Laws on secular Offices positive and mutable:

BOOK VII. Ch. xv. 14.

For a full and final answer whereunto, I would first demand, whether the commixtion and separation of these two powers be a matter of mere positive law, or else a thing simply with or against the law immutable of God and nature? That which is simply against this latter law can at no time be allowable in any person, more than adultery, blasphemy, sacrilege, and the like. But conjunction of power ecclesiastical and civil, what law is there which hath not at some time or other allowed as a thing convenient and meet? In the law of God we have examples sundry, whereby it doth most manifestly appear how of him the same hath oftentimes been approved. No kingdom or nation in the world, but hath been thereunto accustomed without inconvenience and hurt. In the prime of the world, kings and civil rulers were priests for the most part all. The Romans note it as a thing beneficial in their own commonwealth, and even to them apparently forcible for the strengthening of the Jews' regiment under Moses and Samuel. I deny not but sometime there may be, and hath been perhaps, just cause to ordain otherwise. Wherefore we are not so to urge those things which heretofore have been either ordered or done, as thereby to prejudice those orders, which upon contrary occasion and the exigence of the present time by like authority have been established. For what is there which doth let but that from contrary occasions contrary laws may grow, and each be reasoned and disputed for by such as are subject thereunto, during the time they are in force; and yet neither so opposite to other, but that both may laudably continue, as long as the ages which keep them do see no

necessary cause which may draw them unto alteration? Wherefore in these things, canons, constitutions, and laws, which have been at one time meet, do not prove that the Church should always be bound to follow them. Ecclesiastical persons were by ancient order forbidden to be executors of any man's testament, or to undertake the wardship of children. Bishops by the imperial law are forbidden to bequeath by testament or otherwise to alienate any thing grown unto them after they were made bishops. Is there no remedy but that these or the like orders must therefore every where still be observed?

[15.] The reason is not always evident, why former orders have been repealed and other established in their room. Herein therefore we must remember the axiom used in the civil laws, That the prince is always presumed to do that "with reason, which is not against reason being done, although no reason of his deed be expressed." Which being in every respect as true of the Church, and her divine authority in making laws, it should be some bridle unto those malapert and proud spirits, whose wits not conceiving the reason of laws that are established, they adore their own private fancy as the supreme law of all, and accordingly take upon them to judge that whereby they should be judged.

But why labour we thus in vain? For even to change that which now is, and to establish instead thereof that which themselves would acknowledge the very same which hath been, to what purpose were it, sith they protest, "that
cunque enim post ordinationem
ex quacunque causa extra praefata
tas personas ad ipsos pervenere,
"ea jubembas ad sanctissimam ecc-
clesiam, cujus episcopatum tene-
rint, pertinere." A. D. 528.

T. C. lib. p. 120. [98, ap.
Whitg. Def. 422. "I have done,
only this I admonish the reader,
that I do not allow of all those
things which I before alleged
the comparison between our arch-
bishops and the archbishops of
old time, &c. . . . Only my intent
is to show that although there
were corruptions, yet in respect
of ours they be much more to-
leable."]

1 Cod. Justin. i. iii. de Episcopis,
&c. 42 § 2. ["De his vero epi-
"scopis, qui nunc sunt, vel futuri
"sunt, sancimus, nullo modo ha-
"bere eos facultatem testandi vel
"donandi vel per aliam quacunque
"que excoigitationem alienandi quid
"de rebus suis, quas postquam fac-
"ti fuerint episcopi possederint et
"acquisierint, vel ex testamentis,
"vel ex donacionibus, vel alia qua-
"cunque causa; exceptis nostris ar-
"chis, quas ante episcopatum habu-
"erint ex quacunque causa, vel
"que post episcopatum a parentibus
"et aliis, e. g. patrisuis vel avuncu-
"lis, et a fratribus ad ipsos perve-
"nerunt, perversurque sunt: que-
"cunque enim post ordinationem
"ex quacunque causa extra praefata
"tas personas ad ipsos pervenere,
"ea jubembas ad sanctissimam ecc-

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"they utterly condemn as well that which hath been as that which is; as well the ancient as the present superiority, "authority and power of ecclesiastical persons."

The arguments answered, whereby they would prove that the law of God, and the judgment of the best in all ages, condemn all ruling superiority of ministers; they are in this, as in the rest, more bold to affirm, than able to prove the things which they bring for support of their weak and feeble cause. "The bearing of dominion or the exercising of authority (they say), is that wherein the civil magistrate is severed from the ecclesiastical officer, according to the words of our Lord and Saviour, "Kings of nations bear rule over them, but it shall not be so with you: therefore bearing of dominion doth not agree to one minister over another."

