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Of the Laws of Ecclesiastical Polity

Introductions; Commentary
Books V–VIII

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2:1.9–12 that Discipline ... approbation, Whitgift endorsed the MS of Book V from which Windet set print (2:xiv–xv) in accordance with the "Discipline" or law, most likely the Star Chamber decree of 1586, procured by Whitgift (Collinson, E.P.M., p. 274), investing the archbishop of Canterbury and the bishop of London with responsibility for licensing books. See H. S. Bennett, English Books and Readers 1558–1603 (Cambridge: The University Press, 1965), pp. 56–64. "The Stationers' Register entry for January 29, 1593, assigns rights to John Windet for 'Eight books by Richard Hooker,' with the notation that they had been 'Authorised by the lord archbishop of Canterbury his grace under his hand'"; Hill, "Evolution," S.R.H., p. 133; Arber, Transcript, 2:625.

2:1.22–2.3.a δικαίωμα ... great. Gregory of Nazianzus (330?–390?), patriarch of Constantinople, Oration 39, In sancta lumina, chap. 2; Opera (1550), p. 233; PG, 36.2:336: Μη 'εγείρῃ αὐτόν, ἀλλ' ἔκακαν, ὑπερ' ἡμῶν γενώμεθα. As Bayne notes, H's "quotation reverses the meaning of the last clause of Gregory" (p. 2n).

2:2.7–11 The errors which we seek ... suffer. The reference is most likely to Whitgift's writings, esp. The Defense of the Aunswer (1574), his policy against the Puritans, esp. the enforcement of subscription from 1584 on, and their supression in 1590–93. See Collinson, E.P.M., pp. 243–272, 403–431. There is also an allusion here to Whitgift's motto, "Vincit qui patitur," "He overcometh who suffereth with patience" (Bayne, p. 3n).

2:2.15–16 conflicts the Church hath ... Christ, The christological controversies beginning in the 3–4C; see 4:9.30–10.15, 185.31–186.35, and chaps. 51–54.

2:2.16–19 and the next of importance ... God, Chiefly, papal authority in the church; see Jewel, An Apologie or Aunswer in defence of the Churche of Englande, trans. Ann, Lady Bacon (1564; STC 14591); ed. Booty (1963), pp. 25–26.


2:2.23 divers ... prelacy Richard Bancroft, bishop of London, Daungerous Positions and Surway, both published in 1593; Thomas Bilson, bishop of Winchester
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from 1597, The Perpetual Government of Christ's Church, also published in 1593.

2:2.24 judicious ... matter of jurisdiction. John Bridges, dean of Salisbury, A Defence of the Government Established (1587), Matthew Sutcliffe, dean of Exeter, A Treatise of Ecclesiastical Discipline (1591), Hadrian Saravia, H's friend, De diversis ministerorum evangeli gradibus (1590), and Richard Cosin, dean of Arches, An Apologie: and for sundrie proceedings by jurisdiction ecclesiastical (1591).

2:3.15–17 To reckon up ... necessarie. On religious divisions see Jewel, Apologie, part 3; ed. Booty (1963), pp. 40–50.

2:3.28–4.1 For ther are ... appeareth. Compare Pref. 3.6–14 (1:15.13–20.3).

2:4.2–23 Thus ... wisedome. Concerning the "Hacket conspiracy" see 4:61.2–3 and n, and Cranmer's Letter, § 3, rpr. in 1:36.15–53.15.n, above. Richard Cosin prepared the official account, Conspiracie, for pretended reformation: viz. presbyteriall discipline. Discovering the late designgments by W. Hacket, E. Coppinger, and H. Arthington gent. with the execution of the sayd Hacket (1592; STC 5823), and Bancroft summarized it (Daungerous Positions, 4.5–15).

2:5.b Sulp. Sever. ... Eccl. See Sulpicius Severus (363?–420/5), Historia sacra (1573), pp. 108 ff. (CSEL, 1:103; NPNF.2, 11:121), describing the Manichaean heresies of Priscillian, bishop of Avila, resisted "with greater keeness than was fitting" (Bayne, p. 6n) by Ithacius, bishop of Sossuba in 384. See also 3:457.15 and 4:83.4–5.n. Sulpicius summarizes sacred history from the creation of the world to AD 400 and is an especially important source for the history of Priscillianism.

2:5.18 Martinisme, See 2:82.9.n, below; Cranmer's Letter, § 2, 1:36.15–53.15.n, above; and 3:174.12, where "Martinist" stands for "Puritan." Leland H. Carlson, Martin Marprelate, Gentleman (1981), has identified Martin as Job Throckmorton and notes that the term "Martinism" is found in Martinist tracts (pp. 191, 201); on these, see Intro. to The Preface, pp. 23–24, above.

2:5.19–20 honourable knight, Citing Strype, Life of Whitgift, 1:425, Keble and Bayne suggest that this may have been Sir Francis Walsingham, patron of H's friend John Rainolds and favorable to the Puritan cause.


2:5.28 Elders, The announced subject of Book VI (3:1.8); see Intro. to Book VI.

2:6.15–19 these tunes come ... deserve. H seems to have in mind Robert Dudley, earl of Leicester (d. 1588), supporter of the Puritans and enemy of Whitgift.


2:7.11–12.d Dolens dico, ... poterit. Charlemagne, *Capitula sive leges ecclesiasticae et civiles* (1588), fol. 421⁰; from a letter of Pope Gregory the Great to Virgilius, bishop of Arles, dealing with simony (PL, 77:783): "Quod si ita est, flens dico, gemens denuntio, quia cum sacerdotalis ordo intus cecidit, foris quoque diu stare non poterit"; "And if it be so, I say it with tears, I condemn it with groans; for when the priestly order is fallen inwardly, outwardly also it cannot long stand" (Bayne, p. 9n). Jewel quotes the passage in his *Defence of the Apologie; Works*, PS, 4:732.

2:16.1 True Religion In chaps. 1–4 H begins his detailed answer to the accusation, "That touchinge the severall publique duties of Christian religion, there is amongst us much superstition reteined in them" (2:15.4–7), or, as the Admonitioners put it, the BCP, whose use was enforced by law, "is an unperfecte booke, culled and picked out of that popishe dunghil, the Masse booke full of all abominations" (P.M., p. 21). He does so by arguing the necessity of "true religion" to the commonwealth and the harm done by atheism on the one extreme and by superstition on the other. The argument here concerning religion and the commonweal should be compared with 1.10–12 and VIII.1; and see § 4 (2:21.27–22.2).

2:16.f Gaudere ... contineri. *Codex Theodosianus*, 16.2.16; (1566), p. 481; Mommsen-Meyer (1962), 1.2:840; Clyde Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions*, p. 443. "We wish always to rejoice and boast in the faith; for we know that our country stands more by religion than by official energy or labour and sweat of body" (Bayne, p. 14n); from a decree of Emperor Constantius (361 AD) to the Antiochenes, excusing the clergy from paying taxes.

2:17.g Ἐστι ... ἐξειν. Aristotle, *Magna moralia*, 1.1; 1181*; Opera (1550), 2:58. "For without character, a man can achieve nothing in association with his fellows. He must be a man of moral worth; and moral worth means possession of the virtues" (Loeb, p. 447). See the N.E., 3.6–5.11.

2:17.h Ἀρχὴ ... εὐοδεικα. Philo Judaeus, *De Decalogo*, chap. 12; Opera (1552), p. 513. "God is the chiefest top and well-spring of all things that are, and godliness of the virtues" (Bayne, p. 15n); Loeb, *Treatise of the Ten Commandments*, 7:32–33.

2:17.11–13 So naturall ... not. Augustine, *City of God*, 2.21, discusses Cicero's argument for the necessity of justice in the commonwealth (*De republica*, 2.44), concluding: "But true justice is found only in that commonwealth whose founder and ruler is Christ" (trans. Bettenson, p. 75). Aristotle (N.E., 5:9; 1137*) also asserts that justice involves not a way of acting but an inner attitude.

2:18.j Ἀγαπητόν ... πόλεοι. Aristotle, *N.E.*, 1:2; 1094b; Opera (1550), 2:1. "For even though it be the case that the Good is the same for the individual and
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for the state, nevertheless, the good of the state is manifestly a greater and more perfect good, both to attain and to preserve" (Loeb, p. 7); the chap. concerns politics as the science of good for humanity.

2:18.6 conscience  See I.10.1; also, Lancelot Andrewes, A Pattern of Catechistical Doctrine, in Minor Works (1846), 6:30, who identifies conscience as "God's deputy." H. R. McAdoo notes that in 16C and 17C moral theology, "the Thomist tradition predominates: Conscience has two parts, synteresis, or the power by which we hold and understand general principles of morality, and conscientia, by which we apply those principles to specific actions in order to assess their rightness and wrongness. Conscience is a function of the practical intellect"; The Structure of Caroline Moral Theology (London, 1949), p. 66.

2:18.10-12.k For hee gave good heede,. . . parables. H used BB for Eccles.

2:18.13 fortitude. One of the four cardinal virtues. See Aquinas, S.T., 1a2ae.61.3.

2:18.1 Wisd. 17:13. Chapter 17 concerns the judgements of God on the Egyptians (or, as GB puts it, ". . . against the wicked"); see vv. 10–14 in GB and 11–15 in RSV.

2:19.n Tòv . . . κράτειν. Aristotle, N.E., 1.10; 1100b–1101b; Opera (1550), 2:3: ". . . since we hold that the truly good and wise man will bear all kinds of fortune in a seemly way, and will always act in the noblest manner that the circumstances allow" (Loeb, p. 53).

2:20.4–5 God . . . nature, See S.T., 1a2ae.91.2, where, working from Rom. 2:14, Aquinas asserts that "the light of natural reason by which we discern what is good what is evil, is nothing but the impression [impressio] of the divine light on us." Thereby we are assured that the natural law (of which he is speaking here) is "this sharing [participatio] of the Eternal law by intelligent creatures" (B, 28:23). Compare chap. 56.5 (2:236.22–25) and Augustine, City of God, 8.1–10.

2:20.17–24.o There were in these quarters . . . adventures. The reference is most likely to Caesar's Gallic Wars, 6.13, on the Druids, and to chap. 14 on metempsychosis. H freely translates "In primit hoc volunt persuadere non interire animas, sed ab aliis post mortem transire ad alios; atque hoc maxime ad virtutem excitari putant, metu mortis neglecto"; C. Julii Caesaris commentarii [de bello Gallico, etc.] (1585; STC 4332), pp. 138 ff. H distinguishes between those who teach the transmigration of souls (metempsychosis), ranging from Indian and Greek philosophers to the Alexandrian Gnostic sect of Carpocratians and Christian sects of various sorts, and the Christian conviction of the immortality of the soul and the eternal life of the soul/body; see Augustine, City of God, 13.16–18, 22.12–21, and 25–30, reflected in the BCP burial office (1559, pp. 309–313).
2:21.18–27 And whereas we reade ... parties. Religion for H was what sociologists call a "cultural system." According to this understanding, religion receives certain infallible principles either as transmitted by the Word of God or imprinted in human minds by the God of nature. These principles become the axioms of religion, but being received by fallible humans are distorted, making necessary the further distinction between true and false religion. The problem for 16C theologians was that the word "religion" and the understanding of it could not be traced back to the NT. Subsequently, unless whatever is beyond religion informs the content and activity of a religion, it is no more than a cultural phenomenon. It is important to ask of any writer (1) whether the distinction between true and false religion has been made as H makes it and (2) whether reference is made to a cultural system per se or to "true" religion, which is a cultural system informed and governed by what H calls the Word of God. Concerning the etymology of "religion," see Calvin, Inst., 1.12.1; Cicero, De natura deorum, 2.28.72; and Isidore of Seville, Etymologies, 10.244 (PL, 82:393). In Calvin and in H, "religion" denotes that reverence which is indicated by the Greek εὐσέβεια and the Latin religere, religio, ligare, obstringere, etc. See also chap. 68.6 (2:349.5–18).

2:23 r ἔστι γὰρ ... ἀρχής. "For vice is apt to obliterate the originating cause of action" (Bayne, p. 20n). Aristotle, N.E., 6.5; 1140b; Opera (1550), 2:31. Chapter 6 concerns practical wisdom, the knowledge of how to secure the ends of life, as one of the chief intellectual virtues.

2:23.11 Atheisme, H distinguishes between two kinds of atheists: those who have never encountered God and those who having encountered him deny him. H is aware of the complexity of the subject. Atheists can be people totally dependent on the theism they deny, or they can be those who have no knowledge of God, including religious persons who know not the "true" God of Christian faith. It can also indicate philosophers of the pre-Socratic age, and after, whose views were naturalistic rather than theistic. H is concerned not for the latter but for those whose impiety and immorality drives them to use religion for base purposes. Machiavelli is the prime example, for he acknowledges the value of religion as a tool of government while denying its theistic foundation. See Robert K. Faulkner, Richard Hooker and the Politics of a Christian England (1981), pp. 20–30.

2:24.t Hae est summa delicti ... posis. Cyprian, De idolorum vanitate, [chap.] 5; Opera (1593), p. 336; PL, 4:577. "Herein is the essence of the guilt, to refuse to own Him whom you cannot refuse to know" (Bayne, p. 21n).

2:24.u 2.Pet... 18. In GB both texts speak of the appearance of "mockers" in the last days, the only instance of the use of ἐπισκόπηται in the NT. See Jude 1, preached on vv. 17–21, esp. §§ 8–10.

2:25.1 contentions See Francis Bacon's "An Advertisement touching the Controversies of the Churche of Englande," written about 1590: "Two principall causes have I ever knownen of Atheisme: Curious controversies, and prophane
scoffinge. Nowe that theis two are joyned in one, noe doubt that sect will make noe smale Progression" (Trinity College, Dublin, MS B.1.13.6); Works, ed. Spedding, Ellis, and Heath (London, 1862), 8:74–95.

2:25. w Vos scelera admissa . . . possumus. Minucius Felix, 3C Latin Christian author, Octavius, chap. 35; in Arnobius Afer, Disputationum adversus Gentes (1583), p. 251; PL, 3:349. "You punish crimes when committed; with us even to think them is to sin: you fear detection; we [fear] even our own solitary conscience, and without the approval of that we cannot live" (Bayne, p. 23n). Summum presidium . . . occultos. Girolamo Cardano (1501–1576), Italian physician and astrologer, De sapientia (1544), p. 137. "The best guard of a kingdom against open revolts, is justice, against secret, religion" (Bayne, p. 23n).

2:25.24–27.10.x Mach. . . . 14. Felix Raab argues that H relies on Machiavelli in chaps. 1–2, esp. on the necessity of religion to "publique regiment" (1.2; 2:16.25–17.3). H differs in that not any religion, but the religion which has "the light of truth," is required. Raab regards chap. 2.3 as presenting "a perfectly fair summary of what Machiavelli has to say . . . in The Discourses, I.11–15" of the religion of the ancient Romans. Against such teaching H "quotes" Machiavelli to demonstrate that his advice is bad; see chap. 2.4. H angrily defends his God-centered view against the secular realism of Machievelli and his followers, realizing, as Raab says, that "a fundamental principle is at stake" that must be dealt with before the argument can proceed; see The English Face of Machiavelli (London: Routledge and Kegan Paul, 1965), pp. 62–65. See also Cosin, Conspiracie, for Pretended Reformation, sig. B2, which is much less appreciative of Machiavelli. H uses him, however, as a source in VIII. 8.5 (3:426.3–9 and h).

2:27.17–19 Zeale, . . . not. Jewel's sermon on Ps. 69:9 discusses the positive value of zeal (an affection to protect and preserve God's house) and the dangers of it when vehement feeling leads to superstition, idolatry, and other such enormities; Certaine Sermons (1583; STC 14596), sigs. H4°–7°; Works (PS), 2:1006.

2:27.28–30 Feare . . . superstition. On the value of fear in relation to repentance, see VI.3.2; on its dangers, see Remedie. Excess fear leads to despondency (5:371.4–372.4), but here H is concerned with its leading to superstition. See Intro. to Book VI, p. 282, above.

2:28.5–6.z the wise man . . . understandinge, Wisd. of Sol. 17:11: "Nihil enim est timor nisi proditio cogitationis auxiliorum" (Vulgate).

2:28.16–24 Superstition is, . . . religion. Augustine, De doctrina Christiana, 2.20, claims that superstition leads to idolatry. Aquinas agreed but added that superstition involves worship that is neither proper nor fitting (S.T., 2a2ae.92.1). Comparing superstition to true religion, Calvin concluded that the former is "not content with the prescribed manner or order," thus heaping "up a needless mass of inanities" (Inst., 1.12.1; LCC, 20:117). Subsequently he speaks of Satan's drawing men's
minds away from heaven to fill them with error (Inst., 4:17.12; LCC, 21:1372). Archbishop Cranmer simply identified superstition with certain practices of the C of R. (Works, PS, 2:147–148) and exclaimed against the rebels in Devon in 1549, “Oh! superstition and idolatry, how they prevail among you” (2:176). This was basically the view expressed in the Admonition (see 2:16.1.n, above).

2:29. a Marc. 7:9. Jesus attacked the legal obligations of religion imposed by human tradition as standing in the way of a higher law, that of God.

2:31.c Luc. 1:23. GB glosses: “While their course endured to sacrifice, they might not lie with their wives, nor drinke anie licour that might make one drinke”; that is, their lives were consecrated to their priestly functions, the “sollemne outward serviceable worship belonginge unto God” (line 8), to which Luke 1:23 is keyed.

2:31.17–18 about the substance . . . controversie, 13 Eliz. I, cap. 12, required clergy to subscribe to those of the Thirty-Nine Articles “which only concern the confession of the true faith and the doctrine of the sacraments.” The Admonitioners acquiesced: “For the Articles concerning that substance of doctrine using a godlye interpretation in a point or two, which are either too sparely, or els too darkely set downe, we wer and ar ready accordyng to dutie, to subscribe unto them” (P.M., p. 37).

2:32.11 book goinge before . . . examined. Book IV, esp. chaps. 3, 10, 12, 13.

2:32.21–22 certaine petitiones . . . nature, In opposition to the Puritan principles listed above, H presents four propositions or general principles in chaps. 6–9 as the basis on which to adjudicate the Puritan accusations against the authority claimed for BCP as the legally prescribed order of public worship. The four principles—reasonableness, antiquity, church authority, and dispensation (equity)—are carefully circumscribed (see chap. 10.1), but they reflect the influence of the Prayer Book, run parallel to its “Preface” and treatise “Of Ceremonies, Why Some Be Abolished and Some Retained” (B.C.P., 1559, pp. 14–21), and have exercised some influence in subsequent Anglicanism. In chap. 10 H refers to a fifth test, “The rule of mens private spirits,” and rejects it, as he had in Pref. 3.10. See Paget, Introduction, pp. 128–130 (2nd edn., pp. 162–165).

2:32.30 apparent reason, See Pref. 3.10. Concerning the BCP and reason, see 1559, pp. 362–366.

2:33.29–30 Signes . . . signifie. William Durandus (13C bishop of Mende), in his Rationale divinorum officiorum, Proem (1592), pp. 2–4, discusses allegory, tropology, and anagoge as applied to liturgy as well as to Scripture.

2:34.f ἐκκλησία . . . οὐρανός. Germanus II Nautilus, the 13C patriarch, ed., Ἀἱ θεῖαι λειτουργεῖαι (1526), sig. M2'; PG, 98:384. “The Church is heaven upon earth” (Bayne, p. 31n). From the beginning of a treatise concerning the ceremonies of the liturgy. Delectatio Domini . . . caelestium. Ambrose, De
interpellatione David; Opera (1567), 4:410; PL, 14:813. “The delight of God is in the Church; [but] the Church is the substantial image of things heavenly” (Bayne, p. 31n). Ambrose is commenting on Ps. 27:4. “Vero” is in the 1567 text, which H used, but not in other texts. Facit in terris ... calorum. Sidonius Apollinaris (5C Roman patrician who became bishop of Clermont in Auvergne, although not a priest), epist. 6.16; Lucubrationes (1542), p. 205; PL, 58:560; Loeb, 2:276–279. “She does on earth the works of heaven” (Bayne, p. 31n). The reference is not to the church but to people who perform good works.

2:34.25–26 the judgment of antiquitie ... Church, By antiquity H had in mind all of the accumulated experience and wisdom of the past but especially the example of the early church. Antiquity was accompanied by the principle of continuity, to which Andrewes referred when maintaining (as did Vincent of Lerins before him) that “what always and everywhere and by all was believed” was a test, limited, however, by the truth revealed in Scripture; see his Responsio ad Apologiam Cardinalibus Bellarmini, 7.3, LACT (1851; rpr. 1967), p. 25. On antiquity and continuity in Anglican theological method, see H. R. McDade, The Spirit of Anglicanism (London: Adam and Charles Black, 1965), chaps. 9 and 10. Concerning antiquity and the BCP, see 1559, pp. 361–362, 366–368.


2:36.k Πρὸς ... φύσει. Philo Judaeus, De Josepho, chap. 4; Opera (1552), p. 359. “Against those taken away from us no envy arises” (Bayne, p. 33n). Πᾶσα ... συναιστισθεῖται. Synesius, the 4C AD Greek neo-Platonic Christian philosopher. “All ill-will is laid aside with this life.” Unlocated. Τὸ δ’ ἐκ ... ἀφοθένονς. Gregory of Nazianzus, Ἐν Στίχ.; PG, 37:1337. “What is taken away from us no more strives against us, and is honoured ungrudgingly.” Bayne notes: “From some iambics ‘Against the envious’; the quotation should begin τὸ δ’ ἐκ. Cf. Horace, Epist. II.i.12, of Hercules, pursued till his death by envy—‘extinctus amabitur idem’” (p. 33n).

2:37.l ὅσοι ... φανη. Basil (330?–379), bishop of Caesarea, De Spiritu Sancto, chap. 7; Opera (1551), p. 252; PG, 32:93. “Those who, from stayedness of disposition have preferred the venerableness of things ancient to specious innovation, and have preserved unchaged the tradition of the fathers both in country and town, use this word.” The reference is to “with the Son” in the Doxology (Bayne, p. 34n). H explains this passage in chap. 42.11 (2:175.1–21).

