

BOOK VIII. which to such effect that admirable prelate maketh, brought  
Ch. ix. 5. by way of evidence to shew that in his opinion the king may not be exempted from the coercive authority and power of his own Clergy, but ought for his faults to be as punishable in their courts as any other subject under him.

[5.] The excommunication, which good Mr. Nowell thinketh that princes ought patiently to suffer at the bishop's hands, is no other than that which we also grant may be exercised on such occasions and in such manner as those two alleged examples out of antiquity do enforce.

"It is reported," saith Eusebius<sup>1</sup>, "that one of the Philips which succeeded Gordian, came, being a Christian, to join with the rest of the people in prayer, the last festival day of Easter. At which time he which governed the Church there whither the emperor did resort, would in no case admit him, unless he first made confession, and were contented afterwards to stay his time in the place appointed for penitents," (according to the manner of Church discipline in those days, whereof we have spoken in the fifth [sixth?] book sufficiently); "because he was known to be many ways faulty. To this he readily condescended, making manifest by his deeds his true and religious affection to Godwards."

Another example there is, of the emperor Theodosius, who understanding that violence in the city of Thessalonica had been offered unto certain magistrates, sent in great rage a band of men; and, without any examination had to know where the fault was, slew mel-pell both guilty and innocent, to the number of 7000<sup>2</sup>. It chanced afterwards, that the

<sup>1</sup> Eus. l. vi. c. 33. [34. Τούτον κατέχει λόγος Χριστιανὸν ὄντα, ἐν ἡμέρᾳ τῆς ὑστάτης τοῦ πάσχα παννυχίδος, τῶν ἐπὶ τῆς ἐκκλησίας εὐχῶν τῷ πλήθει μετασχεῖν ἐβέλῃσαι, οὐ πρότερον δὲ ὑπὸ τοῦ τηρικᾶδε προσετώτος ἐπιτραπήναι εἰσβαλεῖν, ἢ ἐξομολογήσασθαι, καὶ τοῖς ἐν παραπτώμασιν ἐξεταζομένοις μετανοίας τε χώραν ἰσχυοσιν εαυτὸν καταλέξαι· ἄλλως γὰρ μὴ ἂν ποτε πρὸς αὐτοῦ, μὴ οὐχὶ τοῦτο ποιήσαντα, διὰ πολλὰς τῶν κατ' αὐτὸν αἰτίας παραδεχθῆναι. Καὶ πειθαρχήσαι γὰρ

προθύμως λέγεται, τὸ γήσιον καὶ εὐλαβὲς τῆς περὶ τὸν θεῖον φόβον διαθέσεως ἔργοις ἐπιδεικνύμενον. Comp. Chron. Alex. A. D. 253. p. 270. ed. Du Fresne. S. Chrys. t. xi. 531 . . 45. Suid. voc. Βασιλᾶς. Philostorg. vii. 8. Of which conflicting accounts the first is the only one which gives any countenance to the narration of Eusebius.]

<sup>2</sup> Sozom. [Theod.] l. v. c. 18. [Ἀφικόμενον εἰς τὴν Μεδιόλανον τὸν βασιλέα, καὶ συνήθως εἰς τὸν θεῖον εἰσελθεῖν βουληθέντα νεῶν,

BOOK VIII. emperor coming to Milan, and intending to go to the Church  
Ch. ix. 5. as his accustomed manner was, St. Ambrose the bishop of that city, who before had heard of the emperor's so cruel and bloody an act, met him before the gate of the church, and in this wise forbade him to enter: "Emperor, it seemeth that how great the slaughter is which thyself hast made thou weighest not; nor, as I think, when wrath was settled did reason ever call to account what thou hadst committed. Peradventure thine imperial royalty hindreth the acknowledgment of thy sin; and thy power is a let to reason. Notwithstanding know thou shouldst what our nature is, how frail a thing and how fading; and that the first original from whence we have all sprung was the very dust wherunto we must slide again. Neither is it meet that being inveigled with the show of thy glistening robes thou shouldst

