I. WE come now to the last thing whereby there is con- troversy moved, namely the power of supreme jurisdiction, which for distinction’s sake we call the power of ecclesiastical dominion.

It was not thought fit in the Jews’ commonwealth, that the exercise of supremacy ecclesiastical should be denied unto him, to whom the exercise of chieftcy civil did appertain; and therefore their kings were invested with both. This power they gave unto Simon, when they consented that he should be “their prince,” not only to set men over the works, and over the country, and over the weapons, and over the fortresses, but also to provide for the holy things; and that he should be obeyed of every man, and that all the writings in the country should be made in his name, and that it should not be lawful for any of the people or priests to withstand his words, or to call any congregation in the country without him?

And if it be haply surmised, that thus much was given unto Simon, as being both prince and high priest; which otherwise, being only their civil governor, he could not lawfully have enjoyed: we must note, that all this is no more than the ancient kings of that people had, being kings and not priests. By this power David, Asa, Jehosaphat, Ezekias, Josias, and the rest, made those laws and orders which the Sacred History speaketh of, concerning matter of mere religion, the affairs of the temple, and service of God. Finally, had it not been by the virtue of this power, how should it possibly have come to pass, that the piety or impiety of the king did always accordingly change the public face of religion, which thing the priests by themselves never did, neither could at any time hinder from being done? Had the priests alone been possessed of all power in spiritual affairs, how should any law concerning matter of religion have been made but only by them? In them it had been, and


1: Maccab. xiv. 42. 2 Vid. inf. c. iii. 1.
Misure of Terms by the Objectors.

BOOK VIII. not in the king, to change the face of religion at any time.
The altering of religion, the making of ecclesiastical laws, with other the like actions belonging unto the power of dominion, are still termed the deeds of the king; to shew that in him was placed *supremacy of power even* in this kind over all, and that unto their high* priests the same was never committed, saving only at such times as their* priests were also kings or# princes over them.

[2.] According to the pattern of which example, the like power in causes ecclesiastical is by the laws of this realm annexed unto the crown. And there are which imagine*, that¹ kings, being mere lay persons, do by this means exceed the lawful bounds of their calling*. Which thing to the end that they may persuade, they first make a necessary separation perpetual and personal between the Church and the* commonwealth. Secondly*, they so tie all kind of power ecclesiastical unto the Church, as if it were in every degree their only right which* are by proper spiritual function* termed Church-governors, and might not unto Christian princes in* any wise appertain.

To lurk under shifting ambiguities and equivocations of words in matters¹ of principal weight is childish. A church and a commonwealth we grant are things in nature the* one distinguished from the other. A commonwealth is one way, and a church another way, defined. In their opinion*¹ the church and the¹¹ commonwealth are corporations, not dis-

¹¹ substance, ed. 1676, '23, * that E.Q.C.L. which E. * so being E.C.
¹ or E.Q.I. * every one of them E. * seuer E. [swerve Fulm.]
# most om. E. * through E.C. ¹ Christian om. C.L.
Christ and the commonwealth are two corporations, independently each subsisting by itself. We hold, that seeing 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; therefore as in a figure triangular the base doth differ from the sides thereof, and yet one and the selfsame line is both a base and also a side; a side simply, as a base if it chance to be the bottom and underlie the rest: so, albeit properties and actions of one kind do cause the name of a commonwealth, qualities and functions of another sort the name of a Church to be given unto a multitude, yet one and the selfsame multitude may in such sort be both, and is so with us, that no person appertaining to the one can be denied to be also of the other. Contrariwise, unless they against us should hold, that the Church and the commonwealth are two, both distinct and separate societies, of which two, the one comprehends always persons not belonging to the other; that which they do not could not conclude out of the difference between the Church and the commonwealth; namely, that bishops may not meddle with the affairs of the commonwealth, because they are governors of another corporation, which is the Church; nor kings with making laws for the Church, because they have government not of this corporation, but of another divided from it, the commonwealth; and the walls of separation between these two must for ever be upheld. They hold the necessity of personal separation, which clean excludeth the power of one man's dealing in both; we of natural, which doth not hinder but that one and the same person may in both bear principal sway.

[3.] The causes of common received error in this point seem to have been especially two: one, that they who embrace true religion living in such commonwealths as are opposite thereunto, and in other public affairs retaining civil communion with such, are constrained, for the exercise of their religion, to have a separate communion with those who are of the same religion with them. This was the state of the Jewish Church both in Egypt and in Babylon, the state of Christian Churches a long time after Christ. And in this case, because the proper affairs and actions of the Church, as it is the Church, have no dependence upon the laws, or upon the governors of the civil state, an opinion hath thereby grown, that even so it should be always. This was it which deceived Allen in the writing of his Apology: “The Apostles,” saith he, “did govern the church in Rome when errors E.Q.L.C. 1 such as are E. [such; see Fulm.] 2 hath E.C. 3 dependence E. 4 government E.


Sutcliffe, de Presbytero, p. 163.

Nero bare 4 rule, even as at this day in all the Turk's 5 dominions, the Church hath a spiritual regiment without dependence, and so ought she to have, live she 6 amongst heathens, or with Christians.  