2:37.m ὁ μὲν ... λανθάνει. Aristotle, N.E., 2.9: “However, we do not blame one who diverges a little from the right course, whether on the side of the too much or of the too little, but one who diverges more widely, for his error is noticed”; Opera (1550), 2:11; 1109b; Loeb, p. 113. Modici nulla ... solet. “Of
the minute no account as a rule is taken"; Bayne, p. 34n, points out that the statement is found in *De judicio in rebus exiguis ferendo* by André Tiraqueau (1480–1558), on the margin of p. 49 and in the index to the tract, printed after *Res inter alios actas* (Lyons, 1562). It is a version of the popular maxim, "De minimis non curat lex." In chap. 10 it is argued that "a slight scratch is not a wound" nor "a mere indisposition an illness."

2:38.17–19 **The Church hath authoritie . . . well.** At the outset of the reign of Elizabeth I it was necessary to establish the authority of the national church "to institute, change, and abrogate ceremonies and rites in the church" against the pretensions of the papacy. See Art. 20 of the Thirty-Nine Articles, the accounts of West Dip (1550), in Corpus Christi College, Cambridge, MS 121 (21), and Cardwell, ed., *A History of Conferences* (1849; rpr. 1966), pp. 72–92. Against the Puritans, Whitgift defended the "Authority of the church in things indifferent" (see 2:2.21.n, above). H's argument here reflects the latter more than the former, but both must be kept in mind. See III.8–9; also, John E. Booty, "Hooker and Anglicanism," *S.R.H.*, pp. 215–219; and Richard Field, dean of Gloucester, *Of the Church*, 4.30–34; (1849), 2:518–538.

2:39.16–19.q **Yea simpilie . . . consortes.** Basil, epist. 68: ἀπαξαπλως οὐδὲν οὕτε τῶν ἐκ φύσεως οὔτε τῶν ἐκ προαιρέσεως κατορθουμένων ὄρω, ἄνεω τῆς τῶν ὀμοφύλων συμπνοίας ἐπιτελοῦμενον. *Opera*, (1551), p. 316; PG, 32:493, as epist. 97. H's "if it be wrought by an agent singlinge it selfe from consortes" is literally, "without the agreement of those of like kind." D. 8 . . . *congruens*. Gratian, the 12C canonist, *Decretum*, 1.8.2; C.J.Can. (Venice, 1584), 1:30; Friedberg, 1:13. "Every part is vicious which does not agree with its whole." The title of chap. 2 is "To no man is it lawful to do anything against natural law" (Bayne, p. 36n).

2:39.20–22.r **Take not upon thee . . . thine.** From that portion of the Mishna devoted to the higher morality, called the Pirke Aboth, or *Sayings of the Fathers*; "8. [Rabbi Ishmael] dixit: Ne sis judex unicus: nam non est judex unicus nisi unus. Neque dicas suscipite sententiam meam, quoniam penes illos, et non penes te est potestas"; the Latin title is *Capitula patrum* (hence H's citation), and Bayne suggests

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BOOK V, CHAPTER 7.1–8.3

2:38.17-19: The Church hath authority... well. At the outset of the reign of Elizabeth I it was necessary to establish the authority of the national church "to institute, change, and abrogate ceremonies and rites in the church" against the pretensions of the papacy. See Art. 20 of the Thirty-Nine Articles, the accounts of West Dip (1550), in Corpus Christi College, Cambridge, MS 121, and Cardwell, ed., *A History of Conferences* (1849; rpr. 1966), pp. 72–92. Against the Puritans, Whitgift defended the "Authority of the church in things indifferent" (see 2:2.21.n, above). H's argument here reflects the latter more than the former, but both must be kept in mind. See III.8–9; also, John E. Booty, "Hooker and Anglicanism," *S.R.H.*, pp. 215–219; and Richard Field, dean of Gloucester, *Of the Church*, 4.30–34; (1849), 2:518–538.

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he used the translation of Paul Fagius, in *Opusculum recens Hebraicum* (Isne: [n.p.], 1541; not seen); Johannes Leusden, *Tractatus Talmudicus* (Utrecht, 1665), p. 51.


2:41.7 **wisedome, ... necessitie.** Here establishes a principle of particular relevance to his later treatment (chap. 81) of disciplinarian objections to dispensation from canon law governing nonresidence and pluralism. Dispensation could be given not only from such laws but from any mutable laws, human or divine (see 1.15.1–3 and V.42.4–5). The English statute governing dispensations from canon law was 25 Hen. VIII, cap. 21 (see also 28 Hen. VIII, cap. 16), which transferred power to dispense from the pope and his designated agents to the archbishop of Canterbury. However, a book of fees for such dispensations was kept by the clerk of Chancery. Should the archbishop refuse to grant dispensation, the lord chancellor could issue a writ enjoining the archbishop to grant it or explain his refusal in Chancery. This act, nullified under Philip and Mary, was revived in 1 Eliz. I, cap. 1. In time the Queen's commissioners were empowered to act. Puritans attacked both concept and laws (see 2:463.7.n). Cosin defended both (see 472.10–11.n), stressing the fairness of the laws and the care they exhibited to prevent dishonesty and corruption; see *An Answer to ... An Abstract* (1584), p. 338. Of the concept he wrote: "the naturall justice and reason, wherby mans mind is directed unto civill societies, dooth not alonelie rest in the generalitie of lawes, but advisedlie weith by the circumstances, whether right to all men be well distributed in them, whereupon the Grecians called the law νόμος, as it were a distribution. So that if anyie person upon something especiallie considerable, be not well and justlie provided for, under the common and generall precept of lawe: then he is to be respected by a private and speciall law, whereupon the name of a privilege showeth .... For not onelie they [the Romans], but all other nations ... did well perceive that no law generallie written, without all moderation by circumstances occurrent, could possiblie but deliver, in steed of right, oftentimes plaine injurie and tyrannie: according to that proverbe; *Omne jus habet annexam gratiam: Everie law hath or ought to have grace and favour annexed*" (pp. 348–349).

2:42.u **Necessitas quicquid coegit ... defendit.** "Whatever necessity has compelled, it excuses." Lucius Annaeus Seneca, the rhetorician (father of the more famous son of the same name, b. about 61 BC), *Controversiae*, 9.4; *Scripta quae exstant* (1587), p. 97; Loeb, pp. 286–287.

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Book V, Chapter 8.3–11.0

2:42.w Luc. 6:4. Some of the Pharisees questioned Jesus as to why he broke the law (Mishna) forbidding labor on the Sabbath. Jesus replied by asking whether they had heard of David, when hungry, along with his fellows, “How he went into the house of God, and toke, and ate the shew bread, and gave also to them which were with him, which was not lawful to eate, but for Priests onely” (GB). “The Jewish Midrash Yalkut explains that David acted under circumstances which endangered life . . . . David acted from necessity, and therefore did not break the law. For the same reason the disciples, who have acted under the constraint of hunger, are not to be condemned”; William Manson, The Gospel of Luke (New York and London, 1930), p. 58.

2:42.x Causa . . . alien. Abbas Panormitanus (b. Nicolò de Tudeschi; 1389–1445), abbot of Palermo and canonist, Commentaria in tertium decretalium librum (1586), pp. 75–76. “In equity the pleas of necessity and of utility are of equal weight” (Bayne, p. 40n). H refers to chap. 8 (ut super), § 15: “Necessitas et utilitas aequiparantur in jure.”

2:43.y Ἐν τοῖς . . . πράξεις. Aristotle, N.E., 2.7 (1107*); Opera (1550), 2:9. “For in reasoning about matters of conduct general statements are too vague, and do not convey so much truth as particular propositions; for conduct is concerned with particulars” (Bayne, p. 40n); Loeb, pp. 96, 98.

2:44.18 privileges, . . . dispensations A series of words associated with “dispensations” in legal documents; see, for instance, 25 Hen. VIII, cap. 21, §§ 6, 2.

2:44.28–29 bindinge mens consiences . . . unto. Concerning conscience and law, see 2:46.16–18.n, below.

2:45.2–4 all good lawes . . . guided; See 1.8.4.

2:45.24–31 the disposition of these thinges . . . law. See 2:41.7.n, above.

2:46.16–18 if against all this . . . downe, Compare Field on the nature of conscience in relation to human law, Of the Church (1849), 2:529–538. See Pref. 3.10.

2:47.12 Places . . . service of God. Christians have always emphasized the importance of the place of worship. Louis Bouyer writes of three stages in the development of this concern for sacred space. First, a place was considered to be sacred because of the presence of that which was sacred in it. Mountains, caves, trees, and forests were thus regarded as sacred. Secondly, the place itself was viewed as sacred because “of its shape, or its orientation in space, or simply its location.” The choice of Fleury-sur-loire by the Druids and Christians had to do with “its location at the center of Gaul, just as its site in the great forest at the height of the bend of the Loire retains its connection with the most primitive themes.” Thirdly, there is that way of conceiving space “which attributes the sacredness of the site to the act of consecration by a human agent.” Such was the case when Christian
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Bishops consecrated places of worship; see Rite and Man (South Bend: University of Notre Dame Press, 1963), pp. 151, 154, 156. H belongs to this latter stage, believing that public consecration "gives" a place to God (2:51.27-30) and thus makes it sacred. During the 16C emphasis on sacred space waned, to be displaced among more advanced Protestants with emphasis on the people gathered for worship in a building not sacred in itself but rather convenient for the hearing of God's Word.

2:47.e Exod. 26. The chapter provides detailed instructions for building the Tabernacle; GB's drawings illustrate them.


2:48.19-24 Our Savior him selfe ... onlie. Franklin Young argues that Jesus deliberately attacked specific places of worship, causing the early church to locate "the temple or holy place at the point where God confronts man in the person of the risen Lord (with respect to God's action) or the Church (with respect to response in faith)" and thus "the possibility of spatially localizing worship in abstraction from the totality of life was impossible"; Worship in Scripture and Tradition, ed. Massey Shepherd (New York: Oxford University Press, 1963), p. 88.

2:48.27-30 And as God gave increase ... could. On the appropriateness and not just the necessity of housing the church, see Dom Gregory Dix, The Shape of the Liturgy (Westminster, 1945), pp. 19-27.

2:49.6-8 Temples were in all places ... spent. One of the earliest church buildings as such of which we have historical evidence is that built by Gregory Thaumaturgus, bishop of Neocaesarea (about 245). Constantine spent lavishly to build a church at the site of the Holy Sepulchre in Jerusalem, as well as churches dedicated to the twelve Apostles and to Peace at his New Rome, Constantinople. His son built St. Sophia there, and the Emperor Justinian rebuilt it.

2:49.20-21 temples of Baal, ... sties. These phrases are derived from Henry Barrow, A Brief Discoverie of the False Church, pp. 138 and 141; see 1:36.30-39.2.n, above, and nn following.

2:49.22-23 The solemnnitie ... p. 130; Henry Barrow (1550?-1593), the separatist leader, attacked Rome, Canterbury, and Geneva. Pursued by the government, which sought to associate him with the Puritans, he was hanged on 6 April 1593. H here cites Barrow—not altogether fairly—as representative of their views; see Intro. to The Preface, p. 26, above. The page cited exhibits a particular view of church history. After asserting that many churches in England were built by pagans and dedicated to their gods, Barrow writes: "I know heere againe that our learned Antiquaries will hardly consent to this: but then I must desire them to shew me, when these their aunceint Cathedral churches were christened into the saintes names they now beare. I suppose they shall find some of them to have caried the names they at this day do, a great while. We shal also have much adoe with them.
concerning the first faith which England receaved, which they wil confirme by the notable estate of the church the first 500 yeres after the Apostles. And here shal be brought upon me a whole cartlode of writers, Councils, Doctors: unto al which I oppose that little booke of Christs Testament: from which they immediately after the destruction of Jerusalem, and the decease of the Apostles fel away; changing and innovating all thinges daily more and more, until they had brought yt to this estate: fashioning religion to the fancies and lustes of men. . . . These Synagogues are built altogether in the forme of the old Temple of the Jewes, in a long square East and west, with their holy Court walled round about, commonly called the Churchyeard, which is holy ground, and serveth for Christen burial, being altogether exempt from civil use: yet is yt lawful for the yong men and maides to play there together upon their sundaiies and holydaies. But who so smiteth any in that holy ground, by statute is to have his hand cut off therefor. These Synagogues have also their battleentes, and their porch adjoining to the Church, not heer to speake of the solemnere laying the foundation; where the first stone must be laid by the handes of the Bishop or his suffragans, with certaine magical praieris, and holy water, and many other idolatrous rites”; A Brief Discoverie of the False Church ([1591?]; STC 1517), p. 130; The Writings of Henry Barrow, 1587–1590, ed. Leland H. Carlson (1962), pp. 465–466.

2:49.23–24 the hallowing . . . p. 141. “So that yt nothing maketh either for the suffring of these idol synagogues, much lesse for the worshipping in the same; which can no way be purged of idolatrie and superstition wherwith they are now fraught and highly placed in the peoples minde, untill they be plucked downe and defaced before their eies. Yet even in these abominable sties are not the best sort and the most learned of the preachers ashamed to execute their ministerie, and to call the people unto them to the open breach of Gods lawes, the feeding and nourishing the prophane and ignorant people in their old fore-conceaved superstitious opinion they hold of them; thinking neither the sermons nor sacraments any where els so holy, as they are in these hallowed dedicate Churches and Chapples: and to the no smal offence, and wounding the hearts of al that have any knowledg of God amongst them, which can no where els come by their sermons and ministery, but in these forbidden idolatrous accrued places”; Brief Discoverie, p. 141.

2:50.n Durand. rational. li.1. ca.6. See Durandus, Rationale divinorum officiorum, 1.6; (1592), pp. 44–59, esp. § 6 (pp. 47–48), describing the consecration of a church: “All being excluded from the church, a single Deacon remaining shut up within, the Bishop with his Clergy before the doors of the church proceedeth to bless water mixed with salt. In the meanwhile within the building twelve lamps be burning before Twelve Crosses which be depicted on the walls of the church. Next, the Bishop, the Clergy and people following him and performing the circuit of the church, sprinkleth from a rod of hyssop the external walls with Holy Water; and as he arriveth each time at the door of the church he striketh the threshold
with his pastoral staff saying, LIFT UP YOUR HEADS, O YE GATES, etc. The Deacon from within answereth, WHO IS THE KING OF GLORY? To whom the Pontiff, THE LORD OF HOSTS, etc. But the third time, the door being thrown open, the Bishop entereth the church with a few of his attendants, the Clergy and people remaining without, and saith, PEACE BE TO THIS HOUSE; and then the Litanies. Next on the pavement of the church let a Cross be made of ashes and sand; upon which the whole alphabet is described in Greek and Latin characters. And then he sanctifieth more water with salt and ashes and wine, and consecrathet the Altar: Lastly he anointeth with chrism the Twelve Crosses depicted on the wall"; The Symbolism of Church and Church Ornaments, ed. J. M. Neale and B. Webb (1843), pp. 115–116. Compare L. Andrewes, Form of Consecration of a Church and Churchyard, in A Pattern of Catechistical Doctrine, Minor Works, LACT (1846), 6:309–333. et de ... tabernaculum. Gratian, Decretum, 3.1.2; C.J.Can. (Venice, 1584), 1:2470–72; Friedberg, 1:1292. In the place cited a point similar to that made by Durandus is found; that is, that the customs related to consecration in the OT must not be dismissed, but rather the church must excell the Jews in their consecratory solemnities. Greg. ... 63. See Gregory the Great, Opera (1572), fol. 231r, 246r, 257r; H follows the numbering of the Paris edn. of 1533; in Migne (vol. 77), they are 12.11, 9.70. and 10.66, respectively. The letters cited are among many the bishop of Rome sent authorizing his suffragans to dedicate churches.

2:50.ο Ἐγκαίνια ... καλά. Gregory of Nazianzus, Oratio 44, Εἰς τὴν κυριακὴν; Opera (1550), p. 267; PG, 36:608. "It is an ancient custom and a good one to celebrate worthily the day of dedication, or rather to give worth to new things by a dedication festival; and that not once but often, as each year brings back the day, that good things by lapse of time become not forgotten" (Bayne, p. 48n).

2:50.ρ Vide Euseb. ... 45. Eusebius Pamphili, 4C bishop of Caesarea, in his Life of Constantine (4.40), tells of how the emperor in the thirtieth year of his reign gave thanks to God by consecrating the Martyrs’ Church at Jerusalem; chaps. 43–46 describe the ceremonies used. See the Historia ecclesiastica (1570), pp. 179–180.

2:50.τ Athanas. Apolog. ad Constantium. A defense by Athanasius (2952–373; bishop of Alexandria) of his using a church for prayer before the emperor had given permission to do so. Citing the precedent of Bishop Alexander, he concludes: "And thus also did the blessed Alexander, and other Fathers. They continued to assemble their people, and when they had completed the work they gave thanks unto the Lord, and celebrated the dedication"; Historical Tracts of S. Athanasius (1843), pp. 170–171; PG, 25:618.

2:51.5 for the vayding of privie conventicles. Some Puritans, but chiefly Separatists, were accused of meeting in "secret conventicles"; see "The Manner of theassembrie of the secret conventicles together with some collections of their opinions" (British Library, MS Harley 6848, fol. 83, written in April 1593).
2:51.15–18 Which considerations . . . them. The meeting of Christians in secret due to persecutions during the first three centuries gave rise to reports of immorality and sedition. See Justin Martyr, Apology 1, chap. 26; Tertullian, Apology, chap. 6; and Minucius Felix, Octavius, chap. 30.

2:51.18–22 There are which shoulde, . . . courte. See Cartwright, 1:29 [16], and Whitgift, Defense, pp. 92–94; Works, PS, 1:208.

2:52.25–53.6.b it hath beene . . . Inne. H here translates a passage from Peter the Venerable (1092–1157), abbot of Cluny, writing against the Petrobrusians, using 1 Cor. 11:20–22 to refute the claim that altars and church buildings are not necessary to Christians: "Docet summus post Christum ecclesiae Magister domorum et domorum distantiam; et quid domui divinae, quid humanae conveniat more suo lucide manifestat. Non patitur crimina carnis in domo spiritus celebrari; sed vult Christianos in domibus suis communes cibos edere, in domo autem domini dominicam tantum coenam manducare. Instruct eos, ut sicut in illis victum corporis sic in ista victum animae quareere discant: et sicut in illis vitam mortalem, sic in ista vitam sibi PROVIDERENTE SEMPITERNE. Imitatus est magistrum discipulus Christum, in quo loquebatur Christus: et sicut in illis templum dei noluit esse domum negotiationis, sic iste Ecclesiam dei non est passus fieri domum comestionis"; Contra Henricianorum et Petrobrusianorum haereses (1546), fol. 40⁴; PL, 189:769; for Bayne’s trans., see p. 51n.

2:54.c From Kypiané . . . Chyrch. For verification of the substance of H’s etymology, see OED, under “church,” which lists a number of possible patristic sources.

2:54.d Vide Socr. . . . 18. Socrates Scholasticus, Hist. ecles., 1.16, refers to the Emperor Constantine’s building two churches, one named after peace (St. Irene) and one after the Apostles; (1581), pp. 341–342. Evagrius Scholasticus (536–600) writes of St. Sophia (wisdom) and the Church of the Holy Apostles, built by Justinian after the burning of the old St. Sophia; Hist. ecles., 4.31 [H has 30]; (1581), pp. 858–859. The Historia ecclesiastica tripartita of Cassiodorus (485–580?) recounts that Constantius II (324–361), third son of Constantine the Great, built "the greater church now called Sophia (Wisdom) and joined it to the church now called Irene (Peace)" (Bayne, p. 52n; PL, 69:965). Cassiodorus was a Roman author and monk whose history was compiled from those of Socrates Scholasticus, Sozomen, and Theodoret and translated into Latin by Epiphanius; it was designed to supplement and continue Rufinus’s adaptation of Eusebius (ODCC). On Rufinus, see 2:66.15–19.o.n, below; on Epiphanius, see 2:87.17–19.p.n, below.

2:54.19–23.e To them saith . . . livinge. H here translates two passages from the City of God: from 8.27, concerning the honor Christians pay to martyrs: "Nec tamen nos eisdem martyribus tempa, sacrerdotia, sacra et sacrificia constituimus: quoniam non ipsi sed Deus eorum nobis est Deus"; Opera (1556), 5:491; PL, 41:255; and from 22.10, concerning the superior worthiness of martyrs’ performing
miracles to God’s glory as compared to demons’ working miracles to prove they are gods: “illi talibus diis suis et tempula aedificaverunt. . . . Nos autem martyribus nostris non templa sicut dis, sed memorias sicut hominibus mortuis quorum apud deum vivunt spiritus fabricamus” (ibid., 5:1355; PL, 41:772).

2:54.e Epist. 49. ad Deogra. Here Augustine considers six questions put by a pagan to Christians concerning their faith. The fourth concerns the difference between pagan and Christian rites and sacrifices, and in particular the meaning of λατρεία (sacrifice), which Christians restrict to God alone; see Opera (1556), 2:199–202; PL, epist. 102 to Deogratias, 33:378. The dutie . . . Bas. in ps. 114. See Basil, In Psalmum CXIV: υμίν μὲν οὖν, καὶ δὴνοῦ καὶ ἀναπαύσεως τὴν εἰς τὸς μάρτυρας τιμήν καὶ τὴν τοῦ θεοῦ λατρείαν προτιμῶσιν ἔτοιμος ὁ μισθός. Opera (1551), p. 127; PG, 29:484. “For you therefore a reward is ready who prefer the honor of martyrs and the worship of God to sleep and rest” (Bayne, p. 53n).

2:55.15–17 In the use of those names . . . them? See Pref. 8.6 and the reference at 1:42.26–49.30.d.n to Guy de Brès. Barrow writes of churches that have the names of heathen gods, “having utterly lost the name and order of their Creator, as the first, second, third day of the week . . . are not quite given away, one day to the son, soli, another to the moon, another to Mercury”; Brief Discoverie, p. 129.


2:55.28–56.1 The like unto this . . . Temple. See 2:49.22–23.n, above.

2:56.11–14 They had there . . . several. See Flavius Josephus’s account of the rebuilding of the Temple by Herod the Great; Antiquitatum Judicarum libri xx, in Opera (1566), 15.11, p. 334; see also Heb. 9:6, 7.

2:56.17 partition. H refers here to the two-room plan of the Medieval church building, whereby the nave is divided from the chancel by a screen. This was a departure from the one room plan of the early church and signified a change in emphasis from corporate communion to the consecration of the elements with noncommunicating worshippers glimpsing the elevated host through the chancel screen. H shows no understanding of this and proceeds to defend the use of the screen in functional terms; see G. W. O. Addleshaw and F. Etchells, The Architectural Setting of Anglican Worship (London, 1948), pp. 40–41. Puritans and Separatists attacked the retention of the screen. Barrow writes: “They have also their holiest of al, or chauncel, which peculiarly belongeth to the priest and quire. . . . They have their roodloft as a partition between their holie and holiest of all”; Brief
Discoverie, p. 131. Bancroft replies: "We terme one place the chancell, and the other the bodie of the church: which manner of distinction, doth greatly offend the tender consciences (forsooth) of the purer sort of our reformers. Insomuch as M. [Anthony] Gilby, a chiefe man in his time amongst them, doth tearme the Quire a cage: and reckoneth that separation of ministers from the congregation: one of the hundred points of Popery, which hee affirmeth, do yet remaine in the church of England"; A Survery, p. 326.

2:56.19–23 this is now made ... Jewes. Cartwright complains of the distance between the minister and the people, so that the people cannot hear and do not know "whether he hath cursed them or blessed them." The fault lies with the BCP, which directs the minister to stand in "the accustomed place." Thus he sits "in the chancell, wyth hys backe to the people, as though he had some secrete talke wyth God, whych the people myghte not heare." This he compares with the Levitical priest "whych did withdrawe himselfe from the people into the place called the holyste place, where he talked with God, and offered for the sinnes of the people" (1:134 [105]). Whitgift denied that the rubric directing that morning and evening prayer be said "in the accustomed place" invariably meant "in the chancell"; Defense, p. 485 (PS, 2:461); but it would normally be in the chancel; see 1559, pp. 48, 391, and 2:132.3.n, below.

2:56.26–57.2 The mother of such magnificence ... Gospell. Not apparently a quotation. See Barrow: "Now for places to assemble in: they have little love of the Gospel which build themselves such stately seelde [ceiled] houses, and all not to the people of God a house to assemble and worship God in. There were synagogues built in Judea and Israel after the high places were destroied. Great were our blame, if we should suffer the idolaters so far to exceed and condemn us, which have built such magnificent and sumptuous aedifices to their idols; and we not afoard a poore simple house to the Lord Jesus Christ, who now requireth not such sumptuous Temples, his true Temple being the soules and bodies of his chosen"; Brief Discoverie, p. 140; see 2:49.19–24.n, above.

2:57.h ἐργον ... βαυματι. Aristotle, N.E., 4.2; 1122b; Opera (1550), 2:17. "As a work of art that is most estimable which is great and beautiful: for the sight of such a work excites admiration" (Bayne, p. 56n); Loeb, pp. 207–211. τὰ αἰσθήσεις ... εἰκόνες. "The portions of the beautiful perceived by our senses and minds are images only of beauty" (Bayne, p. 56n); not located in Philo Judaeus, to whom H attributes it.

2:57.19.i Felix thesauri ... c.12. H "quotes verbatim the Latin version of Came- rarius, published at Basle, 1536 (p. 83), 'Felix, the imperial treasurer, when he saw the value of the sacred vessels, Behold, he said, with what vessels Mary's son is served'" (Bayne, p. 56n). A quite different version is in Historiae ecclesiasticae scriptores Graeci (1581), p. 549, and PG, 82:1099, where it is chap. 8. Julian (332–363) was the apostate Roman emperor, 361–363.
2:58.10 **Agg. 2:5.10.** See the reference to Haggai 2:4 in chap. 11.1 (2:48.k), and GB’s note to Ezra 3:12: “Because they sawe that it was nothing so glorious as that Temple, which Salomón had buyt, notwithstanding Aggeus comforteth them and prophecieth that it shalbe more beautiful then the first: meaning the spiritual Temple, which are the members of Christes bodie.”

2:58.10—11 **The best temples . . . bodies.** Minucius Felix, *Octavius*, chap. 32, where he asks whether it was not better that God should be “dedicated in our mind,—consecrated in our inmost heart [in nostro imo consecrandus est pectore]? . . . Since the victim fit for sacrifice is a good heart, a pure mind, an honest judgment” (Bayne, p. 57n); in Arnobius Afer, *Disputationum adversus Gentes* (1583), p. 248; PL, 3:339.

2:58.m.n **Euseb. 1.8. c.1.** Eusebuis Pamphili, *Hist. ecales.*, 8.1, tells of the prosperity which Christians knew before the Diocletian persecution, how not being content with the old buildings they built spacious new churches in every city, daily growing both in size and magnificence. Neither envy nor the wiles of Satan could prevent this so long as people believed that God’s arm shielded and protected them; *Opera* (1549), pp. 594—595. **Euseb. 1.8. c.2.** Chapter 2 describes the edict of Diocletian (March, 304) that ordered destruction of churches and scriptures and the persecution of the Christians (ibid., p. 595). Bayne, p. 58n, quotes the Greek.

2:58.19—20 **Before the Emperor . . . Galienus,** Constantine was emperor, 305—337; Severus (Lucius Septimius), 193—211; Gordian (Antonius Gordianus III), 238—244; Philip (Julius Verus Philippus), 244—249; and Galienus (Publius Licinus Egnatus), 261—268.

2:58—27—28 **Maximinus** Gaius Galerius Valerius; he shared rule with Constantine, 305—313.

2:58.31—59.1.o **Churches reared . . . them.** Euseb. 1.10 c.2 describes the restoration of those churches destroyed as a result of Diocletian’s edict (ibid., p. 597): Καὶ τις ἐνθεος ἀπαίνει ἐτήνθει χάρα, πάντα τόπον τὸν πρὸ μικρὸ ταῖς τῶν τυράννων δυσεξείας ἥρειπαμένον, ὅσπερ ἐκ μακρᾶς καὶ θανατηφόρου λύμης ἀναβιῶσκοντα θεωμένοις, νεώς τε εὐθὺς ἐκ βάθρων εἰς υψὸς ἀπειρο ἑγερμένων, καὶ πολὺ κρείττονα τὴν ἀγλαίαν τῶν πάλαι πεπολικημένων ἀπολαυσάνοντας. (Bayne, p. 58n.).


2:60.1—5.1 **The walls of the Church . . . all.** Jerome, *Epistola ad Nepotian, de vita cleric.* “Multi aedificant parietes et columnas Ecclesiae subtruant, marmor a nitent, auro splendent laquearia, gemmis altae distinguuit, et ministrorum Christi nulla electio est”; *Opera* (1516), 1:8; PL, 22:535, as epist. 52.10.

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2:60.u  Ad Demetriad. ep.12.  Jerome says let others build churches and decorate them with marble, gold, and gems. "But another duty is set before you. It is yours to clothe Christ in the poor, to visit Him in the sick, to feed Him in the hungry, to shelter Him in the houseless (especially if they be of the household of faith) ..." (Bayne, p. 60n); Opera (1516), 1:31; PL, 22:1119, as epist. 130.14. Ad Gaudentium. Jerome refers to Alaric the Goth's sack of Rome: "We live as about to die to-morrow; we build as about to live forever in this world. Our walls, our ceilings, the capitals of our pillars shine with gold, while Christ, naked and hungry, dies at our doors in the person of the poor man" (Bayne, p. 60n); Opera (1516), 1:45r; PL, 22:1099, as epist. 128.4.


2:61.14  Theire pretense ... razed.  See Barrow, quoted in nn at 2:49.22–24, above; also: "It were reason inough for me to alledg and rest in the word of God, which hath commanded these idol synagogues and places which have beene erected and used to idolatrye and false worship, to be utterly rased and destroied"; Brief Discoverie, p. 138–139; Writings of Henry Barrow, ed. Carlson (1962), p. 479.


2:65.4—5  Of pulliche teachinge ... catechising.  The Admonitioners objected to the lack of preaching in England and to the regarding of catechizing and the public reading of scriptures as acceptable forms of preaching (P.M., pp. 11, 12, 13, 22–23). Cartwright defended the objections, although at first his definition of preaching was as broad as H's (1:159 [127]; and see 2:378). But even then he considered formal preaching by sermons, which he labeled "a cutting the worde of God" (that is, "when the meate is cut and shred, it nouriseth more") to be most effective and absolutely necessary; see Whitgift, Defense, p. 571. H had a high view of preaching by sermons (see chap. 22.1; 2:87.20–88.10), but, preoccupied with the Puritan objections to the lack of a clergy able and licensed to preach, he does not dwell on them here. See John E. Booty, "The Bishop Confronts the Queen: John Jewel and the Failure of the English Reformation," in Continuity and Discontinuity in Church History (1979), pp. 215–231; also Bayne, p. 65n.

2:65.j  Contraria fortiæ ... Domini.  Moses Maimonides (1135–1204), widely
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influential Talmudic scholar and philosopher, Morehnubuchim, or Guide of the Perplexed, 3.12; Rabi Mosse Aegyptii dux seu director dubitantium aut perplexorum ([1520]), fol. 75b. "The strong oppositions in which men involve themselves according to their pursuits, desires, and opinions, proceed all from ignorance; as the blind man from want of his sight wanders about and hurts himself. The knowledge of truth does away with the unfriendliness and hatred of men. Holy Scripture has promised this, saying, The lamb shall dwell with the wolf; and gives the reason, The earth has been filled with the wisdom of God" (Bayne, p. 66n).

2:65.21.k preached. In the passages from Luke cited by H, κηρύσσω is used to describe the simple act of proclamation. It can, however, be related to κηρύγμα and used in a technical sense to indicate something proclaimed (see 1 Cor. 1:22 and 15:14). H seems to have in mind the act of preaching (as distinct from teaching) and also what is preached, the "heavenly mysteries."

2:66.1–2.1 how curious soever...ours, See Tertullian, De praescriptione haereticorum, 40.2–4; Opera (1566), 1:184; CCSL, 1:220. Detailing instances, Tertullian views pagan idolatry as an imitation or distortion of the divine institutions of the OT, just as heresies are Satan's perversions of the NT.

2:66.6–7.m the Jewes...Catechismes. H refers to the Lekach Tob or The Book of Good Doctrine of Rabbi Abraham ben Hananiah Jaghel, a religious guide in the form of a catechetical dialogue between a rabbi and his disciple; it relies heavily on Maimonides and was published in Venice in 1595.

2:66.n Incipientibus brevius...atteruntur. M. Fabius Quintilianus, 1C AD Roman rhetorician, Oratorianum institutionum, libri xii, bk. 8, Preface; (1568), p. 398. "To beginners it is fit that our rules be communicated in a simpler and shorter way. For otherwise they are discouraged by the difficulty of a study so various and complicated, or their faculties, at a time when they specially need to be strengthened and by some degree of indulgence to be fostered, are worn out by dealing with matters too hard for them" (Bayne, p. 67n); Loeb, 3:176. Incipientibus nobis...potuisset. Justinian, Institutiones, 1.1.2; (1590), cols. 1–2; Krueger (1963), p. 1; Scott, 2:5. "It seems to us as we begin our exposition of Roman law that our best method will be to state things first of all easily and simply, and afterwards more elaborately and accurately. For if at the beginning we load the mind of the raw and imperfect scholar with a copious variety of matter, one of two things must happen—either we shall drive him from his studies, or with great labor and much self-distrust (which generally assails the young) we shall bring him to that point to which without great labour and without self-distrust he might have been led" (Bayne, p. 67n).

2:66.15–19.o So either by the Apostles,...things. See Tyrannius Rufinus of Aquileia (d. 410), friend and later foe of Jerome, Commentarius in Symbolum Apostolorum, chap. 2, in Cyprian, Opera (1521), pp. 361–363, where he explains that before separating, the Apostles drew up the creed bearing their name in order
that their unity might be preserved; see *A Commentary on the Apostles' Creed*, ed. J. N. D. Kelly (1955), pp. 29–30. Rufinus's *Commentary* gives the earliest continuous Latin text of the 4C Latin form of the creed (ODCC).

2:67.p *An alius est . . . oportet*. Tertullian, *De poenitentia*, chap. 6; *Opera* (1566), 2:43; CCSL, 1:331, 332. “Is there one Christ for the baptized, another for the catechumens? . . . It is becoming that catechumens should desire baptism, but not that they should receive it prematurely [?]” (Bayne, p. 68n). *Audiantibus . . . desit*. Cyprian, *Epistola ad Clerum de lapsis et catechumenis ne vacui communione exeat*, chap. 2; *Opera* (1521), p. 97, where it is epist. 13; PL, 4:259, where it is epist. 12. “To the catechumens let not your vigilance be wanting” (Bayne, p. 68n). *Audiens . . . interpretatur*. Rupert, abbot of Deutz near Cologne (d. 1135), *De divinis officis epistola*, 4.18; (1526), p. lx; PL, 170:112. “Each one who is hearing the rule of faith is termed a catechumen, for 'catechumen' means 'hearer’ ” (Bayne, p. 68n). More accurately, "catechumen" refers to κηρύσσοντας, “one being instructed (in the rudiments of religion)” (OED). In the early church the catechumens received or were taught the creed (traditio symboli, which is what regula fidei must mean here); the audientes would be catechumens at a particular stage of the catechumenate.

2:67.27–68.3 *For thus we may . . . daie*. The “Prelate” (line 28) was Whitgift, who had used Acts 15:21 in the *Answere* much as H uses it. Cartwright objected that what James meant here was “that Moyes (meaning the law) red every Saboth through out every towne in the sinagogue, was also preached” (1:161 [127]). Whitgift denies this, ending however: “the waight of the cause lieth not upon this text, this is but one reason among divers”; *Defense*, p. 577 (PS, 3:44–45); see also Cartwright, 2:390–391.

2:68.p *Ps. 105:28*. “He sent darknesse, and it was darke and they were not obedient unto hys worde” (BB; = BCP version). “He sent darknes, and made it darke: and they were not disobedient unto his commission” (GB); for H’s explanation, see 2:70.5–10. The difference, due to the difference between Hebrew and Septuagint versions, was attacked by Martin Marprelate, who believed the BCP corrupted the text; see *Oh read over D. John Bridges* [STC 3734], *for it is a worthy worke: or an epitome of the fyrste booke, of that right worshipfull volume, written against the Puritanes* (1588; STC 17453). Thomas Cooper, bishop of Lincoln, reported that the archbishop admitted that the Prayer Book followed the Septuagint and that “if the word be understood of the Israelites, then is it true to say, that they were not obedient to His commandment”; but if of the signs and wonders that Moses and Aaron did before Pharaoh, or of Moses and Aaron themselves, then is it on the other side true that ‘they were obedient to His commandment’”; *An Admonition to the People of England* (1589); PS (1847), p. 38. See Saravia’s *Diversi tractatus theologi: De diversis ministorum evangellii gradibus* (1611 [1610]; STC 21571), p. 2.

2:69.25–29.u *the wordes of the Prophet . . . dignitie*. See A. W. Argyle on
Matthew’s version of Micah 5:2: “The quotation differs both from the Hebrew and from the LXX [Septuagint]. Like the other ‘proof-texts’ peculiar to Matthew, it is probably taken from a collection of testimonies based on a Targum, i.e. an Aramaic paraphrase of the Old Testament for use in the synagogues. The passage was understood to mean that the Messiah would be born at Bethlehem”; Gospel According to Matthew (Cambridge: The University Press, 1963), p. 31.

2:70.21–23 those verie preambles . . . followed. For example, where “Jesus said to his disciples” was added to a passage of Scripture; see next n.


2:71.z Although . . . h. d. The unitalicized portion is a paraphrase (indicated by “h. d.” = hoc dicit) of Cartwright’s further statement: “in suche order that the whole Canon theroff is oftestimes in one yeare run thorough: yet a nombre of churches which have no such order of simple reading/ can not be in this point charged with breach of Gods commandemente: which they might be/ if simple reading were necessary.” The BCP provided for the reading of almost the entire Bible during the course of a year (see 1559, pp. 14–16, 25–47). Concerning the Puritan practice of Scripture reading before service, see the A booke of the forme of common prayer, administration of the sacraments: etc. agreeable to Gods worde, and the use of the reformed churches (1585?; STC 16567), a revised version of The forme of prayers and ministrations of the sacraments, etc. used in the Englishe congregation at Geneva: and approved, by J. Calvyn (Geneva, 1556; STC 16561), in Hall, ed., Fragmenta Liturgica, 1:23–24.

2:71.a Facto silentio . . . ‘solennia’. Augustine, City of God, 22.8; Opera (1556), 5:1350; PL, 41:770; trans. Bettenson (1972), p. 1046. “Silence being obtained the customary portions of Holy Scripture are read” (Bayne, p. 72n). That for several times . . . Antwerp, A Syriac NT was published at Vienna in 1555; the polyglot version, Biblia Sacra regia sive Antverpiana, was published in Antwerp in 1569–1572, and Plantin published the Syriac NT from the Antwerp Polyglot in Paris, 1574–75. Eastern liturgies are often little more than collections of scriptual texts. See the Sedra for Pentecost in the Syriac liturgy, in Paul Verghese, The Joy of Freedom (Richmond, Va.: John Knox Press, 1967), pp. 62–63.


2:72.1–3 Of preachinge . . . booke apocryphall. The Admonitioners attacked the BCP’s allowance of the use of homilies in place of sermons and of the apocryphal books of the Bible in place of canonical OT lessons (see 1559, pp. 251, 40–47; P.M., pp. 23–24, 102). The homilies were those officially provided in 1547 and
1563, with a homily against disobedience added in 1571. See "Certain Sermons or Homilies" (1547) and "A Homily against Disobedience and Wilful Rebellion" (1570); A Critical Edition, ed. Ronald B. Bond (1987). Puritans objected not only because the homilies were used in parishes where the unlearned clergy were not licensed to preach but also because they were ordered used in places where the learned were out of favor; see Corpus Christi College, Cambridge, MS 106 (141), p. 423. Apocrypha were objected to as being outside the canon of Holy Scripture and, displacing the reading of the OT, their use constituted an affront to God's Word; see PRO, S. P. 12/164, 11, fols. 25–26; Inner Temple, Petyt MSS 538, vol. 36, fols. 324–325; Bodl. MS Eng. Th. e. 44, pp. 12–13. See also Whitgift, Defense, pp. 568–582, where Tract. 13, "Of reading of the Scriptures," corresponds to H's chap. 20 (PS, 3:28 ff.); also, Horton Davies, The Worship of the English Puritans (Westminster, 1948), pp. 64–67 (hereafter W.E.P.), and Worship and Theology in England, 1:228–229, 264, 329, 331.

2:72.13–15.b They pleade ... sanctified; Whitgift rejected the "similitudes" alleged by Cartwright between the unsanctified "vessels of the temple, the instruments, beesoms, flesh hookes, trumpets, etc." and the Homilies and the Apocrypha; Defense, p. 717. besomes, nor fleshhookes. The first are instruments for sweeping, usually bunches of broom; the second, hooks for removing meat from pots (OED). 2 Chron. 4:16 (GB). T.C. l.1. p.196. Page 157 in 1st edn. of Cartwright's Replye.

2:72.c Besides ... etc. The sentences preceding and following this are given below at 2:74.m.12–13.n and 75.q.4–8.n. See Whitgift, Defense, p. 718–719 (PS, 3:343–344). T.C. l.1. p.197. Page 158 in 1st edn.

2:72.17, king of Syria, Antiochus. The forced hellenization of the Jews by Antiochus IV (Epiphanes), king of Syria, provoked the rebellion of the Macabees (167 BC).

2:72.21 Onkelos nor Jonathans paraphrase See 2:74.m and n, below.

2:73.e Justin. Apol. 2. Cartwright refers to chap. 67 of Justin Martyr's first Apology, often referred to as the second; see 2:76.v. A Samarian, Justin (100?–165), an early Christian apologist and martyr, composed this Apology about 155, addressing it to the Roman emperor Antonius Pius and his sons. Origen ... Judic. Cartwright refers to indications that the homilies were preceded by the reading of the passages upon which Origen was commenting; see, for instance, the beginnings of Homilies 1, 4, and 12 on Exodus and 1 and 4 on Judges; Opera (1536), 1:63, 74, 109, 384–5, 395. Origen (185?–254) was head of the catechetical school in Alexandria.

2:73.f Concil. Laod. c.59. Canon 59 of the Council of Laodicea, dated some time between 343 and 381, forbade reading of psalms composed by individuals and of noncanonical books of the Bible; Concilia (1585), 1:704; Hefele, History of the Councils, 2:295; see H's retort, 2:75.10–13. This and the next two references come from Cartwright, 1:198 [159]; see Whitgift, Defense, p. 720, marg.
2:73.g Concil. Vasens. 2. The second Council of Vaison (or Vaux), 529, decreed that for the benefit of the people priests should have authority to preach, and if prevented by indisposition, deacons should read from the homilies of the Fathers; Concilia (1585), 2:20; Hefele, History of the Councils, 4:169. H quotes from this decree at 2:73.g and cites it at 76.6.


2:74.m.12–13 And besides ... paraphrasts. H has truncated Cartwright 1:197 [158], which for this sentence has: "And byses that/ they had Onkelos the Calday paraphrast/ bothe Galatine and Rabby Moses (surnamed Maymon) write, that Jonathan an nother of the Calday paraphrasts floryshed in our savyor Christes tyme/ whose wryttings and paraphrases upon the scryptures/ are estemed comparable in that kinde of paraphrastical wryting/ wyth any wych hath laboured that wayes. And if any mennes wryttings were to be red in the church/ those paraphrases wych in explanyng the scrypture/ go least from it/ and wych kepe not only the number of sentences/ but almost the very nombre of words, were of all most fitte to be red in the churche"; see textual note, 2:504.

