	Native American genocide and slavery in the New

⁸⁶ Thomas E. Woods, Jr., *How the Catholic Church Build Western Civilization* (Washington, D.C.: Regnery Publishing, Inc., 2005), pp. 135-153.

			World
Francisco de Vitoria	1492-1546	Spain/ Latin America	Native American genocide and slavery in the New World
Domingo de Soto	1494-1560	Spain/ Latin America	Native American genocide and slavery in the New World
William Tyndale	1494-1536	England	Catholic Church Reform and Corruption/ interpretation of the Bible (New Testament) into English.
John Calvin	1509-1564	France/ Switzerland	Catholic Church Reform and Corruption; constitutional reform in church/ state relations

At the same time, this commercial trade and cultural exchange brought about positive changes in parts of Africa, India, and Asia. In the Kingdom of Kongo, for example, the native kings embraced the Christian faith and carried on an active trade with Portugal and other Europeans. The Roman Catholic Church brought with it education and science, along with technical assistance on establishing European-styled monarchy and socio-economic structures. The Africans readily embraced and thoroughly imbibed much of the positive aspects of European culture. The same can be said of India and Asia.⁸⁷ On balance, contact with

⁸⁷ "The new trans-oceanic links and their domination by the European powers led to the Age of Imperialism, where European colonial powers came to control most of the planet. The European appetite for trade, commodities, empire and slaves greatly affected many other areas of the world. Spain participated in the destruction of aggressive empires in the Americas, only to substitute its own, and forcibly replaced the original religions. The pattern of territorial aggression was repeated by other European empires, most notably the Dutch, Russian, French and British. Christianity replaced older "pagan" rituals, as were new languages, political and sexual cultures, and in some areas like North America, Australia, New Zealand and Argentina, the indigenous peoples were abused and driven off most of their lands, being reduced to small, dependent minorities.

Similarly, in coastal Africa, local states supplied the appetite of European slave traders, changing the complexion of coastal African states and fundamentally altering the nature of African slavery, causing impacts on societies and economies deep inland. (See Atlantic slave trade).

Aboriginal peoples were living in North America at this time and still do today. There were many conflicts between Europeans and Natives. The Europeans had many advantages over the natives. They gave them diseases that they had not been exposed to before and this wiped out 50–90% of their population. (See Population history of indigenous peoples of the Americas.)

Maize and manioc were introduced into Africa in the 16th century by the Portuguese. They are now important staple foods, replacing native African crops. Alfred W. Crosby speculated that increased production of maize, manioc, and other New World crops led to heavier concentrations of population in the areas from which slavers captured their victims.

In the 16th-century economy of China, the Ming Dynasty was stimulated by trade with the Portuguese, Spanish, and Dutch. China became involved in a new global trade of goods, plants, animals, and food crops known as the Columbian Exchange. Trade with European powers and the Japanese brought in massive amounts of silver, which then replaced copper and paper banknotes as the common medium of exchange in China. During the last decades of the Ming the flow of silver into China was greatly diminished, thereby undermining state revenues and indeed the entire Ming economy. This damage to the economy was compounded by the effects on agriculture of the incipient Little Ice Age, natural calamities, crop failure, and sudden epidemics. The ensuing breakdown of authority and people's livelihoods allowed rebel leaders such as Li Zicheng to challenge Ming authority.

New crops that had come to Asia from the Americas via the Spanish colonizers in the 16th century contributed to the Asia's population growth. Although the bulk of imports to China were silver, the Chinese also purchased New World crops from the Spanish Empire. This included sweet potatoes, maize, and peanuts, foods that could be cultivated in lands where traditional Chinese staple crops—wheat, millet, and rice—could not grow, hence facilitating a rise in the population of China. In the Song Dynasty (960–1279), rice had become the major staple crop of the poor; after sweet potatoes were introduced to China around 1560, it gradually became the traditional food of the lower classes.

The arrival of the Portuguese to Japan in 1543 initiated the Nanban trade period, with the Japanese adopting several technologies and cultural practices, like the arquebus, European-style cuirasses, European ships, Christianity, decorative art, and language. After the Chinese had banned direct trade by Chinese merchants with Japan, the Portuguese filled this commercial vacuum as intermediaries between China and Japan. The Portuguese bought Chinese silk and sold it to the Japanese in return for Japanese-mined silver; since silver was more highly valued in China, the Portuguese could then use Japanese silver to buy even larger stocks of Chinese silk. However, by 1573—after the Spanish established a trading base in Manila—the Portuguese intermediary trade was trumped by the prime source of incoming silver to China from the Spanish Americas.

“Italian Jesuit Matteo Ricci (1552–1610) was the first European allowed into the Forbidden City. He taught the Chinese how to construct and play the spinet, translated Chinese texts into Latin and vice versa, and worked closely with his Chinese associate Xu Guangqi (1562–1633) on mathematical work.

“As a wider variety of global luxury commodities entered the European markets by sea, previous European markets for luxury goods stagnated. The Atlantic trade largely supplanted pre-existing Italian and German trading powers which had relied on their Baltic, Russian and Islamic trade links. The new commodities also caused social change, as sugar, spices, silks and chinawares entered the luxury markets of Europe.