ἵπαντήσας (Ἀμβρόσιος) ἔξω τῶν ἱατρικὸς δὲ οὗτος, καὶ πρόξενος ὑγιείας." Τούτοις ἔξας ὁ βασιλεὺς τοῖς λόγοις· (τοῖς γὰρ θεοῖς λόγοις ἐντετραμμένους, ἦδει σαφῶς τίνα μὲν τῶν ἱερέων, τίνα δὲ τῶν βασιλέων ἴδια) στένων καὶ δακρῶν ἐπανήλθεν εἰς τὰ βασίλεια· χρόνου δὲ συχνοῦ διελθόντος· ὑκτῶ γὰρ ἀνυλῶθησαν μῆνες· κατέλαβεν ἡ τοῦ σωτήρος ἡμῶν γενέθλιος ἑορτή. ὁ δὲ βασιλεὺς ἐν τοῖς βασίλειοις ὀλοφυρόμενος καθήστο, τὴν τῶν δακρῶν ἀναλίσκων λιβάδα· τοῦτο θεασάμενος Ῥουφίνος· μάγιστρος δὲ τηρικᾶτα ἦν καὶ πολλῆς μετασχε παρρησίας, ἄτε δὴ συνηθέστερος ὢν, προσελθὼν ἤρετο τῶν δακρῶν τὸ αἶτον· ὁ δὲ πικρῶς ἀνομώσας, καὶ σφοδρότερον προχῆας τὸ δάκρυον, "σὺ μὲν," ἔφη, "Ῥουφίνε, παῖσις, τῶν γὰρ ἐμῶν οὐκ ἐπαισθᾶνη κακῶν· ἐγὼ δὲ στένω καὶ ὀλοφύρομαι τὴν ἑμαυτοῦ συμφορὰν λογιζόμενος, ὡς τοῖς μὲν οἰκέταις καὶ τοῖς προσαιτάις ἀνετος ὁ θεὸς νεῶς, καὶ εἰσίσασιν ἀδελῶς, καὶ τὸν οἰκίον ἀντιβουλοῦσι δεσπότην· ἐμοὶ δὲ καὶ οὗτος ἄβαστος, καὶ πρὸς τούτῳ μοι ὁ οὐρανὸς ἀποκέκλεισται· μίμνημαι γὰρ τῆς δεσποτικῆς φωνῆς ἢ διαρρήδην φησίν, ὃν ἂν δῆσητε ἐπὶ τῆς γῆς, ἔσται δεδεμένος ἐν τοῖς οὐρανοῖς." Comp. S. Ambr. Ep. li. t. ii. 997. A. D. circ. 390. and Paulin. vit. S. Ambros. c. 2. *ibid.* App. col. viii.]

“forget the imbecility of that flesh which is covered there-  
 “with. Thy subjects (O emperor) are in nature thy col-  
 “leagues: yea even in her vice [service?] thou art also  
 “joined as a fellow with them. For there is one Lord and  
 “Emperor, the Maker of this whole assembly of all things.  
 “With what eyes therefore wilt thou look upon the habitation  
 “of that common Lord? With what feet wilt thou tread  
 “upon that sacred floor? How wilt thou stretch forth those  
 “hands from which the blood as yet of unrighteous slaughter  
 “doth distil? The body of our Lord all holy how wilt thou  
 “take into such hands? How wilt thou put his honourable  
 “blood unto that mouth, the wrathful word whereof hath  
 “caused against all order of law the pouring out of so much  
 “blood? Depart therefore, and go not about by after deeds  
 “to add to thy former iniquity. Receive that bond where-  
 “with from heaven the Lord of all doth give consent that  
 “thou shouldst be tied; a bond which is medicinable, and  
 “procureth health.” Hereunto the king submitted himself;  
 (for being brought up in religion he knew very well what  
 belonged unto priests, what unto kings;) and with sobbing  
 tears returned to the court again. Some eight months after,  
 came the feast of our Saviour’s Nativity; but yet the king sat  
 still at home, mourning and emptying the lake of tears:  
 which when Rufinus beheld, being at that time commander  
 over the king’s house, and by reason of usual access the  
 bolder to speak; he came and asked the cause of those tears.  
 To whom the king, with bitter grief and tears more abundantly  
 gushing out, answered; “Thou, O Ruffin, dalliest, for mine  
 “evils thou feelest not: I mourn and bewail mine own  
 “wretchedness, considering that servants and beggars go  
 “freely to the house of God, and there present themselves  
 “before their Lord: whereas both from thence and from  
 “heaven also I am excluded. For in my mind I carry that  
 “voice of our Lord which saith with express terms, ‘Whom-  
 “soever ye shall bind on earth, he in heaven shall be bound  
 “also.’” The rest of the history, which concerneth the  
 manner of the emperor’s admission after so earnest repent-  
 ance, needeth not to be here set down.

It now remaineth to be examined whether these alleged  
 examples prove that which they should do, yea or no. The

thing which they ought to confirm is, that no less Christian  
 kings than other persons under them ought to be subject to  
 the selfsame coercive authority of Church-governors, and for  
 the same kinds of transgressions, to receive at their hands the  
 same spiritual censure of excommunication judicially inflicted  
 by way of punishment. But in the aforesaid examples,  
 whether we consider the offence itself of the excommunicate,  
 or the persons excommunicating, or the manner of their pro-  
 ceeding; which three comprehend the whole substance of  
 that which was done; it doth not by any of these appear that  
 kings in suchwise should be subject. For, concerning the  
 offences of men, there is no breach of Christian charity,  
 whether it be by deed or by word; no excess, no lightness of  
 speech or behaviour; no fault for which a man in the course  
 of his life is openly noted as blameable; but the same being  
 unamended through admonition ought, (as they say,) with  
 the spiritual censure of excommunication to be punished.  
 Wherefore unless they can shew, that in some such ordinary  
 transgression, kings and princes, upon contempt of the  
 Church’s more mild censure, have been like other men in  
 ancient times excommunicated, what should hinder any man  
 to think but that the rare and unwonted crimes of those two  
 emperors did cause their bishops to try what unusual remedy  
 would work in so desperate diseases? Which opinion is also  
 made more probable, inasmuch as the very histories, which  
 have recorded them, propose them for strange and admirable  
 patterns; the bishops, of boldness; the emperors, of meek-  
 ness and humility. The [they?] wonder at the one, for  
 adventuring to do it unto emperors; at the other, for taking  
 it in so good part at the hands of bishops. What greater  
 argument that all which was herein done proceeded from  
 extraordinary zeal on both sides, and not from a settled  
 judicial authority which the one was known to have over the  
 other by a common received order in the Church. For at  
 such things who would wonder?

Furthermore, if ye consider their persons, whose acts these  
 excommunications were; he which is said to have excommu-  
 nicated Philip emperor of Rome was Babylas the bishop of  
 Antioch: and he which Theodosius emperor of Constantinople,  
 Ambrose the bishop of Milan. Neither of which two bishops

BOOK VIII. (as I suppose) was ordinary unto either of the two emperors. Ch. ix. 6. And therefore they both were incompetent judges, and such as had no authority to punish whom they excommunicated: except we will grant the emperor to have been so much the more subject than his subjects, that whereas the meanest of them was under but some one diocesan, any that would might be judge over him. But the manner of proceeding doth as yet more plainly evict that these examples make less than nothing for proof that ecclesiastical governors had at that time judicial authority to excommunicate emperors and kings. For what form of judgment was there observed, when neither judges nor parties judged did once dream of any such matter; till the one by chance repaired unto the place where the others were, and at that very instant suffered a sudden repulse; not only besides their own expectation, but also without any purpose beforehand in them who gave it? Judicial punishment hath at the leastwise sentence going always before execution, whereas all which we read of here is, that the guilty being met in the way were presently turned back, and not admitted to be partakers of those holy things whereof they were famously known unworthy.

[6.] I therefore conclude, that these excommunications have neither the nature of judicial punishments, nor the force of sufficient arguments to prove that ecclesiastical judges should have authority to call their own sovereign to appear before them into their consistories, there to examine, to judge, and by excommunication to punish them, if so be they be found culpable.

But concerning excommunication, such as is only a dutiful, religious, and holy refusal to admit notorious transgressors in so extreme degree unto the blessed communion of saints, especially the mysteries of the Body and Blood of Christ, till their humbled penitent minds be made manifest: this we grant every king bound to abide at the hands of any minister of God wheresoever through the world. As for judicial authority to punish malefactors, if the king be as the kings of Israel were, and as every of ours is, a supreme Lord, than whom none under God is by way of ruling authority and power higher, where he reigneth, how should any man there have the high place of a judge over him? He must be more

than thine equal that hath a chastising power over thee: so far is it off that any under thee should be thy judge. Wherefore, sith the kings of England are within their own dominions the most high, and can have no peer, how is it possible that any, either civil or ecclesiastical person under them should have over them coercive power, when such power would make that person so far forth his superior's superior, ruler, and judge? It cannot therefore stand with the nature of such sovereign regiment that any subject should have power to exercise on kings so highly authorized the greatest censure of excommunication, according to the platform of Reformed Discipline: but if this ought to take place, the other is necessarily to give place. 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.

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APPENDIX, No. I.

[Supposed Fragment of a Sermon on Civil Obedience, hitherto printed as part of the Eighth Book.]

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BOOK VIII. Appendix, No. I. Yea that<sup>1</sup> which is more, the laws thus made, God himself doth in such sort authorize, that to despise them, is to despise in them him. It is a loose and licentious opinion, which the Anabaptists have embraced, holding that a Christian man's liberty is lost, and the soul which Christ hath redeemed unto himself injuriously drawn into servitude under the yoke of human power, if any law be now imposed besides the Gospel of Christ, in obedience whereunto the Spirit of God, and not the constraint of men, is to lead us, according to that of the blessed Apostle<sup>2</sup>, "Such as are led by the Spirit of God, they are the sons of God," and not such as live in thralldom unto men. Their judgment is therefore that the Church of Christ should admit<sup>a</sup> no lawmakers but the evangelists, no courts but presbyteries, no punishments but ecclesiastical censures.

As against this sort, we are to maintain the use of human laws, and the continual necessity of making them from time to time, as long as this present world doth last; so likewise the authority of laws so made doth need much more by us to be strengthened against another sort, who, although they do not utterly condemn the making of laws in the Church, yet make they a great<sup>b</sup> deal less account of them than they should do. There are which think simply of human laws, that they can in no sort touch the conscience; that to break and transgress them cannot make men in the sight of God culpable as sin doth; only when we violate such laws, we do

<sup>a</sup> admit of no E. \*

<sup>b</sup> great om. E.

<sup>1</sup> [This passage, down to the word "evangelists," is found verbatim in E. P. III. 9. 3. For this reason, and on account of its general irrelevancy to the subject of this Book, the editor has ventured to treat it as a separate fragment, probably of a Sermon on Obedience to Governors, annexed by mistake to the eighth book in all the MSS. but not appearing in the first edition, which breaks off abruptly in c. viii. 6. at the words "give judgment."] <sup>2</sup> Rom. viii. 14.

\* [E. here stands for Gauden's ed. 1652, not as before for the *ed. princeps*, 1648. 1651.]

thereby make ourselves obnoxious unto external punishment in this world, so that the magistrate may in regard of such offence committed justly correct the offender, and cause him without injury to endure such pain as the law<sup>c</sup> doth appoint; but further it reacheth not. For first, the conscience is the proper court of God, the guiltiness thereof is sin, and the punishment eternal death: men are not able to make any law that shall command the heart, it is not in them to make the<sup>d</sup> inward conceit a crime, or to appoint for any crime other punishment than corporal: their laws therefore can have no power over the soul, neither can the heart of man be polluted by transgressing them. St. Austine<sup>1</sup> rightly defineth sin to be that which is spoken, done or desired, not against any law<sup>e</sup>, but against the law of the living God. The law of God is proposed unto men, as a glass wherein to behold the stains and spots<sup>f</sup> of their sinful souls. By it they are to judge themselves, and when they find<sup>g</sup> themselves to have transgressed against it, then to bewail their offences with David<sup>2</sup>, "Against thee only, O Lord, have I sinned, and done wickedly in thy sight;" that so our present tears may extinguish the flames, which otherwise we are to feel, and which God in that day shall condemn the wicked unto, when they shall render account of the evil which they have done, not by violating statute laws and canons, but by disobedience unto his law and word<sup>h</sup>.

For our better instruction therefore concerning<sup>i</sup> this point, first we must note, that the law of God himself<sup>k</sup> doth require at our hands subjection. "Be ye subject<sup>3</sup>," saith St. Peter; and St. Paul, "Let every soul be subject; subject all unto such powers as are set over us." For if such as are not set over us require our subjection, we by denying it are not disobedient to the law of God, or undutiful unto higher powers; because though they be such in regard of them over whom they have lawful dominion, yet having not so over us, unto us they are not such<sup>5</sup>.

<sup>c</sup> pains as law E. pain as law L. pain as the law C. <sup>d</sup> the om. E. <sup>e</sup> laws E.Q.C.L. <sup>f</sup> the spots E.Q.C.L. <sup>g</sup> feel E.Q.L. <sup>h</sup> his word E.Q.C.L. <sup>i</sup> in D. <sup>k</sup> itself E.Q.C.L.

<sup>1</sup> [Contra Faustum, lib. xxii. 27. "Peccatum est factum vel dictum vel concupitum aliquid contra æternam legem. Lex vero æterna est ratio divina vel voluntas Dei." t. viii. 378. f.]

<sup>2</sup> Psalm li. 4.

<sup>3</sup> 1 Pet. ii. 13.

<sup>4</sup> Rom. xiii. 1.

<sup>5</sup> "Verum ac proprium civis a peregrino discrimen est, quod alter imperio ac potestate civili obligatur; alter jussa principis alieni respuere potest. Illum princeps ab hostium æque ac civium injuria tueri tenetur; hunc non item nisi rogatus et humanitatis officiis impulsus," saith Bo-

BOOK VIII. Appendix, No. 1.

Subjection therefore we owe, and that by the law of God ; we are in conscience bound to yield it even unto every of them that hold the seats of authority and power in relation unto us. Howbeit, not all kind<sup>1</sup> of subjection unto every such kind of power. Concerning Scribes and Pharisees, our Saviour's precept was<sup>1</sup>, "Whatsoever they shall tell you<sup>m</sup>, do it;" was it his meaning, that if they should at any time enjoin the people to levy an army, or to sell their lands and goods for the furtherance of so great an enterprize ; and in a word, that simply whatsoever<sup>m</sup> it were which they did command, they ought without any exception forthwith to be obeyed? No, but "whatsoever they shall tell you," must be understood *in pertinentibus ad Cathedram*, it must be construed with limitation, and restrained unto things of that kind which did belong to their place and power. For they had not power general, absolutely given them to command in<sup>o</sup> all things.

The reason why we are bound in conscience to be subject unto all such power<sup>p</sup> is, because all "powers are of God<sup>2</sup>." They are of God either instituting or permitting them. Power is then of divine institution, when either God himself doth deliver, or men by light of nature find out the kind thereof. So that the power of parents over children, and of husbands over their wives, the power of all sorts of superiors, made by consent of commonwealths within themselves, or grown from agreement amongst nations, such power is of God's own institution in respect of the kind thereof. Again, if respect be had unto those particular persons to whom the same is derived, if they either receive it immediately from God, as Moses and Aaron did ; or from nature, as parents do ; or from men by a natural and orderly course, as every governor appointed in any commonwealth, by the order<sup>q</sup> thereof, doth: then is not the kind of their power only of God's institution<sup>r</sup>, but the derivation thereof also into their persons, is from him. He hath placed them in their rooms, and doth term them his ministers; subjection therefore is due unto all such powers, inasmuch as they are of God's own insti-

<sup>1</sup> kinds E.      <sup>m</sup> ye E.C.L.      <sup>n</sup> whatsoever simply D.      <sup>o</sup> in om. E.  
<sup>p</sup> powers D.      <sup>q</sup> orders D.      <sup>r</sup> instituting E.Q.C.L.

din, de Rep. lib. i. cap. 6. non multum a fine p. 61 B. edit. Lugd. in fol. 1586.\* [Bodin was a French jurist, and secretary to the duke of Alençon, brother to Henry III. His work "de Republica" had such credit as to be used for a text book in lectures at Cambridge. Biog. Univ.]  
<sup>1</sup> Matt. xxiii. 3.  
<sup>2</sup> Rom. xiii. 1.

\* Note om. D.

tution, even then when they are of man's creation, *omni humanæ creaturæ*<sup>s</sup>: which things the heathens themselves do acknowledge:

Σκηπτούχος βασιλεύς, ὅτε Ζεὺς κύδος ἔδωκεν<sup>1s</sup>.

As for them that exercise power altogether against order, although the kind of power which they have may be of God, yet is their exercise thereof against God, and therefore not of God, otherwise than by permission, as all injustice is.

Touching such acts as are done by that power which is according to his institution, that God in like sort doth authorize them, and account them to be his ; though it were not confessed, it might be proved undeniable<sup>t</sup>. For if that be accounted our deed, which others do, whom we have appointed to be our agents, how should God but approve those deeds, even as his own, which are done by virtue of that commission and power which he hath given. "Take heed," saith Jehoshaphat unto his judges<sup>2</sup>, "be careful and circumspect what ye do ; ye do not execute the judgments of men, "but of the Lord." The authority of Cæsar over the Jews, from whence was it? Had it any other ground than the law of nations, which maketh kingdoms, subdued by just war, to be subject unto their conquerors? By this power Cæsar exacting tribute, our Saviour confesseth it to be his right, a right which could not be withheld without injury ; yea disobedience herein unto him had been<sup>u</sup> rebellion against God. Usurpers of power, whereby we do not mean them that by violence have aspired unto places of highest authority, but them that use more authority than they did ever receive in form and manner beforementioned: (for so they may do, whose title unto the rooms of authority which they possess, no man can deny to be just and lawful: even as contrariwise some men's proceedings in government have been very orderly, who notwithstanding did not attain to be made governors without great violence and disorder;) such usurpers therefore<sup>x</sup>, as in the exercise of their power do more than they have been authorized to do, cannot in conscience bind any man unto obedience.

That subjection which we owe unto lawful powers, doth not only import that we should be under them by order of our state, but that we shew all submission towards them both by honour and obedience.

<sup>s</sup> The quotations in marg. D.      <sup>t</sup> undeniably E.C.      <sup>u</sup> him, and even  
E.Q.C.L.      <sup>x</sup> thereof E.C.L.

<sup>1</sup> "A sceptre-swaying king, to whom even Jupiter himself hath given power and commandment." Hom. Il. lib. A. [ver. 279.]  
<sup>2</sup> 2 Chron. xix. 6.