2:74.n in Elias Thesb. in verbo ... Patar. The Thisbites of the Hebrew scholar Elias Levita (1472–1549), trans. Paul Fagius, in Opusculum recens Hebraicum (1541), p. 170, explains "pator" or "dimisit": "the man who is summoned last to the reading of the Law on the Sabbath is 'the Dismisser'; and he pronounces the Haphtarah, i.e. the second lesson" (Bayne, p. 76n). This involved reading a section from the prophets pertaining to the Sabbath rather than the Law itself, which was not to be read publicly.

2:75.q.4–8 testament ... corner. H has compressed his source: in Cartwright 1:198 [159] this reads: "testament/ and receveth up what they be. Afterward as corruptions grew in the church/ it was permitted that homilies myght be red by the deacon/ when the minister was sicke/ and couldle not preach/ and it was also in an other councell of Carthage permitted/ that the martyrs lives might be red in the church. But besides the evill successe that those decrees had (under pretence wherof the popishe legende/ and Gregoryes homilies, etc., crept in) that use and custome was controlled by other councells/ as may appear by the councell of Colen/ albeit otherwyse popishe. And truely if there were nothing else but thys consideration/ that the bringing in of the reading of Martyrs lives into the churchy/ and of the homilies of auncient wyrtyers/ hath not only by thys meanes justled with the Bible/ but also thrust it cleane out of the church/ or into a corner where it was not redde nor seene/ it ought to teach all men to beware of placing any wryting or worke of men in the church of God/ be they never so well learned/ as long as the world should endure"; see textual note, 2:504.

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2:75.1 Thapocalyps. The NT book of the Revelation of John was not mentioned in the listing of canonical books by the Council of Laodicea, canon 60; Concilia (1585), 1:704. This may be because 3:14–22 so severely rebuked the church at Laodicea; even so, the Apocalypse of John only gradually found a place in the canon and during the 4C was not universally accepted.

2:75.19–21 With us there is never ... necessarie. See Cranmer's Preface to the BCP (1559, pp. 14–16).

2:76.4, 6, 7 Coimus ... commemorationem. Tertullian, Apologeticum, chap. 39; Opera (1566), 2:692; CCSL, 1:150. Whitgift had used the passage in his Answer: "... we come together to the reading of the holy Scriptures"; see Defense, p. 578 (PS, 3:46). Judicarium ... Ecclesias. Origen, In Joshua, Hom. 15, chap. 11; Opera (1512), p. 559; PG, 12:897: "... the bookes of the olde Testament were delivered by the Apostles to be read in the Churches"; so Whitgift, ibid. (PS, 3:47).

2:76.7, 9, 10, 11, 15, 16, 17, 18 Vide ... p. 19. The first Council of Vaison (or Vaux), 442, decreed that, deacons being fit to read Christ's words in the Gospel, they should not be judged unable to read the expositions of the Fathers in public worship; Concilia (1585), 2:20–21; Hefele, History of the Councils, 1:68. At 2:73.g, H cites the page on which the record of the Council begins and the same decree; see n, above. Item ... c.16. Canon 16 of the Council of Laodicea (see 2:73.f.n) ordered the public reading of the Gospels with other writings (alis scripturnis); ibid., (1585), 1:700.

2:76.w Vide ... p.19. The first Council of Vaison (or Vaux), 442, decreed that, deacons being fit to read Christ's words in the Gospel, they should not be judged unable to read the expositions of the Fathers in public worship; Concilia (1585), 2:20–21; Hefele, History of the Councils, 1:68. At 2:73.g, H cites the page on which the record of the Council begins and the same decree; see n, above. Item ... c.16. Canon 16 of the Council of Laodicea (see 2:73.f.n) ordered the public reading of the Gospels with other writings (alis scripturnis); ibid., (1585), 1:700.

Cypr. ... ep. 5. In these letters Cyprian recommends that confessors "read the Gospel of Christ" in public services on the basis of which their witnesses are made; Opera (1593), pp. 76, 80–81; PL, 4:319, 329. "Cyprian lib. 2. Epist. 5" is cited by Whitgift, Defense, p. 578 (PS, 3:47). Ambros. ... ca.20. In De officiis ministrorum, 1.8, Ambrose speaks of hearing the Gospel (PL, 16:31); in epist. 75 he says, "You have heard, my brother, the lesson of the Gospel" (Bayne, p. 79n; PL,
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16:1271); and in De helia atque jejunicio, chap. 20, he says, "You have heard to-day in the lesson read the saying of Legion [see Mark 5:9, Luke 8:30]" (PL, 14:724).

2:76.15–18.x Thaupostles . . . fullfield? Justin Martyr, Quaestiones et responsiones ad orthodoxos, Question 101: ἀλλ’ ὡς εἰμένθανοι οἱ ἀπόστολοι, πρῶτον μὲν τὰ τοῦ νόμου, ὥστερον δὲ τὰ εὐαγγέλια, οὕτως καὶ ημᾶς ἐδιδάξαν . . . τί γάρ ἔστιν ὁ νόμος; εὐαγγέλιον προκατηγγελμένον . . . Opera (1551), p. 276; PG, 6:1345. The work is now thought to be spurious; see 2:290.24–26.n, below.

2:77.1–3.y What . . . performed. Augustine, Quaest. 33, in Numer.: "Eadem quippe sunt in vetere et novo; ibi obumbrata, hic revelata; ibi praefigurata, hic manifesta-ta"; Opera (1556), 4:245; PL, 34:732.

2:77.3–5 Againe . . . olde. Augustine, De catechizandis rudibus, 4.7: "Qua propter in vetrici testamento est occultatio novi, in novo testamento est manifestio veteris"; Opera (1556), 4:898; PL, 40:315, where it is chap. 8. Compare Quaest. 73, in Exod.: "Multum et solide significatur, ad Vetus Testamentum timorem potius pertinere, sicut ad Novum dictionem; quamquam et in Vetere Novum lateat, et in Novo Vetus pateat"; PL, 34:623.


2:77.11–12 And with that name . . . Apocryphall. Article 6, Thirty-Nine Articles: "And the other booke, (as Hierome sayeth) the Church doth reade for example of lyfe and instruction of maners: but yet doth it not applie them to establish any doctrine. Such are these followyng: the third boke of Esdras. The fourth boke of Esdras. The booke of Judith. The rest of the booke of Hester. The booke of Wisdome. Jesus the sonne of Sirach. Baruch, the prophet. Some of the .3. Children. The storie of Susanna. Of Bel and the Dragon. The prayer of Manasses. The .1. boke of Machab. The .2. Booke of Macha.”; Hardwick, Hist. of the Articles (1895), pp. 297, 299.

2:77.14–15 booke of Hermes, . . . like. See, for instance, the canon set forth in the Muratorian Fragment (1907), in which the Shepherd of Hermes, included in the writings of the Apostolic Fathers along with the epistles of Clement of Rome, is spoken of as not belonging with the other writings that came to constitute the NT canon, with the clear implication that in some places it was read as a part of the canon; see Stevenson, A New Eusebius (1957), p. 146. The Shepherd of Hermes was so named because an angel, who appeared to Hermes in the form of a shepherd, communicated its contents; see "Hermas," ODCC.
2:77.18–19. a All writings . . . Apocryphall. In the Preface to his (Vulgate) version of Samuel and Kings, Jerome says: "This prologue relates to all the books of the Scriptures which we have translated from the Hebrew,—a sort of helmeted beginning [galeatum principium]. For we must know that whatever is not included in these must be classed as apocryphal [ut scire valeamus quicquid extra hos est in Apocryphis esse ponendum]" (Bayne, p. 80n; Opera (1516), 4:7; PL, 28:600–601. From the phrase galeatum principium comes the name, Prologus Galeatus, as in H’s note.


2:78. c Vide . . . p.462. See the list of apocryphal books of the Bible compiled by the Roman Synod of 494 under Pope Gelasius I (d. 496); Concilia (1585), 2:462; PL, 59:159–160. As Bayne remarks (p. 80n) the decree is controversial, some referring at least part of it to Pope Damasus (d. 384); see Hefele, History of the Councils, 4:42.

2:78.e Præxter . . . scripturarum. Canon 47 was a decree of the third Synod of Carthage (397) based on a decree of the Synod of Rome (393); (1585), 1:754; Hefele, 2:407, 400. "It was resolved that nothing be read in the Church under the name of Holy Scripture but Canonical Scripture (a list follows). But the passions of martyrs may be read when their anniversaries are kept" (Bayne, p. 81n).

2:78.18–19 much lesse of homilies, . . . times. See, for instance, the homilies of Origen (cited at 2:76.u.n). H distinguishes between the sermon and the homily composed to be read in place of a sermon. A homily is "a practical discourse into a view to the spiritual edification of the hearers, rather than for the development of a doctrine or theme" (OED).

2:78.f Si presbyter . . . recitentur. From canon 2: "If the priest from any indisposition, cannot preach himself, the homilies of the holy fathers may be read by the deacons"; (1585), 2:19. See nn at 2:73.g and 76.w, above; cited at 86.t. The Council took place in 442, not 444.

2:79.g Concil. . . . can.13. The Synod of Carthage allowed the reading of the
“passions of the martyrs” (see 2:78.e.n).  

et Greg. . . . ca.86. Gregory of Tours wrote of reading “the martyrdom of Polycarp along with other lessons”; De gloria martyrum, 1.86 (1563), p. 112; PL, 71:781. et Hadria. . . . magn. Keble (2:78n) quotes from a lengthy letter (PL, 98:307-418) of Hadrian I (pope, 772-795) to Charlemagne asking him to receive his envoys with kindness in order that on their return prayers might be said for the emperor’s safety at Peter’s shrine. If this is in fact what H had in mind, it does not seem very apposite, unless it is meant to suggest the later corruption of an earlier and laudable practice, as praying for Charlemagne can hardly be compared to praying for a “Sainct” or a “Martyr.”

2:79.h Gelas. . . . p.461. Gelasius, pope from 492, had spoken of the value of the acts of the martyrs, but had also noted their problems, esp. the uncertainty of authorship: “wherefore . . . they are not to be read in the Roman Church, lest even the least occasion of laughter should arise” (Bayne, p. 82n); Concilia (1585), 2:461; PL, 59:159-160.

2:79.i Concil. . . . cap.6. On the Council of Cologne, see 2:73.h.n, above.

Melch. . . . l.11. Melchior Canus (1523-1560), the Spanish bishop, protested against the inferiority and relative inaccuracy of Christian writings concerning saints and martyrs, as compared to writings of non-christians; De locis theologicis (1569), p. 650.

Viv. . . . l.5. Juan Luis Vives (1492-1540), the Spanish humanist, wrote of those who considered themselves pious while composing lies for religion’s sake; De tradendis disciplinis (1536), p. 510 (so Bayne, pp. 82-83n; not seen). And see Cranmer, “Answer to the Fifteen Articles of the Rebels, Devon, Anno. 1549”; Works, PS, 2:180-181.


2:80.k Hieron. . . . Salom. Jerome’s preface to the books of Solomon states that apocryphal works such as Wisdom and Ecclesiasticus are to be read for the edification of the people and “not to confirm the authority of ecclesiastical dogmas” (Bayne, p. 83n; PL, 28:1242); see 2:77.11-12. Aug. . . . ca.14. Augustine defends the public reading of Wisdom as having been long considered worthy by lectors and other clergy (De praedestinatione sanctorum, 1.14; PL, 44:980). Praefat. glos. ord. Walafred Strabo (see 2:77.7-9.n, above) wrote a preface to his Glossa ordinaria concerning canonical and noncanonical books, in which he remarked that the noncanonical books were allowed to be read by the faithful but that, although useful, their authority was limited (PL, 113:20). et Lyr. . . . Tob. Nicholas of Lyra (1270-1340), Franciscan scholar and precursor of modern biblical criticism, wrote that the apocryphal books “have been received by the Church to be read for improvement of manners; but their authority in proving matters of controversy is of less weight, as Jerome says in his prologue to Judith” (Bayne, pp. 83-84n); Glossa ordinaria (1589), 2:1495.
Book V, Chapter 20.9–20.11

2:80.24–28.1 manie thinges . . . weake. Cartwright (2:400) refers to Calvin, noting examples of how the apocryphal books contradict the canonical scriptures. H has Cartwright's recitation of "faults" in mind.

2:81.m Harm. Confes. . . . 6. The Second Helvetic Confession, 1566, chap. 1: "And yet we do not deny that certain books of the Old Testament were of the ancient authors called Apocryphal and of others Ecclesiastical, to wit, such as they would have to be read in the Churches, but not alleged to avouch or confirm the authority of faith by them" (Bayne, p. 85n); Harmonia confessionum fidei, orthodo-rum, et reformatarum ecclesiarum, ed. Salnar de Castres (1581), p. 4; An Harmony of the confessions of the faith of the christian and reformed churches, ed. J. F. Salvart (1586; STC 5155), p. 3. The Belgian Confession, 1566, Art. 6 (Harmonia, p. 13; Harmony, p. 11), begins, "We furthermore make a difference between the holy books and those which they call apocryphal" (Bayne, p. 85n) and goes on to make the same point as the Helvetic Confession. Lubert . . . c.5. Sibrand Lubbert (1556–1625), professor of divinity at the University of Franeker in Friesland, De principiis Christianorum dogmatum (1591), 1.5, p. 50: "These books are not a part of the canonical books. For one of them, St. Jerome says, is faulty, another mere fable. But what is faulty and fabulous is not a part of the rule of truth. Moreover we shall show in the case of individual books that they are not a part of the canonical books" (Bayne, p. 87n). See also 1.4 (p. 32). Chaps. 4 and 5 of bk. 1 of this treatise supplied H with most of his references in this chapter.

2:82.9.n outragious lies, Martin Marprelate, Certaine minerall, and metaphysicall schoolpoints to be defended by the reverende bishops ([1589]), a broadside (STC 17455), Art. 34; "that the creed of the apostles and of Athanasius, the Nicene, etc., contain many palpable lies in them, for the Apocrypha (which hath many outragious lies in it, as in 2 Esdr xiv.21, Judith xi.5, 18, Tob. v.12) is in authority next to the Canonical Scriptures" (Bayne, p. 87n). See The Marprelate Tracts 1588, 1589, ed. Pierce (1911), pp. 183–196.

2:82.13–17.o the one . . . Prophete: H is citing Josephus, Contra Apionem, 1.8; Antiquitatum Judicarum libri xx (1566), p. 657; alleged by Lubbert (1591), p. 19; see 2:81.m.n, above.

2:82.14 the daies of Artaxerxes Artaxerxes I ruled Persia 464–424 BC.

2:82.17–19.p the other . . . termed. Here H is citing, not Epiphanius's Ancoratus, but his Liber de mensuris et ponderibus, § 4 (PG, 43:243), as found in Lubbert (1591), p. 32; see 2:81.m.n, above. Epiphanius (315?–403?), bishop of Salamis, was known for his ardent orthodoxy; H cites his Refutation of all the Heresies at 2:265.q and 392.x.

2:82.20 nephew That is, grandson (see line 21) of Jesus, son of Sirach.

2:82.21–26.q After that my grandfather . . . 'Law'. From GB's prologue to the apocryphal book of Ecclesiasticus.
2:83.13–14 **Jerome** ... *Apocrypha*, Jerome, epist. 107.12; *Opera* (1516), 1:27; PL, 22:877; cited by Cartwright, 2:401.


2:83.30–84.1 **The publique reading ... it.** The Admonitioners objected that while Christ "said goe preach" the bishops give the ordinands Bibles with authority to preach but prevent them from doing so unless licensed. "So that they make the cheepest part [2nd edn. adds: which is] preching, but an accessorie" (P.M., p. 22). Whitgift complained that the Admonitioners misunderstood the Ordinal and suggested that "to preache the Gospell is to teache and instruct the people, in fayth and good maners, be it by wryting, reading or speaking without booke"; *Answere*, quoted from *Defense*, p. 575 (PS, 3:40). Cartwright responded: "What if I graunted that it is preaching/ yet I deny that therefore he that readeth an other mans sermon preacheth" (1:160 [127]). See 2:65.4–5.n, above, and 2:72.1–3, 472.10–11, and nn, below.

2:84.13–33 **we are to knowe ... salvation.** See III.8.13–14. The Reformers generally identified Holy Scripture as the Word of God; Calvin, *Inst.*., 1.6.2; Jewel, *A Treatise of the Holy Scriptures* (PS, 4:1163–64). At the same time they understood that the Word was not primarily the words of the Bible, but the proclamation of scriptural truth. For Calvin one of the marks of the church was "the Word of God purely preached and heard" (*Inst.*, 4.1.9). The Holy Spirit is seen as active in preaching, conveying the saving Word. At this point H is reluctant to identify preaching with the Word, yet he esteems it as the "publication of *heavenlie mysteries*" (chap. 18.1).

2:85.3–6 **what ... thereunto?** Compare I.7.6; see 2:92.5 and H's discussion of "apt" in his Auto. Notes on *A.C.L.* (4:18.8–24).

2:86.s **Paraenet. ad Gent. pag.17.** See Justin Martyr, *Cohortatio ad Graecos* (attributed to Justin, but most likely 3C AD), chap. 1: τὴν μελλουσαν μετα τὴν τελευτην τουδε του βιον ἔσεσθαι κρισιν ἢν οὐ μὸνον οἱ ἡμέτεροι κατὰ θεὸν κηρύττουσι πρόγονοι, προφήται τε καὶ νομοθεταί, ἀλλὰ καὶ οἱ παρ’ ύμων νομισθέντες εἰναι σόφοι, οὐ ποιηταί μόνον, ἀλλὰ καὶ φιλόσοφοι οἱ τὴν ἀληθῆ καὶ θείαν ἐπαγγελλόμενοι παρ’ υμῖν εἰδέναι γνῶσιν. *Opera* (1593), p. 17; PG, 6:241. "(On account of) the judgment which is to be after the end of this life, which is announced not only by our forefathers according to God, to wit the prophets and lawgivers, but also by those among yourselves who have been esteemed wise, not poets only, but also philosophers, who professed among you that they had attained the true and divine knowledge" (Bayne, p. 91n).

"Paraenet." means "exhortation."

2:86.t **Concil. Vasen. 2. c.2.** See 2:78.f.n, above.

2:86.u **Concil. Tol. 4. c.11.** The fourth Council of Toledo (633), canon 11, reported that "in some Spanish churches praises are sung after the Epistle, before

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the Gospel is preached [praedicetur]" (Bayne, pp. 91–92n); Concilia (1585), 3:70.

2:86. Rupert... ca.12.13. Rupert of Deutz (see 2:67.p.n, above), De divinis officis epistola, 1.12, 13, says that asking a blessing when about to read from Scripture indicates that no one should preach without being commissioned to do so; (1526), p. 4; PL, 170:18. Isidor... ca.10. Isidore of Seville explained that deacons command silence in order that people may hear what is preached [praedicatione] while the psalm is sung or the lessons read; De ecclesiasticis officiis, 1.10; (1534), sig. B2`; PL, 83:745. Cited by Whitgift, Defense, p. 578 (PS, 3:46).

2:86.w The libel of Schoolp. art.11. See 2:82.9.n.n, above. Article 11 asserts "That reading is preaching: the defendant in this point is Father John Bridges" (Bayne, p. 92n; see 2:2.24.n, above). S. Paules... instruments. Cartwright is quoting himself: see 1:160 [127]; Whitgift, Defense, p. 576 (PS, 3:43).

2:87.x Evangelizo manu et scriptione. Rainolds responded to his R.C adversaries who sneered at his gout: "I preach the gospel with hand and writings"; see De Romanae ecclesiae idololatria, in cultu sanctorum, reliquiarum, ... libri duo (1596; STC 20606), sig. ¶6'.

2:87.7 preachinge. See Cartwright: "the ministring of the holy sacraments unto them/ is a declaration and scale of Gods favor and reconcilliation with them/ and a plain preaching/ partly that they be washed already from their sinnes/ partly that they are of the household of God"; 1:167 [133]; Whitgift, Defense, p. 604 (PS, 3:104).


2:89.30–31 they yeeld that... salvation; See Cartwright: "And although reading doe helpe to nourish the fayth which commeth by preaching/ yet thys is geven to the preaching cath exochen [κατ’ ἓξοχον], that is by excellency/ and for that it is the excellentest and most ordinary meanes/ to worke by/ in the hearts of the hearers"; 1:159 [126]; Whitgift, Defense, p. 570 (PS, 3:31).

2:89.b T. C... 395. "Now if private reading onely/ can not ordinarily engender faith: I would know how publike reading onely/ can doo yt" (Cartwright, 2:376). "To prove that bare reading engendereth faith/ he citeth ... " (2:377). "... the Lordes authorised Embassadour ... without whose ministry ... faith can not be engendered/ nor men ordinarily saved" (2:394–395).

2:90.c p. 378. "I compared them ["consideration off the creatures ... unto reading off the scriptures"] onely in that both nourishing faith/ neither could ordinarily breed yt" (2:378).

2:90.d p. 383. "Likewise that he affirmeth owt of M. Fox/ off many brought to light off the gospell by reading onely: he [Whitgift] maketh not/ nor (as I am perswad-
ed) could make yt appeare. Although yt be confessed/ that that may be done by the Lordes extraordinary worcking/ which feedeth sometime with quailes in the wildernes” (2:383).

2:93.2-16.l ashamed to defile ... thereunto. H both quotes and paraphrases Cartwright (2:374–375); see Whitgift, Defense, p. 570 (PS, 3:32).

2:94.22–24 This is in mans conversion ... beginneth. Aristotle, N.E., 6.2; 1139*: “Now the cause of action (the efficient, not the final cause) is choice, and the cause of choice is desire and reasoning directed to some end” (Loeb, p. 329).

2:95.1–7.m,n,o Faine they would have us ... sent? See the first Admonition (P.M., p. 23) and Cartwright, 1:159 [126]: “For S. Paule sayth/ that fayth cometh by hearing/ and hearing of the word preached/ so that the ordinary and especiall meanes to worke fayth by/ is preaching and not reading.” See also Whitgift, Defense, p. 569 (PS, 3:30); Cartwright, 2:375. In A Supplication made in the name of certaine true subjects (1584; not in STC), Thomas Sampson (1517?–1589), the Puritan divine, wrote: “Salvation is promised to them only which do believe; but we cannot believe on him of whom we do not hear: we cannot hear without a preacher [Rom. 10:14]; as the apostle doth say. It is preaching, and not simply reading, that is required for having of faith”; Strype, Annals (1824), 3.1:327.


2:95.q This they did ... sane. Justinian, Novellae, 146.1.pref.; in collatio 10 of Contius’s edition of 1569, cols. 623–624; Schoell-Kroll (1963), p. 715; Scott, 17:170. When a dispute arose over whether Hebrew or the local vernacular was to be used when the OT was read, Justinian ruled that, although Greek was to be preferred, the Jews were to be allowed to read their sacred books in Greek, or Italian, or whatever language their own country required; he observed that those who use Greek use the Septuagint (the translation of the 70), which he claimed was “more accurate than any other” (Bayne, pp. 101–102n).


2:97.s This taile of ... ministers. Cartwright, 2:373: “As though when the Prophet calleth the rascal ministers off his time/ domme dogges, and suche as could not barcke [Isa. 56:10], his meaning were to charge them that they could not spell/ or reade in a booke off their owne language laied before them. And so I trust appeareth/ that this taile off reading ministers ought to be cut of: and that they are none off those princely giftes/ which our Saviour Christ ascended into heaven/ sendeth unto his church/ but bishops (to speake no grievouslier off them) more
2:100.4.6. *Also, for the: Man.*


2:98.11—12. *Another useful folio: Carwight, noted the last.*


2:100.4—6. *Also of the word: Prevald.* Hears to the first edn. of Carwight, 2:377.
being broken and bruised carrieth a sweeter savour unto the understanding than when it is by reading given gross and whole”; see Whitgift, Defense, pp. 571–572 (PS, 3:34). Cartwright explains (2:379–380) that in the 2nd edn. (STC 4712, p. 159) he had substituted Luke 24:32, with its figure of opening a door, “bycause yt was les figurative then the comparison of aromatic thinges.”

2:100.8–9.e how God giveth ... readinge. See the Admonition: “By this booke, bare reading is [1 Cor. 3:15] good tilling, and single service saying, is excellent [1 Cor. 3:9] building” (P.M., p. 23). Cartwright considered this to be “a very notable place to prove that there is salvation without preaching” (1:159 [126]). Whitgift denied that there was in 1 Cor. 3:6 any comparison between reading and preaching; Defense, p. 572 (PS, 3:35).

2:100.11–12.f they conclude an impossibilitie ... not. See Cartwright 1:159 [126]; Whitgift, Defense, 569–573; Works, PS, 3:29–34; and the petition to the Parliament, A lamentable complaint of the commonalty, by way of supplication to Parlia- \ntment, for a learned ministry (1585; STC 7739), revised as A humble petition of the communaltie to their most renouned soveraigne (1587, 1588; STC 7584, 7785), which complains that bishops say the people are already sufficiently supplied with preachers “or that it were an impossible thing to establish a preaching ministry; as if they should say, It were not possible for us to be saved” (Bayne, p. 108n).

2:100.12–14 Alcidamnas the Sophister ... speech. Pupil of Gorgias (420? BC), who in De Sophistis spoke of the advantages of extemporaneous speech.

2:101.5–7.h. sermons are the ordinance ... easie. Cartwright 2:396 concerns the superiority of sermons over homilies and the question of human authority. H probably meant 2:383 where “the ordinance of God” and “darck” appear, as cited below at 2:102.20.p.n.


2:101.27–102.2.m St. Augustine ... selves. See Augustine on Ps. 66:3; Opera (1556), 8:686; PL, 36:805. “Behold the ant of God! He rises every day, he runs to the church of God, he prays, he listens to the portion [of scripture] read, he sings the hymn, he ponders what he has heard, by himself he thinks it over, he stores within him the grains collected in the field” (Bayne, p. 110n).

2:102.n Lector personat ... auditur. A summary of Cyprian’s words in epist. 2.5, cited above at 2:76.w; Opera (1521), p. 61; PL, 4:319. “The reader soundeth out the high and heavenly words: he readeth out the Gospel of Christ, etc.” See Whitgift, Defense, p. 578 (PS, 3:47, 56), and chap. 23.1 (2:110–111).
2:102.20.p Touchinge hardnes ... impediment, In the three passages noted, Cartwright argues the necessity of preaching for the apprehension of the Word, not because the Scripture is difficult to understand, but because of "the darknes of our understanding/ which without aide off preaching can not come to sufficient knowledge off yt" (2:383).

2:102.28–103.1.q which the Eunuch ... want, Cartwright (1:159 [126]): "Of infinite examples take one of the Eunuch [Acts 8:31]/ which although he had bene at Jerusalem/ and returning home/ was reading of the Prophet Esay/ yet he beleived not/ untill Phillip came and preached unto hym"; answered by Whitgift, Defense, p. 573 (PS, 3:36). See also Sampson’s Supplication (1584), in Strype, Annals, 3.1:327.

2:103.7 easie See chap. 31.2–3 (2:135.6–35).

2:103.33.s theires, Cartwright, 2:363: "thes wosfull readers ... non-residence would bring little ethre to filling off cofes/ or bathing off them in the delights off the world/ or to what other thing soever they in their absence propound: unles there were such hungry knightes/ as would for a crust of bread/ supply this absence. Now for removing off thse sweepinges owt off the church ministry ..." See A lamentable complaint of the commonalty, cited by H at 2:107.f: "Then durst no such hedge priests and caterpillars as are spread over the land in great number once think to have any entrance into the Church of God to kill souls any more" (Bayne, p. 112n); see 2:100.11–12.f.n, above. For Cartwright, 2:373, see 2:97.s.n, above.

2:104.13–15.t that if God ... preachinge, Cartwright, 2:364: "that bare reading is not able without Gods extraordinary worke/ to deliver one sowle." For Cartwright, 2:383, see 2:90.d.n, above.

2:104.17–19.u Sacramentes are not ... them; Cartwright, 2:392: "it is well with us/ and the scriptures kepe their honour/ if they bring to the elect salvation/ used/ and applied as the order which the lord hath set/ requireth. onles peradventure he will say the holy Sacramentes leese their honour/ when it is saied they are not effectual to salvation/ without men be instructed by preaching before they be partakers off them."

2:104.19–21.v Sacramentes and prayers ... condemnation? Cartwright, 2:364: "prayers, and Sacramentes forasmuche as they take effecte by the preachinge off the worde/ where that is not/ those doo not onely not feede/ but are ordinarily to further condemnation."

2:105.7 charitie. In A Briefe and Plaine Declaration Fulke stated as dogma that where there is no preacher there should be no minister of the sacraments (p. 73), being convinced that sacraments are seals added to writings: "we know well that a word or writing may be available without a seal, but never a seal without a writing" (p. 61; quoted by Bayne, p. 115n). See 1:207.10–24.n, above.
2:105.26 to terme it necessarie. See Whitgift, Defense, p 572 (PS, 3:35): “Both reading and preaching be necessarie in the Churche, and moste profitable, the commendation of the one doth not take anie thing from the other.”

2:106.6–7.c It is untrue . . . Church. See 2:76.s.

2:107.4–6.e And in this present question . . . preachinge. Cartwright, 2:385: “good reading is compared with good preaching.”

2:107.6–8.f Now one of them saith . . . tyme. A lamentable complaint of the commonality (1585): “Some other take but one word for their text, and afterward runne into the mountaines, that we cannot follow them; not knowing how they went up, or how they will come downe: whereas, if they had taken a good portion of the text, and had naturally expounded, and pithily applied the same; by occasion of that large text, we should have remembered a good part of the sermon long time after” (p. 9). See 2:103.33.s.n, above.

2:107.8–12.g Another giveth us to understande, . . . church. In 1588 Robert Some, master of Peterhouse, Cambridge, wrote A godly treatise containing and deciding certaine questions, touching the ministerie, sacraments, and church (STC 22908) in response to the separatist John Penry’s A defence of that which hath bin written in the questions of the ignorant ministerie, and the communicating with them (STC 19604). Job Throckmorton (see Carlson, Martin Marprelate, p. 5 and n), replied with M. Some laid open in his coulers: Wherein the indifferent reader may easily see, how wretchedly and loosely he hath handeled the cause against M. Penry [(1589)]; STC 12342, the work cited by H. See pp. 21–22: “I speake heere of sound preaching, that is, of deviding the worde aright which the Apostle calleth orthotomain (ὅρθοτομεῖν), I speake not of babling or of handeling a text with a Curricombe, in that I joine with M. Some with al my hart, and therefore I wish he had bene with me the 10. of November last, at a certaine Church by the exchange, I thinke they cal it Bartholomewe church, where it may be his ears would have glowed, and (if he durst have bene so bolde,) I doe not thinke but he would have condemned the preacher and that worthyly for his babling. For there he might have heard him fetch many vagaries, and spend the most of his time in invectives against good men, telling th’audience to this effect. That for the papists thanks be to God, we need not so greatly feare them, for they were through the vigilans and wisedome of the magistrate reasonably hampered . . . but now the magistrate has onely to cast his eye on the phantasticall crue, such as troubled the peace of the Church, otherwise there might fall out many mischieues.” In the margin: “This preacher (as I understooode since) was M. Some himself.”

2:107.12–14.h The best of them . . . simple. Cartwright was explaining the view of Wolfgang Musculus (1497–1563), reformed theologian, author of Loci communes (Basel, 1554; repr. 1560, 1573), whom Whitgift had cited in Defense, p. 580 (PS, 3:51).

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“But I think that no right and true interpretation of the scripture is to be counted man’s, though it be written, read, or preached by man; for the Spirit of God is the author of it; and man is but the instrument.”

2:110.6 Of Prayer. For H prayer consists of “holy desires” (chap. 23.1) or “elevations of spirit unto God” (48.2); compare Aquinas, S.T., 2a2ae.83.1, and Calvin, Inst., 3.20.29. Prayer involves a dialectic: doctrine descending that prayer may ascend (chap. 23.1). In public worship this concerns the mingling of lessons with prayers. As George Herbert put it (“Prayer I”): “Gods breath returning to his birth.” That is, prayer presupposes belief, aroused by God’s grace, made possible by the divine initiative (chap. 48.3). Common or public prayer is requisite both on account of human weakness (chap. 25.1) and because “we are special beings” (chap. 24.1; also, Calvin, Inst., 3.20.29). In what follows H discusses helps to public prayer: place (chap. 25.2), person (chap. 25.3), and liturgy (chap. 25.4). See John E. Booty, Three Anglican Divines on Prayer: Jewel, Andreives, and Hooker (Cambridge, Mass.: Society of St. John the Evangelist, 1978), pp. 29–43.

2:110.10–14 For what is thatassemblinge . . . us. See Augustine, Liber de gratia, chap. 29 (PL, 33:568); Tobit 12:15; and a sermon of Caesarius of Arles, formerly attributed to Augustine: “By the angels ascending and descending on the ladder, apostles and apostolic men and all the doctors of the churches are to be understood; ascending when they preach perfect things to the perfect; descending when they explain to babes and ignorant persons such simple things as they are able to comprehend” (Bayne, p. 121n; PL, 39:1762). The concept is found in the Eastern liturgies; see the Cherubic hymn sung in the Byzantine rite at the Great Entrance since the 6C. It was also familiar in the West, as in the prayer Supplies te of the Roman Canon where request is made that the holy gifts and sacrifices be “carried to the altar on high by the hands of Thy angel.” See also the Salisbury home and the primers for the office of the “Proper Angel,” based on Matt. 18:10, which is the ending of the BCP Gospel for the Feast of St. Michael and All Angels (1559, p. 240).

2:112.7 Joh. 4:11. Text in error; the reference should be to Jonah 4:11.

2:112.12–14.s We come by troupes . . . acceptable. Tertullian, Apologeticum, 39.3:

“Coimus in coetum et congregationem, ut ad Deum, quasi manu facta, precationibus ambiamus. Haec vis Deo grata est’; Opera (1566), 2:691–692; CCSL, 1:150. Ambros. . . . contemni. From a commentary on Romans ascribed to Ambrose, 15.31; Opera (1567), 5:239; PL, 17:177, where it is “fluent” not “sunt” and “ut non impetrent” not “contemni.” “Many least ones of one mind and met together are great, nor can the prayers of many be despised” (Bayne, p. 124n). H’s reference to Ambrose’s “[liber] de pæn.” seems to be inaccurate.


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2:114.4 the place of assemblie. See chaps. 11–16.

2:114.z Chrys. . . Act. See John Chrysostom, Hom. 15, in Heb. (PG, 63:122), where he condemns laughter in church: "But know that angels are present every-where, but especially in the house of God. . ." And Hom. 24, in Act. (PG, 60:190), where he bewails the irreverence of the young at divine services: "Thou standest disorderly. Knowest thou not that thou standest in company with angels? With them thou art singing, with them thou art chanting, and thou standest laughing!" (Bayne, p. 126n).

2:114.a 1.Cor. 11:10. See Chrysostom, Argumentum epistolae primae ad Corinthios on the text in 1 Cor. (PG, 61:218). "If thou despisest men, reverence the angels" (Bayne, p. 126n).

2:114.b bewtie "Honour" in BCP (=BB), "excellency" in GB.

2:114.c Ad domos . . . supplicamus. Salvian, 5C presbyter of Marseilles, De vero judicio et providentia Dei, bk. 7; (1594), p. 230; PL, 53:128, where it is chap. 17. "We run at once to the churches, we prostrate our bodies on the ground, we offer prayers with tears of joyfulness" (Bayne, p. 126n). Church attendance was enforced by law (1 Eliz. 1, cap. 2), with penalties prescribed for nonattendance, as well as by Royal Injunctions (1559, no. 33) and the church courts.

2:115.4 Thauthoritie of his callinge See chap. 77.1–2.

2:115.16.f Gods most beloved, Justinian, Codex, 1.3.43 and 44, esp. 43; (1590), cols. 38–40; Krueger (1963), pp. 28–30, as 1.3.42(43)–43(44). H translates Deo amantissimus (Greek Θεοφιλεστάτου), a term used here for bishops and priests.

2:116.18–23 So that if the liturgies . . . witt. Emphasizing the fluidity of early liturgical usages, J. R. Srawley concludes that the attempt to trace liturgical forms back to an apostolic liturgy is doomed to failure; The Early History of the Liturgy, 2nd edn. (Cambridge, 1949), pp. xi–xii. Dom Gregory Dix, The Shape of the Liturgy (Westminster, 1945), chap. 3, discusses a classical shape and the basic four actions of the Eucharist as being at the root of liturgical developments in the East and West. Within the framework of the shape transmitted by liturgical tradition there was fluidity, until the formulas became fixed as a result of heresy, schism, and the normal consequences of institutional development.

2:117.14–16 From this . . . superstitious. Puritans and Separatists were opposed to set forms of prayer because they denied freedom to ministers and people, could not meet all of their needs, implied that God could not be worshipped in any other way, and led to hypocrisy and persecution; see Davies, W.E.P., chap. 8. At the outset of Elizabeth's reign, however, the Puritans used a version of the BCP (attached to the Geneva Bible, STC 2123). Subsequently they obtained their own, providing set forms (see 2:119.7–11 and 11–12). William Perkins (1558–1602) affirmed that set forms of prayer were not sinful, although extemporaneous prayer
was preferable; see Davies, *Worship and Theology in England* (1970), 1:73.

2:117.18–23 **or as if our Lord, . . . wordes.** That is, the Lord’s Prayer (Matt. 6:9–13; Luke 11:2–4). At the heart of the Puritans’ concern was Christ’s teaching on prayer and the use of the Lord’s Prayer. Barrowists and other Separatists denied that it should be repeated: it was a pattern and nothing more. Disciplinarians regarded it as a pattern but believed that it was permissible to repeat it. Supporters of the establishment believed that Christians were commanded to use it.

2:118.8–9 **For that verie hymne . . . liturgie;** See Exod. 14:30–15:18 (the Song of Moses), possibly composed for the feast at Jerusalem celebrating the reform of Josiah, but incorporating the much more ancient Song of Miriam. This liturgical song became a part of morning prayer in the Jewish Prayer Book, the last two verses of chap. 14 being known as the *Sheerav*, the first eighteen of chap. 15 being called the *Oz Yausher*.

2:118.m **Math. 26:30 . . . tempor.** See Scaliger, *De emendatione temporum* (1583); the reference to Paul of Burgos is on p. 268, the rest on p. 273. H is summarizing Scaliger. Paul of Burgos (1351–1435) was a learned Jew who converted to Christianity; his *additiones* become part of the standard commentary on the 15–16C Bible; see Bayne, p. 130n.

2:118.24–25 **songe . . . Simeon,** See Luke 1:28, 42 (= Hail Mary); 1:68–79 (= Benedictus); and 2:25–35 (= Nunc dimittis); known collectively as the evangelical hymns.

2:119.7–11 **Now albeit the Admonitioners . . . retracted,** The *Admonition* stated that in the early church “ministers were not tyed to any forme of prayers invented by man, but as the spirit moved them, so they powred forth hartie supplications to the Lord” (*P.M.*, p. 11). This was changed in subsequent edns. to read “so tied to any one form”; “invented by man” was dropped; and after “as the spirit moved them” they added “and as necessitie of time required.” Whitgift noted these changes in his *Answere*; see *Defense*, p. 782 (*PS*, 3:472; see also 2:466). The Admonitioners were seemingly afraid of being misunderstood. Thus, in *Certaine Articles, collected and taken . . . by the bysheps out of [the Admonition], wyth an answer to the same* ([1572]; STC 10850; rpr. *P.M.*, pp. 135–148), the defenders of the *Admonition* asserted that they did not reject all set forms of prayer, but only “their patched Portuse [that is, a ‘portas’ or ‘porteous,’ a portable breviary],” the BCP. Futhermore, they admitted that they used set forms, probably indicating forms from Knox’s *Geneva Service Book*, or the modified Prayer Book (see 2:117.14–16.m, above, and *P.M.*, p. 139). When Whitgift pointed to their inconsistencies, Cartwright responded: “But for as muche as we agree of a prescript forme of prayer to be used in the church let that go” (1:135 [105]). In his *Treatise of the Christian Religion*, ed. W. Bradshaw (1616; STC 4707.7), p. 256, Cartwright explains why there must be set liturgies. Nevertheless, the trend was toward liberation from set forms. See the *Second Admonition* (1572; STC 4713; rpr. in 10849), *P.M.*, p. 114.
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2:119.11–12  theire defender ... like,  A reference to the Puritan Prayer Book of "the Bill and the Book" proposed in the 1584 Parliament. The bill proposed the replacement of episcopal government with presbyterian discipline and of the BCP with "the booke herunto annexed of common prayer, etc." This is most likely the Waldgrave (or Middleburgh) Prayer Book, which is in fact an "order of common and publique prayer and administration of the sacraments, solemnization of marriages, visitation of the sicke, and buriall of the dead" (Bodl., MS Fairfax 30, fol. 41'). See Hall, ed., Fragmenta liturgica, 1:122. Bancroft refers to it in A Sermon Preached at Paules Crosse the 9. of Februaire, 1588 (1589; STC 1346), p. 62, as does Bridges in his Defence, p. 625.

2:119.19.p  Grosse errors ... awaie,  Cartwright, 1:131 [102]: "Before I come to speake of prayers/ I will treate of the faults that are committed almost throughout the whole Leyurgy/ and publike service of the church of England. Whereof one is that/ which is often objected by the authors of the admonition/ that the forme of it/ is taken from the church of Antichrist/ as the reading of the Epistles and Gospels so cutte and mangled/ as the most of the prayers/ the maner of mynistring the Sacraments/ of Mariage/ of Buriall/ Confirmation/ translated as it were word for word/ saving that the grosse erroures and manifest impietie be taken away"; see Whitgift, Defense, p. 474 (PS, 2:438).

2:119.22–120.21  too great affinitie ... God,  H here summarizes the objections to the BCP as found in the two Admonitions and in Field's "A View of Popishe Abuses" attached to the first (P.M., pp. 20–34). There were also other lists, such as articles presented by Field to Parliament on 8 Dec. 1583 (PRO, S. P. 12/164, 11, fols. 25–26) and objections in the Puritan compilation called A parte of a register, contayninge sundrie memorable matters, written by divers godly and learned in our time, which stande for, the reformation of our church ([1593?]; STC 10400); see, for instance, pp. 55 ff., 104, etc. Davies, W.E.P., chap. 6, quotes H's summary (p. 58). H's list provides the outline for the following chapters.


2:120.21–26  A greate favourer ... God.  Edward Dering (1540?–1576), the Puritan divine, who in A Sermon preached before the Quenes Majestie (1569; STC 6699), attacked the church and its ministry, especially bishops, and even the queen herself. However, when writing against R.C recusants, Dering defended the same church, its ministry and worship; see A sparing restraint, of many lavishe untruthes, which M. doctor Harding ... do the chalenge (1568; STC 6725), p. 5, cited by Whitgift, Defense, p. 490 (PS, 2:470), and Bancroft, A Sermon, p. 56.

2:122.1 *agreeable to Gods word, . . . Churches,* From the title page of *A Booke of the Forme of Common Prayer* (1585?); see 2:71.z.n, above.

2:122.3–8.r *It shall not . . . harte.* See *A Booke of the Forme of Common Prayer,* p. 46 (Hall, *Fragmenta liturgica,* 1:48), where direction is given as to how the minister is to pray. The use of forms of prayer, such as contained in the Puritan prayer books, indicates that they were not altogether opposed to them, but, as H points out, their own rubrical directions allow considerable freedom; see Davies, *W.E.P.*, pp. 122–127. The reference to note r should precede *It* (line 3).

2:122.23–24 *Which oversight . . . preach.* “The peace of Amboise (1563) gave the protestants the right to hold services, which was termed the ‘droit de prêche’” (Bayne, p. 136n).