[4.] Another occasion of which misconceit is, that things appertaining unto religion are both distinguished from other affairs, and have always had in the Church special 7 persons chosen to be exercised about them. By which distinction of spiritual affairs and persons therein employed from temporal, the error of personal separation always necessary between the Church and the 8 commonwealth hath strengthened itself. For of every politic society that being true which Aristotle hath 9, namely, "that the scope thereof is not simply to live, "nor the duty so much to provide for life, 10 as for means of "living well:" and that even as the soul is the worthier part of man, so human societies are much more to care for that which tendeth properly unto the soul's estate, than for such temporal things as this life doth stand in 11 need of: other proof there needs 12 none to shew that as by all men the kingdom of God is first to be sought 13 for 14, so in all commonwealths things spiritual ought above temporal to be provided 15 for. And of things spiritual, the chiefest is religion 16. For this cause, persons and things employed peculiarly about the affairs of religion, are by an excellency termed spiritual. The heathen 17 themselves had their spiritual laws, causes, and offices 18, always severed from their temporal; neither did this make two independent estates among 19 them. God by revealing true religion doth make them that receive it his
The Fathers, opposing Church to Commonwealth,

Rome another, in such sort as there was between them no mutual dependency. But when whole Rome became Christian, when they all embraced the gospel, and made laws in the defence thereof, if it be held that the church and the commonwealth of Rome did then remain as before; there is no way how this could be possible, save only one, and that is, they must restrain the name of the Church in a Christian commonwealth to the clergy, excluding all the residue of believers, both prince and people. For if all that believe be contained in the name of the Church, how should the Church remain by personal subsistence divided from the commonwealth, when the whole commonwealth doth believe?

The Church and the commonwealth therefore are in this case personally one society, which society being termed a commonwealth as it liveth under whatsoever form of secular law and regiment, a church as it hath the spiritual law of Jesus Christ; forasmuch as these two laws contain so many and so different offices, there must of necessity be appointed in it some to one charge, and some to another, yet without dividing the whole, and making it two several impaled societies.

The difference therefore either of affairs or offices ecclesiastical from secular, is no argument that the Church and the commonwealth are always separate and independent: the one on the other: which thing even Allen himself considering somewhat better, doth in this point a little correct his former judgment before mentioned, and confesseth in his

1 That E.C.Q.L. dependence E.C. 2 E.Q.C.L. 3 the em. E.C.L. Q. 4 the em. E.C. 5 a church E.Q.C.L. 6 rest E. 7 continued E. corr. in 1669. 8 substesitce D. 9 are in this case therefore E.Q.C.L. 10 as is liveth under E.C.L. 11 Jesu om. E.C.L. 12 forsomuch E.C.L. 13 so om. E. 14 from D. 15 a little om. Q. 1

2 Chron. xiii. 8, 11; Heb. v. 1; 1 Thess. v. 12; T. C. iii. 151.

3 "A true, sincere, and modest Defence of English Catholics that suffer for their faith both at home and abroad; against a false, seditious and slanderous libel, entitled the Execution of Justice in England." c. v. p. 98, 99.

4 Though the state, regiment, policy and power temporal be in itself always of distinct nature, quality, and condition from the government ecclesiastical and spiritual commonwealth called the Church or body mystical of Christ, and the magistrate spiritual and civil diverts and distinct, and sometime so far that the one hath no dependence of the other, nor subterfegation to the other in respect of themselves, (as it is in the churches of God residing in heaven, and so in the Apostles' times under the pagan emperors,) yet now when the laws may mean the same thing in different relations.

Defence of English Catholics, that "the power political hath her princes, laws, tribunals; the spiritual, her prelates, canons, councils, judgments; and those (when the princes are pagans) wholly separate, but in Christian commonwealth joined though not confounded." Howbeit afterwards his former sting appeareth again; for in a Christian commonwealth he holdeth, that the Church ought not to depend at all upon the authority of any civil person whatsoever, as in England he saith it doth.

[5.] It will be objected, that the Fathers do oftentimes mean the commonwealth and the Church of God by way of opposition. Can the same thing be opposite unto itself? If one and the same society be both, what sense can there be in that speech which saith, that they suffer and flourish together? What sense in that which maketh one thing adjudged to the Church, another to the commonwealth? Finally, in that which putteth a difference between the causes of the province and of the Church?

2 Proofs of separation between the Church and commonwealth, taken from the speeches of the Fathers opposing the one to the other.

3 No, it doth not hereby appear that the Church and the commonwealth are things evermore personally separate?


5 of Christ are received, and the bodies politic and mystical, the Church and civil state, the magistrate ecclesiastical and temporal, concur in their kinds together, (though ever of distinct regiments, natures and ends) there is such a concurrence and subordination betwixt both, that the inferior of the two (which is the civil state) must needs in (in matters pertaining anyway either directly or indirectly to the honour of God and benefit of the soul,) be subject to the spiritual, and take direction from the same. The condition of these two powers (as St. Gregory Nazianzen most excellently resembled it) is like unto the distinct state of the spirit and body or flesh in a man. The spirit may and must command, overrule, and chastise the body... So likewise, the power "political," &c.

