Case of the Supremacy stated: Plan of the Argument.

BOOK VIII.

Ch. i. ii. 1. x. 12. 13.

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The benefit of some human privilege or right which other citizens haply enjoy. But are not these Saints and Citizens one and the same people? are they not one and the same society? doth it thereby appear that the Church which receiveth an excommunicate man, can have no dependency of any person which is of chief authority and power, in those things of the commonwealth whereunto the same party is not admitted?

[7.] Wherefore to end this point, I conclude: First, that under dominions of infidels, the Church of Christ, and their commonwealth, were two societies independent. Secondly, that in those commonwealths where the bishop of Rome beareth sway, one society is both the Church and the commonwealth; but the bishop of Rome doth divide the body into two diverse bodies, and doth not suffer the Church to depend upon the power of any civil prince or potentate. Thirdly, that within this realm of England the case is neither as in the one, nor as in the other of the former two: but from the state of pagans we differ, in that with us one society is both the Church and commonwealth, which with them it was not; as also from the state of those nations which subject themselves to the bishop of Rome, in that our Church hath dependency upon the chief in our commonwealth, which it hath not under him. In a word, our estate is according to the pattern of God's own ancient elect people, which people was not part of them the commonwealth, and part of them the Church of God, but the selfsame people whole and entire were both under one chief Governor, on whose supreme authority they did all depend.

II. [1.] Now the drift of all that hath been alleged to prove perpetual separation and independency between the Church and the commonwealth is, that this being held necessary, it might consequently be thought, that in a Christian kingdom he whose power is greatest over the commonwealth may not lawfully have supremacy of power also over the

Definition of Supreme Power.

BOOK VIII.

Ch. ii. 2.

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Church, as it is a church; that is to say, so far as to order and dispose of spiritual affairs, as the highest uncommanded commander in them. Whereupon it is grown a question, whether power ecclesiastical over the Church, power of dominion in such degree as the laws of this land do grant unto the sovereign governor thereof, may by the said supreme Head and Governor lawfully be enjoyed and held? For resolution wherein, we are, first, to define what the power of dominion is: then to shew by what right: after what sort: in what measure: with what conveniency: according unto whose example Christian kings may have it. And when these generalities are opened, to examine afterwards how lawful that is which we in regard of dominion do attribute unto our own: namely, the title of headship over the Church, so far as the bounds of this kingdom do reach: the prerogative of calling and dissolving greater assemblies, about spiritual affairs public: the right of assenting unto all those orders concerning religion, which must after be in force as laws: the advancement of principal church-governors to their rooms of prelacy: judicial authority higher than others are capable of: and exemption from being punishable with such kind of censures as the platform of reformation doth teach that they ought to be subject unto.

[2.] Without order there is no living in public society, because the want thereof is the mother of confusion, whereupon division of necessity followeth, and out of division, inevitable destruction. The Apostle therefore giving instruction to public societies, requireth that all things be orderly done. Order can have no place in things, unless it be settled amongst the persons that shall by office be conversant about them. And if things persons be ordered,
Supreme Power not necessarily absolute.

This doth imply that they are distinguished by degrees. For order is a gradual disposition.

The whole world consisting of parts so many, so different, is by this only thing upheld; he which framed them hath set them in order. Yea, the very Deity itself both keepeth and requireth for ever this to be kept as a law, that whereas ever there is a coagmentation of many, the lowest be knit to the highest by that which being interjacent may cause each to cleave unto other, and so all to continue one.

This order of things and persons in public societies is the work of policy, and the proper instrument thereof in every degree is power; power being that ability which we have of ourselves, or receive from others, for performance of any action. If the action which we are to perform be conversant about matter of mere religion, the power of performing it is then spiritual; and if that power be such as hath not any other to overrule it, we term it dominion, or power supreme, so far as the bounds thereof do extend.

[3.] When therefore Christian kings are said to have spiritual dominion or supreme power in ecclesiastical affairs and causes, the meaning is, that within their own precincts and territories they have authority and power to command even in matters of Christian religion, and that there is no higher nor greater that can in those causes over-command them, where they are placed to reign as kings. But withal we must likewise note that their power is termed supremacy, as being the highest, not simply without exception of any thing. For what man is there so brain-sick, as not to except in such speeches God himself, the King of all the kings of the earth? Besides, where the law doth give him dominion, who doubteth but that the king who receiveth it must hold it of and under the law? according to that axiom, “Attribuat rex regi, quod lex attribuit ei, potestatem et dominium.” and again, “Rex non debet esse sub homine, sed sub Deo et lege.” Thirdly, whereas it is not alto-

Book VIII.