2:123.1 *Attyre belonginge to the service of God.* Chapter 29 was written against the background of the Vestiarist controversy that began in the reign of Edward VI and was intensified in the 1560s by the 1559 BCP Ornaments Rubric, which required those vestments “in use by the authority of Parliament in the second year of the reign of King Edward the Sixth” (1559, p. 48). Archbishop Parker’s *Advertisements* (1566; STC 10026) interpreted the rubric to mean the use of copes and surplices in cathedral and collegiate churches and “a comely surplice with sleeves” in all parish churches (Gee and Hardy, *Documents,* pp. 470–471). Many refused to wear such vestments, describing them as “popish rags,” including, according to Andrew Perne, Whitgift; see Lambeth Palace Library, MS 2002 (21), fol. 119. Some objectors, such as Jewel, concluded that the Reformation should not be jeopardized for the sake of objectionable *adiaphora.* Others, more adamant, turned against the bishops, the enforcers of government policy. See John H. Primus, *The Vestments Controversy* (Kampen: J. H. Kok, 1960), and Intro. to *The Preface,* pp. 12–13, above. Whitgift’s Tract. 7, “Of the apparell of Ministers” (*Defense,* p. 256–297), corresponds to H’s chapter.

2:123.2–3 *Wee thinke the surplice . . . weare* H derives this quotation from Cartwright’s argument against use of cap, surplice, and tippet, which he admits “are not the greatest matters we strive for.” His fear is that they make “unclean the users of them” (1:71–72 [52]); see also, 2:402 ff., 3:242 ff., and *Defense,* p. 256 (PS, 2:1).

2:123.3–8 *It is easilie seen . . . in.* On p. 54 in the 1st edn.; see Whitgift, *Defense,* p. 269 (PS, 2:23–24).


Commentary


2:124.11–21.x the words of Chrysostome ... garment. H here cites Hom. 60 ex Matth. (one of the sermons Ad populum Antiochenum): "Hoc vestra dignitas est, hoc securitas hoc omnia corona, non ut albam et splendentem tunicam circumeatis induti"; Opera (1588), 5:338; (in Latin; the Greek was not published until 1610–1613; see nn at 5:48.5–7 and 136.4, above); PG, 58:745. Whitgift, Defense (1574) p. 281, cites it as "Hom. 6"; Works (PS), 2:48. Keble (2:129–130n) and Bayne (p. 138n) quote the Greek.

2:126.a–d, f–h, j–1 H's page references are to the 2nd edn. of Cartwright's Replye; the corresponding pages in 1st edn., cited by Whitgift, are: 58 (a), 52 (b), 55 (c), 52 (d), 53 (f and g), 56 (h and j), 60 (k) and 57 (l); the corresponding pages in the PS Whitgift are: 2:59 (a), 2:1 (b), 2:30 (c), 2:1 (d), 2:9 (f), 2:17 (g), 2:42 (h and j), 2:70 (k) and 2:53 (l).

2:126.i 1.2. p.403. Cartwright accused Whitgift: "in steed that he should teach that we may obey no further unto the magistrate/ than the same wil agree with the glory off God, and salvation off our brethren: he teacheth that in thinges of their owne nature indifferent/ we must have no further regard/ neither to salvation off our brethren/ nor to the glory off God ... then will agree with doing that the magistrate commandeth" (2:403–404). On the issue of obedience, see A. F. Scott Pearson, Church and State: Political Aspects of Sixteenth Century Puritanism (Cambridge, 1928), and Whitgift, Defense, pp. 646–648, and Tract. 20, "Of the Authoritie of the civill Magistrate in Ecclesiasticall matters," pp. 694–709 (PS, 3:189 ff., 295–325).

2:126.23 leprosie; See Cartwright, 3:259, and Bayne, p. 140n.

2:126.29–127.2.m Yee shall pollute ... hence. H here uses GB for Isaiah 30:22 but changes "menstruous cloth" to "stayed rag." The passage was cited in "A View of Popishe Abuses" (P.M., p. 35n); see Cartwright, 3:257.

2:127.20–26 when once they ... abroad, In Feb. 1566 Laurence Humphrey, president of Magdalen College, Oxford, and Thomas Sampson (see 2:95.7.n) wrote to Henry Bullinger at Zürich seeking support in their struggle against the vestments. Bullinger's answer was published as The judgement of ... H. Bullinger ... declaring it lawfull to weare the apparell prescribed (1566; STC 4063). See Zurich Letters, PS, 1:151–155, 345–355; Primus, The Vestments Controversy (1960), pp. 125–131; and Bayne, pp. 141–142n.
2:127.q 1.1. p.74. Page 54 in 1st edn. of Cartwright’s *Replye*.

2:131.29–34.u *Let him which approveth not ...* injoyned. See Basil’s forty-seventh interrogation, “Concerning those who do not agree with the orders of the governor,” of what was later called *Regulae fusiæ tractatae*: Tὸν μὴ καταδεχόμενον τὰ παρὰ τοῦ προστάτος ἑγκρίθεντα, χρῆ φανερῶς ἣ ἴδις αὐτῷ ἀντιλέγειν, εἰ τινα ἐχοι λόγον ἵσχυρόν κατὰ τὸ βούλημα τῶν γραφῶν, ἢ σιωπήσαντα τὸ προστεταγμένον ποιεῖν. *Opera* (1551), p. 471; PG, 31:1036. He omitted the ἢ before ἴδις.


2:133.2–7.v *Now because the Gospels ...* bowe. “A View of Popishe Abuses” spoke sharply of people sitting while lessons are read but standing for the Gospel; furthermore, other names for God command no reverence, but when “Jesus is named, then of goth the cappe, and down goeth the knees” (P.M., p. 29). Cartwright cited this passage, pointing out that such practices were against good order and were dangerous (1:203 [163]); Whitgift, *Defense*, p. 739 (PS, 3:389). The BCP did not order standing at the Gospel, but the practice was ancient and observed in the medieval church (Jungmann, *Mass of the Roman Rite*, 1:447–448). Bowing at the name of Jesus was commanded by Art. 52 of the 1559 Royal Injunctions and was based on Phil. 2:9 ff.

2:133.11–12 *And against Infidels ...* profitable. Whitgift: “One reason that moved Christians in the beginning the rather to bow at the name of Jesus, than at any other name of God, was because this name was most hated and most contemned of the wicked Jewes and other persecutors of such as professed the name of Jesus”; *Defense*, p. 742 (PS, 3:390).

2:133.x T.C. 1.3. p. 215. See also 1:203 [163].

2:133.20 *Ordinarie of the place;* “One who has, of his own right and not be deputation, immediate jurisdiction in ecclesiastical cases” (OED).

2:133–134.y, z, b 1.1. p.74.... p.134. Pages 54 and 105, respectively, in 1st edn.

2:134.23–25.c *nothinge to be done ...* selle. Cartwright here echoes the *Second Admonition* (P.M., p. 115) and others (Bayne, p. 150n). Whitgift responded: “You mighte as well saye, that bicause a chylde of ten years olde can read the Byble translated into Englishe, therefore the Byble translated into Enghishe maynteyneth an unpreaching ministrie”; *Defense*, p. 482 (PS, 2:455). 1.1. p.133. Page 104 in 1st edn.

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2:135.10–11  _ten yeares of age._ Quoting the _Second Admonition_ (P.M., p. 101); see n preceding.

2:135.36–136.13  _I have often ... case:_ See chaps. 79, 81.

2:136.9–10  _the dailie bruses ... fallinge,_ See _A.C.L._, p. 37, H’s note (4:53.17–19), and Bayne, p. 152n.

2:136.27  _T.C. ... p.184._ Cartwright faulted the BCP because psalms, prayers, and lessons took up the time that might have been spent in preaching (1:133 [104]). Whitgift retorted: “the longest tyme (if there be no Communion) is not more than an houre; and can you spende that houre better than in praying and hearing the scripture read?”; _Defense_, p. 482 (PS, 2:455); see also Bridges, _Defense_, p. 625. Cartwright responded: “Wherunto, I answer that ye with that houre, he allow an other for the sermon: the tyme wil be longer, then the age of some, and inffirmities of other some, can ordinaryl wel beare” (3:184). Sunday morning worship in the C of E normally consisted of Morning Prayer, Litany, and Antecommunion with Sermon (see _B.C.P._, 1559, pp. 375–376).

2:137.2–6.6  _It is not as some do imagine ... nightes._ H quotes Augustine, epist. 121, _Ad Probam viduam:_ “Neque enim, ut nonnulli putant, hoc est, orare in multiloquio si diutius oretur. Aliud est sermo multus, aliud diurnus affectus. Nam et de ipso domino scriptum est, quod pernoctaverit in orando”; _Opera_ (1555), 2:129⁹; PL, 33:501, as epist. 130.19. Proba, surnamed Faltonia, fled to Africa to escape the barbarian invasion of Rome; Jerome praises her (epist. 8, to Demetrias, her grand-daughter).

2:139.5–6  _An hower and a halfe ... service._ Cartwright, 3:185.

2:139.23–25  _We have (they say) ... prayers._ Cartwright, 1:138 [108], and Whitgift, _Defense_, pp. 499–500 (PS, 2:487), contrasting BCP prayers with the prayers of the early church and of the continental Reformed churches. It is now understood that the prayers of the people early developed in litany form, with short prayers or directions for prayer (Dix, _Shape_, pp. 42–44, 455, 477). Prayer in the Reformed tradition was generally lengthy.

2:139.27–140.2  _The brethren in Aegypt ... longe._ Augustine, epist. 121: “Dicuntur fratres in Aegypto crebras quidem habere orationes, sed eas tamen brevissimas et raptim quodam modo jaculatas, ne illa vigilanter erecta, quae oranti plurimum necessaria est, per productores moras evanesceat atque hebetet inten-tio”; _Opera_ (1555), 2:129⁹; PL, 33:51, as epist. 130.20; see 2:137.2–6.n, above.

2:140.16  _Lessons intermingled ... prayers._ See chap. 23.1 and 2:110.6.n, above.

2:141.7  _Wee have no such formes ... supplication._ Whitgift: “As much difference as there is betwixt man and God: so farre is your similitude from proving your purpose: except you will admit the like similitude used by the Papists, to prove praying to Saints”; _Defense_, p. 500 (PS, 2:487–488).  _1.1. p.138._ Page 108 in 1st
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drn. This kind of reason... use. The reference is to Malachi 1:14; see i.

2:142.k Μέρη... φιλότιμοι. Aristotle, Rhetoric, 1.5; 1361a5; Opera (1550), 2:189. "For a gift is at once a giving of a possession and a token of honour; wherefore gifts are desired by the ambitious and by those who are fond of money, since they are an acquisition for the latter and an honour for the former; so that they furnish both with what they want" (Loeb, p. 53).

2:142.26–143.1. If... it is not evell. In KJV, a question: "Is it not evil?" In GB and BB, "the sentence is not read interrogatively, but as an affirmation, put into the mouth of those whom the Prophet is reproving" (Keble, 2:151n). Earlier edns. corrected H's text to agree with KJV.

2:143.6 oft rehearsing. This complaint is part of the overall Puritan objection to repetition in the BCP as unduly ritualistic. See the Second Admonition: "Whence learned they all those needelesse repetitions? ... The words be good ... but the use is naught, forbidden by our Saviour: you when you pray use not vaine repetitions as the heathen doe [Matt. 6:7], sayth he" (P.M., p. 114). Cartwright defended the translation of βατταλογησε ... as "vayne repetitions" arguing that the word "was taken up in reproache of a foolish Poet called Battus, which used to repeate one thing many times"; Whitgift denied this, citing Beza and Erasmus, saying that the word βατταλογείεν referred to babbling or silly speech rather than repetition; Defense, pp. 803–804 (PS, 3:513–516).

2:143.30–144.8 Wee have of prayers... Glorie. This list of criticisms provides a topical outline for chaps. 35–42.


2:145.m Praemissa... petitiones. Tertullian, De oratione, chap. 10; Opera (1566), 2:543; CCSL, 1:263. "After beginning with the legitimate and customary prayer (i.e. the Lord's Prayer) as a foundation we have the right to pray about our chance desires, we have the right of rearing an outward scaffolding of petitions." Compare L. Andrewes, Ninety-Six Sermons, LACT (1841–1843), 5:329–339, 424–434.

2:146.8.n Luc. 11:1. The reference to n should precede "they request" (line 15).

2:146.17–18 Tertullian... orationem legitimam. See Tertullian in the passage cited just above, and Augustine, Enarrationes in Psalms, 142.6; Opera (1556), 8:1642–44; PL, 37:1849: "To the Apostles a rule of prayer was given by the heavenly Jurist. 'After this manner pray ye,' He said" (Bayne, p. 162n).

2:146.24–30.o That wee have... requests? Cyprian, De Oratione Dominica, chap. 2: "Cum ipsum habeamus apud Patrem adventatum pro peccatis nostris, quando peccatores pro delictis nostris petimus, advocati nostri verba promamus. Nam cum
dicat, quia quodcumque petierimus a Patre in nomine ejus, dabit nobis: quanto efficacius impetramus quod petimus in Christi nomine, si petamus ipsius oratione"; Opera (1593), p. 309; PL, 4:521, as chap. 3.

2:147.15–23 An other fault . . . time. H is quoting through "dothe beare" (line 21), with some omissions; thereafter, he is paraphrasing. See Whitgift, Defense, p. 501 (PS, 2:492–494). Cartwright cites Justin Martyr as saying that when the president of the Christian assembly "has finished the prayers and the thanksgiving, all the people present shout their assent, saying, 'Amen'" (Apology 1, chap. 65 [67]). Whitgift objectted, pointing out that Justin Martyr also said, "we do all rise and praise together"; Defense, p. 502; PS, 2:493. 1.1 p.139. Page 109 in 1st edn.

2:147.30–148.1 Twice we appoint . . . received. See the rubric before General Confession in Morning Prayer (B.C.P., 1559, p. 50) and the rubric after the administration of bread and wine in Holy Communion (p. 264). But see also the rubrics preceding General Confession in Holy Communion (p. 259), before the first use of the Lord's Prayer in Morning Prayer (p. 51), and the rubric before the second use (p. 59). There were evidently different practices, ranging from the minister speaking for the people to both minister and people speaking together.


2:148.29–149.4.q that custome . . . utterance. That is, speaking with tongues, ecstatic utterance.

2:150.1–3 sometime . . . side. H refers to antiphonal reading, side to side, rooted in early church practice when psalms and canticles were sung antiphonally (see 2:155.19–20.n, below).

2:150.r ἡ κεριετικὴ . . . ὑμνολογία. "The singing which binds together all the sacred rites" (Bayne, p. 166n). Dionysius the Pseudo-Areopagite (late 5C?) De ecclesiastica hierarchia, 3.5; Opera (1562), p. 140; PG, 3:432. Dionysius writes of the benefit derived from psalms and lessons at the Eucharist, preparing the believer for what follows. On the conflation of various men named "Dionysius" in the early church, see ODCC.

2:150.8–9 The ancient when they speake . . . discorses, H has Basil of Caesarea in mind; see the opening two sections of Homilia in Psalmum primum (PG, 29:212). See 2:148.p, 150.16–17, 153.14–154.4.s, and nn.

2:150.16–17 What is there necessarie . . . teach? H is quoting Basil, as above: τί γὰρ οὐκ ἂν μάθοις ἐντεῦθεν; οὐ τῆς ἀνδρίας τὸ μεγαλοπρεπὲς; οὐ τῆς δικαιοσύνης τὸ ἀκριβὲς; οὐ σωφροσύνης τὸ σεμνὸν; οὐ τὸ τῆς φρονήσεως

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tέλειον; οὐ μετανοίας τρόπον; οὐχ ὑπομονής μέτρα. Opera (1551), p. 55; PG, 29:213.

2:151.4 of musique with psalmes. The greatest opposition to church music was provided by the Robert Browne, who, in A True and Short Declaration ([1583?]; STC 3910.5), wrote: "Their tossing to and fro of psalms and sentences, is like tenisse plaine whereto God is called to Judg who can do best and be most gallant in his worship: as bie organs, solfaing, pricksong, chanting, bussing and mumbleung verie roundlie, on divers handes. Thus thei have a shewe of religion but indeed they turne it to gaming, and plaine mockholidaie with the worship of God"; sig. B3"; The Writings of Robert Harrison and Robert Browne, eds. Peel and Carlson, E.N.T. (1953), p. 415. Moderate Puritans were concerned that much church music was distracting and did not serve to edify; see Percy Scholes, The Puritans and Music (London, 1934), and Davies, W.E.P., Append. B. The Reformation was inimical to the continued composition of church music in 16C England as the rituals for which it was formerly intended were discarded; conversely, psalm-singing blossomed, and from 1549 to 1600 some 167 editions of metrical psalms were published (STC, 1:99–107).

2:151.5–10 Touchinge musickall ... harmonie. The Pythagorean view of heaven and earth emphasized the identity of world soul and world harmony. "The Pythagorean Simmias, in Plato's Phaedo (85e) ... states that the soul is harmony: it has the same relation to the body as harmony ... has to the lute. The concept of the 'lute of the soul' which we will find so often is here imminent"; Leo Spitzer, Classical and Christian Ideas of World Harmony (Baltimore: Johns Hopkins University Press, 1963), p. 15. Spitzer goes on to speak of the curative function of music: "the Pythagorean physician cured the soul as well as the body; health to him was harmony, the proper 'attunement' of body and soul" (p. 16). See Donne on the preacher as musicum carmen (2:87.20–24.n, above). Shakespeare's Merchant of Venice (Riverside edn.), 5.1.63–65, alludes to the doctrine; and see Bayne, p. 168n.

2:152.21–25 They which under pretense ... other. Comparing the early church with that of the 16C, the Admonition complained: "They ministred the Sacrament [Holy Communion] plainly. We pompously, with singing, pypyng, surplesse and cope wearyng" (P.M., p. 14). Whitgift replied: "As for pyping, it is not prescribed to be used at the Communion by any rule, that I knowe. Synging I am sure you do not disallowe, beeing used in all reformed Churches, and an arte allowed in Scriptures, and used in praying of God by David"; Answer, quoted from Defense, p. 606 (PS, 3:106). Cartwright responded: "I have answered before ... especially seeing that M. Doctor wil not defend the piping/ and organes/ nor no other singing then is used in the reformed churches: which is in the singing of two Psalmes/ one in the beginning/ and an other in the ending/ in a plaine tune/ easye bothe to be sung of those whych because they can not read/ can not sing wyth the rest of the churche" (1:168 [133]). Whitgift countered: "I have heard no reasons as yet to improve the manner of singing used in this Churche of England,
neyther do I say that I allow *no other singing than is used in other reformed churches*. For I woulde not have any Churche to arrogate that perfection unto it selfe, that it should thinke all other Churches to be bounde unto it: it was the original cause of the pryde of the Churche of Rome. I have onely sayde that other reformed Churches allowed singing, which is true"; *Defense*, p. 607 (PS, 3:108). See *B.C.P.*, 1559, pp. 350–351, and Peter Le Huray, *Music and the Reformation in England*, 1549–1660 (London: H. Jenkins, 1967).


2:154.21  **ps. 54.14** Psalm 55:14, GB and BCP. H's citation is correct for the Septuagint and the Vulgate.


2:155.17–19 **these interlocutorie formes of speech . . . pietie?** Another passage used by Barton and Halliburton to argue that Hooker's understanding of the reading of Scripture is "doxological" rather than edifying; see 2:71.14–16.n. above. On "edification," see Jude 2, §§ 7–20.

2:155.19–20 **When and how . . . knowne.** Antiphonal singing or chanting was part of Jewish custom (see Ezra 3:11, 1 Chron. 29:20, Ps. 106:45, Matt. 26:30), passing over into the Christian church. See Pliny the Younger, epist. 10.96, and Tertullian, *Ad uxorem*, 2:9; *Opera* (1566), 2:132; CCSL, 1:394: "Psalms and hymns are sung between two, who strive with one another which shall sing best in God's praise. Christ rejoices when He sees and hears them and sends them His peace" (Bayne, p. 172n). Augustine reports that Ambrose introduced the custom in the West (*Confessions*, 9.7.15). See 2:150.1–3.

2:155.20–22.u  **Socrates maketh Ignatius . . . selves.** As a consequence of his seeing a vision of angels praising the Trinity in hymns sung antiphonally, Ignatius, bishop of Antioch (d. 115?), is said to have introduced this manner of singing to the church there; *Hist. eccles.* (1581), p. 455; PG, 139:1390. Compare 2:156.26–157.2.

2:155.23–27.v  **Theodoret, . . . Arrians.** Theodoret, bishop of Cyrrhus (393?–458?), continued the *Hist. eccles.* of Eusebius down to 428; see 2.9 (PG, 82:1000), where two laymen, Flavian and Diodorus, later bishops, respectively, of Antioch and Tarsus, "taught the people to sing the Psalms of David antiphonally, dividing
the singers into two choirs," a practice which spread everywhere, "even to the ends of the earth" (Bayne, p. 173n). They probably revived the practice rather than initiated it.

2:155.27–29.w Platina . . . time. Bartolomeo Platina (1421–1481), Italian humanist, author of Lives of the Popes (1479) and Vatican librarian under Sixtus IV, wrote of Pope Damasus, patron of Jerome, that "he instituted the singing of Psalms by course in the Church and the use of the Gloria at the end of each" (Bayne, p. 173n); see Historia de vitis Pontificum Romanorum (1572), p. 43.

2:155.29–156.2.x And therefore the eldest . . . Rome. Ambrose, Hexaemeron, 2.5: "Well is the Church often compared to the sea. At the first rush of the incoming congregation it floods all the passages with its waves. Then as the whole people pray you hear as it were the long withdrawing roar of those waves. And when the voices of men, women, virgins, and children sing the Psalms by course there results a tumult of waves all sounding together" (Bayne, p. 173n); see Opera (1567), 4:27; PL, 14:165. Whitgift cites Basil as "Hexam. 4.," Defense, p. 502.

2:156.2–10.y Amongst the Graecians . . . together. In epist. 63, written to the clergy of Neocaesarea, Basil mentions the difficulties described by H and states that according to universal custom, when the prayers are ended, psalmody begins. "Dividing into two parts, they sing psalms antiphonally, at the same time strengthening their apprehension of the word of Scripture, and preventing their minds or emotions from wandering. Then coming together again, one is precentor, and the rest all sing after him" (Bayne, p. 174n); Opera (1551), pp. 311–312; PG, 32:760, 764, as epist. 207.

2:156.4 Sabellius the heretic. Sabellianism was a 2C–3C heresy that "held that in the Godhead the only differentiation [between the Son and the Father] was mere succession of modes or operations"; see ODCC under "Monarchianism." Sabellius himself seems to have been of Roman origin. Marcellus Bishop of Ancyra (d. 374?), "taught that in the Unity of the Godhead the Son and the Spirit only emerged as independent entities for the purposes of Creation and Redemption. After the redemptive work is achieved they will be resumed again into the Divine Unity and 'God will be all in all'. The clause in the Nicene Creed, 'whose Kingdom shall have no end', was inserted to combat his teaching" (ODCC).

2:156.16–20.z And of the Churches . . . selves. Pliny the Younger (61?–112?), inventor of the literary letter (Epistulae curatius scriptae), published nine books of them; the tenth (cited by H) contains his official correspondence with Trajan about the administration of Bithynia. See 2:155.19–20.n, above.

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2:158.15–18 a thinge, . . . men; See 2:156.2–10.g.n, above.

2:159.11–13 Let noventie therefore . . . prevaile. TÀ ἀρχαία ἑν κρατίτω. The opening of canon 6 of the Council of Nicaea; Concilia (1585), 1:567.

2:159.14 Of Magnificat, Benedictus and Nunc dimittis. Compare “A View of Popishe Abuses”: “That they sing Benedictus, Nunc dimittis and Magnificat, we knowe not to what purpose, except some of them were ready to die, or excepte they would celebrate the memory of the virgine, and John Baptist, etc. Thus they prophan the holy scriptures” (P.M., p. 29). Whitgift responded: “By this your reason we may not use any of the Psalms, untill we be in lyke case as David was, or other, when they were first made”; Defense, p. 494 (PS, 2:478). The three canticles, or little songs, were all from the NT, the Magnificat from Luke 1:46–55, the Benedictus from Luke 1:68–79, and the Nunc Dimittis from Luke 2:29–32. They are the Breviary canticles for Vespers, Lauds, and Compline, respectively. When they came into the offices we do not know, although they were in their accustomed places by the time of Benedict of Nursia (480?-543?).

2:159.19 T.C. I.3. p.208. See also Cartwright, 1:137 [107].

2:159.20–21 Wee have allreadie . . . scriptures. See chap. 37.

2:160.32 Asaph Identified as “the seer” in 2 Chron. 29:30, Asaph is credited with authorship of twelve of the Psalms.

2:161.26 Of the Letanie. Compare “A View of Popishe Abuses”: “They pray that all men may be saved, and that they may be delivered from thundering and tempest, when no danger is night” (P.M., p. 29; Whitgift, Defense, p. 494; PS, 2:477). See B.C.P., 1559, pp. 68–76, 393, and E. C. Ratcliff, in Liturgy and Worship, ed. W. K. Lowther Clarke (1932), pp. 282–287.

2:162.15 as Platina calletth it, See the lives of Leo I and Gregory I, Historia de vitis Pontificum Romanorum (1572), pp. 50, 63; and see 2:155:27–29, above, 2:163.17–18.n.n, below, and Cartwright, 3:204.


2:162.29–163.5.g She cannot content . . . spared. Tertullian, Ad uxorem, 2.4.1: “Domino certe non potest pro disciplina satisfacere, habens in latere diaboli servum, procuratorem domini sui ad impedienda fidelium studia et officia, ut, si statio facienda est, maritus de die condicat ad balneas, si ieiunia observanda sint, maritus eadem, die convivium exercean, si procedendum erit, numquam magis familiae occupatio obveniant”; Opera (1566), 2:128; CCSL, 1:388; PL, 1:1294. “Station” refers to half-fasts on Wednesdays and Fridays until 3 p.m. at which, the better to ward off Satan, the faithful stood to pray; see Bayne, p. 180n.

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2:163.8—9. h applied by Heathens ... exequies. See Terence (Roman playwright, principally of comedies; 195—159 BC), Andria, 1.1.100: “funus interim procedit; sequimur” Comedieae sex (1583; STC 23886) p. 6; “presently the hearse started; we followed” (Loeb, 1:15–16). See also his Phormio, 5.8.37: “Exsequias Chremetis, quibus est commodum ire, hoc tempus est” (p. 339); “All who it concerns are desired this very hour to attend the funeral of Chremes” (Loeb, 2:115).

2:163.i Martyres ... progressura sis. Jerome, epist. 22, Ad Eustochium; Opera (1516), 1:646; PL, 22:404, § 17.

2:163.j Socrat. i.6. c.8. Sozom. i.8. c.8. Both Socrates and Sozomen wrote of Arians in Constantinople, who, deprived of their churches, met at night to sing antiphonal hymns in support of their teachings. In the morning they went through the city chanting the hymns in places of worship. John Chrysostom organized rival singers, whose expenses were born by the Empress Eudoxia. See 2:155.20–22.u.n, above, and Hist. ecles. (1581), pp. 455, 770–771. Sozomen was the early 5C continuator of Eusebius’s Hist. ecle. He was a younger contemporary of Socrates Scholasticus; his portion, in nine books, covers the years 323–425. Theod. i.2. c.24. First cited at 2:155.23–27; see n above. Book 2.24 concerns the removal of St. Babylus from Daphne by the Christians, at the order of Julian. “They joyfully set out for the grave, having placed the coffin on a cart; and all of them, walking before it, sang in chorus and chanted the Psalms of David, and at every pause shouted, Confounded be all those who worship graven images” (PG, 82:1097, as 6.6). Novel. 68.51. Justinian, Novellae, 67.1 (probably meant here) forbids the consecration of chapels without public processions, which may simply mean services; (1590), col. 143; Schoell-Kroll (1963), p. 344; Scott, 16:259. Novella 123.32 forbids laity to conduct litanies without clergy, but the word λιτανεία need mean no more than “solemn supplication”; (1590), col. 255; Schoell-Kroll (1963), p. 617; Scott, 17:98.

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2:163.17 Mamercus As Bayne notes (p. 182n), more correctly, Mamertus (the error is Cartwright's; see 2:162.6). He was archbishop of Vienne in Gaul (d. 475?), remembered (as here) for having introduced the processional "litanies" on the three days preceding Ascension Day to ward off earthquakes and like natural disasters (ODCC). H quotes Cartwright's complaint (1:137 [107]). Whitgift dismissed it: "your reasons ... might as well be alleged, agaynst any of the Psalmes, which all were made at the first upon some speciall occasion"; Defense, p. 496. See nn following.

2:163.29—164.3.1 Sidonius ... adversaries. Sidonius (epist. 7.1) reports to Mamertus that the Goths are entering Roman territory and that "our only hope is in the rogations you instituted" (Bayne, p. 182n); Lucubrations (1542), p. 209; PL, 58:563. For Sidonius, see 2:34.f.n, above.

2:164.8—11.m Whereupon ... service. Canon 27 of the first Council of Orleans (=Aurelia) (511, not 506) directed that "all churches shall celebrate the Rogations, i.e. the Litanies, before Ascension Day, so that the three days' fast ends at the Feast of the Ascension"; Concilia (1585), 2:513; Hefele, History of the Councils, 4:91. See E. C. Ratcliff, in Liturgy and Worship, ed. Clarke, pp. 282—283.

2:164.17—18.n Which thinge ... province. See chap. 8 of the Council of Cologne (1536): "Processiones intra sepra Ecclesiaram peragendae." The Council justified processions through the fields that prayer for the preservation of the crops might be made but admitted that the practice has been abused and therefore preferred them to be confined to the interior of churches; H cites Concilia (1585), 5:282. Injunction 23 of the Royal Injunctions of Edward VI (1547) prohibited processions outside churches because of the contention and strife associated with them, but also in order that people might better hear inside the church building and thus be edified. Henceforth, "immediately before High Mass, the priests with others of the choir shall kneel in the midst of the church, and sing or say plainly and distinctly the Litany which is set forth in English"; Visitation Articles and Injunctions, ed. Frere (1910), 3:124.

2:165.23 Of Athanasius Creed and Gloria patri. The Athanasian Creed (or Quicunque vult) is found in Evensong, preceded by a rubric specifying when it shall be used (B.C.P., 1559, p. 64); see J. N. D. Kelly, The Athanasian Creed (New York: Harper and Row, 1964), and for the Puritan understanding, Davies, W.E.P., Append. C. The Second Admonition had simply demanded: "I would knowe what there is in Athanasius Creede, that that must be upon highe dayes (as they terme them) rather then the Apostles Creede" (P.M., p. 117). H quotes Cartwright's response to Whitgift's Answere (q should have been placed beneath the chapter title, at 2:165.23, not keyed to "Arius," 166.7). Concerning the Gloria patri, the Second Admonition asked: "where learned they to multiple up many prayers of one effect, so many times Glorye be to the Father, so many times the Lorde be with you, so many times let us pray. . . . is it not the popishe Gloria patri?" (P.M., p. 114).
Whitgift defends the Athanasian Creed as "a playne declaration of the mysterie of the Trinitie, such as is necessary for all Christian men to learne and know" and judges those who object to its "ofte repetition" suspect of "singularitie and unquietnesse." As to "why that Glori patri should be so often repeated," Whitgift simply replied that "a good thing cannot be to ofte sayde or hearde"; Defense, p. 496.

In the context of the on-going Admonition controversy, chap. 42 seems very much an excursus on the 4C heresy, Arianism. However, as becomes clear only toward the chapter's close, H regards both the Athanasian Creed and the Glori Patri to be necessary talismans, protective of the orthodoxy of trinitarian belief, in contrast to more radical groups on the continent who moved to attack papal doctrine at its supposed core. In H's view these groups were simply recapitulating the doctrinal turmoil of the church's early history of heresy. Hence the admonitory retelling of its history here. See IV.8.2 (1:299.5-16), and 2:177.20-30.n, below.

2:165.27-166.4.0 This faith receyved ... truth. Irenaeus, Adversus omnes haereses, 1.2 and 3: "Ecclesia enim per universum orbem usque ad fines terrae seminata, et ab Apostolis, et a discipulis eorum accepit eam fidem, quae est in unum deum" etc. There then follows the rule of faith according to Irenaeus. H quotes from chap. 3 from: "Hanc praedicationem cum acceperit, et hanc fidem, quemadmodum praediximus, ecclesia, et quidem in universum mundum disseminata, diligenter custodit, quasi unam domum inhabitans, et similiter credit his videlicet quasi unam animam habet et unum hominem, et consonanter haec praedicat et docet et tradit quasi unum possidens os ... Sicut sol creaturae dei in universo mundo unus et idem est, sic et lumen, praedicatio veritatis, ubique lucet, et illuminat omnes homines, qui volunt ad cognitionem veritatis venire"; ibid., pp. 19-20. On the oral tradition of passing down of the rule of faith, see R. P. C. Hanson, Tradition in the Early Church (London: SCM Press, 1962), chaps. 1-3.

2:166.4-7.p This rule ... Gospell. After presenting a creed or rule of faith, Tertullian, in De praescriptione haereticorum, 13.8, wrote: "Haec regula a Christo ... instituta nullas habet apud nos quas haereses inferunt et quae haereticos faciunt"; Opera (1566), 1:168; CCSL, 1:198. In Adversus Praxean, 2.2, after another version of the rule of faith, he wrote: "Hanc regulam ab initio evangelii decucurrisse, etiam ante priores quoque haereticos, nedum ante Praxean hesternum, probabit tam ipsa posteritas omnium haereticorum quam ipsa novellitas Praxae hesterni"; ibid., 1:672; CCSL, 1:1160. See Hanson, Tradition in the Early Church, p. 87.

2:166.8-9 Arian a priest ... Alexandria. Pupil of Lucian of Antioch, prominent in teachings called Arian and condemned by various Councils from Nicaea (325) on, Arian died in 335. See chaps. 52 and 54.10.

2:166.16 Bishop of the same Church. Alexander (d. 328) was bishop of the church of Alexandria from 313; at his instigation, a council of his clergy excommunicated Arian in 321.
2:167.26 **the dayes of Valentinian** Valentinian I (d. 375) was emperor 364–367; in 367 he proclaimed his son Gratian emperor.

2:168.23–24.1 **his answer . . . Eleazars was,** "By refusing the unclean food (Lev. 11:7–8), Eleazar spurned the unlawful sacrifice and remained faithful to the Law, becoming a witness (martyr) to its importance and to its claims upon Jewish obedience"; *J.B.C.* (1968), p. 483.

2:168.s **Major centenario.** Sulpicius Severus, *Sacra historia*, 2.40; (1573), fol. 102\(^t\); PL, 20:152; NPNF.2, 11:117. Ossius (or Hosius), bishop of Cordova, was born about 257. In 356 Athanasius reported that he had been bishop "more than sixty years" (*History of the Arians*, chap. 42). The date of his death is unknown.

2:169.18–21 **nothinge more grieved him . . . fall.** See Gregory of Nazianzus, *Oratio*, 21.26 (*In laudam athanasii*); *Opera* (1550), p. 106; PG, 35:1112, as chap. 33. Constantius II (324–361) was the third son of Constantine the Great. His remorse is attributed to his having put relatives to death, made the pagan Julian the Apos- tate, his junior imperial colleague, Caesar, and lent his support to new dogmas.

2:169.24 **Synodes of Arimine and Seleucia** Two Synods to which the Emperor Constantius II summoned the bishops of the West and East, respectively, in 359 in an attempt to settle the Arian dispute (ODCC). Arimine = Rimini; Seleucia (on the Tigris) was a notable outpost of Greek civilization in the orient.

2:170.t **Ex parte nostra . . . extiterunt.** Sulpitius Severus, *Sacra historia*, 2.41; (1573), fol. 103\(^t\); PL, 20:152; NP-NF.2, 11:117: "But on the part of our people, young men of but little learning and little prudence had been selected; while on the side of the Arians, old men were sent, skillful and abounding in talent, thoroughly imbued, too, with their old unfaithful doctrines; and these easily got the upper hand with the prince."

2:170.u **Eisdemque . . . loqueretur.** Sulpitius Severus, *Sacra historia*, 2.43; (1573), fol. 104\(^t\); PL, 20:152; NP-NF.2, 11:117: "At the same time, he hands them a confession of faith which had been drawn up by these wicked men, and which, being expressed in deceptive terms, seemed to exhibit the Catholic faith, while unfaithfulness secretly lay hid in it."

2:171.4–5 **And in this respect . . . Rome,** Julius I (pope, 337–352) was a supporter of Athanasius. That the creed was first presented to Julius I is a matter of conjecture; see Bayne, p. 189n.

2:171.5–6 **and afterwarde . . . Jovian,** Gregory of Nazianzus writes of the rule of faith sent to Jovian by Athanasius, but it was not the Athanasian Creed; *Oratio* 21.34; *Opera* (1550), p. 107; PG, 35:1124. Jovian was emperor 363–364.

2:171.v **Σαυτῆν . . . βιωσιμον.** Gregory of Nazianzus, *Oratio* 21.33 (see n preceding): "This confession was, it seems, greeted with respect by all in the East and West alike who had in them any life" (Bayne, p. 190n).

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2:171.10-11 Then ... written, Kelly (Athanasian Creed, p. 35) says "that the earliest witness to the Quicunque is Caesarius ... who was primate of Arles" 502-542. He locates its composition in south Gaul somewhere between 435 and 535 (pp. 110-114). See Daniel Waterland, Critical History of the Athanasian Creed, in his Works (Oxford, 1823), 4:241-269.

2:171.w That creed ... Gospel. That is, what is commonly called the Nicene Creed, so called in the Thirty-Nine Articles and used in the celebration of Holy Communion. See "The Order for the Administration of ... Holy Comunion," B.C.P., 1559, pp. 250-251, and 2:212.16-22.n, below.

2:172.5-10.x For that of Hilarie ... held. Hilary (401?-450?), archbishop of Arles, epist. to Augustine, § 8: "Non enim ignorat prudentissima pietas tua, quanto plures sint in Ecclesia, qui auctoritate nominum in sententia teneantur, aut a sententia transferantur"; in Augustine, Opera (1556), 7:1230; PL, 33:1011.

2:172.10 the hymne of glorie, The Gloria Patri, used to conclude the reading of the Psalms; see B.C.P., 1559, pp. 53, 64.


2:173.5-6 ἀκόδειξις ... understandinge Basil in connection with the quote above.


2:173.20-26.d In theire ... inequalitie. Sozomen, Hist. eccles., 3.19 [H: 4.19]: "sed in coetus pro more, dum Deum hymnis collaudabant, distributi, sub fidem hymnorum singuli suam opinionem declararent, et ali non patrem modò, sed filium etiam, utpote patri honore aequalem, gloria efferrent, alii patrem in filio esse dicerent, atque per hanc præpositionem In, filium patre inferiorem ostendere conarentur"; (1581), p. 665. He goes on to speak of the Council of Nicaea and of Leontius, who would not restrain the Athanasian party but rather touched his white hair, saying, "When this snow is melted there will be much mud." Leontius was bishop of Jerusalem (fl. 534?). Theodoret, Hist. eccles., 2.24, says: "Perceiving that clergy and people were divided into two parties, one using the conjunction 707
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and in glorifying the Son, and the other giving the preposition by Whom to the Son and in to the Holy Spirit, he himself (Leontius) uttered the Hymn of Glory inaudibly; and those standing near heard only 'in saecula saeculorum'"; (1581), pp. 537–538; Bayne, p. 192n. See 2:155.23–27.n, above.


2:175.1–12 Upon which confidence . . . innovation. Basil wrote his De Sancto Spiritu extolling the full divinity of the Holy Spirit to defend himself against his enemies, as he explains in chap. 1; Opera (1551), pp. 247–248; PG, 32:67, 69.

2:177.10 Arrianisme See nn to 4:10.3–4 and 5–8 (4:186) and 2:165.23, above.

2:177.19–20 the blasphemies of Arrians . . . renued; In The English Creede, Consenting with the True, Auncient, Catholique, and Apostolique Church (Part 1, 1585; Part 2, 1587; STC 21226–27; rpr. in PS as The Catholic Doctrine of the Church of England [= C.D.]), Thomas Rogers (d. 1616) defined Samosatianists as those "who thought that Christ was not the Son of God before his incarnation" (PS, p. 48) and "deliver the Holy Ghost to be nothing else but the motion of God in his creatures," the Tritheites as those who "affirm the Holy Ghost to be inferior unto the Father" (p. 72), the Eutychians those who believed that "Christ really and indeed had neither body nor soul, but was man in appearance only" (p. 51), and the Macedonians who "utterly denied the Son to be of one substance with the Father" (p. 48). Rogers was responding to Fulke's A Briefe and Plaine Declaration; see 2:105.7.n, above.

2:177.20–30 renued by them who . . . explaned. H means that in order to guard against the anti-Trinitarian heresies that continue to plague the church it is necessary to use the Athanasian Creed in public worship. Bayne's notes (pp. 196–198) supply the necessary context here. H has in mind a letter of Beza to Duditius published in 1573 (Epistolarum theologiarum . . . liber unus) and 1582 (Volumen . . . tractationum theologiarum, vol. 3), which he had cited in Just. § 17 (see 5:125.2.k and n, above). Beza enumerates the anti-Trinitarian heresies of such men as Michael Servetus (burnt for heresy at Geneva in 1583), and the Italians Laelius Socinus, Paul Alciat, George Blandrata, and Valentine Gentilis. Gentilis was beheaded in Berne for his opinions in 1566, and the nephew of Socinus, Faustus (d. 1601), gave his name to an early form of unitarianism, Socinianism. H could have read of Gentilis from Valentini Gentilis teterimi haeretici . . . brevis explicatio (Geneva, 1567), to which Beza contributed a Preface, as well as the Brevis historia of Benedict Aretius printed in the same year. Driven out of Switzerland, these men took refuge in Poland, Bohemia, and Transylvania. Despite efforts by Calvin, in his Brevis admonitio ad fratres Polonos (Geneva, 1565) and letters, to reconcile them, the anti-Trinitarians were excluded from orthodox Reformed churches and became a separate sect in 1565. Fear of such sectarianism underlies H's vehemence here.
Book V, Chapter 42.9–43.4

2:177.28 Satanasi us Having affirmed the proposition that the Nicene, Athanasian and Apostles' Creeds "ought to be received and believed," Rogers writes: "Therefore much out of the way of godliness are they which term the Apostles' creed, a forged patchery; as Barrow doth: and Athanasian', Satanasi us' creed; so did Gregorius Paulus in Polonia, and the new Arians and Nestorians in Lithuania" (C.D., PS, p. 93). The underlying anti-papalism of the attack on the Athanasian Creed is evident from a tract by John Wigand, De Deo, contra novos Arianos nuper in Polonia exortos, printed in Beza's Brevis explicatio of the heresies of Valentine Gentilis (1567), p. 76, which H is referring to: "Sic novi Ariani, qui in Polonia jam recens exorti sunt, et quorum sese caput et ducem profistetur quidam Gregorius Pauli, Minister Cracoviensis, edita monstrosa tabula et Turri Babel, ex putrida ambitione veluti Scarabaei ex asinis mortuis pullulant. Nam Lutherus vix minimam partem revelationis et destructionis Antichristi relinquunt, nemo superioris tantùm tecti in aedificio Antichristiano denudationem. At sibimetipis isti spiritus arrogant Antichristi excisionem et extirpationem ab imis usque fundamentis." Gregorius Paulus was responsible for the pun on the name of Athanasius H quotes. See Bayne, pp. 197–198n, and n preceding.

2:177.31–178.3.g Mortuis authoribus ... continueth. Phoebe dius, Contra Arianos, chap. 8; in Veterum aliquid Galliae theologorum scripta (1586), pp. 88–89, where H's "scelerata" is "scelera"; PL, 20:18. See 2:173.13–16.n, above.

2:178.8 1.1. p.138. Page 108 in the 1st edn., where "necessarie" (line 6) is "necessarily."

2:178.16–17 There are no ... petitions Paraphrasing Cartwright (lines 5–14).

2:178.19–24 Neither may we take it ... come. See the second exhortation to communion, derived from the Order of Communion (1548; STC 16456.5), B.C.P., 1559, p. 256, and also the Thanksgiving (p. 265).