6 "... Nor yet the spiritual turned into the temporal, or subject by perverser order (as it is now in England) to the same; but the civil, which indeed is the inferior, subordinate, and in some cases subject to the ecclesiastical; though so long as the temporal state is no hinderance to eternal felicity and glory of Christ's kingdom, the other intermeddles not with his actions." Allen, uti supra.

7 T. C. i. l. p. 151. 8 See. lib. 5. pref. Sorun. lib. 3. c. 20. [These two references from D.] 9 Euseb. de Vita Constant. lib. iii. [c. 65.] 10 Aug. Ep. 167. [al. 89.]
any such separation; we may speak of them as two; we may sever the rights and causes of the one well enough from the other, in regard of that difference which we grant there is between them, albeit we make no personal difference. For the truth is, that the Church and the commonwealth are names which import things really different; but those things are accidents, and such accidents as may and should always dwell lovingly together in one subject. Wherefore the real difference between the accidents signified by those names, doth not prove different subjects for them always to reside in. For albeit the subjects wherein they are resident be sometime different, as when the people of God have their being among infidels; yet the nature of them is not such that their subject may be one, and therefore it is but a changeable accident, in those accidents, when the subjects they are in be diverse.

There can be no error in our conceit concerning this point, if we remember still what accident that is, for which a society hath the name of a commonwealth, and what accident that which doth cause it to be termed a Church. A commonwealth we name it simply in regard of some regiment or policy under which men live; a church for the truth of that religion which they profess. Now names betokening accidents unabstracted, do betoken not only those accidents, but also together with them the subjects whereunto they cleave. As when we name a schoolmaster and a physician, these names do not only betoken two accidents, teaching and curing, but also some person or persons in whom those accidents are. For there is no impediment but both may be one man, as well as they are for the most part diverse. The commonwealth and the Church therefore being such names, they do not only betoken those accidents of civil government and Christian religion which we have mentioned, but also together with them such multitudes as are the subjects of those accidents. Again, their nature being such that they may well enough dwell together in one subject, it followeth

that their names, though always implying that difference of accidents which hath been set down, yet do not always imply different subjects also. When we oppose the Church therefore and the commonwealth in a Christian society, we mean by the commonwealth that society with relation unto all the public affairs thereof, only the matter of true religion excepted; by the Church, the same society with only reference unto the matter of true religion, without any other affairs besides: when that society which is both a church and a commonwealth doth flourish in those things which belong unto it as a commonwealth, we then say, "the commonwealth doth flourish;" when in those things which concern it as a church, "the Church doth flourish;" when in both, then "the Church and commonwealth flourish together."

The Prophet Esay, to note corruptions in the commonwealth, complaineth, "That where judgment and justice had lodged now were murderers; princes were become companions of thieves; every one loved gifts and rewards; but the fatherless was not judged, neither did the widow's cause come before them. To shew abuses in the Church, Malachy doth make his complaint: "Ye offer unclean "bread upon mine altar: if ye offer the blind for sacrifice, it "is not amiss as ye think; if the lame and the sick, nothing "is amiss." The treasures which David did bestow upon the temple do argue the love which he bare to the Church: the pains that Nehemias took for building the walls of the city are tokens of his care for the commonwealth. Causes of the commonwealth, or province, are still as Galilio was content to be judge of: "If it were a matter of wrong, or an evil deed, O ye Jews, I would according to reason maintain "you." Causes of the Church are such as Galilio there rejecteth: "If it be a question of your law, look you unto "it, I will be no judge of those things." In respect of these
both one and the same society: so that whatsoever doth separate utterly a man's person from the one, it separate also from the other. As for such abatements of civil state as take away only some privilege, dignity, or other benefit which a man enjoyeth in the commonwealth, they reach only unto our dealing with public affairs, from which what should let but that men may be excluded and thereunto restored again, without diminishing or augmenting the number of persons in whom either church or commonwealth consisteth? He that by way of punishment loseth his voice in a public election of magistrates, ceaseth not thereby to be a citizen. A man disfranchised may notwithstanding enjoy as a subject the common benefit of protection under laws and magistrates. So that these inferior diminutions which touch men civilly, but neither do clean extinguish their estate as they belong to the commonwealth, nor impair a whit their condition as they are of the Church of God: these I say clearly do prove a difference of the affairs of the one from the other, but such a difference as maketh nothing for their surprize of distracted societies.

And concerning excommunication, it cutteth off indeed from the Church, and yet not from the commonwealth; howbeit so, that the party excommunicate is not thereby severed from one body which subsisteth in itself, and retained of another in like sort subsisting; but he that before had fellowship with that society whereof he was a member, as well touching things spiritual as civil, is now by force of excommunication, although not severed from the same body in civil affairs, nevertheless for the time cut off from it as touching communion in those things which belong to the said body, as it is the Church. A man which hath both been excommunicated by the Church, and deprived of civil dignity in the commonwealth, is upon his repentance necessarily readmitted into the one, but not of necessity into the other. What then that which he is admitted unto is a communion in things divine, whereof saints are partakers; that from which he is withheld

339 Church and State Penalties not always concurrent: