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ELIZABETH ANN SHIPP

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**RICHARD HOOKER AND EPISCOPAL ECCLESIOLOGY IN THE CHURCH OF  
ENGLAND**

**BY  
ELIZABETH ANN SHIPP**

**SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY  
AT THE  
UNIVERSITY OF DURHAM  
DEPARTMENT OF THEOLOGY AND RELIGION  
2020**

## Abstract

This thesis argues that in the *Lawes of Ecclesiastical Polity*, Richard Hooker presented a coherent and skilful defence of the 1559 Settlement as being congruent with wider Protestantism. It then explores how Hooker's theory of episcopal ecclesiology as presented in the *Lawes* has influenced the contemporary episcopal polity of the Church of England. The question of how far the Church of England's doctrine and practice was congruent with wider Protestantism was a key theme of the controversies with which Hooker engaged. Throughout the *Lawes*, Hooker constructs a defence of the 1559 Settlement as sitting within that doctrinal tradition. Whilst scholars have long noted Hooker's arguments for the apostolic origin of the episcopate in selected passages of Hooker's *Lawes*, the practical, theological, and political outcomes of his defence of episcopacy in the 1559 Elizabethan Settlement, and especially its influence upon the Oxford Movement and contemporary twenty-first century episcopal ecclesiology, have not been explored in detail, and this is one of the main focuses of this thesis.

Chapters two to five show how Hooker, in the *Lawes*, uses a theological and political framework in order to provide a systematic defence of the place of the Royal Supremacy, the division of ecclesiastical jurisdiction between the monarch and the clergy, and the place and power of bishops in the 1559 Settlement. This thesis shows that the subsequent attempt to claim Hooker for the cause of the Tractarians in the nineteenth century (chapter six) was far-fetched, and that by the twenty-first century (chapter seven), Hooker had largely fallen out of use in episcopal ecclesiology as viewed by traditionalist catholics. In so doing, this thesis firmly places Hooker in the ambiguous central ground of contemporary Anglican episcopacy.

Hooker's ability to write simultaneously both theologically and politically needs to be taken seriously. It is only by doing so that his dexterous rootedness in these two spheres can be used to demonstrate Hooker's intention: that the *Lawes* presented a

sufficient defence of the doctrine and practice of the Church of England, and especially that of episcopal ecclesiology, as being sited within a wider Reformed Protestant understanding.

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## **Declaration**

This work has been submitted to the University of Durham in accordance with the regulations for the degree of Doctor of Philosophy. It is my own work, and no part of it has been previously submitted to the University of Durham or in any other university for a degree.

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*Ad majorem Dei gloriam.*

## Textual Note

Two scholarly editions of the *Lawes* have been published since Keble's edition of 1836. The Folger Library Edition of the *Works of Richard Hooker* was first published in 1977, edited by a committee led by W. S. Speed-Hill and Georges Edelen. In addition to this, in 1972, Speed-Hill edited *Studies in Richard Hooker: Essays Preliminary to an Edition of His Works*. The Folger Library Edition is still held to be the most accurate and thorough edition of Hooker's *Lawes*. In 2013, the most recent edition of the *Lawes* was published, edited by A. S. McGrade, in which the decision was taken to modernize the spelling and phraseology of Hooker's text.

This thesis uses the Keble (1836) edition of the *Lawes*, unless otherwise stated (references to 'FLE' = 'Folger Library Edition'). This is due to the difficulty and cost of obtaining a copy of the Folger edition due to location as a distance student, as well as accessibility and movement restrictions resulting from the COVID-19 pandemic.

After the initial citation in each chapter, the format adopted follows the convention of 'book, chapter, verse'. The same is true for citations from the works of John Whitgift, John Jewel, and John Calvin. Citations from the editorial preface of Keble's 1836 edition of the *Lawes* are clearly marked as such. Citations from Luther's works are from the Weimar (1883–2009) edition.

## **1 Introduction**

This thesis examines the construction and influence of Richard Hooker's episcopal ecclesiology in the Church of England. In particular, it investigates the episcopal polity advocated in Hooker's magnum opus, *The Lawes of Ecclesiastical Polity* (the 'Lawes'), which has had a significant influence upon Anglican ecclesiology since its publication.

### **Argument of the Thesis**

This thesis argues that Hooker was able to present the episcopal ecclesiology of the 1559 Religious Settlement as being congruent with wider Protestantism, in answer to Puritan calls for further reformation and the parity of ministers. This thesis then argues that Hooker's presentation of an episcopal ecclesiology congruent with wider Protestantism was subject to attempts by John Keble, in his editorial preface to his 1836 edition of the *Lawes*, to claim that Hooker took a higher view of the authority and prestige of the episcopate than was in fact the case. The most recent development of episcopal ecclesiology in the Church of England, the introduction of women bishops, no longer sees Hooker being invoked in support of the traditional catholic position. Instead, Hooker is cited in the evidence presented by official Church of England documents, and also by those arguing for a more liberal application of ecclesiological rules. By bringing these three periods together, this thesis is first of all able to present Hooker's justification for the place of episcopacy within a Church of England congruent with wider Protestantism; second, to argue that Keble, in his editorial preface to the 1836 edition of the *Lawes*, attempted to twist Hooker's justification of episcopacy to an absolutism that Hooker never claimed for himself; and third, to argue that usage of Hooker subsequently moved away from the Tractarian inheritance to that of the liberal middle ground.

Bishops have been part of the structure of the Church of England since Henry VIII broke away from the Roman Catholic Church in 1534 and are part of the historic threefold order of bishops, priests, and deacons.

Exactly what authority a bishop in the Church of England can exercise has often been subject to debate, however.<sup>1</sup> Bishops in the Church of England are part of the so-called Established Church, and as such, receive their authority from two different, but related, sources. At their episcopal ordination or consecration, bishops receive their spiritualities or spiritual authority from their fellow bishops at the laying on of hands. This means that from this point, they can exercise functions particular to bishops, such as ordaining other clergy, bearing in mind that the functions pertaining to each type of Holy Order are cumulative. However, bishops need a particular place to exercise their temporalities or temporal authority, and this is granted to diocesan bishops<sup>2</sup> at their confirmation of election by the archbishop of the province in which they minister, on behalf of the monarch, who is Supreme Governor of the Church of England.

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<sup>1</sup> For example, the argument as to whether a Church of England bishop should sit in the House of Lords (Justin Parkinson, 'What is the role of bishops in UK politics?', <https://www.bbc.co.uk/news/uk-politics-16702806>, accessed 11 September 2020); and whether or not a bishop has the right to tell clergy who hold a different theological opinion from him/her that they do not belong in the Church of England (Gafcon UK, 'A Statement on the Appointment of the Archbishop of York', <http://www.gafconuk.org/news>, accessed 11 September 2020). Hooker himself engages in substantial dialogue regarding the question of whether bishops are necessary to make the sacrament of ordination valid in VII.xiv.12.

<sup>2</sup> For suffragan, or assistant, bishops they receive their authority from the diocesan bishop of the diocese in which they operate. The legal basis for this in modern times can be found in Canons C1 and C20.2 of the Canons of the Church of England (The Church of England, 'Canons of the Church of England: Section C Ministers, their ordination, functions, and charge', <https://www.churchofengland.org/more/policy-and-thinking/canons-church-england/section-c>, accessed 11 September 2020). See also Section 13 of the Dioceses, Pastoral and Mission Measure 2007 (UK Government, 'Dioceses, Pastoral and Mission Measure 2007, Part II, Section 13', <http://www.legislation.gov.uk/ukcm/2007/1/section/13>, accessed 11 September 2020).

Elizabeth I's Religious Settlement in 1559 was necessary to define the practice and basis for the Church of England subsequent to the reign of her Catholic sister, Mary. Bishops were an important part of that Settlement, yet the return to Protestant rule in England meant that the English Puritans called for further reformation of the Church of England to completely eradicate any traces of Catholicism, and establish a Church based solely on scriptural principles: one of which, some of them claimed, was the parity of ministers, leaving no place for bishops.<sup>3</sup>

It was in answer to such calls for further reform, including for the abolition of the episcopate, that Richard Hooker produced his eight-volume magnum opus, *the Lawes of Ecclesiastical Polity*, whose first volumes were published in 1594. Hooker's *Lawes* presents the case that the Church of England, as expressed in the 1559 Settlement, is consonant with magisterial reformed principles, and thus needs no further reform.

It is the place of bishops in the Church of England, as argued by Hooker, and in particular their authority, that this thesis argues is based on wider Reformed Protestant principles. This thesis argues that Hooker saw English episcopacy as congruent with such principles.

The first half of the thesis presents three key areas of episcopal authority in the 1559 Settlement of Religion: first, in chapter one, the Royal Supremacy and Hooker's understanding of that, and in chapter two, Hooker's consequent views on State power and its relationship with natural law and dominion. Second, issues of jurisdiction, and

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<sup>3</sup> See Norman Sykes, *Old Priests & New Presbyter* (Cambridge: 1956), especially chapters II and III. Also A. L. Peck, *Anglicanism and Episcopacy* (London: 1958), 17, 62-63 – Peck presents a thorough disagreement with Sykes' argument, among others, regarding ministerial parity. Importantly, Peter Lake, *Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker* (London: Urwin, 1988), 213-25. Anthony Milton presents a useful argument regarding the example of foreign reformed Churches with respect to models of polity in *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought 1600-1640* (Cambridge, Cambridge University Press: 1995), 448-494. It must also be borne in mind that conformist defences of the place of episcopacy were by no means uniform, especially in the interpretation of *Iure Divino*. See Margaret R Sommerville, 'Richard Hooker and his Contemporaries on Episcopacy: An Elizabethan Consensus', *Journal of Ecclesiastical History*, 35, no. 2 (1994), 177-87.

the balancing act between the areas in which the monarch and the episcopate can exercise their authority. And third, the consequent exercise of episcopal authority itself.

Since the publication of his great work, Hooker's name has often been claimed by Anglicans seeking to define an authentic episcopacy. The second half of this thesis will argue that an attempt was made, unsuccessfully, by the Oxford Movement in the nineteenth century, most notably through Keble's editorial preface in his 1836 edition of the *Lawes*, to shoehorn Hooker's episcopacy into a model that claimed authority for bishops far beyond that found in the *Lawes*. The influence of the Oxford Movement upon subsequent traditional catholic movements in the Church of England meant that there was a risk of this distorted, pseudo-Hookerian episcopacy becoming part of current episcopal polity in the Church of England. However, the last chapter of this thesis will argue that Hooker's model of episcopacy is no longer claimed by traditional catholics in the Church of England, but is instead being claimed by the porous and loosely defined middle ground.

### **Omissions and Exclusions from this Thesis**

The breadth of the theological spectrum in the Church of England from the sixteenth century onwards is so vast that examining every possible strand for traces of Hookerian influence would quickly create an unwieldy thesis. Therefore, it has been necessary to deliberately exclude some areas and topics.

I have chosen not to draw upon Hooker's corpus of writing *outside* of the *Lawes*, because my thesis is predicated on Hooker's defence of the Elizabethan Religious Settlement as presented in the *Lawes*. Keble's 1836 edition of the *Lawes* contains, as back matter, various sermons on matters such as faith in the elect, pride, sorrow, and fear, and also the biblical book of St Jude. Amongst the Kebellian endpapers is also included *A Learned Discourse on Justification, Works, And How The Foundation of*

*Faith is Overthrown*, which is indicative of Hooker's more liberal approach to who is saved – the sermon was written in answer to a Puritan accusation that Hooker believed that Roman Catholics were among those who were saved by faith in Christ.

The third volume of the 1836 work also includes a supplication to the Council containing objections to Hooker's doctrine. This came from Hooker's colleague Walter Travers, who had a dispute with Hooker at the Temple Church in London (1585–86). It also contains Hooker's answer to Travers. An anonymous letter, *A Christian Letter of Certain English Protestants*, thought to be written by Puritans with further objections to Hooker's doctrine, is included in volume IV of the Folger Library edition of Hooker's Works. Though Hooker's full response to this was never published, the Folger edition prints it with Hooker's marginal notes in response. This thesis has not drawn on these additional texts.

Though it would undoubtedly be interesting to employ the entirety of Hooker's corpus in this quest to bolster an argument for an ecclesiology congruent with wider Protestantism, a line of exclusion must be drawn at some point, and not doing so would likely result in precious little extra material directly relevant to episcopacy.

Though a great deal of the larger Zurichian and Genevan debate surrounding Hooker's influence upon the character of an English Church congruent with wider Protestantism could be of tangential interest to those seeking to develop a thorough portrait, again, it is not possible to comb through large swathes of the continental reformed material. Due to the geographical movements of English and continental churchmen during the sixteenth century, a case could doubtlessly be made for anything being of relevance as various clergy and theologians took refuge in 'safe' foreign countries, in many cases maintaining a significant level of correspondence after they returned to their respective original countries. Yet again, though, for the comparatively small amount of material that may be directly relevant to my thesis, the time required would not be a wise investment.

Hooker's *Lawes* are of course only part of the wider debate in the Elizabethan Church surrounding the place and nature of the episcopate. There are a number of figures that would have had a larger influence upon Hooker, such as his patron, Archbishop John Whitgift; and his colleague and sparring partner at the Temple Church, Walter Travers. Of particular interest is Hadrian Saravia, whose definite opinions on the authority of bishops and their *Iure Divino* (divine right), and the consequent superimposing of Saravia's beliefs onto Hooker by Keble, are drawn on, where relevant. Other notable figures include of course Richard Bancroft, especially his *Sermon at St Pauls' Cross* in 1589, which is noteworthy for its call for greater episcopal power.

As this thesis covers not just the sixteenth century, but also the events surrounding the publication of Keble's 1836 edition of the *Lawes*, it is necessary to highlight what has not been included in relation to the large amounts of material written by, and about, the Tractarians and the Oxford Movement in general. The primary source of material for chapter six has been the editorial preface of Keble's edition of the *Lawes*, and in order to ascertain the extent to which other members of the Oxford Movement have either influenced or shared in Keble's argument, I have conducted a search of the correspondence of John Henry Newman's *Letters and Diaries*, together with relevant secondary material, looking specifically for that related to episcopacy. Hurrell Froude's *Remains*, edited by Newman, have been included in chapter seven, in respect of a historical comparison tracing the influence of Hookerian episcopacy in Anglican Catholic sources from the nineteenth to twenty-first century material. However, it is simply not possible, given the scope of this thesis, to conduct anything more than an indicative search of the wider extant material related to the Oxford Movement and Tractarians.

Chapter seven argues that Hooker is no longer claimed by traditional catholics in the Church of England and has instead been reclaimed in authoritative Church of England

official documents in relation to the ordination of women priests and bishops. Contextually, this debate in the Church of England took place amidst similar debates in the wider Anglican Communion, and it would be interesting to discern the scope and reach of Hookerian episcopacy across that Communion, but again this lies beyond the scope of the thesis: both because of the wider ‘liberalizing’ ecclesiological issues that would come into play, such as homosexuality and the exercise of Holy Orders, and because the thesis is limited to the influence of Richard Hooker’s episcopal ecclesiology in the Church of England.

Within the tradition of the Church of England, it is not only traditional Catholics who hold views that mean they regard women priests and bishops *not* to be a legitimate theological development. Conservative evangelicals who subscribe to a ‘headship’ view of gender roles also cannot accept the authority or ministry of a woman priest or bishop. There is also the argument that this theological grouping may have inherited elements from the Puritans against whom Hooker sought to defend the reformed nature of the *Lawes*. However, I have not included this theological standpoint here because the second half of this thesis considers the legacy of Keble’s 1836 edition of the *Lawes*, and not a more conservative evangelical ecclesiology. It is also a reasonable assumption that the ecclesiological tradition of conservative evangelicals in the contemporary Church of England has not adopted the inheritance of the nineteenth-century Oxford Movement.

### **Key Terminology**

Inevitably in a thesis that deals with a number of ecclesiological groupings – the exact definitions and identities of which are contested - it is important to introduce certain key terminology and their development so that their specific usage is understood.

## *Puritan and Presbyterian*

Puritanism is essentially a Calvinist grouping which originated in England, characterized by the twin goals of inner piety and outward holiness.<sup>4</sup> Attempts to define English Puritanism have been going on for well over four hundred years; it has proved exceptionally difficult to find any common ground, and still the definition remains unclear.<sup>5</sup> We can say, however, that Puritanism began with non-conformists in the sixteenth and early seventeenth centuries, when religious discontent evolved into puritanism. The emergence of Puritanism in Elizabethan England is conventionally traced to the returning Marian Exiles, some of whom were content to return to Edwardian styles of worship, and some who wished to adopt forms more akin to those which they had encountered during their continental exile in Geneva and other Reformed cities. This latter group found particular difficulties with some aspects of the 1559 Religious Settlement.<sup>6</sup>

Although Puritanism eventually led, especially in the post-1662 period, to nonconformity and Dissent, during Hooker's lifetime almost all 'puritans' regarded themselves as loyal members of the Church of England. Michael Winship's recent study observes that almost all Puritans at this period supported the religious tasks and monopoly of the Church of England, with England having 'only one monarch and one church that governed the country together in their different paths.'<sup>7</sup> This does not mean unqualified support, however; Winship argues that the problem for Puritans was that the Church of England was following God's law only erratically.<sup>8</sup> As David Hall explains, English Puritanism 'took a strong stand on the Bible as "law" and insisted

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<sup>4</sup> Alec Ryrie, *Protestants: The Radicals who made the Modern World* (London: William Collins, 2017), 473.

<sup>5</sup> For a further discussion on the difficulty of defining this term, see Christopher Durston and Jacqueline Eales (eds) *The Culture of English Puritanism 1560-1700* (New York: St Martin's Press, 1996), 1-2.

<sup>6</sup> Ryrie, *Protestants*, 135.

<sup>7</sup> Michael Winship, *Hot Protestants: A History of Puritanism in England and America* (Yale: Yale University Press, 2018), 3.

<sup>8</sup> Winship, 3.

that the state churches in England and Scotland eliminate all aspects of Catholicism.’<sup>9</sup> Puritanism in this sense was a very broad church which blended seamlessly into the established church’s mainstream.<sup>10</sup> But as Patrick Collinson and others have argued, a sharper-edged element within Puritanism also came into being in the wake of a group of ‘radical’ intellectuals largely associated with Cambridge University, who questioned the Royal Supremacy, the legitimacy of the Book of Common Prayer, and the scriptural basis of episcopacy.<sup>11</sup> Collinson notes, however, that even so, the leaders of this radical group did not want a separation from the Church of England – they still wanted an inclusive state Church and a Christian prince, the latter to preserve uniformity in practice and belief. This, for Collinson, meant that English Puritanism struggled with its own internal wrangling whilst it battled against its opponents in Church and State.

John Hooper, who served as Bishop of Gloucester and latterly Worcester between 1550 and 1554, before being burnt at the stake the following year, was perhaps the most important archetype of this radical movement within Puritanism. In the early Elizabethan period Thomas Sampson and Anthony Gilby also played prominent roles, Prominent radical Puritans with whom Hooker himself locked horns included Thomas Cartwright and Walter Travers: the former was deeply involved in the Admonition Controversy, and the latter served at the Temple Church alongside Hooker for a period.<sup>12</sup>

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<sup>9</sup> David D. Hall, *The Puritans: A Transatlantic History* (Princeton: Princeton University Press, 2019), 2.

<sup>10</sup> Peter Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge: Cambridge University Press, 1982).

<sup>11</sup> See, for example, Patrick Collinson, *The Elizabethan Puritan Movement* (Oxford: Clarendon Press, 1967), as well as *The Religion of Protestants: The Church in English Society 1559-1625* (Oxford: Oxford University Press, 1984).

<sup>12</sup> See Patrick Collinson, ‘Thomas Cartwright’, <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-4820?rskey=xHKoV2&result=2>, accessed 12 March 2021; and Alan Ford, ‘Walter Travers’, <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-27673?rskey=7Mkv9j&result=1>, accessed 12 March 2021.

Cartwright and Travers belonged to the distinct subset of Puritans who were also Presbyterians. ‘Presbyterianism’ is an ecclesiastical model in which the Church is governed by presbyters or elders by means of a hierarchy of councils which remain independent from state control.<sup>13</sup> All Presbyterians were puritans, but not all puritans were Presbyterians. The movement drew on Calvin’s acknowledgement of *elders* as one of the four ministries of the Church, alongside pastors, teachers, and deacons. For Calvin, this was based on Biblical passages such as Romans 12.8; 1 Corinthians 12.28; and 1 Timothy 5.17. The role of elder included, crucially, a responsibility for discipline, which, importantly, meant a role for lay persons in the government of the Church: this will be of particular relevance to chapter four of this thesis. In sixteenth century Geneva, in Scotland and in other Calvinist churches, elders participated in Church discipline, including the issuing of censures and reconciliation.<sup>14</sup>

Sixteenth-century advocates of Presbyterianism did not consider it an innovation, but rather a return of the model found in the New Testament, with some regarding it as the only permissible form of Church government, and thus permanently binding – yet the model was adapted to fit local circumstances. The term ‘presbyterian’, indeed, was not used in Geneva itself, but originated in Scotland. The Scottish church’s Second Book of Discipline (1578) envisaged a presbyterian system, and the first actual presbyteries were erected in Scotland in 1581: regional synodical bodies, serving a quasi-episcopal function. Many English Puritans looked enviously at this innovation and hoped to emulate it. As well as pressing for legal change, some English Presbyterians began trying to build the new system from the ground up by creating ‘classes’ (giving us the term *classical Presbyterianism*), meaning a group of representative elders and ministers drawn from a certain area, which oversaw congregations, and ministers in that area.<sup>15</sup>

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<sup>13</sup> Ryrie, *Protestants*, 473.

<sup>14</sup> F. L. Cross and E. A. Livingstone (eds.), *The Oxford Dictionary of the Christian Church*, 3<sup>rd</sup> Edition Revised (Oxford: Oxford University Press, 2005), 1331.

<sup>15</sup> Cross and Livingstone (eds.), *Oxford Dictionary of the Christian Church*, 1331.

Presbyterianism itself became an issue in England in the 1570s, with its early leaders seeking further reform of the Elizabethan Religious Settlement. The nascent movement presented a threat to the established order by insisting on an ecclesiological model which was based on equality of ministers and the inclusion of lay elders in the government of the Church. Matters came to a head in 1592, with the Star Chamber trials and Crown suppression and deprivation of the movement's leaders.<sup>16</sup> This suppression was regarded to be so successful that the movement has until recently been considered dead – but as Polly Ha's work has made clear, this did not stop prominent Presbyterians such as Travers and Julines Herring continuing their activities in a clandestine manner.<sup>17</sup>

Hooker in the 1590s was well aware that the strong challenge to the established structure of Church and State as presented by the Presbyterians was such that the actions of the Crown in 1592 appeared necessary, and that prominent leaders such as Travers and Cartwright had merely been pushed underground. As such his defence of the Elizabethan Religious Settlement was written to engage with Presbyterian critics in particular as well as with Puritanism more broadly.

### *Wider Protestantism*

This thesis argues that Hooker defended the 1559 Elizabethan Settlement as being congruent with wider Protestantism, but this clearly raises a question of how that wider grouping should be understood. Hooker did not hold to any one particular national Church as a gold-standard, but drew on an eclectic and diverse number of

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<sup>16</sup> Polly Ha, *English Presbyterianism 1590-1640* (Stanford, CA: Stanford University Press, 2010). See also Patrick Collinson, *The Religion of Protestants: The Church in English Society 1559-1625* (Oxford: Oxford University Press, 1984); Nicholas Tyacke, *Anti-Calvinists: The Rise of English Arminianism c1590-1640* (Oxford Historical Monographs) (Oxford: Oxford University Press, 1990); and Anthony Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought 1600-1640* (Cambridge: Cambridge University Press, 1995).

<sup>17</sup> Ha, *Presbyterianism*, 3.

Protestant theologians. These included Calvin, Bullinger, and Zwingli, but also Lutherans such as Melancthon and Luther himself. In doing so, it was Hooker's aim to argue that the Elizabethan Church was able to fit into that broad family. The diversity of that family made Hooker's argument all the easier, since he was able to cherry-pick elements from whichever Church or theologian suited his arguments. This was not mere evasion, but genuinely reflected Hooker's view that most of the variations within that family were *adiaphora*, matters of indifference.

The deeper point is that Hooker was, despite his reputation for being antagonistic towards the Reformers, engaged with the theologies of the wider Reformation; he drew upon them extensively, even if selectively; his engagement was serious – going beyond an opportunistic proof-texting. It is one of the arguments of this thesis that he needs to be taken seriously as a magisterial Protestant theologian in his own right.

#### *Hooker and the 'Via Media'*

Perhaps an even more problematic term is that of *Via Media*, or the *middle way*. This term was first applied to Hooker by John Keble (Hooker never used it of himself), but in modern times is now taken to mean Hooker as representing the moderate, centrist, or mainstream view of Anglican Church polity – neither too far towards Rome, nor too far towards that polity espoused by the English Puritans.<sup>18</sup> This thesis does not use these terms because of their contested natures. Nor indeed does it use the term 'Anglican' to refer to the Church of England of Hooker's day. For completeness, it is also important to recognize that there are some who do not believe Hooker represents a *Via Media* at all, but rather a harking towards a more Romish polity.<sup>19</sup> Such a view is not the argument of this thesis, however.

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<sup>18</sup> See chapters 5.3, and 7.3, as well as page 31 of chapter 1.

<sup>19</sup> On this point, see Lee W. Gibbs, 'Richard Hooker's *Via Media* Doctrine of Scripture and Tradition', *The Harvard Theological Review* 95, No. 2 (2002), 227-235, for a discussion of when *Via Media* may have originated, and how it is viewed in contemporary times.

All terminology is open to question to a certain extent, and this thesis has chosen to use the term ‘moderate’ rather than ‘centrist’ or ‘mainstream’, when referring to groupings in Elizabethan times. An important study in relation to the problems surrounding this term is that by Ethan Shagan. Shagan discusses the importance of *moderation* and the early modern era’s preoccupation with that concept.<sup>20</sup> Shagan argues that moderation in this period did not mean compromise, tolerance or openness, but a process by which a ‘golden mean’ could be enforced onto a society by means of the law, in an attempt to expunge dangerous excesses in state, society and Church.<sup>21</sup> According to this muscular, potentially coercive variety of ‘moderation’, the State had a justification for its dealings in all these areas, and it was in this climate that Hooker attempted to chart a course for English Church polity which ultimately tried to prove that no further reform was needed to that espoused in the 1559 Religious Settlement.

### *Iure Divino*

This thesis uses *Iure Divino*, especially in respect of episcopacy, to mean that which is founded on divine law or right, and, by implication, therefore is not open to change.<sup>22</sup> The thesis shows that Hooker is consistently reluctant to interpret episcopacy in this way;<sup>23</sup> and that the nature of this concept, and the terms which others such as the Oxford Movement and traditional catholics have associated with it, including, for example, apostolic succession and sacramental assurance, are contested.<sup>24</sup> The Oxford Movement, for example, ascribed to Hooker a *Iure Divino*

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<sup>20</sup> Ethan Shagan, *The Rule of Moderation: Violence, Religion, and the Politics of Restraint in Early Modern England* (Cambridge: Cambridge University Press, 2011).

<sup>21</sup> Shagan, *Rule of Moderation*, 4; see also pages 10-26 for a discussion of the nuances of ‘moderation’ and other related terms.

<sup>22</sup> Leo F. Stelten, *Dictionary of Ecclesiastical Latin* (Peabody, 1995), 311.

<sup>23</sup> See chapters 5 and 6, in particular.

<sup>24</sup> See chapters 6 and 7.

concept of episcopacy which was far more absolute than Hooker intended, despite there being no substantial evidence that Hooker took this view.<sup>25</sup>

## **Thesis Outline**

Part I of the thesis uses a threefold approach to episcopal ecclesiology in the sixteenth century, as reflected in the *Lawes*. Such an approach is necessary due to the interwoven nature of authority in Church and State if we are to understand the three most important elements of episcopal ecclesiology at the time of the 1559 Settlement and the composition of the *Lawes*.

The argument that Hooker's *Lawes* presents an ecclesiology that is compatible with mainstream reformed religious principles in the face of arguments for further reform from English Puritans begins with chapter two. Chapter two, together with chapter three, argue that Hooker's interpretation of the Royal Supremacy as laid out in the 1559 Settlement presents it as being compatible with mainstream reformed religious principles. Chapter two examines Hooker's understanding of the monarch as Supreme Governor, and the authority associated with that title. The legal basis for this is, of course, the 1559 Act of Supremacy. Chapter two argues that the sovereign's authority is based on both a divine sense of calling and 'right', but also on the community having given their consent to be so governed. Though there are subtle differences between the Henrician and Elizabethan models, Hooker's defence of the Royal Supremacy is not one of justification for an absolutist monarchy, arguing instead for a model of lawmaker and parent. Hooker bases his defence simultaneously on theological *and* political grounds, a reflection of the atmosphere at the time – a

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<sup>25</sup> See chapter 6.2d, as well as chapter 5 (the latter in relation to the arguments raised by Margaret R. Sommerville in 'Richard Hooker and His Contemporaries on Episcopacy: An Elizabethan Consensus', *The Journal of Ecclesiastical History* 35, no.2 (1984) 177-187).

theological justification for a layperson to exercise ecclesiastical authority and supremacy, and a political justification that it was necessary for the monarch to base their theological authority within political means.

As we examine the existing literature on Hooker and the Royal Supremacy, we will see that he is generally regarded as following political expediency in his support of it. Daniel Eppley, in *Defending Royal Supremacy and Discerning God's Will*, provides an examination of the various defences for Royal Supremacy in Tudor England, in light of the drive to establish orthodoxy primarily, but also order, accord, and unity, among English Christians.<sup>26</sup> Arguing for a moderate stance in respect of the authority associated with the Royal Supremacy,<sup>27</sup> Eppley also cites the importance of the monarch gaining the consent of the community to be so governed.<sup>28</sup> The theme of governing by consent is also argued by Charles Miller in *Richard Hooker and The Vision of God*,<sup>29</sup> who claimed that Hooker was influenced by Marsiglio in developing consent rather than contract. McGrade is more specific in a point made earlier, in that the Crown's power to govern in religious matters is 'directly dependent on the consent of the community as given in Parliament.'<sup>30</sup>

Alison Joyce, in *Richard Hooker & Anglican Moral Theology*, argues that one role of the State is to govern both the sincere and depraved forms of human nature – and that Hooker's view of this 'differs from the reformed doctrine of the Two Realms.'<sup>31</sup> Joyce, however, acknowledges that there is a difficulty in assimilating Hooker for *or* against any one 'theological anthropology' due to the shifting sands of his argument

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<sup>26</sup> Daniel Eppley, *Defending Royal Supremacy and discerning God's Will in Tudor England*, St Andrew's Studies in Reformation History (Cambridge: Cambridge University Press, 2007), 145.

<sup>27</sup> Eppley, *op. cit.*, 224.

<sup>28</sup> Eppley, *op. cit.*, 509.

<sup>29</sup> Charles Miller, *Richard Hooker and The Vision of God: Exploring the Origins of 'Anglicanism'* (Cambridge: James Clarke & Co, 2013), 255.

<sup>30</sup> Arthur Stephen McGrade (ed.) *Hooker Of the Laws of Ecclesiastical Polity*, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1989), xxvii.

<sup>31</sup> Alison Joyce, *Richard Hooker and Anglican Moral Theology* (Oxford: Oxford University Press, 2012), 96.

according to the topic in question: this being acknowledged, it is not possible, argues Joyce, to claim a reformed emphasis for Hooker in exclusion of any Thomistic influence.<sup>32</sup> On a wider scale, Patrick Collinson, in *England and International Calvinism*, argues however, that rather than ascribing the Elizabethan Settlement as an attempt to align with any one form of Protestantism, it was primarily about securing independence from Rome.<sup>33</sup> Whilst this chapter cites the scholars above in support of its argument that Hooker presents a defence congruent with wider Protestantism, there are nevertheless areas in which disagreement occurs, such as Hooker's argument being merely one of expediency. Chapter two argues for a cross-cultural, theological, and political basis for Hooker's defence of the Royal Supremacy as having a rightful, yet unique, place in a reformed ecclesiology.

Chapter three, which continues this thesis' examination of Hooker's defence of the place of Royal Supremacy within the 1559 Settlement, interrogates the role of State Power, and in particular, the role of natural and supernatural law in Hooker's defence of an ecclesiological structure congruent with wider Protestantism. Chapter three examines the interplay between natural law, and, variously, positive law, Zurich, Geneva, the magisterial reformers, and the monarch. A key element of Hooker's argument was the role of the consent of the community in their acceptance of the Royal Supremacy, and the monarch's consequent role as 'parent'. In order to argue that Hooker's defence of the Royal Supremacy was consonant with reformed religious principles, the classic Lutheran 'two kingdoms' doctrine is utilized to argue that, as Hooker saw it, the English Puritans held a faulty understanding of the two kingdoms argument, and that it was on this basis that they rejected the legitimacy of the Royal Supremacy within a reformed Church.

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<sup>32</sup> Joyce, *Anglican Moral Theology*, 96.

<sup>33</sup> Patrick Collinson, 'England and International Calvinism 1558-1640', in *International Calvinism 1541-1715*, ed. M. Prestwich (Oxford: Oxford University Press, 1985), 198.

Essentially, chapter three argues that underpinning Hooker's theo-political defence of the Royal Supremacy is an orthodox Christology, which avoids either a Nestorian separation of the two natures of Christ, or a Eutychian conflation. Hooker was ultimately after unity-in-distinction, which he saw in a particular form of monarchy expressed through two united, yet distinct, kingdoms. Hooker did not want any separation of the *munus triplex Christi*, that is, of Christ's offices of prophet, priest, and king. It is the argument of chapter three that in such a structure, Hooker was able to offer a strong defence of the Settlement, and hence of the ecclesiological structure of the Elizabethan Church as being compatible with mainstream reformed religious principles.

As we examine the existing literature on Hooker, the Royal Supremacy, and the influence of the continental reformers, we will see that he generally refuses to adopt one approach over another, with elements of Bullinger, Luther, Calvin, and, from the non-reformed side, Aquinas and the Scholastics.

Kirby believes that the Royal Supremacy was for Hooker a means of securing a right distinction between the spiritual and temporal realms,<sup>34</sup> and, further, that the Church in the external, political, realm, is subject to positive human law, and, ultimately therefore, subject to the monarch as the highest uncommanded commander.<sup>35</sup> Exactly what the monarch could adjudicate within the Church, however, was for Hooker open to debate – Eppley warns, however, of the risk of the monarch, say, interpreting Scripture in conjunction with Parliament, as being 'frightfully absolutist'.<sup>36</sup>

Hooker's defence of the Royal Supremacy as being consonant with reformed religious principles, would, therefore, have required him to draw upon the continental

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<sup>34</sup> William John Torrance Kirby, *Richard Hooker's Doctrine of the Royal Supremacy*, Studies in the History of Thought (Leiden: E. J.Brill. 1990), 7.

<sup>35</sup> William John Torrance Kirby, 'Richard Hooker's Theory of Natural Law in the context of Reformation theology', in *The Sixteenth Century Journal*, 30 No 3 (1999), 694.

<sup>36</sup> D. Eppley, *Defending Royal Supremacy*, 225.

reformers for support in his argument. As part of this angle of defence, Hooker used a system of law that is more complicated than that used by Calvin or Luther, but exactly why this was the case is neatly side-stepped by Kirby, who merely claims that Hooker, alongside Luther, Calvin, Bullinger, and Melancthon, ‘maintains an orthodox, dialectical balance between the claims of natural law and the doctrine of *sola scriptura*, each within its proper sphere’,<sup>37</sup> with Kirby believing Hooker depended on the dialectical paradigm of the two kingdoms. Further, Littlejohn highlights the influence of Vermigli upon Hooker’s theology, most notably upon areas that Littlejohn claims are ‘often seen as most distinctive, out of step with other English Protestants, and maybe non-reformed.’<sup>38</sup> Littlejohn thus declares that the reader should be ‘attentive to the ways in which [the Zurich connection in Tudor England] should be a variegated Zurich connection, capable of sustaining a number of different, and occasionally contradictory, emphases.’<sup>39</sup> Kirby refers to the legacy of Zurich (notably Bullinger and Vermigli) upon the English Church as giving a foundation for a continuous and coherent tradition of political theology in England in the latter part of the sixteenth century.<sup>40</sup> Nygren makes the important point that Puritans confused the two kingdoms, which, he claims, is a serious soteriological error.<sup>41</sup> Hence, whilst various scholars claim a number of influences upon Hooker and his *Lawes*, this chapter is clear that it is not possible to tie Hooker down to any one support – and that the genius of his defence comes from the multiplicity of his sources. Only thus was Hooker able to make a thorough defence of the Settlement.

Given Hooker’s multiplicity of divisions within natural law, it would be unsurprising that the level of Thomistic (and, therefore, scholastic) influence has been assessed.

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<sup>37</sup> Kirby, *Natural Law*, 703.

<sup>38</sup> Jordan J. Bailor and W. Bradford Littlejohn, ‘More than a swineherd: Hooker, Vermigli, and an Aristotelian defence of the Royal Supremacy’, *Reformation and Renaissance Review* 15, no. 1 (2013), 68-83.

<sup>39</sup> Littlejohn, *op. cit.*, 82.

<sup>40</sup> William John Torrance Kirby, *The Zurich Connection and Tudor Political Theory* (Leiden: Brill, 2007), 4.

<sup>41</sup> Anders Nygren, ‘Luther’s Doctrine of the Two Kingdoms’, *Journal of Lutheran Ethics*, 2, no. 8 (2008).

Spinks<sup>42</sup> contrasts the approach of Cargill-Thompson with Munz, with Spinks claiming the former saw Hooker using Aquinas' views on natural law as being hardly unique, and claiming that the latter regarded Hooker as using Aquinas in a deliberate, but diffused, manner. Spinks himself makes it clear that whatever use Hooker may have made of Aquinas and natural law, Hooker 'will have nothing to do with Aristotle and the schoolmen when it comes to the real presence of Christ in the Eucharist'<sup>43</sup> – an important point to make, given that usage of a scholastic may have muddied the claim for a reformed defence of ecclesial polity.

Despite increasing research on the role of the monarch within the Religious Settlement and the governance of the Church within the sixteenth century, the vast majority of studies thus far have concentrated on presenting Hooker's *Lawes* as a work of political expediency.<sup>44</sup> Whilst undoubtedly this is true to a large extent, what studies have by and large ignored is the strong element of the *Lawes* and Royal Supremacy which is presented as a thorough work of political theology, necessary in order to reconcile Hooker's argument in the *Lawes* that the Settlement is congruent with wider Reformed Protestant understandings.

Continuing the argument of part one of this thesis that Hooker's defence of the episcopal ecclesiology as espoused in the *Lawes* needs to be placed within a threefold structure, chapter four argues that Hooker's understanding of jurisdiction is congruent with wider Protestantism. The Royal Supremacy cannot be exercised without somewhere to exercise that power. Thus, jurisdiction is necessary. Under Elizabeth I, all ecclesiastical jurisdiction was annexed to the Crown, and according to Hooker, in

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<sup>42</sup> Brian D. Spinks, *Two Faces of Elizabethan Anglican Theology: Sacraments and Salvation in the Thought of William Perkins and Richard Hooker*, Drew University Studies in Liturgy, 9 (Lanham, Md, 1999), 107.

<sup>43</sup> Spinks, *op. cit.*, 107.

<sup>44</sup> For example, see Eppley, *Defending Royal Supremacy and Discerning God's Will*; Bailor and Littlejohn, 'More than a Swineherd'; and Kirby, *Zurich Connection and Tudor Political Theology, and Joyce, Moral Theology*, 96. Chapters two and three will argue that the picture they paint concerning the place of political theology in the Elizabethan Religious Settlement is often far more nuanced.

the context of a justification of the monarch as Supreme Governor, jurisdiction meant having the power to make binding decisions and judgments within the temporal and spiritual realms, the two realms combined in the ecclesiastical realm. Hooker had to defend his argument against Puritans who wanted a definite and permanent divide between Church and State.

In the *Laws*, Hooker's argument on jurisdiction is largely contained within Book VI, and centres around the question of Presbyterian demands for lay elders in the Church. Contrary to these demands, Hooker argues that the existing laws of Church and State are not corrupt and are not repugnant to the laws of God – power exercised by the monarch, and power exercised by the clergy, are qualitatively different. Hooker argues that the Act of Supremacy in 1559 makes it clear that Christ is head of the invisible and spiritual realm, and that the monarch, as Supreme Governor, is such over the visible and political realm. Chapter four argues that Hooker achieved a harmony between the Thomist structure of Book VI and the Augustinian structure of Book VIII of the *Laws*, thus demonstrating that the mechanics of Church and State are mediated by eternal and natural laws, assisted by the grace of God. The two areas of spiritual power and the power of jurisdiction gave Hooker a framework for understanding how authority and jurisdiction were exercised within the realm and who could challenge what authority. In doing so, chapter four argues that Hooker again echoes Luther's 'two kingdoms' theory, with bishops being key members of the conformist system. Hooker also utilizes Calvin and Bullinger, but in so doing, lays himself open to the charge of cherry-picking the parts of each argument suiting his cause, which ultimately risks a contradiction of principle, and hence the coherency of the *Laws*.

As we examine the existing literature on Hooker and jurisdiction, we discover a paucity of concentration on Hooker, jurisdiction, and whether or not the theory of jurisdiction as presented by Hooker in the *Laws* is congruent with wider Protestantism. Book VI of the *Laws* was built in particular on the foundations of the

Admonition Controversy's correspondence between Whitgift and Cartwright. It is therefore unsurprising that Rudolph Almasy claimed that Book VI was more polemical than the ordered consideration of Book I, due to the specialized nature of jurisdiction, rather than the ordered nature of natural law in Book I.<sup>45</sup> Book VI is also seen as being the least complete of those in the *Lawes*, and hence a certain degree of uncertainty must be accepted when considering what Hooker may and may not have meant in that book.

The Act of Supremacy in 1559 spelt out that ecclesiastical and civil jurisdiction coincided in the person of the monarch (though Hooker makes efforts to distinguish jurisdiction from dominion – unlike the understanding of the Act of Supremacy during the Henrician era, which used jurisdiction, superiority, and authority interchangeably, and somewhat confusedly, argues Miller).<sup>46</sup>

Significant studies regarding the issue of jurisdiction in the latter half of the sixteenth century include Ethan Shagan's *The Rule of Moderation: Violence, Religion, and the Politics of Restraint in Early Modern England*, which regards bishops as part of the State framework, being 'worldly authorities whose coercive power was authorized by the monarch and by law.'<sup>47</sup> However, Shagan's study does not have a specific concentration on Hooker and jurisdiction.

This thesis is particularly concerned with three types of jurisdiction in relation to Hooker: temporal, spiritual, and ecclesiastical.

Dean Kernan's 2008 study, 'Jurisdiction and The Keys', was published as part of the *Brill Companion to Richard Hooker*, and consequently has a much tighter focus on

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<sup>45</sup> Rudolph Almasy, 'Richard Hooker's Book VI: A Reconstruction', in *Huntingdon Library Quarterly*, 42, no. 2 (1979), 263-283.

<sup>46</sup> Miller, *Richard Hooker and the Vision of God*, 263.

<sup>47</sup> Ethan Shagan, *The Rule of Moderation: Violence, Religion, and the Politics of Restraint in Early Modern England* (Cambridge: Cambridge University Press, 2011), 113.

Hooker and jurisdiction. Kernan suggests that for Hooker, the ability to exercise jurisdiction, spiritual or temporal, is based in law,<sup>48</sup> and that claims for the power of judgment to be exercised on behalf of the Church grew as ‘courts and the canon law increasingly took on an institutional life of their own, as canonists creatively borrowed from the civil law and expanded their reach.’<sup>49</sup> Kernan is also clear that should Hooker have definitively finished Book VI, Hooker would have used it:

to defend the existing church courts (and canonico-civil law used in those courts) as theologically sound ([being] descended from powers that inhered in the church and the office of bishop) as an appropriate means to police all sorts of offences that derived from the church’s mission and as a politically justifiable expression of a power-sharing justified by custom and history that together with the common law worked to maintain civil peace and order.<sup>50</sup>

Kernan<sup>51</sup> regards Hooker as believing that the power of order given to ministers at their ordination grants them abilities to make the sacraments effective and to exercise spiritual jurisdiction appropriate to their ministerial order (e.g. deacon, priest, or bishop) – that is to say, the ability to exercise the ‘power of the keys’, which is not granted to laity. Hooker is quite clear on this in Book VI when discussing the ability of lay ministers to remit sins.

Another important strand of argument in relation to Hooker and jurisdiction is the influence of continental reformers. If Hooker were to argue that the jurisdiction inherent in the Religious Settlement was congruent with wider Protestantism, he would have to be able, therefore, to argue that that theory of jurisdiction was not in conflict with the theories of the Magisterial Reformation. There is very little extant

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<sup>48</sup> Dean Kernan, ‘Jurisdiction and The Keys’, in *The Brill Companion to Richard Hooker* ed. William John Torrance Kirby (Leuven: Brill, 2008), 450.

<sup>49</sup> Kernan, *op. cit.*, 442.

<sup>50</sup> Kernan, *op. cit.*, 451.

<sup>51</sup> Kernan, *op. cit.*, 436.

secondary material that has specifically studied the links between Hooker, magisterial reformers, and jurisdiction, save for the studies already mentioned by Kernan<sup>52</sup> and MacCulloch,<sup>53</sup> which do so as part of a wider study into the magisterial reformers and Hooker in general. It is the aim of chapter four of this thesis to do just that.

The last chapter of the first part of the thesis concerns episcopal power, the third of the three central tenets of my argument for Hooker's defence of the 1559 Settlement being congruent with wider Protestantism. Chapter five examines what Hooker regarded episcopacy as consisting of: its origins, the nature of its power, ordination, the argument for a metropolitan, and the placement of presbyters and bishops. This chapter also considers the links between episcopacy and *Iure Divino*; whether or not Hooker redefines episcopacy in the Elizabethan Church; how bishops acquire their episcopal authority; and the links between bishops and the civil magistrates. This chapter also looks at the relations between reformed religious principles and episcopal power, and, especially, between English Puritans and episcopal power.

Chapter five argues that Hooker did not believe the monarch to be able to exercise any kind of spiritual jurisdiction, using the example of the power of the keys (that is, the ability of a priest or bishop to 'bind and loose' people from the consequences of the sins they have committed, as given to the disciples in, for example, Matthew 16:19, and 18:18). Hooker believed that officers of Church and State held jurisdiction in temporal and ecclesiastical spheres, but not in spiritual spheres, which were for clergy alone. However, there were grey areas of this jurisdiction in the Settlement, which meant that bishops were involved in contentious debates. Another example used by Hooker to illustrate his argument was the granting of spiritualities and temporalities to bishops, in that the bishop was only granted spiritualities upon their episcopal ordination by fellow bishops, and their temporalities by the monarch upon

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<sup>52</sup> Kernan, *op. cit.*

<sup>53</sup> Diarmaid MacCulloch, *The Later Reformation in England, 1547-1603*, second edition (Basingstoke: Palgrave Macmillan, 2001).

their confirmation of election by the archbishop of the province in which they minister on behalf of the monarch. Hooker regarded oversight as amongst the core aspects of episcopacy (whilst acknowledging that episcopacy was not the only form of oversight); he was very reluctant to embrace a concept of *Iure Divino* episcopacy; and his thinking tended towards an uneasy relationship between episcopacy and monarch as regards intervention in ecclesiastical affairs.

Chapter five argues, therefore, that Hooker's stance on episcopacy is far closer to elements of mainstream reformed principles than anything proto-Anglican;<sup>54</sup> that Hooker believed the English Puritans' argument against episcopacy to be weak and contradictory; and therefore that, as will be explored in chapter six, the claim made by John Keble and the Oxford Movement in the nineteenth century that Hooker embraced a *Iure Divino* notion of episcopal authority was ill-founded.

In respect of the existing literature on Hooker and episcopacy, the claim for ministerial parity by the Puritans, as advanced in the Admonition Controversy, became a driver for the defence of the place of episcopacy by Hooker in the *Lawes*. McGrade<sup>55</sup> simply highlights in his introduction to the Folger edition of Book VIII of the *Lawes* that Cartwright considered that 'titles and offices implying a superiority of one pastor over others were devised by Antichrist centuries after the apostolic age.'<sup>56</sup> Lake, when speaking of the Puritans, wrote that they believed the truth of their claim for ministerial parity as being 'self-evident',<sup>57</sup> thus inferring that it was the self-interest of the conformist clergy that explained the failure of the discipline. Further, Lake states that 'the bishops were pilloried [by the Presbyterians] for their wealth and

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<sup>54</sup> As has been argued, for example, by Nigel Atkinson (*Richard Hooker and the Authority of Scripture, Tradition, and Reason: Reformed Theologian of the Church of England?* (Carlisle: Paternoster, 1997)); as well as Nigel Voak (*Richard Hooker and Reformed Theology: A Study of Reason, Will, and Grace* (Oxford: Oxford University Press, 2003)).

<sup>55</sup> A. S. McGrade, 'Introduction to Book VII', the *Folger Library Edition of Richard Hooker*, W. Speed Hill, General Editor (New York, 1993), 319.

<sup>56</sup> McGrade, *op. cit.*, *FLE*, 319.

<sup>57</sup> Lake, *Anglicans and Puritans*, 26.

pomp’,<sup>58</sup> yet McGrade contrasts this with the fact that the loss of lands, property, and influence at Court prevented bishops from carrying out their traditional duties of charity, hospitality, and patronage.<sup>59</sup> Bishops had lost a lot of their wealth, but Presbyterians still regarded them as having too much. The parlous state of the bishops led Edwin Sandys, then Bishop of London, to state in 1573 that they are ‘*excrementum mundi*’. McGrade regards the Presbyterians as viewing the bishops in the later sixteenth century as ‘obstacles to further church reform and as lingering symbols of unreformed “lordship” and worldliness.’<sup>60</sup> The question of the existence and status of the episcopate was thus ‘up in the air’ in the half-century before Hooker – McGrade argues that this ‘was in part because the episcopal ideal in post-Reformation England needed redefinition...it was also unclear what a bishop could in fact do.’<sup>61</sup>

The *Iure Divino*, or otherwise, of bishops was a contentious topic, and has remained so ever since. Lake argues that the stalemate in Elizabethan episcopal polity came with the development of the *Iure Divino* concept<sup>62</sup> – and that, for Hooker, ‘while episcopacy was of apostolic origins and therefore the best, it was not the only form of church government.’<sup>63</sup> MacCulloch argues that ‘the innovation of the group around Bancroft was to take up this *Iure Divino* claim and re-apply it to the institution of episcopacy’,<sup>64</sup> and in doing so, they went beyond anything claimed by Whitgift, thus attacking the Presbyterians on their own theological ground. It is important to note,

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<sup>58</sup> Lake, *op. cit.*, 26.

<sup>59</sup> McGrade, *Introduction to Book VII*, 313. Felicity Heal’s book, *Of Prelates and Princes: A Study of the Economic and Social Position of the Tudor Episcopate* (Cambridge: Cambridge University Press, 1980) for the nature of the episcopal estate in sixteenth-century England.

<sup>60</sup> McGrade, *Introduction to Book VII*, 313.

<sup>61</sup> McGrade, *op. cit.*, 314. See also John Booty, *Reflections on the Theology of Richard Hooker: An Elizabethan Anglican Addresses Modern Anglicanism*, (Sewanee, Tennessee: The University of the South Press, 1998), 147-148.

<sup>62</sup> Peter Lake, ‘Presbyterianism, the idea of a National Church and the argument from Divine Right’, in *Protestantism and the National Church in Sixteenth Century England*, ed. Peter Lake and Maria Dowling (Croom Helm, 1987) 207.

<sup>63</sup> Lake, *op. cit.*, 207.

<sup>64</sup> MacCulloch, *Later Reformation*, 47.

though, that MacCulloch regards the aggressive championing of *Iure Divino* as not necessarily, in the eyes of its champions, abandoning a Calvinist soteriology.<sup>65</sup> At the risk of us thinking that Hooker adopted *Iure Divino* whole-heartedly,<sup>66</sup> Lake argues that Hooker's adoption was only half-hearted and somewhat belated<sup>67</sup> – 'Christ's kingdom remained too exalted, too spiritual to contain episcopacy as one of its central pillars.'<sup>68</sup> McGrade claims that *Iure Divino* was never given 'official status', yet still gained dominance in the early Stuart Church.<sup>69</sup>

McGrade describes the Supremacy Act as giving the Crown authority 'to visit, reform, and redress virtually all ills in the church',<sup>70</sup> at times delegating this to ecclesiastical commissions of both laity and bishops. The High Commission under Whitgift in the 1580s and 90s, which suppressed the Puritan movement, led Sir Francis Knollys, a Protestant privy councillor, to ask the question, 'should not the bishops be compelled to...acknowledgement that all of their authority came from the queen?'<sup>71</sup> McGrade illustrated this problem further: 'besides the knot of difficulties for episcopal administration stemming from the bishops' dependence on the crown, there were demands by the lower clergy for their own independence from bishops.'<sup>72</sup> The Elizabethan churchmen, however, whilst distinguishing the English episcopate from that of the papacy, compared their own theology with that of the continental reformers, and in doing so, 'presented episcopacy...as not forbidden in the Word of God and as maintained in the English Church by decision of the Christian ruler.'<sup>73</sup> Note here, though, that Elizabeth did not insist, as did her brother, Edward VI, on stipulating in the letters of episcopal orders, that bishops were to serve at the pleasure

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<sup>65</sup> MacCulloch, *op. cit.*, 65.

<sup>66</sup> MacCulloch (*Later Reformation*, 180) reminds us that despite Hooker's discreet questioning of John Rainolds' views on episcopacy, Rainolds was Hooker's patron at Oxford. See also Kirby, *Royal Supremacy*, 8, and further, Milton, *Catholic and Reformed*, 455.

<sup>67</sup> Lake, 'Presbyterianism', 211.

<sup>68</sup> Lake, *op. cit.*, 216.

<sup>69</sup> McGrade, 'Introduction to Book VII', 310.

<sup>70</sup> McGrade, *op. cit.*, 316.

<sup>71</sup> Quoted in McGrade, 'Introduction to Book VII', 350.

<sup>72</sup> McGrade, *op. cit.*, 317.

<sup>73</sup> McGrade, *op. cit.*, 318.

of the Crown.<sup>74</sup> MacCulloch, however, adds a note of caution in stating ‘it is important to realize that the aggressive championing of *Iure Divino* episcopacy by Bridges, Bancroft, Saravia, and Sutcliffe did not represent part of this new approach, although the *Iure Divino* theme did merge with the new theological pre-occupations.’<sup>75</sup>

Eppley makes an important point, however, in relation to this particular question:

because much opposition to government policies during this period [the 16<sup>th</sup> century] was based solely or partly on a perception that the authorities were not acting in accordance with the divine will, effective defence of the English Church and of royal supremacy over the Church required that the issue of the discernment of God’s will be addressed.<sup>76</sup>

Eppley considered ‘Hooker’s efforts to ensure obedience and order in the Church by claiming for the Church’s royal governor authority to define as well as to defend the faith.’<sup>77</sup> Eppley claims to have found a failure in Whitgift’s inability to identify a ‘hermeneutical principle’, which would ‘exclude disobedience to the Crown based on prior obedience to God’s will’.<sup>78</sup> Constitutionalism is an important factor for Eppley, as ‘royal ecclesiastical authority [is] limited not only by divine law and natural law but also by the laws of the English Church formulated by the Crown in Parliament with the Convocation.’<sup>79</sup> In essence, Hooker bases all royal ecclesiastical authority on delegation from the community.<sup>80</sup>

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<sup>74</sup> Serving at the pleasure of the Crown took a new turn at the Synod of Dordt in 1618-19 when the English delegates ‘declared publicly and unequivocally that they were delegated to the synod by their king and not by their church’ (Milton, *Catholic and Reformed*, xxv). James I later referred to the clergy having authority over doctrinal matters (Milton, *Catholic and Reformed*, xxxvi).

<sup>75</sup> MacCulloch, *Later Reformation*, 78.

<sup>76</sup> Eppley, *Royal Supremacy*, 2.

<sup>77</sup> Eppley, *op. cit.*, 3.

<sup>78</sup> Eppley, *op. cit.*, 147.

<sup>79</sup> Eppley, *Royal Supremacy*, 166.

<sup>80</sup> Eppley, *Royal Supremacy*, 224.

Whilst a number of studies have already argued that the *Lawes* presented a convincing picture that episcopacy originated with the Apostles,<sup>81</sup> but that the exact form of ecclesial governance was a matter of adiaphora and, therefore, did not need to be specified in the Bible, chapter five of this thesis will argue that Hooker's episcopacy was one of non-essential oversight, which did not embrace a whole-hearted concept of *Iure Divino* episcopacy. Chapter five will also argue that an uneasy relationship existed between the monarch and the episcopate, that Hooker's stance on episcopacy was far closer to that espoused by the magisterial reformers, than to any kind of high-church polity, and that the argument of the English Puritans against episcopacy was often weak and contradictory.

Having constructed a threefold justification for Hooker's defence in the *Lawes* of the episcopal ecclesiology in the 1559 Settlement as being compatible with mainstream reformed principles, part two of this thesis then argues that the episcopal ecclesiology as defended by Hooker was twisted by the nineteenth-century Oxford Movement, and in particular, the editorial preface of John Keble's 1836 edition of the *Lawes*. The thesis will go on to argue that the *Lawes* has fallen out of usage as a bulwark of defence by traditional catholics in the debates surrounding the ordination of women to the priesthood and episcopate in the twentieth and twenty-first century.

Academic engagement with Hooker and the *Lawes* largely lay dormant from the publication of Keble's 1836 edition of the *Lawes* until the second half of the twentieth century. Since that time, there have been a number of influential books published in the field, both those that look at the general circumstances that gave rise to the publication of the *Lawes* in the first place and those that act as general readers or introductions to Hooker. It is my intention to consider these general volumes before

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<sup>81</sup> For example John Gascoigne, 'The Unity of the Church and State Challenged: Responses to Hooker from the Restoration to the Nineteenth-Century Age of Reform', *Journal of Religious History*, 21, no. 1 (1997), 60-79; aside from the original quote in *Lawes* VII.iv.3.

moving on to those that deal more specifically with the five areas that this thesis focuses on: that is, Royal Supremacy, jurisdiction, episcopal power, Keble, the Oxford Movement, and Hooker, as well as Hooker and issues surrounding women in the episcopate.

Hooker scholarship in the first half of the twentieth century, including the editions of the *Lawes* themselves, were either the product of, or were influenced by, the Tractarian movement in the nineteenth century. As shall be discussed in some depth in chapter six, Keble's 1836 edition of the *Lawes* contained Izaak Walton's biography of Hooker: a somewhat surprising inclusion, considers MacCulloch, when 'one of the most remarkable features of Walton's work was its deliberate effort to undermine the authenticity of the last three books of the *Polity*, which contained such unpalatable material on divine right and episcopacy.'<sup>82</sup> It was Keble's edition that would have been the most recent version of the *Lawes* available to Addleshaw,<sup>83</sup> and also Sisson<sup>84</sup> and Thornton<sup>85</sup> – and perhaps surprisingly, still exercising an influence upon McAdoo<sup>86</sup> in 1992 when the Folger edition was at least partially published. Despite all the distortions of the introduction, the actual text of Keble's edition is thoroughly scholarly and reliable.

The argument as to which theological party Hooker belongs, and his subsequent reputation, is discussed, for example, by Brydon<sup>87</sup> and MacCulloch.<sup>88</sup> It is, however, a

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<sup>82</sup> Diarmaid MacCulloch, 'Richard Hooker's Reputation', *The English Historical Review* 117, no. 473 (2002), 800.

<sup>83</sup> George William Outram Addleshaw, *The High Church Tradition: A Study in the liturgical thought of the Seventeenth Century* (London, 1941).

<sup>84</sup> C. J. Sisson, *The Judicious Marriage of Mr. Hooker and the Laws of Ecclesiastical Polity* (Cambridge: Cambridge University Press, 1940).

<sup>85</sup> L. S. Thornton, *Richard Hooker: A Study of his theology* (London, 1924).

<sup>86</sup> Henry McAdoo, 'Richard Hooker', in *The English Religious Tradition and the Genius of Anglicanism*, ed. Geoffrey Rowell (Wantage, 1992). This book contains the lectures given in 1992 to celebrate the bi-centenary of the birth of John Keble.

<sup>87</sup> Michael Brydon, *The Evolving Reputation of Richard Hooker: An Examination of Responses 1600-1714* (Oxford: Oxford University Press, 2006).

more centrist and reformed Hooker of which the great majority of contemporary Hooker literature speaks.<sup>89</sup> Hooker is perhaps most well-known for the moniker *Via Media*, first ascribed to him by Keble in the nineteenth century: ‘We owe it, that the Anglican Church continues at such a distance from that of Geneva, and so near truth and apostolical order.’<sup>90</sup> This *Via Media* concept held sway until the latter half of the twentieth century, and even then still influenced those who wished to ascribe to Hooker an Anglican nature that did not exist for him. This was particularly so amongst the editors of the Folger edition:

Although W. Speed-Hill, the general editor, suggested that Keble’s edition now seems ‘unduly narrow in the focus of its commentary and unduly pious in its retention of Walton’s *Life* as the gateway to the *Laws of Ecclesiastical Polity*’ most of the editors continued to treat Hooker as the quintessential Anglican divine.<sup>91</sup>

Despite the intellectual weight that the opinions of the editorial board of a major new edition of the *Lawes* would have had, this did not stifle challenges to the synchronization of Hooker with Anglicanism. Recent scholarship such as that of W. J. T. Kirby,<sup>92</sup> Nigel Atkinson,<sup>93</sup> and Rowan Williams<sup>94</sup> suggests that Hooker is rather closer in his thought to that of the magisterial continental reformers – Luther, Calvin,

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<sup>88</sup> Diarmaid MacCulloch, ‘Richard Hooker’s Reputation’, acknowledges that his study overlaps with that of Brydon (2006). MacCulloch’s study also reappears in Diarmaid MacCulloch, ‘Richard Hooker’s Reputation’, ed. William John Torrance Kirby, *Companion to Richard Hooker* (Leuven: Brill), 800.

<sup>89</sup> For other collected articles on Hooker, his life, and works, include A. S. McGrade, ed., *Richard Hooker and the construction of Christian Community*, *Medieval and Renaissance Texts and Studies*, 165 (Tempe, Ariz., 1997); and W. Bradford Littlejohn and Scott N. Kindred-Barnes (eds.), *Richard Hooker and Reformed Orthodoxy*, *Reformed Historical Theology*, Vol 40 (Göttingen: Vandenhoeck and Ruprecht, 2017).

<sup>90</sup> Hooker, *Lawes*, Preface, civ.

<sup>91</sup> Michael Brydon, *Evolving Reputation*, 16. Speed-Hill was not the only one to suggest that Hooker was synonymous with Anglicanism. Peter Lake in *Anglicans and Puritans* made the same claim (Peter Lake, *Anglicans and Puritans*, 230).

<sup>92</sup> Kirby, *Royal Supremacy*, 126.

<sup>93</sup> Nigel Atkinson, *Richard Hooker*.

<sup>94</sup> Rowan Williams, *Why Study the Past? The Quest for the Historical Church* (London: Darton, Longman, and Todd, 2014) 75.

Bullinger, and Melancthon. Though others such as Peter Lake<sup>95</sup> and Nigel Voak<sup>96</sup> questioned Kirby and Atkinson's somewhat sweeping views, nonetheless, the consensus changed towards seeing Hooker as a more reformed theologian. This thesis argues rather that whilst Hooker is able to defend the 1559 Settlement as being congruent with wider Reformed Protestant understandings, it is from a thoroughly theological *and* political basis that Hooker does so: he is not just a political opportunist.

Chapter six of the thesis argues that Keble decided a new edition of the *Lawes* was necessary in 1836 in order to correct what Keble regarded as grave errors in the editions of the seventeenth and eighteenth centuries (for example, the erroneous Gauden edition of 1662 and subsequent additional errors that were added to the *Lawes* by John Strype in 1705). Keble, by presenting what he regarded as an *authentic* edition of the *Lawes*, hoped to stir the Church of England to reclaim its true inheritance of the ancient faith, a time before latter-day corruptions.

Chapter six argues that there were several areas surrounding the publication of the *Lawes* that proved tricky for Keble, however, when attempting to corral Hooker for the Tractarian cause. First of all were the arguments regarding the integrity of the last three books. If the last three books on jurisdiction, episcopacy, and Royal Supremacy, as published in the 1836 edition of the *Lawes*, were authentic, then their argument for a less authoritarian model of episcopacy would not chime with Tractarian claims for an ecclesiology and episcopate with a definitive structure of authority. If the last three books were not authentically Hooker's, then Keble would have been able to claim in his editorial preface, with more integrity, that Hooker had actually argued for an episcopate more in line with the Tractarians. Keble included those three books in his edition, but also included the Walton biography of Hooker, which cast some doubt on

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<sup>95</sup> Peter Lake, 'Business as Usual? The Immediate Reception of Hooker's Ecclesiastical Polity', *Journal of Ecclesiastical History*, 52, no. 3 (2001), 457.

<sup>96</sup> Nigel F. Voak, *Richard Hooker and Reformed Theology*.

the authenticity of the three books – something that in itself would have helped Keble’s cause to lessen the importance of the material in those chapters. Walton openly attacks John Gauden’s claims that the last three books were authentic.<sup>97</sup>

Chapter six argues that Keble nevertheless felt compelled to include the last three books because to not do so would go against the scholarly consensus at the time, thus harming Keble’s presentation of the *Lawes* and his hope that the edition would become part of the ecclesiological canon. It is for the same reasons that chapter six argues Keble did not alter the actual text of the *Lawes* itself, preferring to add thematic titles at the heads of pages and minimal divisions into paragraphs in long swathes of text.

Hence, Keble’s Tractarian polemic was contained to the editorial preface, with the three disputed areas of the necessity of bishops, the issue of *Iure Divino*, and hence the consequences for the authority of bishops being heavily manipulated by Keble in order to fit Hooker into the Tractarian mould. In particular, the preface claimed that Saravia and Hooker’s opinions on the *Iure Divino* of bishops were more or less identical, despite the latter remaining largely silent on the issue. Thus, chapter six argues that Keble’s edition placed too much emphasis on the tenuous *Iure Divino* argument because of Hooker’s alleged friendship with Hadrian Saravia and too much emphasis on the *esse*, rather than on the *bene esse* of bishops. As a consequence, the Tractarian proposals of episcopal authority as espoused in Keble’s editorial preface to his 1836 edition of the *Lawes* were not what Hooker himself would have recognized. There simply was not enough evidence to prove conclusively that Tractarian episcopal ecclesiologies were compatible with Hooker’s presentation of episcopacy in the *Lawes*.

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<sup>97</sup> Speed-Hill claims that Walton’s tone was because he was instructed to do so, because at the time that Walton wrote, it was crucial for the Restoration cause to magnify the claims of State authority. See William Speed-Hill, ‘Hooker’s “Polity”’: The Problem of the Three Last Books’, *Huntington Library Quarterly* 34, no. 4 (1971), 317-36.

Though this thesis has not been able to identify any extant studies surrounding the impact of Keble's Hookerian episcopal ecclesiology, there are nonetheless some scholars who have touched on the broader picture of the Oxford Movement and episcopal ecclesiology, albeit with scant mention of Hooker.

The first such scholar is Georgina Battiscombe, in her *John Keble: A Study in Limitations*.<sup>98</sup> Keble is somewhat neglected as regards scholarly assessment within the legacy of the Oxford Movement, and Battiscombe's study was a trailblazer in this respect. Having completed his edition of the *Lawes* in 1836, Keble then moved to a rural parish, which led Battiscombe to level a charge of intellectual indolence against him due to the increasing demands of family and parish life taking away time available for dedicated academic endeavour. Battiscombe does not seem to settle upon one particular picture of Keble, however, later describing his personality as vitally affecting the whole ethos of the Church of England.<sup>99</sup>

Keble remains a neglected figure within the Oxford Movement's influence upon the Church of England, and so it is inevitable that other studies focus on, for example, John Henry Newman, and only tangentially consider Keble in relation to Newman. Camilla Imberg's 1987 *In Quest of Authority: The 'Tracts for the Times' and the Development of the Tractarian Leaders*, for example, traces the differences between Newman and Keble.<sup>100</sup>

Other studies by John Rowlands<sup>101</sup> and Peter Nockles<sup>102</sup> are more generalist in their approach to the Oxford Movement and their usage of Hooker, giving scant attention

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<sup>98</sup> Georgina Battiscombe, *John Keble: A Study in Limitations* (New York: Alfred A. Knopf, 1963).

<sup>99</sup> Battiscombe, *op. cit.*, 144.

<sup>100</sup> Camilla Imberg, *In Quest of Authority: The 'Tracts for the Times' and the Development of the Tractarian Leaders, 1833-1841* (Lund: Lund University Press, 1987).

<sup>101</sup> John H. L. Rowlands, *Church, State, and Society: The Attitudes of John Keble, Richard Hurrell Froude, and John Henry Newman, 1827-1845* (London: Churchman Publishing, 1989).

to the influence of Hooker upon Keble, save for Rowlands claiming that Keble was ‘more thoroughly acquainted with the works of that writer [Hooker] than any other English churchman.’<sup>103</sup>

A more direct study of some of the issues raised in this chapter is Jessica Martin’s *Walton’s Lives: Conformist Commemorations and the Rise of Biography*,<sup>104</sup> which grapples with Walton’s biography of Hooker, and thus the reasons why Keble may have decided to include it in his 1836 edition. Martin’s study is by far the most comprehensive on the implications of Walton’s biography of Hooker for understanding not only Hooker himself, but also why Hookerian ecclesiology was included and the desired influence upon subsequent ecclesiology by Keble.

Though Martin’s 2011 work is by far the most influential for understanding Keble’s reputation and influence upon Hookerian episcopal ecclesiology, being a general study into the biographer Izaak Walton, it does not extend into Keble’s editorial influence upon the 1836 *Lawes*, or subsequently for the legacy of Tractarian episcopal ecclesiology upon the Church of England. There are few or no studies that concentrate upon Keble’s legacy for contemporary episcopal ecclesiology. It is this that chapter six aims to do.

Chapter seven proposes that the traditional catholic arguments surrounding women in the priesthood and episcopate in the twentieth and twenty-first century have ceased to draw comprehensively from Hooker as the Tractarians did, and suggests that this is due to the intransigence of Hooker’s episcopal ecclesiology, notably in areas that are dear to the traditional catholic cause, such as sacramental assurance and the apostolic

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<sup>102</sup> Peter Nockles, *The Oxford Movement in Context: Anglican High Churchmanship, 1760-1857* (Cambridge: Cambridge University Press, 1994).

<sup>103</sup> John H. L. Rowlands, *Church, State, and Society*, 47.

<sup>104</sup> Jessica M. Martin, *Walton’s Lives: Conformist Commemorations and the Rise of Biography* (Oxford: Oxford University Press, 2011).

succession. It is simply not possible to utilize Hooker's argument in the *Lawes* to add weight to traditional catholic claims in these two areas.

Chapter seven introduces three key documents in relation to the legislation on women bishops for General Synod in 2014, and then takes a number of indicative texts in the development of Anglo-Catholic ecclesiology in the twentieth and twenty-first century, arguing that usage of Hooker dropped out of favour pretty much as the Tractarian era came to a close at the end of the nineteenth century. Anglo-Catholic texts in the twentieth century made little or no mention of Hooker, with Hooker instead being claimed for the more centrist, liberal ground, two examples used in this chapter being a paper by Bishop Stephen Sykes in 1990 prior to the ordination of women as priests in 1994 and The Rochester Report, a 2008 text from a Church of England working group that examined the theological issues for and against the ordination of women as bishops.

Chapter seven identifies two issues of distinct importance for traditional catholics in relation to the ordination of women as priests and bishops – those of apostolic succession and sacramental assurance – and argues that these issues did not arise from Tractarian usage of Hooker, but rather from an ecclesiology that is largely alien to accepted Anglican mainstream tradition.

Hence, chapter seven concludes that Hooker once more sits in the centrist ecclesiology of the Church of England, not too much towards either of the parties, either evangelical or catholic, which advocate further reform of the Church of England's polity or ecclesiology.

With chapter six having argued that Keble attempted to present an erroneous version of Hooker's episcopal ecclesiology in the editorial preface of the 1836 edition of the *Lawes*, chapter seven argues that Keble's picture of Hooker is no longer used by traditional catholics in the Church of England, most notably in the arguments

presented in the debate surrounding women and the episcopate in the latter part of the twentieth century and early twenty-first century. Modern-day traditional catholics instead argue that two fundamental characteristics of episcopacy are the apostolic succession and sacramental assurance.

In the material considered by chapter seven, Hooker is no longer utilized by those arguing for a more traditional understanding of the episcopate. Mark Chapman, in *Anglo-Catholics and the Myths of Episcopacy*, argued that the concept of apostolic succession, as presented by the Tractarians, is an innovation that has no place in Church of England episcopal ecclesiology.<sup>105</sup>

Stephen Sykes, in an earlier paper on Richard Hooker and the ordination of women to the priesthood,<sup>106</sup> argued that any one model of Church polity is not wedded to any particular time and place, and that any such model of polity is therefore mutable. This, he argued, is entirely compatible with the tenets laid down by Hooker.

Lastly, following the ordination of women to the priesthood, the Church of England began to explore a rationale for the ordination of women to the episcopate, and the Rochester Report (2004),<sup>107</sup> published by the Church of England as the report of a working group of theologians considering such a development, utilizes Hooker, and in particular Sykes' 1990 study, as evidence for the legitimacy of women bishops.

What no study has previously done, however, is to trace where and why Hooker fell out of use by traditional catholics – and this is part of the findings of chapter seven.

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<sup>105</sup> Mark D. Chapman, 'Anglo-Catholics and the Myths of Episcopacy', in *Women as Bishops*, ed. James Rigney (London: Continuum, 2008).

<sup>106</sup> Stephen Sykes, 'Richard Hooker and the Ordination of Women to the Priesthood', in *After Eve*, ed. Janet Martin Soskice (London: Collins Marshall Pickering, 1990).

<sup>107</sup> 'Women Bishops in the Church of England?' (London: Church House Publishing, 2004). [Usually known as 'The Rochester Report'], <https://familyofsites.bishopsconference.org.uk/wp-content/uploads/sites/8/2019/07/cofe-rochester-report-women-bishops-2004.pdf>. Accessed 8 October 2020.

Hooker's *Lawes* began their existence as a defence of the ecclesiology of the Established Church at a time when the English Puritans were calling for more reform. The Tractarians in the nineteenth century later tried to use Hooker as a bulwark of established religion to argue that the Church of England was in need of further reform to align it once more with the faith and practice inherited from the ancient Church. The texts arguing for the development of women priests and bishops in the twentieth and twenty-first centuries used Hooker once more to claim that this was a legitimate development within the bounds of the inheritance of faith of the Church of England.

Hooker has come full circle.

## 2 Hooker's *Lawes* and the Royal Supremacy

### 2.1 Introduction

It has often been claimed that Richard Hooker's magnum opus, *Of the Lawes of Ecclesiasticall Politie*, was a work of political expediency, neatly balancing the authority of the monarch with that of the episcopate. Such a picture of Hooker's *Lawes* is neither accurate nor fair. The *Lawes* were, in fact, a thorough work of political theology, and Hooker neatly weaves his defence of the Elizabethan Religious Settlement of 1559 with fully magisterial reformed ecclesiological theology.

To do this, Hooker needed to consider the authority of the monarch, the authority of the episcopate, the jurisdictions both entities held, and how these interacted in the Church. This chapter will consider Hooker's understanding of the monarch as Supreme Governor, and the authority associated with that title.

The exercise of lay ecclesiastical supremacy required Hooker to present an acceptable justification. Namely, the monarch had her ecclesiastical supremacy bestowed on her by the community:

Howbeit laws do not take their constraining force from the quality of such as devise them, but from that power which doth give them the strength of laws. That [power] which power God hath over all: and by the natural law, whereunto he hath made all subject, the lawful power of making laws to command whole politic societies of men belongeth so properly unto the same entire societies.<sup>108</sup>

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<sup>108</sup> Richard Hooker, *The Works of that Learned and Judicious Divine Mr Richard Hooker with an Account of his Life and Death by Isaac Walton*, 7<sup>th</sup> edn., ed. John Keble, rev. R. W. Church and F. Paget (New York: Burt Franklin, 1888) Hooker, *Lawes*, I.x.8.

We will discuss the issues surrounding the bestowal of authority upon the monarch by the community briefly in section 2.2c, and more fully in chapter 3.2c.

This chapter will begin by considering Hooker's analysis and defence of the Elizabethan Settlement, first in relation to the source of the sovereign's authority; second, regarding the relationship between the community and the nature of the Royal Supremacy; and third, by bringing these two elements together in Hooker's understanding of the Royal Supremacy. This chapter will conclude that Hooker's *Laws* are neither a blind defence of the Settlement and unrestrained lay ecclesiastical authority, as some Puritans and Reformers would have it, nor a work merely of theo-political expediency. Hooker's defence of the Settlement is made on thoroughly reformed grounds: he argued that the Settlement was sufficiently governed by law, thus demonstrating that Puritan fears were mis-placed.

By so doing, we will identify the grounds on which Hooker believed lay ecclesiastical supremacy could be exercised alongside that of bishops, in a manner that would demonstrate that the Church of England was congruent with wider Protestantism. Having thus outlined how Hooker regarded the monarch's authority was to be held and exercised, chapter three will then argue that this authority was exercised consonant with natural law and magisterial reformed principles.

## **2.2 Hooker and the Elizabethan Settlement**

The 1559 Act of Supremacy asserted Queen Elizabeth as Supreme Governor of the Church of England, enshrining in law the State's power over and within the English Church. Though the limits of the Supremacy were perhaps deliberately never defined,<sup>109</sup> the sovereign's prerogatives included the calling of ecclesiastical councils

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<sup>109</sup> To do so would logically mean that there were some areas which would be considered 'off-limits' for the sovereign – something which Elizabeth was reluctant to consider lest this place limits on her authority.

or convocations, the making of ecclesiastical laws, the making of ecclesiastical governors,<sup>110</sup> involvement in ecclesiastical courts and judgments,<sup>111</sup> and the monarch's exemption from excommunication.<sup>112</sup> These were the legal contours of the sovereign's supremacy, but, in Hooker's view, by what authority did she exercise that authority?

## 2.2a Origin of the Sovereign's Authority

Elizabeth herself appeared to hold a very high view of the source of her authority, believing herself in the *Declarations* to be 'by God's grace the sovereign Prince and Queen next under God, and all the people in our realm are immediately born subjects to us and our Crown and no-one else.'<sup>113</sup> This divine authority bound the queen, in her own words:

to direct all estates, being subject unto us, to live in the faith and the obedience of the Christian religion, and to see the laws of God and man observed, and the offenders against the same duly punished...and to provide that the Church may be governed and taught by archbishops, bishops, and ministers according to the ancient ecclesiastical polity of this realm, whom we do assist with our sovereign power.<sup>114</sup>

If this were not sufficient an exaltation of the queen's religious obligations as determined by law, some scholars even seem to argue that the Royal Supremacy was largely responsible for the survival of the episcopate, and in particular, Elizabeth's

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<sup>110</sup> Note the three stages of 'creating' a new bishop – episcopal election, consecration, and the granting of the See, only the latter of which could be granted by the monarch.

<sup>111</sup> Which involved two types of judge – bishops and lay (commissionaries), with the monarch's judges as the last court of appeal.

<sup>112</sup> We will explore this area further in 2.2c ii.

<sup>113</sup> W. E. Collins (ed.) *Queen Elizabeth's Defence of Her Proceedings in Church and State*, Church Historical Society, vol 58 (London: SPCK, 1958), 45f.

<sup>114</sup> Collins, *op. cit.*, 45. Elizabeth proclaimed this in the wake of the Northern Rebellion of 1569.

fulfilment of the role – she considered it a part of the power vested in her.<sup>115</sup> The monarch maintained the ecclesiological form of episcopacy and its role in the proper administration of religion.

The monarch believed her authority to be given to her by God's grace – the Act of Supremacy (through which the queen would have believed God's grace to have acted) placed Elizabeth at the top of a hierarchical system that encompassed both sacred and secular within her realm. Hooker considered both sacred and secular spheres to be part of the whole beneath the sovereign, and therefore all were her subjects. Much as Elizabeth may have wished it otherwise,<sup>116</sup> the authority given her was not absolute, and the queen could only undertake the task of building a national Church using the structures of ecclesiastical polity already in place, which were focused on the bishops and on the ecclesiastical prerogative embodied in the Court of the High Commission. Hooker makes this clear in Book VIII of the *Lawes*, when he says: 'Wherefore to define and determine even of the *Churches* affaires by way of assent and approbation...thus to define our *Churches* regiment, the *Parlament of England* hath competent authoritie.'<sup>117</sup> Yet, even though here Hooker indicates that Parliament is able to make laws relevant to the Church, the monarch retains her royal assent,<sup>118</sup> therefore retaining a right of veto for the monarch, because the queen was part of Parliament, and most fully queen when Queen-in-Parliament.

Hence the authority of the monarch, exercised in the form of the Royal Supremacy, was given to her by statute law, by the grace of God. The moot point remains as to the limits of the exercise of that authority, limits that of course remained deliberately

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<sup>115</sup> Ebenezer Thomas Davies, *Episcopacy and the Royal Supremacy in the Church of England in the Sixteenth Century* (Oxford: Basil Blackwell, 1950), 72.

<sup>116</sup> See Susan Doran, 'Elizabeth I's Religion: The evidence in her letters,' *Journal of Ecclesiastical History* 51, no.4 (2000) 699-720, 702. 'One dominant theme in Elizabeth's letters is her assertion of the Royal Supremacy.'

<sup>117</sup> Hooker, *Lawes*, VIII.vi.12.

<sup>118</sup> Hooker, *Lawes*, VIII.vi.12.

vague as specified in law – and Hooker was not going to risk contravening statute law by specifying what it did not.

This section has argued that the monarch had her ecclesiastical supremacy bestowed on her by the community – through a combination of God’s grace and the people of God (the latter being given by the consent of the people to be so governed *through* parliament, whose MPs the people themselves elected). The monarch’s authority was not absolute, and only used existing structures (of which bishops were a part), including the ecclesiastical prerogative and high commissioners. The authority exercised by the monarch was exercised under a form of Royal Supremacy, which was given to the monarch by statute law, through which the grace of God acted to give the necessary skills, gifts, and power. Hooker remained vague about the limits of royal authority.

## 2.2b Community, the Nature of Royal Supremacy, and the Meaning of that Title

Though we have argued that the authority associated with Royal Supremacy was bestowed upon the monarch by God’s grace and by statute law, and have identified initial aspects of how Hooker believed that authority was to be exercised over the Church, there are important nuances to explore, especially given the climate in which Hooker wrote his *Laws*.

It would be naïve to think that a blind acceptance of theocratic kingship was sufficient for those who sought to defend the Settlement – there was another aspect to the Royal Supremacy, which was explored by Hooker to an equal degree.<sup>119</sup> Hooker suggests that God *and* the community are the source of the monarch’s authorization to occupy the office of monarch, and are responsible for defining the extent of Royal Supremacy

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<sup>119</sup> Hooker, *Laws*, VIII.iii.2.

over the Church<sup>120</sup> – perhaps suggesting the foundations of constitutional monarchy:<sup>121</sup>

for that every supreme govenour doth personally take from thence his power by way of guift bestowed of their own free accord upon him at the time of his entrance into the sayd place of soveraigne government.<sup>122</sup>

Hooker talks about the sovereign power being bestowed upon the monarch by the free accord of Parliament – theoretically Parliament could refuse – but this would be a dangerous point, which Hooker does not explore, perhaps on purpose.

With the Royal Supremacy, the supremacy of the monarch over the English Church was re-established,<sup>123</sup> as was the right to delegate this authority under the Great Seal of England to those deemed fit. The Act required that ‘all and every archbishop, bishop, and all and every minister...shall make, take, and receive a corporal oath [of obedience to the monarch] upon the Evangelist.’<sup>124</sup> Refusal to take the oath meant deprivation from office. Establishing Elizabeth as ‘Supreme Governor’ rather than ‘head’ meant that whilst the exact wording changed, ‘the same Act [1559] nevertheless claimed the same scope of royal authority over the Church for Elizabeth as the Act of Supremacy had claimed for Henry.’<sup>125</sup> Elizabeth, as did her father and

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<sup>120</sup> See Daniel Eppley, ‘Royal Supremacy’, in *A Companion to Richard Hooker*, edited by William John Torrance Kirby, 503-532 (Leiden: Brill, 2008) 509.

<sup>121</sup> See also Charles Miller, *Richard Hooker and the Vision of God: Exploring the Origins of Anglicanism* (Cambridge: James Clarke and Co. 2013), 256, who notes that, as opposed to the Henrician Act of Supremacy, it is the consent of the current Parliament which makes the Queen Supreme Governor. The Queen is only fully Queen (and thus has most power) when Queen-in-Parliament.

<sup>122</sup> Hooker, *Lawes*, VIII.iii.2.

<sup>123</sup> John Neale and William Haugaard argued that Elizabeth wished for a reformation of religion in England piece by piece, pausing after the establishment of the Royal Supremacy to test its reception – see Kenneth R. MacMillan, ‘Zurich Reform and the Elizabethan Settlement of 1559’, *Anglican and Episcopal History* 68, no. 3 (1999) 285-311, 288.

<sup>124</sup> H. Gee and W. J. Hardy [1 Elizabeth Cap 1] *Documents Illustrative of English Church History*, London, Macmillan, 1914, 449.

<sup>125</sup> Eppley, *Defending Royal Supremacy*, 144.

brother, deliberately followed the precedent of being vague in respect of the limits of the Supremacy, lest any unintentional limitation of the Supremacy creep in. This did not, according to Eppley, mean that the monarch could make pronouncements regarding the Church at random, for example, particularly in respect of the Puritan dislike of monarchical control over the Church:

the traditional notion of the prince as the divinely appointed vicar of God over all temporal matters embraced by most defenders of the supremacy...*is not sufficient* [my emphasis] to legitimate the authority of the Crown to definitively pronounce regarding God's will.<sup>126</sup>

This moderate view articulated by Eppley is, however, one which Hooker himself did not spell out in black and white for fear of alienating himself from the other end of the political spectrum.

Puritans thought that discernment of beliefs or practices that were not adiaphora in respect of salvation should be reserved for those in authority in spiritual matters. Does this mean that the Crown (for Puritans, at least) had no, or limited, authority over spiritual matters? Hooker himself, when writing of the historical development<sup>127</sup> of the Royal Prerogative, or monarchical power, believes that 'a king which hath not supreme power in the greatest things, is rather entitled a king, than invested with real sovereignty.'<sup>128</sup> It would seem evident that, according to Hooker, a king has to have supreme power in order to actually *be* a king, rather than just be *called* one – though Hooker is careful to explain that royal power should be limited to some degree through natural law and state law:

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<sup>126</sup> Eppley, *op. cit.*, 224, who argued that the discernment of God's will is a keystone in any defence of the Establishment.

<sup>127</sup> In Hooker, *Laws*, VIII.ii.12, Hooker cites Aristotle's *Politics* III.1, and III.14. See Aristotle, *The Complete Works of Aristotle*, ed. Jonathan Barnes, 2 vols (Princeton, NJ: Princeton University Press, 1995).

<sup>128</sup> Hooker, *Laws*, VIII.iii.3.

I am not of opinion that simply always in kings the most, but the best limited power is best...which rule is the law; I mean not only the law of nature and of God, but very national or municipal law consonant thereunto.<sup>129</sup>

Hence, because the Crown exercises its power through both natural and state law, the Crown is therefore the representative of the people, having ‘two bodies’, completely and unalterably empowered by the nature of the God-given office of monarch to speak with authority and with finality on behalf of the nation, the will of which she is exclusively able to give voice.

The Act of Supremacy referred to the monarch having supremacy for the ‘conservation of peace and unity.’ Hooker is clear that the monarch should not interfere in spiritual matters,<sup>130</sup> but the issue when disagreement over spiritual issues threatened peace and unity – particularly so with a monarch who wilfully disregarded such restraints when it suited her, created grey areas.

Whilst Hooker defends the authority associated with the title of Supreme Governor, rather than the title *itself*,<sup>131</sup> he nevertheless attempts to address the Puritans’ concerns that only Christ could be head of the Church, arguing that the monarch’s headship differs from Christ’s headship in three ways – in order, in measure, and in kind:

In order, because God hath given him to his *Church* for the head...in measure of power also, because God hath given unto him. *The ends of the earth for his possession, unto him Dominion from Sea to Sea, unto him all power in heaven and in earth...* nor is there any kinde of lawe which tyeth him but his own proper will and wisdom...the last and weightiest difference between him and them

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<sup>129</sup> Hooker, *Laws*, VIII.ii.12.

<sup>130</sup> Hooker, *Laws*, VIII.iii.3.

<sup>131</sup> Hooker, *Laws*, VIII.iv.12.

is in the very kinde of their power. The *Headship* which we give unto *Kings* is altogether visibly exercised and ordereth only the externall frame of the *Churches* affayres heer amongst us, so that it plainly differeth from *Christs* even in very nature and kinde.<sup>132</sup>

Here, Hooker clearly distinguishes between the overarching Lordship of Christ, which affects the internal and external workings of the Church, and the headship of the monarch, which affects only the external, or governance, structures of the Church. It is the Puritans, argues Hooker, who conflate and confuse the headship of the monarch with that of Christ, because they do not realize the distinction between internal and external governance structures of the Church. It is entirely plausible to think that Hooker is here ‘selling out’ the authority of the monarch by limiting it to the external sphere only. This may have been something the monarch herself would not have been comfortable with, despite the perhaps apocryphal phrase attributed to her, ‘who am I to make windows into mens’ hearts?’ This element of discussion will be further explored in 3.2e.

Hence, although Christ is spiritually present in every part of the Church, Christ cannot rule visibly over the tangible elements of the Church, and therefore, ‘*Heads* indued with supreme power extending unto a certaine compasse are for the exercise of visible regiment not unnecessary.’<sup>133</sup> The Church, as a political society, requires authority, rule, and public order, in common with any other political society.

This section has argued that as God and the community are responsible for defining the limits of Royal Supremacy, both are responsible for defining the limits thereof, potentially pointing to a constitutional form. The Royal Supremacy re-established the supremacy of the monarch over the English Church, strengthened by the Oath of

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<sup>132</sup> Hooker, *Lawes*, VIII.iv.5.

<sup>133</sup> Hooker, *Lawes*, VIII.i.2. The relationship between the sovereign’s authority over the Church and Christ’s authority is covered in detail in chapter four, by means of exploring the two kingdoms argument.

Obedience which public servants (including clergy) were obliged to take. Hooker did not spell out the limits of Royal Supremacy, and believed that a monarch without supreme power is only in title a king. It is important to grasp that as the Crown exercises their power through natural and state law, the Crown is the representative of the people, having two bodies. It is also important to grasp that Hooker is clear that, whilst the monarch should strive for peace and unity in the realm, they should not interfere in spiritual matters. Hooker addresses Puritan claims by stating that the monarch's headship differs from Christ's in three ways – order, measure, and kind. According to Hooker, the mistake the Puritans make is to conflate and confuse these things, as they do not realise the distinction between internal and external governance structures of the Church.

## 2.2c Hooker's Understanding of the Royal Supremacy

### i) The Royal Supremacy

Key to understanding Hooker's argument in Book VIII is the concept that Church and State are so interconnected that they can be viewed as one entity – 'there is not any man of the *Church of England*, but the same man is also a member of the Commonwealth, nor any man a member of the *Commonwealth* which is not also of the *Church of England*.'<sup>134</sup> This iconic phrase suggests that, like it or not, all English subjects are also Christians, and vice versa, so all subjects must therefore be obedient to, and live within, the laws and structures of the realm. However, whilst this phrase seems to suggest a relationship between the Church, the State, and its inhabitants, Hooker muddies the water somewhat by saying that there is no reason for religious authority to be based in a political system,<sup>135</sup> hinting at the difference between

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<sup>134</sup> Hooker, *Laws*, VIII.i.2.

<sup>135</sup> Whilst Hooker may have been aware of Tudor theories of theocratic kingship, VIII.iii.1 does not universally agree – he takes the line that no divine mandate exists for any particular form of institutional structure.

authority in the secular and the sacred spheres: ‘there is nothing in the nature of man, or of the nature of the State, or in the law of God, which demands that religious authority of any kind be vested in the political organs of a society.’<sup>136</sup>

It may be convenient or expedient, but it is not necessary. This is an important corollary, in that Hooker is only ever making a case for the ecclesiastical system *in England*, and not in any other country. In England’s case, where Church and State are co-existent, Hooker can avoid making any kind of judgment about ecclesiastical structures in other countries. Because the Church and State were co-existent in the legislation of the realm, that is what Hooker had to defend in the Act of Settlement, even if that co-existence was not the case in practice.

When considering the authority of the monarch and the authority of the bishop, the question of *Iure Divino* needs to be examined, because by so doing, we can assess the weight with which such figures governed, and the level of obedience they expected. Whilst Hooker does not explicitly consider that episcopal governance was instituted by Christ, but rather by the Apostles themselves, and hence handed down through the ages, the same cannot be said of monarchy. Hooker traces in *Lawes* VIII.i and iii a clear biblical precedent for godly monarchy, and therefore it could easily be said that monarchical governance is *Iure Divino*. However, what the Bible does not mention is the level of involvement that a monarch was permitted in the governance of the Church (or indeed religious establishments of the biblical era).

The idea of *Iure Divino* has always been hotly contested, and indeed Hooker himself appears to give little support to it: ‘it seemeth to stand altogether...by human right that unto *Christian Kings* there is such dominion [that of supreme power in

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<sup>136</sup> Hooker, *Lawes*, VIII.xx.20.

ecclesiastical affairs] given.<sup>137</sup> Yet, almost immediately, Hooker performs an about-turn regarding the power exercised by the monarch:

...on whom the same [power] is bestowed, even at men's discretion, they likewise do hold it by divine right, if God in his own revealed word have appointed such power to be, although himself extraordinarily bestow it not, but leave the appointment of the persons unto men.<sup>138</sup>

Hooker seems to be saying that the power exercised by the monarch is done so at the discretion of men (in other words, *by implicit, ancient, one-for-all consent* of the people)<sup>139</sup>, the monarch is given this power by divine right – that is, by God – and finally, this power may be exercised by the consent of the populace as Hooker seems to infer that the appointment of the one exercising power is by man (that is to say, the succession to the Crown is governed by statute law, i.e. by Parliament). Hooker clarifies who may appoint a person to the office of monarch:

That the Christian world should be ordered by kingly regiment, the law of God doth not any where command; and yet the law of God doth give them right, which once are exalted to that estate, to exact at the hands of their subjects general obediences in whatsoever affairs their power may serve to command. So God doth ratify the works of the sovereign authority which kings hath received by men.<sup>140</sup>

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<sup>137</sup> Hooker, *Lawes*, VIII.iii.1.

<sup>138</sup> Hooker, *Lawes*, VIII.iii.1.

<sup>139</sup> Loyer, McGrade, and Miller argue that Hooker's political theory was influenced, apart from by Aristotle, Augustine, and Aquinas, by Marsiglio of Padua. Miller in particular claims that 'under Marsiglio's influence, Hooker developed a theory not of contract but of *consent* in the relation between ruler and ruled.' (Miller, *Richard Hooker and the Vision of God*, 255). See also Olivier Loyer, *L'Anglicanisme de Richard Hooker* (Lille, 1979) 1, 285, and Arthur Stephen McGrade, 'Introduction to Book VII', the *Folger Library Edition of Richard Hooker*, William Speed-Hill, General Editor (New York, 1993), VI, I, 355.

<sup>140</sup> Hooker, *Lawes*, VIII.ii.6.

Hooker states that to be governed by kingly rule is not commanded anywhere, save for historical precedent as documented in the Bible and thereafter – you could say that it is *by custom* that kings have existed. What Hooker does clarify is that once kings are in office, there is a clear biblical precedent for their right to occupy that office, thus God ratifies their power. By so doing, Hooker avoids making any judgment about discerning God’s will about who should hold sovereign power.

It is important to note here that once this election has been made, or the consent been given, it is irrevocable. It may not mean quite the levels of accountability that opponents of *Iure Divino* may be seeking, but nonetheless, it seems to give a greater level of accountability than a *de facto Iure Divino* would allow.<sup>141</sup> These levels of accountability do not mean that the populace has too much influence over the monarch, however. The convenience, or indeed expediency, of the system that Hooker defends is dependent on the obedience of the populace to the laws formed by human wisdom and enforced by its agents in order to secure peace and harmony. We might also ask to what extent society, in consenting to be governed by a monarchy, is the ultimate source – or perhaps more accurately, authorization<sup>142</sup> – of the monarch’s authority. This authorization, argues Hooker, cannot be taken away:

for unlesse we will openly proclaime defiance unto all law equitie and reason, we must (there is no remedie) acknowledge that in *Kingdomes* hereditary birth giveth right unto soveraigne dominion and the death of the predecessor putteth the successor by blood in seisin...<sup>143</sup>

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<sup>141</sup> This anticipates Thomas Hobbes’ view that episcopal *Iure Divino* and Royal Supremacy could not stand together, as any authority independent of the sovereign undermined the sovereign’s authority and hence that of the state. See Stephen State, ‘Hobbes and Hooker; Politics and Religion: A note on the Structuring of “Leviathan”’, in *Canadian Journal of Political Science*, 20, no.1 (1987) 79-96, 796.

<sup>142</sup> See Hooker, *Laves*, VIII.iii.2.

<sup>143</sup> Hooker, *Laves*, VII.iii.2.

Hooker is here stating that to put away the authority of the monarch by means of disobedience would be to defy natural law and the law of reason, both of which are key elements in societal law.

Hooker believes that the Supremacy is not absolute, because it is limited in three ways,<sup>144</sup> it being ‘subordinate to God, the laws of the realm, and the community as a whole...but it does not entail in causes Ecclesiastical that ruling authorities...can lawfully overrule [in matters spiritual].’<sup>145</sup> It may well be that Hooker had no option other than to discuss the limits of royal authority in a deliberately vague manner:

*Kings* by conquest make their own charter, so that how large their power either civil or spiritual is, we cannot with any certainty define further, than only to set them in general the law of God and nature for bounds.<sup>146</sup>

To risk setting definite boundaries to the monarch’s authority would either anger the monarch or give those who opposed royal authority in the Church the opportunity to disobey such authority if it was outside explicit boundaries. It is in the nature of the Crown (in a real, rather than titular, sense) that the extent of its powers is undefined. A monarchy that is bound by anything other than the laws of God and nature is not truly sovereign, but rather is subject to another sovereign that imposes those bounds.

If then, as Hooker claims, the Royal Supremacy is necessarily vague, what does it achieve? As monarch of the realm, and as Supreme Governor of the Church of England, it is therefore evident that the monarch would somehow co-ordinate both Parliament and the Church. The monarch, below Christ, is the pinnacle of that authority, and therefore all such authority flows from the monarch to the entirety of the realm – ‘the very essence of all government within the kingdom doth depend

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<sup>144</sup> See McGrade, *Introduction to Book VII*, 360-75.

<sup>145</sup> Hooker, *Laws*, VIII.ii.1. Also VIII.iii.3: ‘wherefor Christian Kings are said to have spirituall dominion or supreme power in Ecclesiasticall affaires and causes.’

<sup>146</sup> Hooker, *Laws*, VIII.iii.3.

[upon the monarch]'. It would seem, therefore, that Hooker is defending the principle of the monarch as Supreme Governor, sitting as she did at the head of both Houses of Parliament, who were both convened in her name, as well as being entitled 'Supreme Governor' of the Church of England. It is possible that Hooker made sure that he remained loyal to the monarch by not setting any boundaries to her ecclesiastical authority when making his defence of the Religious Settlement in the *Laws*.

The authority with which the monarch operated in the temporal and spiritual spheres had, for Hooker, repercussions for producing legally binding legislation in the country. If Hooker regards the monarch as a 'figurehead', then in relation to solely temporal matters, she will act as the person in whose name the Houses of Parliament are convened, with no recourse to her role as Supreme Governor of the Church of England. In spiritual matters, the monarch would act in conjunction with the government of the Church, that is, Convocation. However, due to the Church of England's established nature, any putative laws from Convocation would need to be ratified by Parliament, as well as receiving royal assent, thus bringing together spiritual and temporal spheres.<sup>147</sup> By remaining vague about the limits of royal authority, Hooker allows the monarch in his defence of the Settlement the freedom to assert her authority in pretty much whatever sphere she wished when laws were being made.

Hooker believes that this concept of supreme governorship is entirely proper and in accordance with the tenets of reformed religion:

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<sup>147</sup> Alison Joyce traces the development of thought regarding the interaction of Parliament and Elizabeth in respect of the shape of the Settlement, from J. E. Neale in 1953, through N. L. Jones in 1982, to Christopher Haigh in 1987. According to Joyce, Neale pushed for a more Protestant understanding of the Settlement, with Jones challenging those assumptions, and hence leading to Haigh arguing that powerful voices in the Lords made Elizabeth more cautious when dealing with issues which could offend Catholic sensibilities. See Alison Joyce, *Richard Hooker and Anglican Moral Theology* (Oxford: Oxford University Press, 2012), 21; also J. E. Neale, *Elizabeth I and her Parliaments, 1559-1581*, i (London, 1953); N. L. Jones, *Faith by Statute: Parliament and the Settlement of Religion 1559* (London, 1982); and Christopher Haigh, 'The Continuity of Catholicism in the English Reformation', in Haigh (ed.), *The English Reformation Revised* (Cambridge: Cambridge University Press, 1987), 189.

there is no one [example] which doth prove it a thing repugnant unto the law either of God or nature that all supremacie of externall power be in *Christian Kingdomes* graunted unto the *Kings* thereof for preservation of quietnes, unitie, order and peace in such manner as hath been shewed.<sup>148</sup>

Hooker is presenting the role of the monarch as that of a parent, or ‘common parent’, hinted at in his discussion of theocratic kingship – ‘God appoints the king to rule over his subjects, and to care for their souls as well as their temporary existence.’<sup>149</sup> Any restrictions on the supreme governorship, as argued by Hooker, would be implicit, rather than explicit.

The parental role of a monarch as suggested by Hooker is qualitatively different from the absolutism that proponents of *Iure Divino* would seek – and neither is it the democratic isolationism of the Church from the State that the Puritans sought. Neither is it the ‘*via media*’, a label that scholars have attempted to fix to Hooker throughout the latter part of the twentieth century. Due to the queen’s ‘two bodies’, she is empowered to speak fully and authoritatively on behalf of the nation, whose will she alone, because she is Supreme Governor, is able to give voice to. It is a unique position, with a ‘foot in both camps’, which gives the monarch a ‘parental’ position in and for the nation, a uniqueness to care for the wellbeing of the nation and the souls therein, as Supreme Governor of the Church, and as the highest authority in Parliament.

This section has argued that Church and State are so interconnected that they can be viewed as one entity, although there is no reason for religious authority to be based in a political system. Hooker laid out a clear Biblical precedent for a godly monarchy – yet despite this, he did not explicitly believe in *Iure Divino* for kings (as the power of

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<sup>148</sup> Hooker, *Lawes*, VIII.iii.5.

<sup>149</sup> Hooker, *Lawes*, VIII.iii.3.

the monarch, given by God, was exercised due to the discretion and consent of men). Hooker argued that though consent still needs to be given for the monarch to exercise power, once given, this consent is irrevocable. Hooker further states that Royal Supremacy is limited in three ways, because it is subordinate to the laws of God, the realm, and the community. Even then, Hooker is only talking about vague limits to the Supremacy – this vagueness allows the monarch the flexibility to exercise power where she wants. The monarch, as Supreme Governor, co-ordinated parliament *and* the Church, and through her two bodies, was able to speak on behalf of the nation.

ii) Hooker and the Royal Prerogative

Though we have seen in 2.2b that the monarch should not intervene in doctrinal matters, there is justification in other areas – indeed, perhaps even an imperative when the role of the monarch as ‘matriarch’ and governor, maintaining good order in the Church, is taken into account.<sup>150</sup> Hooker necessarily examines issues of jurisdiction and the authority of the episcopate, which will be discussed later, and which reflect the importance of the exercise of the Royal Prerogative.

Chapters iv to ix of the eighth book of the *Laws* set out five specific prerogatives that are the especial purview of the monarch, according to Hooker:

1. Of their prerogative to call general assemblies about the affairs of the Church (VIII.v.1);
2. of their power in making ecclesiastical laws (VIII.vi.1);
3. of their power in making ecclesiastical governors (VIII.vii.1);
4. of their power in judgment ecclesiastical (VIII.viii.1); and
5. of their exemption from judicial kinds of punishment by clergy (VIII.ix.1).

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<sup>150</sup> Hooker, *Laws*, VIII.iii.5.

The first, in practice in Elizabethan times, meant the calling and prorogation of convocations of the clergy. The second prerogative is expounded in a rather long and complicated chapter but is ultimately distilled down to the view that ‘to the *King* belongeth power of maintaining laws made for the *Church* regiment and of causing them to be observed.’<sup>151</sup> The third refers to the process of electing and consecrating bishops, and granting them their territories.<sup>152</sup> This prerogative will be considered in chapter four of this thesis. The fourth prerogative makes provision for the monarch’s dealings in the ecclesiastical courts and their judgments, in which Hooker makes a clear distinction between judges Ordinary, that is, bishops, and Commissary judges, the latter of whom may be laity. Provision is also made for the monarch to be the final ‘court of appeal’ in ecclesiastical causes.<sup>153</sup> The question of the monarch’s role in ecclesiastical judgments will be examined in chapter three. In the fifth prerogative, Hooker believes that ‘till better reason be brought to prove that *Kings* cannot lawfully be exempted from subjection unto Ecclesiastical Courts we must and do affirm their said exemption lawful.’<sup>154</sup>

The legislation of the 1559 Act of Supremacy was closest to Hooker’s fourth point listed above, as the Act stated that the Royal Supremacy may be used for ‘the Visitacion of the Ecclesiastical State and Persons, and for Reformation Order and Correccion of the same and of all manner of Errours Heresies Scismes Abuses Offences Contemptes and Enormities’,<sup>155</sup> although the 1559 Act forbade ‘royal agents’ from judging as heresy that that was not judged to be so by Scripture; Scripture remained the primary measure of heresy. This is perhaps a moot point, given that both the Henrician and Elizabethan Acts allowed the monarch to exercise their supremacy to maintain unity and peace, albeit by methods unspecified – or at the very least, uncertain.

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<sup>151</sup> Hooker, *Lawes*, VIII.vi.14.

<sup>152</sup> Hooker, *Lawes*, VIII.vii.1.

<sup>153</sup> Hooker, *Lawes*, VIII.viii.4. See also Miller, *Richard Hooker and the Vision of God*, 265-266.

<sup>154</sup> Hooker, *Lawes*, VIII.ix.6.

<sup>155</sup> I Elizabeth I.c.1

Hooker intends his argument in the *Lawes* to be read in a linear manner – we should already have read the arguments constructed in Book I regarding the system of laws on which government of society and the Church are constructed, and consequently, the importance of obeying these. Scripture has revealed a divine law, which together with the law of reason may illustrate how *essential* elements of the Church are to be ordered, but this leaves many elements of the life of the Church undefined.<sup>156</sup> If certain elements are left un-ordered within a community, there is the risk that unrest may follow, hence:

there is not one [example] which doth prove it a thing repugnant unto the lawe either of God or nature that all supremacie of externall power be in *Christian Kingdomes* graunted unto the *Kings* thereof for presentation of quietnes, unitie, order and peace in such a manner as hath been shewed.<sup>157</sup>

Thus, according to Hooker, the monarch had a pivotal role in ensuring good order in society: this role was ‘ordained’ for the monarch in Scripture, and also revealed in law.<sup>158</sup> Whilst there are many examples of Elizabeth intervening in religious matters, which could feasibly be justified under the second prerogative above, even in areas that would have been considered *adiaphora*, the queen maintained a tight rein on religion in her realm, lest any dissension or deviation from conformity be seen as a challenge against her authority.

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<sup>156</sup> Of the authority to interpret scripture, Hooker argues that this belongs to the Crown in Parliament with Convocation – i.e. the Holy Spirit leads Christians to a true understanding of the Bible by empowering reason to achieve a valid interpretation (III.viii.16).

<sup>157</sup> Hooker, *Lawes*, VIII.iii.5.

<sup>158</sup> Alison Joyce discusses the role of political society in moderating human nature, integrating Hooker’s ‘*lawes politike*’ argument with the consequences of the fallen nature of human beings. Joyce makes the claim that Hooker’s view ‘clearly differs from the reformed doctrine of the Two Realms’ in respect of Hooker’s distinction between three different categories of law (reason, political society, nations). Joyce, *Anglican Moral Theology*, 96.

Yet the argument as to whether anyone has superiority over the monarch raises the greater question as to whether the monarch could be excommunicated, which Hooker discusses in Book VIII – concluding that no one may do so, but that the monarch should abstain, by their own conscience, from Communion whilst they are in a state of sin.<sup>159</sup>

Hooker then continues, ‘for which cause till better reason be brought to prove that *Kings* cannot lawfully be exempted from subjection unto Ecclesiastical Courts we must and do affirm their said exemption lawful.’<sup>160</sup> This double negative, which manages to make the claim of monarchical exemption modest and provisional at the same time, neatly avoids Hooker having to pass judgment on this tricky topic. Hooker also writes that ‘concerning excommunication such as is only a dutiful religious and holy refusal to admit Notorious transgressors [to Holy Communion]...this we grant every king bound to abide at the hands of any Minister of God wheresoever throughout the world’.<sup>161</sup> this means that kings need to respect the Church’s decision to excommunicate others – and implicitly indicates that kings *should* respect, in their consciences, that notorious sinners cannot be admitted to Holy Communion (again, remaining silent on the issue of a king being a notorious sinner).<sup>162</sup> Hooker perhaps suggests that it is the monarch’s fear of God as their ultimate judge that may prevent their own consciences from taking Holy Communion, rather than realistically expecting the minister to refuse the sacraments.

So, if the monarch has power over the bishops in respect of granting them their temporalities, the monarch cannot grant bishops their spiritualities, without which the bishops cannot be bishops. In respect of their sacramental functions, then, bishops

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<sup>159</sup> Hooker, *Lawes*, VIII.ix.6.

<sup>160</sup> Hooker, *Lawes*, VIII.ix.6.

<sup>161</sup> Hooker, *Lawes*, VIII.ix.6.

<sup>162</sup> See Brian D. Spinks, *Two Faces of Elizabethan Anglican Theology: Sacraments and Salvation in the Thought of William Perkins and Richard Hooker*, Drew University Studies in Liturgy 9 (Lanham: MD, 1999), 113. Monarchs, being human, are open to the possibility of sin as much as any other human.

have powers that kings do not have.<sup>163</sup> With this sacramental function goes the power to administer the sacraments, but also by turn, the power to deny them to those deemed unworthy – that is, unrepentant sinners – so there is a power of jurisdiction that is linked to the power of order (sometimes referred to as the ‘power of the keys’). Does, then, a priest or a bishop have the power to excommunicate the monarch? Hooker’s answer to this is one of the most oblique in the entire *Lawes*, which is perhaps not surprising:

The question itself we will not determine. The reasons of each opinion being opened, it shall be the best for the wise to judge which of them is likeliest to be true. Our purpose being not to oppugn any save only that which reformers hold; and of the rest, rather to inquire than to give sentence.<sup>164</sup>

Hooker did not wish to question the validity of the opinions of the magisterial reformers – it is to this group that the *Lawes* appeals in its quest: to examine and appeal to the opinions of other groups may well have been counter-productive – but rather those of his Puritan opponents. Hooker’s view of the monarch’s authority, and of the sacraments, means that he cannot, as a subject of the monarch, legislate for the issue of the excommunicability of the monarch – to do so would be to set himself above the sovereign.

If Hooker was attempting to claim that the Settlement was congruent with wider Protestantism, what did the continental magisterial reformers, notably Zurich, say on the Royal Prerogative? Dependent upon our definition of the Royal Prerogative, yet assuming here that it would be to allow for the monarch’s intervention against the advice of her councillors in Parliament, sometimes through her agents of State and the Privy Council, the Zurich tradition could comfortably have aligned itself with a non-absolutist understanding. However, a letter from Peter Martyr Vermigli to Richard

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<sup>163</sup> Hooker, *Lawes*, VIII.vii.1 and 2.

<sup>164</sup> Hooker, *Lawes*, VIII.ix.2.

Cox in 1559 suggests that Zurich's support was qualified, being offered so long as the Queen surrounded herself with 'councilors who excel in zeal and true doctrine.'<sup>165</sup> This qualified support of the Supremacy, and indeed the Royal Prerogative, is dependent upon taking the counsel of wise advisors (wise so long as their opinions were aligned with Zurich and Vermigli, one presumes). Should the queen act without this counsel, this may risk upsetting this moderated prerogative, and thus support from Zurich may well be lost. Vermigli's designation of the queen as a 'Holy Deborah for our times' was of course written at the beginning of Elizabeth's reign, before she had had time to prove herself as not always willing to stick to the precepts that Zurich had laid out for an acceptable royal exercise of power within the Church and society.<sup>166</sup>

We have therefore outlined Hooker's understanding of the Royal Prerogative, and the areas in which the monarch had an especial responsibility as Supreme Governor of the Church of England. As chief magistrate, the authority vested in the monarch had implications that will be examined in later chapters. Yet, we have seen that there were many examples of the queen intervening in matters that would have been best left to others for the peace and prosperity of the realm. The queen, however, was in charge, and she would not let that be forgotten.

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<sup>165</sup> Martyr to a nobleman in England, 22 July 1561: *The Zurich Letters, comprising the correspondence of several English bishops and others, with some of the Helvetian reformers, during the early part of the reign of Queen Elizabeth*. tr. and ed. for the Parker Society by Hastings Robinson, 3 vols in 4 (Cambridge: Parker Society, 1842-47), 121-2.

<sup>166</sup> 'The English church settlement rested primarily on the principles of autonomy from Rome and royal supremacy, not in the reception of true doctrine and conformity with the Reformed churches. Consequently, relations between England and the centres of continental Reform were never secure and always subject to political arbitrariness.' Patrick Collinson, 'England and International Calvinism 1558-1640', in M. Prestwich (ed.), *International Calvinism, 1541-1715* (Oxford: Oxford University Press, 1985), 198. 'Conformist thought from Whitgift onwards had sought to emphasize the essential incompatibility of Presbyterianism and the royal supremacy': Anthony Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought 1600-1640* (Cambridge: Cambridge University Press, 1995), 516.

We saw earlier that a particularly contentious issue was the possibility of the monarch's excommunication – an issue of far greater importance than one purely of polity – to acknowledge that someone had greater power than she would be to acknowledge an authority in the realm that was not completely hers – and so Hooker neatly dances round this by suggesting that the queen is exempt from excommunication until such time that a good reason for excommunication is proven. Lastly, we briefly looked at whether the Zurich school would have, in principle, supported the Royal Prerogative. To which the answer is yes – yet in a non-absolutist sense, so long as the queen surrounded herself with godly advisors in counsel, as Vermigli and the Zurichians were suggesting.

This section has argued that the Royal Prerogative gave the monarch the power to call general assemblies of the Church, make ecclesiastical laws, make ecclesiastical governors, exercise power in ecclesiastical judgments, and meant that the monarch was exempt from clerical judgment and punishment. A key topic in this section was whether the monarch could be excommunicated. Hooker would not be drawn to a definitive conclusion, but proposed instead that the monarch's fear of God is their ultimate judge. Hooker also argued that the grant of spiritualities and temporalities to bishops meant that bishops, in their spiritualities, had power which the monarch did not have, linking this power of jurisdiction to the power of order. Finally, Hooker suggested that the Zurich school would have supported the idea of Supreme Governorship, and argued that this was so only if the monarch, in the eyes of Zurich, surrounded herself with godly advisors.

### **2.3 Conclusion**

This chapter has argued that Hooker was able to defend the concept of Royal Supremacy as acceptable within a wider Protestant ecclesiology. Hooker achieved this by bolstering his claims for the monarch as Supreme Governor using arguments developed by Luther, Calvin, Bullinger, and Zwingli, among others. By doing so,

Hooker attacks Puritanism from within the reformed tradition. Hooker's defence of the Royal Supremacy is a work of theological expediency, which combined ecclesiastical and secular checks and balances on State Power within the Settlement.

We began this chapter by asking to what extent Hooker's account of the Royal Supremacy could be considered an orthodox defence of the Elizabethan Religious Settlement, which established the English monarch as being Supreme Governor of the Church of England. We have seen that Hooker consistently plays a fluid game, apart from defending the Settlement as being congruent with wider Protestantism in answer to the claims of the English Puritans. As such, the *Lawes* should be interpreted from that standpoint, rather than as evidence of nascent Anglicanism.

By examining various aspects of the legal landscape, as well as that of Hooker's approach, we demonstrated that Hooker's approach to the Royal Supremacy is largely compatible with orthodox reformed understandings of the Church and State. One crucial aspect in this argument is the concept of the two kingdoms – the allegedly false interpretation of which influences the entire argument of the Puritans that the monarch claims authority over the Church, which belongs only to Christ.

We have also shown that Hooker's interpretation of the role of a prince within the Church, which went against the arguments of the English and continental Puritans, suggests that Hooker attacks Puritanism from within the reformed tradition, thus showing again that Puritan claims for further reform are groundless.

Hookers' *Lawes* are not a blind defence of the Settlement and unrestrained royal ecclesiastical prerogative as some Puritans and Reformers would have it, but rather a work of political earnestness and sincerity in demonstrating that the ecclesial and secular checks and balances upon State Power evident within the Settlement show that further reform of that Settlement is not necessary.

However, significant questions are raised about the exact limits of royal authority over the Church, especially when considering who has authority in secular and sacred spheres. This is a question of jurisdiction, which we will examine in the next chapter.

### 3 Hooker on State Power, Natural Law, Community, and Dominion

#### 3.1 Introduction

Chapter two argued that Hooker's understanding of the Royal Supremacy was based on a gift of authority by God's grace, which in turn was grounded in the consent of the community so governed, for the ultimate good order of society. This conception of sovereign authority needed to be consonant with magisterial reformed principles in order to demonstrate that the 1559 Religious Settlement was congruent with wider Protestantism. This chapter will argue that Hooker was able to demonstrate this, using not just one model of continental reform, but instead picking elements from several magisterial schools – yet in so doing, laying himself open to the accusation of 'cherry-picking' and contradicting himself.

One of the frequent cries of the Puritans was for further reform of the 1559 Settlement, based on the argument that the laws governing the Church should come from Scripture alone. This chapter will argue that Hooker does not meet this challenge with the partisan rhetoric of a number of his contemporaries, but with a careful political theology of the governing law:

when the mind doth sift and examine them, it must needs have often recourse to a number of doubts and questions about the nature, kinds, and qualities of laws in general, whereof unless it be thoroughly informed, there will appear no certainty to stay our persuasion upon.<sup>167</sup>

It is in terms of this political ecclesiology that this chapter will assess Hooker's understanding of the laws governing the nature of the Elizabethan Church, and in particular, how Hooker argued that it was lawful and consonant with magisterial

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<sup>167</sup> Hooker, *Laws*, Preface vii.2.

reformed principles for the Church to be governed by a right mixture of lay ecclesiastical supremacy and episcopacy. The Royal Supremacy was thus consonant with natural and political law, to which all society was bound, regardless of religious affiliation or confession, as a source of moderation for the good of society.

This chapter will argue that Hooker's defence of the Settlement was able to argue from the principles of reformed theology to its Puritan critics that the monarch, as a lay person, did not exceed the boundaries of her calling. By using the evidence of law, this chapter states that Hooker answered the critics of the Settlement by claiming that the laws of the realm annexed royal ecclesiastical jurisdiction to the Crown – which for Hooker created a controversy of its own by claiming that the Royal Supremacy was based on statute law, and not divine law.

By claiming that the Settlement was in accordance with reformed religious principles, Hooker needed to demonstrate this compatibility by extrapolating key reformed religious principles, such as the 'two kingdoms theory' of the supernatural and worldly realms. Hooker, looking at the division between sacred and secular in the exercise of authority, used Luther and Calvin as key allies.

That did not mean that Hooker restricted himself to using Luther and Calvin as his sole guarantors. The Zurich tradition, including Vermigli, and indeed Bullinger, are shown to be significant, reflecting the importance of the former upon the Edwardian Church, as well as the influence of works such as Bullinger's *Decades* upon the Elizabethan Church. This chapter will therefore attempt to show that Hooker was defending a far more reformed concept in this sense than has been claimed not only by the Oxford Movement in the late nineteenth century, but a significant number of twentieth-century commentators, too.<sup>168</sup>

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<sup>168</sup> For example, Podmore and the arguments put forward by Forward in Faith and The Society of St Wilfrid and St Hilda, which will be discussed in chapter seven.

This chapter will also consider the basis for Hooker's defence and understanding of the Royal Supremacy, using an analysis of the different types of law; the relation between Church and Community; the role of consent in that relationship; the role of Parliament; and the relationship of the monarch's ecclesiastical dominion with reformed religious principles, considering the influence of Luther and Calvin, and the role of adiaphora.

This chapter will also propose that Hooker, by drawing on the traditions of both Geneva and Zurich, places himself *with* the magisterial reformers, but not in one particular group, in order to draw upon what he sees as the best of the reformed tradition in his defence of the 1559 Settlement against those pushing for further reform.

Essentially, underpinning Hooker's theo-political defence of the Royal Supremacy is an orthodox Christology that avoids either Nestorian separation of the two natures or Eutychian conflation. Hooker was ultimately after unity-in-distinction, which he saw in a particular form of monarchy expressed through two united, yet distinct, kingdoms. Hooker did not want any separation of the *munus triplex Christi*, that is, of Christ's offices of prophet, priest, and king. It is my argument that in such a structure, Hooker was able to offer a strong defence of the Settlement, and hence the ecclesiological structure of the English Church as being compatible with magisterial reformed tenets.

### **3.2 Hooker and State Power**

An understanding of Hooker's system of law is key to a clear rationale of how he reconciled the Royal Supremacy with a reformed understanding of reasoned and justified authority given to the magistrate. Having outlined this argument, we will now consider how Hooker created a justification for an acceptable theology of relations between the Church and the Commonwealth – a concept that is key to the

overall argument of the *Lawes*. One of the major arguments of those pushing for further reform in the Church is that the monarch should have no ecclesiastical dominion. Hooker does not accept this as a legitimate claim, and hence attempts to justify the ecclesiastical dominion of the monarch as being acceptable to mainstream reformed notions of ecclesiology.

### 3.2a The Role of Natural and Supernatural Law in Hooker's Defence

One of the most immediate areas of contention that faced Hooker was the balance between State and sacramental power. Kirby argues, contrary to many of his peers, that Hooker regarded the Royal Supremacy 'as the principal means of securing and stabilizing a right distinction between the spiritual and temporal realms.'<sup>169</sup> Kirby founds this distinction upon Hooker's concept that 'the *Church* and *Commonwealth* are names which import things really different. But those things are accidents as may, and should always lovingly dwell together in one subject.'<sup>170</sup> Though they are different things, there is no reason that they should not dwell together in one subject. Indeed, they positively *should* dwell together – that is, in the person of the monarch, being a divinely appointed representative of the Commonwealth, a locus between natural and supernatural law.

Whilst concentrated in Books VII and VIII, the arguments concerning State Power and the Royal Supremacy developed in Hooker's *Lawes* build upon the framework set out in Book I, which examines the set of laws, both natural and divine, that order the

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<sup>169</sup> William John Torrance Kirby, *Richard Hooker's Doctrine of the Royal Supremacy* (Studies in the History of Thought) (Leiden: E. J. Brill, 1990), 7. Note that Kirby regards the Christological paradigm in Book V as being the keystone to a correct understanding of Hooker's doctrine of the Royal Supremacy (ibid, p.8). Also Patrick Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London: Hambledon Press, 1983), 187.

<sup>170</sup> Hooker, *Lawes*, VIII.i.5.

governance of things secular and sacred.<sup>171</sup> Hooker takes great care to explain the development and relevance of the system of natural and divine law, because it is upon these laws that the created order (which includes the sacred and secular power) is based. There are several kinds of law, according to Hooker.<sup>172</sup> For Hooker, Scripture has revealed a divine law, which, together with the law of reason, may illustrate how essential elements of the Church and Commonwealth are to be ordered.

Whilst all humans are subject to law, argues Hooker, not all humans are able to discern how their right conduct (laws inferior) is derived from the supreme law. Therefore, if only a few wise humans can make this judgment, then the majority of humans are not endowed with that ability – it is an ‘ignorance of how laws inferior are derived from that supreme or highest law.’<sup>173</sup> By setting down the expected parameters of behaviour in a system of laws, Hooker attempts to demonstrate that not only is the Religious Settlement a proper outworking of this, but that it is also in accordance with magisterial reformed doctrine. This system of laws is echoed by Calvin and Luther,<sup>174</sup> who believed that a system of acceptable societal behaviour was already evident in natural law, and did not need a system of laws based on the Bible, unlike Zwingli, who regarded a system of revealed law based on the Bible as

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<sup>171</sup> For Hooker, all members of the Commonwealth were Christian, and vice versa, and thus that the ‘Lex Humana’, or positive law, is directly and consciously influenced by the ‘Lex Divina’, or divine law.

<sup>172</sup> 1. Eternal Law; 2. The Law of Creation; 3. Natural Law; 4. Angelic Law; 5. The Law of Reason; 6. Societal Law; 7. The Law of Nations; 8. The Law of Mutual Society; 9. Supernatural Law (L.xvi.1).

<sup>173</sup> Hooker, *Lawes*, I.xvi.2.

<sup>174</sup> See William John Torrance Kirby, ‘Richard Hooker’s Theory of Natural Law in the Context of Reformation Theology’, in *The Sixteenth Century Journal*, Vol 30 No.3 (Autumn: 1999), 681-703. Kirby suggests that Hooker’s theory of natural law ‘appeals to Luther’s distinction of the two-fold use of the law, although his formulation of doctrine is potentially misleading on a terminological level’ (693), and quotes *Lawes* I.xvi.5 in support. Kirby states that Hooker depended upon the dialectical paradigm of Luther’s two kingdoms – in respect of Calvin, Kirby claims that Hooker makes use of the *Duplex Cognitio Dei*. However, Kirby does not offer any clear reason as to why Hooker’s division of laws is more complicated than either Calvin or Luther, merely that ‘together with Luther, Melancthon, Bullinger, and Calvin, Hooker maintains an orthodox, dialectical balance between the claims of natural law and the doctrine of *sola scriptura*, each within its proper sphere’ (703).

necessary.<sup>175</sup> Hooker's analysis is closest to that of Luther, who thought that a secular government did not need to model its laws on the Bible, as the negative law contained therein was echoed in natural law – as in the cases of murder and theft.<sup>176</sup>

Hooker emphasizes that all people live under this system of law, for their good, that these laws influence the laws of the Church, and also that consequently, it is these laws that are now being questioned by those calling for further reform:

whereby for so many [years] together we have been guided in the exercise of Christian religion and the service of the true God, our rites, our customs, and orders of ecclesiastical government, are called into question.<sup>177</sup>

The consequence of not obeying these laws, and deviating from them, is outlined by Hooker at the end of Book I:

if men had been willing to learn how many laws their actions in this life are subject unto, and what the true force of each law is, all these controversies [and contentions in the Church] might have died the very day they were first brought forth.<sup>178</sup>

This rather generous interpretation of those matters about which Scripture is silent – adiaphora – conveniently allows for a very broad application of obedience to the Crown, which is illustrative of Hooker's Erastian position upon obedience to the civil magistrate. Hooker is arguing for a divinely ordained law other than that in Scripture

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<sup>175</sup> Zwingli's concept was referred to as '*gesetzlich*' or 'legalistic' by those in Wittenberg, because Calvin used the Bible as a guide to civil and religious parameters. See D. M. Whitford, *T&T Clark Companion to Reformation Theology* (London: T&T Clark, 2012), 256–268, esp. 263.

<sup>176</sup> Miller regards Hooker's division of laws as more complicated than that of Aquinas – the reasons he gives for which are not entirely clear, but he suggests that inconsistency in the *Lawes* is one of them (Charles Miller, *Richard Hooker and the Vision of God: Exploring the Origins of Anglicanism* (Cambridge: James Clarke and Co., 2013), 65). Also, Daniel Westberg, 'Thomistic Law and the Moral Theology of Richard Hooker', *American Catholic Philosophical Quarterly*, 68 (1994 Supplement), 206–7.

<sup>177</sup> Hooker, *Lawes*, I.i.3.

<sup>178</sup> Hooker, *Lawes*, I.xvi.5.

that provides for adiaphora, and in doing so makes the case for an authority other than Scripture, one which should be obeyed in the way that society is governed, and people live their lives. Because there is another form of law that does not have its origins in Scripture, Hooker can claim that there is more than one form of Church law, thus justifying differing forms of Church polity – and giving credence to the form extant in the Church of England as being in accordance with divine law, legitimizing the Royal Supremacy and the ecclesiastical hierarchy – and he can do so without un-churching other traditions.

In order to understand why Hooker believes the Church and State have power or authority over individuals, we need to examine his development of natural law and positive law. Hooker assumes that we have understood the division between positive law and natural law as explained in Book I: crucially, that the Church has power because governmental forms, even if they are divinely instituted, are positive laws and not natural laws:

the public power of all societies is above every soul contained in the same societies. And the principal use of that power is to give laws unto all that are under it, which laws in such case we must obey, unless there be reason showed which may necessarily enforce that the law of reason or of God, doth enjoin the contrary.<sup>179</sup>

It is these laws that influence the laws of the Church, and these that are contested by the Puritans, argues Hooker.<sup>180</sup> In his discussion of divine law, Hooker believes that in a Christian Commonwealth, ‘man is in his actions directed to the imitation of God.’<sup>181</sup> Hooker believes that man has an appetite to be that which he is not – that is, they shall be ‘perfecter than now they are,’<sup>182</sup> these perfections being called goodness. These perfections resemble, in some degree, that from which they came: God.

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<sup>179</sup> Hooker, *Laws*, I.xvi.5.

<sup>180</sup> Hooker, *Laws*, I.i.3.

<sup>181</sup> Hooker, *Laws*, I.v.1.

<sup>182</sup> Hooker, *Laws*, I.v.1.

Further, the souls of men, according to Hooker, are like an empty book:<sup>183</sup> Hooker believes that man learns to discern between good and evil, and indeed what ought to be ‘written’ in the pages of their book, by education and instruction, which ‘are the means, the one by use, the other by precept, to make our natural faculty of reason both the better and the sooner able to judge rightly between truth and error, good and evil.’<sup>184</sup> According to Hooker, humanity’s will is guided by the laws of action; guided by the fact of his being made according to the likeness of his Maker, and thus also resembling God in the manner of men’s working – this, humans do ‘wittingly’ and freely.<sup>185</sup>

to choose is to will one thing before another. And to will is to bend our souls to the having or doing that which they see to be good. Goodness is seen with the eye of understanding. And the light of that eye, is reason.<sup>186</sup>

Thus, Hooker is at pains to explain the logic and process of natural and divine law because it is important to understand how the balance of State and ecclesiastical power is tackled in his defence of the Elizabethan Settlement. Hooker makes the following claim: ‘For that which all men have at all times learned, Nature herself must needs have taught; and God being the author of Nature, her voice is but his instrument.’<sup>187</sup> Hence the discernment, using the gift of reason, of a system of public good from the principles of natural law is in accordance with the will of God. Miller argues that as Hooker was writing:

in the tradition of Christian Aristotelianism as developed by Aquinas [Hooker knew] that, as important as natural virtue and perfection are, the human person also has a capacity for

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<sup>183</sup> Hooker, *Laws*, I.v.1.

<sup>184</sup> Hooker, *Laws*, I.vi.5.

<sup>185</sup> Hooker, *Laws*, I.vii.2.

<sup>186</sup> Hooker, *Laws*, I.vii.2.

<sup>187</sup> Hooker, *Laws*, I.viii.3.

supernatural virtue and perfection through the exercise of spiritual life and the appropriation of grace.<sup>188</sup>

Hence as ‘enraced’ virtues aim towards the *summum bonum*, the social groups that inevitably form in Christian societies are ordered by the principles God has made known through the use of reason in natural law: the motivations for which are aimed towards the betterment of humankind.<sup>189</sup>

By explaining the system of laws that govern the universe and the created order, and therefore the systems of government within which we live, Hooker can give his defence a grounding in argument that is also shared by Calvin and Luther (see footnote 178). The entire argument of the *Laws* is based upon these foundations, and so it is important that Hooker demonstrates right at the beginning that what he is defending is acceptable to wider Protestantism.

There are two foundations to public society, argues Hooker, ‘the one, a natural inclination, whereby all men desire sociable life and fellowship; the other, an order expressly or secretly agreed upon touching the manner of their union in living together.’<sup>190</sup> Hooker refers to the latter as the ‘law of Commonweal’, which is ‘the very soul of a politic body, the parts whereof are by law animated, held together, and set on work in such actions, as the common good requireth.’<sup>191</sup> This is the distinction between natural law and societal law. Like it or not, all human beings are subject to such laws by virtue of their existence within some form or other of society. Yet,

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<sup>188</sup> Miller, *Richard Hooker and the Vision of God*, 253.

<sup>189</sup> Spinks contrasts Cargill Thompson’s view that though Hooker used Aquinas’ views on natural law, they were hardly unique, with that of Munz, who Spinks cites as having regarded Hooker using Aquinas in a diffused but deliberate manner. See B. D. Spinks, *Two Faces of Elizabethan Anglican Theology: Sacraments and Salvation in the Thought of William Perkins and Richard Hooker*, Drew University Studies in Liturgy, 9 (The Scarecrow Press, Inc. Lanham, Maryland, and London:1999), 106; also W. D. J. Cargill Thompson, ‘The Philosopher of the “Politic Society”’, in W. Speed-Hill, ed., *Studies in Richard Hooker: Essays Preliminary to an Edition of His Works* (Cleveland, OH: The Press of Case Reserve University, 1972), 3-76, 26; and Peter Munz, *The Place of Richard Hooker in the History of Thought* (London: Routledge & Kegan Paul, 1952), 48.

<sup>190</sup> Hooker, *Laws*, I.x.1.

<sup>191</sup> Hooker, *Laws*, I.x.1.

Hooker does not believe in a ‘one-size-fits-all’ approach; laws must be tailored according to the place in which they will be effected. Furthermore, laws ‘whether mixedly or merely human are made by politic societies: some, only as those societies are civilly united; some as they are spiritually joined and make such a body as we call the Church.’<sup>192</sup> This latter comment from Hooker is clearly designed to justify the application of such laws in a society in which the monarch has jurisdiction over two spheres.

A particular problem, Hooker argues, is ‘ignorance [on the part of the Puritans] how laws inferior are derived from that supreme or highest law.’<sup>193</sup> Hooker highlights this as an understanding of how the laws of State are derived from natural and divine law, and how these laws are binding upon all citizens effectively requires conformity because all the citizens of the country in which they operate have no choice but to conform, by virtue of their residency in that country. Hooker uses this method to demonstrate to the Puritans that the English Church, as well as the English State, has a system of laws that are validly formulated according to magisterial reformed religious principles, and hence that because the monarch is the chief part of this system, then obedience to her is lawful.<sup>194</sup> Hooker believes that the Puritans, and other non-conformists, by following their own reasoning (‘the law of private reason’), ‘breed disturbance,’<sup>195</sup> and are acting contrary to the good order in society that was ordained by God and set forth in Scripture and natural law.

In order to make a convincing argument that laws taken from places other than Scripture are binding, Hooker needs to demonstrate that positive law, or human law, has ‘divine sanction’:

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<sup>192</sup> Hooker, *Laws*, I.x.11.

<sup>193</sup> Hooker, *Laws*, I.xvi.2.

<sup>194</sup> Hooker, *Laws*, I.xvi.5.

<sup>195</sup> Hooker, *Laws*, I.xvi.6.

therefore the laws which the very heathens did gather to direct their actions by, so far forth as they proceeded from the light of nature, God his selfe doth acknowledge to have proceeded even from him selfe, and that he was the writer of them in the tables of their hartes.<sup>196</sup>

Hooker thus attempts to argue that the laws of the realm, though not taken directly from Scripture, were still binding upon society. The divine sanction for these laws, according to Hooker, is in evidence due to natural law (which Hooker had already argued a Christian basis for by following an Aristotelian-Thomistic heritage) inclining the human telos towards the good. The positive, human laws of the group, or society, of which they were a member, gave form or expression to the pursuit of this good.

Whilst it may seem perhaps harsh for a society to be ordered by a set of laws, obedience to which by definition is not optional, these laws are made by the consent of society: ‘a law is the deed of the whole body politic, whereof if ye judge yourselves to be any part, then is the law even your deed also.’<sup>197</sup> Here, Hooker is maintaining that the Puritans, if they deem themselves to be part of the society in which they live, are also the authors of these laws, having given their consent to being governed by them by living in the society that is framed by these laws – in other words, that the whole of society is part of the legislative process. However, Hooker does not seem to give much thought as to whether the Puritans regarded themselves to be a part of the society in which they lived, or whether they set themselves apart.

That having been said, I would argue that Hooker’s principle of consent by residence enables this polity of legal moderation by societal membership to be compatible with magisterial reformed principles of lay participation. Hooker uses Luther’s distinction of the two different purposes of the law:

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<sup>196</sup> Hooker, *Laves*, III.ix.3.

<sup>197</sup> Hooker, *Laves*, Preface.v.2.

The lawe of reason doth somewhat direct men how to honour God as their Creator, but how to glorifie God in such sort as is required, to the end he may be an everlasting Saviour, this we are taught by divine law, which law both ascertaineth the truth and supplyeth unto us the want of that other law. So that in morall actions, divine lawe helpeth exceedingly the law of reason to guide mans life, but in supernaturall it alone guideth.<sup>198</sup>

For Hooker, in the supernatural realm, the revealed word alone is guide, whereas in the created order, natural law is prime. Due to the fallen state of humanity, natural law requires some sort of ‘public regiment.’<sup>199</sup> As the mystical body of Christ, Hooker regards the Church as being beyond natural knowing (yet encompassing natural knowing within its supernatural order), but, within the political realm, he regards it as being subject to positive human law; it is therefore subject to the remit of the Christian prince as the highest ‘uncommanded commander’ in the temporal realm.<sup>200</sup>

A parallel can also be seen with Bullinger’s account of idolatry in the *Decades* on Romans 2.15. Here, Bullinger argues that God has planted natural law in the minds of humans in order to direct and inform man’s distinction between good and evil. Hooker considers idolatry to be an example of the blindness against the ‘manifest laws of reason’ and proof of man’s inability to ‘rightly perform the functions allotted to it, without perpetual aid and concurrence of the Supreme Cause of all things.’<sup>201</sup> This suggests that, according to Hooker, by whatever cause, humans have chosen not

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<sup>198</sup> Hooker, *Lawes*, I.xvi.5.

<sup>199</sup> Hooker, *Lawes*, I.x.4.

<sup>200</sup> Kirby makes the clarification that, for Hooker, ‘the external order of political law and the revelation of a supernatural way of salvation both arise out of disruption of the natural order... Like the Christian individual, the Church also falls within the distinction of the two kingdoms of creation and redemption. As the mystical body of Christ, the Church is altogether above natural knowing. Yet insofar as the Church falls within the external, political realm, it too is subject to the directives of positive human law and thus ultimately to the authority of the Christian prince as the ‘uncommanded commander’ in the external, political realm’ (‘Hooker’s Theory of Natural Law’, 694).

<sup>201</sup> Hooker, *Lawes*, I.viii.11.

to follow natural reason, and have thus blinded themselves to the operation of divine law and grace in them.

Calvin's account of the *duplex cognitio Dei* in the 1559 *Institutes* is key to his systematic organization:

Since, then, the Lord first appears, as well in the creation of the world as in the general doctrine of Scripture, simply as Creator, and afterwards as Redeemer in Christ, a twofold knowledge of him arises.<sup>202</sup>

Calvin, unlike a great many of his contemporaries, uses Cicero and Ovid's reasoning for knowledge of the divine being implanted on human hearts.<sup>203</sup> Calvin, however, agrees with Luther in that fallen man can only glimpse the mysteries of redemption with the illumination of divine grace.<sup>204</sup> These passages can be compared with, for instance, I.viii.3 of the *Lawes*: 'For that which all men have at all times learned, nature herself must needs have taught; and God being the author of nature, her voice is but his instrument.' Therefore, Hooker draws from, and is consequently supported by, magisterial reformers such as Calvin, Luther, and Bullinger. Knowledge of God, and hence also of eternal law, is learnt by both Scripture and reason.

Hooker's marginal notes to *A Christian Letter* show that the question uppermost in Hooker's mind was the need to justify his discourse on natural law within the parameters of Protestant orthodoxy. Calvin wrote thus to Martin Bucer, which is quoted by Hooker:

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<sup>202</sup> John Calvin, *Institutes of the Christian Religion*, tr. Henry Beveridge (1845) (Hendrickson: Peabody, Mass. 2008), I.2.1

<sup>203</sup> Cicero, *On the Nature of the Gods. Academics*, tr. H. Rackham. Loeb Classical Library 268 (Cambridge, MA: Harvard University Press, 1933) and Ovid, *Metamorphoses*, tr. David Raeburn with an Introduction by Denis Feeney (London: Penguin, 2004).

<sup>204</sup> Calvin, *Institutes*, 2.2.20.

Philosophy is, consequently, the noble gift of God, and those learned men who have striven hard after it in all ages have been incited thereto by God himself, that they might enlighten the world in the knowledge of the truth.<sup>205</sup>

Hence, Hooker, in utilizing these magisterial reformers, hoped to justify his use of natural law in arguing that the Royal Supremacy was not against the tenets of wider Protestantism: the Royal Supremacy was, according to Hooker, doubly sanctioned in reason *and* Scripture.

Yet, the concept of ‘reason’ within people’s consciences could also work in tandem with external moderation. Hooker uses an Aristotelian framework in the following warning: ‘Otherwise how can it be that some other sinews there are from which that overplus of strength in persuasion doth arise? Most sure it is, that when men’s affections do frame their opinions.’<sup>206</sup> Here, Hooker is inferring that reason (as opposed to affection) was the principal moderator of undue passions.

This section has argued that Hooker regards the monarch to be also subject to moderation – or limitation – on their authority (albeit somewhat obtusely):

what power the king hath he hath by law, the bounds and limits of it are known. The entire community giveth general order by law how things publicly are to be done, and the king as the same head thereof, the highest authority over all, causeth according to the same law every particular to be framed and ordered thereby.<sup>207</sup>

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<sup>205</sup> Calvin, *Letters*, ed. by Jules Bonnet and tr. by David Constable, 2 volumes (Edinburgh: Thomas Constable, 1855-57), 2:198, 199; Hooker’s handwritten comments on his copy of *A Christian Letter* calls upon Calvin in a letter to Martin Bucer. Note that the attribution of this quote by Hooker to Calvin is not absolutely certain. See also *Laves* VII.xi.10.

<sup>206</sup> Hooker, *Laves*, Preface, iii.10.

<sup>207</sup> Hooker, *Laves*, VIII.viii.9.

That the monarch's power may be limited by law is explained by Shagan, who believes that what Hooker says about the moderation of monarchical power can also be extended to bishops, whom he regards as an instrument of State Power:

[in respect of] the authority of the prince as Supreme Head of the Church, we find in essence an extension of [the] arguments about bishops, the same reciprocal relationship between internal and external moderation, only now these arguments seem infinitely more radical because they involve the moderation of royal authority.<sup>208</sup>

Radical it may be to suggest that the monarch's power is limited – and limited by statute law at that – but Hooker himself is deliberately vague about how exactly that power is limited. This leads us to conclude that Shagan may be trying to claim more limitation on the monarch's power than Hooker had in mind – another example of how subsequent commentators have woven their own agenda into Hooker. Episcopal power is discussed further in chapter five.

This section has argued that Hooker sees the monarch as a locus between the natural and the supernatural, with a careful explanation of the development and relevance of natural and divine law. These dictate how essential elements of Church and the Commonwealth are ordered. The parameters contained in such a system have close parallels with those of Luther – all people live under these laws, which govern both the universe and created order. The system of public good is derived from principles of natural law. Hooker argued that the Puritans were ignorant on how inferior laws were derived from the supreme or highest law. Further, consent to be governed by such set laws was given by virtue of residency in that country, which in itself constituted lay participation in so being governed. The Christian prince was the highest uncommanded commander in this system. Further, humans were sometimes

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<sup>208</sup> Ethan Shagan, *The Rule of Moderation: Violence, Religion, and the Politics of Restraint in Early Modern England* (Cambridge: Cambridge University Press, 2011), 145.

blinded to the operation of divine law and of grace, with Hooker giving the example of Calvin's *duplex cognitio Dei*. Hooker argued that knowledge of God, and hence also of eternal law, was learnt by both scripture and reason, with philosophy being a noble gift of God.

### 3.2b Hooker and the Relationship Between Church and Community

One of the key aspects of Hooker's defence of the Royal Supremacy is the interconnectedness of Church and Community,<sup>209</sup> key to which was a broad and inclusive definition of Church membership. Hooker clarified matters by stating that:

we heare meane true religion in grosse, and not according to every particuler for they which in some particular pointes of religion to swarve from the truth, may neverthelesse most truly, if we compare them to heathenish religion, be said to hold and profess that religion which is true.<sup>210</sup>

Hooker's vision of a unified Church and State also makes a distinction between accident and substance,<sup>211</sup> which leads him to conclude that it is an error that spiritual affairs are separated from temporal affairs, using Aristotle to strengthen his argument:

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<sup>209</sup> Hooker, *Lawes*, VIII.i.2. McGrade argues 'the concrete or extensional identity of church and commonwealth did not, however, automatically vindicate the royal supremacy' (A. S. McGrade, 'Introduction to Book VII', the *Folger Library Edition of Richard Hooker*, W. Speed-Hill, General Editor (New York, 1993), xxiv).

<sup>210</sup> Hooker, *Lawes*, VIII.i.2.

<sup>211</sup> 'A *Church* and a *Commonwealth* we graunt are thinges in nature the one distinguished from the other, a *Commonwealth* is one way, and a *Church* the other way defined. In their [the Puritans'] opinion the *Church* and the *Commonwealth* are corporations not distinguished only in nature and definition, but in substance perpetually severed.' (VIII.i.2). Such a distinction is important because as the soul and body form a fundamental unity-in-distinction for Aristotle, so do Church and Commonwealth for Hooker. For Aristotle, for latter serves the former, just as the Commonwealth serves the Church for Hooker.

...so in all commonwealths things spirituall ought to be above temporall to be provided for. And of things spirituall the chiefest is *Religion*. For this cause persons and thinges imployed peculiarly about the affayres of religion are by an excellence termed *Spirituell*.<sup>212</sup>

That Hooker believes the Church and Commonwealth to be a unity, he argues in three ways. First, the difference of ecclesiastical affairs or offices from secular ones is ‘no argument that the *Church* and the *Commonwealth* are always separate and independent the one from the other.’<sup>213</sup> Second, although the names Church and Commonwealth imply different things, ‘those thinges are accidents and such accidents as may and should always lovingly dwell together in one subject.’<sup>214</sup> Third, we see the unity in the matter of punishment, ‘because that *Church* and *Commonwealth* he was of were both one and the same societie, so that whatsoever doth separate utterly a mans person from the one it separateth also from the other.’<sup>215</sup>

There is, argues Hooker, a need for order in all of society, and the monarch has a crucial role in maintaining that order.<sup>216</sup> Like it or not, because the Church exists in the physical world, ‘they [Churches] have political and structural histories, and their relation to the sacred is invariably bound up with ways in which power and control are exercised.’<sup>217</sup> The interconnectedness of Church and Commonwealth in Hooker being an axiom, he nevertheless took a broad and pragmatic route, ‘which reviewed religion as a prop and servant of a prior political good.’ From officeholders in both the civil and ecclesiastical spheres, therefore, ‘loyalty to the Crown was an essential

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<sup>212</sup> Hooker, *Lawes*, VIII.i.4.

<sup>213</sup> Hooker, *Lawes*, VIII.i.4.

<sup>214</sup> Hooker, *Lawes*, VIII.i.5.

<sup>215</sup> Hooker, *Lawes*, VIII.i.6.

<sup>216</sup> Hooker, *Lawes*, VIII.ii.1.

<sup>217</sup> Rowan Williams, *On Christian Theology* (Oxford: Blackwell, 2000), 98.

requirement.’<sup>218</sup> Yet, the 1532 Submission of the Clergy was a constitutional earthquake, which fundamentally altered the connection between clergy in Convocation and the sovereign.

In conclusion, Hooker’s belief that Church and State are intrinsically interconnected is fundamental to how he addresses the relationship between them – one cannot be a member of one part without being a member of the other. Hooker believes in a highly inclusive model of Church membership, which means that Roman Catholics may even be considered Church members in law (Puritans were considered Church members by almost any definition). That the spiritual and temporal realms may dwell together in one subject is a hypostatic Christological device used to enforce the idea of unity. The monarch, according to Hooker, held together the order and unity of these two realms – but how could this possibly be reconciled with an orthodox reformed understanding of ecclesiological principles?

### 3.2c Community and Consent in the Royal Supremacy

Although some may regard Elizabeth as tending towards an absolutist style of government, this was not necessarily always the case, with the queen seeking at least a nominal consultation with her advisors and Council, which would suggest the monarch believed that any religious changes were to be enacted through the proper political process.

We have already explored Hooker’s opinion that the community gives the monarch the mandate to occupy her role, and hence, it could be argued that only people approved by the community gain supremacy, and consequently, the community could remove unfit rulers from office. This is not what Hooker argues, though. In an hereditary monarchy,

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<sup>218</sup> Miller, *Richard Hooker and the Vision of God*, 18.

birth giveth right unto the sovereign dominion and the death of the predecessor putteth the successor by blood in seisin...and therefore in case it doth happen that without right of blood a man in such wise be possessed...the inheritor by blood may dispossess him as a usurper.<sup>219</sup>

In England, we observe that no formal sanction for the taking up of office is needed by the community (it being a hereditary monarchy), and further, the community may not withdraw their consent for the monarch's supremacy (it being necessary therefore that royal authority is limited).<sup>220</sup>

Hooker believed that the monarch was under the law, but not subject to it – the monarch enjoyed the ability to make laws, but this power was assumed only in Parliament.<sup>221</sup> Remember, though, that whilst the Royal Supremacy is grounded on consent, the Act of Supremacy itself does not constitute that consent. God would act improperly if He intervened directly in human affairs, and this is what might be implied if the monarch exercised their supremacy without consent – creating an interesting point of tension when considering *Iure Divino*. For example, if the monarch did not have the approval or consent of the people to govern, and the monarch governed regardless, outside the bounds of governing by consent, then the monarch could be seen to be abusing their divine right.

The monarch was under the law, though not subject to it, due to being under the oath she took at her coronation, which is clearly a significant point. The coronation oath itself could be seen as having contractual overtones, and therefore risking the opinion

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<sup>219</sup> Hooker, *Lawes*, VIII.iii.2.

<sup>220</sup> The only two occasions when consent can be withdrawn are when the putative heir is not the lawful heir and when the putative heir has a natural or legal inability that makes them incapable of office (VIII.iii.2).

<sup>221</sup> Each Act of Parliament began with the wording, 'Be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same ...'

that royal authority was not based on succession by blood alone (see above). Hooker himself is of the opinion that it is the monarch's hereditary birthright that gives dominion, rather than anything in the coronation service itself.<sup>222</sup>

An example of how Hooker views the consent of the community, in the form of Parliament, as working together with, and thus legitimizing, the authority of the monarch, can be seen in how a law is passed:

we are to hold it a thing most consonant with equitie and reason that no *Ecclesiasticall* lawe be made in a *Christian Commonwealth* without consent as well of the laitie as of the Clergie but least of all without consent of the highest power.<sup>223</sup>

Of these powers, the monarch's authority is the highest. McGrade questions the extent of this authority by suggesting that 'on Hooker's account, the crown's executive power in religion was directly dependent on the consent of the community as given in parliament.'<sup>224</sup> That is, the Crown's 'chief' power in religion could only be exercised with the consent of the community's elected representatives in Parliament. Taken alone, McGrade could be here thought to suggest that Parliament bestows power upon the monarch in ecclesiastical affairs – but this is not what Hooker suggests: for Hooker, the power is passed on in an hereditary sense: 'but the cause of dependency is in that first original conveyance. ... Original influence of power from the body into the *King* is cause of the *King's* dependency in power upon the body.'<sup>225</sup>

The 1559 Act of Supremacy established Elizabeth as Supreme Governor, by the authority of 'this your High Court of Parliament, with the assent of your highness.'<sup>226</sup>

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<sup>222</sup> Hooker, *Lawes*, VIII.iii.2.

<sup>223</sup> Hooker, *Lawes*, VIII.vi.7.

<sup>224</sup> A. S. McGrade, (ed.) *Hooker: Of the Laws of Ecclesiastical Polity*, Cambridge Texts in the History of Political Thought (Cambridge, Cambridge University Press: 1989), xxvii.

<sup>225</sup> Hooker, *Lawes*, VIII.iii.2.

<sup>226</sup> Henry Gee and William John Hardy, ed., *Documents Illustrative of English Church History* (New York: Macmillan, 1896, and London: Macmillan, 1914) 443.

Therefore, given that the monarch, though having inherited their power by succession, exercises their ecclesiastical power in Parliament, which is the body of elected representatives of the nation, and together with the Convocation of the Church of England, these three ‘bodies’ can be regarded by Hooker as speaking for the entire nation.

Binding Church laws in relation to ecclesiastical matters may be one thing, but what does Hooker say about the authority to interpret Scripture, which is key to his argument with the Puritans? Hooker again believes that this authority belongs to the Crown in Parliament with Convocation – that is, the Holy Spirit leads Christians (in this case in England) to a true understanding of the Bible by empowering reason to achieve a valid interpretation. With the guidance of the Holy Spirit:

the general and perpetual voice of men is as the sentence of God himself. For that which all men have at all times learned, nature herself must needs have taught; and God being the author of Nature, her voice is but his instrument.<sup>227</sup>

Eppley finds the idea of authoritative interpretation of Scripture by the Crown in Parliament as ‘whiffing’ of a ‘frighteningly absolutist monarchy.’<sup>228</sup> However, whilst the idea of an Established Church taking this line in the sixteenth century may have been perhaps a little forthright, it is only from the vantage point of 400 years later that it seems extraordinary. It is worth noting here that Hobbes, writing in *Leviathan*, agrees with Hooker.<sup>229</sup> Yet, in the Elizabethan era, if the Crown in Parliament had the legal ability to make authoritative pronouncements, this meant that the English Church could not be accused of making these changes without the proper authority. The proper authority *was* the Crown in Parliament, with Convocation, according to Hooker, with the potential implication that the Crown in Parliament has the authority

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<sup>227</sup> Hooker, *Laws*, I.viii.2-3.

<sup>228</sup> D. Eppley, *Defending Royal Supremacy and Discovering God’s Will* (Cambridge: Cambridge University Press, 2007) 225.

<sup>229</sup> See Thomas Hobbes, *Leviathan*, Part II: Of Commonwealth, Chapter XVIII.3.

to determine ‘truth’ for the subject, beyond which the subject must not enquire, immaterial of whether the determination is ‘true’ in any absolute or ontological sense.

The community’s implicit authorization and consequent definition of royal authority has the advantage of eliminating avenues of resistance to the Crown, because it is the community that has authorized the actions of the Crown. It is important to note that Hooker avoids any legitimization of direct divine appointment in the manner of the Old Testament. There are two important reasons for Hooker’s refusal to countenance this idea: first, by doing so, Hooker refuses to allow the possibility of resistance to the Crown and second, in acknowledging direct divine intervention in the government of the Church and State, this would very likely lead to individuals claiming a direct mandate from God to ignore those laws, and to propound alternatives to further their own cause. The two reasons are highly related because if there were direct divine intervention, there could be resistance to the State based on particular groups claiming that they had access to divine will. When discussing this point, Eppley seems to back himself into a corner by intimating that authorities as varied as Tyndale, Gardiner, and Whitgift suggest Christians must disobey royal policies that counter God’s will, and therefore pointing out a focus of authority other than the Crown in Parliament as the definitive standard of Christian truth.<sup>230</sup> He argues that this would have amounted to a seditious and potentially heretical thought at the time – and is not the concept of the Settlement Hooker himself would have been defending. However, it is hardly a new concept that the orthodox Christian believer may sometimes have to obey their conscience above the State.

By explaining the role of community consent in the model of government defended by Hooker, we could argue that a more accountable model of government was more acceptable to those who would not have agreed with an absolutist form of monarchy. Hooker is an advocate of the hereditary monarchy, yet demonstrated his dislike and

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<sup>230</sup> Eppley, *Defending Royal Supremacy*, 223.

disapproval of a sacred kingship by holding the coronation service to be of little purpose: according to Hooker, it is the hereditary birthright that gives dominion (though Hooker does not subscribe to direct divine appointment), and not the coronation service (or indeed the anointing therein). Hooker also believes the coronation oath to have contractual overtones, which could be problematic, especially if the monarch were deemed to have broken it – laying them open to censure – but by whom (God), and how. Yet, consent to a system of Royal Supremacy also meant, by extension, consent to the laws promulgated by the Crown in Parliament, which also meant Parliament and the Crown’s authority to interpret Scripture.

This section has argued that any changes to the religious system in the country were enacted through proper legal and political process. The mandate for the monarch to occupy this role was given by the community, although the hereditary nature of monarchy in England may have made this tricky to explain (noting that once the community had given their consent, it could not be taken away). Further, the monarch was under the law, but not subject to it. Though the coronation oath could have been seen as putting the monarch under the law, Hooker argued that the hereditary birthright was more important. For Hooker, the monarch, who inherited their power, exercised that power in parliament, which in itself is the body of the representatives of the nation: thus, these two bodies, with Convocation, spoke for the nation. In relation to the authority to interpret Scripture, Hooker believes this authority belonged to the Crown in Parliament with Convocation, with the consequence that the community’s role in authorisation and consequent definition of royal authority helped eliminate avenues of resistance. It is also important to state that Hooker does not legitimate direct divine appointment.

### 3.2d The Role of Parliament

Did Parliament act as anything more than a rubber stamp for the monarch's ecclesiastical authority? Hooker argues that in making laws, it is natural to ask those who have the greatest knowledge in that area to judge them. By extension, the same could be argued to apply to articles of Christian faith, rites, and ceremonies suitable for the exercise of religion, in that bishops and pastors are more suited than secular persons. Yet,

laws they could never be without consent of the whole *Church*...  
Wherefore to define and determine even of the *Churches* affaires by way of assent and approbation as lawes are defined of in that right of power which doth given them the force of lawes; thus to define our *Churches* regiment, the *Parlament* of England hath competent authoritie.<sup>231</sup>

The power to make these laws is given to Parliament by a free and deliberate assent of the people. Hooker argues, though, that whilst ecclesiastical persons are most suited for the care of ecclesiastical laws,<sup>232</sup> this does not take away the power of the monarch's authority to be highest in legislative procedure:

the Parliament of England together with the Convocation annexed thereunto is that whereupon the very essence of government within this kingdome doth depend...it is even the bodie of the whole Realme, it consisteth of the King and of all that within the Land are subject to him.<sup>233</sup>

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<sup>231</sup> Hooker, *Lawes*, VIII.vi.11.

<sup>232</sup> Hooker, *Lawes*, VIII.vi.11.

<sup>233</sup> Hooker, *Lawes*, VIII.vi.12.

The role of the laity in making ecclesiastical law is also considered important, as without this, the consent of the whole community could not be gained.<sup>234</sup> Hooker's argument is essentially that the laity<sup>235</sup> need to play a part in the formation of ecclesiastical laws, otherwise the clergy may use their power in this respect to dominate lay people: 'power should belong to the whole, and not certain sections, though some may have greater sway than others. There is no reason it should be different for the Church.'<sup>236</sup> It is Hooker's opinion that God controls the royal head of the Church through the human agent of the Church as a whole. The agent speaks through Parliament (including the Crown), with the Convocation – that is, the Crown in Parliament, rather than the Crown solus.<sup>237</sup> Eppley, McGrade, and Lake argue that the ecclesiastical constitutionalism of Hooker is an effort to prevent any potential royal absolutism from affecting the Church, 'underwriting his vision of a royal authority limited by the rule of law, not only divine and natural law, but also English Church Laws.'<sup>238</sup>

Hooker therefore argues that Parliament has the competent authority necessary to define law in England, yet the monarch retains the royal assent (and therefore also a veto), which is needed before laws become binding in the realm. Yet, the monarch's actions are (in theory) restrained by divine and natural law, but also the law of the land. (As we have seen, it would be unwise to suggest that Hooker believed the coronation oath to offer a restraint on the royal powers, as he believed it to have contractual overtones, and thus by implication, problems of redress when a breach occurred.) The focus of the law-making powers for both the ecclesiastical and secular realms was concentrated in the person of the monarch, a concept that was aligned with a reformed understanding of the two kingdoms, which we shall discuss shortly.

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<sup>234</sup> Hooker, *Laws*, VIII.vi.7.

<sup>235</sup> The population at large in the country was represented by those whom they had elected to Parliament, thus making legislation binding upon all.

<sup>236</sup> Hooker, *Laws*, VIII.vi.5.

<sup>237</sup> Hooker, *Laws*, VIII.vi.11.

<sup>238</sup> Daniel Eppley, 'Royal Supremacy', in *A Companion to Richard Hooker*, ed. William John Torrance Kirby, 503-532 (Leiden: Brill, 2008) 510.

### 3.2e The Ecclesiastical Dominion of the Monarch and Wider Protestantism

Hooker argued strongly that the Church and Commonwealth are not to be regarded as having a perpetual and personal distinction. But what was his argument for the monarch having dominion over the Church? In the early chapters of Book VIII, Hooker defends the power of a civil ruler over the Church, conducting a survey of kingship in the Old Testament – ‘Jewish kings were invested with both Ecclesiastical Supremacy and Civil Chieftly’<sup>239</sup> – examining accounts of Simon in 1 Maccabees, David, Asa, Jehosaphat, Ezekiel, and Josiah. If it had not been for the virtue of the king’s power, then how was it that the piety or impiety of the king changed the public face of religion, which the priests could not have done by themselves?

The altering of religion, the making of *Ecclesiasticall* laws with other like actions belonging unto the power of dominion are still termed the deedes of the *Kinge*, to shewe that in him was placed *Supremacie* of power even in this kinde over all, and that unto their *High Priests* were also *Kings* or *Princes* over them.<sup>240</sup>

Those who argue that the king should not have power over the Church, Hooker believes, must make a perpetual separation between the Church and the State. He and also states that:

they so tie all kinde of *Power Ecclesiasticall* unto the Church as if it were in every degree their only right, which are by proper spirituall function termed *Church-Governours* and might not unto *Christian Princes* in any wise appertaine.<sup>241</sup>

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<sup>239</sup> Hooker, *Lawes*, VIII.i.1.

<sup>240</sup> Hooker, *Lawes*, VIII.i.1, see also VIII.viii.4.

<sup>241</sup> Hooker, *Lawes*, VIII.i.2.

Hooker would have been influenced by predominant Tudor thinking that its monarchy was considered a model of theocratic kingship.<sup>242</sup> But Hooker does not take this approach in justifying Royal Supremacy – instead, he took the line that no divine mandate exists for any particular form of institutional structure, thus leaving the distribution of ecclesiastical authority to each Church’s discretion.<sup>243</sup>

It must be remembered that although Hooker was defending the status quo against the claims of the Puritans for further reform, his audience would likely, aside from Puritans, have been ecclesiastical divines. Kirby argues that many of these divines ‘were uncomfortable with certain aspects of the established Church order, including royal supremacy.’<sup>244</sup> If this is to be believed, then Hooker would also have been justifying the existing religious landscape against claims for further reform from those within it. This may give another reason as to why Hooker was deliberately vague in certain areas such as the limits of the monarch’s authority over the Church, and in which particular areas (in theory) she could intervene.

In conclusion, Hooker argues that ecclesiastical dominion of the monarch had a certain degree of biblical precedent, and quotes from the Old Testament to give credence to this argument. Yet, Hooker does not justify theocratic kingship, arguing that no divine mandate exists for any one system of government, and thus opening the way for a politically expedient model to suit prevailing conditions. Hooker believes that the civil governor has a legitimate and necessary role in the Church, even if he is not absolutely explicit in what that role is and the limits of that role. In doing so, Hooker attempts to prove wrong those who argue for a separation between secular and sacred spheres.

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<sup>242</sup> See Jewel’s *Defence of the Church of England* and his belief in sacred kingship. John Jewel, *The Works of John Jewel*, ed. J. Ayre, 2 vols in 4 (Cambridge: Parker Society, 1845-50).

<sup>243</sup> Hooker, *Laves*, VIII.iii.1.

<sup>244</sup> Kirby, *Royal Supremacy*, 22-23.

i) The importance of the two kingdoms argument

Hooker argues in the *Lawes* that Cartwright confuses the distinction between the two realms. Calvin and Luther, by and large, do not, and this is where Hooker begins his argument that the Settlement is compatible with wider Protestantism. It is no surprise that in discussing how the Royal Supremacy could be reconciled with reformed thought, Hooker focused on the distinction between the visible and invisible body of the Church, using theologians who had a strong influence on the Elizabethan Church as evidence, such as Vermigli and others from the Zurich school, as well as Calvin – hoping that by appealing to a broad section of continental theologians, he could demonstrate the orthodoxy of the Settlement.

Vermigli used his commentary on the role of the magistrate in the Book of Judges, Chapter 19, as a basis for an appropriate form of government. Kirby offers an exploration of Vermigli's understanding:

the power exercised by ministers through the Word in the 'inward motions of the minde' is sharply distinguished from that wielded by the magistrate through the sword in matters of 'outward discipline'. Conversely, civil power has become sacralised, chiefly owing to its unmediated link with the divine fount of power.<sup>245</sup>

Kirby is thus arguing that the monarch is for Vermigli that link with divine power, though not perhaps to the extent that *Iure Divino* proponents would argue.

If Vermigli was able to make a convincing case for the distinction between the visible and invisible body of the Church, without compromising the authority held by Christ over the Church, the monarch would have been able to occupy a role of supreme

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<sup>245</sup> William John Torrance Kirby, *The Zurich Connection and Tudor Political Theory* (Leiden: Brill, 2007), 72.

governorship. Therefore, for Hooker, the fields of political theory and theology had little distinction between them. This was Hooker's apologetic intention – the *Lawes* and their function as an apology for the Settlement cannot rightly be explained without a clear understanding of Hooker's concept of magisterial reformed divinity in the tradition of Zurich, which I have outlined in this section.

Vermigli is quite clear that Christ alone can be the head of the Church in the 'inward motions of the minde':

Christ alone is given to be head of the Church for the Church is a celestial, divine, and spirituall bodie...for regeneration and remission of sinnes doe flowe from the spirite of Christ and not from man...so that everie sense and moving of the church floweth from Christ alone, not from any mortall man.<sup>246</sup>

Yet, in the realm of 'politike subjection', the magistrate can assume the position of Supreme Hierarch, a *lex animata*, giving life and order to the body public:

Kings maie be called the heads of the Commonweale...For even as from the head is derived all the sense and motion into the bodie, so the sense by good laws, and motions, by edictes and commandements are derived from the prince unto the people...So when as princes by laws and edictes drive their subjects unto actions, they also drive them unto vertues. But the Spirit of God and regeneration are not attained by manie actions, but onelie by the blessings of God.<sup>247</sup>

Vermigli does not entirely reject the 'mediated hierarchy', and the notion that any support is necessarily qualified. Vermigli still believes, though, in the Christian

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<sup>246</sup> Peter Martyr Vermigli, *The Common Places of the Most Famous and Renowned Divine Doctor Peter Martyr* (London: 1583) 4.3.2, fol.36.

<sup>247</sup> Vermigli, *op. cit.*, 4.3.1. 2, fols. 35, 36.

Commonwealth, and the idea of all subjects being in obedience, in ecclesiastical as well as civil matters, to the monarch – the idea being that this system of polity brings stability to the nation.

Whilst at Oxford, Hooker was encouraged by his tutor, John Rainolds, to study Vermigli, as well as Aristotle.<sup>248</sup> It can therefore be hardly surprising if Hooker was in some degree influenced by the work of these two luminaries in the fields of natural and divine law when constructing the *Lawes*. Though Bullinger was more inclined to draw on biblical sources in his *Decades*, nonetheless, the two Zurichers' work gave a foundation for 'a continuous and coherent tradition of political theology in England throughout the latter half of the sixteenth century.'<sup>249</sup> Littlejohn explores the link between Hooker and Vermigli in the former's defence of the Royal Supremacy and states that there are three main areas of interest<sup>250</sup> for comparison between Hooker and Vermigli, concluding first that:

it may be plausible to discern the influence of Vermigli in areas of Richard Hooker's theology...indeed, these resemblances are particularly...arresting, given that they concern those elements of Hooker's thought often seen as most distinctive, out of step with other English Protestants, and maybe non-reformed.<sup>251</sup>

And second, that:

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<sup>248</sup> Jordan J. Bailor and W. J. Bradford Littlejohn, 'More than a swineherd: Hooker, Vermigli, and an Aristotelian defence of the Royal Supremacy', *Reformation and Renaissance Review*, 15:1 (2013), 68-83, 73.

<sup>249</sup> Kirby, *The Zurich Connection*, 4.

<sup>250</sup> First, that 'Hooker holds firmly to the Thomist notion that there is a natural desire for the supernatural, a longing for union with the divine innate in all human creatures'; second, that 'Hooker bases his understanding of the Church, the commonwealth, and the public exercise of worship firmly on a form of Protestant, two-kingdoms distinction between the inner and the outer, the spiritual and the civil, as Kirby in particular has convincingly argued'; and third, that 'true both to his scholastic and humanist influences, Hooker holds in many respects to an Aristotelian concept of the purpose of civil government' [that is, in living well]. Bailor and Littlejohn, 'More than a swineherd', 80.

<sup>251</sup> Bailor and Littlejohn, *op. cit.*, 81-82.

[when] we trace intellectual influences in this period, we must not expect them to be straightforward and linear. Vermigli influenced Jewel, and Jewel in turn influenced Hooker, but in key respects, Hooker's political theology resembles Vermigli's more than Jewel's.<sup>252</sup>

Most importantly, Littlejohn draws the overall conclusion that:

while this paper confirms Torrance-Kirby's suspicion of a 'Zurich Connection' in Tudor England, we should be attentive to the ways in which it remains a variegated Zurich connection, capable of sustaining a number of different, and occasionally contradictory, emphases.<sup>253</sup>

Littlejohn is right to state that the influence of continental magisterial reformers upon Hooker's defence of Royal Supremacy is variegated, and especially that it is not always possible to expect, or draw, direct lines between the reformers and Hooker. Even so, just because this is not possible, it is not accurate to discount their influence upon the *Laws*. Hooker is far more nuanced than that: an approach that I will now explore.

Hooker bases his defence of the Royal Supremacy on a threefold premise of, first, a Thomist concept of a natural inclination towards the divine or supernatural; second, a concept of the two kingdoms of the spiritual and civil spheres; and third, an Aristotelian concept of the purpose of civil government. Littlejohn and Joseph J. Ballor claim that Vermigli's attempts to 'bind' various tenets of natural and revealed theology in his political theory are echoed in the threefold Hookerian approach as

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<sup>252</sup> Bailor and Littlejohn, *op. cit.*, 82.

<sup>253</sup> Bailor and Littlejohn, *op. cit.*, 82. Bailor and Littlejohn also make reference to John Patrick Donnelly, *Calvinism and Scholasticism in Vermigli's doctrine of man and grace*, (Leiden: Brill, 1976), 19-40; and also Luca Baschera, 'Aristotle and Scholasticism' in *Companion to Peter Martyr Vermigli*, edited by William John Torrance Kirby, Emidio Campi, and Frank A. James III (Leiden: Brill, 2009), 133-160.

outlined above: as Littlejohn puts it, ‘a strong doctrine of the natural knowledge of God, a two kingdoms distinction between the natural/civil and the supernatural/spiritual orders of reality, and a conviction that politics is concerned with cultivating virtue.’<sup>254</sup>

First, Vermigli sets out his Thomistic approach to nature and grace:

The goal of philosophy is that we reach that beatitude or happiness that can be acquired in this life by human powers, while the goal of Christian devotion is that the image in which we are created in righteousness and holiness of truth be renewed in us, so that we may grow daily in the knowledge of God until we are led to see him as he is, with face uncovered.<sup>255</sup>

Vermigli argues that Scripture is the highest authority in the two realms<sup>256</sup>, not just the eternal realm, although he does argue that there is also a great deal in common between Scripture and philosophy in the natural realm. He goes on to suggest that there is not a mutually exclusive interplay between the magistrate and the minister:

That we attribute the supreme faculty to the wisdom contained in holy scripture should not make anyone think that anything is taken or detracted from the political administration...We have tried only to show where [magistrates] should have derived the rules and principles of their own faculty...The faculty in question is called

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<sup>254</sup>Bailor and Littlejohn, ‘More than a swineherd’, 74.

<sup>255</sup>Vermigli, *Commentary on Aristotle’s Nichomachean Ethics*, ed. by Emidio Campi and Joseph C. McClelland, The Peter Martyr Library, 9 (Kirksville, MO: Truman State University Press, 2006), 14.

<sup>256</sup>Bailor and Littlejohn (2013) claim that Vermigli’s use of Deuteronomy 17, a well-used proof text for Protestants in trying to justify the prince having care of both tables, ‘is made to be the confirmation of a philosophically derived principle, much as Hooker sometimes uses scripture to confirm the deliverances of natural law.’ Bailor and Littlejohn, ‘More than a swineherd’, 89.

civil because its responsibility is to determine which policies should be retained in the state and which should be suppressed.<sup>257</sup>

What is of particular interest to us are the similarities Vermigli draws between Aristotelian claims for politics, and the scriptural claims for itself, with the conclusion seeming to be that the ruler subjects himself to the minister, and that the ministers frame the operations of the magistrate.<sup>258</sup> Yet, acknowledging Aristotle's claim for human nature demonstrating a *summum bonum* (that is to say, Aristotle holds that the *telos* of human nature is a *summum bonum*, or, 'living well'), Vermigli endorses Aristotle's argument that 'political science spends most of its pains on making the citizens to be of a certain character, viz. good and capable of noble acts.'<sup>259</sup> Thus, Vermigli is able to argue that as piety is essential for a well-ordered soul, the maintenance of a right religion is crucial to the political task, and hence the health of the Commonwealth rests on this: 'it ought to be a magistrate's concern that his people behave virtuously and that their prime virtue be piety... Those who do not do this do not keep the true way of governing a state.'<sup>260</sup> We can see here a philosophical justification within the bounds of natural-law theory for the Royal Supremacy, drawing close comparisons with Hooker's Thomist outlook – though of course it is entirely predictable that there are some differences, such as Vermigli not stating, as Hooker does, that Royal Supremacy in ecclesiastical affairs 'seemeth to stand altogether by humane right.'<sup>261</sup> We must also acknowledge that Vermigli does not provide a systematic account of the three types of law as does Hooker. Yet, it is reasonable to conclude that Vermigli would not, at the least, be opposed to the magistrate having care of religion, and that this is a constant feature of governing

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<sup>257</sup> Vermigli, *Commentary on Aristotle's Nichomachean Ethics*, 48.

<sup>258</sup> Vermigli, *op. cit.*, 48.

<sup>259</sup> Aristotle, *Nichomachean Ethics*, 1.9. in Aristotle, *The Complete Works of Aristotle*, ed. Jonathan Barnes, 2 vols (Princeton, NJ: Princeton University Press, 1995).

<sup>260</sup> Vermigli, *Commentary on Aristotle's Nichomachean Ethics*, 59.

<sup>261</sup> Hooker, *Laves*, VIII.iii.5.

well, though exactly how this works in practice may of course change according to local circumstances.

Luther, in *On Secular Authority*, wrote of the two kingdoms that both kingdoms are ‘indeed our Lord God’s Reich, albeit a temporal law and regiment. He wills us to respect this Reich with his left hand, but at his right hand is where he rules in person’.<sup>262</sup> That is, law-abiding citizens are urged by God to respect the proper authorities (civil magistrates) in the secular sphere, but in the sacred sphere, Christ alone rules. Further,

God has therefore ordained two regiments: the spiritual by which the Holy Spirit produces Christians and pious folk under Christ, and the secular which restrains un-Christian and evil folk, so that they are obliged to keep outward peace albeit by no merit of their own.<sup>263</sup>

It is clear, according to Luther, that one of the key tasks of the civil magistrate is to keep the peace, in order to provide some restraint on worldly evil. The eternal souls of the faithful are not damaged.

Whilst Hooker defends the authority associated *with* the title of Supreme Governor, rather than the title *itself*,<sup>264</sup> he nevertheless attempts to address the Puritans’ concerns that only Christ could be head of the Church, arguing that the monarch’s headship

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<sup>262</sup> ‘So lautet lex... ist wol auch unters herr Gottes reich, sed ist ein zeitlich geseke und regiment, aber wil gleichwol haben, das man es hallt, und ist das Reich mit der linden hand, sed sein re cuts Reich, ubi ipse regnant.’ WA 36, 385, 6-9, in Martin Luther, *D. Martin Luthers Werke*, 120 vols. Weimar 1883-2009 (Hermann Böhlau, Weimar). Own translation.

<sup>263</sup> ‘Darum hat Gott zwei Regimente verordnet: das gesitliche, welches Christen und fromme leute macht durch den heiligen Geist, unter Christus, und das weltliche, das den Unchristen und Bösen wehrt, dass sie außerlich Frieden, hallen und still sein müssen, ob sie wollen oder nicht.’ Luther, *Works*, WA 11, 251, 15-18. Own translation.

<sup>264</sup> Hooker, *Laves*, VIII.iv.12.

differs from Christ's headship in three ways: in order (Christ is subordinate to no one), in measure, and in kind.<sup>265</sup> Hooker believes that Christ is:

spiritually always united to every part of his body which is the *Church*...from every *Church* here visible, *Christ* touching visible and corporal presence is removed as far as heaven from earth is distant.<sup>266</sup>

Thus, Hooker believes Christ to reign invisibly over the Church, but this does not mean that Christ's spiritual realm can order the external realm of the visible Church. Hence:

visible government is a thing necessary for the *Church*...wherefore not withstanding that perpetual conjunction by virtue whereof our Saviour remaineth always spiritually united unto the parts of his mystical body, *Heads* are endowed with supreme power extending unto a certain compass are for the exercise of visible regiment not unnecessary.<sup>267</sup>

Hooker is explaining here why he believes the Puritan argument to fall at this point. Cartwright failed to see the inherent distinction between the spiritual realm and the temporal realm. Hooker, and the Settlement that he sought to defend, never claimed that the monarch had any right to the title of Supreme Governor in the spiritual realm – a title and headship that belonged to Christ alone – which was a claim that the Puritan camp sought to assign to the Establishment. The Admonition Controversy may have crystallized the arguments here, and yet again Hooker demonstrates why a correct understanding of the two kingdoms is important:

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<sup>265</sup> Hooker, *Laws*, VIII.iv.5.

<sup>266</sup> Hooker, *Laws*, VIII.iv.7.

<sup>267</sup> Hooker, *Laws*, VIII.iv.7.

we make the *Spirituell* regiment of *Christ* to be generally that whereby the *Church* is ruled and governed in things spiritual. Of this general we make two distinct kinds, the one invisibly exercised by *Christ* himself in his own person, the other outwardly administered by them whom *Christ* doth allow to be the *Rulers* and guiders of his *Church*.<sup>268</sup>

Hence whilst Christ is spiritually present in every part of the Church, Christ cannot rule visibly over the tangible elements of the Church,<sup>269</sup> and therefore ‘*Heads* indued with supreme power extending unto a certaine compasse are for the exercise of visible regiment not unneccessarie.’<sup>270</sup> The Church, as a political society, requires authority, rule, and public order, in common with any other political society.

Amongst others, Littlejohn, Kirby, and McGrade, have argued that Hooker’s response in VIII.iv.10 to Puritanism was heavily influenced by his doctrine of the two kingdoms.<sup>271</sup> This was in turn espoused by Luther’s *geistliches* and *weltliches Reich* (which if confused, as Hooker alleges the Puritans did, would have been the source of serious soteriological error):<sup>272</sup>

There are two forums, civil and theological. For God judges far differently than the world does. Civil law is contained in my civil justice, of whatever sort it is, and external justice. But the justice which justifies me in the face of a civil judge is not immediately justice (which will justify) before God, and yet they still pertain to this life and to preserving good order.<sup>273</sup>

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<sup>268</sup> Hooker, *Lawes*, VIII.iv.9.

<sup>269</sup> Hooker, *Lawes*, VIII.iv.7.

<sup>270</sup> Hooker, *Lawes*, VIII.iv.7.

<sup>271</sup> See Hooker, *Lawes*, VIII.iv.10.

<sup>272</sup> See Anders Nygren, ‘Luther’s Doctrine of the Two Kingdoms’, *Journal of Lutheran Ethics*, 2, no. 8 (August 2008).

<sup>273</sup> WA 39.1.230, 7-12 Disp 1537. ‘Duplex enim est forum, politicum et theologicum. Nam Deus longe aliter iudicat, quam mundus. Politicum ius est contentum mea qualicunque civili et externa iustitia. At

It was also espoused by Calvin's *forum conscientiae* and *forum externum*:

Let us observe that in man, government is twofold: the one spiritual, by which the conscience is trained to piety and divine worship; the other civil, by which the individual is instructed in those duties which, as men and citizens, we are bold to perform....To these two forms are commonly given the not inappropriate names of spiritual and temporal jurisdiction...The former has its seat within the soul, the latter only regulates the external conduct.<sup>274</sup>

Hooker understands that the two realms are joined in Christ, who, as head, is the fountain of all order in each, as well as the souls of Christians. Therefore, because Christ is lord of both kingdoms, this lordship is effective even in the flawed structures run by humans. Kirby also adds a degree of caution in that Hooker, having based a large part of the *Laws* upon the Admonition Controversy, would therefore have been influenced to a significant degree by Whitgift's contentious interpretation of the doctrine of the two regiments.<sup>275</sup>

Acknowledging the importance of Calvin and Luther for his Puritan opponents, Hooker did not use his continental sources without criticism. Calvin believed that although ministers derived their authority from Christ as man, the magistrate derived their authority solely from Christ's divinity. Hooker believed that Calvin's understanding was based on a faulty Christology, which meant that the work of Christ was divided by underplaying the personal union of human and divine, as we will discuss later. The dominion of Christ, therefore, could not be contained to any one realm, and so, in the person of the monarch, above all other humans, the two spheres are joined in a personal union.

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iustitia, quae me coram politico iudice iustificat, non est statim coram Deo iustitia, et tamen ad hanc vitam et disciplinam conservandam pertinet.' Own translation.

<sup>274</sup> Calvin, *Institutes* 3. 19.15. Also Calvin, *Institutes* 4.10.3-6.

<sup>275</sup> Kirby, *Royal Supremacy*, 56.

We have already seen that Puritans believed that the monarch or indeed magistrate could have no dominion over the Church: that responsibility lay with those elected from within the congregation, and with the lay elders in conjunction with them. Whilst some of Hooker's Tudor contemporaries, in their defence of the Royal Supremacy, made the hostile accusation of simply replacing the Pope with the king (for example, Harding's response to Jewel's *Apologie of the Church of England*),<sup>276</sup> this was not quite so with Hooker.

Hooker's concept of the two kingdoms is fundamental to his defence of the Royal Supremacy. In the *Lawes*, Hooker argues that Cartwright's opposition to the Royal Supremacy is based on the error of confusing the spiritual and temporal realms – that is to say, Hooker believes that whilst only Christ can reign in the spiritual realm, it is necessary for the good order of society that the person of the monarch takes on this role in the temporal realm. Hooker is, of course, seeking to answer his opponents' claims that the monarch as Supreme Governor is contrary to the headship of Christ in order, measure, and kind. Contemporary scholars such as Littlejohn have correctly and helpfully argued that sixteenth-century citations of the two kingdoms argument were plagued by two major tensions: firstly, that whilst the magistrate's authority in the Church was only over things indifferent, this authority in itself was not indifferent; and secondly, that the authority of the monarch, being answerable to no one but God, did not allow for any freedom of conscience on the part of the subject.<sup>277</sup> If Hooker could resolve these tensions successfully, then the Royal Supremacy may well appear creditable to the Puritans.

Calvin and Luther's exploration of the doctrine of the two kingdoms is somewhat less confused, and therefore gives Hooker the opportunity to align his defence of the

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<sup>276</sup> Edwin Sandys, *The Sermons of Edwin Sandys, D. D., successively bishop of Worcester and London, and archbishop of York [ob. 1588]; to which are added some miscellaneous pieces*. ed. J. Ayre (Cambridge: Parker Society, 1845-50) vol III, 132.

<sup>277</sup> See Bailor and Littlejohn, 'More than a swineherd', 71.

Royal Supremacy with orthodox reformed doctrine. Hooker makes significant use of the extant correspondence from the Admonition Controversy<sup>278</sup> in his defence, thus relying heavily on the orthodoxy or otherwise of Whitgift's interpretation of the two kingdoms.

Though we can make every effort to map out which theologians are influenced by whom during this period, ultimately we cannot be absolutely certain, and we also cannot claim either, say, that the Zurich tradition was mutually exclusive from the Genevan tradition. Clearly there was a lot of cross-pollination, and certainly in reference to Hooker, his *Lawes* were not monogamous in their usage of the magisterial reformers.

This section has argued that, for Hooker, political theory and theology had little distinction between them. Hooker, having studied Vermigli and Aristotle, made his defence of Royal Supremacy on a three-fold concept. First, Thomism uses a *telos* towards the divine; second, the concept of Two Kingdoms covers the spiritual and civil spheres; third, the Aristotelian concept of civil government. Taken together, these concepts have parallels with Vermigli in respect of Thomism, the chieftly of Scripture in the Two Kingdoms argument, and Aristotelian claims for politics having a *telos* towards the *summum bonum*. Hooker made use of Luther's *On Secular Authority*, which believed that law-abiding citizens were urged by God to respect the proper authorities. Crucial for Hooker, he defended the authority associated with the Supreme Governor by countering Puritan claims, arguing that the monarch's headship differs from Christ's in order, measure, and kind. Cartwright does not see the inherent distinction between the spiritual and temporal nature of the Church – the Church, as a political society, required authority, rule, and public order, in common

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<sup>278</sup> For example, in VIII.iv.7, Hooker references Cartwright.II.p.413; in VIII.vi.5, Hooker applies Cartwright (i.84) and Whitgift *Defence* 305; VIII.vi.12 uses Cartwright I.p.92 and Whitgift *Defence* 695; VIII.vi.14 uses Cartwright III.p.159 and Whitgift *Defence* 701; and in VIII.vi.14, using Cartwright I.p.192 and Whitgift *Defence* 694. John Whitgift, *The Works of John Whitgift, D. D.*, ed. J. Ayre, 3 vols (Cambridge: Parker Society, 1851-3).

with any other political society. Hooker, influenced by Luther, argued that the Puritans confused the *zwei Reiche* to serious soteriological error – also using Calvin’s *forum conscientiae* and *forum externum* to back him up. Again, Hooker argued that the two realms were joined in Christ, but pointed out that Calvin’s understanding of such was based on a faulty Christology. Despite this, Hooker’s argument demonstrated a cross-pollination between Zurich and Geneva.

## ii) The English Puritans and Royal Supremacy

As we have already seen, it is simply incorrect to categorize English Puritans as being of one mind in respect of the Elizabethan Settlement. Due to Hooker’s anxiousness to make the Elizabethan Settlement appear acceptable to his opponents, it is perhaps unsurprising that he attempts to utilize mainstream reformed sources from Europe to bolster his argument, rather than anything distinctively proto-Anglican, or indeed, *Iure Divino*. Whether we are able to say that Hooker’s line of argument is due to his drift towards the fundamentally reformed nature of his thought in the *Lawes* or whether it is polemical opportunism is perhaps impossible to do with certainty. A pragmatic approach would be to say that he uses the approach most useful dependent upon the matter in question.

Hooker, in his defence of the Royal Supremacy, sought to answer the claims of the Puritans that kings, being only lay persons, exceeded the lawful boundaries of their calling by assuming leadership of the Church,<sup>279</sup> and that there must be a necessary separation between Church and Commonwealth. Further, the Puritans argued that all ecclesiastical power must be exercised by Church governors and not Christian princes.<sup>280</sup> The beginning of Book VIII outlines Hooker’s reasoning for the prince’s mandate to lead the English Church – this authority, argues Hooker, is ‘by the lawes

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<sup>279</sup> Hooker, *Lawes*, VIII.i.2.

<sup>280</sup> Hooker, *Lawes*, VIII.i.2.

of this Realme annexed unto the *Crowne*.<sup>281</sup> This is in fact a highly controversial point – by claiming that the Royal Supremacy depends on statute law and not divine law, Hooker goes against the consensus of the Tudor Church.

The Puritans' view of the monarch's power of dominion was one that may have allowed foreign powers a degree of dominion.<sup>282</sup> Hooker argues in an elegant but tricky political manoeuvre that by not holding to the supreme authority of the monarch, this may allow the Puritans to envisage foreign political powers holding sway in England,<sup>283</sup> whilst the Roman Catholics believed that the Pope held supreme power in ecclesiastical causes throughout the world (a power that Elizabeth expressly vetoed in the Act of Supremacy). Further, in respect of the limitation of royal power over the Church, whereas Puritans argued that explicitly clergy (and therefore implicitly the monarch) may only rule if they measure up to a certain standard, Hooker argues that 'the King alone hath no power to do without consent of the *Lordes* and *Commons* assembled in Parliament...with the assent of *Clergie* in *Convocation*.'<sup>284</sup> With the monarch's ecclesiastical authority being vested by the Crown in Parliament, rather than the Crown by itself, this, argues Hooker, has the effect that the monarch's power is limited.<sup>285</sup>

We have already seen that Hooker uses the reasoning of continental reformers such as Luther and Calvin to disprove the idea that the Royal Supremacy is incompatible with the tenets of a reformed Church. Yet how did the theories of the English Puritans differ from the continental reformers, and how did Hooker use these arguments to counter the claims of the English Puritans?

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<sup>281</sup> Hooker, *Laves*, VIII.i.2.

<sup>282</sup> By denying the monarch a role in governance of the Church, there may have existed an entity within the realm that had greater power than the sovereign, an argument frequently advanced to illustrate the dangers of the papacy.

<sup>283</sup> Hooker, *Laves*, VIII.iii.3.

<sup>284</sup> Hooker, *Laves*, VIII.iii.3.

<sup>285</sup> Hooker, *Laves*, VIII.iii.3.

First, we have already demonstrated that Luther and the two kingdoms argument are entirely compatible with, and thus pivotal to, Hooker's defence of the Royal Supremacy. By contrast, those opposing the Settlement in England based their opposition on what Hooker argued was a faulty understanding of the two kingdoms doctrine – that is to say, they failed to recognize the inherent distinction between the spiritual realm and the temporal realm:

that even in the outward society and assemblies of the Church where one or two are gathered in his name...our Saviour Christ being in the midst of them as Mediator must needs be there as Head...it followeth that even in the outward society and meetings of the Church no mere man can be called the Head of it seeing that our Saviour Christ doing the whole office of the Head himself alone leaveth nothing to men by doing the whereof they may obtain that title.<sup>286</sup>

And further:

if there be no head but Christ in respect of the spiritual government, there is no head but He is in respect of the Word Sacraments and Discipline administered by those whom he hath appointed, forasmuch as that is also his spiritual government.<sup>287</sup>

To which Hooker answers:

we make the *Spiritual* regiment of *Christ* to be generally that whereby his *Church* is ruled and governed in things spiritual. Of this general we make two distinct kinds, the one invisibly exercised by *Christ* himself in his own person, the other outwardly

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<sup>286</sup> Thomas Cartwright, II, 415 (cited in Hooker, *Lawes*, VIII.iv.11).

<sup>287</sup> Cartwright, II, 415 (cited in Hooker, *Lawes*, VIII.iv.10).

administered by them whom *Christ* doth allow to be the *Rulers* and *guiders* of his *Church*.<sup>288</sup>

Specifically here, Hooker would argue the ‘rulers and guiders’ to be the monarch, as Supreme Governor, but also the bishops and priests under her in ordering the Church and Commonwealth. The point is that the external spiritual regiment consists of two types of organization: power of order (concerning administration of the sacraments)<sup>289</sup> and power of dominion (concerning the administration of the laws of the land, which are annexed unto the Crown as a right and responsibility) – hence, administration of the former is undertaken by bishops, priests, and deacons, and administration of the latter by the monarch.

Yet whilst Hooker draws on the reformed divide between nature and grace in utilizing the two kingdoms argument in his defence, it is also important to highlight the role and grace of unction,<sup>290</sup> which is capable of bridging the division between depraved nature and sanctifying grace. It is this ‘blurring’ of the boundaries that is reflected in Hooker’s *Lawes*, as well as in Christological theology – just as Christ unites the spheres of humanity and divinity, the monarch, according to Hooker, can represent a union in one person of things temporal and things spiritual, which, Edwin Sandys remarks in his notes on the sixth book of the *Lawes*, means the prince is a ‘mixt’ person.<sup>291</sup>

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<sup>288</sup> Hooker, *Lawes*, VIII.iv.9.

<sup>289</sup> Hooker, *Lawes*, VIII.iv.9.

<sup>290</sup> See Miller, *Richard Hooker and the Vision of God*, 262.

<sup>291</sup> Hooker’s claim that the monarch can be Supreme Governor rests upon his distinction between the two types of Headship (i.e. Christ’s and the monarch’s) in order, measure, and kind (VIII.iv.5). Correspondingly, these relate to systematic doctrine, ecclesiology, and soteriology – see Kirby, *Royal Supremacy*, 95. For Sandys’ comment, see Hooker, *Lawes*, VI, appendix p.16, 132.

How does Hooker deal with the citation by Cartwright of Calvin's complaint<sup>292</sup> (in Calvin's commentary on Amos 7.13) that the English monarch usurps that power which is not theirs in the ecclesiastical sphere? Hooker appeals to the unity of the two natures in Christ, thus alleging that Cartwright has committed a Nestorian heresy by arguing for a separation of the two natures:

These two natures are as causes and original groundes of all things which Christ hath don. Wherefore some thinges he doth as God, because his deitie alone is the well-springe from which they flowe: some thinges as man, because they issue from his meere humane nature: some thinges jointlie as both God and man, because both natures as principles thereunto.<sup>293</sup>

To divide Christ's power to rule over the Church as Son of Man, and over the State as Son of God is a 'manifest error', says Hooker.<sup>294</sup> Yet how does Hooker believe this should work? Assuming an orthodox understanding of Christology, he argues, 'Dominion belongeth unto the *Kingly* office of *Christ* as propitiation and mediation unto his priestly, instruction unto his pastoral or prophetic office.'<sup>295</sup> Calvin uses the same formula in his *Institutes* 2.15.1–6, in a discussion of Christ's threefold office of prophet, king, and priest, which Hooker in turn uses to confute Cartwright, claiming that he has confused Christ's kingly and priestly offices. Hence, argues Hooker:

We...truly and rightly discern a power external and visible in the *Church* exercised by men and severed in nature from that *spiritual power* of Christ's own regiment, which power is termed *spiritual* because it worketh secretly inwardly and invisibly: *His*, because none doth or can it personally exercise besides or together with him.

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<sup>292</sup> 'That Rulers by imagining themselves to Spiritual have taken away Ecclesiastical regiment, that they think they cannot reign unless they abolish all authority of the Church, and be themselves the chief judges as well in doctrine as in the whole spiritual regency' (VIII.iv.12).

<sup>293</sup> Hooker, *Lawes*, V.liii.3.

<sup>294</sup> Hooker, *Lawes*, VIII.iv.6.

<sup>295</sup> Hooker, *Lawes*, VIII.iv.6.

So that *Him* only we may name our *Head* in regard of this and yet in regard of that other power differing for this, term others also besides him *heads* without any contradiction at all.<sup>296</sup>

In Hooker's refutation of Cartwright's claims, there are a number of passages in the *Lawes* that are in very close agreement with Calvin's *Institutes*.<sup>297</sup> It is in Book V of the *Lawes* that Hooker sets out his Christological position, the outcome of which is played out in Book VIII in relation to the issue of headship. We should also bear in mind that issues of Christological and Trinitarian orthodoxy were themselves subject to considerable debate amongst the reformers. However, Calvin, from whom Hooker derives his defence of the Royal Supremacy, places great store in the Church Fathers in their discourses against heretics:

Calvin had made the traditional Trinitarian teaching his own without the slightest reservation. The same attachment to the dogmatic tradition is prominent in his Christology. What is original in his contribution to this never touches the fundamental affirmations of the Councils of the ancient Church. He adopts in full the dogma of the two natures of Christ and the current explanations of the relation between the two natures.<sup>298</sup>

Calvin accused the Lutherans of a 'Eutychian fusion'<sup>299</sup> of the two natures of Christ, and further Zwingli of having a tendency towards a 'Nestorian separation.'<sup>300</sup> In Book V of the *Lawes*, Hooker follows Calvin most closely, in order to avoid either a Eutychian or a Nestorian error in his refutation of Cartwright's errors in the latter. Hooker regards the unity of Christ's person as the source of all power in both the

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<sup>296</sup> Hooker, *Lawes*, VIII.iv.9.

<sup>297</sup> I.e. Hooker's refutation of Calvin's complaint: for Hooker, Calvin 'spake by misinformation, and thought we had meant thereby far otherwise than we do' (VIII.iv.8).

<sup>298</sup> Francois Wendel, *Calvin: The Origins and Development of his Religious Thought*, tr. Philip Mairet (London, 1963), 215.

<sup>299</sup> Calvin, *Institutes*, 4.17.30

<sup>300</sup> Calvin, *Institutes*, 4.17.7.

sacred and secular spheres – thus, civil authority is, in ecclesiastical affairs, according to Hooker, ‘from God by *Christ*.’<sup>301</sup> The Commonwealth is also under Christ’s dominion.<sup>302</sup> So, whilst both Hooker and Cartwright agree that all power is from God, the difference – and again, here Hooker agrees with Calvin – is in the manner in which the divine power is communicated to humanity.

Hooker is clear that the unity of Christ’s two natures is crucial to the universal nature of his power: ‘*Christ* hath supreme dominion over the whole universall world. *Christ* is *God*, *Christ* is the consubstantiall word of *God*; *Christ* is also that consubstantiall word made man.’<sup>303</sup> It is therefore only in a secondary sense that this undivided sovereign power can be distinguished in the two spheres of the Church and the Commonwealth. Though the two regiments are invisibly unified in the person of Christ, they are visibly unified in the Royal Supremacy. Cartwright, in making a distinction between Christ’s mediatorial authority over the Church by means of his human nature and his kingly authority over the Commonwealth, could therefore be said to remove the Church from the sphere of Christ’s kingship. Hooker is therefore clearly on the side of Calvin and the magisterial reformers, over and against those pushing for further reform. Hooker argues, using Calvin’s affirmation of the orthodox Church Fathers, that the Church and the Commonwealth are both subject to Christ as king, and therefore both spheres are subject to Christ’s rule as God and man.

Hooker also accords dominion over men to Christ’s kingship *as distinct* from his offices as priest and mediator: ‘Dominion belongeth unto the *Kingly* office of *Christ* as propitiation and mediation unto his priestly, instruction unto his pastorall or propheticall office.’<sup>304</sup> Calvin uses exactly the same distinction in the *Institutes* 2.15.1-6, showing that the ‘Disciplinarians’ object to the Royal Supremacy from a

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<sup>301</sup> Hooker, *Lawes*, VIII.iv.6.

<sup>302</sup> Hooker, *Lawes*, VIII.iv.6.

<sup>303</sup> Hooker, *Lawes*, VIII.iv.6.

<sup>304</sup> Hooker, *Lawes*, VIII.iv.6.

confusion of the kingly and priestly offices of Christ.<sup>305</sup> Hooker claims that Christ's 'Dominion' is a consequence of the unity of his person:

and yet the dominion whereunto he was in his humane nature lifted up is not without divine power exercised. It is by divine power that the Sonne of man, who sitteth in heaven doth work as *King* and *Lord* upon us which are on earth.<sup>306</sup>

We can compare this with Calvin: '...that [Christ] reigns by divine authority, because his reason for assuming the office of Mediator was, that descending from the bosom and incomprehensible glory of the Father, he might draw near to us.'<sup>307</sup> We can see therefore that Hooker's defence of Royal Supremacy builds on the foundation of orthodox Christology as put forth by Calvin in the *Institutes*.

Previously, we noted that Hooker's ability to prove that the monarch is able to be Supreme Governor rests upon the distinction between the headship of Christ and the headship of the monarch in order, measure, and kind, and that these corresponded to systematics, ecclesiology, and soteriology. Having discussed a systematic approach, we now move on to an ecclesiological approach. Here, it is key for Hooker (and Whitgift before him) to be able to distinguish *ecclesiologically* between the visible and invisible Churches. We have already seen that Hooker believes Christ's invisible dominion to be inclusive of, yet distinct from, the visible dominion of the monarch. Cartwright fundamentally believes that the Church and Commonwealth are entirely distinct.<sup>308</sup> Hooker accuses Cartwright of confusing the visible and invisible Churches, and thus the universal and mystical domain of Christ to be sufficient for the

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<sup>305</sup> See Calvin, *Institutes* 2.14.3: 'Let us, therefore, regard it as the key of true interpretation, that those things which refer to the office of Mediator are not spoken of the divine or human nature simply'; and *Institutes* 2.15.6: 'This honour we extend to his whole character of Mediator, so that he who was born of a Virgin, and on the cross offered himself in sacrifice to the Father, is truly and properly the Son of God.'

<sup>306</sup> Hooker, *Laws*, VIII.iv.6.

<sup>307</sup> Calvin, *Institutes*, 2.15.5. See also *Institutes* 2.14.1 and 2.15.3, 4.

<sup>308</sup> Works of Thomas Cartwright, Vol II, 413, cited in Whitgift, *Works*.

ordering of the visible Church. Christ, argues Hooker, can only govern both spheres if he is of a mystical and spiritual character.<sup>309</sup> Thus, the ecclesiological problem at hand is the manner of the connection and distinction between Christ in his mystical form, and the Church as an association of physical human beings. Hooker argues that whilst the invisible Church is one indivisible body, the visible Church is divisible: just because Christ's mystical body is universal, this does not get rid of the need for a physical governing presence in the temporal realm.<sup>310</sup> It is here that Hooker uses the *extra-Calvinisticum* to explain the two sorts of headship: '...we doe all knowe and they themselves who alleage this will (I doubt not) confesse also that from every Church heer visible, Christ touching visible and corporall presence is removed as far as heaven from earth is distant.'<sup>311</sup>

Calvin criticizes the tendency of the Lutherans to bend the *communicatio idiomatum* beyond received orthodox wisdom:

Although the whole Christ is everywhere, yet everything, which is in him, is not everywhere. I wish the Schoolmen had duly weighed the force of this sentence, as it would have obviated their absurd fiction of the corporeal presence of Christ.<sup>312</sup>

Thus, the ability of Christ to be universally present in the physical world is a sole property of his union with the divine nature, and therefore he is not head of the Church because he is the Son of Man, but rather the Son of God. Calvin does not wish to equate the Church with Christ in totality: for Calvin, just because the Church is the body of Christ, this does not mean that the Church *is* Christ.

Lastly, the soteriological approach to Hooker's refutation of Cartwright looks to both Luther and Calvin. Here, the key aspect for Hooker is to consider the difference

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<sup>309</sup> Hooker, *Lawes*, VIII.iv.7.

<sup>310</sup> Hooker, *Lawes*, VIII.iv.7.

<sup>311</sup> Hooker, *Lawes*, VIII.iv.7.

<sup>312</sup> Calvin, *Institutes*, 4.17.30.

between the spiritual and mystical headship of Christ, and the visible and physical headship of the monarch. We have already discussed at length the two realms and their consequent regiments, with the kernel of Hooker's argument thus: '*Christ is Head* as being the fountaine of life and ghostly nutriment, the welspring of spirituall blessinges powred into the body of the *Church*, these *Heads* as being his principall instruments for the *Churches* outward government.'<sup>313</sup> It is because there is this distinction between the outward and visible realm and the inward, invisible realm, that the Royal Supremacy is justified. Hooker again states in VIII.iv.9 that Cartwright believes Christ's invisible, spiritual regiment to be indistinguishable from the physical, worldly, management of invisible, spiritual, things. Here we can see clearly that Hooker mirrors Luther's distinction in his *geistliches Reich* and *weltliches Reich*, two spheres that cannot be confused lest one risk soteriological heresy: '*Duplex enim est forum politicum et theologicum*'.<sup>314</sup> Likewise, Hooker can be said to echo closely Calvin's distinction between the *forum conscientiae* and the *forum externum*.<sup>315</sup> It is clear that Hooker wishes to make this distinction, based on orthodox reformed sources, explicit.<sup>316</sup>

In this section we have observed the crucial rhetorical aspect of Hooker choosing to use his adversary's argument and to disprove it, rather than seeking to start from his own viewpoint, unlike many contemporaries of his day. In doing so, we have shown that Hooker believes the English Puritans to have espoused a faulty understanding of Luther's two kingdoms doctrine, and thus to have wrongly propagated the notion that the Royal Supremacy is contrary to orthodox reformed teaching. Equally, Hooker believes the English Puritans to have misunderstood Calvin's threefold doctrine of Christ's offices as prophet, king, and priest, with Cartwright confuting the kingly and priestly offices. Demonstrating these errors has enabled us to argue that Hooker's

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<sup>313</sup> Hooker, *Laws*, VIII.iv.8.

<sup>314</sup> Luther, *Works*, WA.39.1.230.

<sup>315</sup> Calvin, *Institutes*, 3.19.15 and 4.10.3-6.

<sup>316</sup> Hooker, *Laws*, VIII.iv.9.

defence of the Royal Supremacy is entirely consonant with orthodox reformed belief. This will be particularly important when we come to discuss why Hooker goes against the majority of Tudor thought that the monarch's authority was *Iure Divino*, and the consequential implications for episcopal authority.

This section has argued that once again Hooker uses wider Protestantism to disprove the claims of English Puritans against the Royal Supremacy, with Luther and the Two Kingdoms argument being pivotal. Hooker argued that the Puritans failed to recognise the inherent distinction between the spiritual and temporal realms – for Hooker, Christ allowed rulers and guiders (the monarch, bishops, and priests) of the Church to administer its outward elements, which consisted of the power of Order, and the power of dominion. For Hooker, the unity of the two natures in Christ meant Cartwright had committed a Nestorian heresy by arguing for a separation of these two natures, an argument which had similarities to Calvin's three-fold office of prophet, priest, and king. Hooker used the *munus triplex Christi* to counter Cartwright's confutation of Christ's kingly and priestly offices; in so doing, a number of passages in the *Lawes* bore close similarity to Calvin's *Institutes*. Hooker argued, using Calvin's affirmation of the Church Fathers, that Church and Community are both subject to Christ as king, hence both spheres are subject to Christ's rule as God and man. As a consequence, Hooker's defence of the Royal Supremacy builds on the foundation of orthodox theology as put forth by Calvin in the *Institutes*. Key to Hooker being able to make this defence is the clarification of the ecclesiastical difference between the visible and invisible Churches, with Hooker using the *extra-Calvinisticum* to explain the two sorts of headship. Thus, Hooker's soteriological approach to his refutation of Cartwright looks to both Luther and Calvin.

### 3.2f            Adiaphora

One final aspect to consider is the concept of adiaphora. Hooker's view that the Royal Supremacy is adiaphorous in itself is a radical point – that is, as it is adiaphora, it can

be changed; and hence there is the potential for sedition. Yet, Hooker also understood that the Royal Supremacy could only be invoked in adiaphorous matters – which, given that all matters pertaining to salvation were defined in Scripture, potentially meant a very wide scope for Elizabeth to influence the life of Church and State.

The question of adiaphora and the Royal Supremacy is therefore of especial importance. Hooker argues that ‘unto the Governours of the *Church* alone, it was first given and doth appertaine even of very right divine in every *Church* established to make such laws concerning orders and ceremonies as occasion doth require.’<sup>317</sup> In defending the authority of the Crown to promulgate laws for the Church, Hooker recognized that at stake is not merely obedience to the Church in adiaphora, but also who had the power to define what is orthodox practice and belief, and also what should be defined as adiaphora.

Hooker believes that all free and independent societies should make their own laws, and that this power should belong to the whole, and not certain parties, though some may hold greater influence than others. There is no reason why this should be any different for the Church.<sup>318</sup> In sum, ‘we are to hold it a thing most consonant with equalitie and reason that no *Ecclesiasticall* lawe be made in a *Christian Commonwealth* without consent as well of the laitie as of the Clergie but least of all without consent of the highest power.’<sup>319</sup> Of this, the queen’s authority is the chiefest. To be explicit:

the *Parlament of England* together with the *Convocation* annexed thereunto is that whereupon the very essence of government within this kingdome doth depend...it is even the bodie of the whole

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<sup>317</sup> Hooker, *Lawes*, VIII.vi.2.

<sup>318</sup> Hooker, *Lawes*, VIII.vi.5.

<sup>319</sup> Hooker, *Lawes*, VIII.vi.7.

Realme, it consisteth of the *King* and of all that within the *Land* are subject unto him.<sup>320</sup>

The queen, however, was not afraid to make proclamations about the seeming minutiae of religious ceremony, such as the forbidding of the elevation of the Host. MacMillan suggests that this was not just about minutiae. Instead, he argues that in doing so, the queen wished to make clear that her supremacy was absolute: ‘the proclamation was highly problematic; likely designed to maintain stability in the realm by disallowing priests from publicly challenging magisterial governance and perhaps even the rule of a woman.’<sup>321</sup> The queen’s habit of interfering in what the bishops regarded as their territory was highly irritating for them, and indeed disorientating on occasion: Elizabeth’s understanding and application of adiaphora was rather broad. Hooker’s *Lawes* did not permit royal interference in spiritual matters.

### 3.3 Conclusion

In this chapter I have argued that Hooker used elements from several wider Protestant traditions in his defence of the Settlement, leading to accusations of cherry-picking and inconsistency. In Hooker’s argument, this chapter has shown that Hooker uses a careful political theology of the governing law, hence for Hooker, the Royal Supremacy is consonant with natural and political law, to which all society is bound. To attempt to ensure that the monarch did not exceed the boundaries of her calling, the laws of the realm annexed royal ecclesiastical jurisdiction to the Crown (which in itself was a controversy as this based the Royal Supremacy on statute law, rather than divine law). The citation of the Two Kingdoms theory was key to Hooker, which enabled him to look at different types of law, the relation between Church and

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<sup>320</sup> Hooker, *Lawes*, VIII.vi.12.

<sup>321</sup> Kenneth R. MacMillan, ‘Zurich Reform and the Elizabethan Settlement of 1559’, *Anglican and Episcopal History* 68, no. 3 (1999) 285-311, 292.

Community, the role of consent, the role of Parliament, and the relationship of the monarch's ecclesiastical dominion with wider Protestantism. In sum, Hooker places himself *with* wider Protestantism, but not any particular branch of it. Underpinning Hooker's theo-political defence of the Royal Supremacy is an orthodox Christology which avoids Nestorian separation of the two natures and Eutychian conflation.

Chapter two argued that Hooker's concept of the Royal Supremacy held an acceptable origin of authority for the monarch as being bestowed by God, and that the remit of that power was consonant with magisterial reformed principles. This chapter has argued that the outworking of that power is consonant with magisterial reformed principles.

By examining various aspects of the legal landscape, as well as that of Hooker's approach, we demonstrated that Hooker's approach to the Royal Supremacy is largely compatible with magisterial reformed understandings of the relationship between the Church and the State. One crucial aspect in this argument is the concept of the two kingdoms – the allegedly false interpretation of which influences the entire argument of the Puritans that the monarch claims authority over the Church, which belongs only to Christ. By demonstrating that, in Hooker's view, the Puritans' claims are based on a faulty Christology and understanding of the two kingdoms, we are able to show that Hooker is able to sufficiently reconcile royal ecclesiastical authority with a reformed doctrine of the Church.

We have also shown that Hooker's interpretation of the role of a prince within the Church against the arguments of the English and continental Puritans suggest that Hooker attacks Puritanism from within the reformed tradition, thus showing again that Puritan claims for further reform are groundless.

However, significant questions are raised about the exact limits of royal authority over the Church, especially when considering who has authority in secular and sacred spheres. This is a question of jurisdiction, which we will examine in the next chapter.

## 4 Hooker and Ecclesiastical Jurisdiction

### 4.1 Introduction

In the previous chapter, we argued that Hooker's defence of the Royal Supremacy was compatible with the tenets of reformed religious practice. Royal Supremacy cannot be exercised without jurisdiction – and so this chapter will analyse what the *Laws* say about the three areas of jurisdiction relevant to the Elizabethan Religious Settlement, and how Hooker attempts to prove that these areas of jurisdiction are compatible with the tenets of reformed religious practice.

Under Elizabeth, all ecclesiastical jurisdiction was annexed to the Crown. When referring to jurisdiction, the discussion of which was the focus of Book VI of the *Laws* (for example, in VI.ii.1), Hooker would have used a definition of who had the power to make binding decisions and judgments within the temporal and spiritual realms. The two combined in the ecclesiastical realm, and it was in this latter category in particular that Hooker attempted to defend the Religious Settlement against the claims of the English Puritans for further reform. The English Puritans against whom Hooker was defending the Settlement thought that there should be a definite and permanent divide between Church and State.

The majority of Hooker's thoughts on jurisdiction are contained in Book VI of the *Laws*, in which he responds to the Puritans' fifth assertion, namely that lay elders are established for the exercise of ecclesiastical jurisdiction.<sup>322</sup> Hooker addresses the issue by clarifying the aim of spiritual jurisdiction as being the power of ruling the Church, as opposed to and distinct from the power of order, which clergy receive at their ordination, and by which they administer the sacraments. Hooker attempts to prove

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<sup>322</sup> 'Whether all congregations or parishes ought to have Lay Elders invested with power of jurisdiction in spiritual causes' (Hooker, *Laws*, VI.i.1).

that the laws by which the Church (and State) are governed are not corrupt, and not repugnant to the laws of God.<sup>323</sup> That is to say, the monarch's exercise of jurisdiction is not equal to, and is qualitatively different from, the jurisdiction and power of order (spiritual power) canonically bestowed upon the clergy at their ordination, and upon their licensing to a particular post.

The *Lawes* are Hooker's defence of the 1559 Religious Settlement, in which he states that the sovereign was not only head of the commonwealth, but that the commonwealth embraced both the sacred and the secular.<sup>324</sup> The Act of Supremacy meant an emphasis on Christ remaining head of the invisible and spiritual Church, whereas the monarch had dominion over the visible and political sphere. Using examples from mainstream reformers, as well as examining the logical coherence of Books VI and VIII of the *Lawes*, in which the bulk of the jurisdictional arguments are contained, I will argue that Hooker achieved a harmony between the Thomist structure of Book VI and the Augustinian structure of Book VIII.<sup>325</sup> This results in

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<sup>323</sup> See chapter three.

<sup>324</sup> In his earlier career, Hooker argued against resurgent Roman Catholicism: see R. A. Bauckham, 'Hooker, Travers, and the Church of Rome in the 1580s', *Journal of Ecclesiastical History*, 29, no. 1, (1978), 37-50. Hooker later moderated this: see A. Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought, 1600-1640* (Cambridge: Cambridge University Press, 1995), 48, 69, 146.

<sup>325</sup> For more on the Thomist structure of law in Hooker's Book I of the *Lawes*, see Lee Gibbs, Commentary on Book I, in W. Speed Hill (ed.), *The Folger Library Edition of the Works of Richard Hooker*, 6/1 (Binghamton: New York, 1993) 92. See also W. David Neelands, 'Hooker on Scripture, Reason, and "Tradition"' in *Richard Hooker and the Construction of Christian Community*, ed. Arthur Stephen McGrade (Medieval and Renaissance Texts and Studies) (Tempe: AZ, 1997), 75-94; also Paul Dominiak, 'Hooker, Scholasticism, Thomism, and Reformed Orthodoxy', in *Richard Hooker and Reformed Orthodoxy*, ed. W. Bradford Littlejohn and Scott N. Kindred-Barnes (Gottingen: Vandenhoeck & Ruprecht, 2017), 101-216. Dominiak, citing Gibbs, makes the argument that, 'Hooker's Thomism [in Book One] thereby emphasizes the rationality of law against the voluntarism of his Presbyterian opponents, which also accordingly places him outside of the voluntarist-nominalist tradition of Protestant, Reformed thought in relation to the doctrine of God and concept of law' (Dominiak, *op. cit.*, 102; also Gibbs, 'Book I', in *FLE* 6:103n36). Both Gibbs and Dominiak cite Hooker in *Lawes* 1.i.2: 'I have endeavoured throughout the bodie of this whole discourse, that every former part might give strength unto all that followe.' It is the voluntarism of Presbyterianism that Hooker argues against in Book VI when Hooker restricts 'the power of the keys' to clergy in respect of confession and sacramental matters. The Augustinian structure of Book VIII and the aims of a government to control wrongdoing is explored in Alexander S. Rosenthal, *Crown under Law: Richard Hooker, John Locke, and the Ascent of Modern Constitutionalism* (Lexington Books: Lanham MD,

important consequences for relations between Church and State, as the mechanics of Church and State are mediated by eternal and natural laws, assisted by the grace of God.

In the previous chapter, I established that Hooker's defence of Elizabeth's temporal jurisdiction over the Church was consonant with mainstream reformed religious principles, even if that theoretical jurisdiction was exercised in practice in a rather different way. The queen was the Head of State, and whilst those in positions of power, or at least her councillors, were dependent upon Elizabeth for their livelihoods, they were unlikely to take a principled stand against her without wishing to risk a great deal. This applied just as much in the ecclesiastical sphere as in the temporal sphere, and consequently affected the independence and ability of the bishops to question the affairs of State.<sup>326</sup>

With all ecclesiastical jurisdiction annexed to the Crown, this inevitably created blurred lines as to where the ecclesiastical and civil jurisdiction separated. I will argue that the two areas of spiritual power (power of order) and power of jurisdiction gave Hooker a framework for understanding how authority and jurisdiction were exercised within the realm, and who could challenge what authority. I will show how Luther's treatise *On Secular Authority* affirms the authority of the prince, but that, through his two kingdoms theory, the bishops had a prophetic office of spiritual jurisdiction, whereas it was the monarch's duty to promulgate laws relating to the Church. I will show that Hooker's distinction between order and jurisdiction echoes, to some extent,

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2008), especially page 85: 'Thus, Augustine acknowledges the right of the state to use the sword in order to repress and punish evil doers – a right that extends in the extreme case to the waging of just wars and the imposition of capital punishment'. See Augustine, *City of God*, tr. Henry Bettenson (Penguin Classics: London, 2003) Book XV, Chapter 5, as well as Book I, Chapter 21.

<sup>326</sup> Though it should be noted that bishops (as illustrated by Grindal), even judges, were a lot more difficult to remove from their posts than the queen would have liked: councillors, however, could be removed at whim. See Peter Lake, 'A Tale of Two Episcopal Surveys: The Strange Fates of Edmund Grindal and Cuthbert Mayne Revisited: The Prothero Lecture', *Transactions of the Royal Historical Society* sixth series 18 (2008), 129-63, as well as Norman Jones, *Governing by Virtue: Lord Burghley and the Management of Elizabethan England* (Oxford: Oxford University Press, 2015), 195-196.

Luther's two kingdoms theory, and will draw direct parallels between them, giving evidence for Hooker's eagerness to find magisterial reformed support for the Elizabethan Settlement. Care of religion was important in a society so that its members can live well; because of this, it was the monarch's duty to care for the Church. Yet, the bishops were key members of the conformist system, and their ability to exercise temporal jurisdiction<sup>327</sup> in this country was granted from the monarch.

An increasing number of scholars over recent years have unearthed the importance of the continental magisterial reformers in the formation of Hooker's thought.<sup>328</sup> It is not possible to say that Hooker favours one reformer over others. He deliberately and selectively picks chunks of Calvin, Luther, Bullinger, or indeed others, and in so doing may risk undermining the integrity of his defence of the Settlement: the magisterial reformed polities of Calvin, Luther, and others were written to be taken as a whole, and indeed even, arguably, solely within their contexts.<sup>329</sup> To use certain sections, but not the whole corpus, could suggest that Hooker's claim to the magisterial reformers was fundamentally flawed, although his consistent method of using elements from a wider range of reformers would rather suggest a broader support for his argument.

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<sup>327</sup> Though of course there were more than a few continental magisterial reformers who would disagree with this concept.

<sup>328</sup> W. J. Bradford Littlejohn writes of four 'schools' on Hooker interpretation in 'The Search for a Reformed Hooker: some modest proposals', *Reformation and Renaissance Review*, 16:1 (2014) 68-82: the 'old "via mediaists"'; the 'new "via mediatorists"'; the 'soft reformists' and the 'hard reformists'. Littlejohn allocates scholars to these four groups, and places himself in an additional, 'nuanced' category, alongside Alison Joyce, Daniel Eppley, and Scott Kindred-Barnes. Littlejohn's article also discusses what it might mean to 'be reformed' in this particular context. See also W. Bradford Littlejohn and Scott N. Kindred-Barnes (eds.) *Richard Hooker and Reformed Orthodoxy* (Reformed Historical Theology, Vol 40) (Gottingen: Vandenhoeck and Ruprecht, 2017).

<sup>329</sup> Voak argues that if people try to take a conciliatory view towards Hooker as a *via media*, and also as a mouthpiece for Calvinism, this is to create a paradox rather than a satisfactory synthesis between the two. Nigel Voak, *Richard Hooker and Reformed Theology: A Study of Reason, Will, and Grace* (Oxford: Oxford University Press, 2003), 4.

One such example for Hooker is that of excommunication, because this gives Hooker the chance to argue the differing claims for the interplay of authority between Church and State. Yet here there are also differences between continental understandings of excommunication<sup>330</sup> and Hooker – the latter had a more liberal understanding of the effects of excommunication than his continental contemporaries, in the sense that Hooker perceived excommunication as only cutting off from the visible Church, and not from the invisible Church. A significant show of support for the Religious Settlement comes from the Continent – Bullinger and Vermigli being amongst the most fervent supporters,<sup>331</sup> besides the influence that Hooker drew from Luther and Calvin.

Hooker's *Lawes* were intended as a defence of the Elizabethan Settlement of Religion; hence a large proportion of Hooker's argument is structured against the Puritans,<sup>332</sup> who pushed for further reform. The Puritans sought further reform by challenging the Established Church's right to enforce conformity through its courts,

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<sup>330</sup> There was no single universally accepted view of excommunication amongst continental magisterial reformers. See H. G. Koenigsberger, George L. Mosse, and G. Q. Bowler, *Europe in the Sixteenth Century* (Abingdon: Routledge, 2013), 188. Here, the differences between Zwingli and Bucer in the administration of and responsibility for the punishment of excommunication are highlighted.

<sup>331</sup> For more on the support Bullinger provided to the Elizabethan divines during the reception of the Elizabethan Settlement, see Paul Christianson, 'Reformers and the Church of England under Elizabeth I and the Early Stuarts', *The Journal of Ecclesiastical History* 31, no. 4 (1980): 463–82. For more on continental support for the Settlement, see D. J. Keep, 'Theology as a basis for policy in the Elizabethan church', *Studies in Church History* 9 (Oxford: Oxford University Press, 1975), 263-8; and idem, 'Bullinger's defence of Queen Elizabeth', in Gabler and Herkenrath, *Heinrich Bullinger*, ii. 231-41; R. C. Walton, 'Bullinger's answer to John Jewel's call for help: Bullinger's Exposition of Matth. 16:18-19', *ibid.*, i. 243-56; Patrick Collinson, *The Elizabethan Puritan Movement* (Oxford: Clarendon Press, 1967) parts 1 & 11; and *The Zurich Letters, comprising the correspondence of several English bishops and others, with some of the Helvetian reformers, during the early part of the reign of Queen Elizabeth*, tr. and ed. Hastings Robinson, 3 vols in 4 (Parker Society, Cambridge 1842-1847). For Bullinger, see R. C. Walton, 'Institutionalisation of the Reformation at Zurich', *Zwingliana*, 13 (1972) 497-515, 504, and J. W. Baker, 'In Defence of Magisterial Discipline: Bullinger's "Tractatus de Excommunicatione" of 1568' in Gabler and Herkenrath, *Heinrich Bullinger*, I, 141-59.

<sup>332</sup> *Lawes*, passim. In Book VI especially, Hooker built on the foundations of the Admonition Controversy's correspondence between Whitgift and Cartwright. Kirby makes the point that the 'unification of civil and ecclesiastical jurisdiction in the Crown lay at the very heart of these disputes.' William John Torrance Kirby, 'Law Makes the King: Richard Hooker on Law and Princely Rule', in *A New Companion to English Renaissance Literature and Culture*, ed. by Michael Hattaway (Oxford: Blackwell, 2010), 274.

laws, and legal processes, and suggested a system along Genevan lines instead. English Puritans such as Cartwright argued that ecclesiastical persons should not wield the sword of secular jurisdiction, but Establishment figures such as Whitgift countered this by arguing that it was acceptable for clerics to be magistrates – and therefore by doing so justifying the monarch’s jurisdiction over the Church and bishops’ exercise of civil jurisdiction alongside the spiritual jurisdiction given to them at their ordination. On the contrary side, Hooker refuses to consider the idea of lay elders having any kind of spiritual jurisdiction over the Church – the monarch was not a lay elder, and she did not enjoy the spiritual jurisdiction that belonged to the bishops by right of ordination. Hooker, in a Thomist structure, uses and subsequently builds on the existing documents in the correspondence between Whitgift and Cartwright during, amongst others, the Admonition Controversy.

## 4.2 Hooker and Temporal Jurisdiction

Anyone who held public office within the Elizabethan State could be argued to hold at least some temporal jurisdiction – that is, the right to exercise authority within the temporal sphere. Book VIII, within its discussion of the Royal Supremacy, establishes the bounds of temporal jurisdiction in relation to the monarch as Supreme Governor, as does chapter II of Book VI, which distinguishes between spiritual power and the power of jurisdiction.<sup>333</sup> The former, argues Hooker, ‘is of order [Holy Orders], and was instituted for the performance of those duties...[and] there is in the Church, no less necessary, a second kind, which we call the power of Jurisdiction.’<sup>334</sup> The power of jurisdiction refers, says Hooker, to ‘ruling with the Church of God,’<sup>335</sup> and the power of order (spiritual power) ‘cannot be challenged by right of nature, nor could

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<sup>333</sup> See Kirby’s *Richard Hooker’s Doctrine of the Royal Supremacy* (Studies in the History of Christian Thought. Leiden: Brill, 1990). Also, Dean Kernan’s chapter on ‘Jurisdiction and the Keys’ in *The Brill Companion to Richard Hooker*, ed. William John Torrance Kirby (Leiden: Brill, 2008), 435-480.

<sup>334</sup> Hooker, *Laves*, VI.ii.1.

<sup>335</sup> Hooker, *Laves*, VI.ii.1.

by human authority...be instituted, because the forces and effects thereof are supernatural and divine.’<sup>336</sup>

The 1559 Settlement established the monarch as Supreme Governor of the English Church, removing the Pope and consequently any authorized foreign jurisdiction over Elizabeth’s realm. Those who sought further reform of the English Church (which in the case of the *Lawes* meant the English Puritans) challenged its power to ‘enforce conformity by its courts, laws, and legal processes.’ To consider the exercise of authority within the Elizabethan Church, and hence to consider jurisdiction, means considering both the spiritual realm and the temporal realm, which meet in ecclesiastical jurisdiction.<sup>337</sup>

The Act of Supremacy makes clear that ecclesiastical and civil jurisdiction coincide in the person of the monarch – yet Hooker is at pains to distinguish jurisdiction from dominion, moving on from the Henrician era, during which time the concepts of jurisdiction, superiority, and authority, were used interchangeably, thus confusing their understanding.<sup>338</sup> Hooker believes the Puritans made the mistake of conflating jurisdiction and dominion, thus excluding ‘the soveraigntie of the estate from bearing anie soveraigntie in the Church. Which in England is to denie the princes supremacie in causes ecclesiasticall.’<sup>339</sup> Treating the issues of jurisdiction and dominion separately, Hooker considers ministerial jurisdiction in Books VI and VII, and supreme royal ecclesiastical dominion in Book VIII. Hooker is clear that the headship of the monarch in relation to ecclesiastical authority is derived from and in relation to

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<sup>336</sup> Hooker, *Lawes*, VI.ii.2.

<sup>337</sup> Paul Stanwood, ‘Introduction to Book III’, the *Folger Library Edition of Richard Hooker*, Georges Edelen and W. Speed Hill, General Editors (New York: Belknap Press, 1977) 3.xxvi, proposes the theory that the topics discussed in Books VI-VIII could be considered linked aspects of jurisdiction.

<sup>338</sup> See Charles Miller, *Richard Hooker and the Vision of God: Exploring the Origins of Anglicanism* (Cambridge: James Clarke and Co., 2013), 263.

<sup>339</sup> Sandys’ notes on Book VI Appendix, Vol III, p.113 and 133 (Keble edition).

the absolute headship of Christ,<sup>340</sup> in the same way that all ecclesiastical authority is annexed to the Crown.

In an Established Church, bishops were regarded as part of the state framework:

[In] the civil governance of England, the maintenance of order was reliant on moderation in the form of bishops...but the lynchpin of the conformist system was that they were also civil officers, not merely spiritual doctors for troubled souls, but worldly authorities whose coercive power was authorized by the monarch and the law.<sup>341</sup>

Hence bishops not only had their spiritual power by virtue of the power of order, but also the civil power, given to them by their place in society, authorized by the monarch and given power by the law.<sup>342</sup> thus, the monarch, under statute, was the source of jurisdictional power for the Church. The root of jurisdiction was the ability to judge and command according to law, whereas spiritual jurisdiction was likewise according to spiritual law.<sup>343</sup>

The power of jurisdiction must also have a power to punish, in order for the former to be effective – it would be an empty authority if administering that authority were not possible. According to Hooker, ‘*jurisdictio sine modica coercitione nulla est.*’<sup>344</sup>

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<sup>340</sup> ‘For what man is there so brainsick as not to except such speeches *God* himself, the king of all the kings of the earth’ (VIII.ii.3).

<sup>341</sup> Ethan Shagan, *The Rule of Moderation: Violence, Religion, and the Politics of Restraint in Early Modern England* (Cambridge: Cambridge University Press, 2011), 113.

<sup>342</sup> That is, the bishops needed a territory in which to exercise their power.

<sup>343</sup> See Kernan, ‘Jurisdiction and The Keys’, 450.

<sup>344</sup> *FLE* 3:467: ‘there is no jurisdiction without a proportionate power of coercion’, found in the autograph notes to Book VI. To which Luther would add, ‘anything which involved law and coercion is the kingdom of this world, and not of Christ’s kingdom.’ Note again that Hooker’s autograph notes were only discovered in 1975, during preparation for the Folger Library Edition of the *Lawes – Keble* would not have known of the notes’ existence.

To exercise that authority over the citizens of the country, those holding that authority must be publicly authorized to do so – they must be able to hold authority and judge according to the laws of that sphere, spiritual or civil, and that power must include the ability to punish those who transgress the laws set down in public for the good ordering of society.

This section concludes that as Hooker defined temporal jurisdiction to be ‘the right to exercise power within the temporal sphere,’ the monarch is legitimately able to do so, by virtue of her being Supreme Governor of the Church of England – a person in whom ‘accidents lovingly dwell together.’ Hooker does not permit interference from the queen on matters spiritual, using the example of penitence to outwork this concept. Hooker cites Luther, Calvin, and Vermigli to illustrate that the monarch had a duty as prince to ensure that the right practice of religion was carried out in their land. Hooker draws on the extant correspondence between Whitgift and Cartwright during the Admonition Controversy to illustrate that the Puritan calls for a permanent division of Church and State are not compatible with orthodox reformed religious principles.

#### 4.2a The *Lawes* and Temporal Jurisdiction

Hooker’s defence of the monarch as the highest uncommanded commander,<sup>345</sup> both in civil and ecclesiastical spheres, has been described as ‘Tudor Averroism’.<sup>346</sup> Marsilius of Padua was a vocal critic of papal claims to jurisdiction over princes on ground similar to that of Augustine. Anticipating Hooker, Marsilius was attempting to

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<sup>345</sup> Hooker, *Lawes*, VIII.i.8.

<sup>346</sup> This term was first used by Peter Munz, *Place of Hooker in the History of Thought* (London: Routledge and Kegan Paul Ltd., 1952), 101. Kirby outlines the argument that the alleged erastianism of Book VIII is incompatible with the Thomism of Book I, but states his own belief that to propose this inconsistency is a ‘fallacy, namely that the theology of law of Book I is indeed a simple appropriation of Thomist metaphysical principles...[and instead] Hooker’s Erastian defence of the civil magistrate’s role as the ‘highest uncommanded Commander’ of the ecclesiastical as well as the civil hierarchy is nothing less than the practical completion of his argument, the necessary fulfilment of his nomos-theology.’ (Kirby, ‘Law makes the King’, 281).

highlight the papal quest for total domination over both the temporal sphere and the spiritual realm – he added that this ‘over-reaching of spiritual authority was the central cause of conflict and disorder within Christendom.’<sup>347</sup>

Though a connection cannot be proven, it is highly likely that this informed Hooker’s theory of relations between Church and Commonwealth, and thus the unity of ecclesiastical and civil jurisdiction in the person of the monarch:

A Church and a Commonwealth we graunt are thinges in nature the one distinguished from the other, a Commonwealth is one way, and a Church another way defined...For the truth is the Church and the Commonwealth are names which import thinges really different. But those thinges are accidents, and such accidents as may and should always lovingly dwell together in one subject.<sup>348</sup>

The Church and Commonwealth are accidents united in a single subject, and therefore civil and ecclesiastical jurisdiction may legally coincide in the person of the monarch. Whilst headship of the supernatural society belongs to Christ, headship of the external society is within the ecclesiastical jurisdiction of the monarch – hence this concept depends upon the clear Augustinian demarcation between the two spheres.<sup>349</sup>

However, in the autograph notes from the Dublin Fragments, Hooker borrows heavily from Boniface VIII’s papal bull *Unam Sanctam* (1302), in which the Pope defends the papal *plenitudo potestatis*, insisting upon the subordination of temporal to spiritual

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<sup>347</sup> Augustine writes that two cities, the *civitas terrena* and the *civitas Dei*, are made up of two modes of love – *amor Dei* and *libido dominandi* (City of God XIV.1). Augustine thinks that it is typical of the *terrena* to muddle the temporal and finite good with the eternal and infinite good, this being the crux of Marsilius’ argument. For more on Marsilius and Hooker, see Shelley C. Lockwood, ‘Marsilius of Padua and the Case for the Royal Ecclesiastical Supremacy (The Alexander Prize Essay)’, in *Transactions of the Royal Historical Society* sixth series 1 (1991), 89-119.

<sup>348</sup> Hooker, *Laws*, VIII.ii.5.

<sup>349</sup> See Augustine *City of God*, Book XI, as well as R. W. Dyson, *Normative Theories of Society and Government in Five Medieval Thinkers: St Augustine, John of Salisbury, Giles of Rome, St Thomas Aquinas, and Marsilius of Padua* (Lewiston, NY: Mellen, 2003).

jurisdiction: 'For according to the Blessed Dionysius, it is the law of divinity (*lex divinitatis*) that the lowest things are led to the highest by intermediaries...Therefore if the terrestrial power err, it will be judged by the spiritual power.'<sup>350</sup> This link establishes the 'ecclesial hierarch' as the ordained intermediary between two worlds. Yet, although Hooker refers to the Aristotelian and Thomist concept of the unmoved mover, the metaphysical concept regarding the type of mediation has changed.<sup>351</sup> Hooker does not imply any required subjection of the temporal to the spiritual: instead, he gives civil power to the magistrate. Ecclesiastical power is redefined as belonging to the civil government, the Church now being a politic society. Yet, Christ still reigns alone in the supernatural society, and the monarch in the temporal society (albeit the latter, as always, with derived authority from Christ). The Aristotelian and Thomist concept of the 'unmoved mover' is important here, as it indicates that there must always be an 'ultimate end' or 'source' of the movement: in this case, that in the temporal sphere, the monarch is that source or 'implementer' of movement in society, which means that order can be maintained. The monarch is subject to no one, bar God Himself. Again, *Unam Sanctam* echoes Hooker's argument in the *Lawes* that the monarch is subject to no one bar God Himself, and that consequently, the monarch is the source and maintainer of order in the terrestrial sphere.

Hooker, therefore, attempts to suggest that the 'accidents' of the Church and the Commonwealth (the 'politic society') dwell together in the person of the monarch by drawing on Augustine's *Civitas Dei*. By setting his argument amidst Augustine's wider political theology, and also Aquinas' more narrow, legalistic, theory, Hooker tries to demonstrate that as God is law, then the Church and Commonwealth are accommodated within that law, and that it is entirely acceptable for the magistrates to govern both spheres (excepting areas of spiritual jurisdiction, which is restricted to

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<sup>350</sup> Latin text in *Corpus Iuris Canonici: Decretum Magistri Gratiani* (Lipsiae: Bernhardi Tauchnitz, 1879); English text in *Documents of the Christian Church*, second edition, ed. Henry Bettenson (Oxford: Oxford University Press, 1963, 1982 reprint), pp. 115-16.

<sup>351</sup> See Kirby, 'Law Makes the King', 280-286.

those who hold the power of order).<sup>352</sup> Exactly what consequences this has for the monarch and their jurisdictional operation according to Hooker, especially when we consider this alongside episcopal jurisdiction, we will explore in the next section.

A natural consequence of exercising jurisdiction is the ability to administer punishment. Hooker uses this example to discuss the boundaries and limits of jurisdiction held by the monarch and by ecclesiastical persons in the Church. What power of discipline does the Church possess, and where does it claim to get that authority to discipline?<sup>353</sup> There are some powers of discipline that the Church is instilled with by divine right – yet, this discipline can only be administered in the Church courts by the authority of the Crown. That is to say the spiritualities of the Church are exercised by virtue of their holding temporalities, given to the bishops at their confirmation of election by the Crown. Further, there are some powers that are restricted to the *order* of a bishop or priest, but others that are due to *dominion*, which can be exercised by a lay person or a cleric. Book VI of the *Lawes* contains Hooker's thoughts on jurisdiction, with an extended argument for the necessity of repentance and consequent restitution of the sinful person to the Christian community – events in which the minister plays a key part.

Hooker starts from the assumption that repentance is a reasonably justifiable basis for ecclesiastical jurisdiction in England. For an individual to demonstrate true repentance, this may be through a combination of discipline, judgment on social problems, and regulation of morals (the cure of souls, which, for an Established Church, meant that everyone's souls within a geographical area were to be cared for, justified the involvement of the Church in these areas) – rather like, in this instance,

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<sup>352</sup> 'Hooker's political Augustinianism...connects the arguments of Books 1 and 8 and renders them coherent with each other' (Kirby, 'Law makes the King', 283); i.e. Hooker can thus make the claim that civil and ecclesiastical jurisdiction can inhabit the single being of the prince, because this is a 'necessary consequence of the nomos-theology set out by [Hooker] in Book 1' (Kirby, 'Law makes the King', 283).

<sup>353</sup> See John 20.2-3, cited in *Lawes* V.vxx.5.

the ground covered by the Puritan opponents to the Settlement in their proposed Discipline. Kernan suggests jurisdictional claims for the powers of judgment on behalf of the Church grew as ‘courts and the canon law increasingly took on an institutional life of their own, as canonists creatively borrowed from the civil law and expanded their reach.’<sup>354</sup> Kernan seems to suggest that the ecclesiastical lawyers were increasing their hold over civil society, beyond what was originally intended for the Church to govern – perhaps, one might say, venturing into canonical adiaphora.<sup>355</sup>

When discussing the imposition of penalties, there are several areas that will have an influence on how the transgression is defined, which area of jurisdiction it falls under, and how the penalty is imposed. Ministers of the Church will have the authority that the magistrate has, and vice versa. The ‘power of the keys’ refers to the spiritual authority, the ‘power of order’ given to priests and bishops at their ordination, which was their ability to absolve (or not) penitent sinners. The crucial phrase here is ‘penitent’, and thus our basic human need to be forgiven sins in order to enter heaven needs repentance to be demonstrated in the individual if forgiveness is to be obtained. If only the Church can provide the means to be forgiven sins – that is, the exercise of the keys – then it is the Church that needs to make people aware of the need for repentance, thus creating a social and theological responsibility, in turn creating a *raison d’être* for the jurisdiction that the Church holds. Crucial to this argument is, of course, the assumed unity of Church and State, which Hooker holds to throughout the *Laws*.

There are elements of Church teaching that hold that some punishments such as excommunication or exile would exclude a person from the Commonwealth and visible Church. Hooker writes that excommunication in particular excludes from being *in communion* with the Church (i.e. the excommunicated person could no

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<sup>354</sup> Kernan, ‘Jurisdiction and The Keys’, 442.

<sup>355</sup> See Christopher W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge: Cambridge University Press, 2008), esp. chapters four, six, and thirteen.

longer receive Holy Communion), but not the Commonwealth: ‘as for the act of excommunication it [n]either shutteth out from the mysticall [Church] nor cleane from the visible [Church], but onely from fellowship with the visible in holy dueties.’<sup>356</sup> It must be clarified that exactly who had the power to impose a sentence of excommunication was a matter of jurisdiction, as its effects are consonant upon the individual’s spiritual life, and so should be restricted to those granted the power of Holy Orders. Hooker cites Matthew 16:19 as giving ‘his [Christ’s] Apostles regiment in general over God’s Church’, and that:

because their office herein consisteth of sundry functions, some belonging to doctrine, some to discipline, all conteyned in the name of the keys: they have for matters of discipline as well litigious as criminal, their Courts and Consistories erected by the heavenly authority of his most sacred voice, whoe hath said, *Dic Ecclesiae*: Tell the Church.<sup>357</sup>

Yet, the most frequent form of excommunication ‘had no moral or censorious quality, but served as the mere “pain of contumacy”’.<sup>358</sup> In the Church of England, the social stigma of being declared excommunicate was often the worst aspect of such punishment. However, this was not always the case, and as Elizabeth’s reign progressed, there was

a tendency for this apparatus [ecclesiastical censure] to be strengthened, for in the hands of energetic administrators the church courts shared in the growth and elaboration of the institutions of government which accompanied internal security and rising prosperity.<sup>359</sup>

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<sup>356</sup> Hooker, *Lawes*, III.i.3.

<sup>357</sup> Hooker, *Lawes*, VI.vi.1.

<sup>358</sup> Patrick Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London: Hambledon Press, 1983), 166.

<sup>359</sup> Collinson, *op. cit.*, 166.

The punishments that were once exclusively those of the Church became yet another instrument of control and conformity. To declare someone excommunicate would bring social stigma and sacramental isolation, a status in excess of the situation envisaged by Hooker in III.i.3.

All of this leads us to the inevitable question as to whether the highest uncommanded commander, the Supreme Governor, could be excommunicated – an issue in which the power of State and Church overlap. Hooker cites Jewel as saying that the king’s prerogative does not exempt him from ‘the coercive power of all spirituall both persons and Courtes within the compasse of his own dominions.’<sup>360</sup> Hooker’s stance on the liability of the monarch to censure has been argued to be rather vague – perhaps because it was the best Hooker could do in the circumstances. McGrade implies that Hooker seems to take a middle course – ‘[Hooker] is quite definitely against the Puritan idea that Kings should be treated like ordinary parishioners...[but is] not insensitive to the problems of a “highest uncommanded commander”.’<sup>361</sup> Lake expands on this point: ‘...princes could not ordinarily be subject to the spiritual authority of their clerical subjects...but Hooker did not include excommunication here, only making reference to the jurisdictional oath.’<sup>362</sup>

If pushed, McGrade believes that Hooker’s final opinion ‘would seem to be that in quite exceptional cases – those of notorious transgressors in extreme degree, any minister is bound to excommunicate and any king is bound to respect the ban.’<sup>363</sup>

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<sup>360</sup> Hooker, *Lawes*, VIII.ix.2.

<sup>361</sup> Arthur Stephen McGrade, ‘Coherence of Hooker’s Polity: The Books on Power,’ *Journal of the History of Ideas* 24, no.2 (1963) 163-82, 178. See also VIII.i.1: ‘...that in a *Christian Kingdom* he whose power is greatest over the *Commonwealth* may not lawfully have supremacy of power also over the *Church* as it is a *Church*.’

<sup>362</sup> Peter Lake, *Anglicans and Puritans: Presbyterianism and English Conformist Thought – Whitgift to Hooker* (London: Urwin, 1988), 224.

<sup>363</sup> McGrade, *Coherence of Hooker’s Polity*, 178; cf also *Lawes* VIII.ix.5-6.

Eppley cites Hooker's use of Ambrose excluding Theodosius from the sacraments as not setting a precedent for princes being subject to church courts, and that 'historical examples typically cited give no real evidence to prove that ecclesiastical judges should have authority to call their own sovereign before them.'<sup>364</sup> Concerning excommunication, Eppley agrees with McGrade in that 'this form of excommunication does not infringe upon the monarch's right to govern the Church'. Hooker himself on the subject of excommunication tentatively decides that 'till better reason be brought to prove that kings cannot lawfully be exempted from subjection unto Ecclesiasticall Courtes we must and doe affirme their sayd exemption lawfull.'<sup>365</sup> The royal exemption from excommunication is a clear rejection of a cornerstone of reformed discipline.

Throughout this discussion, Hooker uses the example of the potential excommunication of the monarch as a practical example with which to grapple with issues of overlapping jurisdiction between Church and State. In respect of ordinary citizens, Hooker suggests that the Church and State operate in parallel, with criminal offences resulting in a civil punishment – either a fine or a jail term, which would satisfy the requirements of justice in the civil sphere; and also a spiritual punishment, with the individual not having their sins forgiven until appropriate contrition and repentance had been shown (with fulfilment of the civil penalty being part of that repentance).

This section has argued that Hooker believes that the Church and Commonwealth, being 'accidents united in a single subject' (i.e. the monarch), are key to the ability to defend the Settlement against claims for segregation of Church and State. In doing so, Hooker also draws upon Augustine's *Civitas Dei*, with the monarch reigning in the external sphere, and Christ dominant in the supernatural sphere. Given the union of

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<sup>364</sup> Daniel Eppley, 'Royal Supremacy', in *A Companion to Richard Hooker*, ed. William John Torrance Kirby, 503-533, 533.

<sup>365</sup> Hooker, *Laves*, VIII.ix.6.

Church and Commonwealth in the person of the monarch, the ability to administer justice in various spheres of jurisdiction gives rise to potential overlap and conflict between Church and State, thus Hooker uses various practical examples of the outworking of authority through jurisdiction to illustrate the temporal exercise of that jurisdiction. Repentance is one such example, demonstrated through various mechanisms of discipline, judgment, and regulation. Hooker then cites the exercise of the keys to illustrate his argument. The example of excommunication, for Hooker, has less drastic outcomes in that although the individual is cut off from visible fellowship in the Church, the greatest punishment is the social stigma. Inevitably, Hooker reaches the point as to whether the monarch can be excommunicated, and unsurprisingly, does not reach a definitive conclusion on the subject. In this manner, we are able to illustrate how the *Lawes* demonstrate, or at least earnestly attempt to demonstrate, a reformed understanding of the outworking of temporal jurisdiction.

#### 4.2b Reformed Religious Principles and Temporal Jurisdiction

Hooker drew from a number of magisterial reformers on the Continent, in his attempt to show that the Settlement, together with its jurisdictional framework, was congruent with wider Protestantism. Calvin was amongst the most powerful and influential of these, although Hooker uses him selectively and critically. Though Calvin was quite certain that ordained ministers could not exercise civil rule or earthy authority,<sup>366</sup> this did not stop Hooker from citing Calvin (selectively) in order to bolster his argument. As Hooker cites the correspondence between Whitgift and Cartwright in Book VI, it is reasonable to assume that Hooker did not disagree with Whitgift when the latter argued with Cartwright regarding civil authority being of assistance to ecclesiastical function: ‘an ecclesiastical pastor must (and may) use that discipline that is appointed

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<sup>366</sup> See John Calvin, *Institutes of the Christian Religion*, tr. Henry Beveridge (1845) (Hendrickson: Peabody, Mass. 2008) IV.ii.8.

unto him by the magistrate and orders of that church whereof he is minister, be it civil or ecclesiastical.’<sup>367</sup>

Calvin’s view of the magistrate as an enforcer of virtue can also be seen thus. As the only power that the Church had in the enforcement of morals was spiritual, they had to rely on the magistrate to give weight where the Church could not: ‘for the church does not have the right of the sword to punish or compel, not the authority of force; not imprisonment, nor the other punishments which the magistrate commonly inflicts.’<sup>368</sup> Hooker, in his preface, intimates that Calvin’s discipline instilled a sense of chaos, anger, and discontent in Geneva (*Preface* ii.2), which resulted in Calvin’s banishment from and subsequent return to the city. In his preface ii.10, Hooker acknowledges how Calvin’s ‘mixed polity’, whatever errors it contained, eventually succeeded in bringing about order to the general populace.<sup>369</sup>

Luther, in common with the vast majority of continental reformers, accepted the emergence and involvement of the magistracy in the Church, who were, in ‘evangelical’ countries, de facto salaried public officials. Luther presided over and consented to the nascency of this system – albeit grudgingly. Both Calvin and Luther encouraged people to obey the secular magistrate, not from any advantages that might accrue, but rather from the divine imperative to ‘love thy neighbour’, and to ‘render unto Caesar.’ Luther’s argument for the civil authorities having any jurisdiction in the religious schema was hampered by his belief that authority in the Church belonged to all Christians equally, and also the fact that he had experienced a number of difficulties with Christian princes in his own time. Luther believed that secular authority is for the temporal welfare of a country’s subjects, and also for punishing transgressions of the ‘Second table of the Decalogue’ (i.e. murder, theft, adultery,

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<sup>367</sup> John Whitgift, *The Works of John Whitgift, D. D., ed. J. Ayre*, 3 vols (Cambridge: Parker Society, 1851-3), iii, 412.

<sup>368</sup> Calvin, *Institutes*, IV.ii.3.

<sup>369</sup> Note Hooker’s usage of ‘the multitude’ in reference to Calvin here, is later used by Hooker when he refers to the chaos and disorder that he believed the English Puritans to instil.

public drunkenness, etc.), rather than the ‘First table’ of preaching, faith, or the first three commandments (in his preferred numbering).<sup>370</sup>

Luther’s arguments regarding secular authority and the prince are somewhat unwieldy because they rely on a distinction between:

1. the routine authority that the prince exercises as a political sovereign;
2. the routine authority that the prince as a baptized Christian shares equally with all other Christians; and
3. the special authority that the prince as [a] baptized Christian has in an emergency because he happens to be a prince.<sup>371</sup>

Therefore, though Luther cannot call on the prince to intervene in religious matters (the prince would not have that authority, according to Luther), the prince could theoretically be called upon to exercise his special responsibility as a Christian who happens to be a prince (and therefore be of especial importance in the public square).<sup>372</sup> Stephenson frames this well: ‘it is essential to grasp that Luther regards secular government within this framework as an integral part of the good divine work of preservation, for...civil authority acts as a curb against the kingdom of the devil.’<sup>373</sup> It is quite clear that Luther believes the civil sword to serve the purposes of God: ‘And for the rest God has established another government, outside the Christian estate and the kingdom of God, and has cast them into subjection of the Sword.’<sup>374</sup>

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<sup>370</sup> See Jonathan Willis, *The Reformation of the Decalogue: Religious Identity and the Ten Commandments in England, c.1485-1625* (Cambridge: Cambridge University Press, 2017), especially pages 49-56; 135-149, and 220-280.

<sup>371</sup> James M. Estes, ‘Luther on the Role of Secular Authority in the Reformation’, *Lutheran Quarterly* 17, no. 2 (2003) 199-225, 204.

<sup>372</sup> ‘For his own part Luther counsels the Christian prince in *On Secular Authority* to trust in God and to be diligent in prayer; to use his office for the service of his subjects; to sift his ministers’ advice with due discrimination; and to deal firmly with evildoers, yet erring on the side of leniency rather than severity’ (c/f Luther, *Works*, WA II.278.17-23). John R. Stephenson, ‘The Two Governments and the Two Kingdoms in Luther’s Thought’, *Scottish Journal of Theology* 34, no.4 (1981), 321–37.

<sup>373</sup> Stephenson, *op. cit.*, 324.

<sup>374</sup> Luther, ‘On Secular Authority’, 4; in Harro Hopfl, (ed). ‘Luther and Calvin: On secular authority’, *Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge University Press, 1991), 10. Hopfl notes that Luther distinguishes between ‘kingdom’ and government’.

Hooker writes, ‘that which Calvin did for the establishment of his discipline seemeth more commendable than that which he taught for the countenancing of it established.’<sup>375</sup> Hence, Hooker believed that the underlying principles of Calvin’s discipline were sounder than its actual practise – so here is another example of Hooker selectively using the magisterial reformers when their argument suited his.

Peter Martyr Vermigli defended the necessity of a single supreme magistrate, or governor, uniting ecclesiastical and civil jurisdiction in that person. Kirby,<sup>376</sup> in his account of Vermigli and the union of civil and ecclesiastical jurisdiction, believes Vermigli<sup>377</sup> to have identified the Christian Commonwealth with Aristotle’s Community of Virtue, thus allotting the care of the nation to its head.<sup>378</sup> Hooker took care to illustrate the framework for his argument by setting out his understanding of natural law and the relevance for a defence of the Settlement. Vermigli takes a similar approach, connecting his treatment of the magistrate’s authority to fundamental soteriological assumptions: the sovereign’s powers are restricted to those ‘lawes touching outward discipline’ and are distinct from those that specifically concern the ‘inward notions of the soul.’ Therefore, if Vermigli is using the framework of natural law to give credence to the systems out of which the Elizabethan Settlement is drawn, then it is in tandem with Hooker’s explanation of natural law, upon which he bases his defence of the Settlement in Book I of the *Lawes*.<sup>379</sup>

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<sup>375</sup> Hooker, *Lawes*, Preface ii.7.

<sup>376</sup> William John Torrance Kirby, *The Zurich Connection and Tudor Political Theory* (Leiden: Brill, 2007), 421.

<sup>377</sup> ‘...and Magistrates governe not for their own commodity, but for the publike utility’, cited in R. M. Kingdon, *The Political Thought of Peter Martyr Vermigli: Selected Texts and Commentary* (Geneva: Droz, 1980), 23.

<sup>378</sup> ‘If all communities aim at some good, the state or political community, which is the highest of all, and which embraces the rest, aims at good in a greater degree than any other, and at the highest good.’ Aristotle, *Politics*, 1.1 (1252a 3-6), cited in Aristotle, *The Complete Works of Aristotle*, ed. Jonathan Barnes, 2 vols (Princeton, NJ: Princeton University Press, 1995).

<sup>379</sup> See William John Torrance Kirby, ‘Peter Martyr Vermigli and Pope Boniface VIII: The Difference Between Civil and Ecclesiastical Power’ in *Peter Martyr Vermigli and the European Reformations: Semper Reformanda*, ed. Frank A. James III (Leiden: Brill, 2004), 291-304, and Robert M. Kingdon, ‘Introduction’, xii-xiii.

Hence, we see that the relationship between the continental magisterial reformers and civil jurisdiction is a complicated one, with no uniform outcome. Hooker, in his wish to justify the Elizabethan Religious Settlement, borrowed whichever sections of the magisterial reformers agreed with his argument, leaving some questionable holes in doing so. It seems that Hooker did not believe in one particular stream of continental reformed theology, but instead used what *elements* of Calvin, Luther, Zwingli, Bullinger, et al bolster his case that the Settlement is congruent with wider Protestantism: for example, using Calvin's argument that magistrates could be enforcers of virtue and Luther's belief that the civil sword can serve the purposes of God alongside Vermigli's insistence that a single supreme magistrate can unite ecclesiastical and civil jurisdiction. These were arguments that, together, supported Hooker's defence of the Religious Settlement. Considering them apart, when taken together with the entirety of the individual corpora of Calvin, Luther, and Vermigli, may create irreconcilable concepts. For instance, why does Hooker state that the motivations behind Calvin's *Institutes* are more worthy than the *Institutes* themselves?<sup>380</sup> We may suspect that the motivations of Calvin to bring order and stability to his context are transferable aims (who would not want to bring order and stability to their countries?). This is in contrast to the *Institutes* themselves, as the *Institutes* would have been conceived for a certain context (that is, Calvin's ecclesiastical ordinances for the Genevan church), and therefore limited in their transferability to another country and political set-up. If Hooker were to be *influenced* by the magisterial reformers themselves, we would need to ask the question as to why he uses parts of one corpus, and not their whole works – indeed, does this fundamentally undermine his defence of the Settlement?

I have argued in this section that Hooker citing the example of Calvin's mixed polity is useful because it illustrates that, despite resistance and disruption in Geneva, it eventually brought about order. This may indicate that Hooker realised such a polity

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<sup>380</sup> Hooker, *Laws*, Preface ii.7.

would not receive a smooth reception immediately in England. Further, for Hooker, both Luther and Calvin are of especial use because both argued for obedience to the civil magistrate. In the case of Luther, secular authority related particularly to the second table of the Decalogue, and although the arguments at times created an unwieldy distinction between the secular and the sacred, Luther believed that the civil sword was able to serve the purposes of God. Hooker also backed up his argument by citing passages of Calvin's discipline, as well as Vermigli's belief of the necessity of a single supreme magistrate. Yet again, however, Hooker's use of a multiplicity of wider Protestant sources leaves Hooker open to accusations of inconsistency and selectivity.

#### 4.2c English Puritans and Temporal Jurisdiction

Hooker built his argument for jurisdiction upon the existing correspondence between Cartwright and Whitgift in the Admonition Controversy, and so we should at least touch on those points relevant to our argument here. Whitgift argued that:

God hath given the chief government of his church to the Christian magistrate, who hath to consider what is most convenient; and we must therewith be content, so that nothing be done against faith and the commandment of God.<sup>381</sup>

Cartwright was exacting in his *Reply* when he said, 'the commonwealth must be made to agree with the church and the government thereof with her government.' Whitgift went further in his rebuttal of Puritan claims for parity in the controversy by saying that '[God's order is kept] when due obedience is given to the civil magistrate', and further, that 'God hath appointed the multitude, how godly and learned soever they be, to obey and not to rule.'<sup>382</sup> Further, Whitgift responds to Cartwright's call for a permanent distinction between the Church and State, saying that: 'the queen's

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<sup>381</sup> Whitgift, *Works*, iii, 176.

<sup>382</sup> Whitgift, *Works*, iii, 275.

majesty, being Supreme Governor in all causes, both ecclesiastical and temporal, committeth the hearing and judging of ecclesiastical matters to the archbishops and bishops, and temporal matters to the lord chancellor and other judges.<sup>383</sup>

Hooker, as ever, only draws particular attention to Whitgift and other predecessors when they help his argument – and Almaszy points out that ‘Hooker concludes, in contrast to Whitgift, that Jehosaphat restored only one high court that judged both ecclesiastical and civil matters. Therefore, separation of the two as envisioned by the Presbyterians has no scriptural warrant.’<sup>384</sup> It would seem that Almaszy has misinterpreted Whitgift in this case, when in fact, given what Whitgift says above, he does in fact agree with Hooker.

When constructing his defence of the Settlement in response to the claims of the English Puritans, Hooker began his text by drawing from correspondence between Whitgift and Cartwright during the Admonition Controversy, with references to which the preface is littered.<sup>385</sup> Hooker then surveyed the texts of the magisterial reformers in order to give weight to his argument that the Settlement was congruent with wider Protestantism. By engaging with the correspondence of the Admonition Controversy, Hooker is able to directly counter the arguments of the English Puritans with those of the magisterial reformers. Given that Hooker could not effectively draw on the polity of the Church of Rome when discussing temporal jurisdiction, he had to use the polity of the continental magisterial reformers, who only had recourse to scriptural precedent for polity, along with the outworking of natural law in that respect.

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<sup>383</sup> Whitgift, *Works*, iii, 302.

<sup>384</sup> Rudolph Almaszy, ‘Richard Hooker’s Book VI: A Reconstruction’, *Huntington Library Quarterly* 42, no. 2 (1979) 117-139, 134.

<sup>385</sup> Hooker, *Laws*, Preface, 2.

### 4.3 Hooker and Spiritual Jurisdiction

In Book VI, Hooker deals with what he terms the ‘weightiest and last remains’ of the debate between the Elizabethan Establishment and the Puritans – ‘*Jurisdiction, dignitie, and Dominion Ecclesiasticall*.’<sup>386</sup> In particular, ignoring in the most part the issues surrounding ceremonials, Hooker concentrates on what is required to judge and rule. In this chapter, I have identified three subsets to Hooker’s discussion on jurisdiction: civil, spiritual, and ecclesiastical. Here I will concentrate on issues of spiritual jurisdiction.

This section will conclude that, according to Hooker, to exercise spiritual jurisdiction, an individual must have the power to judge and command in spiritual matters, according to spiritual laws. This power is given by the conferral of Holy Orders, and to illustrate this, Hooker uses the example of the ‘power of the keys’.<sup>387</sup> As this is a power given at ordination, this power cannot be exercised by lay people. Developing this example, Hooker uses confession and priestly absolution to demonstrate the reformed nature of the Elizabethan Religious Settlement, in that priestly absolution, according to the Church of England, is not essential for the forgiveness of sins.<sup>388</sup> Though Hooker again cherry-picks from the continental magisterial reformers, he does so in order to refute Puritan claims for a lay eldership – to exercise spiritual jurisdiction requires the ‘power of the keys’, which it is simply not possible for a lay person to exercise.

#### 4.3a The *Lawes* and Spiritual Jurisdiction

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<sup>386</sup> Hooker, *Lawes*, VI.i.1.

<sup>387</sup> See John 20.2-3, Matthew 16.19, and Matthew 18.18.

<sup>388</sup> See Thomas Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton: Princeton University Press, 1977), esp. 294ff; Oscar D. Watkins, *A History of Penance*, 2 vols (New York: Burt Franklin, 1961), 1:3-26; and Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge: Cambridge University Press, 1968), 15-36.

Spiritual power, or jurisdiction, argues Hooker, ‘is of order [i.e. Holy Orders], and was instituted for performance of these duties...[and] there is in the Church, noe lesse necessarie, a second kind, which wee call the power of jurisdiction.’<sup>389</sup> Hence, spiritual jurisdiction is the power to judge and command in spiritual matters according to spiritual laws. The power of order, thus, refers to Christ giving his disciples charge, ‘saying, *Preach, Baptize, Doe this in remembrance of mee.*’<sup>390</sup> This ‘spirituall power’ of the Church ‘cannot be challenged by right of nature, nor could by human authoritie...bee instituted, because the forces and effects thereof are supernaturall and divine.’<sup>391</sup> Christ gave this spiritual power ‘for the benefit and good of soules, as a meane to keepe them in their due and convenient bounds, and if they doe go astray, a forcible help to reclaim them.’<sup>392</sup> Hooker regards the Church as having been given ‘noe kind of spirituall power, for which our *Lord Jesus Christ* did not give both commission to exercise, and direction how to use the same.’<sup>393</sup> Hooker also seems to imply that given this, it is absurd to imagine the Church ‘abridged of this libertie’, and equally absurd for further ‘law, constitution, or canon to be made for limitation or amplification’<sup>394</sup> in the carrying out of Christ’s ordinances. Clearly, in order for the Church to exercise spiritual jurisdiction, it must have people who are publicly authorized to command and judge in matters spiritual, and also to have some power to punish transgressors of established laws.

Hooker uses the example of penitence and the forgiveness of sins to illustrate the difference between spiritual power and power of jurisdiction. There are two kinds of penitence – one a private duty towards God, and the other a duty of external discipline. Repentance stems from the former, and contrition to the latter.<sup>395</sup> Hooker believes that the main cause of spiritual jurisdiction is ‘to provide for the health and

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<sup>389</sup> Hooker, *Lawes*, VI.ii.1.

<sup>390</sup> Hooker, *Lawes*, VI.ii.1.

<sup>391</sup> Hooker, *Lawes*, VI.ii.2.

<sup>392</sup> Hooker, *Lawes*, VI.ii.2.

<sup>393</sup> Hooker, *Lawes*, VI.ii.2.

<sup>394</sup> Hooker, *Lawes*, VI.ii.2.

<sup>395</sup> Hooker, *Lawes*, VI.iii.1.

safety of men's soules...bringing them to see and repent their grievous offences committed against God.<sup>396</sup> How can Hooker argue that repentance is a cornerstone of spiritual jurisdiction? Clearly, if repentance is a private duty towards God, then it is the responsibility of the Church to guide men toward appropriate repentance, and to ensure their 'inner' health. The Church therefore deals with the internal and spiritual aspects of repentance and 'making whole', whereas the State deals with the exercise of the civil law: those aspects that are legal and political, rather than theological acts, which are dealt with by the Church.<sup>397</sup>

Though the 1559 Settlement was that of a Church that claimed to be reformed from a Roman Catholic structure, there was remarkably little evidence in Scripture for the tenets of spiritual jurisdiction as claimed by the Church in the Settlement.<sup>398</sup> In VI.ii.2, Hooker writes that:

The spiritual power of the Church [is] such as neither can be challenged by right of nature, nor could be by human authority be instituted, because the forces and effects thereof are supernatural and divine...I therefore conclude that spiritual authority is a power which Christ hath given to be used over them which are subject unto it for the eternal good of their souls, according to his own most sacred laws and the wholesome positive contribution of his Church.

Thus, though Christ gave these laws as a foundation for the Church, they are only a ground upon which to build a positive contribution, and not, perhaps, prescriptive to the extent that the Settlement may have claimed for the Church.

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<sup>396</sup> Hooker, *Lawes*, VI.iii.1.

<sup>397</sup> See K. B. Outhwaite, *The Rise and Fall of the English Ecclesiastical Courts, 1500-1800* (Cambridge, Cambridge University Press, 2006), 5ff. See also R. H. Helmholz, 'The Medieval Inheritance' in *Roman Canon Law in Reformation England* (Cambridge: Cambridge University Press, 1990), 1-27 at pp. 1-2.

<sup>398</sup> I.e. John 20.2-3: 'Receive ye the Holy Ghost....' here referring to the 'power of the keys' given to priests at their ordination. The Roman Catholic Church also used Matthew 16.18-19, 'Thou art Peter...' also John 21.15-17, 'Feed my sheep...'

Even so, this particular issue of spiritual authority as discussed in VI.ii.2 did not specify who would hold such power.<sup>399</sup> Exactly what kind of power is being claimed for the prince with regard to ecclesiastical jurisdiction needs clarity (we have already seen that jurisdiction, unlike dominion, can be held by others than just the monarch). Hooker writes:

so the considerations for which it were happily convenient for *Kings* to sit and give sentence in spiritual Court, where causes Ecclesiastical are usually debated can be no bar to that force and efficacy which their sovereign power hath over those very *Consistories* and for which we hold without any exception that all courts are the *Kings*.<sup>400</sup>

That is to say, ‘[that] which cannot be of *Kings* and *Princes* ordinarily be presumed in causes merely Ecclesiastical...even *Common* sense doth adjudge this burden unto other men.’<sup>401</sup> Yet, ‘this power [of ecclesiastical jurisdiction] was for just considerations by public consent annexed unto the *King’s* royal seat and crown.’<sup>402</sup> This is a key point that links directly to the Act of Supremacy.

How did Hooker understand the spiritual power that clergy exercised? The argument that Book VI of the *Lawes* is the least complete has caused significant problems amongst those who wish to cite the book as a justification and explanation of the way that the Elizabethan State ran its courts and ecclesiastical systems.<sup>403</sup> Kernan believes that in a finished Book VI, Hooker would have framed his argument

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<sup>399</sup> See Kernan, ‘Jurisdiction and The Keys’, 437; also *Lawes* V.lxxvii.5.

<sup>400</sup> Hooker, *Lawes*, VIII.viii.7.

<sup>401</sup> Hooker, *Lawes*, VIII.viii.7.

<sup>402</sup> Hooker, *Lawes*, VIII.viii.4.

<sup>403</sup> Kernan, ‘Jurisdiction and The Keys’, 451, cites Hooker’s executors, Sandys and Cranmer, as offering evidence (maybe also from Hooker’s notes) for Hooker’s 1593 platform as being a well-argued rejection of Presbyterian claims.

to defend the existing church courts (and canonico-civil law used in those courts) as theologically sound ([being] descended from powers that inhered in the church and the office of bishop) as an appropriate means to police all sorts of offences that derived from the church's mission and as a politically justifiable expression of a power sharing justified by custom and history that together with the common law worked to maintain civil peace and order.<sup>404</sup>

Exactly who could lay claim to exercising the power of the keys<sup>405</sup> was a defining argument for the Church's nature – yet not only for the nature of the Church, but also that of society, as it defined boundaries of governing conduct in the sacred and secular areas.<sup>406</sup> Though many areas of the doctrine of the power of the keys were hotly disputed, what was universally accepted was the health of individual souls being maintained by the commission of Christ to the Church to carry out this spiritual mission. Exactly what were the limits of that spiritual mission and how it should be conducted were the subject of much debate – as was the concept and definition of uniformity. Despite the undoubted levels of change in the Elizabethan era, Kernan argues that some things endured, and thus created tensions surrounding the limit of the Church's powers, here talking of the nature of the Church of England:

...its essentially medieval nature remained relatively unchanged, as did many of its responsibilities, although the submission of the clergy, the erection of a Royal Supremacy over the Church, and the

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<sup>404</sup> Kernan, *op. cit.*, 451.

<sup>405</sup> Regarding private priestly confession, Hooker cites Tertullian, St Cyprian, Salvianus, Gannadius, Origen, and the Council of Nice. (*Lawes* VI.iv.5).

<sup>406</sup> Book VI of the *Lawes* was, of course, also a key part of the defence against those who claimed that the Church's jurisdiction was illegal in the eyes of the realm and of Scripture. Richard Cosin, in his *Apologie for Jurisdiction Ecclesiasticall*, which appeared during the 1593 parliament, sought to answer the claim that 'diuerse proceedings Ecclesiasticall, both for the matter, and for the circumstances, or the maner, that they are *contrarie to the lawes of this Realme*.' Cosin, *Apologie for sundrie proceedings by jurisdiction ecclesiasticall* (London, 1593), sig. A2r-v. Note that the 1593 Preface repeats word for word the 1591 Preface. Kernan ('Jurisdiction and the Keys') believes Hooker to be closer to Cosin in viewpoint regarding jurisdiction than Guy (John Guy, 'The Elizabethan establishment and the ecclesiastical polity' in *The Reign of Elizabeth I: Court and Culture in the Last Decade* (Cambridge: Cambridge University Press, 1995) 126-149, 136) suggests.

creation of a 'Church of England' left unanswered many questions about the source and extent of the Church's powers and responsibilities.<sup>407</sup>

Chief among these questions was the following: if papal jurisdiction was superseded by Royal Supremacy, on what basis were the jurisdictional claims of the English Church based?<sup>408</sup> At the lowest level, English bishops could have been seen as having jurisdiction similar to that of Lutheran superintendents – that is, with little authority except to administer moral precepts. Yet, it could be argued that the bishops, with the monarch as their Supreme Governor, had their authority by grant of the monarch.<sup>409</sup> This could result in a problematic interpretation of the boundaries between spiritual and secular jurisdiction, which could have possibly implied that the monarch had an authority in the spiritual sphere, which was not hers to claim.<sup>410</sup>

Hooker thought it necessary to divide the power of the keys into two spheres – those of jurisdiction and order. Surely, if the power of the keys was given by Christ to his Apostles, that was argument enough for clergy or ministers to wholly administer this discipline? This concept could be problematic in an established Church. The power of order was held by all deacons, priests, and bishops, which made the sacraments effective; and the power of jurisdiction was the monarch's administrative, legislative, and judicial power over the Church.<sup>411</sup>

Hence there are two spheres of influence within the spiritual regiment. One is visible, which is:

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<sup>407</sup> Kernan, 'Jurisdiction and The Keys', 450.

<sup>408</sup> See Christopher Haigh, *English Reformations: Religion, Politics, and Society under the Tudors* (Oxford: Clarendon Press, 1993), esp. 12-21.

<sup>409</sup> See chapter five.

<sup>410</sup> In Hooker's autograph notes to Book VI (70r; 3:468-9, *FLE*), Hooker denies priestly powers to the monarch – which echo the queen's own belief in her own notes to the Thirty-Nine articles. See Leo Solt, *Church and State in Early Modern England, 1509-1640* (Oxford: Oxford University Press, 1990) 76-8.

<sup>411</sup> Hooker *Lawes* VI.4.1 and V.3.14, echoing Matthew 16.

administered by them who *Christ* doth allow to be the *Rulers* and guiders of his *Church...him* only to be that fountain, from whence the influence of heavenly grace distilleth and is derived into all parts whether the Word or Sacraments or Discipline or whatsoever be the mean whereby it floweth.<sup>412</sup>

The other is invisible, ruled over by Christ. The ability to administer authority within the visible, spiritual, sphere, depends on the power of order, and the power of dominion. The power of order belongs to the clergy alone and is their indelible right and duty, whilst the power of dominion is a right and duty shared by the monarch.<sup>413</sup> Hooker argues that in respect of spiritual matters, the exercise of jurisdiction is qualitatively different from the power of order that is given canonically to the clergy.<sup>414</sup> Authority within the visible realm was administered by the temporal sword held by the State, which supported the spiritual sword held by the Church.<sup>415</sup> Yet, in attacking the jurisdictional claims of the Roman Catholic Church, those calling for further reform in the English Church lent weight to their cause by criticizing the governmental pretensions, which had the consequence of arguing for the parity of ministers and cementing opposition to government. It could even be argued that this highlights the possible grounds for charges of sedition against those calling for further reform in the Church of England, since to challenge the monarch's authority was seen as highly dangerous.

In conclusion, Hooker defined spiritual power as that administered by Holy Orders at the ordination of a bishop, priest, or deacon. Having Holy Orders gives a spiritual power and jurisdiction that those who are not ordained do not have – even the monarch. Yet, people need authorization to command and judge in spiritual matters,

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<sup>412</sup> Hooker, *Lawes*, VIII.iv.10.

<sup>413</sup> See Kernan, 'Jurisdiction and The Keys', 436: 'Conventionally, the power of order can be understood as the grant of spiritual power held by all ministers that set them apart from the laity and enables them to perform acts of ministry.' Though he suggests it may be more complicated than that.

<sup>414</sup> *Lawes* VIII.viii.3: 'Our judges in causes Ecclesiastical are either Ordinary or Commissionary...'

<sup>415</sup> See Luke 22:38.

and this is where the interaction with the State comes in, especially for bishops, as it is the grant of the temporal See that gives the bishop the ability to exercise their jurisdiction in a particular place.<sup>416</sup> Hooker gives a practical example to help the reader understand his argument: penitence and forgiveness. Spiritual jurisdiction is also about the ‘power of the keys’, and the ability to ‘bind and loose’ sins, and Hooker, whilst acknowledging that ‘all courts are the kings’, believes that church courts are theologically acceptable, and ultimately that they work ‘with civil courts...to maintain peace and justice.’ It is through the exercise of the temporal sword and the spiritual sword that the Church administers spiritual jurisdiction (given that penance has both an external and a spiritual outworking).

This section has argued that Hooker believes spiritual power to be used for the benefit and good of souls, but that in order to exercise this power, public authorisation was needed. To illustrate his argument, Hooker used the example of penitence and the forgiveness of sins, the demonstration of which is split into a private and public reaction. The private element is more often associated with the Church, and the public element the State. Once more, Hooker used the power of the keys to illustrate how they may be exercised in respect of the health of an individual. How the keys were used was divided into jurisdiction (i.e. the dominion of the monarch), and order (which is invisible in its nature). Hooker, though, was aware that to attack the monarch’s spiritual jurisdiction could potentially have been seen as seditious.

#### 4.3b Reformed Religious Principles and Spiritual Jurisdiction

If Hooker looked to bolster his argument that the Settlement of Religion was congruent with wider Protestantism, and that the English Church’s understanding of religious jurisdiction had a place within that, we need to examine how Hooker drew

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<sup>416</sup> See John Gascoigne, ‘Church and State Unified: Hooker’s rationale for the post-Reformation Order’, *Journal of Religious History*, 21, no 1 (1997), 23-34.

on the claims for religious jurisdiction and the magisterial reformers. The exact location of the dividing line when it came to meting out punishment was hotly debated amongst continental reformers, especially as evidenced within the Lutheran *Augsburg Confession*, as well as Calvin's *Institutes of Christian Religion*.

Luther's *95 Theses* attacked the Roman Catholic Church at its strongest point – that of its sacramental system.<sup>417</sup> The practice of selling indulgences for the remission of sins in lieu of penance particularly stank for Luther, especially as it implied that the papacy exclusively held the 'power of the keys'. Luther's theories on the justification of the sinner meant that such a system of sacramental penance was unnecessary, and so was the whole economy of salvation in Rome. As the Roman Church was attacked over its claims for jurisdiction, it was also attacked over its governmental claims, and suddenly its entire system of governance – canon law, Church courts, the episcopate – was up for question. A major consequence of this was the increase of secular authority in places that until then had been the purview of the Church.

Martin Luther's 1523 text *On Secular Authority: how far does the obedience owed to it extend?* maintained that whilst freedom is needed in the spiritual realm, the secular realm necessarily requires laws. Luther made clear the division between the sacred and the secular by explaining that whilst genuine Christians could identify where the limits lay, genuine Christians are very few in number, and so the Christian should submit to worldly powers as the likelihood is that they will have a greater knowledge of the boundaries and what is required for ordered living than the individual. This of

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<sup>417</sup> Luther did not disagree with the practise of confession itself, but rather the *requirement* that confession must be made to a priest in order for the practice to be efficacious. See Luther, *Sermo de poenitentia*, WA, 1, 322; also WA, 10, pt.3, 61-64 and *Ein Sermon vom Sakrament der Busse*, (1519), WA, 2, 714-719, as well as *Von der Beichte, ob die der Papst Macht habe zu gebieten* (1521), WA, 8, 156-157, 1-64ff. Martin Luther, *D. Martin Luthers Werke*, 120 vols (Weimar: Hermann Böhlau, 1883-2009). See also Thomas N. Tentler, *Sin and Confession* especially parts II and VI. See also Karl Binder, 'Streiflichter zur Beichte und Eucharistie in Katholischer und protestantischer Sicht', *Wissenschaft im Dienste des Glaubens. Festschrift für Abt Dr Hermann Peichl O.S.B.*, ed Josef Kisser et al, Studien der Wiener Katholischer Academie, Vol 4 (Vienna, 1965), 67.

course also links to the more general theology of the Cross, in that submission rather than resistance is the more Christ-like path.

Yet Luther's acknowledgement of the powers of the prince and its consequences meant that the regime of *cuius regio, eius religio* which obtained in much of Europe during and after the Reformation had wide-ranging consequences. MacCulloch believes that this

meant that monarchs would inevitably assume a much larger role in the running of the Church than Luther's 'two kingdoms' principle suggested...after 1525 he ceased to talk about congregations electing their own pastors, and he agreed that the matter which had in the past been the concern of the Church – administering its landed wealth and providing for the payment of its clergy – should now become the business of the secular prince.<sup>418</sup>

This was a sea change in the direction of Luther's thought, to the extent that to identify the kernel of his thought now meant wading through a whole host of caveats and qualifications, resulting in a watering down of original principles. Luther's original premise, and with it, a large part of the driving force of his reformation, was in dire need of bolstering from the authorities.

How can we distinguish between the responsibility of the bishops and the responsibility of the prince? Bullinger, as *Antistes* of the church in Zurich, believed that 'although the monarch certainly has the ultimate responsibility for the state of the church in his land, the bishops carry some of this weight by virtue of their advisory capacity.'<sup>419</sup> Whilst the monarch has the ultimate responsibility to ensure that the laws of the land are enabled, laws that are a part of a Christian nation under God, the

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<sup>418</sup> Diarmaid MacCulloch, 'Richard Hooker's Reputation', *The English Historical Review* 117, no. 473 (2002) 773-812, 764.

<sup>419</sup> P. Biel, *Doorkeepers at the house of Righteousness: Heinrich Bullinger and the Zurich Clergy 1535 – 1575* (Bern and New York: P Lang, 1991), 36.

bishops play a crucial role in this as they advise the monarch and the secular rulers from a spiritual perspective, which is part of their spiritual jurisdiction. Luther puts it thus:

For my ungracious lords, the pope and bishops, should be [real] bishops and preach the...Word of God; but they have left off doing so and have become secular princes, ruling by means of laws that concern only life and goods. They ought to rule souls with God's Word, inwardly...God has made them to be of perverse minds and has deprived them of their sense, so that they want to rule spiritually over souls, just as the spiritual authorities want to rule in a worldly manner.<sup>420</sup>

Luther was writing in the context of a mixed polity, where princes, lords, and magistrates held office in the churches, so it may be he took a pragmatic outlook, which Luther justified in, amongst other works, *On Secular Authority*, arguing that the secular prince ruled with a temporal sword as well as a spiritual sword. It is therefore unsurprising that Hooker wished to mine Luther for all he was worth.<sup>421</sup>

The English Puritans may have had their Discipline, but another outcome of reform was a model of Christian society based on that of Geneva under Calvin, in which an almost self-contained Church would be joined to the foundations of a civic government already in existence.<sup>422</sup> In this model, church courts would give way to consistories, 'and the civic government, effectively under the control [of] "elders" of

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<sup>420</sup> Luther, 'On Secular Authority', 26-27.

<sup>421</sup> For 'two swords', see A. S. McGrade, 'Constitutionalism Late Medieval and Early Modern – *Lex Facit Regem*: Hooker's Use of Bracton', *Acta Conventus Neolatini Bononiensis*. Vol 37 (Binghamton, NY: Medieval and Renaissance Texts and Studies, 1985), 116-123. For interdependence, see Brian Tierney, *Religion, Law and the Growth of Constitutional Thought* (Cambridge: Cambridge University Press, 2008).

<sup>422</sup> Nearly also the situation in Scotland.

the church [who would replace bishops], was responsible for discipline.<sup>423</sup> In the English Church, however, any reform took place at the behest of the sovereign, with the Elizabethan Settlement meaning that any further demands for reform, as well as issues of discipline, had to include the Church, Parliament, and the monarch, in what could be described as an inclusive and holistic sense of government, even if this did not work out so in practice. Hooker himself believed that this stance of Calvin was a result of political expediency and compromise, rather than anything directly biblically sanctioned.<sup>424</sup>

Though Calvin was a strong influence upon Whitgift's defence of the Settlement, Hooker makes a conscious decision to turn away from Calvin's arguments by stating that the purpose of ecclesiastical jurisdiction was to 'provide for the health and safety of men's souls, by bringing them to see and repent of their grievous offences committed against God.'<sup>425</sup> Hooker's belief that the Church's jurisdiction over such offences also encompassed the unwilling is a particular departure from Calvin<sup>426</sup> – what is at stake here is the subject of who wields coercive power over people, with Calvin following 'Marsilius of Padua in claiming that the church cannot legitimately hold any coactive or coercive power as part of its jurisdiction.'<sup>427</sup>

In Cranmer and Sandys' notes on Book VI we find the closest we can get to Hooker's answer to Calvin regarding the true exercise of spiritual jurisdiction. Cranmer clarifies

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<sup>423</sup> Kernan, 'Jurisdiction and The Keys', 449. Further, Kernan argues that Hooker thought this a 'contingent result of Calvin's accommodation to his political circumstances, [and] not a Biblically prescribed form of church governance.'

<sup>424</sup> Hooker, *Laws*, Preface.ii.1-10; I, 3-10.

<sup>425</sup> Hooker, *Laws*, VI.iii.1.

<sup>426</sup> In practice, however, Calvinist discipline certainly did extend to the unwilling, who were forced to choose between accepting discipline or excommunication. See William Naphy, *Calvin and the Consolidation of the Genevan Reformation* (Manchester: Manchester University Press, 1994).

<sup>427</sup> Kernan, 'Jurisdiction and The Keys', 456, citing George Carleton, *Jurisdiction Regall, Episcopall, Papall. Wherein is Declared how the Pope hath intruded Upon the Jurisdiction of Temporall Princes...* (London: John Norton, 1610). See also Calvin, *Institutes*, IV.xi7: 'The bishops afterward transferred the rights thus appropriated to their officials, and converted spiritual jurisdiction into a profane tribunal.'

‘chieftly of dominion’ as not meaning that dominion is imported (imported, that is, from Rome), but rather whilst the monarch has ‘chieftly of dominion’, this does not mean importing the power of jurisdiction. Further, ‘chieftly of dominion’ can be realized as being ‘from the Lord.’<sup>428</sup> Sandys expands this by claiming that to exclude the sovereign from any dominion in the Church is ‘in England...to denie the princes supremacie in causes ecclesiasticall.’<sup>429</sup> Hooker regards the Church of England as having been given by God (through the outworking of natural law and Holy Scripture) the power to exercise punishment and discipline, as well as authority over the unwilling (by virtue of Hooker’s precept that every man is a member), yet distinctly *not* going so far as to require the involvement of priestly absolution – ‘for els when you answer them [the Calvinists] by this distinction, they will say that you doe *petere principium*.’<sup>430</sup>

Hooker claims that Rome uses the power of the keys argument to justify its insistence upon priestly satisfaction. Hooker agrees with this, but states that it has two restraints – ‘the one that the practice thereof proceeds in due order, the other that it doe not extend itself beyond due bounds...yet not such soveraigntie of power that noe sinne should be pardonable in man without it.’<sup>431</sup> Further, Hooker argues that ‘to remission of sinnes, there are twoe thinges necessarie, Grace as the only cause which taketh away iniquitie, and Repentance as a dutie or condition required in us.’<sup>432</sup> Hooker disagreed with those English reformers who accepted Calvin’s premise that the ‘power of the keys’ referred to ‘the ministry of the Word.’ Hooker regarded this power as being more paternal than anything punitive and saw it as a core part of the Church’s pastoral responsibility.

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<sup>428</sup> Hooker, *Lawes*, VI: Appendix (Vol III, p.113, n.24, *FLE*).

<sup>429</sup> Hooker, *Lawes*, VI: Appendix (Vol III, p.133, n.23, *FLE*).

<sup>430</sup> Hooker, *Lawes*, VI: Appendix (Vol III, p.133, n.23, *FLE*).

<sup>431</sup> Hooker, *Lawes*, VI.vi.1.

<sup>432</sup> Hooker, *Lawes*, VI.vi.5. Hooker did not argue for the necessity of priestly forgiveness – the truly contrite heart would be forgiven by God: but it is in cases where the heart is still not quietened that Hooker says counsel should be given by a priest, and forgiveness assured. Lay people cannot assure forgiveness, hence Hooker’s argument that priestly forgiveness is necessary.

Calvinism was somewhat more severe about the effects of excommunication than Hooker or the Establishment divines.<sup>433</sup> Once excommunicated, the errant individual was to be regarded as permanently cut off from the body of Christ, and to be shunned ‘as a heathen man and a publican.’<sup>434</sup> This is similar to the Roman Catholic position, which held that there was no salvation outside of the Church, and thus those excommunicated were cut off from the life-giving sacraments (though of course Calvinism did not hold such a high doctrine of the latter). Note though, that in Cranmer’s notes to Book III in the Folger edition, Hooker believes excommunication not to exclude from the visible Church, but rather from sacramental Communion.

Calvin was not the only magisterial reformer to influence the Elizabethan Settlement on matters of jurisdiction. Heinrich Bullinger, who strongly supported the Royal Supremacy, continued to exert influence, not only as a theologian, but also as an advisor to bishops and princes.<sup>435</sup> Bullinger believed that the prince had a prophetic role, and that there was a degree of mutual responsibility between ministers of religion and magistrates. Bullinger believed the magistrate to be the ‘living law’, or *lex animata*:

For laws undoubtedly are the strongest sinews of the commonweal, and life of the magistrates: so that neither the magistrates can without the laws conveniently live and rule the weal public, nor the laws without the magistrates shew forth their strength and lively

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<sup>433</sup> Calvin is rather vague about exactly who should administer the penalty of excommunication (*Institutes*, Book IV.xi. 2).

<sup>434</sup> Collinson, *Godly People*, 233.

<sup>435</sup> See Sandys to Bullinger in 1573: ‘take away authority, and the people will rush headlong into everything that is bad...take away the patrimony of the church, and you will by the same means take away not only sound learning, but religion itself’ (Sandys to Bullinger, 15/8/1573, *Zurich Letters*, 294). Further, Parkhurst to Bullinger: ‘your most learned refutation of the pope’s bull is in the hands of everyone; for it is translated into English, and is printed at London’ (Parkhurst to Bullinger, 10/3/1572, *Zurich Letters*, 266).

force...By executing and applying the law, the law is made to live and speak.<sup>436</sup>

This would seem to resonate with what we have already learnt: that for Hooker, the sacred and the secular coincided in the person of the magistrate, thus giving support to the position of the Elizabethan Religious Settlement that the monarch could wield both the secular and spiritual swords.

Having acknowledged what Luther, Bullinger, and Calvin have said themselves about spiritual jurisdiction, the closest we can find to Hooker answering Calvin in regard to this is in Cranmer and Sandys' notes to Book VI. In this discussion regarding the necessity of priestly forgiveness, Cranmer and Sandys believed that Hooker thought it not necessary but instead part of God's gift to the Church to assure individual sinners of their forgiveness: Hooker was near-silent on the necessity of priestly forgiveness because to insist on it meant giving the clergy an ability to 'make right' errant individuals, which the State (and thus the monarch) did not have. To insist on priestly forgiveness would also alienate Hooker's argument from the support of the magisterial reformers – hence Hooker's belief that to do so, in the eyes of the Calvinists, would be *petere principium*.

This section has argued that the matter of exactly who should mete out punishment was hotly debated. Luther attacked the Roman Catholic sacramental system, and, in *On Secular Authority*, affirmed the authority of the prince within the Two Kingdoms theory: Christians should submit to secular authority as the latter has the greater knowledge and power to ensure order in society. Bullinger argued that though in society, the monarch has ultimate responsibility, the bishops still have some influence because they advise the monarch in her duties. For Hooker, Luther's *On Secular Authority* was especially useful as the secular prince ruled with both the temporal *and*

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<sup>436</sup> Sermon II.7 of *Decades* 1:339. Henry Bullinger, *The Decades of Henry Bullinger, Minister of the Church of Zurich*, translated by H. I. The First and Second Decades, Parker Society (Cambridge, 1849).

the spiritual sword. For Calvin, Hooker argued, the almost self-contained Church would be joined to the foundations of civil government already in existence, with the elders of the Church, who were responsible for discipline, controlling the civil government. It is important to note, though, that in England, any reform took place at the behest of the Sovereign. Calvin's stance was different in Geneva, argued Hooker, because it was the result of political expediency and compromise. Though Book VI has been regarded as the least complete of Hooker's *Laws*, Cranmer and Sandys' notes on the book regard Hooker as arguing the Church of England as being given power by God to exercise punishment and mete our discipline, but not necessarily to the extent of priestly absolution. For Hooker, the remission of sins needed grace and repentance, and the consequences of excommunication only excluded from sacramental communion, and not from visible fellowship in the Church. For Calvin, the consequences were more extreme. Hooker also drew on Bullinger, who argued that the prince had a prophetic role, with the magistrate as the *lex animata*. Finally, for Hooker, Cranmer, and Sandys, priestly forgiveness, though not mandated, was for the assurance of the individual: this was because if it were mandatory, this would give clergy a power that the monarch did not have.

#### 4.3c English Puritans and Spiritual Jurisdiction

In grappling with the question of jurisdiction, Hooker deals with the Puritans' 'discipline', or proposed manner of ruling and judging the Church.<sup>437</sup> The terms, 'judging' and 'ruling' were used by Hooker because 'they [the Puritans] verie well knew, how little their labours soe farr bestowed, would avayle them in the end, without a clayme of Jurisdiction to upholde the fabrique which they had erected.'<sup>438</sup> The Puritans sought further reform, explicitly challenging the ability of the

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<sup>437</sup> 'The tendency of such proposals was to make the shire rather than the diocese the working unit of church administration and to bring into close harmony, if not to unity, the spiritual discipline of the ecclesiastical courts and the government of the magistrate.' (Collinson, *Elizabethan Puritan Movement*, 187).

<sup>438</sup> Hooker, *Laws*, VI.i.2.

Established Church to enforce conformity by its legal structure. It is claimed that Hooker's response to this resulted not only in rebuttal of the Puritans claims, but provided 'a more robust theological, social and legal foundation for the English Church's involvement in the regulation of common life.'<sup>439</sup> By extension, Hooker's *Lawes* formed not only a defence of the English Church, but also a defence of the role of bishops and the monarch – an apologia for the 1559 Settlement.

English Puritans such as Thomas Cartwright questioned the legitimacy of clergy holding any civil jurisdiction – '[he] which professeth himself to be an ecclesiastical person, ought not to have the civil sword.'<sup>440</sup> Cartwright is keen to emphasize that 'touching their names and titles, [Christ] putteth a difference in these words: "And they are called gracious lords; but it shall not be so with you."<sup>441</sup> In other words, according to Cartwright, the calling of ministers is to match the humility and poverty of a Christ-like existence, and not to enjoy the worldly trappings of civil power. Clearly, papal claims to hold all power and universal jurisdiction need to be refuted in the eyes of those calling for further reform, and Luther developed the 'two kingdoms' theory to try to address this. The argument that the secular magistrate wielded the temporal sword so long as their judgments did not counter those of the Pope meant that secular authorities were at risk of wrongly interfering with the propagation of, and obedience to, the Gospel, should they interfere in matters spiritual rather than temporal.

Whitgift, in his response to Cartwright upon the subject of differences between princes and bishops in jurisdiction and power, says:

for we grant that there is great difference betwixt the dominion of kings and princes, and betwixt the jurisdiction and authority of bishops. Kings have authority in all causes, and over all persons

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<sup>439</sup> Kernan, 'Jurisdiction and The Keys', 435.

<sup>440</sup> Whitgift, *Works*, I, 157, albeit here referring to the Pope.

<sup>441</sup> Whitgift, *Works*, I, 149.

within their dominions, without any limitation: if bishops have any such dominion, especially in civil causes, it is not in the respect that they be bishops, but it is from the prince, and limited unto them.<sup>442</sup>

And further:

Christ in this place doth not think it unlawful for Christians to be magistrates, neither doth he forbid bishops to have external dominion; but he sheweth a difference between the kingdom of this world, and his kingdom...he doth not forbid bishops to have external dominion, if they come to it by inheritance or lawful election.<sup>443</sup>

When Whitgift writes that Christ thinks it permissible for clergy to be magistrates, we see an echo of Hooker's maxim that every member of the Commonwealth is a Christian – if this is so, then if there is a magistrate, they must also be Christian. Whitgift, however, also clarifies here that the prince, the magistrate in chief, has authority over the Church – but clarification is needed as to exactly what *authority* means here.

Hooker again uses the example of private confession to illustrate his opposition to lay eldership. Book VI discusses that whilst repentance is a necessary preparation for the reception of Holy Communion, it may sometimes be necessary to offer private confession for those who are still unquieted after repentance.<sup>444</sup> Hooker reminds his readers that the reformed Churches do not necessarily deny the benefits of confession – 'it is not in the reformed Churches denied by the learned sorte of Divines, butt that

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<sup>442</sup> Whitgift, *Works*, I, 151.

<sup>443</sup> Whitgift, *Works*, I, 154.

<sup>444</sup> Hooker, *Laves*, VI.vi.5, and VI.vi.12, also fn 112.

even this confession, cleared from all errors, is both lawfull and behoovefull for God's people.<sup>445</sup> This is because, argues Hooker:

the Churches of Germany, as well the rest as Lutherans, agree that all men should att certayne times confesse their offenses to God, in the hearing of God's ministers, thereby to shew how their sinnes displease them, to receive instruction...to be soundly resolved...to the end that men may att Gods hands seeke every one his owne particular pardon, through the power of those keyes, which the Minister of God using according to our blessed Saviours institution in that case...<sup>446</sup>

Hooker argues that auricular sacramental confession is not *necessary* for the forgiveness of sins, but in order that the penitent may receive counsel, comfort, and direction from the priest. If we then consider Hooker's distinction between spiritual authority and the power of jurisdiction, we can see that, according to Hooker's argument here, it would be inappropriate for lay elders to exercise authority where sacramental authority is to be dispensed: lay elders are simply incapable of performing the power of the keys in the forgiveness of sins.<sup>447</sup>

In conclusion, Hooker is quite clear that spiritual jurisdiction is the power to command and to judge in matters spiritual, which is given to clergy at their ordination. It is not possible for lay people to exercise any spiritual jurisdiction – and to illustrate this, Hooker uses the example of the 'power of the keys', and its attendant outworkings of penance and forgiveness to explain how, whilst it is only the clergy

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<sup>445</sup> Hooker, *Lawes*, VI.iv.14.

<sup>446</sup> Hooker, *Lawes*, VI.iv.4. Hooker's entire position on priestly confession can be found in VI.vi.17: '...it hath therefore pleased Almightye God in tender commiseration over these imbecilities of men, to ordeine for their spirituall and ghostly comfort, consecrated persons.'

<sup>447</sup> Whereas Calvin and the English Puritans regarded a council of lay elders as being the only means of 'performing' excommunication, Hooker did not agree with this (Hooker, *Lawes*, Preface 2.9; 1.11).

who can exercise spiritual jurisdiction, the Church works in tandem with the machinery of the State to ensure that order is maintained in the secular realm.

I have argued in this section that Hooker deals with the Puritan Discipline by drawing on Whitgift and Cartwright's exchanges in the Admonition Controversy. Cartwright argued that ecclesiastical persons could not wield the civil sword, and that it was the duty of (ecclesiastical) ministers to match the humility and poverty of Christ, and not to enjoy civil trappings. For Whitgift, the prince was the magistrate in chief. Hooker used the example of private confession to illustrate his opposition to lay eldership, and cited that not all reformed Churches denied the benefits of confession – which Hooker concluded by saying that though auricular sacramental confession is not necessary, it may offer comfort to the individual.

#### **4.4 Hooker and Ecclesiastical Jurisdiction**

The established nature of the English Church meant that the bishops had temporal jurisdiction alongside the State, and, therefore, the queen. It is perhaps unsurprising that the powers claimed for the Crown by apologists of the Royal Supremacy were exercised in a rather different manner. Although Elizabeth declared that she would be guided by the clergy in matters ecclesiastical, she did not hesitate to intervene on matters of doctrine and faith. As Supreme Governor, and therefore guardian of the Church, she had no compunction in plundering church estates, and letting her favoured laity follow suit.<sup>448</sup>

This section will argue that, defining ecclesiastical jurisdiction as 'ruling with the Church of God', Hooker continues to use the issue of the Puritan call for lay elders to

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<sup>448</sup> e.g. the exchange of under-rated episcopal palaces for royal property of nominally similar value when a bishopric became vacant. See Claire Cross, *The Royal Supremacy in the Elizabethan Church*, Historical Problems: Studies and Documents, 8, ed. G. R. Elton (London: George Allen and Unwin; New York: Barnes and Noble, 1969).

dismiss any ecclesiastical jurisdiction that is not given to those who have received the appropriate public and sacramental authority to do so, carefully distinguishing between order (which the clergy alone hold), jurisdiction (which can be held by both clergy and the monarch), and dominion (which the monarch alone holds). Hooker uses the magisterial reformers selectively – and notes that Calvin would not agree with extant polity in the Elizabethan Church. Hooker was able to find more common ground in Luther, owing to the fact that Luther had to deal with an entangled polity of Church and State, in which princes and magistrates often had the upper hand in the local church. Hooker, using that distinction between order, jurisdiction, and dominion, makes the case that in the monarch, the two spheres of spiritual and secular combine, and that it is only by working in conjunction with one another that peace and order is maintained in the realm.

#### 4.4a The *Lawes* and Ecclesiastical Jurisdiction

Hooker is quite careful to distinguish between ‘dominion’ and ‘order/jurisdiction’ when dealing with the question of the extent of Royal Supremacy in the Church. Though the monarch’s lordship over the Church is derived in relation to ecclesiastical affairs, this is not to say that the monarch does not exercise jurisdiction in ecclesiastical affairs. Hooker quotes from Hebrews 5.1 in VIII.viii.6,<sup>449</sup> distinguishing between the power of order, which is restricted to priests, and the power of jurisdiction, which is also given to the clergy, but not to them alone (i.e. it is also shared with civil leaders). Miller expounds a helpful threefold classification as regards the differences between ‘dominion’ and ‘jurisdiction’:

first, the power of order pertains to the clergy alone; second the power of ordinary spiritual jurisdiction belongs to the clergy, and in restricted, non-ordinary forms to lay people beginning with the

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<sup>449</sup> ‘Every high priest chosen from among mortals is put in charge of things pertaining to God on their behalf, to offer gifts and sacrifices for sins’ (Hebrews 5.1).

monarch; thirdly, the power of dominion in spiritual affairs belongs exclusively to the monarch.<sup>450</sup>

Miller's definition of jurisdiction would allow for lay magistrates other than the monarch to exercise authority in the Church in non-ordinary forms – but to what extent does this allow for lay elders in the Church, and if it does, what scope would they be authorized to have?<sup>451</sup>

As Supreme Governor of the Church of England, and as sovereign of the realm, the monarch had unrivalled human authority over the Church: 'Only the *King's* royal power is of so large compass that no man commanded by him according to order of law can plead himself to be without the bounds and limits of that authority.'<sup>452</sup> Whilst constructing an argument for the authority of the monarch, the 'very essence of royal power' was found because individuals ultimately acted for their own interests. Thus, it was important to have one person who had authority over all, for the sake of order, but this person should not have such authority that it was limitless and without restraint lest tyranny take hold. Hooker referred to this as *major singulis, universis minor*.<sup>453</sup> This would seem to be wholly compatible with the idea that the monarch was part of the community and system of law and order, both participating in, and leading, the formulation of laws for the good order of society. The monarch held the uppermost jurisdiction in order to keep people from chaos and disorder, leading Hooker to state that 'there must be of necessity in all public societies also a general mover'<sup>454</sup>, directing unto the common good and framing every man's particular to it.<sup>455</sup> The monarch is therefore envisaged by Hooker as being a kind of arbiter in disputes between ecclesiastical and civil spheres. 'The king hath a transcendent

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<sup>450</sup> Charles Miller, *Richard Hooker and the Vision of God*, 264.

<sup>451</sup> See chapter 4.4c below.

<sup>452</sup> Hooker, *Laws*, VIII.viii.1.

<sup>453</sup> Hooker, *Laws*, VIII.ii.7.

<sup>454</sup> i.e. 'guiding hand'.

<sup>455</sup> Hooker, *Laws*, VIII.iii.3.

authority...in all causes over both':<sup>456</sup> emphasizing here the unity of civil and ecclesiastical spheres in the person of the monarch as being a pre-requisite for this theory.

Hooker's autograph notes from Book VIII state that 'all jurisdiction within this realme is now annexed to the Imperiall Crowne'. Is this position declaring anything new, or re-stating what had been the case for some time? Do Hooker's notes imply that the Crown would – or indeed could – do away with the constitution of the Realm and start over? A more pragmatic reading would be that this is yet another example of Hooker that his successors could manipulate for their own ends. Miller and Kernan also argue that only dominion was absolute for the monarch within their realm, whereas jurisdiction was held by other laity alongside, albeit in a hierarchical manner, the monarch. Hooker writes that all jurisdiction was *annexed* to the Crown, rather than the Crown being a final arbiter and keeper, and so allowing for a dispersion of that jurisdiction amongst others to whom the monarch granted office. This is not a new idea, but what Hooker is doing here is justifying its inclusion in the Settlement.

Hooker continues the example of excommunication in order to explain the boundaries between spiritual and civil matters, and reminds his readers that spiritual causes – that is, the power of the keys – are the remit of the clergy, and the congregation must not interfere.<sup>457</sup>

Luther and other magisterial reformers attempted to rebut the stranglehold of the Roman Church on its Petrine claim to the 'power of the keys'. As this power strengthened, the office of bishop became more and more important – bishops were seen as successors of the Apostles and princes of the Church, holding both

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<sup>456</sup> Hooker, *Lawes*, VIII.viii.7.

<sup>457</sup> Almasy, 'Book VI: A Reconstruction', 125. Almasy makes the point that Hooker's argument continues more or less from Whitgift's response to the *First Admonition* and also from Whitgift's *Tract 17*.

sacramental and jurisdictional powers. In England, bishops were officers of the State, in that, despite having received their power of order at their ordination, they did not have a territory in which to exercise that power until their confirmation of election from the monarch. Thus, the clergy, and indeed ultimately the monarch, were able to exercise ecclesiastical jurisdiction because they had received the appropriate public and sacramental authority to do so.

This section has argued that Hooker was careful to distinguish between dominion and order or jurisdiction, and that as Supreme Governor, the monarch had unrivalled human authority over the Church. For Hooker, the monarch is the arbiter, a transcendent authority, to prevent chaos and disorder – for this reason, all jurisdiction is annexed to the Crown. Further, all clergy (and ultimately the monarch) were able to exercise ecclesiastical jurisdiction because they had received the appropriate public and sacramental authority to do so.

#### 4.4b Reformed Religious Principles and Ecclesiastical Jurisdiction

The division of the ecclesiastical and civil spheres came once more to the foreground when Hooker decided which magisterial reformers to bolster his argument with. Though Hooker doubtless had Calvin in mind when writing Book VI, there were elements of the latter's argument that Hooker would not have used – for instance, the Genevan consistories and synods only ruling on the spiritual affairs of the citizens, an element that Cartwright and Travers would have agreed with, but not Hooker.<sup>458</sup> Neelands believes that Hooker argues throughout the *Lawes* that the Genevan system is inadequate, and possibly even defective when it undergoes close scrutiny, and that 'questions of the Church's life are to be decided by the Church, and not in scripture alone.'<sup>459</sup>

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<sup>458</sup> Almsy, 'Book VI: A Reconstruction', 134.

<sup>459</sup> W. David Neelands, 'The Use and Abuse of John Calvin in Richard Hooker's Defence of the English Church', *Perichoresis* 10, no.1 (2012) 3-22, 9; c/f also Article 20 of the Thirty-Nine Articles.

The context in which Calvin and Luther were writing must also be borne in mind, according to Hopfl:

the entanglement of the institutional church and the secular government of sixteenth century politics was such that what Luther in fact had to deal with was churches in which magistrates and princes had the upper hand.<sup>460</sup>

The somewhat restricted ability of the Church to punish is also reflected by Calvin: ‘for the church does not have the right of the sword to punish or compel, nor the authority of force; nor imprisonment, nor the other punishments which the magistrate commonly inflicts.’<sup>461</sup>

Therefore, Hooker has rather less material for which he can gain support in matters of ecclesiastical jurisdiction when considering the magisterial reformers. What is interesting here is that Hooker actively confutes Calvin, rather than using him as an ally (as he does elsewhere in the *Lawes*): for Hooker, at least in this instance, the Genevan system was inadequate and defective – questions of the Church’s life were to be decided by the Church, and not in Scripture alone.

#### 4.4c English Puritans and Ecclesiastical Jurisdiction

Cartwright is clear that when considering the sentence of excommunication, the polity of the ancient Church should be followed in that ‘the sentence thereof should come from governors and elders of the church.’<sup>462</sup> This contravenes Whitgift’s view that ‘the bishop alone, both by the laws of God, and of this Church of England (which

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<sup>460</sup> Harro Hopfl, *The Christian Polity of John Calvin* (Cambridge: Cambridge University Press, 1982), 27.

<sup>461</sup> Calvin, *Institutes*, VI.ii.3.

<sup>462</sup> Whitgift, *Works*, III, 149.

hath given unto him by consent in parliament that authority), may exercise this discipline'.<sup>463</sup> Hooker believed that the issue of lay elders gave rise to the necessity of ecclesiastical jurisdiction in order to make clear the responsibilities and rights pertaining to bishops and those in positions of authority in the Church.<sup>464</sup>

In Book VI of the *Lawes*, Hooker discusses the ability of lay elders to exercise jurisdiction within the Church – something Hooker steadfastly refuses to countenance in spiritual matters, as well as in ways proposed by the Puritans' synods and gatherings. Whilst the majority of Book VI seems to be spent discussing repentance<sup>465</sup> and the various conditions needed to be satisfied in order to ensure forgiveness, this debate acts as a somewhat extended preparation for the controversy over eldership, which is developed under the explicit guise of episcopacy in Book VII.<sup>466</sup>

The debate over eldership centred on whether 'all Congregations or Parishes ought to have laie Elders invested with the power of Jurisdiction in Spirituall causes,'<sup>467</sup> and whether or not these lay elders would be able to 'hear with more indifferencie the weightiest and last remains of that cause, *Jurisdiction, Dignitie, Dominion Ecclesiasticall.*'<sup>468</sup> Hooker claims that the Puritans presume that Christ 'by testament...hath left all ministers or Pastors in the Church executors equally, to the whole power of spirituall jurisdiction.'<sup>469</sup> This is to deny that those who exercise ordained ministry have any kind of spiritual jurisdiction above any of that exercised by the lay elders, a core principle of Presbyterianism, and the heart of their opposition to episcopacy. However, we should also remember that Hooker cites the Puritans'

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<sup>463</sup> Whitgift, *Works*, III, 223.

<sup>464</sup> Hooker, *Lawes*, VI.iii.1.

<sup>465</sup> Hooker uses a scholastic structure to his argument to explain that when a human sins, God is injured, and satisfaction needs to be made. Christ has offered that satisfaction upon the Cross, and faith in Christ makes that satisfaction ours. Satisfaction is the effect of repentance, which rescues the soul from deadly sickness. (VI.v.8).

<sup>466</sup> See Kernan, 'Jurisdiction and The Keys', 479.

<sup>467</sup> Hooker, *Lawes*, VI.i.1.

<sup>468</sup> Hooker, *Lawes*, VI.i.1.

<sup>469</sup> Hooker, *Lawes*, VI.i.3.

acknowledged need for some elders to be above others in status and jurisdiction in order to ensure order within their Church (though it should be noted that the elders who do so, do so temporarily, by election, and also serve on behalf of their electors).

The English Puritans Field and Wilcox, in the text of the *Admonition*, set out their case for Scripture giving sufficient polity for a model of congregational ecclesiastical discipline:

this regiment consisteth especially in ecclesiastical discipline, which is an order left by God unto his church, wherby men learne to frame their wylles and doynge according to the law of God, by instructing and admonishing one another, yea, and by correcting and punishing all wylfull persones, and contemners of the same.<sup>470</sup>

The Puritans were alert to the arguments that may have been used against them in their cause, and their skilful rhetorical methods were employed in the battle of hearts and minds in a tense political atmosphere, here assuring those loyal to the Crown of their loyalty both to it and to the laws of the realm:<sup>471</sup>

Not that we meane to take away the authoritie of the civill Magistrate and chief governour...but that Christ being restored into his kyngdome, to rule in the same by the scepter of his worde, and severe discipline: the Prince may better be obeyed, the realme more flourish in godliness...Amend therefore these horrible abuses, and

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<sup>470</sup> John Fielde, Rudolf Gwalther, Théodore Bèze, and T. W., *An Admonition to the Parliament* (Hemel Hempstead: J. Stroud, 1572), 16.

<sup>471</sup> Collinson, *Godly People*, 341, argues that the *Admonition* was 'a declaration of war, not against the Queen, who was really responsible, but against the bishops who were her instrument in enforcing conformity.'

reforme God's church, and the Lorde is on your right hand, you shall not be removed for ever.<sup>472</sup>

Though Cartwright argued for a polity in which Christ's Word is king (rather than the sovereign's), Hooker diligently uses choice aspects of the works of magisterial reformers to argue that the monarch's being Supreme Governor is not in contradiction with reformed principles. It is in conjunction with the spiritual realm that the secular realm is able to maintain peace and order, namely in the person of the monarch, in whose role the two spheres combine. This is the Settlement that Hooker defends, using a careful distinction between order, jurisdiction, and dominion.

This section has argued that for Cartwright, the sentence of excommunication should come from the elders and governors of the Church. For Cartwright, Christ's word was king, and not that of the Sovereign. Yet, for Hooker, the issue of lay elders gave rise to the necessity of ecclesiastical jurisdiction to clarify the rights and responsibilities of bishops and those in authority in the Church. For Hooker, the discussion over lay elders served as an extended preparation for Book VII and episcopacy. Hooker's issue with the Puritans was that they claimed a need for complete parity in spiritual jurisdiction. Hooker pointed out the inconsistency that even so, the Puritans acknowledged the need for some elders to be higher in status than others for the sake of order (though it must be remembered that this was a temporary elevation in status, rather than the permanent ontological change which consecration to the episcopate entailed). Hooker again was at pains to point out that it was in conjunction with the spiritual realm that the secular realm was able to maintain peace and order in the person of the monarch, aided by a careful distinction of order, jurisdiction, and dominion.

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<sup>472</sup> Fielde, Gwalther, and Bèze, *Admonition*, 18.

## 4.5 Conclusion

I have argued in this chapter that the monarch had an absolute right to exercise temporal jurisdiction within the temporal sphere by virtue of being Supreme Governor, although Hooker did not accept any interference from the monarch in spiritual matters. Hooker used Luther, Calvin, and Vermigli to evidence his argument that the Christian prince was able to ensure the right practice of religion was carried out in the land. To further illustrate his point, Hooker used the Admonition Controversy to state that Puritan calls for a permanent division of Church and State are not congruent with wider Protestantism. In respect of spiritual jurisdiction, this consisted of the power of the keys stemming from Holy Orders, which cannot be exercised by lay people. In relation to this, bishops needed territory in which to exercise their jurisdiction, which was granted by the monarch by virtue of mechanisms in the Act of Supremacy. In order to bolster his claims for the Elizabethan Settlement, Hooker used arguments from Luther's *On Secular Authority* in respect of a mixed polity. In relation to ecclesiastical jurisdiction, Hooker dismissed any suggestion that lay elders could exercise ecclesiastical jurisdiction that had not been given to those who had not received the appropriate public and sacramental authority to do so. Although Calvin would not agree with the polity extant in the Elizabethan Church, Hooker found more common ground in Luther. Finally, although officers of Church and State held jurisdiction in temporal and ecclesiastical spheres, rather than in spiritual spheres, this had the effect of creating numerous grey areas.

This chapter has highlighted issues of jurisdiction that are important to an understanding of Hooker's concept of royal and episcopal authority during the reign of Elizabeth I. There are three main areas that were considered: what the *Lawes* said about each type of jurisdiction, what Hooker used from the continental magisterial

reformers to back up his argument, and lastly, how he used the magisterial reformers to answer the criticisms raised by the English Puritans.

Did Hooker construct an argument that was unmistakably reformed as well as anti-Puritan? We began this chapter by examining Hooker's discussion of temporal jurisdiction in the *Lawes*, how he uses the continental magisterial reformers, and how he uses those to counter the claims of the English Puritans. We found that, as Hooker defines temporal 'jurisdiction' to be the right to exercise power within the temporal sphere, the monarch had absolute right to do so, by virtue of her being Supreme Governor of the Church of England, someone in whom 'accidents' of Church and Commonwealth dwell together. What Hooker will not countenance is any interference from the queen in matters spiritual, and he uses the example of penitence to work this concept out. Hooker also draws on Luther, Calvin, and Vermigli to illustrate that the monarch had a right as a Christian prince to ensure that the right practice of religion was carried out in their land. Hooker draws on the extant correspondence between Whitgift and Cartwright during the *Admonition Controversy* to illustrate that the Puritan calls for a permanent division of Church and State are not in keeping with orthodox reformed religious principles.

We examined Hooker's definition of spiritual jurisdiction in the *Lawes*: who can exercise it, how he uses the continental magisterial reformers to support his position, and lastly, how he counters the claims of the English Puritans. To exercise spiritual jurisdiction, the individual must have the power to judge and command in spiritual matters according to spiritual laws. This power is given by the conferral of Holy Orders at ordination, and Hooker uses the example of the 'power of the keys' to see how this works in practice. This spiritual 'commanding and judging', because it is given with the power of Holy Orders, cannot be exercised by lay people, thus countering the Puritan argument for lay elders. At the risk of Hooker's argument giving credence to a separatist ecclesiological entity, Hooker acknowledges that as the Church has to have a physical presence, the authorization to exercise spiritual

jurisdiction in a particular area is given by the monarch to her bishops, which again links Hooker's *Lawes* to the Act of Supremacy. We also found that Hooker utilized Luther's arguments from *On Secular Authority*, not least because Luther was writing from a situation of forced mixed polity between Church and State, and thus the context in for Luther lent itself well to that in England – especially Luther's argument for submission to worldly powers. Hooker uses the example of priestly absolution to demonstrate the acceptability of the reformed Elizabethan Religious Settlement by stating that priestly absolution is not necessary for the forgiveness of sins. If it were the case, then the Calvinists would say that the Church of England is *petere principium*. Though the debated, fragmentary nature of Book VI, and especially that of the Dublin Fragments thereof, means that we can never be absolutely certain that the version we have now is authentically Hooker, what we do have indicates that Hooker yet again cherry-picked from Luther and Calvin, amongst others, to demonstrate to the English Puritans that the nature of spiritual jurisdiction within the Elizabethan Religious Settlement was congruent with wider Protestantism, especially in relation to the role of the monarch and spiritual jurisdiction.

Lastly, we examined Hooker's discussion of ecclesiastical jurisdiction in the *Lawes*, how he uses the continental magisterial reformers in that argument, and how he counters the claims of the English Puritans. We found that Hooker, having defined ecclesiastical jurisdiction as 'ruling with the Church of God', continues to use the issue of the Puritan call for lay elders to dismiss any ecclesiastical jurisdiction that is not given to those who have received the appropriate public and sacramental authority to do so. Yet again, Hooker uses magisterial reformers selectively – especially noting that Calvin would not agree with the polity extant in the Elizabethan Church. It is perhaps noteworthy that Hooker was able to find more common ground in Luther, owing to the fact that Luther had to deal with an entangled polity of Church and State, in which princes and magistrates had the upper hand in local churches.

We have shown in this chapter that Hooker uses, albeit selectively, the magisterial reformers to rebut the claims of the English Puritans that the polity, and therefore jurisdiction, of the English Church should permanently separate Church from State. Officers of the Church and the State held jurisdiction both in temporal and ecclesiastical spheres, but not in spiritual spheres, which was reserved for clergy alone. This meant that there were numerous grey areas in which it was not clear who held precedence – and the bishops of the Church of England, as both officers of State and officers of the Church, were at the forefront of this.

This begs the question as to exactly what kind of authority Hooker regarded bishops as wielding, and this is the question which we shall endeavour to answer in the next chapter.

## 5 The *Lawes* and Episcopal Power

### 5.1 Introduction

The last chapter saw how the changing nature of religious authority meant that powers of jurisdiction in ecclesiastical areas were increasingly blurred. I examined three areas of jurisdiction – temporal, spiritual, and ecclesiastical, through the lens of the *Lawes* – and showed how Hooker developed his argument through engagement with the orthodox magisterial reformers and the English Puritans. I found that Hooker believed the monarch to have an absolute right to exercise power in the temporal sphere, with a duty to ensure that the right practice of religion was carried out in their land: a permanent division of Church and State is not congruent with wider Protestantism. Hooker did not believe the monarch to be able to exercise any kind of spiritual jurisdiction, and used the example of the ‘power of the keys’ to illustrate why only priests and bishops could ‘command and judge’ in spiritual affairs.

Hooker believed that officers of the Church and State held jurisdiction both in temporal and ecclesiastical spheres, but not in spiritual spheres, which were reserved for clergy alone. The consequent grey areas, in which it was not clear who held precedence, meant that bishops in the Church of England were at the forefront of this contentious debate, unsure as to the extent and nature of their authority.

Whilst bishops were given their spiritualities at their consecration, they could not exercise this authority without grant of temporalities by the monarch. We have examined Hooker’s understanding of episcopacy, which is concentrated in Book VII of the *Lawes*, and how Hooker used the continental magisterial reformers to counter the arguments of the English Puritans.

In this chapter I will argue in section 5.2 that first, Hooker regarded the core aspect of episcopacy as being one of oversight (sacramentally, judicially, and

administratively)<sup>473</sup> whilst acknowledging that episcopacy was not the only form of oversight; second, that Hooker was very reluctant to embrace a concept of *Iure Divino* episcopacy;<sup>474</sup> and third, that Hooker believed an uneasy relationship existed between the episcopate and monarch as regards intervention. In section 5.3, I will argue that Hooker's stance on episcopacy is far closer to elements of orthodox reformed religion than anything proto-Anglican. In section 5.4, I will argue that Hooker believed the English Puritans' argument against episcopacy was weak and contradictory. Therefore, the *Iure Divino* notion of episcopal authority claimed for Hooker, and subsequently developed by nineteenth-century ecclesiologists, was ill-founded.

Book VII was published in 1662, 62 years after Hooker's death, along with Books VI and VIII. These three books are regarded by Hooker as discussing specific issues for which the groundwork was laid in Books I-V. Hooker began work on his eight-volume magnum opus towards the end of the 1580s, at a time when the English episcopate was under attack due to decades of internal and external turbulence. It is in the heat of this ferocious debate that Hooker's theology of episcopal power was forged.

## 5.2 Hooker and Episcopal Power

Exactly what Hooker thought episcopal power to be has been distorted by many causes over the last few centuries, eager to frame Hooker through the lens of their own choosing. Was Hooker a proponent of *Iure Divino* episcopacy? Was he a

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<sup>473</sup> For Hooker and the threefold order of ministry, see Peter Heylyn, *The History of Episcopacy. The Second Part from the Death of St. John the Apostle, to the Beginning of the Empire of Constantine* (London, 1657), 430-1, and 29, 31. Also Michael Brydon, *The Evolving Reputation of Richard Hooker: An Examination of Responses 1600-1714* (Oxford, Oxford University Press: 2006), 76.

<sup>474</sup> Peter Lake, *Anglicans and Puritans: Presbyterianism and English Conformist Thought – Whitgift to Hooker* (London: Urwin, 1988), 90, claims that John Bridges, the dean of Salisbury, was responsible for first assigning the idea of *Iure Divino* to episcopacy in his magnum opus, *A Defence of the government established in the church of England for ecclesiasticall matters Contayning an aunswere vnto a treatise called, The learned discourse of eccl. gouernment* (London: Windet and Orwin for Thos. Chard, 1587).

proponent of a more reformed platform? In this section, we will find that Hooker regards a bishop as having the same ‘sacramental’ powers as other presbyters, but in addition, having the power to ordain other persons, as well as a ‘power of Chieftly’ in government, and a pastoral jurisdiction over the Church within their allotted geographical area. Whilst he is a defender of episcopal ordination, Hooker admits that *in extremis*, this necessity could be done away with if to do so was necessary for the Church to continue. We also find that Hooker concentrated on defending and developing the idea of the bishop as a ‘governor and man of affairs’, who acted as a moderator to quell ideological fragmentation of the clergy and Church, as well as to maintain discipline. To that extent, Hooker argues for the necessity of a metropolitan or archbishop as a further measure against dissension.

A large part of the *Lawes* may have been built upon the previous work of Whitgift, Bancroft, and others, but this did not mean that Hooker was restricted by their work, and in a number of places, Hooker’s opinion is closer to that of the orthodox reformers – for example, in the area of monarchical supremacy over the Church. Another area in which Hooker’s thought is not clear is that of *Iure Divino* episcopacy: whilst Hooker shies away from the concept that episcopacy is a merely human institution, neither does he claim for it the absolutism associated with *Iure Divino*.

The manner in which bishops gained their authority is clearly marked out by Hooker, who believes that whilst the monarch gives them the territorial area in which they can exercise their jurisdiction, it is only by ordination from their fellow bishops that they are endowed with the spiritualities necessary to act as a bishop. Yet, the honour that is afforded to Establishment bishops also adds to the public perception of the authority of the bishop – something that Hooker calls, ‘publique marks and tokens.’ It is through scriptural example, apostolic origin, and the necessity for good order that bishops have the authority they have, in addition to any sacramental power they are given at their consecration.

However one sees the redefinition of the Elizabethan episcopate and the role of those within the Established Church as agents of the monarch, Hooker himself moves his defence towards more of a mainstream reformed standpoint than anything ‘proto-Anglican’.

### 5.2.a What did Hooker Regard Episcopacy as Consisting of?

Hooker writes that the word ‘bishop’ is of Greek origin, with the term *επισκοπε* signifying ‘one which hath principle charge to guide and oversee others.’<sup>475</sup> When this word began to be used in an ecclesiastical sense, it grew in the post-apostolic era to ‘signifie such Episcopal Authority alone, as the chiefest Governors exercised over the rest.’<sup>476</sup> Whether in civil or ecclesiastical regimes, ‘there are sundry operations publique, so likewise great inequality there is in the same operations...from hence have grown those different degrees of Magistrates or publique persons, even Ecclesiastical as well as Civil.’<sup>477</sup> As there are many different types of public organizations, events, and circumstances, there must of necessity be different grades of public official to ensure their proper order and operation.

Hooker defines a bishop as being:

a Minister of God, unto whom with permanent continuance, there is given not onely the power of administering the Word and Sacraments, which power other Presbyters have; but also a further power to ordain ecclesiastical persons,<sup>478</sup> and a power of Chieftly in

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<sup>475</sup> Hooker, *Lawes*, VII.ii.2.

<sup>476</sup> Hooker, *Lawes*, VII.ii.2.

<sup>477</sup> Hooker, *Lawes*, VII.ii.3.

<sup>478</sup> See Hooker, *Lawes*, V. lxxvii.9, in which Hooker is clear that it is from the bishop that the grace of Holy Orders is conferred.

Government over Presbyters as well as Lay men, a power to be by way of jurisdiction a Pastor even unto Pastors themselves.<sup>479</sup>

Hooker gives to bishops, as he does to priests, the power of administering the Word and Sacraments, but in addition, the power of ordination and governance: ordination being necessary to confer the grace of Holy Orders<sup>480</sup> upon a person, and governance necessary to maintain order and discipline. What was of particular contention was the implication of ‘permanent continuance.’ For Puritans, those elected by the assembly to govern over them held office for a specific period of time, whereas the Church of England understood ‘permanent continuance’ to mean that those raised to the office of bishop or archbishop held that power of office continually, the distinction between presbyter and bishop being permanent.

In Hooker’s opinion, episcopacy is of apostolic origin.<sup>481</sup> He believed that the Apostles were the first bishops ‘at large’, ‘in that the care of Government was also committed unto them, [who] did no less perform the offices of their Episcopal Authority by governing, then of their Apostolical by teaching.’<sup>482</sup> Hooker uses the example of Paul being sent by the Gentiles, Peter to the Jews, John to Asia, etc., to argue that it was lawful for them to be bishops ‘with restraint’ as well. As Christianity spread throughout the world, and as the original Apostles died, it became necessary to ensure succession from those original Apostles – hence, more bishops, who consequently had a specific geographical area to preside over. This method of exercising episcopal governance was ‘for the greater good of the Church, that they

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<sup>479</sup> Hooker, *Lawes*, VII.ii.2. Hooker argues that even the Puritans have to acknowledge the necessity of selecting an elder to order their Senates and Synods (VII.xiv.8) – albeit only for a fixed time of one year.

<sup>480</sup> See the exception for non-episcopal ordination for Hooker in *Lawes*, VII.xiv.11.

<sup>481</sup> Hooker, *Lawes*, VII.v.10. Note in VI.ii.2, Hooker believes that whilst the spiritual power that Christ gave to the Church does not and is not changed, the customs of the Church may be varied, altered, and changed incidentally for the common good. Bridges, contemporaneous with Hooker, also believed in the apostolic origin of the episcopate (Margaret R. Sommerville, ‘Richard Hooker and His Contemporaries on Episcopacy: An Elizabethan Consensus’, *The Journal of Ecclesiastical History* 35, no.2 (1984) 177-187,185). See also W. H. Harrison, ‘Prudence and Custom’, in *Anglican Theological Review*, 84 no. 4 (2002) 897-913, 911, 912.

<sup>482</sup> Hooker, *Lawes*, VII.iv.1.

should in such sort tye themselves unto some special part of the flock of Jesus Christ, guiding the same in several as Bishops.<sup>483</sup>

Hooker cites Church Fathers such as Jerome as supporting the apostolic succession theory:<sup>484</sup> ‘all Bishops are, saith *Jerome*, the Apostles successors.’<sup>485</sup> These bishops have ‘power to sit as spiritual ordinary Judges, both over Laity and over Clergy where Churches Christian were established.’<sup>486</sup> As the Church grew, the Apostles could not be everywhere, and so the need arose for governors of each Church to be resident, keeping the local Church in order. As more and more bishops spread throughout the Christian world, ‘it was the general received perswasion of the ancient Christian world that *Ecclesia est in Episcopo*, the outward being of a Church consisteth in having a Bishop.’<sup>487</sup> This does not mean that bishops were essential to the Church, however. It was the ‘force of custome’ that kept them in place, and Hooker argued that this knowledge ought to

be a bridle unto them, [and] let it teach them not to disdain the advice of their Presbyters, but to use their authority with so much the greater humility and moderation, as a Sword which the Church hath power to take from them.<sup>488</sup>

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<sup>483</sup> Hooker, *Lawes*, VII.iv.1. VII.xviii lists six key benefits of episcopacy, which A. S. McGrade, ‘Richard Hooker on episcopacy and bishops, good and bad’, *International Journal for the Study of the Christian Church*, 2, no. 2 (2002) 28-43, summarises as having the following benefits: 1) the country’s reputation improving abroad; 2) successions, doings, sufferings, and affairs of prelates going down in history; 3) counsel being more likely to be asked when ‘honourable personages’ are available; 4) the nobility and prelacy excelling together; 5) arbitrating in disputes between lower clergy and their congregations; 6) being a ‘loving parent’ to lower orders of clergy (p.38).

<sup>484</sup> Orthodoxy, Catholicism, and Protestantism all had their own understandings of apostolic succession in the Reformation era. See Arthur Michael Ramsey, *The Gospel and The Catholic Church* (London: Longmans, 1956), 83.

<sup>485</sup> Hooker, *Lawes*, VII.iv.1.

<sup>486</sup> Hooker, *Lawes*, VII.iv.1.

<sup>487</sup> Hooker, *Lawes*, VII.v.2.

<sup>488</sup> Hooker, *Lawes*, VII.v.8. When Book VII was published, its initial reception was discomfort amongst the Establishment, because it showed episcopacy to enjoy divine approval, rather than divine origin. See Brydon, *Evolving Reputation*, 99, as well as Paul David Loup Avis, *Anglicanism and the Christian Church* (T & T Clark: Edinburgh, 1989), 34, 35, 57-60; R. Buick Knox, *James Ussher*

Hooker is here warning bishops against becoming so puffed-up with their own self-importance and pride that they think that they are so important or powerful that they cannot be removed from office. Because it is only by ‘force of custome’ that they occupy their offices, they can be removed from their offices, or indeed episcopacy abolished altogether. Quite what would have been put in place of bishops is another matter – would it have been something akin to the discipline held by the Puritans?

Why did Hooker feel he had to defend bishops in this way? Establishment divines such as Bancroft, Bilson, and Saravia concentrated almost exclusively on their attempts to prove the scriptural roots of episcopacy to the extent that other structures of ecclesiastical government were almost entirely ignored. There being little precedent, this would have given Hooker almost *carte blanche* to defend the Establishment position – acknowledging that episcopacy was the *best* form of church government currently, yet not completely dismissing other forms. Hooker therefore had good reason to seek a justification of episcopacy from Scripture<sup>489</sup> in order to place it in parallel with other forms of ecclesiastical governance advocated by those pushing for further reforms.<sup>490</sup> Yet, by taking the middle ground that episcopacy was the best form of church government currently available, did Hooker lay himself open to further attack, and thus further attack on the Established Church by those opposed to episcopacy?

So far we have established that Hooker believes bishops to be of apostolic origin, to be the best form of church government available (and thus inferring that they are not the only form possible); and also that he argues that because they are not essential to

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*Archbishop of Armagh* (Cardiff, 1967), 129-31; M. R. Sommerville, ‘Richard Hooker’, 182-3, 184, 187.

<sup>489</sup> See Acts 12.2 and 13.2 in VII.iv.2; the sending of the first Apostles in Acts 1.21-22; 1 John 1.3; Galatians 1.1, and Matthew 28.19 in VII.iv.4.

<sup>490</sup> Patrick Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London: Hambledon Press, 1983), 162, states that ‘until the end of the reign, the case for episcopal government was rested on its antiquity and the sense that it was answerable to the state of an established church under a Christian prince.’

the Church, this acts as a bridle on the bishops' power, because they could be dispatched with. Yet, what *sort* of power does Hooker regard bishops as having? Their pre-eminence was twofold: 'first, he excelled in latitude of the power of order, secondly in that kind of power which belongeth unto jurisdiction.'<sup>491</sup> In particular, it is the power of ordination that distinguishes bishops from presbyters: whilst presbyters have the power to administer the sacraments, bishops alone have the power to ordain, and 'create fathers for the people of God.'<sup>492</sup> Here, Hooker claims that whilst the Puritans believe there is no difference in power between bishops and presbyters, the presbyters derive their authority from the bishops who have ordained them.<sup>493</sup>

In an attempt to illustrate the importance of setting one person above the other for the sake of good order, Hooker cites the example of Calvin. Calvin was of course opposed to 'Regiment by Bishops', yet as Hooker points out, he did write that in the ancient church 'in each city these presbyters selected one of their number to whom they gave the special title of bishop, lest, as usually happens from equality dissension should arise'.<sup>494</sup> The same logic applied to Puritans in England, Hooker argued, claiming that the Puritans 'are forced to give one Pastor preheminance and superiority over the rest'<sup>495</sup> in their synods – though the Puritans themselves claim that 'he who being a Pastor according to the order of [their] Discipline, is for the time some little deal mightier than his brethren, [but] doth not continue so longer then only during the Synod.'<sup>496</sup> If the Puritans, then, acknowledge the need for one minister to be placed over the rest for the sake of good order, then what exactly distinguishes this from Hooker's concept of a bishop? First, that the tenure of the 'superior' is limited;

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<sup>491</sup> Hooker, *Laws*, VII.vi.1. Though Dean Kernan, 'Jurisdiction and the Keys', in *The Brill Companion to Richard Hooker*, ed. by William John Torrance Kirby, 435-480 (Leuven: Brill, 2008), 453, notes that the power of ecclesiastical order is not equal to that of ecclesiastical jurisdiction.

<sup>492</sup> Hooker, *Laws*, VII.vi.3.

<sup>493</sup> Hooker, *Laws*, VII.vi.3.

<sup>494</sup> Calvin, *Institutes of the Christian Religion*, tr. Henry Beveridge (1845), Hendrickson, Peabody, Massachusetts (2008), IV.iv.2: Hooker cites this in *Laws*, VII.vi.9.

<sup>495</sup> Hooker, *Laws*, VII.viii.8.

<sup>496</sup> Hooker, *Laws*, VII.viii.8.

second, because there is no ‘episcopal ordination’, there is not an ontological change at the point of ordination.

Hooker believes that when an individual is ordained, they are ‘severed’ from others, making them ‘a special *order* consecrated unto the service of the Most High in things wherewith others may not meddle’.<sup>497</sup> This ‘consecration’ (here referring to ordination in the threefold sense to deacon, presbyter, and bishop) is a once-only, indelible event.<sup>498</sup> It is the gift of the Holy Spirit that the individual receives at ordination, signified by the action of the bishop laying hands upon the candidate – once this gift of the Holy Spirit has been received, Hooker claims that the duties henceforth performed ‘by virtue of ministerial power’ can be challenged by no other offices on earth.<sup>499</sup> Hooker is clear that it is from the bishop that the grace of Holy Orders is conferred.<sup>500</sup>

Despite the power of ordination being one of the distinguishing features of a bishop, Hooker creates a certain degree of controversy when he argues that bishops may not be necessary *in extremis* to create new priests.<sup>501</sup> Hooker argues that:

there may be sometimes very just and sufficient reason to allow Ordination made without a Bishop... Where the Church must needs have some ordained, and neither hath nor can have possibly a Bishop to ordain; in such case of necessity, the ordinary institution of God hath given oftentimes, and may give place.<sup>502</sup>

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<sup>497</sup> Hooker, *Lawes*, V.ixxvii.2. Hooker does not develop his argument about the nature of a minister’s power over other people until Book VII.

<sup>498</sup> Hooker, *Lawes*, VII.ixxvii.3.

<sup>499</sup> Hooker, *Lawes*, VI.lxxvii.8.

<sup>500</sup> Hooker, *Lawes*, VI.lxxvi.9.

<sup>501</sup> Hooker uses the example of Beza being ordained at Poisse by Calvin, and therefore giving cause to some to argue that Beza’s ordination was not valid (VII.xiv.11).

<sup>502</sup> Hooker, *Lawes*, VII.xiv.11.

Hooker continues: ‘therefore we are not simply without exception to urge a lineal descent of power from the Apostles by continued succession of bishops in every effectual ordination.’<sup>503</sup> Here Hooker again shies from the necessity of apostolic succession held not only by Roman Catholics, but also some Establishment figures in the English Church.<sup>504</sup> To be exclusivist regarding the necessity of a lineal descent would have risked aligning Hooker’s theory of episcopacy with a keystone of Roman Catholic doctrine – which would have been unpalatable when trying to argue that the English Church was congruent with wider Protestantism.

It is also key to note that in VII.xiv.11 Hooker states that this should be the exception, else very quickly it could descend into an argument whereby if you can dispense with bishops once and the ordination is still valid, then why not dispense with them entirely? Hooker argues that despite this possibility, ‘these cases of inevitable necessity excepted, none may ordain but onely Bishops: By the imposition of their hands it is, that the Church giveth power of Order, both unto Presbyters and Deacons.’<sup>505</sup> Even though Hooker does not take an absolute path of insistence upon episcopal ordination, with this caveat, it is hard to see how, with his earlier admission of the validity of non-episcopal ordination *in extremis*, Hooker’s argument can hold water against the Puritans.

Hooker believes that whilst bishops are identical to priests in many sacramental functions, the only difference is that bishops are able to *ordain*, whereas priests cannot.<sup>506</sup> This would give the bishop a role of superior authority over the priests and deacons in a sacramental manner, exercised through episcopal governance, thus reflecting Hooker in VII.xxiv.5: ‘skill to instruct is a thing necessary, skill to govern

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<sup>503</sup> Hooker, *Lawes*, VII.xiv.11.

<sup>504</sup> See Stanley Archer, ‘Hooker on Apostolic Succession: The Two Voices’, *The Sixteenth Century Journal* 24, no. 1 (1993): 67-74. Archer argues that apostolic succession did not become official dogma until at least three decades after the Church of England and Rome had separated.

<sup>505</sup> Hooker, *Lawes*, VII.xiv.11.

<sup>506</sup> Hooker, *Lawes*, VII.xi.2.

much more necessary in a bishop'. Hooker believes that a bishop may not just be able to instruct, but also to govern – a skill that presbyters may not automatically have themselves. Would Hooker have had a parallel view on lay presidency at the Eucharist? Given Hooker's view that episcopal ordination could be dispensed with *in extremis*, there could well have been a parallel argument for lay presidency *in extremis*, too.

Whilst we have seen that bishops may be necessary for good order and governance, the exact form of which may be mutable according to circumstances, the argument can go further, in that if we have a number of bishops, it is therefore necessary to set one as metropolitan above the others for the avoidance of dissension. Which bishops, or indeed bishoprics, should be raised to the status of a metropolitan see? Hooker argues that it should be those sees (and their occupants) which have a dignity of place above that of other bishops' sees – sees that were 'of special desert or dignity: for which cause these as being Bishops in the chiefest Mother Churches were termed Primates, and at the length by way of excellency, *Patriarks*'.<sup>507</sup> As the city already has a great dignity associated with it, then the bishopric (or archbishopric, patriarchate, etc.) associated with it will (in theory) have a greater standing, which will enable the office holder of that see to be accorded greater respect and dignity (and, by default, authority), in both sacred and secular worlds.

Hooker develops the chain of episcopal command between bishops, metropolitans, primates and patriarchs in VII.viii.12 in detail, but in sum:

a Bishop at that time had power in his own Diocess above all Ministers there, and a Metropolitan Bishop sundry preheminences above other Bishops, one of which preheminences was in the

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<sup>507</sup> Hooker, *Lawes*, VII.viii.9.

ordination of Bishops, to have...the chief power of ordering all things done.<sup>508</sup>

We could be forgiven for thinking that an argument for the papacy would not be too far away from Hooker's train of thinking, although he cites Calvin in claiming that metropolitans are different from popes.<sup>509</sup> Hooker, by citing Calvin, hoped to identify with the English episcopate a model that based its authority on moderation and on honour gained through a diligent and faithful exercise of ministry, rather than anything that was given as a *fait accompli* at their consecration. Though Hooker cites Calvin's thoughts above, in doing so, Hooker does not quite extinguish the papacy: it might have been possible that a door was left open for a '*servus servorum Dei*' model. This may reflect Hooker's reticence in embracing the *Iure Divino* concept of episcopacy, which Hooker's Establishment colleagues were more willing to do.

Yet, how exactly did Hooker think bishops gained their authority, if it were not directly from heaven? Whilst a man may lawfully receive the power of Order, he cannot exercise this power against people's wills. Hooker writes that no one by order of law can be possessed with pastoral charge over a parish: the people ultimately choose their minister.<sup>510</sup> Does this mean that Hooker is more sympathetic to local congregational elections of their pastor than his Establishment colleagues would like him to be? Not necessarily, for elsewhere we see that Hooker believes that a parish priest should minister at the direction and placing of their bishop, who is in turn placed by the queen. Yet is Hooker paying lip-service to the idea of congregational consent?<sup>511</sup>

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<sup>508</sup> Hooker, *Laws*, VII.viii.10.

<sup>509</sup> Hooker, *Laws*, VII.ix.11. Meaning, 'it is one thing for moderacy and honour, as it is another for the whole earth to embrace a huge empire.'

<sup>510</sup> Hooker, *Laws*, VII.xiv.12.

<sup>511</sup> Hooker, *Laws*, VI.xiv.12. See M. E. C. Perrott ('Richard Hooker and the Problem of Authority in the Elizabethan Church', *The Journal of Ecclesiastical History* 49, no. 1 (1998) 29-60) who suggests that 'individual churchmen had a conscientious obligation not only to consider their own samples but

Though a bishop is given the spiritualities at their consecration, they cannot exercise these without being given their geographical temporalities by the monarch. A bishop, strictly speaking, has limited jurisdiction – limited to his own diocese. Hooker gives this definition:

the Church where a Bishop is set with his Colledge of Presbyters about him, we call a Sea; the Local compass of his authority we term a Diocess. Unto a Bishop within the compass of his own both Sea and Diocess, it hath by right of place evermore appertained to ordain Presbyters, to make Deacons, and with judgment, to dispose of all things of waight.<sup>512</sup>

It is worth pointing out that in respect of the source of a bishop's authority, Hooker is recognized by some scholars, such as Brydon and MacCulloch, as having a certain independence of thought from his peers – whilst most of Hooker's contemporaries in the Established Church were happy to acknowledge that episcopacy was a human institution (rather than a divine one), Hooker did not.<sup>513</sup> Lake argues from his reading of *Foxe's Book of Martyrs* that although

since Henry VIII's reign it had been possible to claim direct sanction for the powers of the Christian prince, the whole middle range of ecclesiastical government...[which linked the prince with

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also to respect the judgment of the body politic on legislative issues and abide by the latter when the two came into conflict.': 60.

<sup>512</sup> Hooker, *Lawes*, VII.viii.3.

<sup>513</sup> Diarmaid MacCulloch, 'Richard Hooker's Reputation', in *A Companion to Richard Hooker*, ed. William John Torrance Kirby (Leiden: Brill, 2008) 563-612, 567.

the parishes on the ground] was devoid of direct spiritual sanction, or even of a properly protestant rationale.<sup>514</sup>

This stalemate in Elizabethan episcopal polity, argues Lake, came with the development of the *Iure Divino* concept.<sup>515</sup> Hooker, by contrast, argued that whilst episcopacy had apostolic origins, and was therefore preferable, this did not necessarily mean that it was indispensable. That Hooker recognized that episcopacy was not the only form of church government may be seen as a sop to the reformers, with the knock-on effect of recognizing as legitimate those polities that were not episcopal: this move was also highly controversial, because it could suggest a further destabilization of the Elizabethan mechanics of polity – further bringing about (ultimately) a challenge to the monarch's authority.

I have argued in this section that Hooker evidenced episcopacy as being of apostolic origin, remaining in place to the sixteenth century due to force of custom rather than of necessity. Hooker believed that the differentiation between a presbyter and a bishop was that the latter exercised the power of ordination and of governance over other ministers. The former power was given at consecration by fellow bishops, and the ability to exercise the latter was given by the monarch. Hooker also believed that being a bishop was a permanent office, and not a temporary appointment, and that episcopacy was the best form of church government available, in addition to bishops being important for ensuring good order. However, Hooker may have fatally compromised his argument for one of the distinguishing features of Church of England episcopacy when he claimed that, *in extremis*, episcopal ordination was not necessary for the ordination of new priests. Though Hooker was at pains to explain that this approach could be justified in extreme circumstances only, it is difficult to see how the argument for bishops could have stood if exceptions were allowed. Taken

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<sup>514</sup> Peter Lake, 'Presbyterianism, the idea of a National Church and the argument from Divine Right' in *Protestantism and the National Church in Sixteenth Century England*, ed. Peter Lake and Maria Dowling (Croom Helm, 1987) 193-224, 194.

<sup>515</sup> Lake, 'Presbyterianism', 207.

with Hooker's thought that bishops were in existence by force of custom only, the argument for their existence at all begins to look rather shaky. For the Elizabethan bishops to abuse their power by thinking their existence to be on solid ground would endanger their continued presence in the Church of England.

## 5.2b Episcopacy and *Iure Divino*

Bishops, then, could not exist or function in isolation and by their own strength. Richard Bancroft's manner of defending the Religious Settlement, and the place of bishops therein, was certainly more fervent than his predecessors, such as Whitgift. Bancroft achieved notoriety in his 1589 *Sermon at St Paul's Cross*, due chiefly to his strident affirmation of apostolic succession in a manner far and above that of Whitgift himself, with the driving theme of the sermon serving to highlight the seditious potential of the Puritan movement. He emphasised that episcopacy in the Elizabethan Church was the form 'ordained' by the magistrate (the monarch), and that it was from her that the bishops held their territorial jurisdiction:

it was thought agreeable to the word of God, by the chiefest and best learned men of the religion in all Christendome, that not onely the title of supreme governor over all persons, and in all causes, as well ecclesiastical and civil, did appertaine, and ought to be annexed unto the crowne.<sup>516</sup>

Hooker himself explored this idea in the latter part of Book VII – though it must be remembered that Bancroft was far more extreme in his concept of *Iure Divino* than Hooker ever was.<sup>517</sup> Three centuries later, this led the Oxford Movement to cite

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<sup>516</sup> Bancroft, *Sermon at St Paul's Cross*. (cited in William John Torrance Kirby, Paul G. Stanwood, Mary Morrissey, and John N. King, (eds.) *Sermons at St Paul's Cross, 1521-1642* (Oxford: Oxford University Press, 2017)).

<sup>517</sup> Speed-Hill claims that Hooker's episcopal ecclesiology 'now had to be harmonized with the newer, more absolutist, teaching of Bancroft on the apostolic succession – without contradicting the essentially moderate principles Hooker had himself enunciated in Book III already in print' (W. Speed-Hill,

Bancroft's sermon as a cadential point in the assertion of divine right episcopacy.<sup>518</sup> Hooker's strident self-belief and dedication to pursuing his own cause meant that he made no bones about not following his conformist colleagues, who put greater and greater emphasis upon claims for *Iure Divino* episcopacy in an attempt to counter claims for a divine right of Presbyterian polity.<sup>519</sup>

Yet, to what extent, if at all, does Hooker's acknowledgement of the apostolic origins of episcopacy equate with the concept of *Iure Divino*, that is, divine sanction of the episcopate? Hooker, whilst not exactly arguing for *Iure Divino* episcopacy, is quite happy to reject the idea of episcopacy as a merely human institution, but not to the extent of saying that it was *Iure Divino*.<sup>520</sup> Hooker believes the regiment of bishops to be of divine origin: 'if any thing in the Churches Government, surely the first institution of Bishops was from Heaven, was even of God, the Holy Ghost was the author of it'.<sup>521</sup> But crucially, he does not believe bishops to be *Iure Divino*: 'Wherefore lest Bishops forget themselves, as if none on earth had Authority to touch their states, let them continually bear in mind that it is rather the force of custom...let this consideration be a bridle to them.'<sup>522</sup> Though the first bishops, the Apostles, were instituted by Christ (and subsequent bishops instituted by the Apostles under the guidance of the Holy Spirit), bishops are not of divine right or unalterable command, such as baptism or the Eucharist, and, if circumstances that presently require their existence change, then they can be removed – this being their 'bridle'.<sup>523</sup>

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'Hooker's "Polity": The Problem of the Last Three Books', in *Huntington Library Quarterly* 34 no. 4 (1971) 317-336, 335-6). Sommerville qualifies Speed-Hill's solution as being 'a historical one.' Sommerville, 'Richard Hooker', 178; also 179.

<sup>518</sup> See W. D. J. Cargill Thompson, 'Sir Francis Knollys' Campaign against the Jure Divino Theory of Episcopacy' in C Robert Cole and Michael E Moody (eds), 39-77, *The Dissenting Tradition* (Athens, OH: Ohio University Press, 1975).

<sup>519</sup> *Iure Divino* can be defined as being 'a law that does not admit of dispensation or change.' Leo Stelten, *Dictionary of Ecclesiastical Latin* (Hendrickson, 1995), 311.

<sup>520</sup> This uncertainty may well have been the cause of the Oxford Movement's claim for Hooker as an advocate of *Iure Divino* and the high status of bishops.

<sup>521</sup> Hooker, *Laws*, VII.v.10.

<sup>522</sup> Hooker, *Laws*, VII.v.8.

<sup>523</sup> See Harrison, 'Prudence and Custom', especially 912, 913. Sommerville echoes this view in 'Richard Hooker and his Contemporaries on Episcopacy', *Journal of Ecclesiastical History*, 177-9.

Why was Hooker reluctant to embrace the *Iure Divino* concept? With Whitgift proclaiming that episcopacy was a thing indifferent, and Bancroft believing that episcopacy was *Iure Divino*, Hooker, as we have illustrated above, cut a neat course between the two poles: whilst Scripture gave evidence that episcopacy was a divinely recommended form of church governance, which it has been expedient to continue, episcopacy, unlike baptism or the holy Eucharist, is not commanded to continue in perpetuity. No perpetual form of church governance is prescribed in Scripture.

Like a great deal of Elizabethan Church polity, the necessity to defend and explain the status quo was necessitated by Presbyterian attack – in this case the argument that episcopacy was overtly anti-Christian, which led in 1589 to Bancroft’s assertion of the apostolic origin of episcopacy in his sermon at St Paul’s Cross.<sup>524</sup> Whilst Whitgift believed episcopacy in general to be a thing indifferent, ecclesial thought over the next few years increasingly featured claims of *Iure Divino* for the episcopate in writings such as Thomas Bilson’s *De diversis ministrorum Evangelii gradibus* (1590), Matthew Sutcliffe’s *A Treatise of Ecclesiastical Discipline* (1591), and Thomas Bilson’s *The perpetual Government of Christes Church* (1593).<sup>525</sup>

Lake believes that the reason the *Iure Divino* cause proved such an ‘attraction’ for bishops ‘was the way in which it allowed conformists to apply the same sort of exalted language to episcopacy as the Presbyterians used about the Discipline.’<sup>526</sup> Yet, though we have already seen that Hooker was not an immediate supporter of *Iure*

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<sup>524</sup> M. C. Perrott believes that ‘Hooker attacked presbyterianism not simply on the grounds that it lacked a sound authoritative basis but because it was the most striking insistence of a scripturalist mentality which, he believed, fostered nonconformity in all its manifestations’ (‘Richard Hooker and the Problem of Authority’, 32).

<sup>525</sup> This surfeit of support for *Iure Divino* led Peter Lake to claim that ‘now the godly bishop had joined the Christian prince on the pedestal of divinely ordained power’ (Peter Lake, ‘Puritan Identities’, in *Journal of Ecclesiastical History*, 35, no. 1 (1984) 112-123) 112). Perrott (‘Richard Hooker and the Problem of Authority’, 38), whilst not immediately placing Hooker amongst the proponents of *Iure Divino*, does not reduce Hooker to the basic argument of obedience as put forward by Whitgift.

<sup>526</sup> Lake, ‘Presbyterianism’, 215.

*Divino*, how strongly does Lake regard Hooker's adoption of this? By the time that Hooker came to write Books VI to VIII, the 'Books on Power', the concept of *Iure Divino* episcopacy was already gathering pace, and so it would have been easy for Hooker to jump on the bandwagon. This is not what he did, however. Rather than anything half-hearted, as Lake puts it, Hooker cleverly cuts a middle path, acknowledging that to align oneself too closely to any one theological school would be to place limits on the Settlement he sought to defend: for Hooker to have aligned his defence of the Settlement in such a way would have meant creating contradictions that were not always reconcilable.

Hooker thinks it possible to reconcile the views that the episcopate was both not immutable and yet of apostolic origin: just because bishops were of apostolic origin, this did not mean that they were an unchangeable feature of the Church. Matthew Sutcliffe, in his *De Presbyterio* (1591), argued that no form of church government was ordained in perpetuity, asserting that 'it is not fit to call Christ the law-maker of the external polity of the church.' Despite Sutcliffe taking a more sympathetic line than Hooker did regarding Puritan practices, we can see that both, nonetheless, left a certain amount of discretion to each individual Church in ordering their external affairs of polity. Sommerville, however, contradicts her own argument over Hooker's position when she says that 'as Hooker was satisfied that "the first institution of bishops was from heaven", he must be included in the ranks of *Iure Divino* Episcopalians.'<sup>527</sup> This is rather a crass generalization, and it inaccurately classifies Hooker as something he is not. Yet, rather than entirely discount Sommerville, she is in fact adopting a wider definition of *Iure Divino* - that although Hooker did not support *Iure Divino* as wholeheartedly as Bancroft, he nonetheless should be classed in the same group? Evidence for this view is given when Sommerville later clarifies

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<sup>527</sup> Sommerville, 'Richard Hooker', 183.

that Hooker believed ‘episcopacy was scriptural, apostolic, and divine in origin, but it was not therefore immutable or necessary to the Church.’<sup>528</sup>

Why did Hooker *not* believe in *Iure Divino* to the extent that Bancroft did? McGrade suggests a possible answer:

instead of opposing their unqualified *Iure Divino* assertions on behalf of Presbyterian lay elders with a similarly absolute claim for the legitimacy of bishops, he refuted his opponents’ claims (or intended to do so) in Book VI and then based his own episcopal position on principles that were imposing and effective but non-absolute.<sup>529</sup>

To suggest that episcopacy is immutable would be to suggest that even if it became unsuitable as the best method of governing the Church, it would not be able to be removed or changed, despite different possible future circumstances calling for a different model of governance to better suit the times. For Hooker, holding to a concept of *Iure Divino* would contradict his wider belief that church government is a matter not essential to salvation, but for the good ordering of the Church according to local circumstances.

Sommerville’s article makes the claim that the issues surrounding Hooker and *Iure Divino* due to the perceived incompatibility of Books III and VII arise from scholars such as F. J. Shirley and W. D. J. Cargill Thompson.<sup>530</sup> Sommerville claims that these authors attempt to solve the compatibility by ‘asserting that Hooker’s views underwent change and development when his allies in the controversy adopted a more

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<sup>528</sup> Sommerville, *op. cit.*, 183.

<sup>529</sup> A. S. McGrade, ‘Hooker’s Polity and the Establishment of the English Church’ in A. S. McGrade and B. Vickers (eds.) *Hooker: The Laws of Ecclesiastical Polity* (London, 1975), 28.

<sup>530</sup> Sommerville, ‘Richard Hooker’, 178; see also F. J. Shirley, *Richard Hooker and Contemporary Political Ideas*, London, 1949, 109; and W. D. J. Cargill-Thompson, ‘The Philosopher of the “Politic Society”’, in *Studies in Richard Hooker: Essays Preliminary to an Edition of his Works*, ed. W. Speed-Hill, 3-76 (Cleveland and London, 1972).

aggressive stance on the nature of episcopacy.<sup>531</sup> This assertion that Hooker underwent such a change is not true, according to Sommerville, for two reasons. Firstly, that Hooker was not the transitional figure depicted, as in both Whitgift and Bancroft schools of thought, the views of Books III and VII are found side by side. Importantly, Sommerville states that ‘all the major contemporary defenders of episcopacy accepted both that there was no immutable model of church government in Scripture and also that episcopacy was approved by the Apostles and, therefore, by God.’ Sommerville further argues, contrary to Shirley and Cargill-Thompson, that these two stances are compatible, because Hooker and his ‘fellow controversialists...[argued] that the immutable, perpetual prescription of ecclesiastical government was distinct from its apostolic recommendation.’<sup>532</sup>

This thesis has already argued that Hooker and Whitgift share similar opinions on episcopacy – that there is not one form of church governance set down in Scripture. However, Sommerville also adds that this opinion is shared by Richard Cosin, as well as John Bridges, and Thomas Cooper.<sup>533</sup> What is equally important is that Sommerville claims this mutability was also supported by proponents of *Iure Divino*. Such supporters included Richard Bancroft and Matthew Sutcliffe.<sup>534</sup> These citations show, for Sommerville, that Hooker’s views on episcopacy were common to other defenders of the Elizabethan establishment: no immutable form of Church

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<sup>531</sup> Sommerville, ‘Richard Hooker’, 179.

<sup>532</sup> Sommerville, ‘Richard Hooker’, 179.

<sup>533</sup> Sommerville, ‘Richard Hooker’, 180, citing Richard Cosin (1549?-97), *An Answer to the two first and principall Treatises* (London, 1584) (which in turn was published in response to *An Abstract of certeine Acts*, an attempt to support, using current statutes and canons, the claims of Presbyterianism). Also John Bridges, *A Defence of the Government Established* (London, 1587), 813, 88; Thomas Cooper, *An Admonition to the People of England* (London, 1589), 30.

<sup>534</sup> Sommerville, ‘Richard Hooker’, 181, citing Richard Bancroft’s rejection of the Presbyterians’ belief that their form of Church Government was prescribed in Scripture (*Tracts ascribed to Richard Bancroft*, ed. A Peel (Cambridge, 1953), 95), as well as Bancroft’s *Sermon at St Pauls Cross* (London, 1588), 12). Also, Matthew Sutcliffe (1550?-1629), *De Presbyterio* (London, 1591). Note that Sommerville (‘Richard Hooker’, 186) believes that though Bancroft, Bilson, and Saravia were primarily concerned with proving the scriptural origins of episcopacy, this meant that they ‘paid little attention to the legitimacy of alternative forms of ecclesiastical regiment. The same is true of Hooker’s Book VII.’

government was commanded in Scripture. Crucially, the distinction is made that just because no *one* form was prescribed, that did not mean Scripture recommended nothing. Hooker did not, Sommerville argues, ‘believe that Christians had been left entirely without direction. He thought that the Apostles had established episcopal government, but that they had not bound the Church to follow their example come what may.’<sup>535</sup>

This is to raise further questions, though: does believing that bishops are divinely instituted mean that they are *Iure Divino*? Does *Iure Divino* episcopacy mean that episcopacy is necessary for salvation? Of the latter, clearly not – because Hooker states quite clearly that bishops are adiaphora. Of the former, we can clearly argue that though Christ himself may not have instituted bishops – it was in fact the Apostles under the guidance of the Holy Spirit – this does not mean that bishops govern by divine right, in Hooker’s thought: it is because of Hooker’s high concept of natural law that he claims government by bishops has received divine approbation. It is only by taking an extreme view of this divine approbation that a *Iure Divino* stance could be taken, which is something that Hooker does not do – evidenced by his willingness to accept the validity of non-episcopally ordained ministers.<sup>536</sup> To claim that Hooker supported a *Iure Divino* case for episcopacy should also note that to do so would risk limiting the claims for the Royal Supremacy,<sup>537</sup> as Hooker’s was a fight against ‘absolutist’ remedies for church polity, attempting instead to settle on a solution that provided a rational argument for the state of the Elizabethan Church,

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<sup>535</sup> Sommerville, ‘Richard Hooker’, 182 (see also 184 for Sommerville’s further citation of Hooker’s contemporaries not supporting immutability of Church government).

<sup>536</sup> Hooker, *Laws*, VII.xiv.11.

<sup>537</sup> See Daniel F. Graves, “‘Iure Divino’? Four Views on the Authority of Episcopacy in Richard Hooker”, *Anglican and Episcopal History* 81, no. 1 (2012) 47-60, 55. Graves’ study asks two preliminary questions: firstly, whether episcopacy is instituted by divine mandate or divine approbation, and, secondly, to what degree can an institution that is divinely ordered be changed, or even done away with (Graves, ‘Iure Divino’, 47). Graves compares the views of, primarily in these articles, Sommerville (M. R. Sommerville, ‘Richard Hooker’, 179), Locke (Kenneth A. Locke, ‘Equal Ministries: Richard Hooker and Non-episcopal Ordinations’, *Anvil* 14.3 (1997), 172), Lake (Peter Lake, *Anglicans and Puritans*, 220), and McGrade (A. S. McGrade, ‘Introduction to Book VII’, the *Folger Library Edition of Richard Hooker*, W. Speed Hill, General Editor (New York, 1993), 6.311).

borne out of his loyalty to the Establishment whose Religious Settlement he was defending.

This section has argued that Hooker does not adopt episcopacy as being of *Iure Divino*. To claim that he does would be to assume Hooker had the same outlook and principles as some of his more strident peers at the time of writing the last three books of the *Lawes*, such as Bancroft and Saravia. To claim absolute *Iure Divino* authority for bishops as Bancroft did in his 1589 St Paul's Cross sermon would have risked denigrating royal authority, and hence weaken the authority of the Church as a whole, as proclaimed in the Settlement that Hooker sought to defend. Hooker believed bishops to be scriptural, apostolic, and of divine origin, but not themselves *Iure Divino* – there was no one perpetual form of church government mandated by these claims. Sommerville argued the issues surrounding Hooker and *Iure Divino* arose from claims by Shirley and Cargill Thompson of the incompatibility of Books III and VII (which arose itself due to the claim that Hooker underwent a change of attitude alongside his peers – Sommerville argues that Hooker underwent no such change). It is also important to note that even fervent proponents of *Iure Divino*, such as Bancroft and Sutcliffe, supported the mutability of episcopacy.

In order to remain true to a moderate defence of the extant status quo on the episcopacy, Hooker had no choice but to avoid any opinion that could claim episcopacy as being able to function aside from the magistrate. This was contrary to the arguments of Bancroft, yet wholly distinct from the model of authority as presented by the Puritans. Hooker therefore had to offer a new definition of the episcopate as most expedient for the Elizabethan Church.

### 5.2c Hooker and the Redefinition of Elizabethan Episcopacy

The turbulent immediate history of the Elizabethan Church meant that the role of the Elizabethan bishop needed re-defining, clarifying what bishops could and could not

do in the Elizabethan Church. By the time that Hooker started writing the *Lawes* in the late 1580s, the English episcopate had suffered socially and economically, and was practically weak and under theological attack. Bishops not only underwent economic misfortune, but also loss of status, which together ‘contributed to a diminished influence at Court and in the Councils of State.’<sup>538</sup>

Hooker writes in Book VII that bishops are endowed with honour in title, place, ornament, attendance, and privilege. These ‘Publique Marks and Tokens’<sup>539</sup> are important because by these endowments, the public will see the esteem with which bishops are held, and respect them all the more for ‘the good Government either of the Church, or of the Commonwealth.’<sup>540</sup> In response to this, Lake believes that ‘Hooker departed from the Pauline ideal of the bishop as preacher or...planter of preachers, to create a visual image of the bishop as governor and man of affairs.’<sup>541</sup> Yet, though this may seem a somewhat pragmatic approach of Hooker, he was not the only Elizabethan contemporary to view bishops as governors and men of affairs.

Was, therefore, Hooker a rationalist of the Elizabethan era, defending the Settlement from a pragmatic point of view, rather than anything more idealistic – a position perhaps demanded by the inability of a theologian to say anything publicly that may be construed as being disloyal to the Establishment? McGrade argues that Hooker was not the rationalist that his critics have sometimes made him out to be, for their ‘error lies in extracting the universal proposition that it never matters whether reason or God has ordered a thing from the very public assertion that the Puritans should obey their bishops whether bishops are of divine or human institution.’<sup>542</sup> Obedience to bishops because they were part of a civil structure whose *raison d’être* was to

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<sup>538</sup> McGrade, ‘Episcopacy and Bishops’, 29.

<sup>539</sup> Hooker, *Lawes*, VII.xviv.1.

<sup>540</sup> Hooker, *Lawes*, VII.xviv.1.

<sup>541</sup> Lake, *Anglicans and Puritans*, 218.

<sup>542</sup> A. S. McGrade, ‘The Coherence of Hooker’s Polity: The Books on Power’, *Journal of the History of Ideas* 24, no. 2 (1963) 163-82, 179.

maintain good order in society was part of Elizabethan consensus (whether or not they were of divine or human origin) – yet it did not mean that bishops were to be a perpetual feature of ecclesial governance.<sup>543</sup> Bishops as instruments of moderation were regarded as having an ‘authority [that] was necessary to restrain both the ideological fragmentation of the clergy and the seething turbulence of the laity.’<sup>544</sup> Collinson adds to this by suggesting ‘the moderate episcopacy prefigured in the Propheysings and to some extent in the Elizabethan administrative practice, was fitted, as Presbyterianism was not, to the actual condition of the Church, to the distribution within it of both learning and endowment.’<sup>545</sup> Contra McGrade’s assertion that critics of Hooker accused him of realism rather than idealism, Hooker may well have been a realist, but he did this with clear idealistic principles of asserting a biblically-founded, traditionally-inspired, and reason-influenced pattern of governance, in accord with orthodox reformed principles.

## 5.2d The Acquisition of Episcopal Authority

Having argued the case for the existence and desirability of bishops within the Elizabethan Church, how did Hooker regard the bishops as gaining their authority within the English Church? If they received no ‘spiritual’ qualities at the commencement of their ministry as bishops, how and why were they distinct from the Puritan polity that Hooker sought to oppose? Hooker is clear that episcopal ordination bestows the spiritualities,<sup>546</sup> and that ‘we cannot say *Kings* doe make, but that they

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<sup>543</sup> See *Lawes* op. cit. and Sommerville, ‘Richard Hooker’, 182.

<sup>544</sup> Ethan Shagan, *The Rule of Moderation: Violence, Religion, and the Politics of Restraint in Early Modern England* (Cambridge: Cambridge University Press, 2011) 113. See also A. S. McGrade, (ed.) *Hooker: Of the Laws of Ecclesiastical Polity, Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge University Press: 1989), xviii.

<sup>545</sup> Collinson, *Godly People*, 185.

<sup>546</sup> Hooker, *Lawes*, VIII.vii.2.

only doe place *Bishops*<sup>547</sup> – that is to say, that a ‘commission’ from the monarch is necessary before an office in the episcopate can be undertaken.<sup>548</sup> Hooker makes it explicit that the monarch’s letters merely *present* a bishop to be consecrated, and give them their place in which they shall exercise their authority as a bishop, but that it is the consecration, by their fellow bishops, that makes a new bishop such. Explicitly, Hooker is suggesting that although the monarch can place a bishop, and give them a physical area in which they can exercise their episcopal power, the bishop does not have any episcopal power to exercise unless and until they have been consecrated by their fellow bishops.<sup>549</sup> Could this approach of appointing bishops be regarded as restraining the power of the monarch, in the appointing of bishops, to the merely temporal plane? Perhaps – but what acknowledgement does Hooker make of the monarch’s spiritual role as Supreme Governor?

At the consecration of a bishop, Hooker argues, whilst the act itself is not a sacrament, ‘a charism is communicated...[this being] a gracious donation which the Spirit of God doth bestow, [which provides continuing] assistance, aid, countenance and support [in their ministry].’<sup>550</sup> Ordination was, argues Hooker, an indelible mark, which cannot be erased.<sup>551</sup> This ordination, or sacramental act, confers powers upon bishops (and indeed priests and deacons at their respective ordinations) that monarchs do not have. Rather like the monarch, once consecrated:

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<sup>547</sup> Hooker, *Lawes*, VIII.vii.2.

<sup>548</sup> Note that Lake, ‘Presbyterianism’, 215, believed that the appointing powers of the monarch, as agreed by Bilson, Whitgift, and Hooker, removed ‘the occasion of such disorder and [ensured] the appointment of able and respectable men to episcopal office.’ See also Patrick Collinson (*The Elizabethan Puritan Movement* (Oxford: Clarendon Press, 1967, 102)). In balance, W. H. Harrison (‘Prudence and Custom’, 912, 913), regards Hooker as believing ‘that the whole structure of society must be built upon allegiance to God and that bishops are an important part of a Christian nation’s structure’, and also, ‘[bishops] responsibilities exceed the ecclesiastical, however; they must be advisors to monarchs, so that the kingdom will walk truly in God’s way.’

<sup>549</sup> See McGrade, ‘Coherence of Hooker’s Polity’, 173: ‘It is their ecclesial consecration which “gives being” to bishops.’

<sup>550</sup> Hooker, *Lawes*, V.lxxvii.7.

<sup>551</sup> Hooker, *Lawes*, V.lxxvii.2, and further, ‘...the same power is in such not amiss both termed a kind of mark or character and acknowledged to be indelible.’

they [clergy] which have once received this power may not think to put it off and on like a cloak as the weather serveth...but let them know which put their hands unto this plough, that once consecrated unto God they are made his peculiar inheritance for ever.<sup>552</sup>

This seems to imply that Hooker regarded the consecration of a bishop as a ‘setting apart’ (which is indeed the root of the Latin word, *consecrare*), which takes place at an ontological level, and thus cannot be undone.

Yet, despite Hooker evidencing their apostolic origins, bishops did not have unlimited temporal power underneath the monarch. The early bishops’ territorial exercise of power gradually transformed into what we would now recognize as a diocese – their jurisdiction was limited to a specific geographical area, the grant of which was from the monarch.<sup>553</sup> Hooker was quite clear, however, that the appointment (that is, their *making* as a bishop) did not reside solely in the monarch, but in the entire corpus of the Church – it required both the Church *and* the monarch to act to make a person a bishop, and to enable that person to act *as* a bishop, which was a direct challenge to the unilateral appointments of Rome. This corpus could be construed to act as a ‘moderating influence’ – though there had to be some element of genuine authority, this authority was moderated by law, ‘and was merely the judicial determination...of laws positively determined by the whole commonwealth.’<sup>554</sup> It should be noted, of course, that government by bishops was in itself a positive law, and thus alterable – what Hooker elsewhere called ‘the bishops’ bridle’.

Of this authority, Hooker writes that:

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<sup>552</sup> Hooker, *Lawes*, V.lxxvii.3.

<sup>553</sup> See Ralph Houlbrooke, *Church Courts and the People during the English Reformation* (Oxford: Oxford University Press, 1979); Felicity Heal, *Of Prelates and Princes: A Study of the Economic and Social Position of the Tudor Episcopate* (Cambridge: Cambridge University Press, 1980), 17-19, 126-7. Further, see Arthur J Mason, *The Church of England and Episcopacy* (Cambridge: Cambridge University Press, 1916), esp. 34.

<sup>554</sup> Shagan, *Rule of Moderation*, 143.

authority is a constraining power, which power were needless, if we were all such as we should be, willing to do the things we ought to do without constraint. But because generally we are otherwise therefore we all reap singular benefit by that Authority, which permitteth no men, though they would, to slack their duty.<sup>555</sup>

Pertinent for the Church, Hooker adds,

Constitutions and Canons made for the ordering of Church affairs, are dead Taskmasters. The due execution of Laws spiritual dependeth most upon the vigilant care of the chiefest spiritual Governors, whose charge is to see that such Laws be kept by the Clergy and people under them.<sup>556</sup>

Hooker argues that lay governors are not well acquainted with these laws, nor are they deeply or nearly touched, and hence it is imperative that ‘Ecclesiastical persons have authority in such things. Which kind of Authority, maketh them which have it Prelates.’<sup>557</sup> Those who are in such office are furnished with the necessary honourable qualities and graces.<sup>558</sup> This would seem to suggest that Hooker argues that the laity are incapable of carrying out a governance role in the Church because they have not been endowed with the necessary grace, grace that is given to ministers, and especially to bishops, at their ordination and consecration. Thus, in the broader picture:

wherefore if the Clergy be a beautifying unto the body of this Commonweal in the eyes of Foreign beholder; and if the Clergy, the Prelacy be most exposed unto the world’s eye, what publique

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<sup>555</sup> Hooker, *Laws*, VII.xviii.5.

<sup>556</sup> Hooker, *Laws*, VII.xviii.5.

<sup>557</sup> Hooker, *Laws*, VII.xviii.5.

<sup>558</sup> Hooker, *Laws*, VI.xviii.6.

benefit doth grow from that order, in regard of reputation thereby gotten to the Land from abroad, we may soon conjecture?<sup>559</sup>

That is to say, because the prelates (bishops) are high-profile clerics, the ability (or grace) that they are given at ordination to carry out their role makes them all the more attractive in that they are key functionaries of a well-ordered society – and thus, in turn, making the society in which they play a part all the more attractive for its well-orderedness.

Thus, is Hooker here arguing that giving bishops honour places them in a position of authority?

The good government of the Church, or of the Commonwealth, dependeth scarcely on any one external thing, so much as on the Publique Marks and Tokens, whereby the estimation that Governors are in, is made manifest to the eyes of men.<sup>560</sup>

Hooker argues that there must be honour in title, place, ornament, attendance, and privilege.<sup>561</sup>

What marks out a bishop? Hooker argues in VII.xxiv.15 that ‘a bishop’s estimation doth grow from the excellency of virtues suitable unto his place...[a] deep meditation of holy things...shine they must as angels of God in the midst of perverse men...nothing but wisdom, gravity and judgment is looked for.’ Yet, says Hooker, men exhibiting such qualities are rarely found. We must ask, though, to what extent must these qualities be already present in bishops before their consecration, or to what extent are they entirely supplied by the gift of the Holy Spirit at consecration – that is, ‘the needful gifts of grace’? Thus, bishops need the gifts given to them upon their appointment as bishops: a territory, given by the monarch, within which to exercise

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<sup>559</sup> Hooker, *Laws*, VII.xviii.7.

<sup>560</sup> Hooker, *Laws*, VII.xviii.1.

<sup>561</sup> Hooker, *Laws*, VII.xx.1.

their spiritual gifts given to them by their fellow bishops at their consecration. Without these two elements, bishops cannot function as bishops.<sup>562</sup>

Hooker also argues that the lands and livings of the Church give those who manage them a degree not only of authority, but responsibility as stewards of these ‘gifts’:

Persons Ecclesiasticall are God’s Stewards, not onely for that he hath set them over his Family, as the Ministers of Ghostly food; but even for this very cause also, that they are to receive and dispose his temporal Revenues, the gifts and oblations which men bring him.<sup>563</sup>

These gifts and oblations are used for the relief of the poor (VII.xxiii.9). To deprive the Church of these goods, Hooker argues, is ‘extream Sacriligious Injustice’. Those who administer them are ‘Gods Agents’, although admittedly those who mismanage them have always found their way into the episcopate:

if it be as the Apostle saith, That the Holy Ghost doth make Bishops, and that the whole action of making them is God’s own deed, men being therein but his Agents; what spark of the fear of God can there possibly remain in their hearts, who representing the person of God in naming worthy men to Ecclesiastical charge, do sell that which in his name they are to bestow, or who standing as it were at the Throne of the Living God do bargain for that which at his hands they are to receive?<sup>564</sup>

This comment of Hooker’s could be seen as a tacit acknowledgement that although the Holy Ghost is bestowed at a bishop’s consecration, this does not stop that bishop becoming corrupt – bishops are fallible creatures, and the episcopate, or indeed any such church structure, is fallible because it is human, and therefore subject to

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<sup>562</sup> Marcus Harnes usefully discusses episcopal authority and its intricacies with the State: in *Bishops and Power in Early Modern England* (London: Bloomsbury, 2013), 16.