Limitations of the Supremacy: Opponent to it.

geth without reason, “that kings are judged to have by Book VIII. virtue of their dominion, although greater power than any, yet not than all the states of those societies conjoined, wherein such sovereign rule is given them;” there is not hereunto any thing contrary by us affirmed, no, not when we grant supreme authority unto kings, because supremacy is no other interdict or meant than to exclude partly foreign powers, and partly the power which belongeth in several unto others, contained as parts within that politic body over which those kings have supremacy. Where the king hath power of dominion, or supreme power, there no foreign state or potentate, no state or potentate domestical, whether it consist of one or of many, can possibly have in the same affairs and causes authority higher than the king.

Power of spiritual dominion therefore is in causes ecclesiastical that ruling authority, which neither any foreign state, nor yet any part of that politic body at home, wherein the same is established, can lawfully overrule.

[4.] Unto which supreme power in kings two kinds of By what adversaries there are that have opposed themselves: one sort defending, “that supreme power in causes ecclesiastical throughout the world appartenneth of divine right to the bishop of Rome,” another sort, “that the said power be length in every national church unto the clergy thereof assembled.” We which defend as well against the one as against the other, that kings within their own precincts may have it, must shew by what right it may come unto them.

[5.] First, unto me it seemeth almost out of doubt and controversy, that every independent multitude, before any certain form of regiment established, hath, under God’s supreme authority, full dominion over itself, even as a man
BOOK VIII. not tied with the bond of subjection as yet unto any other, hath over himself the like power. God creating mankind did endure it naturally with full power to guide itself, in what kind of societies soever it should choose to live. A man which is born lord of himself may be made another’s servant: and that power which naturally whole societies have, may be derived into many, few, or one, under whom the rest shall then live in subjection.

Some multitudes are brought into subjection by force, as they who being subdued are fain to submit their necks unto what yoke it pleaseth their conquerors to lay upon them; which conquerors by just and lawful wars do hold their power over such multitudes as a thing descending unto them, divine providence itself so disposing. For it is God who giveth victory in the day of war. And unto whom dominion in this sort is derived, the same they enjoy according unto that law of nations, which law authorizeth conquerors to reign as absolute lords over them whom they vanquish.

Sometimes it pleaseth God himself by special appointment to choose out and nominate such as to whom dominion shall be given, which thing he did often in the commonwealth of Israel. They who in this sort receive power have it immediately from God, by mere divine right; they by human, on whom the same is bestowed according unto men’s discretion, when they are left free by God to make choice of their own governor. By which of these means soever it happen that kings or governors be advanced unto their states, we must acknowledge both their lawful choice to be approved of God, and themselves to be God’s lieutenants, and confess their power as his.

As for supreme power in ecclesiastical affairs, the word of God doth no where appoint that all kings should have it, neither that any should not have it; for which cause it seemeth to stand altogether by human right, that unto Christian kings there is such dominion given.

[6.] Again, on whom the same 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; yea, albeit God do not appoint the thing nor assign the person; nevertheless when men have established both, who doth doubt but that sundry duties and offices depending thereupon are prescribed in the word of God, and consequently by that very right to be exacted.

For example’s sake, the power which the Roman emperors had over foreign provinces was not a thing which the law of God did ever institute, neither was Tiberius Caesar by special commission from heaven therewith invested; and yet the payment of tribute unto Caesar being made emperor is the plain law of Jesus Christ. Unto kings by human right, honour by very divine right, is due; man’s ordinances are not been able to find these words in the Book De Legibus Angliae, but the sentiment occurs continually.

* band E.C.L. * full om. E. * kinds D. * society E.C.L. * they be C.L. * unto E.Q.C.L. * to the E.C. to that Q. * at sometime D. * which E.C. * have it om. E.C.L. [which insert it after “God.’”] * freely E. * governors E.C.L.Q. * estates E.C. * for D. [see p. 346, line 6.] * power which they have to be his E.C.L.

