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

By

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

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

INTRODUCTION¹

King James I of England and Scotland was a great English monarch who loved God, country, and the Church of England, but who failed to recognize the shifting socioeconomic forces that destined to pulverize to remnants of the Medieval world that had formed and shaped his ideals. Those socioeconomic forces were comprised of a joint and powerful movement of Puritans and merchants, whose lawyers formulated newer theories of socioeconomics and political sovereignty that threatened the old regime of Church and State in England. These new theories were difficult to implement in seventeenth-century England. The institutions of the English monarchy and of the Church of England were centuries-old and deeply entrenched.

But the prospects of a colony in the New World proved very enticing as a testing ground for new political, social, and economic ideals. Unlike Portugal and Spain, England saw the New World as an opportunity to plant colonies where its excess population might relocate, start new lives, draw new circles, and experiment with new forms of self-government. At the same time, here was a magnificent opportunity to spread the Christian faith to the so-called heathen Indian tribes of North America. There in North America, freedom of religion (or, at least, an experiment of pan-Christian self-government) might be possible. King James I believed in a divine investiture of monarchical rule, but he wanted the British Empire to expand and, for this reason, he was willing to make concessions to Puritans and to Catholics alike, in exchange for their allegiance to the British crown. However, King James I, as well as each of the Stuart monarchs who followed him, lacked concern for the working classes, or for the administration of true justice throughout his realm. This was the downfall of the Stuart monarchies

¹ This paper is dedicated to Kenneth Talbot, President of the Whitefield College and Theological Seminary in Lakeland, Florida. Dr Talbot is an ordained minister in the Reformed Presbyterian Church and a life-long student of Calvinist or Reformed-Church covenant theology, and Church-State theory, philosophy, and jurisprudence. I am honored to study with Dr. Talbot as a post-doctoral fellow at the Whitefield Theological Seminary.

of the seventeenth-century—they tended to believe that England and its colonies existed to serve and benefit the monarchy, and not the other way around. See, e.g., Table 1 “The House of Stuart in England (and British North America), 1603-1714.”

The House of Stuart² in England (and British North America), 1603 -1714

King James I, 1603-1625	Colonial British North America founded; Virginia colony founded in 1607; Massachusetts Bay Colony founded in 1620.
King Charles II, 1660-1685	[The English Civil Wars, 1642-1651; Reign of Oliver Cromwell as Lord Protector, 1653-1658]
King Charles I, 1625-1649	
King Charles II, 1660-1685	
King James II, 1685- 1688	* James II abdicated the throne in 1688; Glorious Revolution of 1688; Protestants William and Mary ascend the throne of England
Queen Mary II, 1689-1694	* Roman Catholicism outlawed in 1688; No future

² “The **House of Stuart**, originally **Stewart**, was a royal house of Scotland, England, Ireland and later Great Britain, with historical connections to Brittany. The family name itself comes from the office of High Steward of Scotland, which had been held by the family scion Walter fitz Alan (c. 1150). The name "Stewart" and variations had become established as a family name by the time of his grandson, Walter Stewart. The first monarch of the Stewart line was Robert II whose descendants were kings and queens of Scotland from 1371 until the union with England in 1707. Mary, Queen of Scots was brought up in France where she adopted the French spelling of the name, *Stuart*. In 1503, James IV married Margaret Tudor, thus linking the royal houses of Scotland and England. Elizabeth I of England died without issue in 1603, and James IV's great-grandson James VI of Scotland succeeded to the thrones of England and Ireland as James I in the Union of the Crowns. The Stuarts were monarchs of Britain and Ireland and its growing empire until the death of Queen Anne in 1714, except for the period of the Commonwealth between 1649 and 1660. In total, nine Stewart/Stuart monarchs ruled Scotland alone from 1371 until 1603, the last of which was James VI, before his accession in England. Two Stuart queens ruled the isles following the Glorious Revolution in 1688: Mary II and Anne. Both were the Protestant daughters of James VII and II by his first wife Anne Hyde and the great-grandchildren of James VI and I. Their father had converted to Catholicism and his new wife gave birth to a son in 1688, who was brought up a Roman Catholic and preceded his half-sisters; so James was deposed by Parliament in 1689, in favour of his daughters. But neither had any children who survived to adulthood, so the crown passed to the House of Hanover on the death of Queen Anne in 1714 under the terms of the Act of Settlement 1701 and the Act of Security 1704.”

	English monarch could be a Roman Catholic; “Divine Right of Kings” theory defeated; Constitutional monarchy firmly established in England; English Bill of Rights of 1689.
Queen Anne, 1702-1714	

Had King James I and the Stuart monarchs who succeeded him attained and maintained a heart for true justice—as did his immediate predecessor Queen Elizabeth I— then they too would have left a very great Christian legacy of balancing the levers of Church and State to achieve true justice for all socioeconomic classes through England and the British Empire. But the Stuart monarchs, with King James I included, seemed to deprecate the idea that a monarch who abuses or violates fundamental moral law may be deposed by the people whom the monarch governs— for that this was the true essence of constitutional monarchy in England at least since King Richard II was deposed in 1399. King James I and his Stuart successors believed that a monarch must rule as God’s vice-regent, but they did not believe that a monarch must be held accountable to those whom he or she governed. And all of this unbelief led, during the seventeenth century, to the English Civil War (1641-1652), the Glorious Revolution of 1688, and the English Bill of Rights of 1689.

But King James I was great in his commitment to the ancient, universal Christian faith and to the Church of England, if nothing else. He commissioned the great Authorized (King James) Bible of 1611; he championed Dr. Richard Hooker’s Anglican political theory, theology, and philosophy; and he placed God at the head of government. Even his controversial “divine right” theory of monarchy was deeply-rooted in the Sacred Scriptures, making the monarch a part of the ordained clergy and as a sacred minister over the secular state. For this reason, King James I was “medieval” in his worldview. His viewpoint on the Christian foundations of law and government was a noble one, if only he knew how to govern with wisdom, honesty, and even-handed justice. But neither James I or any of his Stuart successors understood governance or the idea of government for the benefit of the people. The Stuart monarchs were self-interested at heart. For this reason, the British Empire expanded in colonial British North America and in the West Indies under their watch at the expense of socioeconomic injustice, greed of gold, and the transatlantic slave trade.

SUMMARY

King James IV (1566-1625), King of Scots, ascended the throne of England following the death of Queen Elizabeth I in 1603. By every account, he wished to establish his reign upon the administrative success and policies of Queen Elizabeth I, but he lacked her political savvy and genuine love for true justice. Instead, King James I set in motion a policy of strict allegiance to his economic policy of expansion, founded upon his doctrine of “divine right of kings.” King James I and his Stuart successors believed that a monarch must rule as God’s vice-regent, but they did not believe that a monarch must be accountable to those who are governed. And all of this unbelief led, during the seventeenth century, to the English Civil War (1641-1652), the Glorious Revolution of 1688, and the English Bill of Rights of 1689.

Part XXXIII. Anglican Church: “King James I (1566-1625) and ‘The Divine Right of Kings’”

King James I loved the Sacred Scriptures and the Church of England but his idea of the “divine right of kings” and desire for imperial expansion at almost all costs were unbiblical and fundamentally unjust. These historical problems set in motion a series of historical events that led directly to the English Civil War (1642-1651), the Glorious Revolution of 1688, and the English Bill of Rights of 1689.

I. Biography of King James I (1566-1625)

James Charles Stuart was born on June 19, 1566. He was the son of Mary Queen of Scots, the godson of Queen Elizabeth I, and the great-great grandson of King Henry VII. His father, Henry Stuart, Lord Darnley, was accused of having male lovers and was, perhaps, murdered in 1567 connection with an adulterous homosexual affair with another man. James’ mother, Mary Queen of Scots, was arrested and detained in 1567 and, later, tried and executed in 1587 upon the order of Queen Elizabeth I, in connection with Queen Mary’s involvement in a plot to overthrow Elizabeth and to reestablish Roman Catholicism in England and Scotland. James grew up without both his mother and father. He was instead entrusted to a regent (i.e., the earl and countess of Mar) and designed heir apparent to the thrones of Scotland and England, assuming that Elizabeth I might die without a natural heir. He was anointed “King of Scots” in 1567 at only thirteen months old.

The Scots made efforts to ensure that young James would be taught the new Protestant faith that was coming forth from Geneva. George Buchannan was James' senior tutor; he instilled in the young James a love for literature, the arts, and Calvinism—although James never relinquished his appreciation of the Roman Catholic faith. At age 23, in 1589, James was proclaimed an adult monarch. Having taken little interest in women, James was also praised for his chastity, preferring mostly male friendship. But in 1589 he married fourteen-year-old Anne of Denmark, who later gave birth to seven live children, two stillborn children, and had three miscarriages. Only three of James' and Anne's children would live to adulthood: Henry Frederick, Prince of Wales; Elizabeth, Queen of Bohemia, and Charles, who would later succeed James I as King of England. Because of James I's loving relationship with his wife Anne, his other alleged illicit homosexual affairs with men such as Esme Steward (later Duke of Lennox), Robert Carr (later Earl of Somerset), and George Villiers (later Duke of Buckingham) remain a matter of historical ambiguity. Needless to say, many of James I's contemporaries believed that he had engaged in illicit sexual affairs with young men. For example, “[c]ontemporary Huguenot poet Theophile de Viau observed that ‘it is well known that the king of England / fucks the Duke of Buckingham.’ Buckingham himself provides evidence that he slept in the same bed as the king, writing to James many years later that he had pondered ‘whether you loved me now ... better than at the time which I shall never forget at Farnham, where the bed's head could not be found between the master and his dog.’”³ The influence of these and similar rumors of James I's illicit sexual promiscuity might have fueled the dissatisfaction of the Puritans with his lordship.

In any event, James VI, King of Scots, ascended to the throne of England in 1603 following the death of Queen Elizabeth I. He became James I of England and encountered many of the same challenges as was faced by Elizabeth I: the Catholics, the Puritans, and the Independents were continuing to challenge various aspects of the ecclesiology and theology of the established Church of England, and Parliament was positioned to exert more influence against the new monarch. James I, however, kept most of Elizabeth I's Privy Council and aimed to press the same Elizabethan policies. In fact, the Elizabethan cultural renaissance that had produced the plays of William Shakespeare was continued under the reign of James I. For it must be remembered here, that James I was himself a writer, poet, and patron of the arts, as he had promoted literature and learning in Scotland since the 1580s and 90s. James I had been broadly and liberally educated as a Protestant, but he also understood the “catholic” foundation of the monarchy and,

³ “James I of England,” https://en.wikipedia.org/wiki/James_VI_and_I.

therefore, favored episcopacy and high-church Anglicanism. Thus, James I had a keen understanding of the ferocious political and religious forces impacting England and Scotland: Medieval Catholicism, Anglicanism, Puritanism, Calvinism, and Scottish Presbyterianism. These political and religious forces were manifest as early as 1603, when at least two plots (i.e., the Bye Plot and the Main Plot) against James I’s life were discovered and quashed.

At the same time, the Puritans began to force James I to consider dismantling many Catholic liturgical rites that were still being practiced with the Church of England. They drafted the Millenary Petition of 1603 and presented it to James I, who rejected it outright, contending “no bishops, no king,” meaning that he could not accept a Presbyterian ecclesiastical form of government. In 1604, at the Hampton Court Conference, the Puritans were at least able to extract from James I one very important concession: the Authorized (King James) Version of the Bible was commissioned, and later completed in 1611. But James I insisted upon episcopacy, high-church Anglicanism, and the “divine right” of kings.

In 1605, another assassination attempt against James I was made, this time by the Roman Catholics, in what became known as the Gunpowder Plot. Immediately, thereafter, James I imposed measures to suppress the Catholics in England. James I’s relationship with the English Catholics was tempered by his global positioning of England in the international trade with the New World. Catholic Spain wielded significant influence, and, much to the chagrin of the English Puritans, James I considered marrying his son, Charles, to a Spanish princess. For this reason, James I was willing to tolerate crypto-Catholicism in England, meaning that for so long as the English Catholics swore an oath of allegiance and displayed loyalty, that he would let them alone. James I was concerned more with global expansion of empire and avoiding another war with Spain.

Under James I of England (1603-1625), great trading companies and commercial enterprises were commissioned and chartered, as the Age of Discovery had been underway in the New World since the late fifteenth-century. See, e.g., Table 1, “The Anglican Church and the Rise of Secular Materialism.”

Table 1, 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

During the time of James I of England, the Puritans and the capitalists were two distinct constituencies who were both 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;⁴ 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. Under the reign of James I, it must be remembered that a third major force, "capitalism," began to assert itself in British national and international politics, as follows:

Church— promoted religion/ economic ethics and morals

State— promoted social policy/ economic ethics and morals

Capitalism— promoted private property interests but "resented the restraints on individual self-interest imposed in the name of religion or of social policy"⁵

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 predecessor James I (1603-1625). 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. This economic stratification was not as well-defined during the reign of James I, but during the entire reign of the House of Stuart in England (1603-1724), this economic stratification deepened and became well-defined and predominant. Eventually, during the one-hundred year reign of the Stuarts, two great political parties would emerge—the Tories and the Whigs. See, e.g., Table 2, "The Tories and the Whigs."

⁴ R.H. Tawney, pp. 189-210.

⁵ R.H. Tawney, *Religion and the Rise of Capitalism*, p. 193.

Table 2, “The Tories and the Whigs Political Party Emerge during the 1600s- 1700s.”

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 bishops)	Religious liberty for Protestant 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.”⁶ 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.

⁶ Ibid., p. 361.

During the 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 year 1600. 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 year 1606. 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.

The Massachusetts Bay Company: this company was established during the year 1629. 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 year 1660. 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 year 1670. 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 the 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.⁷

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.⁸

The sixteenth- and seventeenth-century Puritans sprang out from, to a large degree, "a new nobility and a new middle class,"⁹ whose "economic strength was immense"¹⁰ 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

⁷ Ibid.

⁸ Ibid.

⁹ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 284.

¹⁰ Ibid.

century, when James I ruled England, 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 early 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.

During the reign of James I of England, the Thirty Year's War (1618-1648) broke out in continental Europe as part of a global struggle between Protestants and Roman Catholicism in central Europe. During this period, James I's daughter, Queen Elizabeth of Bohemia (Germany) had been married to Prince and Elector of Palatine Frederick V of Bohemia, who was deposed by the Spanish Holy Roman Emperor Ferdinand II in 1620. Already, at home in England, Sir Edward Coke and other Puritan politicians in Parliament urged King James I to enter the Thirty Year's War by declaring war on Spain. Parliament also urged King James I to forbid his son, Prince Charles, from marrying a Roman Catholic. These Englishmen urged that Prince Charles be married to a Protestant. But King James I disagreed with Lord Coke and Parliament; and, while invoking his royal prerogative and "divine right" of monarchy, King James I peremptorily dissolved the Parliament. By doing so, King James I avoided war with Spain and becoming entangled in the Thirty Year's War. However, the rift between Parliament and King James I would carry over into the reign of Charles I of England (1625-1649), which ended in Charles I's tragic defeat and execution at the hands of the Puritan Parliament and the Puritans during the English Civil War (1642-1651). Perhaps the doctrine of "divine right of kings" was the most troubling and tragic legacy which King James I had left for his son Charles I. Nobody refuted the power and sovereignty of God, but some men were beginning to question the divine nature of kings and queens and to insist upon the fundamental rights of all human beings.

II. Divine Right of Kings: King James I's Treatise on *The True Law of Free Monarchies* (1598)

King James I of England (1602-1625) was credited with institutionalizing the political doctrine "divine right of kings" in England. To be sure, James I was not the first English monarch to embrace the idea of absolutism, and he was certainly not the last English monarch to be accused of absolutist abuse (e.g., the American colonists in the Declaration of Independence (1776) would later accuse King George III of England of perpetuating absolutist abuses). But James I was

the first English monarch to vindicate royal authority as being absolute and has having divine sanction from both natural law and the Sacred Scriptures.

During the year 1598, while known as James VI, King of Scots, and five years prior to becoming King James I of England, James wrote a treatise called *The True Law of Free Monarchies*, in which he considered the king to be the “father” and the body politic to be “the family.” In other words, the king was considered to be the father of the family, with full authority to rule over the family. “The king towards his people is rightly compared to a father of children,” wrote King James I, “and to a head of a body composed of divers members. For as fathers the good princes and magistrates of the people of God acknowledged themselves to their subjects. And for all other well-ruled commonwealths, the style of *Pater patriae* (father of his country) was ever and is commonly used to kings.”¹¹ Thus considered and so compared to the father of the home, King James I then extrapolates further and concludes that no son can lawfully rise up against and overthrow or replace the father of the home; nor can sons lawfully choose between a father or a replacement for their father; or to rebel against the father for capricious reasons— for such a rebellion, wrote James I, would be unnatural and unlawful.¹² King James I insisted that it must be “thought monstrous and unnatural for [a king’s] sons to rise up against him, to control him at their appetite, and when they think good to slay him, or to cut him off, and adopt to themselves any other they please in his room.”¹³ Therefore, according to King James I, the laws of nature (i.e., the laws of reason and of God) established the king as the natural head of the nation (as the father is the natural head of the household).

Perhaps, though, James I’s most radical analysis of the relationship between monarchy and body-politic was his comparing the monarchy to being the human “head” of a human “body.” As the human “body” is subject to the commands and functions of the human “head,” James I reasoned that all subordinate members of a nation-state must be subordinate to the monarch.¹⁴ This idea, wrote James I in *The True Law of Free Monarchies* was a law of nature.¹⁵ And as such, the head of the body politic (i.e., the king) must make final decisions for the lower-level member of the body politic— that head must compels and command; it nourish and heal; and it cuts off the sick and decaying members of the body politic. This was the law of nature, as James I of England understood the law of nature to exist in

¹¹ James I of England, *The True Law of Free Monarchies*.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

England.¹⁶ Similarly, as King James I concluded, the head of the human body is absolutely essential and superior, but the subordinate members of that body were important and essential, but not equal to the head. For this reason, James I concluded that no revolutionary right of resistance to the king could be justifiable in law of nature. As a matter of natural law, then, the lower members of the human body must give way to the lawful commands of human head, in order for the body to function properly. Appeal may be taken to God, but James I did not believe that the subordinate members of a nation-state had the right to depose, to cut off, and (or) to replace their king.¹⁷ Hence, the law of nature, together with the high-church Anglican interpretation of the Sacred Scriptures, created a “divine right” in the monarchy to rule in England.¹⁸

One of the chief sources of the “divine right” theory of monarchical rule was taken from Romans 13:1-10:

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.

² Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

³ For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same:

⁴ For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.

⁵ Wherefore ye must needs be subject, not only for wrath, but also for conscience sake.

⁶ For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ “The divine right of kings is a Christian-flavored version of ancient pagan attitudes toward kings and emperors. In its most well-known form during the sixteenth and seventeenth centuries, the divine right of kings claimed monarchs are ordained to their position by God, placing them beyond criticism and making rebellion against them a sin. The theory is based on an extreme interpretation of Romans chapter 13, combined with statements made in the Old Testament. The divine right of kings was controversial when first claimed by kings like James I, and it is generally rejected by theologians today.” <https://www.gotquestions.org/divine-right-of-kings.html>

⁷ Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour.

⁸ Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law.

⁹ For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself.

¹⁰ Love worketh no ill to his neighbour: therefore love is the fulfilling of the law....

¹³ Let us walk honestly, as in the day; not in rioting and drunkenness, not in chambering and wantonness, not in strife and envying.

¹⁴ But put ye on the Lord Jesus Christ, and make not provision for the flesh, to fulfil the lusts thereof.

Hence, the monarchs, bishops, and the high-church Anglicans argued from the Sacred Scriptures that the monarchy in England was “ordained by God.”¹⁹ The British monarch, then, was “a higher power” that was “ordained by God,” and thus any political resistance to monarchical rule was also political resistance to “the ordinance of God.”²⁰ The high-church Anglicans of early seventeenth-century England, led by Archbishop William Laud (1573 – 1645), next argued that to resist the King of England was tantamount to resisting God Himself, and thereby such resisters “shall receive to themselves damnation.”²¹

It must be noted here, that when St. Paul wrote these words, that he was not limiting “the higher powers” to Christian monarchs or kingdoms, but rather to pagan monarchs and powers as well, presumably the non-Christian Roman emperors of his time. In other words, according to St. Paul, even Christians must subject themselves to the “higher powers” of non-Christian or secular rulers. “For such rulers are not a terror to good words, but to the evil.”²² And so rulers as such are “the minister of God to thee for good”²³ and “for they are God’s ministers,

¹⁹ See, e.g., Romans 13:1.

²⁰ See, e.g., Romans 13:2.

²¹ Ibid.

²² Romans 13:3.

²³ Ibid.

attending continually upon this very thing.”²⁴ As such, even Christians must be subject to earthly rulers “not only for wrath, but also for conscience sake.”²⁵ The Christian’s only duty, then, was to love²⁶; for, as St. Paul admonished, “Love worketh no ill to his neighbor: therefore love is the fulfilling of the law.”²⁷ Finally, the Christian must seek to live holy: “Let us walk honestly, as in the day: not in rioting and drunkenness, not in chambering and wantonness, not in strife and envying. But put ye on the Lord Jesus Christ, and make not provision for the flesh, to fulfill the lust thereof.”²⁸

The problem that frequently confronted England, several centuries before the time of James I, was *evil and incompetent popes, bishops, and monarchs who failed or refused to govern in accordance with God’s moral law.*²⁹ But King James I and the high-church Anglicans pointed to 1 Samuel 24:1-15, and argued that no matter how wicked or incompetent the monarch may be, a subordinate subject or citizen should not seek to harm or kill the monarch. The monarchy, no matter how evil, was believed to be accountable to God alone, and thus to rebel against the monarch was to rebel against God. The example of David in the Old Testament was often cited: “The LORD forbid that I should do this thing unto my master, the LORD’S anointed, to stretch forth mine hand against him, seeing he is the anointed of the LORD.”³⁰

But the Puritans and most of England were beginning to read much more into the Sacred Scriptures. For there were also, in addition to God’s anointed kings, the Hebrew prophets in the Old Testament who were also warning Pharaohs, emperors, and kings *to do what is right and to establish justice*, or else face the wrath of God who would ultimately take revenge against them by removing evil rulers from their positions of power and authority. And, in the Old Testament Book of I Samuel, the prophet Samuel thus forewarned ancient Israel against instituting a monarchy, *rather than a constitutional system based upon the rule of moral fundamental law (i.e., the law of Christ)*³¹ *administered by judges:*

²⁴ Romans 13:5.

²⁵ Ibid.

²⁶ Romans 13:8.

²⁷ Romans 13:10.

²⁸ Romans 13:14.

²⁹ The great tradition of critiquing church-state relations in England began, perhaps, with **William of Ockham (1285 – 1347)** and **John Wyclife (1320s – 1384)**. And it continued with the ascendancy of church doctor and theologian **Richard Hooker (1554 – 1600)**, who greatly influenced philosopher and theologian **John Locke (1632 – 1704)**, and later with the great seventeenth-century Puritan Divines, such as **Rev. Richard Baxter (1615 – 1691)**.

³⁰ 1 Samuel 24:6.

³¹ In the English common law system (both law and equity), the secular jurisprudence reflected the central message of Jesus of Nazareth to love ye one another (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs

⁷ And the LORD said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them.

⁸ According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, wherewith they have forsaken me, and served other gods, so do they also unto thee.

⁹ Now therefore hearken unto their voice: howbeit yet protest solemnly unto them, and shew them the manner of the king that shall reign over them.

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

¹¹ And he said, This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots.

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

¹³ And he will take your daughters to be confectionaries, and to be cooks, and to be bakers.

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

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

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

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

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

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

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).