[2.] This place hath been, and still is, although most falsely, yet with far greater show and likelihood of truth, brought forth by the anabaptists, to prove that the Church of Christ ought to have no civil magistrates, but [to be] ordered only by Christ. Wherefore they urge the opposition between heathens and them unto whom our Saviour speaketh. For sith the Apostles were opposite to heathens, not in that they were Apostles, but in that they were Christians, the anabaptists' inference is, "that Christ doth here give a law, to be for ever observed by all true Christian men, between whom and heathens there must be always this difference, that whereas heathens have their kings and princes to rule, "Christians ought not in this thing to be like unto them." Wherein their construction hath the more show, because that which Christ doth speak to his Apostles is not found always agreeable unto them as Apostles, or as pastors of men's souls, but oftentimes it toucheth them in generality, as they are Christians; so that Christianity being common unto them with all believers, such speeches must be so taken that they may be applied unto all, and not only unto them.

[3.] They which consent with us, in rejecting such collections as the anabaptist maketh with more probability, must give us leave to reject such as themselves have made with less: for a great deal less likely it is, that our Lord should here establish an everlasting difference, not between his Church and pagans, but between the pastors of his Church and civil governors. For if herein they must always differ, that the one may not bear rule, the other may; how did the Apostles themselves observe this difference, the exercise of whose authority, both in commanding and in controlling others, the Scripture hath made so manifest that no gloss can overshadow it? Again, it being, as they would have it, our Saviour's purpose to withhold his Apostles and in them all other pastors from bearing rule, why should kirly dominion be mentioned, which occasions men to gather, that not all dominion and rule, but this one only form was prohibited, and that authority was permitted them, so it were not regal? Furthermore, in case it had been his purpose to withhold pastors altogether from bearing rule, why should kings of nations be mentioned, as if they were not forbidden to exercise, no not regal dominion itself, but only such regal dominion as heathens kings do exercise?

[4.] The very truth is, our Lord and Saviour did aim at a far other mark than these men seem to observe. The end of his speech was to reform their particular mispersuasion to whom he spake: and their mispersuasion was, that which was also the common fancy of the Jews at that time, that their
Wrong Construction of

Lord being the Messias of the world, should restore unto Israel that kingdom, whereof the Romans had as then re-ceived them; they imagined that he should not only deliver the state of Israel, but himself reign as king in the throne of David with all secular pomp and dignity; that he should subdue the rest of the world, and make Jerusalem the seat of an universal monarchy. Seeing therefore they had forsaken all to follow him, being now in so mean condition, they did not think but that together with him they also should rise in state; that they should be the first and the most advanced by him. Of this conceit it came that the mother of the sons of Zebedee sued for her children’s preferment; of this conceit it grew, that the Apostles began to question amongst themselves which of them should be greatest; and in controlment of this conceit it was that our Lord so plainly told them, “that the thoughts of their hearts were vain:” the kings of nations have indeed their large and ample dominions, they reign far and wide, and their servants they advance unto honour in the world; they bestow upon them large and ample secular preferments, in which respect they are also termed many of them benefactors, because of the liberal hand which they use in rewarding such as have done them service: but was it the meaning of the ancient prophets of God that the Messias the king of Israel should be like unto these kings, and his retinue grow in such sort as theirs? “Wherefore ye are not to look for at my hands such preferment as kings of nations are wont to bestow upon their attendants, ‘With you not so.’ Your reward in heaven shall be most ample, on earth your chiefest honour must be to suffer persecution for righteousness’ sake; submission, humility and meekness are things fitter for you to inure your minds withal, than these aspiring cogitations; if any amongst you be greater than other, let him shew himself greatest in being lowest, let him be above them in being under them, even as a servant for their good. These are affections which you must put on; as for degrees of preferment and honour in this world, if ye expect any such thing at my hands ye deceive yourselves, for in the world your portion is rather the clear contrary.”

[5.] Wherefore they who allege this place against episcopal authority abuse it, they many ways deprave and wrest it, clean from the true understanding wherein our Saviour himself did utter it.

For first, whereas he by way of mere negation had said, “With you it shall not be so,” foretelling them only that it should not so come to pass as they vainly surmised; 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 secular advancements; all standing superiority amongst persons ecclesiastical these men would raise off with the edge of his speech. Thirdly, whereas he in abating their hope even of secular advancements spake but only with relation unto himself, informing them that he would be no such munificent Lord unto them in their temporal dignity and honour, as they did erroneously suppose; so that any Apostle might afterwards have grown by means of others to be even emperor of Rome, for any thing in those words to the contrary: these men removing quite and clean the hedge of all such restraints, enlarge so far the bounds of his meaning, as if his very precise intent and purpose had been not to reform the error of his Apostles conceived as touching him, and to teach what himself would not be towards them, but to prescribe a special law both to them and their successors for ever; a law determining what they should not be in relation of one to another, a law forbidding that any such title should be given to any minister as might import or argue in him a superiority over other ministers.

[6.] Being thus defeated of that succour which they thought their cause might have had out of the words of our Saviour Christ, they try their adventure in seeking what
not relevant to the Question of Archbishops.

cause in a solemn assembly, and that they all had given their sentence against him, holding his election by the canons of the church void. The same factious and seditious persons coming also unto Florentinus, who was at that time a man imprisoned for the testimony of Jesus Christ, but yet a favourer of the error of Novatus, their malicious accusations he over-willingly hearkened unto, gave them credit, concurred with them, and unto Cyprian in fine wrote his letters against Cyprian: which letters he justly taketh in marvellous evil part, and therefore severely controll eth his so great presumption in making himself a judge of a judge, and, as it were, a bishop's bishop, to receive accusations against him, as one that had been his ordinary. 