The European economic centre shifted from the Mediterranean to Western Europe. The city of Antwerp, part of the Duchy of Brabant, became “the centre of the entire international economy”,^[161] and the richest city in

European powers by these darker races was a mixed experience, where commerce and trade elevated standards of living in many ways, but also where human atrocities also were an unfortunate result.

D. Early Modern Economic Theory, the Protestant Reformers, and Natural Law

Continental Europe's Protestant Reformers of the late sixteenth-century did not modify the role of Christianity or the Church in regulating finance, commerce, and economics. Nor did they veer away from the teachings of the Roman Catholic Scholastics. To the Protestant Reformers, who were the direct heirs of Medieval thought, economic life was subordinate to the Law of Christ.⁸⁸ And questions of land monopoly, usury, and avarice had permeated Medieval thought. The end-game in Medieval economics was always satisfying the kingdom of heaven, so that human greed was constantly checked, restrained, curtailed—or at least in principle. The doctrine of equity and principles of good faith and fair dealing permeated Medieval economic transactions, because of the sway of the Roman Catholic Church's dominance over secular affairs. "When the age of the Reformation begins, economics is still a branch of ethics, and ethics of theology; all human activities are treated as falling within a single scheme, whose character is determined by the spiritual destiny of mankind; the appeal of theorists is to natural law, not utility; the legitimacy of economic transactions is tried by reference, less to the movements of the market, than to moral standards derived from the traditional teaching of the Christian Church; the Church itself is regarded as a society wielding theoretical, and sometimes practical, authority in social affairs."⁸⁹

Europe at this time.[162] Centred in Antwerp first and then in Amsterdam, "Dutch Golden Age" was tightly linked to the Age of Discovery. Francesco Guicciardini, a Venetian envoy, stated that hundreds of ships would pass Antwerp in a day, and 2,000 carts entered the city each week. Portuguese ships laden with pepper and cinnamon would unload their cargo. With many foreign merchants resident in the city and governed by an oligarchy of banker-aristocrats forbidden to engage in trade, the economy of Antwerp was foreigner-controlled, which made the city very international, with merchants and traders from Venice, Ragusa, Spain and Portugal and a policy of toleration, which attracted a large Orthodox Jewish community. The city experienced three booms during its golden age, the first based on the pepper market, a second launched by New World silver coming from Seville (ending with the bankruptcy of Spain in 1557), and a third boom, after the Treaty of Cateau-Cambresis, in 1559, based on the textiles industry." https://en.wikipedia.org/wiki/Age_of_Discovery

⁸⁸ R.H. Tawny, p. 35.

⁸⁹ R.H. Tawney, p. 228.

When the Protestant Reformation swept over Europe during the sixteenth and seventh centuries, the Reformers did not modify their conception of the moral law's supremacy over secular or commercial activities. "It is because it is regarded as the final authority that the officers of the Church claim to be heard on questions of social policy; and that, however Catholics, Anglicans, Lutherans, and Calvinists may differ on doctrine or ecclesiastical government, Luther and Calvin, Latimer and Laud, John Knox and the Pilgrim Fathers are agreed that social morality is the province of the Church, and are prepared both to teach it, and to enforce it, when necessary, by suitable discipline."⁹⁰ Hence, seventeenth-century England and early colonial North America embraced a "catholic" conception of law, and conceptualized the secular "state" as a subordinate but vital arm of the "church."

E. Puritanism and Commercial Development in England (1600-1750)

Puritanism is associated with the rise of capitalism and international trade.⁹¹ Indeed, the major force during the seventeenth- and eighteenth century, was not the struggle between Church and State, but between the Church, the State, and Capitalism. See Table 3, The Anglican Church and the Rise of Secular Materialism. The Church had vigorously clashed with the State since the founding of the Holy Roman Empire in 800 A.D., and the Church was inevitably destined to clash with commercial interests following the Protestant Reformation and the rise of capitalism during the seventeenth century. The materialistic values—"that the attainment of material riches is the supreme object of human endeavor and the final criterion of human success"—posed a clear and present danger to "the teaching ascribed to the Founder of the Christian Faith."⁹² These materialistic values, in essence, posed a "negation of any system of thought or morals which can, except by a metaphor, be described as Christian."⁹³ These materialistic values had caused the sixteenth- and seventeenth-century Church to lodge warnings against predatory capitalism; "theologians and preachers expressed their horror of the sin of covetousness"; and "saints and sages... launched their warnings and their denunciations."⁹⁴ Not until the horrors of slavery, imperialism, and the massive slaughters of the First World War did the world finally come to terms with the fact that "[c]ompromise is as impossible between the Church of Christ and the idolatry

⁹⁰ R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 16-17.

⁹¹ Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Vigeo Press, 2017).

⁹² R.H. Tawney, pp. 234-235.

⁹³ R.H. Tawney, p. 235.

⁹⁴ R.H. Tawney, p. 235.

of wealth... as it was between the Church and the State idolatry of the Roman Empire.”⁹⁵

Table 3, The Anglican Church and the Rise of Secular Materialism

<u>MAJOR TIME PERIOD</u>	<u>MAJOR CONFLICT</u>
Prior to the Sixteenth Century (Late Middle Ages)	Church ←-----→ State
After the Sixteenth Century (Early Modern Period)	Church ←-----→ State ←-----→ Capitalism

By the seventeenth- and eighteenth centuries, the Church of England now had to compete with powerful Puritan business interests for influence and control over the secular government.⁹⁶

“The emergence of the idea that ‘business is business,’ and that the world of commercial transactions is a closed compartment with laws of its own, if more ancient than is often supposed, did not win so plainless a triumph as is sometimes suggested. Puritan as well as Catholic accepted without demur the view which set all human interests and activities within the compass of religion. Puritans, as well as Catholics, essayed the formidable task of formulating a Christian casuistry of economic conduct.”⁹⁷

But their Christian teachings on economic ethics fell upon stony hearts,⁹⁸ and were swept away by “[t]he capitalist spirit.”⁹⁹ Hence, a historical understanding of John Calvin and Calvinism became contradictory and convoluted. “While social reformers in the sixteenth century could praise Calvin for his economic rigor, their successors in Restoration England, if of one persuasion, denounced him as the parent of economic license, if of another, applauded Calvinist communities for their commercial enterprise and for their freedom from antiquated prejudices on the subject of economic morality.”¹⁰⁰ Pure, authentic Calvinism was eventually overthrown by the very commercial forces which it had

⁹⁵ R.H. Tawney, p. 235.

⁹⁶ R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 11-60.

⁹⁷ R.H. Tawney, p. 187.

⁹⁸ R.H. Tawney, p. 188.

⁹⁹ R.H. Tawney, p. 188.

¹⁰⁰ R.H. Tawney, p. 189.

liberated.¹⁰¹ “If the City Fathers of Geneva had thrown off by the beginning of the seventeenth century the religious collectivism of Calvin’s regime, it was not to be expected that the landowners and bourgeoisie of an aristocratic and increasingly commercial nation, however much Calvinist theology might appeal to them, would view with favor the social doctrines implied in Calvinist discipline.”¹⁰² It is probable that the great financiers and merchants of England helped finance the Puritan Reformation in order to advance its own material interests. The Puritans and the capitalists were two distinct constituencies directing their arrows at the same target: the Church of England and the Monarchy. When this Reformation finally prevailed, the commercial interests of these financiers and merchants finally succeeded in overthrowing the Church of England’s monopoly over economic ethics and morals;¹⁰³ but then again these same commercial interests soon turned against the high ideals of Puritanism. John Calvin and his early Protestant disciples would have been appalled by the collapse of commercial ethics and social morals that developed during the seventeenth and eighteenth centuries.

Church—religion/ economic ethics and morals

State—social policy/ economic ethics and morals

Capitalism— private property interests/ “resented the restraints on individual self-interest imposed in the name of religion or of social policy”¹⁰⁴

But the interests of all three—Church, State, and Capital—often converged, and lines were blurred. Commercial interests in England were extraordinarily important during Queen Elizabeth I’s reign (1558-1603) and became predominate during the reign of her predecessors James I (1603-1625) and Charles I (1625-1649). These commercial interests, even during the early 17th century, were global; and England’s trade was largely maritime in nature, requiring government cooperation with, and investments in, private interests, joint stock companies, and up-building English ships and merchant marines. From this flowed a steady restructuring of the social fabric of London. A new middle class emerged: the

¹⁰¹ R.H. Tawney, pp. 193-195.

¹⁰² R.H. Tawney, p. 195.

¹⁰³ R.H. Tawney, pp. 189-210.

¹⁰⁴ R.H. Tawney, p. 193.

bourgeoisie merchants. And with this new middle class came a new commercial outlook upon the world, the opportunity to invest and grow rich. By the end of the 17th century, England's political, economic, and social structure had become radically different from what it had been in 1550 or 1600. "By 1700 ships and portage occupied a very important section of the urban labour force, especially in London; overseas trade supplied goods that went into nearly every household and sold the products of an important part of the nation. Finally, it was the most common path to great wealth for individuals, and provided examples to encourage ambition and enterprise."¹⁰⁵

The English government encouraged commerce, trade, and economic development, and it did so through granting charters or monopoly patents to individual or groups who formed trading companies. Significantly, these chartered companies became the primary tools whereby England and other European powers engaged in trade, overseas investing, and colonial expansion during the 16th and 17th centuries. In most cases, a chartered company had a unique mission and purpose: to exploit an economic opportunity within a particular part of the world.¹⁰⁶ This means that these companies' charters invested them with exclusive rights to engage in trade over vast areas of the globe.¹⁰⁷ "The trading companies chartered in the period between 1550 and 1640 represented a technique whereby the national government, at little cost to the exchequer, could act to promote the expansion of English commerce. In fact, so successful was the strategy that by 1580's it was only trade with France, Scotland and Ireland that was not in the hands of a company."¹⁰⁸ These trading companies were the fruits of the idea that "necessity is the mother of invention." In this case, the trading companies were invented in order to address the problems of revenue and the challenge of risk. With respect to revenue, it was often too difficult and risky for one or a few individual persons to take advantage of overseas investment opportunities; but pooling of financial

¹⁰⁵ Marketa Kadlecova, *England and the Promotion of Trade in 16th and 17th Centuries* (an unpublished thesis paper) Institute of World History, Faculty of Arts, Charles University, Prague Nám. J. Palacha 2, 116 38 Prague, Czech Republic.

¹⁰⁶ <http://www.oxfordbibliographies.com/view/document/obo-9780199730414/obo-9780199730414-0099.xml>

¹⁰⁷ <https://www.encyclopedia.com/history/modern-europe/british-and-irish-history/trading-companies>

¹⁰⁸ Marketa Kadlecova, *England and the Promotion of Trade in 16th and 17th Centuries* (an unpublished thesis paper) Institute of World History, Faculty of Arts, Charles University, Prague Nám. J. Palacha 2, 116 38 Prague, Czech Republic.

resources, through joint-stock companies¹⁰⁹, allowed a group of individuals to both raise the required revenue. Indeed, as historian Goldwin Smith has observed in *A History of England*, the economic revolution in late 16th and 17th century England was great:

[T]rading companies increased in number and size. In competition with the traders of other nations, particularly France and the Netherlands, the merchants in these English chartered companies sent their ships to trade with the remote edges of the known world. Upon the numerous ships of the British merchant marine thousands of sailors served. The merchant marine was then, and remained, a valuable source of experienced men for the manning of the British navy in time of war. The great and expanding gains in commerce and industry during the Tudor age had significant results for England and the world. When James I became king of England in 1603 his new kingdom was on the highway of the world's affairs. Her social fabric, her very institutions, were changing. The events of the next hundred years were to cause her people to be regarded as the most volatile and turbulent in Europe. A century of national revolution was at hand.¹¹⁰

Hence, the English government was called upon to organize the development and chartering of trading companies that were multinational and global in objective and scope. Second, the risky nature of trading with the non-white traders of Africa, North America, India, and East Asia required the involvement of the English government to establish an organized multinational trading policy and to organize specific trading companies to do business in specific areas of the world, such as India and Africa. And, third, the English government was more and more called upon to prevent pirates and foreign European competition (i.e., France, Spain, Portugal, and Holland) from interfering with

¹⁰⁹ "Joint-stock company, a forerunner of the modern corporation that was organized for undertakings requiring large amounts of capital. Money was raised by selling shares to investors, who became partners in the venture. One of the earliest joint-stock companies was the Virginia Company, founded in 1606 to colonize North America. By law, individual shareholders were not responsible for actions undertaken by the company, and, in terms of risk exposure, shareholders could lose only the amount of their initial investment. See also corporation."

<https://www.britannica.com/topic/joint-stock-company>

¹¹⁰ Goldwin Smith, *A History of England*, pp. 280-281.

England's overseas commercial interests.¹¹¹ This required the development of the English navy and an organized military policy.¹¹²

During the sixteenth century, England's commercial interests were reflected in the development of three very important business enterprises: The Guinea Company; the Russia Company; and the Levant Company. None of these companies were involved in the trans-Atlantic slave-trade.

The Guinea Company: this company was established during the 16th century. Its objective was to carry on trade between Africa and the Caribbean.

The Russia (Muscovy) Company: this company was established during the 16th century. Its objective was to carry on trade between England and Russia.

The Levant Company: this company was established during the sixteenth century. Its objective was to carry on trade between England and Turkey, Egypt, and Syria.

During the early seventeenth century, England established several of its most important business enterprises, including the East India Company, the Virginia Company, the Massachusetts Bay Company, the Hudson Bay Company, and the Royal African Company.

The East India Company: this company was established during the early seventeenth century. Its objective was to carry on trade between England and the subcontinent of India and Asia.

The Virginia Company: this company was established during the early seventeenth century. Its objective was to establish an English outpost or colony of settlers in North America. The primary objective was to seek opportunities for investment and trade.

¹¹¹ Marketa Kadlecova, *England and the Promotion of Trade in 16th and 17th Centuries* ("Finally, the English state, being aware of importance of a successful trade, tried to protect the merchants against the external danger and enemy attacks. To do that, it was necessary to have a powerful navy which would represent the threat for potential aggressors and posed dominance on the sea. The beginnings of the English fleet fall into the time of first Tudors – Henry VII's, and predominantly Henry VIII's reigns. They encouraged construction of fleet for the state purposes, so the standing Navy is dated into 1540. However, the most important development came in Stuart's era when Charles I imposed ship-money which financed Royal Navy and the clearer distinction between merchant and fighting ships emerged. Broadly speaking, its significance for securing the trade is obvious.")

¹¹² Ibid.

The Massachusetts Bay Company: this company was established during the early seventeenth century. Unlike the other companies previously mentioned, its board of governors did not sit in London but rather came to North America. Its primary objective was to establish a religious colony based upon the Puritan-Anglican belief system.

The Royal African Company: this company was established during the mid-seventeenth century. Its objective was to carry on the slave trade between West Africa, the Caribbean, North America, and England.

The Hudson Bay Company: this company was established during the late seventeenth century. Its objective was to establish a fur trade with Native Americans in North America.

English companies thus became of paramount importance during the late-sixteenth and seventeenth centuries. English merchants became world-wise and sophisticated; they now gave gifts to, and made demands from, the English government; and the English government, in turn, granted the merchants favorable trade laws, such as the Navigation Act of 1651. The English government and the merchants thus forged unified commercial and financial interests.

The growing expansion of overseas territories and more intense trade among England and its colonies required an activity from the Crown to support the merchants and have a good outlook as far as the commercial development is concerned. Consequently, since 1620's committees within Privy Council were established to provide the king with advice in such matters. In 1675 the Lords of Trade was created as a governmental body which was later on replaced by the Board of Trade in 1696. Its purpose was to give advice in legal affairs of the commerce and also to supervise the relation to the colonies. It had sixteen members in total, eight of them were appointed commissioners with regular salary with the aim of 'promoting the trade of our Kingdom and for inspecting and improving our plantations in America and elsewhere.' The remaining eight positions were unpaid as the members were chosen from the Privy Council whose members did not traditionally receive any money for their service to the Crown.¹¹³

¹¹³ Ibid.

In summary, the trade in the early modern England represented a crucial element of the state economy. Thus, the Crown had to make an effort to support it in various ways to. Due to the fact that traders needed protection, it maintained a Navy and altered its foreign policy so that it did not destroy the commercial relations between states even though they were temporarily antagonized. It was undoubtedly the Crown's interest to support the navigation and mainly colonization as it opened the ingenious possibilities to export and import goods, initiate new trading opportunities and find more commodities to trade with. As a result, England expanded its power all over the world and created a starting point for becoming a world superpower of the modern age.¹¹⁴

The sixteenth-century Puritans sprang out from, to a large degree, “a new nobility and a new middle class,”¹¹⁵ whose “economic strength was immense”¹¹⁶ and who led the chartered trading companies and dominated the councils of government which protected commercial interests. The new nobility came out from the English upper classes, but they were largely the “second sons,” who through tradition would have sought careers in the church, the military, or law, but who now often looked to the new careers that were opening up in business enterprise. English tradition, however, held firm, and there was during the fifteenth and sixteenth centuries great prejudice among the nobility against engaging in trade, commerce, and usurious money-making. But by the early seventeenth century, such prejudices began to fade away, as European nations began to readily define their glory, honor and power in terms of global economic dominance. Colonial expansion thus became a matter of life and death in seventeenth and eighteenth century England. And somehow the Puritan and Calvinist world-views appealed to the very class of English noblemen who were looking to take advantage of world trade.

Who led these English colonial expeditions? Often, these leaders were second sons from noble families. Under English law, only the first-born male could inherit property. As such, Sir Francis Drake, Sir Walter Raleigh, and Sir Humphrey Gilbert were all second sons with a thirst to find their own riches. Merchants who dissented from the Church of England were also willing investors in New World

¹¹⁴ Ibid.

¹¹⁵ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 284.

¹¹⁶ Ibid.

colonies. There were plenty of Puritans who had the necessary capital, and with the Catholic-leaning Stuart monarchs assuming the throne the Puritans' motive to move became stronger. With an excess landless population to serve as workers, and motivated, adventurous, or devout investors, the joint-stock company became the vehicle by which England finally settled the Western Hemisphere.

This starkly contrasted with Spanish and French settlements. New Spain and New France were developed by their kings. The English colonies were developed by their people. Many historians argue that the primary reason the relatively small and late English colonization effort ultimately outlasted its predecessors was because individuals had a true stake in its success.¹¹⁷

The English Puritans thus shared the same political, economic and class interests as this new English bourgeois-merchant class. They were virtually the same persons, but not all members of this new bourgeois shared the same religious devotion and commitment as the Puritans. But the Puritans (and to a great extent, the Presbyterians) became the priesthood (and merchant marine chaplains) for the new English merchants and the businessmen. As ordained priests within the Church of England, many of the Puritan clergy became the chaplains to the chartered trading companies.¹¹⁸ And thus, through the Puritan clergy, the merchants and the businessmen began to infiltrate the Church of England. “Hence more bourgeois clergymen came into the church; they were often much more reform-minded than their aristocratic superiors in the hierarchy. Through them, and also by other channels, the essentially Puritan outlook of the businessman was hallowed and consecrated by Puritan religion.”¹¹⁹ Unlike during the period of the early nineteenth centuries onward, where business and commerce were viewed as purely secular, the Puritans of the sixteenth and seventeenth centuries did not jettison business and commercial activities from ecclesiastical jurisdiction. The Puritans insisted that economic activities, like all other human actions, were subject to the moral law of God, and had to be restrained in accordance with God’s will, purpose, and providence. As the history of England attests, Puritanism tried to tame English capitalism during the seventeenth and eighteenth centuries; it tried

¹¹⁷ <http://www.ushistory.org/us/2b.asp>

¹¹⁸ On such chaplain was Nathaniel Ward (1578 – October 1652) who was an Anglican priest and a chaplain to a company of English merchants in Prussia. Rev. Ward would later move to North America, where he would settle in the Massachusetts Bay Colony. There, he would later draft the monumental “Massachusetts Body of Liberties.”

¹¹⁹ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 286.

to subject English merchants to ethical duties which emanated from church dogma; and it tried to curtail their unquenched thirst for super-profits at the cost of eternal damnation.

In order to fully understand the pressures that were brewing within the Church of England during the sixteenth and seventeenth centuries, it is important to fully understand the revolutionary changes that were recurring within England's economy during this period. The economic power which the new businessmen and merchants wielded during this period was indeed immense. Primitive stand-alone business enterprises (i.e., small, family-owned shops and guilds) gave way to the cottage-manufacturing system¹²⁰ and to new joint-stock companies (i.e., large-scale business enterprises) which divided up labor and organized men, material and production on a large-scale. Everywhere, English captains of industry were studying engineering, manufacturing, economics, and business administration; “[m]ills, shops, and works, sometimes employing hundreds of men, were built: sugar refineries; gunpowder plants; paper mills; alum plants; brass, saltpeter, and cannon works. The discovery and use of new production techniques in manufacturing and mining proceeded apace with the concentration of industrial capital.”¹²¹

Elizabethan England early and largely experienced the bittersweet blessing of early-modern capitalism. On the one hand, the government granted monopolies (e.g., patents) to companies in order to encourage the development of key

¹²⁰ Ibid, pp. 280-281 (“In the so-called ‘domestic-system’ of manufacturing there was a considerable increase in capital investment. Under the domestic system the workers lived in their rural cottages. These workers usually obtained their raw materials, such as cotton, wool, and metals, from a capitalist; they took the material home and manufactured the finished product; then they brought back the article and were paid for the work they had done. Sometimes the worker bought a small amount of raw material for himself, manufactured and sold it, and made a profit. Often capitalist merchants distributed the raw materials and collected the completed product. In most cases the workers were completely dependent upon the capitalist employers. As industry and capitalist organization expanded in the later Tudor period there were more workers needed. Consequently the number of men dependent upon capitalist employers increased.... The Statute of Apprentices and the poor law legislation illustrate the increasing interest of the state in general social welfare and the improvement of working conditions in England.... Thus domestic industry flourished and more capital steadily became available for investment in production, trade, and commerce. England was prosperous. Even though wages did not keep pace with the general price rise, the average worker still found his lot more comfortable than it had been hitherto. Most of the new wealth, of course, went to the capitalists, not to the workers.”)

¹²¹ Ibid.

industries. This monopoly power created significant economic growth¹²²; but along with this growth came economic inequality and an emerging disenfranchised working class.¹²³ Already, by the beginning of the reign of King James I (1603-1625), the social, political, and economic stratification of modern-day English society began to take shape. Eventually, during the seventeenth century, two great political parties would emerge—the Tories and the Whigs. See, e.g., Table 4, “The Tories and the Whigs.”

Table 4, “The Tories and the Whigs.”

Tories	Whigs
British Monarchy (i.e., Divine Right of Kings; Royal Prerogative)	Parliament (i.e., the supremacy of Common Law; Parliamentary Supremacy.
Church of England (i.e., traditional Anglican Catholic theology; rule of	Religious liberty for Protestant

¹²² Goldwin Smith, *A History of England*, pp. 280-281 (“Industry and commerce were stimulated by grants of monopolies, mentioned earlier. These patent monopoly grants gave to the holders the exclusive right to sell certain articles for a definite number of years. It is true, as suggested elsewhere, that the monopoly system became abused and unpopular late in Elizabeth’s reign. Nevertheless, before that time, the monopoly grants were invaluable in affording needed government protection and encouragement to old and new industrial enterprises.”)

¹²³ *Ibid*, pp. 263-264 (“In 1563 the Statute of Artificers provided for ‘a uniform order, prescribed and limited, concerning the wages and other orders for apprentices, servants, and labourers,’ and stated that ‘there is good hope that it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person both in the time of scarcity and in the time of plenty a convenient proportion of wages.’ This act was not repealed until 1813. Artisans were required to serve an apprenticeship for seven years. All physically fit men who were not apprentices of artisans were ordered to labor as agricultural workers when needed. The justices of the peace, supervised by the central privy council, were empowered to fix annually the wages for their locality in accordance with ‘the plenty or scarcity of the time.’ Throughout the Tudor age much was said and written about the social and economic problems resulting from poverty. Voluntary charity and parish relief were alike inadequate. Several acts, particularly in the reign of Henry VIII, were passed to deal with rogues, beggars, and vagabonds. The monasteries and chantries no longer existed to give charity. In 1572 Elizabeth provided for the compulsory collection of poor rates, thus superseding the earlier voluntary alms system. Overseers of the poor were set up to administer poor relief.... The act of 1601 provided that there should be overseers of the poor in each parish. They were given authority to levy a tax, or rate, on all property and owners to provide funds for the assistance of the poor. For physically fit paupers the overseers were to find work. Unemployed men who would not work were publicly whipped or shut up in houses of correction. This act remained essentially unchanged until 1834. Measures such as these helped to increase public order and security; they also improved the lot of those who were too ill or too old to help themselves.”)

bishops)	Dissenters (i.e., Reformed Anglican theology; Puritanism, Presbyterianism; other independent Protestant sects).
Traditional landed British Nobility (Dukes; Earls; Knights; country gentry, etc.)	Non-traditional New Nobility (i.e., British merchants and businessmen)
Anglican Clergymen	Commercial and industrial development

The Whig Party thus became the party of the Puritans during the 17th century. The Whigs developed in order to organize increasing dissenting opinion within and without the Church of England. They were religious and non-religious; they were Puritans and non-believers; they were conservative clergymen and agnostic merchants. “They were later called Whigs, a nickname once given to covenanted Scotsmen who murdered bishops.”¹²⁴ As commerce and industry began to revolutionize English society during the late seventeenth century, the economic interests of the British nobility, clergy, and merchant-business-capitalist classes often overlapped. This was especially true in the case of English nationalism and international trade. As England’s commerce expanded, so did its appetite for colonial expansion and for super profits.

Laissez-faire capitalism under the auspices of the royal charter system soon taxed the Church of England’s soul. Like Roman Catholicism, however, the Calvinistic Puritans, who operated under the purview of the Church of England, left their indelible mark upon European capitalism. The Puritans believed that government, politics, economics, business, and commerce were to be governed by the laws of God. And these Puritans were not unlike the Catholics and Anglicans who shared the same beliefs. Importantly, “[i]n the seventeenth century religion was far more than a set of personal beliefs. An individual’s profession of religion

¹²⁴ Ibid., p. 361.

was the outward sign of a political and social attitude. The Anglican point of view [i.e., the traditional Tory viewpoint] was enforced, so far as possible, by the state. Dissenters [i.e., the conventional Whig viewpoint] were persecuted. Religion's business was held to be with social, economic, and political affairs as well as with the condition of heaven."¹²⁵ This is true, without a doubt, because of the immense influence of Roman Catholic theology and tradition upon English society. St. Thomas Aquinas' conceptualization of law (i.e., Eternal Law--→Divine Law--→Natural Law--→Human or Civil Law) continuously dominated England's secular and political affairs. Over the course of the seventeenth and eighteenth centuries, however, the Puritans could not ultimately maintain their legal and constitutional authority over capitalism or (in the case of New England) over the state,¹²⁶ because capitalism slowly "secularized" most important functions of the state during this period. Over time, the Puritan influence over capitalism and the state was purely moral, since the Christian churches more and more fell under the influence of economic materialism. As historian Goldwin Smith has observed in *A History of England*:

Towards the middle of the eighteenth century Bishop Berkeley declared that morality and religion had collapsed 'to a degree never known in any Christian country.'... The Anglican Church contained

¹²⁵ Ibid., p. 288.

¹²⁶ **"PURITANISM AND ECONOMICS**

"The emergence of the idea that "business is business," and that the world of commercial transactions is a closed compartment with laws of its own, if more ancient than is often supposed, did not win so painless a triumph as is sometimes suggested. Puritan as well as Catholic accepted without demur the view which set all human interests and activities within the compass of religion. Puritans, as well as Catholics, essayed the formidable task of formulating a Christian casuistry of economic conduct.

"They essayed it. But they succeeded even less than the Popes and Doctors whose teaching, not always unwittingly, they repeated. And their failure had its roots, not merely in the obstacles offered by the ever recalcitrant opposition of a commercial environment, but like all failures which are significant, in the soul of Puritanism itself. Virtues are often conquered by vices, but their rout is most complete when it is inflicted by other virtues, more militant, more efficient, or more congenial, and it is not only tares which choke the ground where the good seed is sown. The fundamental question, after all, is not what kind of rules a faith enjoins, but what type of character it esteems and cultivates. To the scheme of Christian ethics which offered admonitions against the numberless disguises assumed by the sin which sticketh fast between buying and selling, the Puritan character offered, not direct opposition, but a polished surface on which these ghostly admonitions could find no enduring foothold. The rules of Christian morality elaborated by Baxter were subtle and sincere. But they were like seeds carried by birds from a distant and fertile plain, and dropped upon a glacier. They were at once embalmed and sterilized in a river.

"The capitalist spirit" is as old as history, and was not, as has sometimes been said, the offspring of Puritanism. But it found in certain aspects of later Puritanism a tonic which braced its energies and fortified its already vigorous temper." <https://newrepublic.com/article/79410/puritanism-and-capitalism>

many inferior men. Political patronage considerations impelled Whig governments to give bishoprics and deaneries to Whigs without regard for learning or piety. Tory governments gave them to Tories. Many ecclesiastical preferments went to the highest bidders, especially to the younger sons of nobles; such men were usually neither godly nor intelligent. Pluralism and sinecurism prevailed everywhere.

The poorer positions were opened to individuals who were incapable of making better livings elsewhere. Nevertheless, many of the humbler clergy were pious and capable.... Bereft of competent pilots in an age of moral drifting the Church of England found her course unchartered. Amidst public corruption and dim ideals venal primates and prelates arrogantly usurped the name of clerics. Why should Christianity interfere with the pleasures of the world? 'The pulpit,' said Daniel Defoe, 'is daily profaned with invectives instead of sermons.' Beneath the surface of early eighteenth century prosperity the springs of spiritual life were running dry.... There were, of course, many stalwart, virile, and hard-working Christians in the Anglican Church; but their voices were unheeded in the streets. In the churches of London Sir William Blackstone did not hear 'a single discourse which had more Christianity in it than the writings of Cicero.' Bishop Watson saw 'the generality of the bishops polluting Gospel humility with the pride of the prelacy.' Later in the century William Pitt, earl of Chatham, rose to defend the Dissenting ministers. 'Their ambition is to keep close to the college of fisherman, not of the cardinals; and to the doctrine of inspired apostles, not to the decrees of interested and aspiring bishops.' The cumulative effect of the expulsion of the Puritan and Nonjuring clergy, the suppression of convocation, and the political rise of the church as a reservoir of patronage was an unprecedented degree of spiritual decadence. The church-dominated and decaying universities were seldom concerned with scholarship. The tutor of Edward Gibbon 'remembered he had a salary to draw but forgot he had duties to perform.' Over three centuries before Geoffrey Chaucer had asked: 'If gold rust, what shall iron do?'

For some time, . . . , there had been growing a widely diffused, indolent skepticism through the upper classes. Many who were willing that faith should perish wanted the Church of England to survive because it helped to keep the lower classes subservient to the governing aristocracy. The origin of much skepticism about the truth of Christianity was in deism. The deists denied the supernatural in religion and insisted that revelation was contrary to reason. Nothing, they said, was above the comprehension of man's reason. By taking thought man could lay bare the secrets of heaven as well as of earth. The spiritual senses were dulled. . . .

In all this controversy about natural and revealed religion the clerics made no appeal to the hearts of men. The chief object of sermons seemed to be to shun enthusiasm. Deism merged into the historical skepticism of Gibbon and the philosophical skepticism of Hume. From France came the chants of philosophers enthroning Reason and pulling down Christian faith.¹²⁷

This spiritual deterioration of the Church of England thus characterized the suppression of the English dissenters and the triumph of materialism during the mid-seventeenth and eighteenth centuries. Under these conditions, the Church of England became a commercialized and global church. The Church of England's revenue followed the state treasury and the sources of the national wealth. With the shift in the sources of national revenue from agriculture and medieval land tenure to the new capitalism, the Church of England's clergy's attitude toward capitalism changed significantly. With the emergence of the British Empire, the nemesis of worldly materialism slowly infiltrated the Church of England during the seventeenth and eighteenth centuries. As historian Goldwin Smith has observed in *A History of England*:

[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

¹²⁷ Goldwin Smith, *A History of England*, pp. 451-452.

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.¹²⁸

Many of the Church of England's most pious and talented clergymen were Puritans. But as the seventeenth-century British monarchy welcomed the new material wealth from the empire, it also repudiated the rise of the Puritanism which came along simultaneously with the rise of the new bourgeoisie. Puritan-minded clergymen and the new bourgeoisie were infiltrating the Church of England, and this would place stress upon the established order of Monarchy and Church and Nobility.¹²⁹ Since the reign of James I (1603-1625), the Church of England commenced the suppression of the most pious and talented Puritan clergy. And this suppression led to the hasty decline of the Christian faith within the Church of England during the seventeenth and eighteenth centuries.

With the rise of capitalism thus came, too, the growth of individualism and the silencing of the moral voice of the Church of England.¹³⁰ "The collision between the prevalent practice, and what purported to be the teaching of the Church, is almost the commonest theme of the economic literature of the period

¹²⁸ Goldwin Smith, *A History of England*, p. 280.

¹²⁹ "Over the whole seventeenth century looms the vexed question of religion. Elizabeth's famous Anglican compromise had endured throughout her reign despite heavy assaults upon it. The hammering vehemence of dissent was mounting when James I came to the throne. Throughout the century men were to dispute loudly about the proper road to Jerusalem. The Puritans, called rightly by Elizabeth 'dangerous to kingly rule,' were searching out the Scriptures and asking for God's guidance in sweating sermons and 'a tedious mile of prayer.' For various reasons these Puritans were increasing in number. During Elizabeth's reign, for example, the dwindling revenues of the bishoprics had ceased to tempt the aristocracy. Hence more bourgeoisie clergymen came into the church; they were often much more reform-minded than their aristocratic superiors in the hierarchy. Through them, and also by other channels, the essentially Puritan outlook of the businessman was hallowed and consecrated by Puritan religion." Goldwin Smith, *A History of England*, p. 286.

¹³⁰ R.H. Tawney, pp. 149-163.

from 1550 to 1640...”¹³¹ The Church continued to weigh in on economics and to attempt to moralize financial transactions. But “[i]t was precisely this whole conception of a social theory based ultimately on religion which was being discredited. While rival authorities were discussing the correct interpretation of economic ethics, the flank of both were turned by a powerful body of lay opinion, which argued that economics were one thing and ethics another.”¹³² The Church of England (whether high-church Anglican or low-church Puritan)—and despite the influence of clergymen such as Richard Baxter-- eventually lost its moral influence over England’s commercial world during the seventeenth century. Moral relativism and the profit motive soon became predominate, as the seventeenth century rolled into the eighteenth century.

CONCLUSION

Christianity, law, and economics, collectively speaking, is a field of study seldom broached in American law schools but nevertheless lay at the very heart of the secular legal systems in the West. The Christian mandate (i.e., “the Law of Christ”) was historically the province of the Church of England. Commercial transactions had to meet the standards of “good faith and fair dealing,” “equity,” “natural justice,” and similar ideas which the Scholastics had imposed upon Medieval commercial transactions. The Old Testament prophets had taught the Church that usury, cheating, and the exploitation of workers and the poor were to be expressly prohibited. During the Medieval and Renaissance periods, the Roman Catholic Church nourished the fields of economics and finance within the strict parameters of the “Law of Christ.” The Church of England later inherited the Roman Catholic Church’s ideals and ideas on economic morality. The sixteenth-century Protestant Reformers and their heirs did not jettison these ideals following the Protestant Reformation and they continued to subordinate commercial activities to the “Law of Christ.” During the seventeenth-century, the Church of England became engulfed in the Age of Discovery, the Age of Imperialism, and international trade, commerce, and empire. Seventeenth- and eighteenth-century British merchants and their allies successfully challenged the Church’s authority over trade and commerce, thus weakening the Church’s ability to instill Christian morality the economic behavior of England’s financiers, tradesmen, merchants,

¹³¹ Ibid., p. 149.

¹³² Ibid., p. 155.

and capitalists. From the late seventeenth-century onward, these powerful economic interests often overrode the Church of England's influence and authority.

THE END

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