1 Comp. Allen, Apol. c. iv. p. 67. * Oportet ecclesiam illam retinere et conservare gubernandi rationem, quam Christianus ipse imprimis mediate instituit, quamque nec eligit nec ordinavit populi decreta: sed literae sanctae originem, de ejus imperio lata est, populis et et in eum omne suum imperium et potentatem confererat.” Dig. i. iv. i. * Dan. ii. 21, i. 1. * “Corona est potestas delegata.” It is the principle of the Roman law: “Quod principi placuit, legis habet vocatio.”

by human Ordinance: all by Divine Right.

E. C. omit this note; L. gives the following version. “A king, in regard of the tabernacle of his body, is like to other men, made of the same matter, but fashioned by the best workman, who artificially framed him, using himself for the pattern.” The words therefore seem to have been inadvertently omitted by the抄写。It may be questioned, however, whether this version be Hooker’s. In MS. D. a space is left here.
many times presupposed as grounds in the statutes of God. And therefore of what kind soever the means be whereby governors are lawfully advanced unto their seats, as we by the law of God stand bound meekly to acknowledge them for God’s lieutenants, and to confess their power his, so they by the same law both are both authorized and required to use that power as far as it may be in any sort available to his honour. The law appointeth no man to be an husband, but if a man have betaken himself unto that condition, it giveth him authority over his own wife. 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 obediencies in whatsoever affairs their power may serve to command. So God doth ratify the works of that sovereign authority which kings have received by men.

[7.] This is therefore the right whereby kings do hold their power; but yet in what sort the same doth rest and abide in them it somewhat further behoveth to search. Wherein, that we be not enforced to make over-large discourses of the different conditions of sovereign or supreme power, that which we speak of kings shall be with respect to the state and according to the nature of this kingdom, where the people are in no subjection, but such as willingly themselves have condescended unto, for their own most behoof and security. In kingdoms therefore of this quality the highest governor hath indeed universal dominion, but with dependence upon that which whole entire body, over the several parts whereof he hath dominion; so that it standeth for an axiom in this case. The king is “major singularis, universis minor.”

[8.] The king’s dependency we do not construe as some have done, who are of opinion that no man’s birth can make him a king, but every particular person advanced unto such authority hath at his entrance into his reign the same bestowed upon him, as an estate in condition, by the voluntary deed of the people, in whom it doth lie to put by any one, and to prefer some other before him, better liked of, or judged fitter for the place, and that the party so rejected hath herein no injury, no not although this be done in a place where the crown goth karâ yévos, by succession, and to a person which being capable hath apparently, if blood be respected, the nearest right. They plainly affirm,1 that in all well-
unto thrones and sceptres, if they can win the hearts of the people, what hereditary title soever any other before them may have, I say, these unjust and insolent positions I would not mention, were it not thereby to make the countenance of truth more orient: for unless we will openly proclaim defiance unto all law, equity, and reason, we must (there is no remedy) acknowledge, that in kingdoms hereditary birth giveth right unto sovereign dominion; and the death of the predecessor putteth the successor by blood in seisin. Those public solemnities before mentioned do but either serve for an open testification of the inheritor's right, or belong to the form of induction him into possession of that thing he hath right unto. And therefore in case it do happen that without right of blood a man in such wise be possessed, all those things are utterly void, they make him no indefeasible estate, the inheritor by blood may dispossess him as an usurper.

[9.] The case thus standing, albeit we judge it a thing most true, that kings, even inheritors, do hold their right to the power of dominion, with dependency upon the whole entire body politic over which they rule as kings; yet it may not be understood, as if such dependency did grow, for that every supreme governor doth personally take from thence his power by way of gift, bestowed of their own free accord upon him at the time of his entrance into his said place of sovereign government. But the cause of dependency is in that first original conveyance, when power was derived by the whole into one; to pass from him unto them, whom out of him nature by lawful birth should produce, and no natural or legal inability make uncapable. Neither can any man with reason think, but that the first institution of kings is a sufficient consideration wherefore their power should always depend on that from which it did then flow. Original influence of power from the body into the king, is cause of the king's dependency in power upon the body.


Vide Cicer. de Offic. [ii. 12.]