Indeed, most of the Old Testament books, from the Book of 1 Samuel through the Book of Malachi, there are prophetic critiques of the kings and emperors of ancient Judah, Israel, largely contained not only moral lessons of major kings and prophets, there are also many examples of God's laws that were on display, such as in the history of ancient Israel, such as in the book of Second Chronicles, as follows:

King A-sa

“A-sa his son reigned in his stead. In his days the land was quiet ten years. And A-sa did that which was good and right in the eyes of the LORD his God...³²
The LORD is with you, while ye be with him; and if ye seek him, he will be found of you; but if ye forsake him, he will forsake you. Now for a long season Israel hath been without the true God, and without a teaching priest, and without law.”³³

King Jo-ash

“Jo'ash was seven years old when he began to reign, and he reigned forty years in Jerusalem. His mother's name also was Zib-i-ah of Be-er-she-ba. And Jo-ash did that which was right in the sight of he LORD all the days of Je-hoi-a-da the priest.”³⁴

King Am-a-zi'-ah

“Am-a-zi-ah was twenty and five years old when he began to reign, and he reigned twenty and nine years in Jerusalem. And his mother's name was Je-ho-ad-dan of Jerusalem. And he did that which was right in the sight of the LORD, but not with a perfect heart.”³⁵

King Uz-zi'-ah

“Sixteen years old was Uz-zi'-ah when he began to reign, and he reigned fifty and two years in Jerusalem.... And he did that which was right in the sight of the LORD, according to all that his father Am-a-zi'-ah did.”³⁶

King Jo'-tham

“Jo'-tham was twenty and five years old when he began to reign, and he reigned sixteen years in Jerusalem.... And he did that which was right in the sight of the LORD, according to all that his father Uz-zi'-ah did: howbeit he entered not into the temple of the LORD. And the people did yet corruptly.”³⁷

King Ahaz

³² 2 Chronicles 14:1-2.

³³ 2 Chronicles 15:2-3.

³⁴ 2 Chronicles 24:1-2.

³⁵ 2 Chronicles 25:1-2.

³⁶ 2 Chronicles 26:3-4.

³⁷ 2 Chronicles 27:1-2.

“Ahaz was twenty years old when he began to reign, and he reigned sixteen years in Jerusalem: but he did not that which was right in the sight of the LORD, like David his father...”³⁸

Just as the Old Testament had assessed the integrity and moral quality of ancient Israelite kings such as Saul, David, and Solomon, Englishmen had since the fourteenth century up to the seventeenth century, fairly assessed the proper role of Church and State and the validity of the royal and divine authority of the British monarchy,³⁹ so that by the time of King James I (1603 to 1625), the Puritan wing within the Church of England began to apply the Sacred Scriptures in a manner that placed the British monarchy underneath the rule of the Common Law of England (i.e., the “fundamental moral law of God”).⁴⁰ Such a constitutional ideal had been present within English law at least since the ascendancy of King Henry IV (1400-1413) to the throne of England, after King Richard II had been deposed

³⁸ 2 Chronicles 28:1.

³⁹ For example, the lives, careers and times of **William of Ockham** and **John Wyclife** laid the foundations of modern Anglo-American constitutional law:

William of Ockham (1285- 1347). He was a Franciscan priest. Known as the “invincible doctor,” and one of the most important scholastics after Thomas Aquinas, William of Ockham raised serious questions regarding the church’s inherent right to disobey an obviously heretical Pope, such as Pope John XXII. William of Ockham “asserted that the Scriptures were the sole source of law. He attached canon law, the legalism of medieval Christianity, the hierarchy in the church. Canon law, he declared, was valid only as an interpretation of the Scriptures; it was an administrative device, nothing more.” This meant that the Church should have no power over the State, but instead should only wield authority within the confinement of the church. Furthermore, William of Ockham also purported that the true Church is really the invisible congregation of all the faithful, and was not confined to the earthly Roman Catholic Church. “William also claimed that the church was really the whole body of Christian people and that the Pope never did possess the authority to speak for all the church.” These radical ideas laid the seeds for the Protestant reformation two centuries later.

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

⁴⁰ In the English common law system (both law and equity), the secular jurisprudence reflected the central message of Jesus of Nazareth 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).

in 1399, because he had violated the “**fundamental laws of England**” through adhering to laws “**in his own heart.**”⁴¹