1 What height of pride is this (saith Cyprian), what arrogancy of spirit, what a puffing up of mind, to call "guides and priests to be examined and sifted before him! So that unless we shall be cleared in your court, and absolved by your sentence, behold for these six years' space "neither shall the brotherhood have had a bishop, nor the "people a guide, nor the flock a shepherd, nor the Church a "governor, nor Christ a prelate, nor God a priest." This is the pride which Cyprian condemneth in Florentinus, and not the title or name of archbishop; about which matter there was not at that time so much as the dream of any controversy at all between them. A silly collection it is, that because Cyprian reproveth Florentinus for lightness of belief and presumptuous rashness of judgment, therefore he held the title of archbishop to be a vain and a proud name.

Archbishops were chief amongst bishops, yet archbishops had not over bishops that full authority which every bishop had over his own particular clergy: bishops were not
subject unto their archbishop as an ordinary, by whom at all times they were to be judged, according to the manner of inferior pastors, within the compass of each diocese. A bishop might suspend, excommunicate, depose, such as were of his own clergy without any other bishops assistants; not so an archbishop the bishops that were in his own province, above whom divers prerogatives were given him, howbeit no such authority and power as alone to be judge over them. For as a bishop could not be ordained, so neither might he be judged by any one only bishop, albeit that bishop were his metropolitan. Wherefore Cyprian, concerning the liberty and freedom which every bishop had, spake in the council of Carthage, whereat fourscore and seven bishops were present, saying, "It resteth that every of us declare what we think of this matter, neither judging nor severing from the right of communion any that shall think otherwise: for of us there is not any which maketh himself a bishop of bishops, or with tyrannical fear constraineth his colleagues unto the necessity of obedience, inasmuch as every bishop, according to the reach of his liberty and power, hath his own free judgment, and can no more have another his judge, than himself be judge to another." Whereby it appeareth, that amongst the African bishops none did use such authority over any as the bishop of Rome did afterwards claim over all, forcing upon them opinions by main and absolute power. Wherefore unto the bishop of Rome the same Cyprian also writeth concerning his opinion about baptism: "These things we present unto your conscience, most dear brother, as well for common honour's sake, as of single and sincere love, trusting that as you are truly yourself religious and faithful, so those things which agree with religion and faith will be acceptable unto you: howbeit we know, that what some have over drunk in, they will not let go, neither easily change their mind, but with care of preserving whole amongst their brethren the bond of peace and concord, retaining still to themselves certain their own opinions wherewith they have been injured; wherein we neither use force, nor prescribe a law unto any, knowing that in the government of the Church every ruler hath his own voluntary free judgment, and of that which he doth shall render unto the Lord himself an account."

[8.] As for the council of Carthage, doth not the very first canon thereof establish with most effectual terms all things which were before agreed on in the council of Nice? and that the council of Nice did ratify the preeminence of metropolitan bishops, who is ignorant? The name of an archbishop importeth only a bishop having chieftie of certain prerogatives above his brethren of the same order. Which thing, sith the council of Nice doth allow, it cannot be that the other of Carthage should condemn it, inasmuch as this doth yield unto a Christian unrestrained approbation. The thing provided for by the synod of Carthage can be no other therefore, than only that the chiefest metropolitan, where many archbishops were within any greater province, should not be termed by those names, as to import the power of an ordinary jurisdiction belonging in such degree and manner unto him over the rest of the bishops and archbishops, as did belong unto every bishop over other pastors under him. But much more absurd it is to affirm, that both Cyprian

3 Cæterum scimus quod semel imbertinum nolle depone, nec propositorum suum facile mutare, sed salvo integro collegis pacis et concordiae vinculo quædam proponens prius quæ apud se semel usurpatas reiterere. Quia in re nec nos vani cuquam factum est legem damus, quando habebimus in ecclesiis administrationem voluntatis sui arbritrium liberum unusquisque praecipit, rationem actus sui Domino reddamus." p. 129.]
4 ἔρχετε γὰρ ταί οὖν τῆς Νικηφόρου συνάξεως ἑρμηνεία προς τὸν πρῶτον παραμυθιστήν. [Concil. Hard. i. 868.]
5 [T. C. lib. i. p. 113. [al. 87. ap. Whig. Def. co. 88. Whigfit (Answ. 72.) had quoted from S. I. interp. ad Smyrnæos, c. 9: Τίνα τῶν δεόν, ὡς αἰτίων τῶν διώκοντι καὶ κυρίων ἑπισκόπου, ὡς ἀρχεῖον, θεὸν εἰκόνα φασιντον: T. C. replies, "As for Ignatius' place, it is sufficiently answered before, in that which was answered to Cyprian his place: for when he saith, 'the bishop hath rule over all,' he meaneth in all the province, than in all the world, but meaneth that flock or congregation whereof he is bishop or minister. And when he calleth him 'prince of the...