<sup>563</sup> Hooker, *Laves*, VII.xxiii.1.

<sup>564</sup> Hooker, *Laves*, VII.xxiv.4.

corruption. Hooker's plea above is more of a rhetorical plea for moral probity in the face of divine judgment than any hope or expectation that an ultimately human institution will remain incorrupt before the seat of God's judgment.

Other aspects of episcopal ministry that may build up episcopal authority include pastoral aspects such as care of the clergy: 'the first thing looked for is a care of the Clergy under him, a care that in doing good they may have whatsoever comforts and encouragements his countenance, authority, and place they may yield.'<sup>565</sup> Where this does not happen, where men's souls are not cared for, 'this is the very root, the fountain of all negligence in Church-Government.'<sup>566</sup> Hooker argues that in order to carry out episcopal ministry, 'external helps and ornaments are useful,'<sup>567</sup> as well as some reward being necessary in order to persuade people to accept the office of bishop.<sup>568</sup> Further, 'in a Bishop, great liberality, great hospitality, actions in every kinde great are looked for: And for actions which must be great, mean instruments will not serve,'<sup>569</sup> and therefore, 'we must needs think it a thing necessary unto the common good of the Church, that great jurisdiction being granted unto Bishops over others, a state of wealth proportionable should likewise be provided for them.'<sup>570</sup> Herein exists, of course, the potential to abuse the means that have been provided for the exercise of episcopal ministry. 'If they abuse the goods of the Church unto pomp and vanity, such faults we do not excuse them.'<sup>571</sup> Hooker takes care to distinguish pomp and vanity from the honour of the bishops' office.<sup>572</sup> Thus, for Hooker, the historical accoutrements of the episcopal office, such as territory and property, belonged to God: to remove these from temporal keeping by the bishop would be to

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<sup>565</sup> Hooker, *Lawes*, VII.xxiv.11.

<sup>566</sup> Hooker, *Lawes*, VII.xxiv.12.

<sup>567</sup> Hooker, *Lawes*, VII.xxiv.17.

<sup>568</sup> Hooker, *Lawes*, VII.xxiv.17.

<sup>569</sup> Hooker, *Lawes*, VII.xxiv.18.

<sup>570</sup> Hooker, *Lawes*, VII.xxiv.18.

<sup>571</sup> Hooker, *Lawes*, VII.xxiv.24.

<sup>572</sup> Hooker, *Lawes*, VII.xxiv.24.

rob God: bishops hold them in trust for the office they occupy, and the honour of that office.

Thus, for Hooker, there are many justifications for the power held by the episcopate, yet this may not be exercised as they please: bishops are themselves moderated, just as they themselves are moderators. Hooker bases his justification on scriptural exposition, apostolic origin, and the necessity for some sort of governance to maintain good order.

This section has argued that for Hooker episcopal authority, consisting of spiritualities and temporalities, is acquired in two ways – first, the spiritualities are granted to the bishop at their consecration by other bishops; second, the temporalities (or grant of territory to exercise their authority) is granted to bishops by the monarch at the confirmation of election. Ordination is an indelible mark which cannot be erased (the Latin root of the word, *consecrare*, means ‘setting apart’), and gives a power which the monarch does not have. Bishops did not have unlimited temporal power under the monarch, and the methods used for their appointment acted as a moderating influence. Hooker argued that the laity could not carry out the functions of a bishop as they have not been given the necessary grace to do so (not having been consecrated). Hooker further argues that bishops gain authority through honour in place, title, ornament, attendance, and privilege, but have responsibility as stewards of these gifts. The primary responsibilities of a bishop, argues Hooker, are those of pastoral responsibility – primary among which are the care of clergy, as well as to a lesser extent, great liberality, hospitality, great actions, and no meanness.

## 5.2e Episcopal Power and the Civil Magistrate

Despite provision being made for commissioners, synods, and the like, Hooker is quite clear that this authority cannot be transferred to civil magistrates when dealing with spiritual matters: ‘principallitie of judgment in *Church matters* appertaineth unto

God, which hath appointed the *High Priest* and consequently the Ministerie of the *Church* alone to have it in this behalf. Therefore it may not from them be transferred to the *Civil Magistrate*.<sup>573</sup> Yet, even in ‘causes Ecclesiasticall’, the sovereign had some power, as ‘we hold without exception that all *Courts* are the *Kings*,’<sup>574</sup> despite some protestations from the bishops that use and custom may provide to the contrary.<sup>575</sup> Yet, although the monarch was strictly a layperson, she exercised a measure of jurisdiction greater than the bishops in some areas, but not, again, in spiritual areas.<sup>576</sup>

It seems here that Hooker’s boundaries of exactly to whom jurisdiction belongs are deliberately vague – but why? Perhaps a judicious hedging of Hooker’s opinion was the only option open to him, given the political climate. It may also be due to his wish to leave the exact nature of ecclesial governance with less-prescript boundaries, so that it could be adapted to the prevailing climate. Anything more prescriptive would have risked resulting in a straitjacket for the Church, which Hooker did not wish to do.

Yet, within this rather malleable ecclesial climate, there were some ‘certainties’ in the mind of Elizabeth. Bishops were considered the ‘lynchpins’ of the conformist system, owing to their status as civil magistrates in addition to their spiritual authority.<sup>577</sup> The episcopate was not forbidden in Scripture (being thus a product of positive law), but maintained by the decision of the Christian ruler – another instance of the influence of the monarch.<sup>578</sup>

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<sup>573</sup> Hooker, *Laws*, VIII.viii.6.

<sup>574</sup> Hooker, *Laws*, VIII.viii.7.

<sup>575</sup> Hooker, *Laws*, VIII.viii.8.

<sup>576</sup> See previous on Hooker and the excommunication of the monarch.

<sup>577</sup> Shagan, *Rule of Moderation*, 153.

<sup>578</sup> E. T. Davies, *Episcopacy and the Royal Supremacy in the Church of England in the Sixteenth Century* (Oxford: Basil Blackwell, 1950), 74, however, suggests that royal power over the episcopate is a little different.

Because bishops were part of the Establishment, and because of their social standing due to the accumulated lands and wealth that went with their appointment,<sup>579</sup> it was perhaps unsurprising that, in attempts to enforce conformity, bishops were approached by the lord chancellor for advice regarding appointments as Justices of the Peace. This should not imply any undue influence of the bishops upon the great offices and bodies of State – given the makeup of the Privy Council, a powerful hand was still held by those landed gentry. This reality led Manning to suggest that ‘Elizabethan bishops were generally regarded by the Privy Council, lay magistrates and gentry as nothing more than agents of the Royal Supremacy in ecclesiastical affairs – or in short – as ecclesiastical JPs.’<sup>580</sup> Does the suggestion that bishops were so readily able to act as agents of the Royal Supremacy mean that Elizabeth wished to rule indirectly in relation to ecclesiastical affairs? Was this a deliberate tactic of the queen to ensure that any ill feeling in relation to ecclesiastical affairs was absorbed by the bishops, rather than by Elizabeth? Collinson suggests that the queen stood up to critics of episcopacy, even if it were not for wholesome reasons:

while Elizabeth’s contempt for the prelates was equal to that of any of her advisors, she left it in no doubt that her bishops were able to be the sole executors of her ecclesiastical supremacy, and that she would not tolerate the parliamentary invasion of her domain.<sup>581</sup>

Yet, we must remember that whilst Elizabethan bishops may have been seen as pivotal to the conformist system, less use was made of them than under previous Tudor regimes. Hooker was defending what role they *did* have against the Puritan argument, apropos of the two kingdoms theory, that it was impermissible for clerics, especially bishops, to hold civil roles.

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<sup>579</sup> These ‘exchanges’ of wealth (tithes instead of episcopal lands) were a condition of appointment to the episcopal office, leaving new bishops ‘in no doubt that it was by the grace of Queen Elizabeth that they were what they were.’ (Collinson, *Elizabethan Puritan Movement*, 48).

<sup>580</sup> Roger B. Manning, ‘The Crisis of Episcopal Authority during the Reign of Elizabeth I’, *Journal of British Studies* 11, No. 1 (1971) 1-25, 9.

<sup>581</sup> Collinson, *Elizabethan Puritan Movement*, 284.

### 5.3 Wider Protestantism and Episcopal Power

Recent critical study of Hooker has suggested that he is not so much a proponent of the Anglican *Via Media*, or indeed the inventor of Anglicanism, as Peter Lake notoriously said in his book, *Anglicans and Puritans*,<sup>582</sup> but is rather closer in his thought to that of the magisterial continental reformers – Luther, Calvin, Bullinger, and Melancthon.<sup>583</sup> Exactly why was Hooker closer to the continental framework than was previously thought? Some European elements, notably that of Zurich, espoused an episcopal framework, a magisterial governance, and a form of Protestantism that enabled the monarch to have rather more room for manoeuvre in matters indifferent.<sup>584</sup> We must also remember that a good number of the Elizabethan episcopal bench had either spent time in Zurich during the Marian Exile, or were now in correspondence with those on the Continent sympathetic to the English constitution; as the queen could not expect sympathy from Geneva, or indeed support for her ideas, she naturally turned to those sources that would give her the support she wanted, chiefly Zurich.

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<sup>582</sup> Lake, *Anglicans and Puritans*, 230.

<sup>583</sup> R. D. Williams, *Why Study the Past? The Quest for the Historical Church* (London: Darton, Longman, and Todd, 2014), 75, believes that Hooker is a ‘very unorthodox Reformed thinker on the concept of grace...but in terms of his theology of the Church, he certainly seems to sustain a mainstream Reformed position.’ See also Lee Gibbs in ‘Richard Hooker: Prophet of Anglicanism or English Magisterial Reformer’ in *Anglican Theological Review*, 84 no. 4, 943. Gibbs argues that ‘certain theologians’ of the Anglican Communion (that is, Kirby and Atkinson) are incorrectly arguing Hooker is an orthodox advocate of the Magisterial reformation in England, and that ‘the ‘myth’ of the *Via Media* as representing the peculiar character of the Church of England was the mark of a distinctively ‘Anglican’ theology was the creation of Nineteenth century High Churchmen affiliated with the Oxford Movement’ (*op. cit.* 945). Gibbs states that the *Via Media* was not the creation of the Oxford Movement (*op. cit.* 953,4), but rather that Hooker formulated a classic rendition of it, being both heir of his patron, John Jewel, and also John Whitgift (*op. cit.* 953) – though Hooker also utilized a much broader base of Greek and Roman classical writers, the Church Fathers, Medieval Scholasticism, and Renaissance humanists, for example (*op. cit.* 954).

<sup>584</sup> See Kenneth R. Macmillan, ‘Zurich Reform and the Elizabethan Settlement of 1559’ in *Anglican and Episcopal History* 68, no. 3 (1999) 285-311, 286-7.

It may therefore be a surprise that Hooker only mentions Calvin, Beza, and other magisterial reformers a handful of times in the *Lawes*. This does not mean that Hooker was devoid of their influence, though. Hooker, amongst other Establishment figures such as Whitgift, fights for the patronage of Calvin (an added advantage being that Calvin was dead by this point, and thus could not defend himself), in order to make the Settlement more convincing to those who opposed it.<sup>585</sup>

Given the force of the Puritan argument, it is perhaps unsurprising that defenders of the Elizabethan Establishment sought to bolster their arguments with support from luminaries of the continental Reformation whose ‘theological legacy and the Genevan experiment in theocracy [was] upheld by English reformists as the perfect model of a reformed Church’,<sup>586</sup> although defenders of the Establishment who cited Calvin approvingly did not by any means seek to align themselves wholly with Calvin’s polity.<sup>587</sup>

Hooker, although he was heavily influenced by Calvinist theology, and was even said to have ‘trembled before the name of Calvin’,<sup>588</sup> sought to distance himself in the preface to the *Lawes* by attempting to ‘make an impartial evaluation of an episode in recent history [i.e. the reformation] that was often regarded with uncritical reverence by his contemporaries.’<sup>589</sup> Cargill-Thompson points out that Hooker was no more

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<sup>585</sup> Gibbs agrees with Kirby and Atkinson that ‘Calvin...stopped short in his *Institutes* of claiming that the Presbyterian polity he had discovered was once and for all clearly revealed in Scripture as the third marker of the true church on earth.’ (Gibbs, ‘Prophet of Anglicanism’, 955).

<sup>586</sup> Paul David Loup Avis, ‘Richard Hooker and John Calvin’, *The Journal of Ecclesiastical History* 32, no. 1 (1981), 19-28, 19.

<sup>587</sup> Christianson makes the case that ‘so long as one does not conflate it with “Calvinist”, an excellent case exists for placing the Elizabethan Church of England within the ranks of the “Reformed” churches’. P. Christianson, ‘Reformers and the Church of England under Elizabeth I and the Early Stuarts’, *Journal of Ecclesiastical History* 31, no.4 (1980), 463-482, 1980, 469.

<sup>588</sup> Frederick Denison Maurice, *Moral and Metaphysical Philosophy* (London: Macmillan, 1873) ii, 191.

<sup>589</sup> Avis, ‘Richard Hooker and John Calvin’, 19. Peter Lake claims that Tyacke himself regarded ‘Calvinist views of predestination or styles of piety [as not being] a monopoly of the puritans, but rather part of the mainstream of the Church.’ Kenneth Fincham and Peter Lake (eds.) *Religious Politics*

well-disposed to proponents of the Puritan regime than, for example, Bancroft or Whitgift, and that the goal of the preface in the *Lawes* was ‘to discredit the Puritan cause, partly by exposing the novelty of the Calvinist system of discipline, and partly by impugning the motives of the Puritans themselves.’<sup>590</sup> He describes Hooker’s selective use of Calvin as ‘a calculated piece of misrepresentation, a deliberate attempt to undermine Calvin’s reputation among his readers.’<sup>591</sup> As we have seen, Hooker uses Calvin to support the historical roots of episcopacy, but he then goes on to use this same point to accuse Calvin of contradictions:

Thus much Calvin being forced by the evidence of truth to grant, doth yet deny the bishops to have been so in authority at the first as to bear rule over other ministers: wherein what rule he doth mean, I know not.<sup>592</sup>

Surely, this is what rhetoric and polemic is all about – using your adversary’s ‘heroes’ so as to debase their argument from within – and in Hooker’s case, to argue that the Elizabethan Religious Settlement was congruent with wider Protestantism.<sup>593</sup>

Hooker was not the only Establishment figure to draw on Calvin. Whitgift, Hooker’s patron, did likewise, hoping to gain sympathy from those calling for further reform in the English Church for his argument for why a hierarchy in church government should be obeyed, without which obedience to its divinely given mandate would fall into chaos and schisms. The patronage of Calvin was also fought over in debates regarding the subject of jurisdiction. Whitgift quoted Calvin as highlighting the need for a moderator: ‘This thing doth nature allow, and the disposition of man require,

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*in Post-Reformation England: Essays in Honour of Nicholas Tyacke*. Studies in Modern British Religious History, Volume 13 (Woodbridge: Boydell & Brewer, 2006) 5.

<sup>590</sup> W. D. J. Cargill-Thompson, ‘The Philosopher of the “Politick Society”’, in *Studies in Richard Hooker: Essays Preliminary to an Edition of his Works*, ed. W. Speed-Hill, 3-76 (Cleveland and London, 1972), x.

<sup>591</sup> Cargill-Thompson, *op. cit.*, x.

<sup>592</sup> Hooker, *Lawes*, VII.vi.9; and see above, chapter 5.2a.

<sup>593</sup> Almsy claims that Hooker’s precise purpose is yet to be discovered – see Rudolph Almsy, ‘The Purpose of Richard Hooker’s Polemic’, in *Journal of the History of Ideas*, 39, no. 2 (1978) 251-70.

that in every society, though all be equal in power, yet some should be at it were a moderator of the rest, upon whom the other might depend.<sup>594</sup> Yet, we must note that although other Establishment writers used this passage to give unequivocal support for episcopal governance, Whitgift did not, instead using it to illustrate the chaos of the Puritan system and the lawful authority of the sovereign to appoint ecclesiastical moderators:

the continual practice of Christian churches (in the time of Christian magistrates), before the usurpation of the bishop of Rome, hath been to give Christian princes supreme authority in making ecclesiastical orders and laws...whereby it appeareth that the chief authority in such councils was given to the emperor.<sup>595</sup>

Shagan claims that Whitgift, and other conformists like him, in citing Calvin, argued ‘for a *via media* based upon order: the government’s enforcement of uniformity for the sake of worldly order was a middle way between the disorder of free choice and the superstition of positing genuine spiritual necessity in outward ceremonies.’<sup>596</sup> That is, laws were necessary due to man’s inherent nature to disobey and cause disorder. These laws kept peace and good order in society, to enable humans to perform their divinely given function: to serve God.<sup>597</sup>

It was not just Whitgift who laid claim to Calvin, however. Why did other defenders of the Elizabethan Settlement use Calvin, and how did they use him in their consequent defence of episcopacy? Bridges, in his *A Defence*, quotes Calvin’s letter to the King of Poland:

Even as nature suggesteth this unto us, that out of all colleges one ought to be chosen upon whom the chieftest care should lie. But it is

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<sup>594</sup> Whitgift, *Works*, II, 269-71.

<sup>595</sup> Whitgift, *Works*, III, 306-8.

<sup>596</sup> Shagan, *Rule of Moderation*, 118.

<sup>597</sup> Whitgift, *Works*, III, 488.

one thing to bear a moderate honour...another to comprehend the whole compass of the world in a government unmeasurable.<sup>598</sup>

Some may take this to infer Calvin's support for an episcopate – and some may not – and this is the reason why the claim of Calvin was so strongly fought.

Collinson claims a more moderate tone for Calvin's stance within the English Church:

this is not to say that Calvin utterly condemned the episcopal polity or even the conservative liturgy of the Church of England as Beza would condemn them within a few years...He was on the best possible terms with some of the new English bishops, especially with Grindal.<sup>599</sup>

Calvin's theological patronage was worth fighting for, however, and either side would go to quite some lengths to claim him for their own:

what was novel and distinctive in the Presbyterian assertion [1570s] was the claim that the particular form of church order and discipline to be found in the Calvinist churches was alone apostolic and necessary for all times and all places. It was Theodore Beza, Calvin's successor, who made this point more emphatically than any.<sup>600</sup>

Geneva was not the only influence upon the English episcopate during Hooker's lifetime. Zurich played an important part because it subscribed to the importance of episcopal governance, especially one that was interlinked with the State, at the top of which a godly prince was chief governor. Gualter's letter to Elizabeth of 16 January

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<sup>598</sup> Bridges, *A Defence*, 416, c/f *Lawes* VII.ix.II.

<sup>599</sup> Collinson, *Godly People*, 251.

<sup>600</sup> Collinson, *Godly People*, 259.

1559<sup>601</sup> outlined support for, amongst other things, the right of bishops, alongside the Privy Council and the queen, to govern the Church. The Second Helvetic Confession of Bullinger outlines a theory of the magistrate's role in society that runs closely to the inherent nature of the Elizabethan Settlement with the queen at its helm:

The Magistracy is from God. Magistracy of every kind is instituted by God himself for the peace and tranquillity of the human race, and thus it should have the chief place in the world. If the magistrate is opposed to the Church, he can hinder and disturb it very much; but if he is a friend and even a member of the Church, he is a most excellent member of it, who is able to benefit greatly, and to assist it best of all.<sup>602</sup>

Although Bullinger does not here define what he means by 'member of the Church', it is nonetheless clear that there should not be a separation between the two swords, and that the monarch, as magistrate, can and should have dominion over all. The ability to be a 'member' of both sacred and secular societies can only be for the greater good, argues Bullinger, because of the influence and virtues one brings to the other.

Further, the Second Helvetic Confession talks of the 'duty of the magistrate' and the 'duty of subjects', which follows closely that ideal enshrined in the Settlement itself:

the chief duty of the magistrate is to secure and preserve peace and public tranquillity...he promotes the preaching of truth and sincere faith, roots out lies and superstition, together with all impiety and idolatry, and defends the Church of God. We certainly teach that the care of religion belongs especially to the holy magistrate.<sup>603</sup>

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<sup>601</sup> *The Zurich Letters, comprising the correspondence of several English bishops and others, with some of the Helvetian reformers, during the early part of the reign of Queen Elizabeth.* tr. and ed. for the Parker Society by Hastings Robinson, 3 vols in 4, 8 v. o. (Cambridge: University Press, 1842-47) 7.

<sup>602</sup> Heinrich Bullinger (1561), *Second Helvetic Confession*, Chapter XXX.

<sup>603</sup> Bullinger, *op. cit.*, Chapter XXX.

The duty of subjects, argues Bullinger, is to ‘honour and reverence the magistrate as the minister of God...for he who opposes the magistrate provokes the severe wrath of God against himself...we, therefore, condemn all who are contemptuous of the magistrate.’<sup>604</sup> Though there are clear similarities between the structure of the Helvetic Confession and that of the Elizabethan Settlement, it may be fair to infer some influence of the earlier Settlement upon the Confession – but of course the issues spelt out in both were common to the good ordering of a society.

The Augsburg Confession, written by Philip Melanchthon, had very few active defenders in England – perhaps because it opposes the idea of bishops imposing civil penalties. Article XXVIII speaks of Ecclesiastical Power:

There has been great controversy concerning the Power of Bishops, in which some have awkwardly confounded the power of the Church and the power of the sword...the civil rulers defend not minds, but bodies and bodily things against manifest injuries, and restrain men with the sword and bodily punishments in order to preserve civil justice and peace...therefore the power of the Church and the civil power must not be confounded. Let it not break into the office of another.<sup>605</sup>

Melanchthon is clear that physical punishment must be meted out by the civil courts, and not by ecclesiastical ones – bishops have no power to administer this justice, because:

if bishops have any power of the sword, that power they have, not as bishops, by the commission of the Gospel, but by human law having received it of kings and emperors for the civil administration

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<sup>604</sup> Bullinger, *op. cit.*, Chapter XXX.

<sup>605</sup> Philip Melanchthon, *The Augsburg Confession* (1530), Article XXVIII.

of what is theirs. This, however, is another office than the ministry of the Gospel.<sup>606</sup>

Melanchthon is careful to make the distinction that a bishop could feasibly wield the civil sword – but not in the role of a bishop.

It may be that Melanchthon sees that an absolutist argument would be difficult to carry, though, and admits that:

it is not our design now to wrest the government from the bishops, but this one thing is asked, namely, that they allow the Gospel to be purely taught, and that they relax some few observances which cannot be kept without sin.<sup>607</sup>

This could be a sign of a more pragmatic approach from one corner of the opposition to bishops as magistrates – though of course Melanchthon was writing in a German context, where prince-bishops (in effect a fully independent territorial prince) were a standard part of the political scene.

In conclusion, then, there is a range of opinions on episcopal power amongst the orthodox reformers, echoing that range found within the English Puritans. Whilst echoes of the Settlement are found in the Helvetic Confession, this should not necessarily mean that there are heavy Zurichian overtones in Hooker – after all, no society can exist without a certain degree of order and discipline administered from above – and if the bishops are the ones who hold powerful roles, then surely discipline can be administered by them? Bishops have, after all, the power and command to cure men's souls – and that includes both sacred and secular discipline, as Hooker himself would argue.

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<sup>606</sup> Melanchthon, *op. cit.*, Article XXVIII.

<sup>607</sup> Melanchthon, *op. cit.*, Article XXVIII.

This section has argued that Hooker is perhaps closer to wider Protestant thought than has been previously argued, potentially due to the influence of Elizabethan bishops who had spent time in Zurich during Queen Mary's reign. Hooker fought, with others, for the patronage of Calvin – but not wholeheartedly. Hooker did use Calvin to support the roots of episcopacy, but also highlighted his perceived contradictions. Whitgift also cited Calvin, arguing for a moderate Church Order in the cause of uniformity. Another Elizabethan divine citing Calvin was John Bridges. Hooker made use of Bullinger, who outlined the theory of the magistrates' role in society, providing a number of similarities with the English usage with the queen at its head. Bullinger argued that there must not be a separation between the two swords. Further, though Melancthon's Augsburg Confession was not popular in England as it opposed the idea of bishops imposing civil penalties – a bishop could wield the civil swords, but could not do so in their capacity as a bishop.

#### **5.4 English Puritans and Episcopal Power**

In his defence of episcopacy within the Elizabethan Religious Settlement, Hooker was fighting against English Presbyterians who believed in the absolute parity of ministers in the Church. This is not to say that they did not see the need for some ministers to have a certain degree of 'oversight' over other ministers and their congregations for the sake of good order – an aspect that was not lost on Hooker. In his analysis of their argument, a great deal of which is presented as an examination of the correspondence between Whitgift and Cartwright, Hooker exposes what he believes to be the contradictions, hypocrisies, and misunderstandings of the Presbyterian argument, whilst at the same time not entirely condemning their principles for a reformed Church.

In his attempt to provide a reasoned defence of the Elizabethan Settlement, Hooker would have been expected to counter the Puritans at every turn – this he did, but in a

way that did not totally exclude the validity of their polity, and more so, in a way that aligned the English Church with orthodox reformed thought.

The authority of bishops to exercise oversight upon congregations and churches was challenged in the *Admonition*, which called upon Parliament to:

remove Advowsons, Patronages, Impropriations, and bishoppes authoritie, claiming to themselves thereby the right to ordayne ministers and to bring in that old and true election, which was accustomed to be made by the congregation...Remove homilies, articles, injunctions, a prescript order of service made out of the masse book.<sup>608</sup>

This is an attempt to bring back the polity of the English Church to that of a scriptural model – a model in which those calling for further reform claimed did not exhibit the hierarchical marks of the English Church now extant.<sup>609</sup> In order to counter this, Hooker used numerous scriptural references in Book VII to argue that episcopacy was of scriptural origin, one of the most notable being, in order to counter the allegations made in the *Admonition*:

The word επισκοπη, expressing that part of their office which did consist in regiment over others, because as then that name was common unto the function of their inferiors, and not peculiar unto theirs. But the history of their actions sheweth plainly enough how

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<sup>608</sup> John Field, Rudolf Gwalther, Théodore Bèze, and T. W., *An Admonition to the Parliament* (Hemel Hempstead: J. Stroud, 1572), 12-13.

<sup>609</sup> See Marcus Harmes, 'Orthodox Puritans and Dissenting Bishops: The Reformation of the English Episcopate, ca. 1580–1610', *Comitatus: A Journal of Medieval and Renaissance Studies* 39 (2008): 199-218; as well as A. W. Foster, 'The Functions of a Bishop: The Career of Richard Neile, 1562 – 1640', in M.R. O'Day and F. Heal (eds), *Continuity and Change: Personnel and Administration in the Church of England, 1500-1642* (Leicester: Leicester University Press, 1976), 33-54. Further, Peter Lake, *The Boxmaker's Revenge: 'Orthodoxy,' 'Heterodoxy,' and the Politics of the Parish in Early Stuart London* (Stanford: Stanford University Press, 2001), 2; as well as Susan Brigden, *New Worlds, Lost Worlds: The Rule of the Tudors 1485-1603 (The Penguin History of Britain)* (London: Penguin, 2001).

the thing itself which that name appropriated importeth, that is to say, even such spiritual chieftie as we have already defined to be properly episcopal, was in the holy Apostles of Christ. Bishops therefore they were at large.<sup>610</sup>

Though Hooker agreed that abuse of office should be driven out, Hooker did not claim, as the *Admonition* did, that this means by extension bishops should be eradicated. Far from it: though Scripture did not call them bishops as such then, bishops they were, and they exercised the office as such, which developed lawfully into that which Hooker now defended.

Claims for further reform were not limited to the parity of ministers, however. The exponents of such claims also attacked financial exploitation and corruption, a view with which a number of conformist figures agreed, echoing Puritan calls for reforms of excess amongst the hierarchy (which in itself was a costless position to take). Hooker happily placed himself and his *Lawes* in this group.

The *Admonition* called for parity of ministers, with an eldership or senior to govern the Church: ‘in stead of an Archbishop or Lord bishop, you must make equalitie of ministers...you have to plant in every congregation a lawful and godly seigniorie.’<sup>611</sup> Scripture, the *Admonition* argued, contained sufficient guidance on church polity that it could be followed as a model:

This regiment consisteth especially in ecclesiastical discipline, which is an order left by God unto his church, wherby men learne to frame their wylles and doyngs according to the law of God, by

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<sup>610</sup> Hooker, *Lawes*, VII.iv.1.

<sup>611</sup> Field, Gwalther, Bèze, T, W., *Admonition*, 16.

instructing and admonishing one another...and by correcting and punishing all wylfull persones.<sup>612</sup>

Cartwright regarded any notion of episcopal hierarchy as a scripturally unwarranted deviation from the unique role that Christ played in the salvation of humankind. Hooker constantly fought against this by supplying copious scriptural references to the contrary, as well as evidence from the Church Fathers. Hence, the entire controversy centred on the question as to whether the authority in the Church of Christ is exercised and mediated by external bodies – that is, humans – or whether it should be left to the supposed scriptural model.

How did the *Lawes* address the Presbyterians' charge that the inequality of pastors was unscriptural, as all examples of pastors in Scripture were found to have the same power, 'both of Order and Jurisdiction'?<sup>613</sup> Hooker draws direct scriptural example to counter this: examples of the Apostles being sent to various Churches,<sup>614</sup> the discernment undertaken when the Apostles admitted persons Ecclesiastical,<sup>615</sup> and the 'express mention [of the inequality of pastors] as well in Censures as in Ordinations.'<sup>616</sup> Essentially:

Bishops we say there have been always, even as long as the Church of Christ it self hath been. The Apostles who planted it, did themselves as Bishops rule over it, neither could they so well have kept things in order during their own times, but that Episcopal Authority was given them from above.<sup>617</sup>

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<sup>612</sup> Field, Gwalther, Bèze, T. W., *op. cit.*, 16.

<sup>613</sup> Hooker, *Lawes*, VII.x.2.

<sup>614</sup> Hooker, *Lawes*, VII.x.3.

<sup>615</sup> Hooker, *Lawes*, VII.xi.4.

<sup>616</sup> Hooker, *Lawes*, VII.xi.6.

<sup>617</sup> Hooker, *Lawes*, VII.xiii.3. Note that Daniel Eppley ('Royal Supremacy', in *A Companion to Richard Hooker*, ed. William John Torrance Kirby, 503-532 (Leiden: Brill, 2008), 527), argued for the invalidity of Puritan dissent as being 'invalid because it is unreasonable to be fully convinced of the truth of any belief not supported by evidence strong enough to persuade the church authorities.'

The Presbyterians also claim that the power to excommunicate may be abused by episcopal tyranny. In order to counter this, the Presbyterians argue that a few lay elders should be chosen from the people to assist the bishops in their disciplinary duties. Hooker quotes Beza as saying:

...if the power of Ecclesiastical Censures did belong unto any one, there would be this great inconveniency follow, Ecclesiastical Regiment should be changed into meer Tyrannie, or else into a Civil Royalty: Therefore no one, either Bishop or Presbyter, should or can alone exercise that Power, but with his Ecclesiastical Consistory he ought to do it.<sup>618</sup>

Hooker responds to Beza's accusations by saying that he ought to know that tyranny is 'power violently exercised against Order, against Law; and that the difference of these two Regiments, Ecclesiastical and Civil, consisteth in the matter in about which they are conversant.'<sup>619</sup>

The third and last argument that Hooker regards the Presbyterians as having against episcopacy is the 'judgment of the wisest, the holiest, the best in all Ages, condemneth utterly the inequality which we allow', whilst Scripture forbids it directly.<sup>620</sup> Not so, argues Hooker, for:

they who alledge this place against Episcopal Authority abuse it, they [in] many ways deprave and wrest it clean from the true understanding wherein our Saviour himself did utter it; First, these men take his words in the plain nature of a prohibition, as if Christ had thereby forbidden all inequality of Ecclesiastical power...Secondly, Whereas he did but cut off their idle hope of

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<sup>619</sup> Hooker, *Laves*, VII.xiv.13.

<sup>620</sup> Hooker, *Laves*, VII.x.2.

secular advancements, all standing superiority amongst persons Ecclesiastical these men would rase off with the edge of his speech...Thirdly, whereas he in abating their hope even of secular advancements spake but onely with relation to himself.<sup>621</sup>

The Puritans also accuse the bishops of having differentiated themselves in regard to ‘honour’, which Hooker claims is ‘the chieftest cause of disdain and murmure against the Bishops in the Church of *England*...that evil-affected eye wherewith the World looked upon them.’<sup>622</sup> Hooker claims that this will be much harder to argue against, as he will be fighting with ‘a stream of obstinate affection, mightily carried by a willful prejudice.’<sup>623</sup> There is, argues Hooker, public good that arises from the honour that is given to bishops – though Hooker himself would be one of the first to say that the episcopate needed some reformation of its abuses.<sup>624</sup> To not argue such would be akin to tolerating gross abuses of office – not a safe position to take when trying to defend the Elizabethan Settlement as being congruent with wider Protestantism.

Despite Jewel’s call for a return to a more distinct pastoral episcopate, the appearance of Thomas Cartwright’s 1570 lectures (the content of which led to his deposition) heightened tensions over the subject. Cartwright was one of the foremost voices in the call for further reformation of the Church of England, and the episcopate was a favourite target of his, as he called for: ‘the abolition of the names and offices of archbishops, bishops, deans and archdeacons...the government of the Church should be restored from the usurpation of bishops’ and archdeacons’ officials to the minister and presbytery of every local church.’<sup>625</sup> Despite Cartwright’s seemingly entrenched demands for parity, Collinson claims that most early Elizabethan dissenters accepted

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<sup>621</sup> Hooker, *Lawes*, VII.xvi.5. This chapter makes reference to Matthew 20.25, 26; 23.8, 9; Mark 10.42, 43; and Luke 22/15.

<sup>622</sup> Hooker, *Lawes*, VII.xvii.1.

<sup>623</sup> Hooker, *Lawes*, VII.xvii.1.

<sup>624</sup> Hooker, *Lawes*, VII.xvii.1.

<sup>625</sup> Collinson, *Elizabethan Puritan Movement*, 112.

‘a reformed episcopacy as a legitimate form of church order and believed that only a difference in inessentials divided them from those who held authority in the Church.’<sup>626</sup> Here is an important point: by no means was the Puritan call for further reform of the Church and episcopacy united, and a range of opinions existed within those whom the Establishment referred to as Puritans. Hooker, it must be said in return, does not specifically align himself against a particular Puritan opinion, either. This may also be reflective of his wish for the *Lawes* to be as widely useful as possible, which would not be the case if it were too sectarian.<sup>627</sup>

Cartwright contradicts himself in several places regarding the hierarchy of ministers, one such place being his admission that ‘you must know that the scripture setteth not down every circumstance’<sup>628</sup> – therefore contradicting his own argument, surely, that Scripture provides a one-for-all Church polity. On this point, it would seem that Cartwright is in agreement with his nemesis Whitgift, who points out, in his initial response to the *Admonition* from Field and Wilcox, that regarding matters indifferent:

Whether all things pertaining to the outward form of the church should be particularly expressed, or commanded in the scripture, or no, is the question that we have now in controversy...Affirmatively the argument is always good of the authority of the scripture; as, God hath there commanded it to be done; therefore it must be done; or, The scripture affirmeth it to be so; *ergo* it is so. But negatively, it holdeth not, except in matters of salvation and damnation.<sup>629</sup>

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<sup>626</sup> Collinson, *Elizabethan Puritan Movement*, 344.

<sup>627</sup> Haugaard believes Hooker to have held a unique role in the ‘development of the theological temper of the Church of England [and regards Hooker’s concern with the 1593 Parliament as being] a logical and responsible consequence of his convictions about what he judged to be the legitimate and God-graced authority of the English Queen and Parliament’. William P. Haugaard, ‘Prelude: Hooker after 400 years’, *Anglican Theological Review*, 84 no. 4 (2002), 873-80, 875, 877.

<sup>628</sup> Whitgift, *Works*, II, 272.

<sup>629</sup> Whitgift, *Works*, I, 179.

Whitgift holds that the Church is perfectly legitimate in legislating in matters that are not expressly mentioned in Scripture – and that therefore those in authority in the Church are given that legislative jurisdiction.<sup>630</sup> Chapman points out that it is interesting that Whitgift here uses the arguments of the Early Church Fathers, which it seems Cartwright is more at pains to use<sup>631</sup> – this may not be so remarkable when we consider that in polemic, it is sensible to cite from authorities whom your adversary recognizes.

Yet the *Admonitions* were mild in their approach to demanding further reform of the English Church. The advent of the Marprelate tracts in 1588 and 1589 brought a new level of vitriol to the debate: up until this point, the disagreements were deep-seated, but by and large courteous. With the no-holds-barred approach of the *Tracts*, the majority of Presbyterians, such as Cartwright and Travers, suffered for what they did not write – and drew considerable wrath from the Establishment, thus making it far more difficult for their argument to be heard objectively.

Undoubtedly the *Tracts* had a profound legacy on the nature of contentious debate in the sixteenth century. One of their most important legacies was the highlighting of print media as an increasingly crucial vehicle for debate among the literate classes, with the *Tracts*, despite the best efforts of those in authority, circulating freely among places of influence such as Parliament and the Inns of Court. The Establishment reaction can be seen in the works of Whitgift, Bancroft, and indeed Hooker,<sup>632</sup> with the archbishop being especially quick off the mark to defend the Elizabethan Settlement. Together with the queen, he saw the *Tracts* as a ‘serious threat to the

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<sup>630</sup> Miller believes ‘Hooker was more open than Whitgift to the importance of scriptural example, and the influence of common law theory with its stress on precedent goes far to explain why.’ (citing V.ixv.13).’ Charles Miller, *Richard Hooker and the Vision of God: Exploring the Origins of Anglicanism* (Cambridge: James Clarke and Co, 2013), 96.

<sup>631</sup> Mark D. Chapman, *Anglican Theology* (London: T & T Clark International, 2012), 92.

<sup>632</sup> Hooker was accused by Throckmorton of being an ‘episcopal lap-dog’ (MacCulloch, ‘Reputation’, 568).

health and safety and stability of the realm and acted accordingly.’<sup>633</sup> The *Tracts* had a profound influence on Presbyterian debate, too. Tainted by association with their arguments, Rainolds, Travers, and Cartwright moved quickly to put distance between themselves and the *Tracts*, and began a radical re-think of how they were to achieve their goal of further reformation in the Church of England.

In this section, we have seen that Hooker counters Puritan claims against episcopacy on a number of levels by using Scripture and long-held tradition as sources, and endeavours to expose them as hypocrites by explaining that the things that they argue against within ecclesiology, they in fact use within their own church structures. It is by doing so that Hooker sets up his defence of the Elizabethan Settlement for an alignment with principles of the orthodox magisterial reformers.

I have argued in this section that Hooker fought against English Presbyterians, who wanted absolute parity of ministers. Hooker, in order to do so, focussed on the correspondence between Whitgift and Cartwright. Hooker attempted to counter the Puritans at every turn, but did not totally exclude the validity of their position, thus helping Hooker’s overall cause in aligning the Settlement with wider Protestantism. In countering the *Admonition*, Hooker claimed a scriptural warrant for episcopacy – but this did not mean that Hooker gave bishops his unqualified support, as he still railed against the excess shown by some. This excess meant that Puritans were able to make claims of episcopal tyranny. Finally, it must be noted that Hooker does not align himself against any particular Puritan point, but rather attempted to take a broader approach.

## 5.5 Conclusion

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<sup>633</sup> Philip Secor, *Richard Hooker: Prophet of Anglicanism* (Tunbridge: Burns & Oates, 1999), 238.

I have argued in this chapter that Hooker attempted to align his defence of the Settlement with several reformed thinkers in order to demonstrate that the Settlement was congruent with wider Protestantism. The bishop has the power to ordain, and has power of chieftly and pastoral jurisdiction, and is clear that the bishop gains their authority through grant of spiritualities and temporalities, at their consecration, and confirmation of election respectively. Hooker is reluctant to embrace *Iure Divino* for bishops, and the consequent grey areas this created later provided Keble with an opportunity to skew Hooker's episcopal ecclesiology. Hooker is clear that civil magistrates have no authority in spiritual matters. This chapter also argued that Hooker's episcopal ecclesiology is close to that of Whitgift, Jewel, Bridges, and, less so, of Bancroft (due to the latter pursuing a more explicit path of *Iure Divino* – though that did not stop Bancroft believing that episcopacy as a form of church government was still mutable). Hooker believed episcopacy to be of the *bene esse* of the Church – that is, effective, but not absolute. This chapter also argued that the Puritan position was by no means unified, and that Hooker chose to engage with only some aspects of Puritanism, but not others.

This chapter began by considering how the episcopal inheritance of Elizabeth influenced her religious reform, finding that though Hooker may have 'trembled in the shadow of Calvin', in actual fact Hooker attempted to thoroughly align the Settlement with orthodox reformed thinkers, using his sources selectively, if necessary. As Elizabeth's reign progressed, both she and her Court had increasing reason to relate to orthodox reformed thinkers – and not only because of the shared polity of episcopacy with Churches on the Continent, magisterial governance, and allowance for influence of the monarch, but also because these shared elements meant that orthodox reformed Churches on the Continent were frequently called upon to demonstrate and support an ecclesial polity which could be shown to be reformed in the face of a developing Puritan argument.

I then considered exactly how Hooker had portrayed episcopacy in his *Lawes*, finding that a bishop has the additional power to ordain other ministers, as well as ‘power of chieftly’ and pastoral jurisdiction. Hooker is also very reluctant to embrace *Iure Divino* episcopacy, contrary to some of his Establishment forebears. As we shall see in Part II, the issue of *Iure Divino* episcopacy in Hooker meant that his later editors, especially John Keble, took a rather selective reading of episcopal authority, and this may have resulted in a skewed understanding of episcopal authority in the twenty-first century Church of England.

This chapter then saw that despite Hooker being quite clear on certain episcopal issues, such as there being no authority for civil magistrates in spiritual matters, and the necessity of there being a metropolitan to maintain order amongst bishops, there are other matters in which it is difficult to discern exactly where Hooker lies, such as the *Iure Divino* issue, and the tension of exactly how a bishop gains their authority – whether it is through the Crown giving them the territory in which to exercise episcopal jurisdiction, or at his consecration, which is performed by other bishops. Finally, we have seen that Hooker attempts to explore in VII.ii.2 exactly what episcopacy consists of as an attempt to explain its place within the Elizabethan conformist system.

The chapter saw that attempts at defending the Elizabethan Religious Settlement and the status of bishops within that were undertaken by, amongst others, Jewel, Whitgift, Bridges, and Bancroft. Jewel, in arguing for a return to a more pastoral, godly, outlook for bishops, tried to address the issues of a bloated and corrupt prelatore. His *Apologia* sought to defend the Church of England as a true Church, which had proper authority because it was based on Scripture and the pronouncements of the Early Church Fathers (besides being a Church whose authority was enshrined in the law of the land). Further, according to Jewel, nothing had been done in the English Church without the warrant of Parliament, which was formed at the invitation of the monarch, and in conjunction with bishops. Whitgift argued for the right of the national Church

to ordain, change, or abolish ceremonies or rites of the Church that are made by man, and notably, unlike some of his Puritan contemporaries, Whitgift did not consider all things from the Roman Catholic Church to be abominable. Bancroft is perhaps the most strident defender of episcopal authority, however, especially in his discussions of the role the apostolic succession and the role of bishops had in an effective outplaying of the Royal Supremacy. Bancroft's strident rhetoric is argued to have been in response to that of the *Marprelate Tracts*, bringing the Establishment position to a wider audience – those who would have read the *Tracts* and found their style attractive. As a proponent of *Iure Divino* episcopacy, Bancroft was placing himself at a distance from Hooker and Whitgift, who held that episcopacy, whilst desirable, was not immutable. Hooker's opinion was not, in the end, somewhere between that of Whitgift and Bancroft, but rather held that Scripture regarded government by bishops as a thing necessary, but not necessary for perpetual government. Hooker's view was, perhaps, imposing and effective, but not absolute.

The chapter found that Hooker is quite certain that whilst the monarch may give bishops a territory within which to exercise their authority, the bishops do not have any episcopal authority to exercise unless and until they have been consecrated by their fellow bishops. That the monarch gave bishops their dioceses may be at least one reason for the queen to intervene in ecclesiastical affairs: something that became more and more common as her reign continued, whether indirectly through Royal Commissioners, or in controlling the manner of bishops' operations in their role as civil magistrates – boundaries that became increasingly blurred.

It is also important to emphasize that by no means was the Puritan position unified as regards their view of further reform of the English Church, and it is more appropriate to regard their viewpoint as a spectrum, rather than anything more definite. Both Cartwright and the *Marprelate Tracts*, despite their bluster, acknowledged the need for a definite ministerial structure. Both sides of the argument, in common with other ecclesial topics, attempted to claim Calvin for themselves as a measure of how

‘reformed’ their ecclesiological polity would be. However, if we regard the English Puritan ‘position’ as a spectrum, rather than any definitive viewpoint, the question needs to be asked as to whom Hooker engages with, and why? Who does Hooker ignore, and why? Why, indeed, does Hooker seem to cherry-pick his adversaries – as well as those he seeks in support?

Hooker in fact occupied the middle ground far more than a significant amount of the conformist literature he was using as evidence.<sup>634</sup> Of those defending the Establishment, Hooker was closer to Whitgift than any other – though this may not be entirely surprising, given that Whitgift was his patron and mentor.

Throughout part I of this thesis, I have sought to redress the errant belief of Hooker scholarship that Hooker can be claimed for one school or another – or indeed even aligned with one particular magisterial reformer above all others. Hooker consistently picks and chooses the support he wishes to use for his argument that the Elizabethan Religious Settlement is congruent with wider Protestantism. This ‘picking and choosing’ itself threw up problems for those who, in the following centuries, wished to cite Hooker in support of their particular cause. The overarching issue that I shall concentrate on in part II of this thesis is the errant approach of the Oxford Movement, and Keble in particular, that Hooker claimed for bishops an authority that he did not intend. Given the iconic consequences of the Oxford Movement for twentieth-century reforms of Church of England episcopal polity, this had far-reaching consequences for the understanding of episcopal authority that the Church has today.

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<sup>634</sup> M. C. Perrott claims that ‘from this position [arguing that Hooker is a conformist], it is difficult to account for the fact that Hooker made explicit use of ideas in his defence of the English Church polity which earlier conformists did not voice or even hold’ (M. C. Perrott, ‘Richard Hooker and the Problem of Authority’ 30).

## 6 The 1836 Edition of Hooker's *Lawes of Ecclesiastical Polity*, Edited by John Keble

### 6.1 Introduction

The first part of this thesis argued that Hooker's defence of the Elizabethan Religious Settlement presented episcopal authority as being congruent with wider Protestantism, according to orthodox reformed religious principles, using elements of the ecclesiology of Zurich and Geneva. In part II, we will argue that Keble's 1836 edition of the *Lawes*, in the editorial preface, presented a version of episcopal authority that diverged from that originally espoused by Hooker, and that therefore, as a consequence, the ecclesiology of episcopal authority of the present Church of England was influenced by a distorted reading of Hooker that departed from the orthodox reformed principles he espoused.

This chapter will argue that the episcopal authority as presented in John Keble's edition of the *Lawes* mistakenly placed too much emphasis on a tenuous *Iure Divino* concept; too much emphasis upon bishops belonging to the *esse* of the Church, rather than the *bene esse*; and that as a consequence, the authority exercised by bishops, and obedience demanded to bishops, as proposed by Keble and the Oxford Movement was not that proposed in Hooker's *Lawes*.

Chapter seven will argue that due to Keble's edition of the *Lawes* being the principal version available before the latter part of the twentieth century, the episcopal ecclesiology of the Church of England was influenced by a flawed theology of episcopal authority. It will be argued that this flawed ecclesiology may have significantly affected contemporary developments in episcopacy in relation to women bishops and the provisions made by the Church of England for those who are unable to accept the authority and oversight of a woman bishop.

## 6.2 The Keble Edition of the *Lawes*

Keble's edition of the *Lawes* was first published in 1836, three years after his landmark Assize Sermon on 14 July 1833, preached at the University Church in Oxford. In 'On National Apostasy' as it came to be known, Keble called for a 'second reformation' of the Church of England, which had slipped, according to Keble, away from its calling as an apostolical Church. It is generally accepted that the Assize Sermon marked the beginning of what was to become known as the Oxford Movement.<sup>635</sup>

Keble was occasionally the subject of criticism that his scholarship lacked the depth of his peers, but the publication of his three-volume *Lawes of Ecclesiastical Polity*, which took five years to produce, would have gone some way to answer that criticism. Newman wrote of Keble's *Lawes* in a letter of 1836 to a Miss Giberne, '[Keble's] Hooker will come out in a fortnight about, and you will find in the preface of it sentiments which will astonish and influence your good friends quite as much as Pusey's.'<sup>636</sup> This is clearly a compliment from Newman regarding Keble's scholarship in the *Lawes*, but Newman is also using Keble's edition of the *Lawes* as a convenient weapon that early opposition to Protestantism within the Oxford Movement would use.<sup>637</sup> Keble's edition of the *Lawes* was clearly his standout, large-scale academic contribution to the academy, but any future potential contribution on a

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<sup>635</sup> 'Sunday, July 14th, Mr. Keble preached the assize sermon in the University pulpit. It was published under the title of National Apostasy. I have ever considered and kept the day as the start of the religious movement of 1833.' J. H. Newman, *Apologia Pro Vita Sua*, ed. Frank M. Turner (New Haven and London: Yale University Press, 2008), 162.

<sup>636</sup> Letter from John Henry Newman to Miss M. R. Giberne, 20/3/1836. John Henry Newman, *The Letters and Diaries of John Henry Newman*, ed. C. S. Dessain et al., 32 vols (Oxford and London: Oxford University Press, 1961-2008) vol. 5, 263.

<sup>637</sup> Nockles believes that Newman was selective in his usage of Hooker, citing Newman's *Lectures on Justification* (1848), where Newman said 'since we are not allowed to call any man our master on earth, Hooker, venerable as is his name, has no weight with any Christian, except what is agreeable to Catholic doctrine': J. H. Newman, *Lectures on Justification* (London, 1838), 442; Nockles also reminds us that Keble treated Hooker selectively. P. Nockles, 'Survivals or New Arrivals? The Oxford Movement and Nineteenth-Century Historical Construction of Anglicanism' in *Anglicanism and the Western Christian Tradition*, ed. Stephen Platten (Norwich: Canterbury Press, 2003) 144-191, 173.

similar scale was hampered by Keble's leaving full-time teaching in Oxford in 1835. Keble retained his position as Professor of Poetry until 1841, but his ability to maintain a rigorous scholarly output was hampered by the demands of family and parish life.

This section will argue that Keble decided to produce a new edition of the *Lawes* because of its influential importance in arguing the case for the Tractarians' understanding of the Established Church of England against the claims of those agitating for further reformation. If there was a need for a 'second reformation', as Keble proposed in his Assize Sermon, then it had better be the right kind of reformation – and there were few magisterial texts of more importance for the Oxford Movement than Hooker's *Lawes* upon which to draw: first, because the Tractarians thought that Hooker provided support for their cause, and second, because Hooker was a respected scholar and defender of the polity of the Church of England. As a result, to be able to claim Hooker for the Tractarian cause would have meant a great deal. Keble was as eager to claim Hooker as Hooker had earlier been to claim Calvin, and the process was no easier.<sup>638</sup>

It is important to note that this chapter has found, through a careful comparison of the key texts for episcopal authority, *Iure Divino*, and also of the essentialness (or *esse*) of bishops, that Keble's edition does not alter the text of Hooker itself, other than to introduce a numbering system that made referring to the text easier for those who wished to cite it.

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<sup>638</sup> Brydon believes 'Keble and Newman are held to be primarily responsible for developing the myth that Hooker's distinctive Anglican theology was the basis upon which the next generation of English divines were able to build, and maintain that the Church... was a separate state, which remained distinct from either Rome or Geneva.' Michael Brydon, *The Evolving Reputation of Richard Hooker: An Examination of Responses 1600 – 1714* (Oxford: Oxford University Press, 2006), 14-15. Brydon cites Nigel Atkinson, *Richard Hooker and the Authority of Scripture, Tradition and Reason: Reformed Theologian of the Church of England* (Carlisle: Paternoster, 1997), x, xii, xiv-xvii, xix; and William John Torrance Kirby, 'Richard Hooker as an Apologist of the Magisterial Reformation in England', in Arthur Stephen McGrade (ed.), *Richard Hooker and the Construction of Christian Community* (Tempe, Ariz., 1997), 37.

Keble's *Lawes* was the result of a careful editorial task, and so the only influence that Keble could have therefore reasonably exercised in his edition of the *Lawes* was limited to his editorial preface. This chapter will carefully examine what editorial bias Keble may or may not have placed upon the themes of *Iure Divino*, the esse or otherwise of bishops, as well as the authority and obedience that bishops could exercise and expect. As Keble was a leading figure of the Oxford Movement, this chapter will also examine what influence, if any, other prominent figures may have had upon the *Lawes* – concentrating especially upon the corpus of John Henry Newman.

Whatever one might think of Keble's own ecclesiological bias, his edition of the *Lawes* was the first new edition for nearly 200 years. Keble's version was published six further times during the nineteenth century, until the Church/Paget revised edition of 1888, which continued to include Keble's *preface*. This then became the standard edition until the advent of the Folger Library Edition in the late 1970s – which meant that Keble's edition was the principal means by which Hooker was engaged with for nearly 150 years.<sup>639</sup>

## 6.2a Why did Keble Decide to Present a New Edition of the *Lawes*?

Having raised a 'call to arms' in his Assize Sermon against the supposed apostasy of the Church of England, it was inevitable that if one party were calling for an overhaul of the Church of England, then others would too, and therefore it was important for

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<sup>639</sup> Brydon believes that dominant throughout the twentieth century, Hooker's reputation was that of a 'great systematic thinker, who provided an Anglican defence *par excellence*', citing H. C. Porter, H. R. MacAdoo, E. T. Davies, and J. S. Marshall. Brydon, *Evolving Reputation*, 15-16. See also E. T. Davies, *The Political Ideas of Richard Hooker* (London, 1946), 27, 98; J. S. Marshall, *Hooker and the Anglican Tradition. An Historical and Theological Study of Hooker's Ecclesiastical Polity* (London, 1963); H. MacAdoo, *The Spirit of Anglicanism. A Survey of Anglican Theological Method in the Seventeenth Century* (London, 1965), v, vi, 6-11, 26, 124, 143, 152, 182, 272, 309, 319-20, 333; and H. C. Porter, *Reformation and Reaction in Tudor Cambridge* (Cambridge, 1958), 333-4, 381-4.

the Oxford Movement to make their case as strongly as possible. It is perhaps therefore not surprising that Hooker's sustained polemic against the Puritans in the *Lawes* should appeal to Keble. Keble, in his editor's preface to the 1836 first edition, claimed Hooker as defender against the Protestantism of Cranmer and the like during the mid-sixteenth century. Though Keble does not say so himself, Newman claims that:

Keble's review of Hooker's opinions is the most catholic paper that Anglicanism ever put forth...It is a noble specimen of *παρρησια* – written most calmly, and in doctrine saying things bolder than any one of us, and shaking the Reformers most resolutely.<sup>640</sup>

Newman's opinion of Keble's work does not, at least here, leave much room for doubt that the latter's editorship of the *Lawes* means Hooker's recruitment for the Tractarian cause. What would have been a particular attraction would have been Hooker's development of sacramental theory in Book V, which was developed further especially in Book VI, and Book VII.

When Keble's edition of the *Lawes* was published in 1836, his was by no means the only attempt since Hooker's death to produce a universally accepted text. After the Gauden edition was published in 1662, which had reprints in 1666 (the first edition to include Walton's biography), 1676 and 1682, the ecclesiastical historian John Strype added errant information (at least according to Keble) to Walton's biography in 1705, with a re-print in 1723. In 1793, the first octavo edition (in three volumes) of the *Lawes* was published by the Clarendon Press in Oxford, with reprints in 1807 and 1820. Benjamin Hanbury produced a 'somewhat partisan edition of the *Polity*'<sup>641</sup> in

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<sup>640</sup> John Henry Newman to Henry Wilberforce, 17/1/1836; Newman, *Letters and Diaries* Vol.5.

<sup>641</sup> Brydon, *Evolving Reputation*, 14. The edition to which Brydon refers is *The Ecclesiastical Polity and other Works of Richard Hooker: With his Life by Izaak Walton and Strype's Interpolations*, ed B. Hanbury (London, 1830), vol 1, xi, xxii, xxxviii, clxxiii. On the partisanship of Hanbury's edition, see Brydon's comment that Hanbury's 'unease with Hooker's refusal to accept scripture as the all-sufficient rule meant that he recognized the Laws as being like a "magnificent Building", but one

1830, and it was this that Keble strove to correct: in 1836, Keble's octavo edition in three volumes followed. As Keble regarded Strype's additions to have merely contributed to an extant Hooker that was now a bloated and corrupt version of that originally intended, a new edition was needed in order to authentically claim Hooker for the cause of the Tractarians.<sup>642</sup> Keble thus claims in his editor's preface to the 1836 *Lawes*:

It is hoped that this republication of his remains, by making them in certain respects more accessible, will cause them to become more generally read and known...in their true light, as a kind of warning voice from antiquity, a treasure of primitive, catholic maxims and sentiments, seasonably provided for this Church, at a time when she was, humanly speaking, in a fair way to fall as low towards rationalism, as the lowest of the protestant congregations are now fallen.<sup>643</sup>

Given the layout and style of Hooker's argument in the *Lawes*, and especially Keble's subsequent formatting and titling, it would perhaps be natural to reason that Hooker was seen as having parallels with Thomas Aquinas' style of argument and reasoning. By doing so, Keble and the rest of the Tractarians attempted to offer a thorough, systematic argument that the Established Church was sufficiently reformed. The Assize Sermon was a 'wake-up call' that the Church of England had drifted away

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constructed upon foundations of rubble which meant that it would inevitably become a "splendid ruin" (Brydon, *Evolving Reputation*, 14). Such opinions would be anathema to Keble's ecclesiology.

<sup>642</sup> John Gascoigne attempts to demonstrate that Keble's preface tries to wrestle Hooker from the shadow of liberalism cast by Locke and Hoadly, whilst also appearing to go against his [Hooker's] own direction and move towards a *iure divino* episcopacy and greater sacramentalism than Hooker's Calvinist contemporaries. J. Gascoigne, 'The Unity of the Church and State Challenged: Responses to Hooker from the Restoration to the Nineteenth-century Age of Reform', *Journal of Religious History*, 21, no. 1 (1997) 60-79, 73-4. See also MacCulloch, 'Richard Hooker's Reputation', *English Historical Review*, 117, no. 473 (2002), 773-812.

<sup>643</sup> Richard Hooker, *The Works of that Learned and Judicious Divine Mr Richard Hooker with an Account of his Life and Death by Isaac Walton*, 7<sup>th</sup> edn., ed. John Keble, rev. R. W. Church and F. Paget (New York: Burt Franklin, 1888), 3 vols. Vol I, p.c xv.

from its apostolic roots, and here, in Hooker, was a comprehensive account of the Church and the faith and teaching to which it should, in Keble's opinion, return.

In presenting a new edition of the *Lawes*, Keble also found in Hooker a natural ally against the pervasive rationalism of the nineteenth century, which, together with the perceived 'low-church' climate of the early 1800s, meant that the standards of apostolic succession, episcopal authority, and governance, and consequently sacramental assurance, together all part of the Tractarian package, were at risk. Keble wrote in the preface to his edition:

For saints' days again he [Hooker] regards the same obligation as being in like manner determined, not only by God's own voice, but also by the authorized legislation of His Church. Praise, Bounty, and Rest, according to the law of nature, and the analogy of Holy Scripture, constitute the proper elements of each kind of festival.<sup>644</sup>

Keble here uses Hooker's example of saints' days and the Sabbath being treated as 'rest' by the populace with precious little thought to the underlying reasons why those days were set aside as being of special holiness and thus requiring a particular observance. This would have spoken directly to the Tractarian perception of the prevalence of rationalism and anti-Catholicism in the early nineteenth century.

The Tractarians fought for a correct and seemly observance of religion, and so valued Hooker's ability to make that case for them because, according to Keble:

[Hooker] enters into the real feelings of men, and balances the true relative importance of things, in a manner which no depth of learning, or power of language, no logical or rhetorical skill could

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<sup>644</sup> Hooker, *Lawes*, Vol 1, civ-cv.

insure; and without which, to persons of the description now mentioned, no talent or energy can make theology interesting.<sup>645</sup>

Clearly Keble saw a thoroughness and devotion in Hooker's approach, which he believed was not found in many contemporary writers of the nineteenth century – perhaps a reason why the Church of England was, in his view, in dire need of a 'second reformation'.

Yet the particular value of Hooker for the Oxford Movement was that for him, as for them, the central question was with whom ecclesiastical authority resided. In his editor's preface to the *Laws*, Keble stated that 'the nucleus of the whole controversy was undoubtedly the question of church authority: not so much the question as to the reach and limits of that authority....[but] the question, namely, with whom church authority resides.'<sup>646</sup> The crisis precipitated by the Irish Temporalities Bill of 1833, which saw, in the eyes of Keble, Newman, and their Oxford friends, the British government making an attempt on the rightful status of the Established Church in Ireland regarding land, privileges, and ecclesiastical preferment, contributed in large part to Keble's Assize Sermon. The Irish crisis also fundamentally questioned the symbiotic relationship between the Established Church and the State that had hitherto existed in Britain. As one of the foremost defenders of the relationship between Church and State as it had been traditionally understood, Hooker came to seem a natural go-to for bolstering the Oxford Movement's case, despite any associations he might have with reformed theology. Though Hooker was making his case for appropriate jurisdiction from a different place to the Tractarians, Hooker's view of that jurisdiction was so appealing to the Tractarians that they were willing to use him despite (and perhaps because of) any concerns regarding his alignment with reformed theology – which of course may have had the consequence of allaying fears over the

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<sup>645</sup> Hooker, *Laws*, Vol I, civ.

<sup>646</sup> Hooker, *Laws*, Vol I. lx.

Tractarian position on jurisdiction as not being acceptable to mainstream Church of England polity.

The alleged intrusion by the government on the rights of the Church may also have had echoes of the Non-Jurors in the minds of the Tractarians, in that if the current government of the day, and thus also the reigning monarch, were to cause the old balance of Church and State power to break down, then they may not feel able to swear their requisite oaths of allegiance and obedience – and thus would put the interests of the Church above those of state allegiance. For Hooker, when he wrote the *Laws*, this argument was a compelling reason to justify the Royal Supremacy as being consonant with the ideals of reformed orthodoxy – and for the Oxford Movement, this would have meant disobeying a secularizing government more interested in filling its own coffers than being a guardian of the rights of the Established Church.

One particular Non-Juror who may have been in Keble's mind as he worked on the *Laws* may well have been Charles Leslie, who remained faithful to the Hookerian concept of an 'organic union' between Church and State. Nockles makes the case thus: 'It was Leslie's reinstatement of the Hookerian theory, which Hutchinsonianism and later eighteenth-century High Churchmen imbibed and passed on to their successors in the Orthodox tradition.'<sup>647</sup> The apologetic in use here would have taken for granted the interdependence of Church and State, and not the dependence of the Church upon the State – an apologetic that Hooker would have wholeheartedly agreed with.

Of particular interest therefore to Keble in the debate surrounding the Irish Temporalities Bill was the matter of the State trying to legislate in Church matters where it had no right to do so. Keble believed 'that church laws and constitutions are

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<sup>647</sup> Peter Nockles: *The Oxford Movement in Context: Anglican High Churchmanship, 1760-1857*, (Cambridge: Cambridge University Press: 1994), 55.

on the whole left by Providence to the discretion of the civil power<sup>648</sup> – but this did not mean that the State could legislate wherever and on whatever it wanted. Inevitably this created a clash when Church opinion differed from that of the State: with whom should church authority reside? In his editorial preface, Keble wrote that, ‘Anyone who will consult Strype’s *Annals* will find incidentally very sufficient proof of the same kind of authoritative interference in English affairs on the part of Beza, throughout Elizabeth’s reign.’<sup>649</sup> This is of interest because this creates a thread of ‘authoritative interference’, which began at the time of the *Lawes* (though Keble would not have regarded Beza, as an outsider to the Church of England, to have had any authority), and continued with the Non-Juror controversy. Keble illustrated his dislike of foreign interference in English affairs, in this case by Theodore Beza, to make the point that such interference had historical precedent. If Elizabeth I permitted it, this did not mean, in the eyes of Keble and the Oxford Movement, that it justified continued interference such as that with the Irish Temporalities Bill: in the eyes of the Oxford Movement, only those who held legitimate office in the Church of England should have any say in its governance or affairs.

Thus, Keble presented a new edition of the *Lawes* in order to correct what he deemed to be errors on the part of earlier editions.<sup>650</sup> Keble considered it important to do so because he wanted to present a reasoned justification for the polity of the Church of England as the Oxford Movement wished to see it – and who better to claim as an ally than Hooker?

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<sup>648</sup> Hooker, *Lawes*, Vol I, lxi.

<sup>649</sup> Hooker, *Lawes*, Vol I, lxii.

<sup>650</sup> For example, in respect of the biographies of Hooker, ‘The life [by Walton] was first written at Archbishop Sheldon’s suggestion to correct the errors of that by Bishop Gauden, which had come out in 1662’ (Hooker, *Lawes*, Vol I, ix); ‘Perhaps the case of Hooker is that in which the biographer has on the whole produced the most incorrect impression of his subject. [Walton] seems to have judged rather from anecdotes which had come to his knowledge, than from the indications of temperament which Hooker’s own writings afford’ (Hooker, *Lawes*, Vol I, x). As we will see later in this chapter, Keble changed the actual text of the *Lawes* but little.

This section has argued that a new edition of the *Lawes* was deemed necessary by Keble in order to bolster the Oxford Movement's arguments using such a luminary as Hooker. This was not possible due to the editing of previous editions of the *Lawes* making them less compatible with key Tractarian issues, with Hooker's sacramental theology in Book V being of particular interest. Keble wanted to correct Hanbury's corrupt edition (which was in turn based on Strype), with impetus being given due to Keble seeing the issues that Hooker had to deal with viewed as a warning from antiquity. Further, Hooker's credibility in the eyes of the Oxford Movement was boosted by Hooker's formatting implying comparisons with Aquinas, whose sacramental focus would have appealed to Keble. Thus, Keble saw in Hooker a natural ally for his arguments, which were thorough and devoted, regarding apostolic succession, episcopal authority, sacramental assurance, and bishops being of the *esse* in the Church. A key aspect for Hooker, as far as Keble was concerned, was the questions as to with whom Church authority resided.

#### 6.2b Textual Issues

If Keble and the Oxford Movement wished to look to Hooker for support in their call for a 'second reformation', then the immediate question was how to handle the disputed sections of the text of the *Lawes*. We have already seen in Part I of this thesis that significant questions surrounded the integrity and reliability of the last three books of the *Lawes*, but how did Keble address these textual uncertainties?

Keble's edition gathered the *Lawes* together in three comprehensive volumes and added a thorough system of notes and references. Concerning the textual integrity of the last three books of the *Lawes*, it was Keble's belief that: 'There can be no reasonable doubt that the author [Hooker] left them completed for publication.'<sup>651</sup> Keble also believed that Hooker's scholarship is accurate and thorough: 'There is not

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<sup>651</sup> Hooker, *Lawes*, Vol I, xxix.

(as the Editor believes after minute examination) a single instance of unfair citation.<sup>652</sup> Creating a credible case for the reliability of Hooker's scholarship would have been key in Keble's wish to use Hooker as a proof-text for the orthodoxy of the Church of England as the Oxford Movement wished to see it. Keble believed that Hooker had at his disposal an ample supply of scholarly material thanks to Hooker's patrons:

As for assistance in the way of books, there is every mark of his having been abundantly supplied during the preparation of his work...everything probably was sent to Whitgift; and his stores, it may be supposed, were placed at Hooker's command.<sup>653</sup>

By presenting Hooker as a favourite of the archbishop, Hooker would have also seemed less like a lone voice, and more like some sort of official voice of the Church. Keble suggested that Hooker had access to material from the mainstream reformers: 'For it may be observed that [Hooker's] uncle, John Hooker...was a keen partisan, as he had been at one time an associate of Peter Martyr and others of the more uncompromising foreign Reformers.'<sup>654</sup> It must be noted, though, that this does not mean that Hooker shared the opinions of the foreign reformers – just that he had familial links with them, and even though he may have had a better and maybe even more sympathetic appreciation of them, he was also regarded by Newman as not sharing such opinions: 'Even Hooker (I should speak, I think under correction), but gradually worked his way out of Puritanic [sic] education – but he did do so.'<sup>655</sup> Newman is clearly tentative when discussing Hooker's association with Protestantism – which may indicate that Newman is fully aware of demonstrable links between Hooker and Protestantism, and does not, therefore, try to wholly dissociate Hooker

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<sup>652</sup> Hooker, *Lawes*, Vol I, xv.

<sup>653</sup> Hooker, *Lawes*, Vol I, xiv.

<sup>654</sup> Hooker, *Lawes*, Vol I, xi.

<sup>655</sup> John Henry Newman to Samuel Rickards 30/7/1834, (Newman, *Letters and Diaries*, Vol.4, 314-315).

from them, lest Newman come across as trying to frame Hooker in his own way in the face of evidence to the contrary.

i. Keble and the integrity of the last three books

Given that the security of Hooker's papers, including the last three books (which were, of course, at the time of Hooker's death in 1600 as yet unpublished) would have had an obvious influence on their textual integrity and authenticity for subsequent readers and editors, the question of how to treat the supposed texts of these books, and the process by which the manuscripts came to light, was a pressing one for Keble. That the last three books of the *Lawes* covered the subjects of jurisdiction, episcopacy, and Royal Supremacy meant that this question was particularly urgent, since these passages were of especial interest to Keble and the Oxford Movement in their attempts to join Hooker's defence of the Church of England Established to their own.<sup>656</sup>

There were a number of issues surrounding these books which may have been problematic for the Oxford Movement. In respect of Book VI, though Hooker makes a clear case that lay elders are not to exercise ecclesiastical jurisdiction in cases of discipline, which in itself strengthens the cause of the Oxford Movement for ordained clergy alone having jurisdiction in these matters, the argument of Hooker is undermined by those who say either that Book VI is not by Hooker at all,<sup>657</sup> or that it

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<sup>656</sup> Brydon believes that 'Keble was perplexed by the un-Catholic views of the three posthumous books and sought to explain them away': *Evolving Reputation*, 14. See also Peter Nockles, 'Survivals or New Arrivals?', 151-2.

<sup>657</sup> Rudolph Almasy ('Book VI: A Reconstruction', *Huntington Library Quarterly* 42, no.2 (1979) 117-139) suggests that Hooker did write Book VI, and was also responsible for its polemical tone, unlike Speed-Hill (W. Speed-Hill, *Studies in Richard Hooker. Essays Preliminary to an Edition of his Works*, The Folger Library Edition of the Works of Richard Hooker (Cleveland: Press of Case Western University, 1972)), who argues that Cranmer and Sandys, in their editorial revision of the *Lawes*, added the polemicism in contrast to Hooker's desire for a more conciliatory tone.

is by Hooker, but does not belong in the *Lawes*,<sup>658</sup> and therefore, may lose some of its quasi-magisterial status.

Book VII causes problems for the Tractarians mostly in that whilst Hooker makes the case that bishops have been around in the Church since the time of the Apostles, they are of the *bene esse* of the Church, rather than the *esse* – and also that it is very difficult to attach a *Iure Divino* concept to Hooker’s episcopal ideals with any clarity. Evidently to be able to do so would further the cause of the Tractarians.

The main problematical issue with Book VIII for the Tractarians was that the balance of Church and State espoused by Hooker in the sixteenth century no longer existed in any recognizable way in the nineteenth century. It was simply no longer the case that every citizen of the country was also a member of the Church of England – and that therefore not everyone (and this included Parliament, which was certainly no longer entirely Church of England, and where the monarch was fully ‘sovereign’) should, or could, have a say on the governance and affairs of the Church of England.

Keble, in his preface to the 1836 edition, infers that Hooker did not trust his wife to deal with his literary estate by herself, perhaps suggesting that she may have been open to influence or corruption.<sup>659</sup> Keble’s account of the administration of Hooker’s estate therefore leads us to believe that he thought (perhaps as did Hooker) that Joan Churchman, Hooker’s widow, would have been easily influenced or strong-armed by those who saw the *Lawes* as a threat:

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<sup>658</sup> There is some evidence that Keble himself did not regard Book VI as being entirely at home in the *Lawes*. See section 6.2b ii.

<sup>659</sup> For example, Izaak Walton’s biography of Hooker, which first appeared in the 1666 edition, states that ‘but whether we have the last three as finisht by himself, is a just and material question’ (Hooker, *Lawes*, Vol 1, 91); before going on to document the opportunities for any extant unpublished copies of the *Lawes* to have been tampered with by unsympathetic hands as they eventually made their way to press nearly a century later. See MacCulloch, ‘Richard Hooker’s Reputation’, 800. In any case, it is perhaps telling that Keble wanted to use a biography of Hooker that cast doubt on the authenticity of the last three books, which – if they were authentically Hooker – would not have helped the cause of the Oxford Movement. This seems to be an example of Keble playing the careful editor’s game of maintaining an authentic text but putting his own editorial slant in his preface and other front matter.

Next, his papers with the rest of his chattels were given by his last will to his wife, whom he left sole executrix under the supervision of a person of the name Churchman, probably her father...in conjunction with his own friend and pupil, Sandys.<sup>660</sup>

Keble then proceeds to give an account of the uncertainty and concern for the integrity of Hooker's papers, indicating that they had been almost immediately interfered with in the days after Hooker's death: 'only at five days afterwards<sup>661</sup> Dr [Lancelot] Andrewes being then at Court, wrote to Dr Parry...requesting him to provide without delay for the security of the papers.'<sup>662</sup> Clearly, Keble seems to have found evidence suggesting that the material believed to be contained in the latter three books was so inflammatory, threatening powerful parties in the Church, that the papers had been tampered with immediately after Hooker's death, with the culprits perhaps taking advantage of Hooker's widow's imbalance of mind due to grief.

If the evidence that Keble included is to be believed, Hooker's papers were not immediately forthcoming:

after three months, the Archbishop having sent one of his chaplains to Mrs. Hooker...she was summoned before the Privy Council, and in a preliminary examination confessed to the Archbishop, that many of her husband's writings had been burned and torn by a Mr. Chalke...and another minister who dwelt near Canterbury.<sup>663</sup>

This evidence leads Keble to state that:

on the whole, the conclusion is irresistible: that the completed books were irrecoverably gone; and that all that remained was to

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<sup>660</sup> Hooker, *Lawes*, Vol I, xxix.

<sup>661</sup> This being November 7 – Hooker died on November 2.

<sup>662</sup> Hooker, *Lawes*, Vol I, xxix.

<sup>663</sup> Hooker, *Lawes*, Vol I, xxix. Keble gives a further account of Joan Churchman's testimony to the Archbishop of Canterbury in Hooker, *Lawes*, Vol I, 91.

secure and arrange what was left of the rough drafts...these, it may be supposed, Mrs. Hooker gave to the Archbishop, on occasion of the aforesaid inquiry.<sup>664</sup>

And further:

from [Prynne, one of the then keepers of Hooker's papers on behalf of the State] it passed to Hugh Peters, by a vote of the Commons, June 27 1644. Nothing more is known of the fate of the original papers.<sup>665</sup>

Hence, Keble's explanation as to why some believed the last three books of the *Lawes* to be unreliable was because they were the dog-eared remains of Hooker's papers, his study having been ransacked by clergymen and others who either themselves, or on behalf of others, believed the material contained therein to be dangerous and disruptive.

Keble's account of the administration of Hooker's estate was not the only way that Keble would have been able to cast doubt on the authenticity of the last three books, however. The inclusion of Walton's biography (see note 658 above) may have indicated an unwillingness to see the last three books as authentically Hookerian and authentically part of the *Lawes*, but Keble included it all the same because he had no other more reliable biography of Hooker.

The first biography of Hooker was that by Bishop John Gauden, published with the 1662 edition of the *Lawes*, and edited by Gauden himself. It is noteworthy that Gauden's biography was replaced almost immediately in the next edition of the *Lawes*, published in 1666, by that written by Izaak Walton. The main problems surrounding Gauden's biography of Hooker were that Gauden was a moderate

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<sup>664</sup> Hooker, *Lawes*, Vol I, xxx.

<sup>665</sup> Hooker, *Lawes*, Vol I, xxx.

churchman, with a somewhat ‘low’ view of the episcopacy and monarch – precisely the opposite of what was needed to create a robust defence of the Established Church in Restoration England. Walton was therefore commissioned by Archbishop Gilbert Sheldon to write a more (polemically) reliable biography of Hooker. The issues surrounding the two extant seventeenth-century biographies will be discussed at more length in section 6.2c below.

In the appendix to the life of Hooker, Walton includes the book-burning incident in a transcript of Joan Churchman’s confession to Whitgift<sup>666</sup> – this incident, Martin points out, is the only aspect of the appendix to the *Lives* that is not ‘hedged about with documentary evidence.’<sup>667</sup> The suggestion that this has been included by Walton without sufficient evidence as proof may indicate that Walton himself was keen to cast doubt as much as possible upon the unreliability and integrity of the last three books. Therefore, by including Walton’s biography, Keble throws further doubt upon the integrity and reliability of those books – which meant that his editorial hand would be able to guide, with freer rein, the reader’s interpretation of the controverted issues in the *Lawes*. If Hooker was not clear himself on what he wanted to say, then along would come Keble to frame the reader’s mind in the editorial preface.

Given that those who wished to have more lay involvement in the governance of the Church would have been keen to suppress the contents of Book VI, Keble believed that the sixth book, on jurisdiction, would have been the first target of any such Puritan raiding party.<sup>668</sup> This was because Book VI discussed at some length the exclusive right of the minister to administer discipline within the church community as opposed to a lay panel of elders. If the raiding party on Hooker’s study had

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<sup>666</sup> Hooker, *Lawes*, Vol I, 92.

<sup>667</sup> Jessica M. Martin, *Walton’s Lives: Conformist Commemorations and the Rise of Biography* (Oxford: Oxford University Press, 2011), 251.

<sup>668</sup> Keble does not seem able to identify exactly who might have been in any such raiding party, only merely to speculate.

contained figures from more of an Establishment background, Keble believed the danger would have lain elsewhere:

a churchman would be under no temptation of the sort [to pilfer the sixth book first]...more likely it would have been Books VII or VIII in which he might think unguarded concessions...made to the prejudice of regal or episcopal authority.<sup>669</sup>

Given that Keble seems to dwell somewhat on the physical history of the last three books amongst Hooker's estate, it is reasonable to assume that he thought there was especially contentious material therein – the authenticity of which would greatly affect the ability of Keble to claim them as allies (or not) for the Oxford Movement's cause.

Here we have the first evidence of Keble's inherent contradictions in his editorial preface of the *Lawes*. Yes, Keble is saying that the last three books are authentically Hooker – but that not all of them belong in the *Lawes*. This is especially bizarre, given that as Book VI denigrates the opinion that lay elders should at the most have a very limited part in the administration of Church discipline, why should Keble wish to downplay its place amongst the other seven books?

The last three books were published after Hooker's death, and therefore it is not possible to say with complete certainty that they made it to press exactly as Hooker intended. Therefore, given that the material as now published would have been seen by the more Puritan parties to be somewhat inflammatory, then given the insecure status of Hooker's papers post-mortem, it is possible that the manuscripts of the last three books were targeted by those who had most to lose from their being published.

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<sup>669</sup> Hooker, *Lawes*, Vol I, xxxvii.

It is entirely possible that Keble is simply being a careful scholar in that it is not possible to guarantee the authenticity of the last three books because they were constructed from the remnants and remains of the chaos of Hooker's study, and that there remains a question as to the extent of their interference by unknown third parties, the most likely target being Book VI because of its views, at least as known from the extant version, on lay elders.

This section has argued that the security of Hooker's papers after his death led to claims that the authenticity of his last three books, still to be published, was uncertain. This created problems for Keble, given the topics covered - Book VI (the issue of Lay Elders); Book VII (bishops as *bene esse*, and also *Iure Divino* uncertainty); and Book VIII (a balance of Church and State which no longer existed in the nineteenth century). The reliability of the manuscripts were further pulled into doubt for Keble due to Keble's doubts over Hooker's wife's competency to administer Hooker's estate. Keble's concerns in this area mean that doubts are cast on the problematic last three books. By including Walton's biography of Hooker (acknowledging that this was the most reliable extant version), Keble is able to increase uncertainties over books VI to VIII. Finally, Keble raises the contradiction that though the last three books are, on balance, by Hooker, did they belong in the *Laws*? By doing these things, Keble was able to cast doubt on areas of Hooker's polity which were not necessarily of help to the Tractarian cause.

ii. Editorial conflict: The Dublin Fragments of Book VI; controversy with Books VII and VIII.

The 'Dublin Fragments' are those parts of Book VI that are currently located in the library of Trinity College, Dublin, and which were examined by Hooker's protégés, Sandys and Cranmer. The provenance of Book VI is particularly disputed and is

argued to be so unlike the character of the rest of the *Lawes* that it may not be written by Hooker at all.<sup>670</sup> The textual integrity and subsequent issues of the reliability of Book VI are important for the question of episcopal authority because it discussed issues of jurisdiction, and more so who had authority over what. More particularly, the issues of jurisdiction and lay eldership are directly relevant to questions of episcopal authority, because if lay eldership was legitimate and justified, there would be areas of overlap with the authority exercised by that of a bishop. The Dublin Fragments are a key part of understanding Book VI, and therefore subsequently the issues surrounding episcopal and lay authority.

In his preface, Keble sought to strengthen the argument that Book VI was indeed by Hooker, and was nearly complete – saying, for instance, ‘Dr. Elrington further remarks, that the [Dublin] manuscript had the appearance of being written out for the press.’<sup>671</sup> Further, the fact that Cranmer and Sandys edited and annotated Book VI with the Dublin Fragments relating to it to further the cause of Hookerian authorship:

...as far as it can be understood, implies the annotators to have had before them a work really addressing itself to the question of Lay Elders, and meeting all the arguments, which, as we know from contemporary writers, the upholders of the Puritan platform were used to allege.<sup>672</sup>

Keble’s research thus leads him to conclude that ‘although it [Book VI] be found in the wrong place,<sup>673</sup> yet there is no cause whatever to account it ascribed to a wrong author.’<sup>674</sup> This appears to contradict the feelings of Walton somewhat, who was not

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<sup>670</sup> See W. Speed-Hill, *Essays Preliminary*, who claimed that Book VI was re-written by Hooker as a result of the influence of his friends, Cranmer and Sandys.

<sup>671</sup> Hooker, *Lawes*, Vol I, xxxiv. Dr Elrington (1760-1835), Bishop of Ferns, was Provost of Trinity College Dublin from 1811-1820.

<sup>672</sup> Hooker, *Lawes*, Vol I, xxxvi.

<sup>673</sup> In that Keble believes its place in the *Lawes* itself is not absolutely certain.

<sup>674</sup> Keble, *Works*, Preface, p. xxxviii. Keble notes that a large part of Book VI after VI.iii.1 could be separated from the *Lawes*, such that ‘by far the greater portion of the book may be separated, not from

inclined to ascribe Book VI as it stood as being authentically Hooker's, given the implied interference with Hooker's papers:

There appears to be both omissions and additions in the said last three Books; and this may probably be one reason why Dr. Sanderson,<sup>675</sup> the said learned bishop...gave a strict charge near the time of his death, or in his last will, 'that nothing of his, that was not already printed, should be printed after his death'.<sup>676</sup>

Walton, then, was at least willing to entertain the view that the texts of the last three books were too suspect to be treated as authoritative. Though Keble may have thought that Book VI may not be best placed amongst the *Lawes*, Keble did not doubt its Hookerian authenticity. Yet, for Keble to include Walton's remarks on the authenticity of the last three books (the subject of which would not always have helped the Tractarian argument for episcopacy) meant that Keble could cast doubt on unhelpful passages of the *Lawes* without doing so himself, thus setting himself out as the archetypal non-partisan, careful editor (at least in respect of the texts themselves – the impartial Keble as writer of the editorial preface is another matter, as we shall see).

This editorial disagreement was nothing new, however – the early editors and caretakers of the *Lawes* were certainly not of one voice. The disagreements of Sandys and Andrewes, in their work on Book VI, pale in comparison to the controversy that raged over the content of Book VII, where Hooker is somewhat unwilling to claim divine right for the apostolic succession. Of this, Keble writes that for Jewel, Whitgift, Bishop Cooper, and others:

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Hooker's remains altogether, but from forming part of the Ecclesiastical Polity' (Hooker, *Lawes*, Vol I, xxxviii).

<sup>675</sup> Bishop of Lincoln, (1660-1663), of whom Walton also wrote a biography.

<sup>676</sup> Walton, Appendix to the Life of Mr. Richard Hooker, in Hooker, *Lawes*, Vol 1, 98.

it is enough, with them, to shew that the government by archbishops and bishops is ancient and allowable; they never venture to urge its exclusive claim, or to connect the succession with the validity of the holy sacraments: and yet it is obvious that such a course of argument could fully meet all the exigencies of the case.<sup>677</sup>

Despite having said this, Keble did believe that the last three books of the *Lawes* were indeed from Hooker's pen – but his argument in doing so was fatally flawed by the inclusion in his front matter of contemporary letters that cast doubt on their authenticity. Keble's insistence on the authenticity of Books VI–VIII requires careful acknowledgement that this does not necessarily imply they have a place among the *Lawes*. If they did, this would mean a church polity that was uncertain as to the place of lay elders; denied bishops as being part of the apostolic succession and thus denigrated their authority; and also gave the monarch an ability to interact with the Church in a way that the Oxford Movement would have found problematic. Given that Keble himself was unsure of their textual integrity – and indeed even, in the case of Book VI, its inclusion in the *Lawes* in the first place – it is not easy to glean a clear answer.

Keble, if he wished to present the *Lawes* as Hooker's most valuable offering to the polity of the English Church, undermined its credibility by first of all surrounding his version of the *Lawes* with unsupportive evidence; and secondly, by casting doubt on the right of Book VI to be there in the first place. Keble may have felt obliged to include all eight books of the *Lawes* in his edition, even if he doubted the integrity of the full corpus.

Why, then, did Keble include Book VI amongst the *Lawes* if he doubted its Hookerian integrity? The most obvious and immediate answer is that by not including it, Keble would have gone against the accepted consensus of the time, and would have

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<sup>677</sup> Hooker, *Lawes*, Vol I, lxvii.

therefore cast doubt on his own scholarly credentials. Keble includes Book VI alongside Books VII and VIII because they are accepted by consensus – even if their textual integrity can only ever be doubted because of the physical uncertainty of the manuscript remnants in Hooker’s study; and in that sense, Keble is correct to draw attention to that uncertainty.

Keble adds to the discussion of Book VI by inclusion of Walton’s biography – though of course this may well have been primarily because Walton’s biography was the most reliable of the two extant ones in the early nineteenth century: it was the least bad option, and the consequences of its inclusion are discussed in the following section.

Keble also throws doubt on the usage of Book VII by Bishops Jewel, Whitgift, and Cooper, by accusing them of accepting Hooker’s evident argument for the existence and use of bishops as being ‘ancient and allowable’, rather than delving further into the usefulness of bishops in ways that the Oxford Movement would have found most helpful.

Keble also includes letters and papers in the front matter of his edition of the *Laws* that cast doubt on the authenticity of the last three books. It could be argued that by so doing, Keble was muddying the waters for any conclusion as to authenticity. Though Keble tries to argue that the last three books are authentic, but not necessarily complete (in various degrees), the inclusion of any contrary front matter is surely just evidence that Keble is anxious to present a scholarly and thorough edition. Keble presents the evidence as he has found it, but prefaces that with his own polemical reasoning that the *Laws* should, and must, be read in such a way that Hooker’s argument can only be seen to be justifying and bolstering the claims of the Tractarians that their ecclesiastical polity is embodied in the historic Church of England.

Of the last three books of the *Lawes*, which are all problematic in respect of their integrity, Book VI is the most reliably Hookerian, and the Dublin Fragments bolster this argument. Besides which, the material contained in Book VI, on lay jurisdiction, was not the most incendiary for Hooker's executors. Books VII and VIII were more problematic, and thus not as reliably Hookerian – but because the arguments contained therein were not as friendly to the Tractarian cause, Keble was less troubled by this. Keble included Books VII and VIII in the spirit of scholarly integrity – but by allowing criticism of their integrity to stand, this meant that he was able to cast doubt on the arguments contained therein.

I have argued in this section that the discovery of the Dublin fragments indicated to Keble that Book VI may be in the wrong place, but are still authentically Hooker, which is contrary to Walton's opinion. This meant that Keble could, in this contested atmosphere, cast doubt on the unhelpful passages of the *Lawes*. For Keble, Book VII was even more problematic, if authentic, because it gave the monarch a greater role in the Church, and denied the apostolic succession of bishops, as understood by Keble. Keble further undermined Hooker by surrounding his edition of the *Lawes* with unsupportive evidence, and also by casting doubt on the place of Book VI in the *Lawes*. Keble also included contrary (to the Tractarian cause) front matter to make himself appear more scholarly and thorough, with an undoubtedly polemical editor's preface.

### 6.2c The Inclusion of Walton's Biography

The question of why Keble chose to include Walton's biography at the beginning of his edition of the *Lawes*, together with the two appendices to Walton's life of Hooker, is important for a number of reasons. Izaak Walton was an English writer best known for his *Compleat Angler*, but also for his biographies of noteworthy people, such as John Donne, Henry Wotton, George Herbert, and of course, Richard Hooker.

The first major biography of Hooker was undertaken by Bishop John Gauden in 1662, but this was soon regarded to be so inaccurate and undesirable that Walton's *Life* was first published as soon as in 1665 and included with the revised 1666 edition of the *Lawes*. Walton was commissioned by Gilbert Sheldon to write a new *Life* of Hooker because the original one, written by John Gauden, was at odds with Sheldon's aims. What the Restoration Church needed was a biography of its justifying luminary that fitted in with their vision: Gauden's account of Hooker, deemed to be littered with errors and inaccuracies, did not.

The personal views of any biographer are bound to impose themselves upon the subject being studied, and so Gauden's views themselves must be taken into account when considering why Keble decided to include Walton's biography (imperfect though that was, in turn).

Gauden was Bishop of Exeter between 1660 and 1662, a 'moderate' who was considered to hold a somewhat low-church opinion in respect of the foundation of episcopacy. Gauden believed that the college of bishops should model a Presbyterian synod – an opinion that would not endear his biography of Hooker to someone of the opinions of Keble (though it is worth noting that Gauden believed Books VI to VIII to be from Hooker's pen, but that 'they have not that last polish that their author is so customarily recognized for', anticipating Keble – especially in relation to Book VI).

This moderate position was not the support that the newly re-established Church of England's more outspoken partisans needed – especially as Gauden's biography contained a plethora of historical inaccuracies (Gauden failed to notice that Hooker had been married, for example), and in general cast Hooker in an inaccurate light.<sup>678</sup>

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<sup>678</sup> One example being Hooker's life at Oxford. John Gauden, *Richard Hooker...An Account of his Holy Life and Happy Death, in The Works of Richard Hooker...in Eight Books of Ecclesiastical Polity, Now Completed* (London: Printed by J. Best, for Andrew Crook, 1662) 3-37, 13. Cited by David Novarr, *The Making of Walton's 'Lives'* (Ithaca, NY: Cornell University Press, 1958) 224. See also Gibbs, 'Life of Richard Hooker', 3-4.

What the nascent Church of England needed was a strong advocate for the apostolic succession of bishops and *Iure Divino* monarchy – both things that we now know Hooker to have, on balance, supported, but at the time, things that Gauden would not have been able to align himself with.

Because of Gauden's known personal views on bishops and monarchy, his endorsement of the authenticity of Hooker's last three books could be seen to have claimed Hooker as more of a moderate than others would wish him to be – as supporting a less powerful episcopate, and a constitutional monarchy limited by law and grounded in the consent of the people.<sup>679</sup> Whilst Keble would not necessarily have agreed that the king gained his authority from the consent of his subjects to be so governed, Keble would have had some sympathy for a 'social contract' between the monarch and the populace – and perhaps by extension the Church – letting each do what God had ordained them to do, rather than meddling in each other's business.

Gauden believed in a moderate episcopacy, and tried to further his career by aligning himself with the respectable Hooker – but Gauden's earlier belief that the Church held some kind of blame for the Civil War, together with his rough and ready style, made his biography unpalatable to Restoration authorities.<sup>680</sup> Add this to Gauden's tendency to make Hooker sound like a 'boring failure', or his claim that the text of the *Lawes* was unreadable,<sup>681</sup> and it is no surprise that Keble, if he wanted to build up any kind of credibility for Hooker, had to choose Walton, the only other extant biography of Hooker at the time.

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<sup>679</sup> Walton himself did not comment explicitly on the authenticity of the last three books, save for in the Appendix to Hooker's *Life*, which Keble includes.

<sup>680</sup> Such as Gauden's view of the Church before 1649. Gauden, *Life of Hooker*, 4.

<sup>681</sup> Martin, *Walton's Lives*, 243.

A moderate Hooker was not what the Restoration Church needed, and so Archbishop Gilbert Sheldon commissioned Walton (1593-1683), a known biographer who had a 'reputation as a strong royalist with a high view of the episcopacy and a love of high church ceremonial' to correct the damage Gauden had caused.<sup>682</sup> Walton's account of Hooker's life, which appeared in 1665, quickly became the standard by which Hooker was known, principally simply because it was simply more reliable than the preceding attempt by Gauden.

Keble may have retained Walton's biography of Hooker not just because it was the standard 'life' of his subject, or because Walton was a royalist and a supporter of the apostolic succession. It may also have been the thought that Walton, according to Gibbs, believed the Civil War could have been avoided 'only by the submissive obedience of all private individuals to their divinely appointed superiors both in church and commonwealth.'<sup>683</sup> The submission of the populace to their superiors would have appealed to the Oxford Movement because it respected the divinely ordained order of things, and was therefore yet another argument against unrest and any potential political threat to the Church. However, it is worth considering if the Tractarians still regarded the government of the day 'divinely appointed' if it stepped outside of its legitimate bounds of authority, such as in the Irish Temporalities Bill. Perhaps this could be an example of how Hooker's justification for obedience of ecclesiastical authorities trumps obedience of civil authorities if divine law is broken (I.xvi.5).<sup>684</sup>

We have seen above that there are examples of how Walton's theory of Church and State may have caused problems in its application in nineteenth-century Britain.

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<sup>682</sup> Lee W. Gibbs, 'Life of Richard Hooker', in *A Companion to Richard Hooker*, ed. William John Torrance Kirby, 1-26 (Leiden: Brill, 2008), 4.

<sup>683</sup> Gibbs, 'Life of Hooker', 5.

<sup>684</sup> See also my discussion of obedience to the State and Hooker's wide definition of matters adiaphora in Chapter two.

Walton presented a version of Hooker's life that was not entirely uncontentious. Martin suggests that:

The main text of Walton's life was also propped at both ends by different kinds of letters and testimonies signed by a selection of reasonably senior clergymen, all apparently devoted to asserting that Hooker's text following was regrettably corrupt and unreliable, and that whole chunks of the later books probably hadn't been written by Hooker at all.<sup>685</sup>

Given that bolstering a biography with evidence that the subject's main work was incomplete and unreliable would do no favours at all to increase the *oeuvre's* standing, this would not help Keble glean from Hooker the defence of an apostolically founded episcopate with *Iure Divino* potential.<sup>686</sup> One exception to this is flagged by Martin, who notes that Walton stresses:

Hooker's...spiritual friendship with the obdurately *Iure Divino* Hadrian Saravia, which Walton confirms...with a description of Saravia's deathbed attendance on Hooker ...Hooker and Saravia are here [by Walton] assigned a common will. Saravia's absolutist position on the divine right of the monarch, and on the similarly divine authority conferred on the episcopate by apostolic succession are being rubbed off on Hooker by propinquity.<sup>687</sup>

This close friendship between Hooker and Saravia is here bolstered by Walton: 'in this place of Borne, these two excellent persons began a holy friendship, increasing daily to so high and mutual affections, that their two wills seemed to be but one and

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<sup>685</sup> Martin, *Walton's Lives*, 229.

<sup>686</sup> Martin claims, 'They [Books VI-VIII] certainly are not a straightforward defence of *Iure Divino*. All are incomplete.' Martin, *Walton's Lives*, 237. See also 231.

<sup>687</sup> Martin, *Walton's Lives*, 252-3.

the same.<sup>688</sup> It is also given further credence by Walter Froude in a letter to John Henry Newman:

If Rickards writes about the revival of the Doctrine of Apostolic Succession since the Reformation, he must get Hooker's Dr Saravia who was the first that started it, and must learn something of Bancroft's famous sermon in 1588 about which such a fuss was made.<sup>689</sup>

It would seem that even if Hooker himself was not willing to nail his *Iure Divino* colours to the mast, then potentially Walton, and certainly the Tractarians, were willing to make that claim for Hooker by means of his association with Saravia. Keble explicitly claimed this:

And since Saravia was afterwards in familiar intercourse with Hooker, and his confidential adviser when writing on nearly the same subjects, we may with reason use the recorded opinions of the one for interpreting what might seem otherwise ambiguous in the other.<sup>690</sup>

This may be a reasonable assumption to make considering the Tractarians wished to find justification for *Iure Divino* episcopacy in Hooker – but as Hooker in fact refused to be drawn in any one direction on the matter, we can say that here, Keble, and indeed Newman, are asserting an opinion for Hooker for which there is no definite evidence.<sup>691</sup>

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<sup>688</sup> Hooker, *Laws*, Vol 1, 77.

<sup>689</sup> W H Froude to J H Newman, 15/9/1833, Newman, *Letters and Diaries*, Vol 4, 51.

<sup>690</sup> Hooker, *Laws*, Vol I, lxxv.

<sup>691</sup> John Gascoigne makes the claim that Keble's preface attempted to rescue Hooker from the liberal 'taint' of Locke and Hoadly, and sought to pull Hooker towards the Laudian doctrine of *Iure Divino* episcopacy (John Gascoigne, 'The Unity of the Church and State Challenged: Responses to Hooker from the Restoration to the Nineteenth-century Age of Reform', *Journal of Religious History*, 21, no.1 (1997), 23-34.

However, whilst not entirely in favour of Keble's cause, Walton's biography was at least the more favourable and reliable of the two extant versions available to Keble at the time.<sup>692</sup> To have included Gauden's biography would have been injurious to Keble's cause. Walton, at least, wrote his life of Hooker in a political climate that was looking to justify the existence of an episcopal Church with legitimate and ordered relations with the State and Crown. Though Keble would not have wanted the Tractarians to fight for a Restoration-esque Church with its emphasis on monarchy, Walton did at least, in Keble's eyes, write a biography of Hooker that justified the near-necessity of bishops, *Iure Divino*, and their authority in the Church.

I have argued in this section that Walton was commissioned to write a new biography of Hooker because Gilbert Sheldon did not like Gauden's version, which he considered to be inaccurate. Gauden was seen as 'low church', in favour of a Presbyterian synod, and thought that Books VI-VIII were authentic. Additionally, Gauden's personal views meant that his presentation of Hooker was more moderate than the Tractarians wished for. Walton, on the contrary, had a reputation as a royalist with high church views in favour of episcopacy, who allegedly argued that the Civil War could have been avoided if people would have obeyed their superiors. Walton's involvement was not without controversy, however, as first, his biography was bookended with sources which cast doubt on the reliability of Books VI-VIII; second, he claimed that Saravia attended Hooker's deathbed; and third, that this meant claims of a *Iure Divino* doctrine of episcopacy could be made for Hooker. Thus, Walton's biography of Hooker was able to bolster Tractarian claims for the *esse* of bishops, their *Iure Divino*, and their bolstered authority.

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<sup>692</sup> Martin claims that 'of all Walton's *Lives*, the life of Hooker is probably the most carefully researched and annotated (although it is not, therefore, accurate), and where Walton does not provide documentary proof for his facts, he indicates, though not always directly, that he has received them verbally from reliable sources.' Martin, *Walton's Lives*, 247.

## 6.2d Editorial Integrity in Keble's Editorial Preface and Textual Presentation

In order to present his edition of the *Lawes* as a reputable scholarly tome, Keble needed to ensure his presentation of Hooker's actual text and preface was as accurate as possible. We have already seen that Keble restricted his alteration of Hooker's physical text as such:

The greatest liberty taken with the text by the present Editor has been the breaking it up into numbered paragraphs and sections, and inserting, by way of running title, the chief topics of as many paragraphs as the space would conveniently receive.<sup>693</sup>

The only places, then, that were left for Keble to exercise any editorial influence, would have been his own editor's preface. In this section, we will consider a representative selection of those texts in Keble's editorial preface dealing with such controverted issues as the necessity of bishops, the claim for *Iure Divino* of those bishops, and the authority that they held (notably in relation to apostolic succession); and whether or not Keble exercised any editorial interference with Hooker's text in those areas.

### i. Keble's presentation of the texts of the *Lawes* in the controverted areas

It would be easy to think that Keble tried as much as possible to muscle Hooker into the mould of the Oxford Movement. We will continue to analyse Keble's *Preface* to the *Lawes* to ascertain the extent of his editorial bias – and have found so far that there are significant and repeated attempts to magnify the importance of Hooker where Hooker is in agreement with the Tractarians, and that where Hooker is in disagreement, Keble attempts to dismiss or explain away Hooker's 'errant' thinking.

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<sup>693</sup> Hooker, *Lawes*, Vol I, xvii.

The text that really matters, of course, is the text of the *Lawes* itself, and to what extent Keble manipulated it. In preparation for writing this chapter, I analysed the texts of the 1662 (Gauden), the 1666 (Walton-Gauden), and the 1836 (Walton-Keble) editions of the *Lawes* in those places where significant controverted topics were discussed. I found that there was no difference between the three editions, save for the occasional capitalization (or decapitalization) of letters at the beginning of words, and the occasional italicization, or not, of some words. We have already highlighted that Keble was the first editor of the *Lawes* to add a numbering and titling system with the aim of helping the general reader – but aside from the slight visual differences to the actual text, this could not be said to have manipulated the actual meaning of the texts in question.

Keble does not alter the actual text of the *Lawes* itself<sup>694</sup> – and despite on occasion adding an editorial footnote, nothing of significance from the editor is placed in the body of the *Lawes* that could be argued to influence the reading of the actual text itself.

Therefore, having established that Keble did not alter the actual text of the *Lawes*, save for the editorial adjustments and additions mentioned above, the only significant way in which Keble could affect the understanding of Hooker's text is through his editorial preface.

In my analysis of Keble's preface, I argue that whilst Keble is not afraid to highlight those areas of Hooker that would help the Tractarian cause, he is also happy to play

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<sup>694</sup> A selection of the most controverted passages in the *Lawes* in respect of *Iure Divino*, the necessity of bishops, and their consequential authority from the texts published in 1662 and 1666 and compared with Keble's edition of 1836 has been carried out. No substantial differences have been found. The text of the *Lawes* remains unchanged, save for the occasional italicization (or de-italicization) of various passages; the capitalization (or de-capitalization) of certain letters; and the splitting up of the text into numbered sections with topical titles. The passages in question were VII.v.2; VII.v.8; VII.xiv.11; VII.v.10; VII.v.8; and VII.xiii.3.

down those areas that do not aid the Tractarians: for example, in the claim by Keble that Hooker would have made more of the necessity of bishops if he had had the benefit of St Ignatius, whose reliability as a witness was, according to Keble, discovered shortly after Hooker's death. Keble's preface is polemical; although we should note that it is comparatively mild compared to what would have happened if, say, Newman were to have edited the *Lawes* instead.

ii Three controverted doctrines in Keble's presentation of the *Lawes*

This section will argue that, because Keble was part of a wider Tractarian group reading Hooker and his *Lawes*, Keble was to some degree influenced by the opinions of his fellow scholars in the course of editing the *Lawes*, and also its subsequent interpretation, particularly in the areas of their claims for *Iure Divino*, the necessity of bishops, and consequent episcopal authority.

The Tractarians were not the only group attempting to claim Hooker for their own ends during the nineteenth century – and so the influence of the Tractarians and the polemical climate in which they operated must be understood alongside the competing claims for Hooker by other parties within the Church of England. Christopher Wordsworth, Bishop of Lincoln in the mid-nineteenth century, in a letter to his son, made a claim for Hooker and Burke to counter, in his opinion, the Tractarian misrepresentation (which was in turn taken from the later Non-Jurors) that the Church and State were in fact two distinct entities merely accidentally brought into union. In its place, he proposed a counter-notion that Church and State were rather a wholly united entity, as opposed to the Tractarian argument that the Church and State were already separated.<sup>695</sup>

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<sup>695</sup> Lambeth Palace Library Wordsworth Papers, MS 2149 fol.342: Christopher Wordsworth (senior) to Christopher Wordsworth (junior), 30/8/1845.

Keble did appear to espouse the Hookerian ideal of the godly prince, as evidenced in a sermon given on Ascension Day in 1855, preaching on a text from Isaiah 49: ‘and Kings shall be thy nursing fathers.’<sup>696</sup> Further on in that sermon, Keble states the ‘Church, of herself feeble and helpless, and so far like an infant, is committed by Divine Providence to the care of the State; as any child might be to the care of its nurse.’ This nurse, by extension for Keble, would be the chief magistrate to which Hooker refers in Book VIII of the *Lawes*, an argument on which Keble draws at length (though not explicitly tying it to Book VIII) in his preface:

The whole Church, being naturally the subject in which all ecclesiastical power resides, may have had originally the right of determining how it would be governed...in as much as the Church did determine from very early times to be governed by Bishops, it cannot be right to swerve from that government in any country where the same may be maintained, consistently with soundness of doctrine, and the rights of the chief magistrate, being Christian.<sup>697</sup>

By using the evidence of Hooker, Keble makes a case for government by bishops under the care of a Christian monarch – a case strengthened because this status quo has been in existence since apostolic times. Again, however, Keble’s conclusion is not entirely clear because, despite arguing for bishops under the care of a Christian monarch, the latter exercising their power in conjunction with a Christian magistracy, by the 1830s the magistracy was no longer entirely Christian, never mind entirely Church of England.

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<sup>696</sup> John Keble, *Sermons Academical and Occasional*, (Oxford: John Henry Parker; London: F. & J. Rivington, 1848), 149.

<sup>697</sup> Hooker, *Lawes*, Vol I, lxxi.

Keble, in finding no explicit evidence in the *Lawes* for the support of *Iure Divino* by Hooker, sought to put the words and opinions of Hadrian Saravia, the *Querimonia*, and even, albeit indirectly, St Ignatius, into the mouth of Hooker.<sup>698</sup>

Keble would have been aware of the importance of clarifying Hooker's stance on episcopacy in order to bolster arguments for proper church order and the duties of the State and the laity in relation to ecclesiastical authority, a clarification heightened by the Irish Temporalities Bill, amongst other things. As Hooker's own stance is somewhat difficult to pinpoint even now, this would have been all the more acute a problem in the early years of the nineteenth century.

In order to align Hooker with the desired objectives of the Tractarians, Keble draws a parallel between Hooker and Saravia, the latter of whom he regards as providing 'a distinct and independent testimony to the doctrine of exclusive divine right in Bishops.'<sup>699</sup> Keble also cites Saravia's *Three Tractates* (1592):

For God's wisdom hath so tempered this polity, that it opposes itself to no form of civil government...Bishops I consider to be necessary to the Church, and that discipline and government of the Church to be the best, and *divine*, which religious Bishops, with Presbyters truly so called, administer by the rule of God's word and ancient councils.<sup>700</sup>

And he further cites the anonymous booklet, published in 1592, the *Querimonia*, which Keble claims is 'even more express than Hooker in insisting on the divine origin and indispensable necessity of the episcopal order.'<sup>701</sup> Yet, Keble also tempers his defence of *Iure Divino* episcopacy by observing that Jewel, Whitgift, and Cooper

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<sup>698</sup> See Martin, *Walton's Lives*, 252-3, and Keble, *Works*, Vol 1. 77, both of which discuss this point further.

<sup>699</sup> Hooker, *Lawes*, Vol I, lxxv.

<sup>700</sup> Hooker, *Lawes*, Vol I, lxxv.

<sup>701</sup> Hooker, *Lawes*, Vol I, lxxvi.

did not make that sacramental or apostolic successional leap: ‘it is enough, with them, to shew that the government by archbishops and bishops is ancient and allowable; they never venture to urge its exclusive claim, or to connect the succession with the validity of the holy sacraments.’<sup>702</sup> Keble further acknowledges the complexity of discerning Hooker’s opinion when he states that ‘Hooker, as well as [Laud, Hammond, and Leslie], regarded the order of Bishops as being immediately and properly of Divine Right; he, as well as they, laid down principles, which strictly followed up would make this claim exclusive.’<sup>703</sup> Keble goes on to say that Hooker does not press this point, as he did not have the advantage of the ‘fresh’ discovery of ‘the genuine remains of St. Ignatius’:

He did not feel at liberty to press unreservedly, and develop in all its consequences, that part of the argument, which they, taught by the primitive Church, regarded as the most vital and decisive: the necessity, namely, of the apostolical commission to the derivation of sacramental grace, and to our mystical communion with Christ.<sup>704</sup>

Here, Keble acknowledges that Hooker does not press home the point of the apostolic succession guaranteeing sacramental grace – and also makes the claim that Hooker may well have agreed with the Tractarians, but, because of contemporary politics and the lack of Ignatius, did not do so explicitly.

Keble attempts to put words into Hooker’s mouth when he claims that, given Hooker’s statements ‘on the episcopal side’, he would not hesitate to:

set down Hooker as belonging to the same school in ecclesiastical opinions with Bilson and the author of the ‘Querimonia’...the

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<sup>702</sup> Hooker, *Laves*, Vol I, lxvii.

<sup>703</sup> Hooker, *Laves*, Vol I, lxxxv. Nockles believes Keble to have thought ‘Hooker himself to be somewhat deficient in his apostolical principles and in need of supplementation from the subsequent schools of Laud and the nonjuror Charles Leslie’ (Nockles, ‘Survivals or New Arrivals’, 152).

<sup>704</sup> Hooker, *Laves*, Vol I, lxxxv.

substance of those views being, that episcopacy grounded on apostolical succession was of supernatural origin and divine authority, whatever else was right or wrong.<sup>705</sup>

Here we have strong evidence that Keble was trying his hardest to claim Hooker for the Tractarian cause – even going so far as to put words into the mouth of Hooker, who had on so many other subjects remained silent or indifferent. Hooker had censured ‘as rarely and as tenderly as possible what he found established by authority.’<sup>706</sup> Keble here paints a picture of the careful scholar, and in so doing, attempts to attach even more weight to the opinions of Hooker, opinions that Keble attempts to claim for the Tractarian cause, even if Hooker does not cite what Keble claims he did.

By attempting to claim for Hooker what Hooker did not explicitly claim for himself, using the texts of Saravia, the *Querimonia*, and even subsequent research into St Ignatius, Keble attempts to create a Tractarian *Lawes*, arguing for a long-established divine right of bishops and their authority, which cannot be established directly from the text of the *Lawes* itself.

Keble, in his editorial preface, attempted to argue that bishops were of the *esse* of the Church, rather than of the *bene esse* – as the direct text of the *Lawes* makes clear. In order to reconcile this difference, Keble claims that Hooker was restrained by the political climate in which he wrote; qualified the example of non-episcopal ordination by emphasizing the extremely limited circumstances in which this was permissible; and emphasized the changed relations between Church and State since the sixteenth century – all lest the Church be tempted to follow the path of Erastianism. Bishops were therefore necessary to safeguard the sacraments and rites of the Church, and thus the apostolic succession that made this possible.

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<sup>705</sup> Hooker, *Lawes*, Vol I, lxxxiii.

<sup>706</sup> Hooker, *Lawes*, Vol I, lxxxiii.

One example of this is Keble's claim in his preface that the Elizabethan bishops were not keen to insist upon the necessity of episcopal governance because of their personal friendships with foreign protestant congregations developed during their time as Marian exiles. Keble's belief leads him to claim, 'on the whole...it was very natural for them to waive, as far as they did, the claim of exclusive divine authority in their defences of episcopal rights.'<sup>707</sup> It would seem that Keble manages to make the Elizabethan bishops' reluctance to claim divine authority look like an act of humility and forbearance, rather than anything particularly theologically informed.

Keble was keen to challenge the opinions the Elizabethan bishops held, simply because as they stood, these opinions and beliefs would not support the Tractarian cause of claiming *Iure Divino* episcopacy support from Hooker. It is worth including Keble's justification for his views on the Elizabethan episcopate:

Further, it is obvious that those divines...must have felt themselves...in some measure restrained from pressing with its entire force the ecclesiastical tradition on church government and orders...To all these causes of hesitation we must add the direct influence of the Court, which of course on this as on all similar occasions would come strongly in aid of the Erastian principle.<sup>708</sup>

It is as if Keble is saying: 'of course the Elizabethan bishops would have had these views: look at their immediate history and predecessors, and look at the control they had exercised over them by the State'. In other words, they had no option but to do as they did. If they had had more freedom in their opinion, of course, says Keble, they would have agreed with the obvious support for *Iure Divino* in the episcopate.

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<sup>707</sup> Hooker, *Laves*, Vol I, lxx.

<sup>708</sup> Hooker, *Laves*, Vol I, lxix-lxx.

Regarding the question of the apostolic succession in the English bishops, Keble also tries to layer his Tractarian beliefs upon the atmosphere extant at the time of Hooker: ‘Now, since the episcopal succession had been so carefully retained in the Church of England, and so much anxiety evinced to render both her liturgy and ordination services strictly conformable to the rules and doctrines of antiquity...’<sup>709</sup> Keble also tries to claim Hooker was inspired by the likes of Thomas Bilson, Richard Bancroft, and Hadrian Saravia, determined to claim Hooker’s often-inscrutable mind for the Tractarian belief that the order of bishops was delivered from heaven by *Iure Divino*. As we shall see, this often led Keble to increase the gap between Hookerian reality and Tractarian fiction in the editorial preface.

Keble, in his introduction to the *Lawes*, aligned himself with Hooker’s argument that the literalism so beloved of the English Puritans was incorrect: ‘all sensible things may have other meanings and uses than we know of, apt to assist men in realizing Divine contemplations.’<sup>710</sup> Keble wanted to claim Hooker as a defender of episcopacy and the doctrine of apostolic succession, but stated that Hooker was held back from making further claims for episcopacy because of lack of credible supporting evidence in the late sixteenth century – an allusion to the fact that Ignatius had not yet emerged as a witness.<sup>711</sup>

[Hooker] regarded the order of Bishops as being immediately and properly of Divine Right; he...laid down principles, which strictly followed would make this claim exclusive. But he, in common with most of his contemporaries, shrunk from the legitimate result of his own premises...whereas the next generation of divines entered on the subject...fresh from the discovery of the genuine remains of St Ignatius. He did not feel at liberty to press unreservedly...that...which they, taught by the primitive Church,

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<sup>709</sup> Hooker, *Lawes*, Vol I, lxxvii (see also following pages to p.lxxxv).

<sup>710</sup> Hooker, *Lawes*, Vol I, xci-xcii.

<sup>711</sup> See Hooker, *Lawes*, Vol I, lxxxv.

regarded as the most vital and decisive: the necessity, namely, of the apostolical commission to the derivation of sacramental grace, and to our mystical communion with Christ.<sup>712</sup>

Ceremonies, sacraments, and symbols were key battle standards of the Tractarians, and clearly Keble wanted to claim Hooker's support for these too.<sup>713</sup> Yet, Keble realized that Hooker, in his use of the Fathers and Patristics, could only draw on those who were known at the times in which he wrote the *Lawes*, and therefore Hooker would not have been as explicit as Keble would have liked. Nevertheless, Keble was unequivocal about the quality of Hooker's usage of Patristics: 'Surely also, on this point as on many others, Hooker's sympathy with the fourth century rather than the sixteenth is perpetually breaking out.'<sup>714</sup>

However, others in the Oxford Movement were not so sure that Protestantism and Patristics were reconcilable in the way that Hooker, according to Keble, attempted, citing Patristic writers in a work that also cast significant amounts of reformed material in a positive light. In the preface to volume three of Froude's *Remains* (1838), Newman states that:

there can be little doubt that generally speaking the tone of the fourth century is so unlike that of the sixteenth on each and all of these topics, that it is absolutely impossible for the mind to sympathise with both. You must choose between the two lines: they are not only diverging, but contrary.<sup>715</sup>

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<sup>712</sup> Hooker, *Lawes*, Vol I, lxxxv.

<sup>713</sup> Hooker, *Lawes*, Vol I, xcix.

<sup>714</sup> Hooker, *Lawes*, Editor's Preface, cii.

<sup>715</sup> Newman in Froude's *Remains*, Vol. III, p.xxix (R. H. Froude, *The Remains of Richard Hurrell Froude, M. A., Fellow of Oriel College, Oxford*, ed. J. H. Newman and J. Keble (4 vols, vols 1-2, London: J. G. & F. Rivington, 1838; vols 3-4, Derby: Henry Mozley & Sons, 1839). Froude himself was by no means ambivalent with his negative opinion of the Reformation (Froude, *Remains*, i. 336, 389; see also i. 251-3, 307-8, 325, 379-80, 433-4; iii. pp. xix, xxviii, xlvii, 324-7, 386, 388-9). Newman

Whether Newman's opinion in Froude's *Remains* would have lessened Keble's ability to bolster Hooker's credibility by stating that Hooker is able to include citations from the Church Fathers alongside those by reformed thinkers is not easy to discern: nonetheless, it is necessary to point out that by referring to Hooker as a 'sixteenth century voice', Newman is not necessarily being pejorative. He is rather stating the fact that a wide gulf did usually exist between the thought of the fourth and sixteenth centuries, theologically speaking. Yet, delve into the Fathers Hooker did, and Keble was keen to use this as evidence that Hooker was reliable and acceptable in these areas.

Hooker argued that bishops had been in existence since the time of the Apostles, and the Tractarians argued that this factor contributed to their being therefore necessary. To dispense with bishops, therefore, would have consequences for a Church in which they had been a factor since its inception. In Part I, we saw that there were certain cases in which Hooker would permit non-episcopal ordination – that is, cases *in extremis* where the continuation of the Church, or the ability of the sacraments to be administered, would be at risk if there were not priests (or indeed bishops or deacons) around to perform the rites of baptism or Holy Communion (or, in the case of bishops, the rite of ordination).

For Keble and the Oxford Movement, such a situation would risk the integrity of the Church, preserved (in their mind) since the time of the Apostles. Therefore, Keble was eager to inquire as to exactly what kind of circumstances Hooker had in mind when he suggested non-episcopal ordination might be permitted: 'Here, that we may not overstrain the author's meaning, we must observe first with what exact conditions of extreme necessity, unwilling deviation, impossibility of procuring a bishop to

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and Keble were of the opinion that Froude had 'entered on the study of the Reformers' Theology with the general and natural impression, that he should find on the whole a treasure of sound Anglican doctrine, and a tone of thought in unison with the Ancient Church...[Froude] found himself greatly disappointed' (Froude, *Remains*, iii. pp. xix, xxii). The fact that Hooker attempted to champion the Fathers in tandem with the Magisterial Reformers thus made Hooker an ambiguous ally for Froude.

ordain, he has limited his concession.’<sup>716</sup> Keble does not offer a suggestion as to what Hooker had in mind – and merely directs the reader to be cautious of allowing non-episcopal ordination, lest the Church of England slide even more towards a style of Presbyterianism that Hooker fought so hard against and that the Tractarians would find impossible because of the loss of the apostolic succession:

if it really were the intention of that act to authorize other than episcopal ordination, it is but one more proof of the low accommodating notions concerning the Church which then prevailed; and may serve to heighten our sense of the imminent risk which we were in of losing the Succession.<sup>717</sup>

Keble here attempts to highlight the success of Hooker in preserving the truth of ecclesiastical polity, especially given the troubled and dangerous times Hooker operated in: in the eyes of the Tractarians, Hooker had done very well indeed to make the case, albeit reduced, for episcopal ordination. Since it would be unlikely that there would not be a bishop around to perform ordinations in the Church of England, then the likelihood of non-episcopal ordinations would be low – and thus the ‘apostolic succession’, as the Tractarians called it, would have survived. The Tractarians regarded, of course, apostolic succession as necessary for the continuance of episcopal authority – and therefore by extension, to have non-episcopal ordination would be to ‘break’ that succession and would result in clergy without episcopal or sacramental authority.

Why had Hooker felt able to permit non-episcopal ordination in certain circumstances? Keble does not expand on what kind of circumstances would permit that but suggests that ‘nearly up to the time when he wrote, numbers had been admitted to the ministry of the Church of England, with no better than Presbyterian

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<sup>716</sup> Hooker, *Lawes*, Vol I, lxxxiv; c/f *Lawes* VII.xiv.11.

<sup>717</sup> Hooker, *Lawes*, Vol I, lxxxiv; c/f *Lawes* VII.xiv.11.

ordination.<sup>718</sup> This would suggest that some serving as ministers in Hooker's time had entered that role in the Church by what Keble regarded as 'Presbyterian ordination.' This meant that there were ministers who had entered their role without having undergone the 'laying on of hands' by bishops within the apostolic succession – in other words, that they had not received the authority entrusted to the Apostles and subsequently passed down through their successors by means of episcopal ordination.<sup>719</sup>

Should Hooker be seen to have admitted non-episcopal ordination as part of legitimate Church of England polity, then a certain Rubicon would have been crossed for the Oxford Movement. Keble was deeply afraid of the loss of apostolic succession, which would represent an incursion into the sacramental authority of the Church that was a key element of their distinction from civil authority.

Keble was concerned that if the reforms imposed by the State upon the Church and its position in Society were to continue, a split was not only necessary, but also inevitable. Such an eventuality would be diametrically opposed to Hooker's view that Church and State were inseparable, held together in the person of the Christian magistrate. Such an eventuality would be far removed from the ecclesial polity that was espoused by Hooker in the *Lawes*, and therefore a choice must be made between loyalty to the State, and loyalty to the Church.

In a letter to Coleridge in March 1831, Keble wrote:

If the Church and State are to be united, I do hope it will be before any attempt has been made to reform us by a Papysocratic Parliament...I am more and more inclined to think, that the sooner

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<sup>718</sup> Hooker, *Lawes*, Vol I, lxxxiv; c/f *Lawes* VII.xiv.11.

<sup>719</sup> Here Keble, rather than explicitly attacking the Edwardian Ordinal, is referring to the fact that Scottish, Dutch, and Huguenot ministers were allowed to function in the Elizabethan Church without re-ordination.

we come to an open separation from these people, the better for ourselves and our flocks: and this is some comfort as one watches the progress of the Revolution, in which the said separation will, I expect, be a very early step.<sup>720</sup>

Such was Keble's concern over the direction the State was taking, and hence the effect upon the Church of England, that he wrote to Newman thus:

I cannot accept any curacy or office in the Church of England...I think we ought to be prepared to sacrifice any or all of our endowments sooner than sanction it...take every pound, shilling, and penny, only let us make our own bishops, and be governed by our own laws.<sup>721</sup>

This starkly unaccommodating position around the time of the Assize Sermon reflects, ultimately, the entirely changed character of Church–State relations since the formation of the Settlement in the 1550s. Thanks to religious pluralism, no longer was ‘every man also a member of the Church of England’<sup>722</sup> – and the Tractarian cause was a direct result of that: the old regime espoused by Hooker in the *Lawes* had fallen and a new one was required for the continuing health of the Church, and for the ability of the bishops, as successors of the Apostles, to exercise their divinely given authority without the constraints of the State.<sup>723</sup>

In 1834, the year after the Assize Sermon, Keble developed his thinking with direct reference to the ideal as espoused by Hooker:

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<sup>720</sup> Keble to Coleridge, MS Letter 31/3/1831, cited in John R. Griffin, ‘The Oxford Movement: A Revision’, in *Faith and Reason: The Journal of Christendom College*, Fall 1979, V, No.3.

<sup>721</sup> Keble to Newman 8/8/1833, Newman, *Letters and Diaries*, Vol 1, 411-2.

<sup>722</sup> *Lawes* VIII.i.2.

<sup>723</sup> ‘Although no Christian man can doubt the duty of obeying “the customs of the Realm,” where the law of God will permit. But whether the law of God *does* permit the continued acquiescence of those entrusted with the Church in a system which permits aliens and heretics to bear the chief sway in legislating for her, - this is the very point in dispute.’ John Keble, ‘The State in its relations with the Church’, a Paper re-printed from the *British Critic*, October 1839 and including an Appendix, a Letter to the Editor of the *British Magazine*, January 1834, here at p.62.

the late changes in the Constitution affect the rights of Parliament to legislate for the Church. Many considerate persons think...the changes are so vital...as to amount to a virtual breach of the terms of union between Church and State. So that, in their judgment, the governors of the Church are at liberty, whenever in their consciences they shall deem it most expedient, to decline submitting themselves to the ecclesiastical laws of the Parliament. For the two societies are no longer identical, according to the theory of Hooker and the practice of the days of Queen Elizabeth.<sup>724</sup>

It can be clearly seen from Keble's letter that when the State was no longer able to offer protection to the Church, then the Church was under obligation to protect itself, even if that meant turning away from the State in a manner that, certainly in Elizabethan times, might seem seditious. We are reminded here of the ambiguity of Hooker himself regarding obedience (or otherwise) to the State when that consent to be so governed may have been withdrawn.<sup>725</sup> Hooker deliberately does not define the exact boundaries of the monarch's authority – other than those set out by natural-law theory in Book I.<sup>726</sup>

Keble, therefore, attempts to manipulate Hooker's arguments to support Keble's own cause that bishops are essential for the apostolic succession, the safeguarding of the sacraments and rites of the Church, and for the ecclesiastical independence of the Church's doctrine and teaching from the dangers of Erastianism.

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<sup>724</sup> Response to the Bishop of Leghlin and Merns in a letter to the editor of the *British Magazine* in John Keble, *The State in its Relations with the Church*, ed. Henry Liddon, (Oxford: Parker 1869), appendix, 59-63, here 61.

<sup>725</sup> '...the same [authority] bestowed upon him [the monarch] as an estate in condition by the voluntary deed of the people' (VIII.iii.2). See also VIII.iii.2.

<sup>726</sup> 'Kings by conquest make their own charter, so that how large their power either civil or spiritual is, we cannot with any certainty define further' (VIII.iii.3).

The survey of above evidence points strongly to the fact that the concept of episcopal authority in the nineteenth-century Church of England had moved away from that enshrined in the Settlement of the late sixteenth century, and that the episcopal authority that the Tractarians wished to reclaim for the Church of England looked increasingly hard to find in Hooker.

How did Keble's involvement with the Tractarian issues of *Iure Divino* and the necessity of bishops affect the way their authority was viewed, especially in Keble's *Preface to the Lawes*? Throughout the 1830s, Keble was deeply involved with the *Lawes*, and although his edition was not published until 1836, even by 1833 Keble was 'more thoroughly acquainted with the works of that writer than any other English churchman,'<sup>727</sup> meaning that Keble was able to write with a degree of authority about Hooker, which others of his generation could not do.

In order to 'push' his version of Hooker, he needed to ensure continuity of contact with the Tractarians, despite no longer being physically in Oxford. Yet, Newman's concern for him meant that his influence upon the Oxford Movement was not completely diminished. Though Keble wrote only eight Tracts in total, Newman regarded him as their 'chief censor', which meant that any Tracts published would have to have at least gained the tacit approval of Keble. Battiscombe regards Keble as having suffered from intellectual indolence: 'he was, for instance, a lazy author; his published books are few in number and they include no work of first-class scholastic importance except his great edition of Hooker published in 1836.'<sup>728</sup> This is perhaps a little harsh on Keble, given that he had additional responsibilities of family and parochial duties compared with other Tractarians such as Newman. However, that does not denigrate Keble's influence upon the Oxford Movement in general, and on

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<sup>727</sup> J. H. L. Rowlands, *Church, State, and Society: The Attitudes of John Keble, Richard Hurrell Froude, and John Henry Newman, 1827-1845* (London: Churchman Publishing, 1989), 47.

<sup>728</sup> Georgina Battiscombe, *John Keble: A Study in Limitations* (New York: Alfred A. Knopf, 1963), 236.

its position on episcopal authority in particular.<sup>729</sup> By extension, therefore, we would expect Keble, aside from his own opinions about episcopal authority, to have been cognizant of those of the wider Tractarians whilst writing his preface.

Yet, just how close would Newman's opinions have been to those of Keble, and therefore how much might Newman have been influenced by Keble's presentation of Hooker in the *Lawes*? An examination of Newman's correspondence has found that it is difficult to draw any direct evidence for the extent to which Newman may have been influenced by Keble's presentation of Hooker in the *Lawes*, other than that Newman was impressed by Keble's scholarship in this area, and that to be able to claim Hooker for the cause of the Tractarians would be a great benefit. In lieu of such direct evidence, however, Imberg gives a comparison of the differences in more general areas between Newman and Keble, which could potentially be of use when considering the influence of both Tractarians upon episcopal authority, as it would be possible, but not of course with any certainty, to identify influences upon the wider thought of Keble and Newman.<sup>730</sup>

Though we must be careful to not make any conclusions with certainty from Imberg's study, it would be fair to state that Imberg believed Keble to be more moderate than Newman. Pusey and Keble alike took some time to understand that Newman's changing ideas were leading him toward Rome; Pusey and Keble did not share Newman's views on episcopacy (although as expected they shared his more general theological principles), and this in part may explain why Pusey and Keble did not, ultimately, leave the Church of England.

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<sup>729</sup> Battiscombe does not really seem to settle on a coherent legacy from Keble to the Church of England. She claims that, despite his reserve, 'Keble's personality, working through the medium of the Oxford Movement, has vitally affected the whole ethos of the Church of England': Battiscombe, *Limitations*, 144.

<sup>730</sup> Camilla Imberg, *In Quest of Authority: The 'Tracts for the Times' and the Development of the Tractarian Leaders, 1833-1841* (Lund: Lund University Press, 1987), 158.

Tract 4, one of the few that Keble is believed to have written, advises its clerical readers to ‘look upon his bishop as...something more than an agent of the State’, and to consider obedience and veneration of their bishop as the ‘safest way’ for clerics at a time of crisis. Keble believed that the State, despite its support and defence of the Church, was inferior to ecclesial ruling capacity. For Keble, authority was everything – and that included conscience, the Bible, the Church, and antiquity. What Keble hated most was ‘heresy, insubordination, resistance to things established, claims of independence, disloyalty, innovation [and] a critical censorious spirit.’<sup>731</sup>

Ultimately, the Tracts, although written anonymously, argued for an episcopal authority that Hooker himself would not have ascribed to bishops. Regardless of who wrote a particular Tract, the aim was to claim that bishops in the Church of England were of apostolic descent, and that their authority was *Iure Divino*. Hooker was never clear enough in his own writing (indeed Hooker’s opinion in itself evolved during the time that the *Lawes* were written) to be able to say once and for all that bishops had the authority that the Oxford Movement wished for them – not least because those in the Church of England during the nineteenth century were unsure themselves as to what a bishop was for.

I have argued in this section that Keble makes the case for government by bishops under the care of a Christian monarch – but was presented with the problem by the 1830s that the magistracy of England was no longer exclusively Christian, let alone Church of England. As Keble found little explicit evidence for *Iure Divino* episcopacy in the *Lawes*, he sought to transpose the opinions of Saravia and Ignatius to Hooker. Keble claimed that Hooker may well have agreed with Saravia, but was not able to say so at the time due to the political climate, and Ignatius not yet having been discovered. The problematic areas of non-episcopal ordination *in extremis* were emphasised by Keble as being only possible in a very tiny set of circumstances – with

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<sup>731</sup> Newman, *Apologia*, 220. Note that Keble did not advocate blind obedience to the episcopate: see Keble to Pusey, cited in H. Liddon, *Life of E. B. Pusey* (4 Vols; London, 1898), III, 316.

Hooker opting for bishops as *bene esse* because of the political constraints he was under. Keble's attempts to pigeonhole Hooker mean that he was able to make a number of unsubstantiated claims such as fabricating a definite support for *Iure Divino*, as well as attempting to align Hooker with the views of Bilson, Bancroft, and Saravia, amongst others. Ultimately, the sixteenth century political climate was too different from that of the nineteenth century, and the Tractarians argued for an episcopal authority that Hooker would not have recognised.

### 6.3 Conclusion

This chapter has argued that despite being a careful editor, Keble brazenly attempted to mold a sixteenth century Hooker into the nineteenth century Oxford Movement in his editor's preface. Keble placed an errant emphasis on the *esse* of bishops, as well as their *Iure Divino*, during a time when the authority of the Church was facing perceived threats from secular government. Keble leaves contradictions between his preface, front material, and Walton's biography (particularly in the areas of authority in Book VI, uncertain jurisdiction, and episcopal authority). In particular, Keble attempted to skew Hooker in three areas: *esse* (as the apostolic succession was under threat); *Iure Divino* (Hooker, according to Keble, did not develop this fully as he did not have the benefit of Ignatius, despite being influenced by Saravia); and the authority of bishops (which though more than agents of the State, should not expect blind obedience, despite having a definitive authority). A key goal of Keble was to argue for the maintenance of apostolic succession, which led him to put words into Hooker's mouth. This took place at a time when the Oxford Movement believed there was a threat to historic authority and the succession of bishops, as the nineteenth century Church of England could not, in Keble's opinion, decide what a bishop should be or do.

Having undertaken an analysis of the controverted points regarding episcopacy as presented in Keble's 1836 edition of the *Lawes*, we have argued that Keble, despite

being a cautious and faithful editor, did attempt to mould the sixteenth-century Hooker into supporting the aims and targets of the nineteenth-century Tractarian movement. Keble placed his own emphasis, in particular finding ways of taking Hooker's silence on certain matters as anticipating the views of the Tractarians nearly 250 years later on the divine right of bishops, and their necessity in ecclesiastical governance. This was because Keble was a crucial part of the Oxford Movement, which in the early to mid-nineteenth century was pushing for an '*ad fontes*' approach to episcopal government and the authority of the Church in order to counter the perceived threats of secular government to the historic rights and influences of the Church. Keble's Hooker was one ultimately made in the mould of the Oxford Movement, yet Keble does not conclusively draw the threads of the material together, leaving unaddressed contradictions between his preface, front material, and Walton's biography – most notably over the authenticity of Book VI and the consequent uncertainty for jurisdiction and episcopal authority.

This chapter's examination of Keble's edition of the *Lawes* has concluded that in three key areas, Keble draws away from the authority of bishops that other Tractarians may have wished to ascribe to Hooker, yet Keble's Hooker, as framed by the editor's preface, still paints a skewed picture of Hooker. In the first area, the necessity of bishops, Keble argues that evidence from Hooker can be drawn to support the apostolic succession, and that the Church of the intervening centuries came very close to breaking that succession. The matter of non-episcopal ordination is only to be contemplated in severe and extremely restricted areas. Bishops are necessary for good governance, ceremonies, sacraments, and symbols; Keble highlights the fact that Hooker drew support for his justification of bishops from the Church Fathers and managed to reconcile this at least reasonably well with a Reformed Protestant tradition – although not all Tractarians, such as Newman, agreed that Protestantism and Patristics could be reconciled. Should the necessity of bishops not be acknowledged, then the apostolic succession would be under threat, according to Keble.

The second area, *Iure Divino* of bishops, is something that Keble admits Hooker did not fully develop, indicating that this may have been because the evidence provided by St Ignatius was not held to be as credible in Hooker's time as it was a few years later in the mid-seventeenth century. Keble tries to increase Hooker's evidence for *Iure Divino* episcopacy by emphasizing Hooker's links with Saravia and stating that because Hooker corresponded so frequently with Saravia, we can take him to have been in agreement with Saravia on matters that he is silent on.

The third area, the authority of bishops, is expounded by Keble in Tract 4. In this Tract, Keble encourages people to see bishops as something more than 'agents of the State', and to regard them as the safest way in times of crisis. One notable point is that Keble regarded bishops as deserving of authority, but that they should not expect blind obedience – particularly in matters of enforcing conscience and restricting freedom for individual priests. Given the interplay in Hooker's time between the Church and State, Keble was able to claim Hooker as evidence for giving bishops restrained authority – restrained because of the dangers of low-church bishops to the ideals of the Oxford Movement, but still having a definite authority and existence in order to maintain the apostolic succession.

Despite the careful editorial stewardship of the text itself, it is evident that Keble's editorial preface made sustained attempts to influence the reader of the *Lawes* in the areas of the necessity of bishops, *Iure Divino*, and the consequent authority of bishops, going so far as to put words into Hooker's mouth. This was an especially dangerous tactic during an age in which all sides of the Church were not sure what a bishop should actually be, evidenced by the trials for ritual abuses in the mid-nineteenth century, and the consequent departure of Newman for Rome.

Hence, as the Church of England could not actually decide exactly what a bishop should be and do, with different factions placing different weight upon various

aspects of the role, those aligning themselves with the Tractarians would naturally look to one of its founding fathers for answers. These answers Keble attempted to provide and justify in his edition of the *Lawes*, the editorial preface of which took dangerous liberties with Hooker's nuanced argument. In the future, those who wished for an episcopate that emphasized the *esse* of bishops, their *Iure Divino*, and their authority, looked to Keble and his edition of the *Lawes*, and consequently risked developing a skewed theology of episcopacy that was not one Hooker himself would have owned in its entirety.

## **7 Usage of Hooker in Contemporary Episcopal Ecclesiology in the Church of England.**

### **7.1 Introduction**

Having examined in the previous chapter the legacy of Hooker's ecclesiology and political theology in the nineteenth century, I now move to examine his legacy in the twentieth and twenty-first century with respect to a particularly important debate within the Church of England: the ordination of women to the episcopate. I will argue that Hooker's influence amongst traditional catholics – apparently the heirs to the Tractarian movement – is barely detectable. However, his influence over the broad range of the Church of England and its understanding of the character and authority of the episcopal office remains very clear.

Neither Keble's Hooker, nor indeed Hooker explicitly, is cited by the Forward in Faith or The Society documents surrounding the ordination of women to the priesthood and latterly to the episcopate. Hooker was instead cited by major reports of the Church of England, as well as by significant liberal theologians, in the run-up to the ordination of women to the priesthood in 1994, and by the centrist wing of the Church of England in the early 2010s around the time of the first ordinations of women to the episcopate. Both these latter groups claimed that ordaining women to the priesthood and the episcopate was not only consonant with Hooker's thought, but that they were legitimate developments within the polity of the Church of England. Hooker was once the property of Anglo-Catholics, but it seems, no longer: an implicit admission that Anglo-Catholic opponents of women's priestly and episcopal ministry have vacated the centre ground of Anglican ecclesiology.

Hooker's *Lawes* were a defence of the Church of England's polity in the sixteenth century, and so it would not be sufficient to use a broad-brush approach when analysing his influence upon the contemporary episcopal ecclesiology of the present-

day Church of England – whether via the Tractarians (and from Keble’s 1836 edition of the *Lawes* in particular), or directly from Hooker himself. In order to gauge the influence of Hooker upon contemporary episcopacy in the Church of England, and the degree to which Keble’s editorial preface of the 1836 edition of the *Lawes* may have contributed to that, it is necessary to identify a number of key areas to look into that will assist this task.

Three key areas that were identified in chapter five are: the *bene esse* and *esse* of bishops; the concept of *Iure Divino*; and the authority of bishops that is consequently evinced. Using these three areas will help to focus assessment of Hookerian (or Kebellian-Hookerian) influence upon contemporary episcopal ecclesiology.

I have shown in chapter five that Hooker believed bishops to be of the *bene esse* of the Church in VII.v.2, rather than being of the *esse*. However, Keble believed Hooker to share his view that the historic episcopate was of the *esse* of the Church, that its expression in the Church of England was part of the apostolic succession and that the current holders of the episcopal office were part of that succession. In this succession, the validity of the sacraments could be assured, and hence salvation attained.

To say that episcopacy is *Iure Divino* is to say it is a matter of ‘divine law’ – in other words, that bishops’ existence and ministry were prescribed divinely, manifested in Holy Scripture and in the traditions of the Church. To deviate from the model of episcopacy, as set out in Scripture and tradition, would be to depart from the model that is sanctioned by divine law. The claim of *Iure Divino* differs from that of *esse* because the former refers to the source of the authority that the bishops carry, whereas the latter refers to the necessity of their existence. Authority legitimately rests with the Church and is thus exercised by bishops. Any ecclesiastical authority that is exercised non-episcopally (such as, for example, by the monarch), must be done by someone who fulfils an exacting set of criteria (in other words, they must be

practising, orthodox Christians), and if they do not do so, then the ability to exercise ‘lay’ ecclesiastical authority ceases to exist.

## 7.2 Women Bishops’ Legislation and Hookerian Influence

There were three key pieces of official legislation and advice that enabled women to become bishops in the Church of England: Amending Canon No. 33, GS Misc. 1076 (The House of Bishops’ Declaration on the Ministry of Bishops and Priests), and GS Misc. 1077 (House of Bishops’ Declaration on the Ministry of Bishops and Priests – Guidance Note).

A brief survey of the key legislative texts will show that Hooker is not explicitly cited, but that his concept of episcopacy as the *bene esse* of the Church is implicitly endorsed by the decisions made.

### *Amending Canon No. 33*<sup>732</sup>

Amending Canon No.33 is the legal instrument that replaced the existing Canon No.C2, removing the legal obstacles to enable women to be consecrated as bishops in the Church of England. It contains the necessary amendments to remove gender-specific language in Canons C2, C4, C8, C10, C28, and C29, as well as in the Ordinal contained in the Book of Common Prayer, and states that any words importing the masculine gender are to be regarded as including the feminine. The last phrase of Amending Canon No.33 includes details for the resolution of the disputes procedure, and that any amendments to that procedure must come before General Synod, and be passed by a two-thirds majority in each House of that synod.

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<sup>732</sup> The Church of England, ‘General Synod Amending Canon No 33’, [https://www.churchofengland.org/sites/default/files/2018-01/gs%201926a%20amending%20canon%20no%2033%20-%20revision%20stage\\_Feb14.pdf](https://www.churchofengland.org/sites/default/files/2018-01/gs%201926a%20amending%20canon%20no%2033%20-%20revision%20stage_Feb14.pdf), accessed 11 September 2020.

*GS Misc. 1076 (The House of Bishops' Declaration on the Ministry of Bishops and Priests)*<sup>733</sup>

When the 'Episcopal Ministry Act of Synod 1993' was rescinded in July 2014, new arrangements needed to be in place for those who, on theological grounds, sought the ministry of a male priest and/or a male bishop. Such arrangements are contained in the House of Bishops' Declaration on the Ministry of Bishops and Priests as laid out in GS Misc. 1076 and given authority in Canon C29. The Declaration also lays out a grievance procedure to be followed if PCCs are not satisfied with the arrangements made for them under the Guidance.

*GS Misc. 1077 (The House of Bishops' Declaration on the Ministry of Bishops and Priests – Guidance Note from the House of Bishops)*<sup>734</sup>

GS Misc. 1077, which is a Guidance Note from the House of Bishops in relation to the Declaration, offers clarification and further explanatory notes to assist PCCs and parishes, particularly if they wish to seek the ministry of a male priest or bishop. It also gives detail of how the Declaration text was reached, including details of which groups were consulted, and the steps taken during its construction. It makes clear that the Note does not add or subtract anything from the Declaration.

What all of these documents illustrate is that the character of episcopal ecclesiology in the Church of England is mutable in relation to inherited characteristics such as

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<sup>733</sup> The Church of England, 'General Synod Women in the Episcopate: House of Bishops' declaration', <https://www.churchofengland.org/sites/default/files/2017-11/GS%20Misc%201076%20Women%20in%20the%20Episcopate.pdf>, accessed 11 September 2020.

<sup>734</sup> The Church of England, 'General Synod: House of Bishops' Declaration on the Ministry of Priests and Bishops – Guidance Note', <https://www.churchofengland.org/sites/default/files/2017-11/GS%20Misc%201077%20House%20of%20Bishops%20Declaration%20on%20the%20Ministry%20of%20Bishops%20and%20Priests%20-%20Guidance%20note%20from%20the%20House.pdf>, accessed 11 September 2020.

gender – implying that episcopacy is not of the *esse*, but of the *bene esse* (Lawes VII.v.2) of the Church, and therefore the opening up of the episcopate to women is lawful: that is to say, if a specific gender for episcopacy was not part of the *esse* of the Church, then the arguments for female episcopacy are harder to resist.

### 7.3 Traditional Catholic Groups and Hookerian Influence

This section will argue that ‘traditional catholic’ groups in the Church of England are no longer influenced by Hooker, including Keble’s version of Hooker, by examining four key landmark texts of the Anglo-Catholic movement between 1834 and the present day. This section will argue that traditional catholic ecclesiology has been dominated by ideas such as sacramental assurance and apostolic succession, ideas that have no real basis in Hooker. We will also attempt to identify when traditional catholic usage of Hooker died out.

Traditional catholics in the Church of England are, by and large, represented by two affiliated groups: Forward in Faith, and The Society of St Wilfrid and St Hilda (‘The Society’). The members of Forward in Faith<sup>735</sup> and The Society<sup>736</sup> are those who, due to theological conviction, are unable to receive the ministry of women priests or bishops. Forward in Faith describes itself as a ‘membership organisation’, which ‘supports and finances the work of The Society’, whereas The Society ‘provides ministry, sacraments and oversight which [their members] can receive with confidence, so that [they] can flourish within the Church of England and make [their] contribution to its life and mission. It encourages vocations to the priesthood and to the religious life.’<sup>737</sup>

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<sup>735</sup> Forward in Faith, <https://www.forwardinfaith.com/index.php>, accessed 28 June 2019.

<sup>736</sup> The Society of St Wilfrid and St Hilda website front page, accessed 28 June 2019, <https://www.sswsh.com>

<sup>737</sup> Forward in Faith, <https://www.forwardinfaith.com/index.php>, accessed 28 June 2019.

The Society states that it is ‘an ecclesial body, led by a Council of Bishops’, whose aims are to ‘promote and maintain catholic teaching and practice within the Church of England’; ‘provide episcopal oversight to which churches, institutions and individuals will freely submit themselves’; and ‘guarantee a ministry in the historic apostolic succession in which they can have confidence’<sup>738</sup>. Their chairman also states that affiliated churches and members of Forward in Faith and The Society are ‘not in communion with those who ordain women as priests [or bishops].’<sup>739</sup>

Neither Forward in Faith, nor The Society, therefore, accepts the ordination of women priests or bishops as a legitimate theological development.

#### *Indicative Texts in Anglo-Catholicism from 1834 to the Present Day*

Relatively few texts of the Anglo-Catholic movement from 1834 to the present day concentrate solely on matters of ecclesiology, with most considering credal matters such as the incarnation and the atonement. The trials of the ritualists in civil courts rather than ecclesiastical courts towards the end of the nineteenth century caused controversy and sparked calls for ecclesiastical courts to try ecclesiastical matters, underlining the authority of the bishops to deal with such matters. Underlining Hooker’s fall from usage was the claim that since the Roman Catholic Relief Act of 1829, the Church and the State were no longer one body, and therefore that the conditions of a unified Church and State in Hooker’s day no longer applied, and the ecclesiastical polity predicated on that no longer held sway.

To attempt to trace when and why usage of Hooker fell from favour, I have identified four key texts associated with Anglo-Catholicism between 1834 and the present day. Taking each text, I have analysed how and why the text used Hooker – or if there was

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<sup>738</sup> The Society of St Wilfrid and St Hilda.

<sup>739</sup> Dr Colin Podmore, ‘National Assembly 2016: Director’s Address’, *New Directions*, February 2017, 14.

no explicit mention of Hooker by name, then whether there were any associated concepts or themes.

*Hurrell Froude's Remains (1838 – 1839)*

Following Richard Hurrell Froude's death in 1836, his friends Newman, Keble, and J. B. Mozeley rapidly published selections of his work in 1838. Newman wrote a preface to the two editions explaining the rationale for their publication. Though Froude died the same year as the publication of Keble's edition of the *Lawes*, he still maintained a distinct allergy to Hooker and his notion of ecclesiastical authority. After dissenters and Roman Catholics were admitted to the House of Commons, Parliament could no longer be considered a 'lay synod' of the Church, as Church and State were no longer one: 'the conditions on which Parliament has been allowed to interfere in matters spiritual are cancelled.'<sup>740</sup> Froude's thoughts on Hooker are further made clear thus: 'Indeed I am myself out of conceit with old Hooker's notion of a lay synod: it is unecclesiastical and whig'.<sup>741</sup> If that were not enough to condemn Hooker entirely, Froude further wrote in 1835 that 'as to the laity having power in synods, I don't know enough to have an opinion; but as far as I see I disagree with Hooker...neither the laity nor the presbyters seem to me to have any part or lot in the government of the Church.'<sup>742</sup> It is clear, therefore, that Froude regarded authority in the Church as belonging to bishops, and that since Catholic emancipation in 1829, the conditions for the State and the Church to be one were no longer in existence. Also, the 'lay synod' of Parliament no longer had any grounds for interference in Church business. By implication, Froude may not have been happy with a lay Anglican governmental influence in Parliament, let alone a lay governmental voice in the lower house of Convocation.

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<sup>740</sup> Richard Hurrell Froude, 'Conservative Principles', *British Magazine*, 4, 1833, 494.

<sup>741</sup> Froude, R. H., *Remains of the late Reverend Richard Hurrell Froude*, edited by John Keble and John Henry Newman, Vol 1, London: 1838, 333; letter from Froude to Friends, 20 Nov 1834, Falmouth, Pierce's Hotel.

<sup>742</sup> Froude, *Remains*, Vol 1, 415; letter from Froude to Friends, 2 July 1835, location not given.

Why did the Tractarians, then, engage with Hooker at all – especially Keble? MacCulloch offers an insight: ‘on the whole, the effect of Keble’s magisterial edition was to cement Hooker firmly into Victorian High Church Tradition’.<sup>743</sup> The mere existence of Keble’s three volumes served to show that if Keble thought Hooker worthy enough to have spent time and energy on such a product, then others should pay attention to the fruits of Keble (and, by extension, Hooker, too). If Keble’s magnum opus was to cement Hooker in this tradition, then why try to cement it at all if the circumstances underpinning Hooker’s argument for Church and State unity were now obsolete?