During the mid-sixteenth century, the Church of England also grappled with England’s varied economic and social challenges. Economic analysis and social criticism had always remained at the core of the Judea-Christian faith traditions. Indeed, since ancient times, the Law of Moses had led men naturally to a critical analyses of their fundamental economic and social relations. Key provision within the Ten Commandments naturally mandated that they do this: “I am the Lord thy God... Thou shalt not kill... Thou shalt not steal... Thou shalt not bear false witness against thy neighbor... and Thou shalt not covet (neighbor’s house)(neighbor’s wife) (neighbor’s servants, animals, or anything else).” And within the prophetic books of the Law of Moses, several of the Hebrew prophets had condemned unjust gains from economic oppression and exploitation of the poor: *Book of Habakkuk* (economic exploitation; bloodthirsty economic gain; and theft)⁴²; *Book of Micah* (failure to establish justice; love of evil; economic oppression; and, social disintegration and corruption)⁴³; *Book of Obadiah* (God will punish evil)⁴⁴; *Book of Amos* (economic crimes (i.e., oppression of the poor and the needy); indifference of the wealthy toward the economic oppression of the poor and the needy; lack of justice; perversion of judgment and justice; and, religious indifference toward the economic oppression of the poor and the needy)⁴⁵; *Book of Hosea* (economic crime, oppression and deceit)⁴⁶; *Book of Ezekiel* (oppression of the poor, needy, strangers. Unjust economic gain)⁴⁷ ; *Book of Jeremiah* (genuine disinterest in justice; genuine love of covetousness, deceitfulness, unrighteousness and injustice; exploitation and unjust riches)⁴⁸; and the *Book of Isaiah* (shedding innocent blood; Speaking lies and perverseness;

⁴¹ Goldwin Smith, *A History of England*, infra., p. 145.

⁴² Habakkuk 1:4, 2:6, 9-12; 3:8-14; 1:14; 1:13-17; 2:18-20; 1:5 and 2:4.

⁴³ Micah 3:11; 2:11; 3:4; 1:7; 5:12-13; 2:6; 7:3; 3:2; 3:9; 6:12; 2:1-3; 3:2-3.

⁴⁴ Obadiah 1:12; 1:15; and 1:1-12.

⁴⁵ Amos 1:3-15; 2:1-3; 3:1-2; 3:9; 4:1; 5:12; 5:11; 6:1-6; 6:8; 5:7; 6:12; 5:10; 5:21-24; and 5:4,14.

⁴⁶ Hosea 1:2; 8:1; 8:12; 3:20; 1:2; 3:13; 3:17; 6:9; 6:6; 4:1; 4:6; 7:7; 4:2; 12:6; 4:7-8; 4:11-12; 12:6-7; 14: 1-5 and 14:9.

⁴⁷ Ezekiel 37:1-28; 20:24; 2:3; 20:19; 5:9; 6:11; 16:1-2; 6:9; 14:3-4; 16:15-16; 16:27-43; 23:1-49; 23:3; 23:7; 23:11; 23:19; 23:37; 23:43-45; 7:11; 7:23; 8:17; 9:9; 11:6; 12:19; 22:1-6; 24:6; 24:8; 22:13; 18:12; 22:7; 22:12; 22:29; 22:27; 22:25-26; 20:24; 27:13; 34:23; 37:24-28; 18:18-23; and 19:30-32.

⁴⁸ Jeremiah 1:5; 4:1-2; 1:10-11; 2:1-3; 5:23-24; 9:13-14; 17:9-10; 4:4; 6:10; 7:23; 11:8; 13:10; 14:14; 16:12; 18:12; 22:17; 2:19; 31:33; 5:23-24; 8:8-9; 5:1; 5:28; 22:3-4; 7:5-7; 5:4; 8:6; 5:4;5:12-14; 44:9-10; 4:22; 2:32; 3:20; 4:22; 6:13; 9:4-6; 5:28; 17:11; 22:13-14; 5:8; 5:7; 23:10; 23:14; 13:27; 2:8; 23:26-27; 10:21; 5:31; 23:11; 23:30-32; 14:14; 18:15; 18:7-9; 10:10-12; 25:13-14; 4:1-2; 10:7; 16:19-21; 23:2; 33:15; and 9:25-26.

refusing or failing to establish justice; disregarding truth; unjust gains from oppression; bribery; and oppression of the poor, needy, and innocent)⁴⁹.

When James VI of Scotland ascended the throne of England and became King James I of England and Scotland in 1603, English jurists, such as Sir Edward Coke, had then the distinct advantage of looking back at the over five hundred years of English history, from the time of William the Conqueror (i.e., William I of England) up through the reign of Elizabeth I (1558 – 1603). See, e.g., Table 3, “A Summary and Listing of English Monarchs, 1066 to 1603, A.D.). Hence, during the seventeenth century, many factions within England’s Parliament looked back upon England’s constitutional history and concluded that, which was lead by Puritan parliamentarians, together with leading common law jurists, such as Sir Edward Coke, vehemently challenged King James I’s conception of the divine right of monarchial rule. King James I’s interpretation of the English Common Law or of England’s unwritten constitution was flagrantly inaccurate. English monarchs were never given absolute prerogative or power; they had all been subject to the rule of law, as directed in the Old Testament, and as exemplified by the fall of King Richard II in 1399 because he had adhered to the **“in his own heart,”**⁵⁰ rather than the fundamental “moral” law of God. Sir Edward Coke and the Puritans, therefore, sought to restrain King James I’s arbitrariness, because of English constitutional history, tradition, and legal precedent—in England, the rule of the Common Law was superior to the royal prerogative, not the other way around.

Table 3, “A Summary and Listing of English Monarchs, 1066 to 1603, A.D.)

See, e.g., this series, “A History of the Anglican Church,” Part III through V

- A. King William I (1028-1087) * Roman Civil Law introduced to England
- B. King William II (1087-1100)
- C. King Henry I (1100- 1135)
- D. King Henry II (1154-1189) * English Royal Law and Jury Systems instituted

See, e.g., this series, “A History of the Anglican Church,” Part VI

- E. King Richard I (1189 – 1199 A.D.)
- F. King John I (1199 to 1216 A.D.) * Magna Carta instituted in 1215
- G. King Henry III (1216 – 1272 A.D.) * Articles of Complaint (Against Monarchial Abuses)

⁴⁹ Isaiah 54:5; 2:2-4; 24:5-6; 14:24-27; 45:18-19; 14:1; 14:5-6; 14:12-14; 58:3-10; 1:11-15; 18:18-19; 5:7-9; 1:21-23; 10:1-2; 5:20-23; 59:3; 59:7; 59:3; 59:13; 59:4; 59:14; 59:13; 33:15; 32:7; 10:1-2; 59:15; 33:15; 9:6-7; 11:1-10; 9:6-7; 42:1-4; 1:26-27; 37:5; 37:2; 37:6; 37:17-20; and 37:35-36.

⁵⁰ Goldwin Smith, *A History of England*, infra., p. 145.

- H. King Edward I (1272- 1307 A.D.) * English Jurisprudence Systemized & Modernized
- I. King Edward II (1307-1327 A.D.)
- J. King Edward III (1327 to 1377 A.D.) * Hundred Year's War with France begins
- K. King Richard II (1377- 1400 A.D.) * Great Schism; Church-State theory; Peasant's Revolt

See, e.g., this series, "A History of the Anglican Church," Part VIII

- L. King Henry IV (1400 – 1413) * Constitutional Monarchy imposed by Laws of Parliament
- M. King Henry V (1413 – 1422)
- N. King Henry VI (1422-1461)
- O. King Edward IV (1461- 1483)
- P. King Edward V (1483)
- Q. King Richard III (1483-1485) * War of Roses; Defeated in Battle by Henry Tudor

See, e.g., this series, "A History of the Anglican Church," Parts XIV through XIX

- R. King Henry VII (1485- 1509)
- S. King Henry VIII (1509 – 1547) * Anglican Church breaks from Rome
- T. King Edward VI (1547 – 1553)
- U. Queen Mary I (1553-1558)
- V. Queen Elizabeth I (1558-1603)

From the ascendancy of King James I (1603- 1625) to the throne of England in 1603 to the reign of King George III (1760- 1820), the predominant theme in Anglo-American political theory and constitutional law was whether the British monarchy could reign unchecked by the "fundamental moral law" and the statutes of England.⁵¹ During the reign of King James I, the great challenge of English politicians was to reconcile the doctrine of "divine right of kings" to the very English Common Law of which the English jurist Sir Edward Coke had fallen heir as master interpreter and chief judge. During the years 1603 to 1625, it was Sir Edward Coke who as Lord Chief Justice of England and Wales, in defense of the English Common Law and the "fundamental moral law," stood courageously against King James I and the theory of "divine right of kings." In the Parliament, the Puritans and Presbyterians sought to impose Magna Carta and other constitutional restrictions upon King James I. This history would become the build-up to the English Civil Wars (1641-1652).

⁵¹ In the English common law system (both law and equity), the secular jurisprudence reflected the central message of Jesus of Nazareth 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).

CONCLUSION

From the period 1603 up to the time of the American Revolutionary War (1775 to 1781), the political philosophy of “divine right of kings” was a potent force in Anglo-American political philosophy and constitutional law. King James I of England (1603-1625) is credited with giving this philosophy its currency and popularity. For it had deep roots in Medieval philosophy, but it ran counter to both the history of England up to that time, as well as the plain language of the Sacred Scriptures, which admonished kings and emperors to do judgment and justice or else suffer the fate of former fallen empires. King James I and his immediate Stuart successors to the throne of England failed to conceptualize a monarchy that should be held accountable to God’s fundamental moral law. And, as a result, they failed to comprehend that if where a monarch commits injustice through the exercise of “divine right,” then God himself would intervene to depose that wicked monarch, as he had done so in the Sacred Scriptures. Who would be God’s instruments in deposing such wicked monarchs? The Puritans and the Reformers answered this question by asserting that all lower-level government officials and magistrates had been duly authorized to depose an unjust, wicked monarch, and to establish the rule of law as an express of the fundamental “moral” law of God. Indeed, the history of the seventeenth and eighteenth centuries is the codification of the fundamental moral law into a written constitution, beginning with the various written constitutions of colonial British North American and English Bill of Rights of 1689.

THE END

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