If the circumstances for lay involvement in the government of the Church were now obsolete, why make that appeal to Hooker at all – or why invest the time in producing a new edition of Hooker at all? Nockles claims that ‘for Froude, however, the appeal to Hooker had been an essentially rhetorical, tactical device to disarm the Z’s’.<sup>744</sup> Froude claimed that the basis for events in 1828 to 1833 were that ‘the conditions on which our predecessors consented to parliamentary interference in matters spiritual are *cancelled*’.<sup>745</sup> These conditions were, for Froude:

according to Hooker, the representatives of the Commonwealth, i.e. the *Parliament* of England, were at the same time representatives of the Church, and thus a lay *Synod of the Church of England*. And it was because Parliament was such a synod, and only because it was so, that Hooker justified himself in consenting to its interference in matters spiritual.<sup>746</sup>

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<sup>743</sup> D. MacCulloch, ‘Richard Hooker’s Reputation’, in *The English Historical Review*, 117, no. 473, September 2002, 810.

<sup>744</sup> Peter Nockles: *The Oxford Movement in context: Anglican High Churchmanship, 1760-1857* (Cambridge: Cambridge University Press, 1994), 80. Froude used the term ‘Z’s’ to refer to the old ‘High Churchmen’.

<sup>745</sup> Froude, *Remains*, Vol. III, 197.

<sup>746</sup> Froude, *op. cit.*, Vol. III, 199-200.

Further, Froude's Church and State model was neither that of Hooker, nor of Laudianism, nor of the Caroline Divines, but 'rather, it found its model exemplified by that unqualified ecclesiastical supremacy over the civil power in all capacities, symbolised by Becket and the twelfth-century church dictating to monarchs.'<sup>747</sup> So from the beginning of the Anglo-Catholic movement, there were two approaches to Hooker, and in the end it would be Froude's, not Keble's, that would prove the most enduring, despite the continued existence of Keble's 1836 magnum opus.

*The Church and The Ministry (1919)*

In 1899, later revised in 1919, Charles Gore, then Principal of Pusey House in Oxford, published *The Church and The Ministry*, which argued for the principle of apostolic succession in the episcopate, as opposed to the ministry that existed in the Presbyterians and other reformed ecclesial bodies.

Gore's work refers to Hooker twice in its 390 pages. The first occasion refers to the agreement between the natural and the supernatural in respect of the genesis of the Church coming upon humans from above:

[The Church] makes the claim of a divine institution. It has the authority of Christ. Christ did not, according to this view, encourage his disciples to form societies. He instituted a society for them to belong to as the means of belonging to him.<sup>748</sup>

In a footnote to this, Gore explains:

Of course this antithesis requires guarding. The supernatural influence in the genesis of the Church did not annihilate the natural inclination which all men have into sociable life; but it controlled it

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<sup>747</sup> Nockles, *Oxford Movement in Context*, 81. Nockles cites Froude's claim for this view as being published in Volume IV of Froude's *Remains*.

<sup>748</sup> Charles Gore, *The Church and the Ministry*, (London, Longmans Green: 1889), 9.

and intensified it. This consilience of the natural and supernatural is beautifully expressed by Hooker (EP I.15.2).<sup>749</sup>

The first of two references to Hooker by Gore, therefore, refers to the interaction of the supernatural and natural spheres of existence, and consequently the role of the Church and humankind within them – an interaction that Hooker is able to describe, according to Gore, beautifully. Gore therefore makes no comment at this point on the applicability of Hooker to the ecclesial climate in Gore’s day. Gore talks of the natural and the supernatural, rather than making any explicit political comment – except perhaps for citing Hooker’s passage in *Laws* I.xv.2, that:

The substance of the service of God therefore, so far forth as it hath in it any thing more than the Law of Reason doth teach, may not be invented of men, as it is amongst the heathens, but must be received from God himself, as always it hath been in the Church, saving only when the Church hath been forgetful of her duty.

Hooker’s point here is perhaps too oblique for Gore to claim explicitly that the Church, being a supernatural community, must obey the supernatural authority and not the State – and ‘inventions of men’ – but it is perhaps possible. Certainly, it is not clear enough to claim anything outright.

The second occasion is in respect of secular interference in the spheres of church authority and governance: again referring to the fact that the Church and State, following the 1829 Roman Catholic Emancipation Act, are no longer one and the same:

If circumstances here have made it absurd in England now to speak of the nation as committed to the catholic faith or of its national courts as ‘spiritual’, then circumstances have taught us also how

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<sup>749</sup> Gore, *op. cit.*, 9, fn.

dangerous it was for the Church to go even as far as it did in alienating its power of independent action.<sup>750</sup>

This claim of independent action is explored thus:

In the future [the Church] must be content to act first of all as part and parcel of the Catholic Church, ruled by its laws, empowered by its Spirit. And, if the bishops are to make an intelligible claim, they must make it as the responsible guardians, by Christ's appointment and apostolic succession, of the doctrine and discipline and worship of the Church catholic ready to maintain, at all cost, the inherent spiritual independence which belongs to their office.<sup>751</sup>

Gore, in his footnote, qualifies this as follows in respect of Hooker:

As Hooker pleaded [EP VIII.8.9]: 'If the cause be spiritual, secular courts do not meddle with it: we need not excuse ourselves with Ambrose, but boldly and lawfully we may refuse to answer before any civil judge in a matter which is not civil, so that we do not mistake the nature of either the cause or of the court.' The supreme tribunals, in ecclesiastical affairs at present, established by our laws are 'secular' and 'civil', not spiritual.<sup>752</sup>

The State, therefore, has no business interfering in the ecclesiastical courts – and those who are accused in a supreme tribunal of an ecclesiastical matter should not fear to remain silent as that tribunal has no authority to judge the case before them. Gore, therefore, uses Hooker to justify his claims that the civil courts have no right to interfere in spiritual matters. That right of judging in matters spiritual belongs to the bishops, as responsible guardians.<sup>753</sup> Hooker was therefore a useful defence for the

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<sup>750</sup> Gore, *op. cit.*, 309.

<sup>751</sup> Gore, *op. cit.*, 309.

<sup>752</sup> Gore, *op. cit.*, 309 fn.

<sup>753</sup> For example, the trial of Bishop Edward King of Lincoln in 1888 for 'ritual abuses'.

right of the Church to try matters spiritual, and in consequence, of episcopal powers to be exercised and respected.

Gore cited Hooker twice whilst constructing his argument of the ability of the Church to judge independently in matters spiritual with authority – a live issue during the ritual abuse trials in the late nineteenth century. Given that Gore had eight books of Hooker to choose from whilst constructing his case, the fact that he included only two citations suggests that Hooker may have been virtually indigestible to Gore. Nevertheless, Gore did cite Hooker, albeit only twice, and in doing so aligned, at least tangentially, his argument for the contemporary independent authority of the Church in matters spiritual with Hooker's defence of the Elizabethan Settlement three centuries earlier: what was relevant then was still relevant in the late nineteenth century, and to suggest otherwise would be to overturn the foundation upon which the Church had existed since 1559.

*The Gospel and the Catholic Church (1956)*<sup>754</sup>

First published in 1936, Michael Ramsey's intention as cited in his preface to the first edition was to '[expound] the Church as a part of the Gospel of Christ crucified,'<sup>755</sup> being 'led to this line of approach both by the New Testament and by many discussions of the problem of the reunion of Christendom.'<sup>756</sup> The early chapters of the book discuss the cross and resurrection, only then moving on to the relation of the Gospel to elements of the Church's life, such as unity, church order, episcopacy, worship, liturgy, and creeds. The second part of the book goes on to discuss the Church's development through Patristics, Catholicism, the reformers, and finally the Anglican Church. It is noteworthy that the second edition (1956), presented by the

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<sup>754</sup> Note that Ramsey, an important Anglican theologian and ecumenist, did not cite Hooker, which witnesses to Hooker's weakening influence over this moderate Anglo-Catholic, future Archbishop, and President of the World Council of Churches.

<sup>755</sup> Arthur Michael Ramsey, *The Gospel and the Catholic Church* (London: SPCK, 1990) vi.

<sup>756</sup> Ramsey, *op. cit.*, vi.

then Archbishop Ramsey to Pope Paul VI in 1966, contained appendices on *The See of Rome and Unity*, as well as *Archbishop William Temple on Apostolic Succession*.

Hooker has only one mention by name in the context of the legalism of Western Catholicism:

The idea of Law so dominated certain parts of Christian thought, that it lasted far into post-Reformation theology, and is nowhere more apparent than in Luther and in Calvin and in Hooker. Its value to the Church is undeniable; it enabled S. Thomas Aquinas, through the union of the supernatural and the law of nature in one scheme of thought, to work out the profoundest Christian sociology yet known.<sup>757</sup>

Hooker's *Laws* bear similarity to Aquinas not least in their layout of adversarial argument, but also in their claim to law as the basis of an ordered society.

It is somewhat surprising that Ramsey ignores Hooker completely in the chapter *Ecclesia Anglicana*. One would have thought that the following paragraph has the ghost of Hooker writ large:

Amid the convulsions of religion in Europe in the sixteenth century the English church had a character and story which are hard to fit into the conventional categories of Continental Christianity. The Anglican was and is a bad Lutheran, a bad Calvinist, and certainly no Papist. His church grew into its distinctive position under the shelter of the supremacy of the English King, and, its story is bound up with the greed and the intrigues of Tudor statesmen.<sup>758</sup>

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<sup>757</sup> Ramsey, *op. cit.*, 165.

<sup>758</sup> Ramsey, *op. cit.*, 204.

Ramsey goes on to refer to Anglicanism<sup>759</sup> as returning to the ‘scriptures as the ruling element in faith and piety,’<sup>760</sup> yet along very different lines to the errors of Lutheranism (‘giving particular statements in Scripture a domination over the rest’)<sup>761</sup>, and Calvinism (‘pressing the use of Scripture into a self-contained logical system.’)<sup>762</sup> Ramsey makes the claim that in Anglicanism, there ‘was an appeal to antiquity, coherent and complete, and a faithfulness to lessons of history that the Reformers on the Continent were missing.’<sup>763</sup> All very well, and all very Hooker – except not by name.

Post-Reformation, Ramsey acknowledges that ‘prominent in the old structure which the Anglicans retained was the Episcopate’, further explaining that:

For some churchmen, Episcopacy was of a divine law found in Scripture; for others, it was the best way of imitating antiquity; for others, it was well suited as a buttress to the doctrine...of the Divine Right of Kings; for others, it happened to be the order of the national church, and it was thought legitimate for other Reformed churches to use other orders.<sup>764</sup>

Yet Ramsey claims:

what matters most is not the opinions of English divines about Episcopacy, but the fact of its existence in the English church...the fact that, under God, it existed. For its existence declared the truth that the church in England was not a new foundation nor a local

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<sup>759</sup> Remembering of course that Hooker nowhere mentions Anglicanism by name.

<sup>760</sup> Ramsey, *The Gospel and the Catholic Church*, 204.

<sup>761</sup> Ramsey, *op. cit.*, 205.

<sup>762</sup> Ramsey, *op. cit.*, 205.

<sup>763</sup> Ramsey, *op. cit.*, 205.

<sup>764</sup> Ramsey, *op. cit.*, 205-6.

realization of the invisible Church, but the expression on English soil of the one historical and continuous visible Church of God.<sup>765</sup>

This view of the Anglican Church in England as being the representative in England of the one historic and universal Church is mirrored for Ramsey in the Tractarians, whose emphasis on the apostolic succession illustrated this.<sup>766</sup> For the Tractarians, the Church was *not* a ‘State department’.

Ramsey comes closest to mentioning Hooker in all but name when discussing the doctrine of succession and its subsequent misuse. He regrets that a

certain modern tendency to be indifferent to questions of order, to harp upon the distinction between the *esse* and the *bene esse* of the Church, and to blur the distinction between Episcopal and other ministries, can obscure not only the Corpus Christi but the Gospel as well.<sup>767</sup>

It is telling for Ramsey’s own episcopal ecclesiology that he ends the chapter by stating that ‘the organ of unity will be the one Episcopate, *never* because it is Anglican, *always* because it belongs to the universal family of God.’<sup>768</sup> It is perhaps noteworthy that Ramsey cites words most associated with Hooker’s episcopal ecclesiology in a somewhat pejorative sense – Hooker’s use of *esse* and *bene esse* are undoubtedly those of the middle ground. Ramsey is arguing not for a middle ground of episcopacy, but rather that its existence within the apostolic succession is essential

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<sup>765</sup> Ramsey, *op. cit.*, 206.

<sup>766</sup> Ramsey admitted that the phrase, ‘apostolic succession’, had several meanings: 1) ‘the succession of bishop to bishop in office [securing] a continuity of Christian teaching and tradition in every See’; 2) ‘the Bishop also succeeded the Apostles in the sense that they performed those functions, of preaching and ruling and ordaining, which the Apostles had performed’; 3) ‘the phrase “Apostolic Succession” is also used to signify that grace is handed down from the Apostles through each generation of Bishops by the laying on of hands’, admitting that the latter has been a source of classical controversy (Ramsey, *The Gospel and the Catholic Church*, 81-82). Ramsey then makes the telling statement, which sets him at odds with Hooker: ‘we are led, therefore, to affirm that the Episcopate is of the *esse* of the universal Church; but we must beware of mis-stating the issue.’ (Ramsey, *op. cit.* 84).

<sup>767</sup> Ramsey, *op. cit.*, 219.

<sup>768</sup> Ramsey, *op. cit.*, 220.

for the Gospel to be proclaimed with clarity. For Ramsey, it seems Hooker was willing to make compromises that he would not countenance – indicative that Hooker, at least for Ramsey, belongs to a centrism that Ramsey does not.<sup>769</sup>

Taking the first three indicative texts, this section has argued that, overall, precious little mention of Hooker is made in these sources. *Froude's Remains* does not support Hooker's idea of a lay synod, which is accused of being unnecessary and unwieldy. Further, authority in the Church belongs to bishops, and Froude displayed an unhappiness about even lay Anglican voices being in Parliament. For Froude, the appeal to Hooker was a merely tactical one to disarm the 'Z's'. Crucially, the conditions which may have allowed for parliamentary influence in matters spiritual was nullified by the events of 1828-1833. Charles Gore's *The Church and The Ministry* talks solely of Hooker in respect of Hooker and natural and supernatural law, additionally making the point that subsequent to Catholic Emancipation in 1829, the Church and the State were no longer the same, and hence the State could no longer interfere in ecclesiastical affairs, with the right of judgment in spiritual matters belonging solely to bishops. Michael Ramsey's *The Gospel and The Catholic Church* again makes reference to Hooker only in relation to law, bracketing him with Calvin and Luther – and of particular note, ignores Hooker entirely in the chapter on Anglicanism. Ramsey makes the point that the main aspect is that episcopacy existed on English soil – and that for the Tractarians, the Church is not a State department. Finally, even when referring to *esse* and *bene esse*, there is no mention of Hooker by name, with Ramsey using these concepts to claim that the existence of episcopacy with apostolic succession is essential for the Gospel to be proclaimed with clarity.

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<sup>769</sup> Ramsey makes more explicit use of Hooker in *From Gore to Temple* (1960), in which Ramsey does not ascribe the concept of *Via Media* to Hooker himself. Here, Hooker was, for Ramsey, a centrist and majoritarian figure who would try to find compromise and would be willing to see some issues as of 'lesser import' (perhaps, *bene esse*). Hence, we have here clear evidence that Hooker was being claimed for a more centrist approach, away from the polarisation of the preceding century. Arthur Michael Ramsey, *From Gore to Temple: The Development of Anglican Theology between Lux Mundi and the Second World War 1889-1939* (Longmans: London, 1960).

The most recent Anglo-Catholic contribution to Church of England polity was perhaps the response of Forward in Faith and The Society to the ordination of women to the episcopate. Given that, as I have suggested, Hooker had largely dropped out of favour by the turn of the last century amongst Anglo-Catholics, it is not surprising that there is no explicit mention of Hooker in the response of Forward in Faith or The Society to this ecclesiological development.

More research would be necessary on this, but these indicative findings imply that the use of Hooker to support Anglo-Catholic ecclesiology reached a zenith with Keble, and that Keble's bold attempt to assimilate Hooker to his position was therefore seen to have been either unsuccessful or unnecessary even in his own time. The fact that, for over a century, the reference edition of Hooker was one edited and framed by a leading Tractarian should not blind us to the fact that Hooker has in fact never been successfully claimed for the Anglo-Catholic movement. The Kebleian-Hooker terms of *esse/bene esse*, *Iure Divino*, and episcopal authority (as understood by Hooker) appear nowhere in the literature of Forward in Faith and The Society. Two terms that frequently appear are those of sacramental assurance and apostolic succession, terms that appeared in the literature of the Oxford Movement, too.

It is worth mentioning the role played by the 1928 Prayer Book Crisis in respect of the way in which apostolic succession was held in the Church of England in the first half of the twentieth century. As the twentieth century began, the Church of England ecclesiological consensus was that 'Keble and Pusey [in the nineteenth century] did more than almost anyone to replace the national paradigm of Anglicanism, centred on the Royal Supremacy, with the catholic paradigm, centred on the episcopal succession.'<sup>770</sup> Not everyone agreed with such an ecclesiology, however. The

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<sup>770</sup> Paul David Loup Avis, *Anglicanism and the Christian Church* (T&T Clark: Edinburgh, 2002) 180.

questions raised by the Oxford Movement in the middle of the nineteenth century were still being fought over as the United Kingdom emerged from the horrors of the First World War – what exactly was the ecclesiological identity of the Church of England?

The evangelical lobby was a powerful force to be considered when attempting to answer this question. Conservative Evangelicals in particular held to a Church–State relationship framed by Protestantism: ‘Typically during this period, [Conservative Evangelicals] held Erastian convictions and subscribed to a Hookerian-influenced model of the establishment that understood parliament to be the representative of the laity and defender of the Reformation settlement.’<sup>771</sup> In particular, evangelical pressure groups such as the Church Association (1865), the Protestant Truth Society (1889), and the National Church League (1906) lobbied Parliament hard, attacking ritualistic activities.<sup>772</sup> By contrast, English Catholics and liberal Anglicans held to the opposite view that Parliament should not be the ‘lay synod’ of the Church, thus rejecting a Hookerian model. The 1919 Enabling Act, which introduced the National Assembly of the Church of England (known as the Church Assembly), may have indicated a move away from a Protestant concept of national identity and towards a broader concept of national faith and identity.

With two opposing ecclesial identities in the Church of England, it became necessary to re-examine the way the ecclesial identity of the nation was expressed in its liturgical practices. The attempt to do so resulted in the Prayer Book Controversy of 1927-1928, as a revision of the 1662 Book of Common Prayer was proposed to Parliament, having received approval by the Church Assembly. This was finally defeated in the House of Commons by 46 votes. Protestant fears of an ecclesial

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<sup>771</sup> John Maiden, *National Religion and the Prayer Book Controversy, 1927-1928* (Studies in Modern British Religious History) Boydell and Brewer, 2009, 7.

<sup>772</sup> M. Wellings, *Evangelicals Embattled: Responses of Evangelicals in the Church of England to Ritualism, Darwinism and theological Liberalism, 1890-1930* (Carlisle: Paternoster Press, 2003) 73-110.

submission to Rome were not realized (which in turn would have moved the Church of England away from the reformed Settlement which Hooker defended).<sup>773</sup>

Apostolic succession and sacramental assurance, key elements of a more catholic ecclesiology, are concepts that were simply alien to Hooker.<sup>774</sup> According to traditional catholics, the sacraments are the means by which the faithful receive the grace of God, provided that the right conditions are met.<sup>775</sup> The ‘right conditions’ are those defined in the Book of Common Prayer: that, for the Eucharist, bread and wine are used, and the service is presided over by a priest ordained by a bishop.<sup>776</sup> Simon Killwick, in an article for the *Church Times* in 2010, argues that:

the preface to the Ordinal makes it clear that the Church of England intended to continue the orders of bishops, priests, and deacons, as the Church had received them, going back to the time of the Apostles...the requirement of a priest, ordained by a bishop in the apostolic succession, to preside at the Eucharist is a requirement of Anglican formularies.<sup>777</sup>

Traditional catholics therefore believe that the Church of England, in ordaining women to the priesthood and episcopate, is not continuing the priestly and episcopal orders as the Church has received them (‘Church’ in this context refers both to the Church in the past, as well as present-day Roman Catholic and Orthodox Churches). Both these latter worldwide Churches have not admitted women to the diaconate, the

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<sup>773</sup> At the time of the Prayer Book Controversy, Protestant fears of Rome were heightened between 1921 and 1925 by the Malines Conversations, ecumenical discussions between Roman Catholics and Anglo-Catholics, in addition to Protestant suspicions over the Enabling Act (1919), as well as the perceived growing influence of Anglo-Catholicism in the Church of England (see Maiden, *National Religion and the Prayer Book Controversy*, 20-21).

<sup>774</sup> These two concepts would certainly have been anathema to the Protestants leading the opposition to the Prayer Book revision of 1927-1928.

<sup>775</sup> For instance, see Canon Simon Killwick, ‘Why Sacramental Assurance Matters’, *Church Times*, 28 July, 2010. Canon Killwick was for many years the leader of the Catholic Group on the General Synod of the Church of England.

<sup>776</sup> See Article XXXVI of the Thirty-Nine Articles and the Ordinal in the Book of Common Prayer. The Act of Uniformity (1662) also makes reference to this.

<sup>777</sup> Killwick, ‘Why Sacramental Assurance Matters’.

priesthood, or the episcopate, and therefore the Church of England is departing from the consensus of the universal Church, as their orders are no longer those that the Apostles handed on (i.e. the apostolic succession); therefore, there is no sacramental assurance.

Given that Keble edited the reference edition of the *Lawes*, which was standard for over a century, were these doctrines of apostolic succession and sacramental assurance in any way influenced by Hooker's views, even if Hooker himself by name was more or less *persona non grata* subsequent to 1834?

Keble claims in Tract 4 that the Church of England was 'the only church in this realm which has a right to be quite sure that she has the Lord's Body to give to his people.' As we have already seen, for traditional Catholics, you cannot have sacramental assurance without apostolic succession. In Tract 1 (1833), Newman wrote:

Should the government and country so far forget their God as to cast off the church, to deprive it of its temporal honours and substance, *on what* will you rest the claim of respect and attention which you make upon your flocks?<sup>778</sup>

That is to say, authority is built on apostolic descent – in other words, according to Newman:

The Lord Jesus Christ gave His Spirit to His Apostles; they in turn laid their hands on those who would succeed them; and these again on others; and so the sacred gift has been handed down to our

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<sup>778</sup> Pusey, Edward Bouverie; Froude, Hurrell; Keble, John; Williams, Isaac; Palmer, William, and Newman, John Henry, *Tracts for the Times* (J. G. & F. Rivington: St. Paul's Church Yard, and Waterloo Place: Pall Mall: & J. H. Parker: Oxford, 1833), 1.

present Bishops, who have appointed us as their assistants, and in some sense representatives.<sup>779</sup>

With the Irish bishoprics controversy, and fears that State involvement with the Church was decreasing, the Tractarians were concerned that the authority of the Church would decline. They therefore cited apostolic succession, and by doing so, made the claim that the Church of England is the true Church – the authority of bishops would still come ultimately from God, but would instead be mediated by continual succession, rather than by the monarch. Because of this claim of ‘continuation’, the Church could align itself with the pre-Reformation Church, and be thus distinguished from the other Protestant Churches. The true Church, they argued, consisted of Churches with apostolic succession – Orthodox, Roman Catholic, and Anglican.

Where did Keble and the Tractarians get this idea? Chapman claims that it was an innovation:

With few exceptions, most writers sympathetic to bishops before the English Civil War period based their arguments on decency and order rather than on apostolic succession. Very few...were willing to see bishops as necessary for the constitution of the church. On the whole they accepted the ministry and sacraments of the continental protestant churches as expressions of the true church relative to their particular contexts.<sup>780</sup>

In the late nineteenth century, against this longstanding consensus, Gore made the claim that episcopacy was essential to the Church, and that Anglicans should not

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<sup>779</sup> Pusey et al., *Tracts for the Times*, 1-4.

<sup>780</sup> Mark David Chapman, (2008): *Anglo-Catholics and the Myths of Episcopacy*, in James Rigney, ed., *Women as Bishops* (London: Continuum, 2008), 92-109.

recognize the ministry of those who were not ordained by bishops.<sup>781</sup> This is in direct contradiction of Hooker's beliefs that *in extremis*, people may exercise priestly ministry without episcopal ordination.

According to these Anglo-Catholics, then, the doctrines of sacramental assurance and apostolic succession depend on episcopacy being of the *esse* of the Church, and on that episcopacy being of *Iure Divino*, which thus determines the manner of episcopal authority exercised. Hence, traditional Catholics are not only *not* citing Hooker by name, but also departing from him in substance.

For traditional Catholics, wishing to be assured that the sacraments they receive and exercise are *authentic*, and can therefore convey the sacramental grace necessary, the means by which that grace is conveyed has to be legitimate. We have seen that the traditional Catholic groups argue that the introduction of women priests and bishops is an unlawful innovation that the Church of England did not have the authority to make. Thus accordingly, if the Church of England wishes to remain part of the universal Church (because traditional Catholics claim that its orders are part of such), then the rest of the universal Church must be able to recognize each other's orders – ergo, women priests and bishops should not be permitted unless Roman Catholicism and Orthodoxy agree. Killwick explains, in the context of 'reception' of new ecclesial developments:

Because the C[hurch] of E[ngland] claims that her orders are those of the whole or universal Church (Catholic, Orthodox, Anglican), the new development in the ordination of women must be subject to reception by the whole Church. Otherwise, our Church's claim about her orders would be in jeopardy.<sup>782</sup>

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<sup>781</sup> Charles Gore, *The Church and The Ministry* (London: Longmans, Green, and Co, 1919) c/f especially II.53-61 & 92, IV.208-209, V.211-214 and VII.298-314.

<sup>782</sup> Killwick, 'Why Sacramental Assurance Matters'.

This concept must be drawn into question when we consider that the Orthodox Church declared the Roman Catholic Church heretical because of the perceived innovation of the *filioque* clause and papal supremacy. There is also precious little evidence that Rome or Orthodoxy would consult each other, nor the Anglican Church, when making changes of their own. There is further the argument regarding which issues need consultation across the three denominations – why is gender a first-order issue’, when other innovations are not?

It is worth mentioning at this point the Chicago-Lambeth Quadrilateral, which has been described as ‘the primary reference point and working document of the Anglican Communion for ecumenical Christian reunion.’<sup>783</sup> The Quadrilateral focuses on four essentials for Christian unity:

1. The Holy Scriptures of the Old Testament and New Testament, as ‘containing all things necessary to salvation’, and as being the mark and ultimate standard of faith.
2. The Apostles’ Creed, as the Baptismal symbol; and the Nicene Creed, as the sufficient statement of the Christian faith.
3. The two Sacraments ordained by Christ himself – Baptism and the Supper of the Lord – ministered with unfailing use of Christ’s words of institution, and of the elements ordained by Him.
4. The Historic Episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the Unity of His Church.<sup>784</sup>

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<sup>783</sup> R. B. Slocum, ‘The Chicago-Lambeth Quadrilateral: Development in an Anglican Approach to Christian Unity’, *Journal of Ecumenical Studies*, 33 No 4 (1996), 471-486.

<sup>784</sup> ‘The Lambeth Quadrilateral’, The Anglican Church of Canada, <https://www.anglican.ca/about/beliefs/lambeth-quadrilateral/>, accessed 11 September 2020. The Chicago-Lambeth Quadrilateral was adopted by the Anglican Communion in Resolution 11 of the 1888 Lambeth Conference.

Of importance for this thesis is the fourth element of the Quadrilateral, and especially what may be meant by ‘locally adapted’. However, right from the inception of the Quadrilateral, not everyone was in agreement about its importance or purpose. This is reflected in the North American Churches placing more importance on the Quadrilateral than the Church of England.<sup>785</sup>

Giving such a vague definition of the historic episcopate led to the inevitable conclusion that:

The terse statement of the Quadrilateral’s on the ‘Historic Episcopate’ has caused such a large volume of discussion, because the concept was not defined, and because the idea of being able locally to adopt the episcopate according to varying situations offered no limit to the adaptations and variations which might be produced.<sup>786</sup>

Such a definition may be more akin to that which Hooker espoused – at least allowing for a closer relation with the State, and almost certainly chiming with the episcopate being of the *bene esse* rather than the *esse* of the Church.<sup>787</sup> This definition, though, would not have helped those who were looking in particular for reunion with the great Latin Church of the West, whose definition of the episcopate was somewhat stricter –

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<sup>785</sup> Slocum, ‘Chicago-Lambeth Quadrilateral’, 473-474. For more on the history and reception of the Chicago-Lambeth Quadrilateral see, for example, J. Robert Wright, ed., *Quadrilateral at One Hundred, Essays on the Centenary of the Chicago-Lambeth Quadrilateral, 1886/88-1986/88, Anglican Theological Review Supplemental Series 10* (March, 1988) (Cincinnati, OH: Forward Movement Publications, 1988).

<sup>786</sup> Arthur A. Vogel, ‘Chicago-Lambeth Quadrilateral: Yardstick or Mirror?’ in J. Robert-Wright, *Quadrilateral at One Hundred*, 136-137.

<sup>787</sup> Evidence of the weight which the North American Churches placed on the Chicago-Lambeth Quadrilateral and its looser understanding of episcopacy is seen in the Faith and Order statement from the 1949 General Convention of the Episcopal Church. Quoted in J. Robert-Wright, ‘Heritage and Vision: The Chicago-Lambeth Quadrilateral’, in J. Robert-Wright (ed.), *Quadrilateral at One Hundred*, 34.

with apostolic succession being a key concept.<sup>788</sup> The fact that the Roman Catholics viewed Anglican Orders as invalid would not have helped discussion, either.<sup>789</sup>

This section has argued that precious little reference is made to Hooker by Forward in Faith or The Society in the texts used in this chapter. The key themes for these two groups were apostolic succession and sacramental assurance, both of which were entirely alien to Hooker. Both the development of the Chicago-Lambeth Quadrilateral in the latter nineteenth century, which made the existence of the historic episcopate a key feature of ecclesiology, as well as the 1928 Prayer Book Crisis which gave rise to questions regarding the identity of the Church of England, were key aspects of the ecclesiological climate for the party history of the traditional Anglo-Catholic movement. For them, the advent of female bishops meant neither sacramental assurance, nor the continuance of apostolic succession.

#### *Further Anglo-Catholic texts on ecclesiology*

In order to strengthen the claim that Keble, Newman, and contemporary traditional Catholics of the Church of England asserted an episcopacy which was not part of the ecclesiological character which Hooker knew, a brief survey was conducted of works by A. G. Hebert, K. E. Kirk, and E. L. Mascall.<sup>790</sup> Of Hebert's two works cited here, *The Form of the Church* (1944) mentions Hooker by name in respect of God's eternal

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<sup>788</sup> See Gillian R. Evans, 'Permanence in the Revealed Truth and Continuous Exploration of its Meaning', in J. Robert-Wright (ed.), *Quadrilateral at One Hundred*, 18-119; as well as Nicholas Sagovsky, 'Anglicanism and the Conditions for Communion – A Response to Cardinal Kasper', in Paul D. Murray (ed.), *Receptive Ecumenism and the Call to Catholic Learning: Exploring a Way for Contemporary Ecumenism* (Oxford: Oxford University Press, 2009), 373-384.

<sup>789</sup> Henry Chadwick, 'The Quadrilateral in England' in J. Robert-Wright (ed.), *Quadrilateral at One Hundred*, 146-147.

<sup>790</sup> A. G. Hebert, *The Form of the Church* (London: Faber and Faber, 1944); *Apostle and Bishop: A Study of the Gospel, the Ministry, and the Church Community* (London: Faber and Faber, 1963); K. E. Kirk, 'The Apostolic Ministry', in Kirk (ed.) *The Apostolic Ministry: Essays on the History and Doctrine of Episcopacy* (London: Hodder and Stoughton, 1957), 1-52; B. M. Hamilton-Thompson, 'The Post-Reformation Episcopate in England' in K. E. Kirk (ed.), *The Apostolic Ministry*, 387-432; E. L. Mascall, *The Recovery of Unity: A Theological Approach* (London, Longmans & Co, 1958).

law,<sup>791</sup> and defines apostolic succession as being firstly the succession of bishops in a see, and secondly, the succession of consecration.<sup>792</sup> Hebert then claims that episcopacy is of the *esse* of the Church, rather than the *bene esse*, laying out six objections as to why episcopacy is not of the *esse*, and then six contradictory claims as to why it is.<sup>793</sup> Nowhere in these claims and counter-claims is Hooker mentioned by name. In Hebert's *Apostle and Bishop*, Hooker is not mentioned by name at all, but the volume seems to take a slightly 'softer' approach than *The Form of the Church*, in that non-episcopal Churches are still within the Church of God due to their baptismal nature (despite having 'errors'). Yet, Hebert still claims that 'episcopal ministry is the necessary framework of a re-united Christendom...episcopacy is not a mere form of Church government...it is a sacred office...it is in itself a witness to the Gospel.'<sup>794</sup>

K. E. Kirk cites episcopacy as being an 'essential ministry' with 'oversight',<sup>795</sup> making a distinction between bishops as 'essential', and deacons as 'dependent'. Further, 'it soon became certain that no one could be a member of that ministry unless he had been admitted to it by those who were already members of it themselves.'<sup>796</sup> In other words, only bishops could ordain more bishops, which would seem to exclude the possibility of non-episcopal ordination – yet Kirk raises a *caveat* with this view when he later says, 'if the problem of the validity of non-episcopal ministries is raised, it is raised precisely because those who so commissioned produce by their life and witness very many of the results we expect from the faithful service of those as to whose valid ordination there is no doubt.'<sup>797</sup> Kirk concludes that the burden of proof that non-episcopal ministries are as valid as episcopal ministries lies with those who assert the former's validity.<sup>798</sup> Thus, Kirk, whilst acknowledging the existence of

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<sup>791</sup> Hebert, *The Form of the Church*, 24.

<sup>792</sup> Hebert, *op. cit.*, 107.

<sup>793</sup> Hebert, *op. cit.*, 110-119.

<sup>794</sup> Hebert, *Apostle and Bishop*, 149-150.

<sup>795</sup> Kirk, 'The Apostolic Ministry', in Kirk (ed.), *The Apostolic Ministry*, 8-9.

<sup>796</sup> Kirk, *op. cit.*, 14.

<sup>797</sup> Kirk, *op. cit.*, 37.

<sup>798</sup> Kirk, *op. cit.*, 46.

non-episcopal ministries, nevertheless promotes an episcopacy that is more rigid than Hooker would have allowed.

Later in the same volume, B. M. Hamilton-Thompson concentrates more on Hooker himself. She claimed that Hooker was the only writer of his time to give systematic treatment to Protestant bodies, and that his position as regards episcopal doctrine was a complex one, claiming that his influence on his successors' views on Divine Right episcopacy (such as Bilson and Saravia) was considerable.<sup>799</sup> This is in contradiction to the argument of this thesis, which is that such an influence cannot successfully be proven. Hamilton-Thompson made the assertion that Hooker is in fact reticent to claim episcopacy as being of the *esse* of the Church due to 'his innate fear of inferring immutable principles from general laws, even if he believes them to be of divine sanction.'<sup>800</sup> Hamilton-Thompson also considered Hooker's two exceptions to episcopacy being of the *esse* – first, direct divine appointment, and second, non-episcopal ordination – and stated that 'it is difficult to see in either case that these exceptions are meant to provide a loophole for the Reformed ministries,'<sup>801</sup> concluding that Hooker regarded episcopal ordination as the normal form.<sup>802</sup> She finds 'considerable support among the Elizabethans for the divine origin of the episcopate; and it is but a step from the position they took up to the semi-political doctrine of divine right.'<sup>803</sup> This would appear to make Hamilton-Thompson sound very much like Keble – that Hooker could nearly have reached an Anglo-Catholic position, but that Hooker was too cautious to follow through.

E. L. Mascall, in *The Recovery of Unity*, is somewhat more strident in his assessment of Hooker's legacy, and also of attempts to assimilate the Church of England with the

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<sup>799</sup> Hamilton-Thompson, 'The Post-Reformation Episcopate in England', in Kirk (ed.) *Apostolic Ministry*, 422, 428.

<sup>800</sup> Hamilton-Thompson, *op. cit.*, 428.

<sup>801</sup> Hamilton-Thompson, *op. cit.*, 428.

<sup>802</sup> Hamilton-Thompson, *op. cit.*, 429.

<sup>803</sup> Hamilton-Thompson, *op. cit.*, 429.

ecclesiology of the post-reformation period. Though there are only three explicit mentions of Hooker by name in the entire volume, two of which are to do with the Eucharist, the third relates to episcopacy, of which Mascall says, ‘I cannot think of any worse service that could be done to the Church of England today than to attempt to bind it down to the ecclesiology of the post-Reformation period.’<sup>804</sup> In other words, Mascall was fervently against any attempt to align any aspect of the Church of England’s ecclesiology, episcopacy included, with that which Hooker defended in the *Lawes*. Further, Mascall writes that ‘it was providential that [Jewel, Whitgift, and Hooker] recognised [that episcopacy had divine authority by continuance from the apostolic age] even when their theology was incapable of providing anything other than a historical basis for it.’<sup>805</sup> In reference to the mutability of Church polity, which was a strong feature of Hooker’s ecclesiology, Mascall’s article on whether women can be ordained to the priesthood weighs heavily on arguments against the development. Mascall cites Scripture and tradition as not allowing such a precedent, as well as the Church of England not being able to take unilateral action when the Orthodox and Roman Catholic Communions have not. Nowhere in the article is Hooker mentioned by name.<sup>806</sup>

Therefore, both Keble and Newman, and latterly the traditional Catholics of the Church of England, make claims for apostolic succession, and its definition, that are simply not part of the Anglican tradition, and would certainly not have been part of the Church of England’s character that Hooker knew. Such claims by the Tractarians may well have been created out of a political expediency to shore up the authority of a Church that they deemed to have been under attack from government interference at the time.

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<sup>804</sup> Mascall, *The Recovery of Unity*, 169.

<sup>805</sup> Mascall, *op. cit.*, 169. Here, Mascall is citing N. Sykes, *Old Priests and New Presbyters* (Cambridge: Cambridge University Press, 1956).

<sup>806</sup> E. L. Mascall, ‘Women Priests?’, <https://anglicanway.org/2015/02/15/women-priests-e-l-mascall/>, accessed 22 February 2021.

The argument outlined above makes it clear that Hooker dropped out of favour with Anglo-Catholics shortly after the publication of Keble's 1834 edition of the *Lawes*.

This section has argued that four further texts in the history of Anglo-Catholicism in the twentieth century Church of England mention Hooker more frequently, but did not make the claims for him which Keble did in his editorial preface to the *Lawes*. Hebert, in *The Form of the Church*, made reference to Hooker when discussing God's eternal law, but not in relation to apostolic succession, succession of consecration, or bishops being of the *esse* of the Church. In Hebert's *Apostle and Bishop*, Hooker was not mentioned at all, save for some parallels when discussing how non-episcopal churches may still be considered part of the Church of God due to their baptismal nature. Bishops were, for Hebert, of the *esse* of the Church. Kirk, in *The Apostolic Ministry*, referred to bishops being an essential ministry, a key factor of which was oversight. For Kirk, episcopal ordination was necessary, but conceded that there are difficulties when the fruits of non-episcopal ministries were similar to those of episcopally ordained ministries. Kirk was, however, more rigid than Hooker in regards of episcopal ministry. Further on in *The Apostolic Ministry*, Hamilton-Thompson claimed that Hooker was the only writer of his time to give a systematic treatment to Protestant bodies, and that Hooker's doctrine of episcopacy was a complex one. She claimed that Hooker had a crucial influence on Saravia and Bilson's doctrine of the Divine Right of bishops (although such an influence cannot be proven). Further, Hamilton-Thompson regarded Hooker as being reticent to claim episcopacy as *esse*, and that though she found support in Elizabethan times for the divine origin of episcopacy, it was only a small step to the semi-political doctrine of *Iure Divino*. Finally, E. M. Mascall, in *The Recovery of Unity*, made only three mentions of Hooker. Two are in relation to the eucharist, and the third, to episcopacy. Mascall believed that it was a serious mistake to try and align the modern Church of England with that of the post-Reformation Church. Though Hooker, Jewel, and Whitgift recognised episcopacy as being from the apostolic age, their theology was

limited to only making a historical basis for it. Mascall also weighed heavily against the case for women bishops, citing a strong scriptural and tradition argument against.

#### **7.4 How is Hookerian Ecclesiology Employed in the Contemporary Church of England?**

Amongst the literature researched for this chapter surrounding the introduction of women bishops in the Church of England, and in particular amongst the literature produced by traditional catholic groups, there are very few explicit mentions of Richard Hooker. We have seen in the section above that after Keble, the Anglo-Catholics more or less stopped using Hooker as an authority, apparently finding that it was just too much of a stretch to assimilate him; even Keble had only been able to do that by claiming a link between Hooker and Saravia that was very tenuous. Anglo-Catholic ecclesiology has been dominated by ideas such as apostolic succession and sacramental assurance, which have no real basis in Hooker.

In 2015, the Council of Bishops of The Society published a statement, ‘Communion and Catholicity in the Church of England: A Statement of Principles by the Council of Bishops of The Society’<sup>807</sup>, and in the section on ‘Our Vocation as Catholic Christians in the Church of England’, it states:

Furthermore, as Anglicans we rejoice in the patristic and Western Catholic tradition we have inherited. That tradition is embodied in *The Book of Common Prayer*, in the work of Richard Hooker, and in the writings of the Anglican divines of the seventeenth and early eighteenth centuries. In the nineteenth and twentieth centuries it was further developed by the Oxford Movement and by later

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<sup>807</sup> ‘Communion and Catholicity in the Church of England: A Statement of Principles’, Statements, accessed 5 July 2019, [https://www.sswsh.com/uploads/Communion\\_and\\_Catholicity\\_for\\_web.pdf](https://www.sswsh.com/uploads/Communion_and_Catholicity_for_web.pdf).

theologians, liturgists, spiritual writers and canonists who were influenced by that movement.<sup>808</sup>

Quite what The Society means by the ‘patristic and Western Catholic tradition we have inherited’ is not developed convincingly in the paper – and there are no references that indicate which parts of Hooker they claim to evidence for this. Because The Society offer no further reasoning behind their citation of Hooker at this point, it is difficult to think that they do little beyond paying lip-service to a luminary of the Anglican tradition, and one at that who has become a symbol of centrist and anti-Puritan Anglicanism.

The second explicit mention from the traditional catholics in recent history is that in a paper written by Dr Colin Podmore, ‘A Wonderful Order: Essentials of Anglican Identity’, presented at a Vocations Day for those affiliated to Forward in Faith, in 2013. Under the heading, ‘What’s in a name?’, Podmore writes:

But though...Richard Hooker was one of its first defenders against those who wanted to overthrow its structure and tradition, we are not...Hookerites. Our Church is not named after an individual, a belief, or a practice. ‘Church of England’ and ‘Anglican’ tell us nothing about doctrine: neither of them is a denominational name at all.<sup>809</sup>

This tells us that Podmore, and by extension, traditional catholics, recognize Hooker as a positive threat to their viewpoint. By stating to a group of traditional catholics that Hooker has no special authority that they would need to accept, the reader is perhaps left wondering whether Podmore protests too much. Yet, what of the famous

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<sup>808</sup> ‘Communion and Catholicity’, section 4.3.

<sup>809</sup> Podmore, Colin. ‘A Wonderful Order: Essentials of Anglican Identity’, *Articles and Addresses* 2013, Accessed 5 July, 2019, [https://www.forwardinfaith.com/uploads/A\\_Wonderful\\_Order\\_for\\_website.pdf](https://www.forwardinfaith.com/uploads/A_Wonderful_Order_for_website.pdf).

‘three-legged stool’ that Hooker is often believed to have developed? Podmore continues:

Scripture is primary. (It is sometimes claimed that Richard Hooker spoke of Scripture, Tradition, and Reason forming a ‘three-legged stool’, but such a stool could not exist in the Anglican tradition, because the Scripture leg would have to be longer than the others. Tradition and reason are tools for interpreting Scripture, not independent authorities of equal standing with Scripture. Accordingly, you will search Hooker’s *Laws of Ecclesiastical Polity* in vain for any reference to such a piece of furniture).<sup>810</sup>

Therefore, according to Podmore, attempts to place Scripture on a parallel with Tradition and Reason is not what Hooker would have argued, and is not what the Church of England teaches about the authority of Tradition and Reason, according to Podmore’s Hooker.

Further on in his paper, Podmore comments that ‘the imposition of the 1662 Prayer Book and episcopal ordination after the interregnum marked the definitive drawing of a line in the sand, and the Puritans left to form the Presbyterian, Congregational, and Baptist churches.’<sup>811</sup> Accordingly, then, from this point the Church of England adopted episcopal ordination as a pre-requisite and doctrinal necessity: bishops became of the *esse* of the Church, with the outworking of that polity written in the Prayer Book.

What Podmore does here is to point out that episcopacy is part of the heritage of the Church of England, a Church that shares its governance structure with Roman Catholic and Orthodox Churches: Churches that are different from the reformed Churches because of their retention of this ancient form of governance – which

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<sup>810</sup> Podmore, *op. cit.*

<sup>811</sup> Podmore, *op. cit.*

Scripture has allowed, and tradition maintained. What Podmore does not elaborate on is Hooker's strong insistence that the exact nature of episcopal governance is essentially a matter of adiaphora – an insistence that the Tractarians, and indeed Keble's Hooker in particular, do not pick up on either.

Given that such an influential figure as Keble edited an edition of the *Lawes*, which could be taken as Keble giving weight to Hooker's opinions and stance on the ecclesiology of the Church of England, why are there so few mentions of Hooker in contemporary traditional catholic literature? Why does Podmore cite Hooker when none of his contemporaries do?<sup>812</sup> Though Podmore *does* cite Hooker, the citations are relatively few, and the conclusion is that it is the power of association that Podmore is trying to make.

By citing Hooker, Podmore is attempting to cast the ecclesiological stance of Forward in Faith and The Society in a more reasonable light. That is, the views of Forward in Faith and The Society are legitimately part of the spectrum of long-established Anglican teaching on the subject and are not to be rejected by those who disagree with them.

This then leaves us with the question as to whether Keble's Hooker has died out. The claims made for the contemporary episcopate by traditional catholics, the heirs of the Tractarian movement, do not make numerous or explicit mention of Keble's Hooker. This is because they realize that to do so, would be to stretch the ecclesiology of Hooker to a point beyond reasonable credibility.

We have established that the Tractarians, and their present-day heirs, the traditional catholics, have long ceased to use Hooker as a justification for their understanding of ecclesiology. Yet, Hooker's is still a name which, though perhaps not entirely

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<sup>812</sup> It should be noted that Podmore was pretty much a lone historical voice amongst traditional catholics in this debate.

understood, is still reasonably well-known amongst present-day Anglicans. Who is claiming Hooker for their cause, then, and does this explain why the traditional catholics have ceased to use Hooker?

Stephen Sykes, Bishop of Ely from 1990 to 1999, published a paper entitled, 'Richard Hooker and the Ordination of Women to the Priesthood' in 1990, as part of a larger tome on the issues surrounding that debate at the time.<sup>813</sup> Sykes' paper offers a consideration of the objections to women being ordained to the priesthood and argues that they are no longer tenable according to the theological method of Richard Hooker. The two strands of argument that Sykes exhibits are, first, that the way Hooker wrestles with the concept of church order demonstrates that it 'can and should be related to particular times and places'<sup>814</sup>; and second, that 'it is possible to hold that both a particular church order is divinely ordained and also that it is not immutable.'<sup>815</sup>

Sykes presents Hooker's argument that laws given by God were mutable for the following reasons. First, Sykes examines the disciplines of law, philosophy, ethics, medicine, and theology, which argued for the inferiority of women. Citing the example of the French jurist, André Tiraqueau, and his work *De Legibus connubialibus* (1513), in arguing for the inferiority of females, Sykes claims that within such circumstances, 'the marriage of Aristotle's anatomical and ethical theories to the patristic understanding of the creation and fall had contrived to produce a synthesis according to which woman was an incomplete version of the male (*a mas occasionatus*).'<sup>816</sup> Sykes interprets the impact of this on Hooker as follows:

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<sup>813</sup> Stephen W. Sykes, 'Richard Hooker and the Ordination of Women to the Priesthood', in Janet Martin Soskice (ed.), *After Eve: Women, Theology and the Christian Tradition* (London: Collins, 1990) 118-37; repr. in Stephen W. Sykes, *Unashamed Anglicanism* (London: Darton, Longman, and Todd, 1995), 81-98.

<sup>814</sup> Sykes, *Unashamed Anglicanism*, 83.

<sup>815</sup> Sykes, *op. cit.*, 83.

<sup>816</sup> Sykes, *op. cit.*, 86.

[that] although Aristotelian medical theory provides a basis for morality, and medicine and ethics underlie law, the synthesis of Aristotelian and Christian theses is full of ambiguities, apparent and real contradictions and open possibilities which make it responsive to slow change. Hooker's participation in the synthesis was total...his significance is that he provides the Church with a way of understanding what it might mean to come to terms with the new view of woman which was shortly to develop in modern Europe...the case that can be argued in this connection rests on Hooker's awareness that certain aspects of church law can properly vary with time and place.<sup>817</sup>

This meant that Hooker would not have contemplated the ordination of women because the role of women in the sixteenth century was defined by long-developed philosophical, medical, legal, ethical, and theological views. These views were soon to begin to change with the Enlightenment; as the Aristotelian view of the inferiority of women began to wane, the remaining barrier to the ordination of women would have been positive law, which, according to Hooker, is open to change.

Sykes argues that this meant church polity, and specifically that of who can and cannot be ordained, could be changed, and that Hooker could be claimed in support of that argument because:

It shows Hooker to be the architect of an understanding of church polity which can seriously consider the necessity of change, even in an institution as traditional as an all-male priesthood. It does not, of course, turn Hooker into an advocate of women's ordination. But on his own principles, Hooker would undoubtedly have been ready to

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<sup>817</sup> Sykes, *op. cit.*, 86-87.

consider an argument which destroyed the doctrine of women's subordination as a deliverance of natural reason.<sup>818</sup>

If Sykes' argument is therefore believed, the potential mutability of Hooker's episcopal ecclesiology means that claiming the latter for a gender-rigid polity is no longer attractive for traditional catholics and would be one reason why Hooker is so rarely cited by those arguing for an all-male priesthood and episcopate. Sykes anticipates the arguments of contemporary traditional catholics when he states:

It is, therefore, quite consistent with Hooker's basic theory for him to say that there are conditions under which it would be legitimate to vary the form of church polity. The Tractarians found it a difficult passage to swallow, and Anglo-Catholics have choked on it ever since, but it is plain enough. [Hooker argued that] the scriptures are not so insistent or clear on matters relating to ecclesiastical polity that 'much of which it hath taught [might] become unrequisite, sometimes because we need not use it, sometimes also because we cannot.' [*Lawes* III.xi.16]...This is a clear example of Hooker's readiness to judge of times and seasons.<sup>819</sup>

Sykes, therefore, clearly states that the conditions under which women were to be considered inferior are no longer in force, and that as church polity is a matter of positive law, and is not of the *esse* of the Church, the nature of episcopacy can change – which includes the opening up of the threefold orders of ministry to women. Sykes strove to neutralize the ability of the traditional catholics to claim Hooker for their cause, and instead stridently attempted to claim Hooker for the liberals. Sykes' argument is made in a logical and persuasive manner, which makes it hard to discount – perhaps playing here on the ability of Hooker to be claimed for pretty much any

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<sup>818</sup> Sykes, *op. cit.*, 93. It is noteworthy that Sykes claims Hooker would have undoubtedly been ready to consider such an argument, when such an assertion seems to go well beyond the extant evidence.

<sup>819</sup> Sykes, *op. cit.*, 91-92.

viewpoint within modern Anglicanism. Sykes' argument also marked a milestone in the usage of Hooker for contemporary ecclesiology, evidenced by the numerous citations of Sykes' paper in Church of England official documents surrounding the ordination of women to the episcopate, and the associated necessary mutability of ecclesiastical polity, which will be discussed next.<sup>820</sup>

With Sykes' paper in 1990 clearly making a case for women to be ordained to the priesthood (which happened in 1994), in 2004, the Church of England commissioned what has become known as the Rochester Report, to investigate a possible route map to enable women to be ordained as bishops. The report cites Hooker a number of times, often in pursuit of Sykes' goal of establishing that Hooker gives historical precedent for the Church of England's authority in making changes to its episcopal polity.

The report states of Hooker's episcopal ecclesiology that:

Hooker argues that episcopacy is of apostolic origin, and he also defends the way that episcopacy is structured in the Church of England, including government by metropolitans, on the grounds that this is necessary for the good governance of the Church.

And further, in reference to episcopal authority and *esse*:

On the one hand, as we have already indicated, Hooker strongly asserts the apostolic and God-given origin of episcopacy. On the other hand he does not hold that it is an absolutely necessary part of the life of the Church.

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<sup>820</sup> The Church of England, 'The Rochester Report'. 2004, 169-70.

The Rochester Report makes reference to the significance of apostolic succession and Hooker when considering the traditional catholic groups and their understanding of the importance of apostolic succession:

The reason this [apostolic succession] is seen as significant is that the office of bishop has traditionally been seen as representing the continuation of the ministry of the apostles in the later life of the Church. Hooker, for instance, sees the apostles are the first to exercise episcopal oversight in the Church and bishops as their successors in this regard (VII.iv.4). This being the case, evidence that women exercised some kind of apostolic function in the Early Church would point towards the appropriateness of women being permitted to exercise an episcopal role in the Church today.<sup>821</sup>

Therefore, though there is an acknowledgement that apostolic succession matters, the Rochester Report does not claim that the nature of episcopacy in the apostolic succession has to remain unchanged – the reference to women in the Early Church suggests that church polity has departed from the apostolic precedent, and that the ordination of women to the episcopate would restore the nature of the contemporary episcopate to that which was evident in the Early Church.

The Rochester Report also addresses the claim of whether the proverbial Hookerian three-legged stool has legs of equal length. Earlier in this chapter, we saw that Podmore claimed these three legs to be unequal, with the scriptural leg being the longest, and therefore the most important. In section 3.3.18 of the Rochester Report, Hooker and the authority of the Bible is discussed in the context of Hooker's battle with the Puritans over scriptural authority:

This was an issue which was discussed in relation to the issue of ecclesiology by Richard Hooker in his debate with the radical

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<sup>821</sup> The Rochester Report, 161.

Puritans in the *Laws of Ecclesiastical Polity*. Both Hooker and his opponents accepted that Scripture possessed normative authority. However, while the radical Puritans argued that issues to do with worship and the government of the Church should be decided solely on the basis of what was taught in Scripture itself, Hooker argued that this was too restrictive and that what needed to be asked was how to apply the basic principles of biblical teaching in situations which the Bible did not directly address or where the circumstances that had occasioned the biblical teaching had changed.<sup>822</sup>

It is important to quote this passage in full because it illustrates that the argument concerned whether absolutely everything about church polity was only permitted if it was mentioned in the Bible. To take such a line of scriptural literalism would mean a very different Church indeed – and would mean that a number of traditional catholic practices would have to be outlawed because they were not explicitly mentioned in the Bible.

Having illustrated Hooker's views about the primacy of Scripture, the Rochester Report then makes the case for the utilization of human reason in deciding on non-essential matters to salvation, of which church polity was one area: 'it is also because they have this capacity for rational thought that human beings are able to engage in theological reflection.'<sup>823</sup> Human beings, being enlightened by the gift of rational thought, must not slavishly obey the dictates of Scripture: God has given human beings the capacity to reason, and it is their duty to do so in matters non-essential to salvation – matters of the *bene esse*, rather than the *esse*.

Hence, it appears that Sykes' approach has for the time being won out, and the weight of usage of Hooker now falls firmly on those who argue that church polity, and

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<sup>822</sup> The Rochester Report, 83.

<sup>823</sup> Hooker, *Laws*, III.viii.11.

specifically those issues relating to the governance of the Church and the nature of the episcopate, are open to change. Although the order of bishops has existed from the Apostles' time, this does not make it immutable – and it is the arguments of Scripture, reason, and tradition that such mutability is permissible, precisely because matters of church government are matters indifferent. Sykes' paper in 1990, and the utilization of that, together with further arguments proposed in the Rochester Report (2004), make a strong case for explaining why traditional catholics are no longer able to claim Hooker for themselves, and that the Hooker that Keble tried to claim in his editorial preface to the 1834 edition of the *Lawes* is long dead. Hooker, it would seem, is well and truly claimed for the moderate liberal group of the Church of England.

Having argued that both Sykes and The Rochester Report make use of Hooker in their claims for the legitimacy of mutable episcopal polity, and hence the lawfulness of women bishops, it is prudent to tie this argument back to that developed in chapters two to five of this thesis. This thesis makes the claim that Hooker's episcopal polity is underpinned by the Royal Supremacy, yet this is an aspect which neither Sykes, nor the Rochester Report, explicitly comment on – and is only implicitly considered. For example, in chapter four, this thesis argued that one of the duties of a monarch in a reformed environment was to enable the right practice of religion to be carried out. Exactly how 'right practice' could be defined would be discerned by theological reflection using human reason on matters of positive law. Both this thesis and Sykes argue that Hooker is correct in regarding matters of positive law as being mutable, as they are not of the *esse* of the Church. Though, as stated above, the Royal Supremacy does not feature by name in either the Rochester Report or Sykes, the mechanism for which changes to the episcopal polity of the Church of England occur meant that the monarch still had to sign into law the Act of Synod enabling women to be bishops. Hence it could be argued that the Royal Supremacy still underpins Hooker's account of episcopacy – though this was not discussed, nor perhaps understood, in the explicit way in which Hooker did.

In respect of bishops themselves, there is agreement that bishops are of apostolic origin, yet, because they are of not of the *esse*, that their polity is mutable. Both Sykes and Hooker agree that certain aspects (those which are regarded as adiaphora) of Church law can vary with time and place – and that the conditions since the Enlightenment, and strongly in the twentieth century, indicate that it is appropriate to change episcopal polity. Though Sykes concentrates on a technical discussion of the mutability of positive law, and hence the mutability of episcopal polity, the Rochester Report focuses more on the mutability. It agrees with the points Sykes raises in respect of mutability, but also makes the point that though bishops are indeed the successors of the Apostles, women also exercised an apostolic function in the Early Church. Consecrating women to the episcopate would therefore restore the nature of the Early Church in this respect.

Of particular note in respect of comparisons between the argument of this thesis and the Rochester Report is the utilisation of human reason for deciding on matters adiaphora. Both the Report, and this thesis, highlight the capacity of rational human thought for theological reflection (or reason) in order to discern what may be a ‘right’ development in polity. In particular, chapter 3.2a argues for the role of natural and supernatural law, and the use of discernment in such matters. It could be argued, by extension, that it is a *summum bonum* for women to have a just role in the Church, as the subordination and inferiority of women no longer apply as acceptable social positions in the twenty-first century.

I have argued in this section that The Society, and Colin Podmore, made no reference to Hooker when discussing the inheritance of the Western Catholic tradition, although Podmore himself argued that Hooker would not have placed scripture on the same level as tradition and reason, making the claim that after 1662, bishops became of the *esse* of the Church. As part of the arguments surrounding the development of women bishops, Sykes argued that the social barriers to equality for women no longer existed, that Church polity is mutable, is a matter of positive law, and not of the *esse*, hence

women bishops being a lawful development. The Rochester Report cited Hooker in respect of the apostolic origins of episcopacy, and that bishops were of the *bene esse* of the Church. This meant that human reason could make decisions on matters of adiaphora.

## 7.5 Conclusion

I have argued in this chapter that in respect of the key themes for the Tractarians and episcopacy – *Iure Divino*, episcopal authority, and the *esse* of bishops – there was no trace of the Keble’s Hooker in the legislative documents surrounding the development of women bishops in the Church of England. Keble’s themes of sacramental assurance and apostolic succession were woven throughout traditional catholic documents, but there is no mention of Hooker by name. In half of the indicative texts discussed in this chapter, there was precious little mention of Hooker, save for drawing parallels, and stating that the context in which he wrote his *Lawes* no longer exists. The other indicative texts from Mascall, Kirk, Hamilton-Thompson and Hebert make more reference to Hooker, but not especially so to episcopacy. Sykes, in making arguments *for* the lawfulness of the development of women bishops, argued that the prior assumption of women being inferior to men is no longer in existence. Further, Sykes argued that such ecclesiological laws for the Church were mutable, and that positive laws were open to change – making the leap that it would have been consistent for Hooker to argue that the ordination of women was a lawful development. The Rochester Report picked up on Sykes’ arguments, stating that Church polity is mutable because it is indifferent to salvation. Thus, Hooker, and the ecclesiastical polity he promoted, were able to change according to the prevalent circumstances of the time.

The aim of this chapter has been to take key areas of episcopal ecclesiology as identified in Keble’s editorial preface to the *Lawes* and examine key documents in the women bishops and priests debate in the Church of England, assessing whether the

Kebellian Hooker had a significant effect on the episcopal ecclesiology of the Church of England.

Taking Keble's definitions of *esse, Iure Divino*, and episcopal authority, we briefly assessed three key legal documents in the women bishops debate for any evidence of Kebellian Hooker, finding no trace. It was more predictable that common themes between Keble's Hooker and those prevalent in traditional catholic understandings of episcopacy would be found – though there was little trace of Hooker by name. To attempt to find out why this was the case, two additional areas were studied because of their prevalence in the literature of traditional catholic groups – apostolic succession and sacramental assurance. Whilst these two additional areas showed a degree of overlap between Kebellian elements of *esse, Iure Divino*, and episcopal authority, and the themes of traditional catholic groups, very little mention was made of Hooker by name, most notably by Colin Podmore.

To establish when and enquire why Hooker had fallen out of favour amongst the traditional catholics, we then took four indicative texts published between 1834 and the present day to examine for traces of Hooker. Hooker and his polity are dismissed by two of the texts on the grounds that the circumstances underpinning Hooker's *Lawes* – that of the Church and State being one and the same vis-à-vis membership – had now changed, and that therefore any arguments based on that were now invalid. Ramsey's *The Gospel and the Catholic Church* makes precious little explicit mention of Hooker, save for coming close with a number of parallels on the mutability of Anglican concepts of episcopacy, which, for Ramsey, go against his understanding that episcopacy is an essential element of ecclesiology, and finally, the commentary of Forward in Faith and The Society on the women bishops' debate makes no mention of Hooker.

If Keble's Hooker had died out in the Church of England, was Hooker being used at all? The contribution of Stephen Sykes in 1990 argued a strong case for the conditions

that regarded women as inferior being no longer applicable, and that as Hooker argued that positive law was open to change, with church polity being part of it, then it would be entirely consistent with Hookerian principles to consider the ordination of women. The Rochester Report (2004) picked up on this, and developed the idea of church polity, because it was a matter indifferent to salvation, being mutable. A conservative interpretation of Hooker in respect of the mutability of ecclesiastical polity was incorrect, and not in the spirit of Hooker himself. Hooker, and the ecclesiastical polity he promoted, was legitimately able to change according to the prevalent circumstances of the time. This was a Hooker who was able to be faithful to the tenets of natural and positive law, faithful to the primacy of Scripture interpreted through reason and tradition, and faithful to the inheritance of the Elizabethan Settlement as interpreted for the twenty-first-century Church of England episcopal ecclesiology.

## 8 General Conclusion

I have now demonstrated that Hooker's episcopal ecclesiology, as presented in the *Lawes*, is a coherent and skilful defence of the 1559 Settlement as being congruent with wider Protestantism, and that despite efforts by the nineteenth-century Tractarians to claim Hooker for an ecclesiology that was not authentic to the Church of England, Hookerian episcopal ecclesiology now rests once more in the middle ground. This final chapter returns to the opening chapter, giving some concluding thoughts. Throughout the *Lawes*, Hooker attempts to demonstrate that the 1559 Settlement, and the episcopal ecclesiology that it encapsulates cannot be manipulated either by the Puritans, or by those closer to Rome, for their own ends. This thesis has demonstrated the resoluteness of Hooker's defence through the prism of the Tractarians in the nineteenth century, and lastly, the traditional catholic groupings in the twentieth and twenty-first-century Church of England.

The opening chapter set out the argument for this thesis. The first part of the thesis, chapters two to five, followed a threefold approach to Hookerian episcopal ecclesiology, due to the deeply interwoven nature of Church and State subsequent to the 1559 Settlement. Part two of this thesis then argued that two major ecclesial movements of the Church of England tried to claim Hooker for their own cause. Chapter six argued that John Keble, in his editor's preface to the 1834 edition of the *Lawes*, erroneously attempted to envelop Hooker in the Tractarian bosom, and chapter seven argued that the traditional catholic movement could not, and largely did not, attempt to claim Hooker's ecclesiology in support of their argument against the introduction of women bishops: Hooker ended up being claimed not by the traditional catholics, but by the official Church of England position itself.

Chapter two, together with chapter three, formed the first part of the threefold argument that Hooker's episcopal ecclesiology had a justified place within the 1559 Settlement – and did so within the boundaries of mainstream reformed religious

principles. The argument concentrated on Hooker's understanding of the monarch as Supreme Governor, and the authority associated with that title – the legal basis being the 1559 Settlement. Chapter two argued that Hooker's defence of the monarch as Supreme Governor is congruent with wider Protestantism, and also compatible with reformed religious principles. The authority that the monarch held as Supreme Governor was based on a divine sense of calling, and of right, but also on the community having given their consent to be so governed: thus chapter two argued that Hooker's defence was based on theologically justified and politically necessary grounds.

Chapter three concentrated on the role of natural and supernatural law, and how positive law, Zurich, Geneva, the magisterial reformers, and the monarch interwove through my demonstration. Key to this compatibility was, as previously highlighted in chapter two, the consent of the community to be governed, thus giving the monarch a parental role to the nation. The chapter argued that Hooker's defence of the Royal Supremacy being consonant with reformed religious principles was demonstrated through his use of the two kingdoms theory, and the subsequent engagement of the English Puritans with that. Chapter three argued that because the English Puritans had a faulty understanding of the two kingdoms, they did not, therefore, accept the legitimacy of the Royal Supremacy within a reformed Church. Essentially, chapter three claims that underpinning Hooker's theo-political defence of the Royal Supremacy was an orthodox Christology, which avoids a Nestorian separation of the two natures of Christ, and a Eutychian conflation. Hooker was ultimately after unity-in-distinction, which he saw in a particular form of monarchy expressed through two united, yet distinct, kingdoms. Hooker did not want any separation of the *munus triplex Christi*, that is, of Christ's offices of prophet, priest, and king. It is the argument of chapter three that in such a structure, Hooker was able to offer a strong defence of the Settlement, and hence of the ecclesial structure of the Elizabethan Church as being compatible with mainstream reformed religious principles.

Chapter four, the second of the threefold approach to my argument, examined Hooker's understanding of jurisdiction. In order for any power to be exercised, there needs to be (at least nominally) a defined area of jurisdiction. With the understanding that under Elizabeth I all ecclesiastical jurisdiction was annexed to the Crown, and that this jurisdiction meant that the queen had power to make binding decisions and judgments within the temporal and spiritual realms, Hooker argued that the Royal Supremacy was neither corrupt, nor repugnant to the laws of God, illustrating this by stating that the power exercised by the monarch and by the clergy are quantitatively different. This difference was stipulated in the 1559 Act of Supremacy, which, according to Hooker, made plain that Christ is the head of the invisible/spiritual realm, and the monarch is Supreme Governor of the visible/political realm. Chapter four also argued that Hooker achieved a harmony between the Thomist structure of Book VI and the Augustinian structure of Book VIII, which meant that the mechanics of Church and State were mediated by eternal and natural laws, assisted by the grace of God. These two areas of spiritual power and the power of jurisdiction give Hooker a framework for understanding how authority and jurisdiction were exercised within the realm, and as a consequence, what constituted a legitimate challenge to that authority. Chapter four also argued that Hooker echoed Luther's *Zwei Reiche* theory, with bishops being key members of the conformist system. However, chapter four also argued that Hooker made use of Calvin and Bullinger, thus laying himself open to charges of cherry-picking, which thus risked a contradiction of principle and hence the coherency of the *Lawes*.

Chapter five constituted the last of the three central tenets of my argument for Hooker's defence of the 1559 Settlement being congruent with wider Protestantism. The chapter examined elements of Hooker's episcopacy: its origins, what sort of power episcopacy had, ordination, the argument for a metropolitan, and the placement of bishops and presbyters, as well as the links between episcopacy and the *Iure Divino* of bishops. The chapter argued that Hooker did not believe the monarch to be able to exercise any kind of spiritual jurisdiction (using the 'power of the keys' as an

example). This was because whilst officers of Church and State held jurisdiction in temporal and ecclesiastical spheres, they did not in spiritual spheres, which were for clergy alone. However, there were grey areas of jurisdiction within the Settlement, which meant that clergy were involved in contentious debates. The interwoven nature of Church and State was illustrated by the process in which bishops gained their authority: first, they gained their temporal power from the confirmation of election, at which they received their letters patent from the sovereign, which gave them a specific area in which to exercise their episcopal power. Second, they gained their spiritual power at their ordination as bishop from their episcopal colleagues at the laying on of hands. Chapter five argued that Hooker regarded the core aspects of his understanding of episcopacy to include oversight, a reluctance to embrace a *Iure Divino* concept, and an uneasy relationship between the episcopate and the monarch in respect of intervention in ecclesiastical affairs. Chapter five therefore argued that Hooker's stance on episcopacy is far closer to elements of mainstream reformed principles than anything proto-Anglican. Hooker believed the English Puritan arguments against episcopacy to be weak and contradictory – and that therefore, as a consequence, the *Iure Divino* notion of episcopal authority as claimed for Hooker by John Keble and the Oxford Movement in the nineteenth century was ill-founded.

The second part of this thesis considered two main ecclesial shifts and the influence of Hooker's concept of episcopal power upon them. Chapter six argued that John Keble, having decided that a new edition of the *Lawes* was needed, tried to claim Hooker for the Tractarian cause by means of bias and misrepresentation in his editorial preface. Areas of particular problem for Keble included the doubtful integrity of the last three books – if they were authentic, then their argument for a less authoritarian episcopate would not chime with Tractarian claims for the necessity of such. Chapter six therefore argued that Keble included the last three books as part of the *Lawes* because not to do so would have gone against scholarly consensus – it was for the same reason that Keble did not alter the actual text of the *Lawes*, but rather added thematic page headings and divided long passages of text into paragraphs.

Hence, chapter six argued that Keble's Tractarian polemic was contained to the editorial preface with the three controverted areas of the necessity of bishops, the issue of *Iure Divino*, and hence, consequences for the authority of bishops, all three receiving strong manipulation from Keble in order to fit into the Tractarian mould: for example, Keble claiming that Saravia and Hooker were in agreement regarding *Iure Divino*, despite Hooker's silence on the matter. Thus, chapter six argued that Keble's edition placed too much emphasis on the tenuous *Iure Divino* argument, because of Hooker's alleged friendship with Saravia, and too much emphasis on the *esse*, rather than the *bene esse*, of bishops: thus, the Tractarian proposals of episcopal authority as espoused in Keble's editorial preface to the 1836 edition of the *Lawes* were not what Hooker himself would have recognized. There simply was not enough evidence to prove conclusively that Tractarian episcopal ecclesiology was compatible with Hooker's presentation of episcopacy in the *Lawes*.

Chapter seven argued that by the end of the twentieth century, traditional catholics had ceased attempts to claim Hooker for their own cause, illustrated in the debate surrounding the ordination of women as priests and bishops. Chapter seven argued that this was due to the intransigence of Hooker's episcopal ecclesiology, especially in areas of apostolic succession and sacramental assurance, both of which are key to traditional catholics. The chapter then took four indicative Anglo-Catholic texts and argued that usage of Hooker for Anglo-Catholics fell out of favour more or less at the end of the Tractarian era, with Hooker claimed instead by liberal centrists, such as Stephen Sykes in his 1994 paper, written as a prelude to the ordination of women as priests in the Church of England. Though Hooker did not feature by name in any key legislation in relation to the ordination of women as bishops, Hooker does appear significantly in the 2004 Rochester Report, which considered the theological rationale for women bishops. It is also noteworthy that the Rochester Report also cited Sykes' paper. Hence, chapter seven argued that apostolic succession and sacramental assurance, as the Anglo-Catholics in the twenty-first century understood them, arose

from an ecclesiology that was largely alien to accepted mainstream Anglican tradition.

Each of these chapters, both in the first and second parts of this thesis, present a strong case for believing that Hooker presented his defence of episcopal ecclesiology within the 1559 Settlement of Religion as being congruent with wider Protestantism, and that the subsequent misuse and reclamation of an authentic Hookerian approach to episcopal ecclesiology in the nineteenth, twentieth, and twenty-first centuries demonstrates that Hooker can be pulled neither towards Geneva nor Rome. This is not to suggest that Hooker is unformed and vague in his original defence or his subsequent application. This thesis has argued that Hooker uses rigorous theological and political application to prove his case, stating that the three key areas that constitute a comprehensive picture of episcopal ecclesiology – Royal Supremacy, jurisdiction, and episcopal power – are compatible with mainstream reformed concepts: and that this is why neither the Tractarians of the nineteenth century, nor the traditional Catholics of the twenty-first century, were ultimately able to claim Hooker for their own arguments.

This work hopefully opens up avenues for future investigation – both within the Church of England, and possibly on a wider ecumenical scale.

First, any realistic understanding of the episcopal ecclesiology of the Church of England is far from static, and Hooker's argumentative framework for what is permissible, and what is not, lends itself to authentic study of what the governmental nature of the Church of England may look like in the future. With the advent of women priests and bishops, the way in which the Church of England understood its episcopal ecclesiology may have seemed to undergo a seismic shift in the last twenty to thirty years – but there are further developments to which Hooker could lend an element of understanding when considering what constitutes an authentic expression and development of a Church congruent with wider Protestantism. For example, the

issue of whether it is right for the Church of England to remain the Established Church in England? Should the right of Church of England bishops to sit in the House of Lords be maintained, or should the 'Lords Spiritual' be opened up to include senior representatives of other denominations and faiths, reflecting the reality of contemporary multi-cultural Britain? To go one step further, should the Church of England retain its Established status? What might Hooker have to present to any such debate? How much could the spiritual and constitutional character of the nation change before it changes beyond what is encompassed by Hooker's episcopal ecclesiology?

Second, and in extension to the questions raised above, what might Hooker have to contribute to a re-forming of the spiritual and political makeup of the United Kingdom – and even so far as contemplating an increasingly globalized society, and the contribution of different denominations and faiths to that? Does Hooker have anything to contribute to efforts to avoid radicalization and extremism within Christian and other religious denominations?

Perhaps the key is to remember that Hooker does not strive to define: rather, he seeks to encompass and include. In the same way that he strives to defend the 1559 Settlement as being congruent with wider Protestantism against claims from radicals that it is not so, and that an authentic Hookerian episcopal ecclesiology can neither be claimed nor misused by radicals (in whatever age), Hooker's thorough and theo-political model has something to offer in the search for ecclesiological authenticity. Hooker's framework may not be the only method within which to address the future conflicts of the Church, but his overwhelming goal, as stated at the beginning of the *Laws*, surely does give us a guiding light:

But our hope is, that the God of peace shall (notwithstanding man's nature too impatient of contumelious malediction) enable us quietly

and even gladly to suffer all things, for that work sake which we  
covet to perform.<sup>824</sup>

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<sup>824</sup> Hooker, *Lawes*, Preface, 1.ii.

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