2:178.27–29 Wherefore have they not ... prayer? A Booke of the Forme of Common Prayer (1585?); see 2:71.z.n, above.

2:180.14–18.j whereby we beg ... prayers. This passage should be in italics, as it continues the quotation from Cartwright, 1:138 [108].

2:180.30–181.6 Our custome therefore ... require. From time to time occasional forms of prayer and thanksgiving were issued, for instance that issued in 1585 for use in the diocese of Winchester when the Parry plot was discovered (Liturgical Services, ed. Clay, PS, p. 587). Other such orders of prayer and thanksgiving, intended for use in parish churches and cathedrals, were issued for the cessation of the plague, for the delivery of the Isle of Malta in 1565, for the suppression of the rising in the North in 1569, to celebrate the queen's Accession Day, for the suppression of the Babington plot, for the defeat of the Spanish Armada in 1588, and for the preservation of queen and realm in 1594 (pp. 457–689).
Commentary

2:181.26–27 **In some things ... unsound.** From here on, to the beginning of his discussion of the sacraments in chap. 50, H considers the specifically doctrinal objections made by Puritans against the BCP. Chapter 45 concerns Christ’s overcoming death and opening the kingdom of heaven to all believers, and thus pertains to the *Te Deum laudamus* (B.C.P., 1559, p. 54). Chapter 46, concerning deliverance from sudden death, pertains to a petition in the Litany (p. 69). Chapter 47 concerns the collect for the 12th Sunday after Trinity and a prayer for use after the oghtery, both pertaining to the approach to God in humility (pp. 193, 266–267). Chapter 48, concerning prayer to be delivered from all adversity, pertains to a prayer in the Litany, and also the collect for Trinity Sunday (pp. 72, 174). Chapter 49, concerning prayer that all may find mercy, pertains to a petition in the Litany (p. 71). Compare the articles presented by John Field to Parliament on 8 December 1583: “Now let us marke the particulers and first those that be false ... First a prayer in the 3. collect for grace that we undergoe no kinde of daun-ger, which is more then Christ commended to his disciples, more then is taught in the doctrine of the Gospell, and therefore erroneous. Of like sorte is that in the collect against all perilles; also in the Letanie unitye and concorde wishes to all nations, be thei enemies or freendes of the Gospell. Succour, helpe and comforte is desired, to all that be in daunger and that indifferente without lymitation, with diverse such like, which cannot be justified, as warranatable by the worde of god, as when prayer is made for all infidells and heretikes, in what degree soever. Where Saint John saith, There is a synne etc. And when we desire God to give us those things, that we dare not aske, and to be delivered from all bodilie hurte and adversarye. Cum multis alliis”; P.R.O, S. P. 12/164, 11, fol. 25; see 2:119.22–120.21.n, above.

2:182.2–3 **Lake of the fathers.** The *Second Admonition*: “Other things there are maintained by some of them which are not agreeable with the Scripture: namely the false interpretation of this clause in our Creede (he descended into hell) which is expressly set downe contrary to the scriptures in the Creede made in meter in these worde: His spirite did after this descend into the lower parts, to them that long in darknesse were, the true light of their heartes. If they can warrant this oute of the scriptures, then Limbus patrum, and within a while purgative will be founde oute there” (*P.M.*, p. 118). The Rheims NT (1582, STC 2884) has this note on Luke 16:22: “The bosom of Abraham is the resting place of all them that died in perfect state of grace before Christ’s time, heaven being shut from men. It is called in *Zachary* ix.4, a ‘lake without water’ and sometimes a ‘prison’ (Is. lxii.7) but most commonly by the divines ‘limbus patrum’ for that it is thought to have been the nigher part or brim of hell” (Bayne, p. 201n).

2:182.16–17 **When thou hadst ... believers.** See 2:181.26–27.n, above.

2:182.22–24 **Now whatsoever he did ... up.** Christ’s descent into hell was a matter of contention in the Elizabethan church (see Milward, pp. 163–168). The Puritans were aligned with Calvin, who, against the literal understanding of the
medieval church, taught that the article of Christ’s descent into hell in the Creed is “an expression of the spiritual torment that Christ underwent for us” (Inst., 2:16.10). On 2 August 1585, in a letter to bishops troubled by preachers at odds on the matter, Whitgift explained that he refused the RC teaching that Christ “descended into hell, to fetch from thence the fathers etc. for I am persuaded that the soules of the Righteous departed were before that tyme in the handes of god.” He also rejected the teachings of the Calvinists, that “the name of hel” means “the paynes of hel” and is not to be taken literally. He takes a third position: “I doe ... beleve, and am undoubtedly persuaded that Christe (according to the wordes of the Creede) descended in to hel, in deed, in soule not ther to suffer anye thinge (for that was before finished upon the crosse) but to shew him selfe to be the Victor, Conqueror, and Lorde of hel as before he did of the sea and lande. So that his descension is a parte of his victorie, and triumpe and not parte of his passion” (Bodleian Library, MS Rawlinson C.167, fol.17). See Bayne, p. 203n.

2:183.8-11.m Helvidius against whome ... borne, Helvidius, a 4C Latin theologian, was attacked by Jerome in De perpetua virginitate B. Mariae adversus Helvidium (PL, 23:185) for denying Mary’s perpetual virginity in his defense of marriage against the prevalent exaltation of virginity. Helvidius held that the Brethren of the Lord (James, Joseph, Simon, and Jude; see Mark 6:3, John 7:3, Acts 1:14, 1 Cor. 9:5) were in fact the natural sons of Joseph and Mary. Jerome replied that they were the sons of another Mary, sister of the Virgin (ODCC). See Augustine, De haeresibus ad Quodvultdeum, heresy 84: “Helvidiani exorti ab Helvidio, ita virginitati Mariae contradicunt, ut eam post Christum alios etiam filios de utero suo Joseph peperisse contendant: sed mirum ni istos praetermissa Helvidii nomine, Antidicomaritas Epiphanii appellavit”; Opera (1555), 6:7”; PL, 42:46.

2:183.n Lyr. super Gen. 49. Nicholas of Lyra, commenting on “moraliter” in the Vulgate version of the blessing of Joseph (Gen. 49:26), says that “however justified” the ancient fathers were not “admitted to the kingdom” of God and that only Christ could retrieve them from “limbo” (literally the “edge” or “rim” of Hell) and translate them to Heaven; Textus Biblie, Prima Pars (1506), fol. 119°. Th. p.3. q.52. ar.5. See Aquinas, S.T., 3a.52.5, on Christ’s descent into hell; (1588, 3:167°–171°); and Additiones tertiam partem, 69.4 and 6, on the meaning of the terms used for Hades (4:459°–462°).

2:183.29–184.1.o Christis exaltation ... heavens. Leo I, De ascensione Domini, sermo primus: “Christi ascensio, nostra prouectio est, et quo processit gloria capitis, eo spes vocatur et corporis.... Hodie enim non solum paradisi possessores firmati sumus, sed etiam coelorum in Christo superna penetravimus”; Sermones et epistolae (1482), sigs. L8°–M1°; PL, 54:396, chap. 73.

2:184.4 Touchinge prayer ... death. See 2:181.26–27.n, above, and 2:409.8–413.19, below. See also Bettie Anne Doesler, The Quickening Seed: Death in the
Sermons of John Donne (Salzburg: Institut für Englische Sprache, 1974), esp. chap. 2, where she discusses H.

2:184.25 *Cyrus* . . . *Socrates* Founder of the Archaemenid Persian Empire, Cyrus (559–529 BC) became the model of the upright ruler for the Greeks; Xenophon (427?–354? BC) discusses his rule in his *Cyropaedia*. Plato describes Socrates’s trial and death in the *Apology*.

2:184.26 Elihu The fourth of Job’s questioners; cited also at 2:188.1–4.v. His dialogue with Job is now thought to be a later interpolation.

2:185.r *Cyp. de mortal*. Cyprian, *De mortalitate*, chap. 13, written to comfort the faithful during a time of plague, refers to a “youth, venerable in honor and majesty, lofty in stature and shining in aspect,” who stood by the side of a “colleague and fellow-priest” when he was at the point of death and rebuked his cowardice: Cyprian concludes that God’s providence must have sent him; *Opera* (1593), p. 345; PL, 4:595, chap. 11; Bayne, p. 206n. The sermon was translated three times in the 16C: STC 6152 (1556), 6157 (1534), and 6159.3 (1553).


2:187.t *Μεμνημένος . . . ὑπερβολής*. Philo Judaeus, *De sacrificiis Abelin et Caini*, chap. 14; *Opera* (1552), p. 93. “For if you remember your own nothingness in every particular you will also be sure to remember the exceeding greatness of God in every thing” (Bayne, p. 207n).

2:187.2–6 *That which wee . . . feare?* See chap. 3.1, VI.3.2, and esp. *Remedie*.

2:188.u *Amongst the parts . . . 5*. Aristotle, *Rhetoric*, 1.5; 1361r; in listing the constituents of honor he ends with τὰ βαρβαρικά, οἵν προσκυνήσεις καὶ ἕκστάσεις: “among foreigners, obeisances and giving place”; *Opera*, (1550), 2:189; see 2:142.k and n. Προσκυνήσειν is one of the words used for “worship” in the NT (see Matt. 4:10, John 4:20, 21, Heb. 1:6, 11:21, etc.).

2:188.w *The publican . . . detesteth*. Whitgift had asked: “I praye you whether doth the prayer of the Pharisy, that so extolleth himselfe, or of the Publicane, that so humbled himselfe, like you better?”; *Defense*, p. 493 (PS, 2:476). See Luke 18:13 and 2:186.27.n, above.

2:188.21–23 *The verie silence . . . grace*. Whitgift: “In that therefore we saye, for our owne unworthinesse we dare not aske it we both aske it, and yet with all humilitie acknowledge our owne unworthiness”; *Defense*, p. 493 (PS, 2:476).

2:189.1–2 *our feare . . . boldnes* Andrewes’s teaching is similar; see *Ninety-Six Sermons*, LACT, 5:309, 329.
Book V, Chapter 46.2–48.8

2:189.3 familiaritie with God Cartwright, 3:203: "Likewise, of one frend towards another, which most amiable names, our Savior Christ wil have set before us, when we come to prayer: to engender in us, a reverent familiarity, with hym. And the bouldnes, that as the children of god owght to have, so much passeth that which we use, to any of our moste dearest frendes: as we are more assured of hys love, then of thiers."

2:189.6 Prayer to be evermore... adversitie. See 2:181.26–27.n, above. Andrewes speaks of this as the prayer of deprecation: that is, prayer that evil may be prevented before it happens, to be delivered out of it when it comes, and that it may be no greater than we can bear; A Pattern of Catechistical Doctrine, LACT (1846), 6:100–101.

2:189.11 l.1. p.136. Whitgift: "This word adversitie... properly signifieth all affliction or trouble that perteyneth eyther to the body, or to the minde... it is species mali, a kinde of evil, for Malum doth conteyne not onely vice and sinne, but adversitie also and affliction"; Defense, pp. 491–492 (PS, 2:473). Page 107 in 1st edn.

2:189.15–24 Mindes... prayer. Compare the definition of prayer in chap. 23.

2:190.γ Oratio quæ non fit... peccatum. Augustine, Enarrationes in Psalmos, no. 1, Ps. 108, commenting on "Et oratio ejus exeat condemnatus"; Opera (1555), 8:275; PL, 37:1436, § 9. "The prayer which does not plead Christ's name does not only fail to destroy sin, it turns into a sin itself" (Bayne, p. 210n).


2:191.12–14 To thinke... error. Whitgift answers a version of the negative argument from Scripture: "there is no promise in Scripture that we should be free from all sinne: therefore we may not pray that we should be free from all sinne"; Defense, p. 492 (PS, 2:473–474); compare Andrewes, Ninety-Six Sermons, LACT, 5:331–334.


2:193.8 overlaid or opprest. Quoted from Cartwright (3:201–202), cited in k, l, and m. Behind the quote lies a disagreement about how Ps. 91:10 ("There shall no evil come unto thee . . .") should be interpreted; see Defense, p. 493 (PS, 2:475). Cartwright argues that "the meaning of the promise must needes be: that he shall not be overlayed or oppressed, but contrary, that the afflictions shal serve (as the Apostle saith) to his good."

2:194.6–195.5.m he knewe... forgett. H's assertion of Christ's perfect fore-
knowledge is provoked by Cartwright's not unreasonable clarification: "For although he knew, that he should suffer, yet yf I answer, that as towching his humanity, he knew not the most infinite and extreme weight of sufferances, which God hys heavenly father had measured unto hym, or knowing them, had through the unspeakable force of the panges which he then was in, forgotten them: I see not, how thys answer may not be maynteyned as a Christian and catholik answer" (3:201).

2:195.6 Will, See I.7, and A.C.L. and H on free will (4:17-19).

2:195.16 Monothelites Greek-speaking Christians of the 7C who sought to heal the rift between the Council of Chalcedon (451) and the Monophysites by saying that in Christ there was "one energy" or "one will," or at least "one state of will." See chap. 53.

2:196.q Non potuit divinitas . . . demonstrans. "Might not the Godhead have quitted the Manhood in one respect but not in another? The Godhead withdrew protection, but did not sever union. It forsook so that it did not assist, but it did not forsake, so that it went away. In this sense, therefore, in the passion the Manhood was forsaken for the Godhead. But since He sustained that death not for His own wickedness but for our redemption, He asks why He has been forsaken, not as murmuring for the punishment against God, but as demonstrating to us in the punishment his own innocence" (Bayne, pp. 216–217n). H is paraphrasing Hugh of St.-Victor (1096?-1141, theologian and mystic), De sacramentis Christianae fidei, 2.1.10; (1503), sig. B2"; PL, 176:400. Deus meus . . . acuat. "'My God, My God, why hast Thou forsaken me?' The cry is neither ignorance, nor faithlessness, nor complaint, but wonder only, which in others should sharpen their ardour and energy to investigate the cause" (Bayne, pp. 216–217n). Unlocated.


2:198.5–8 Consider death in it selfe . . . it. See chap. 46.

2:198.22–24 I take it . . . knewe. See Cartwright, 3:200, quoted at 2:194.6–195.5.m.n, above.


2:201.15–24.a In those tribulations . . . perfected. Augustine, epist. 121, Ad Probam viduam; Opera (1555), 2:130' (PL, 33:504, epist. 130): "In his ergo tribulationibus quae possunt et prodesse et nocere, quid orems sicut oportet nescimus, et tamen quia dura, quia molesta, quia contra sensum nostrae inimicitatis sunt, universali humana voluntate ut a nobis haec auferantur oramus. Sed hoc devotionis
debemus domino deo nostro, ut si ea non abstulerit, non ideo nos ab eo negligi existimemus, sed potius pia patientia malorum, bona speremus ampliora: sic enim virtus in infirmitate perfectur."

2:202.16–17 *Prayer that all men . . . saved.* See 2:181.26–27.n, above, and 4:83.1–4. The *Admonition* complained: "They pray that all men may be saved" (*P.M.*, p. 29). Whitgift responded: "We do so indeed; and what can you allege why we should not do so? S. *Paule. 1. Tim. 2. sayth, I exhort therefore, that first of all supplications, prayers, intercessions, and giving of thankes be made for all men. etc.* And adding the reason, he sayth, *For this is good and acceptable in the sight of God our Saviour, who will that all men should be saved*"; Answers, from *Defense*, p. 739 (PS, 3:383).


2:204.6 *the apostle . . . καλῶν*, See 1 Tim. 2:1–4, cited by Whitgift (see 2:202.16–17.n, above), where prayer for all men is called "good" (καλῶν).

2:204.31 *there is in God . . . will* See *A.C.L.* and H's discussion (4:26.6–28.17, 129.27–133.22, and nn).

2:205.i *Propter ca . . . moveretur.* "There was therefore no contradiction, if the man Christ by the affection of compassion which in His humanity He had assumed, wished something, which nevertheless, by the divine will through which with the Father He ordered all things, He knew beforehand would not come to pass. For while it pertained to the true humanity that He should be moved by compassion it also pertained to the true divinity that He should not be moved from his own resolves" (Bayme, pp. 226–227n). See Hugh of St.-Victor's *De quatuor voluntatibus in Christo* in *Libellus canonici regularis Latemansis* (1588), fol.25”; *PL*, 176:845. The four wills are: "voluntas divinitatis, justitiam dictans; voluntas rationis, justitiam approbans; voluntas humanitatis, per quam nulli malum voluit; voluntas carnis, per quam sibi poenam noluit." On Hugh of St.-Victor, see 2:196.q.n, above.

2:206.11–207.5.j *This law of supplication . . . sounde.* "Quam legem supplicationis ita omnium sacerdotum et omnium fidelium devotio concorditer tenet, ut nulla pars mundi sit, in qua hujusmodi orationes non celebretur a populis Christianis. Supplicat ergo ubique Ecclesia deo non solum pro sanctis et in Christo jam regeneratis, sed etiam pro omnibus infidelibus et inimicis crucis Christi, pro omnibus idolorum cultoribus, pro omnibus qui Christum in membris ipsius persequuntur, pro Judaeis, quorum caecitati lumen Evangelii non refulget, pro haereticis et schismaticis, qui ab unitate fidei et charitatis alieni sunt. Quid autem
pro istis petit, nisi ut relictis erroribus suis convertantur ad deum, accipiant fidem, accipiant charitatem, et de ignorantiae tenebris liberati, in agnitionem veniant veritatis? Quod quia ipsi praestare sibi nequeunt, malae consuetudinis pondere oppressi et diaboli vinculis alligati, neque deceptiones suas evincere valent, quibus tam pertinaciter inhaeserunt, ut quantum amanda est veritas tantum diligent falsitatem: misericors et justus dominus pro omnibus sibi vult hominibus supplicari: ut cum videmus de tam profundis malis innumeris erui, non ambigamus deum praestitiisse quod ut praestaret oratus est: et gratias agentes pro iis qui salvi facti sunt, speremus etiam eos qui nondum illuminati sunt, eodem divinae gratiae opere eximendos de potestate tenebrarum, et in regnum dei, priusquam de hac vita exeat transferendos. Quod si aliquos, sicut videmus accidere, salvantis gratia praeterierit, et pro eis oratio Ecclesiae recepta non fuerit: ad occulta divinae justitiae judicia referendum, et agnoscidendum est secreti hujus profunditatem nobis in hac vita patere non posse”; in Ambrose, Opera (1555), 2:11; PL, 51:663, chap. 12. Traditionally attributed to Prosper of Aquitaine (390?-463?), a defender of Augustine, De vocatione Gentium was written by an anonymous Augustinian, not by Prosper; chapter 4 treats 1 Tim. 2:4.

2:207.6 Sacraments. Article 25, Thirty-Nine Articles, lies behind H’s discussion of the sacraments in chapters 50-68. It emphasizes that sacraments are not simply notes or signs of Christian profession, or teaching instruments, but “effectual signs of grace” by which God works invisibly in the faithful; Articuli (1571; STC 10036), p. 15. H places greater emphasis on grace, however, than does the article, esp. through his use of terms such as “union” and “participation,” reflecting the mystical theology of the BCP and of Cranmer, esp. his use of 1 Cor. 10:16 and John 6; see Cyril C. Richardson, “Cranmer and the Analysis of Eucharistic Doctrine,” Journal of Theological Studies, n.s., 16.2 (1965): 429.

2:207.17–18 not only the word... vertue. Cartwright argued otherwise; see 2:104.19–21.v.n, above.

2:208.18–19 grace which worketh salvation. Tit. 2:11. See Calvin, Inst., 3.7.3.

2:208.1 Oportebat Deum... copularet. Tertullian, De Trinitate, chap. 23; Opera (1566), 2:263; PL, 3:932: “Quoniam si ad hominem veniebat ut mediator Dei et hominum esse deberet oportuit illum cum eo esse, et Verbum carmen fieri ut in semet ipso” etc., as in H. “Because if He came to man that He might be a mediator of God and men, it behoved Him to be with man, and the Word to be made flesh, that in His own self He might consolidate a concord of things earthly and things heavenly, by uniting in Himself pledges of both parts and joining equally God to man and man to God” (Bayne, p. 231n). The work was actually written by Novatian, the 3C rival bishop of Rome.

2:209.8–12 The Lord our God... Ghost. In chaps. 51–56, concerned with christology, H adheres to the teachings of the first four general councils (Nicaea, 325; Constantinople, 381; Ephesus, 431; Chalcedon, 451). Basic to this teaching is

2:209.\(m\) Πρόσωπον . . . ὑποστασις. Suidas (10C compiler of Greek lexicon, Ἅτο μὲ παρὸν βιβλιόν (1514), under ὑποστασις. “Persona or hypostasis in the usage of the fathers is the specific along with the generic. For the nature of each thing is a generality, but hypostases are particular” (Bayne, p. 232n). This was contrary to the earlier understanding that ὑπόστασις was the Greek equivalent for substantia, or the indivisible concrete reality of the Godhead. Thus it was generally associated with the Greek φύσις, translated in the quotation as “nature.” The Council of Chalcedon used ὑπόστασις and πρόσωπον to express the singularity or oneness of the Person of Christ, thus distinguishing it henceforth from φύσις, which was reserved for “nature.” ἡ οὐσία . . . ὑπάρξις. See John of Damascus (d. 754?), the last of the Greek Fathers, *De orthodoxae fidei*, 3.6; *Opera* (1559), p. 186; PG, 94:1001. H has transposed the clauses. In the proper order the quotation reads: “The persona has what is common along with what is particular, as well as existing in itself. Being does not subsist in itself (ὑπόστασις), but is conjectured from the persona.”

2:210.\(o\) Ὁς ἐστιν . . . γεννητή. Ignatius, *Epistola ad Magnesios, Epistolae* (1558), p. 29; PG, 5:765. “Who is His Word, not uttered but existent. For He is not a sound of articulated speech, but the begotten essence of the divine energy” (Bayne, p. 233n). The text of Ignatius is corrupt here.


2:210.\(q\) In illo Divinitas . . . essemus. Augustine, epist. 57, *Ad Dardanum; Opera* (1555), 2:57; PL, 33:839, as epist. 187.20. “Unus panis unum corpus multi sumus. Per caput nostrum reconciliamur deo, quia in illo est divinitas unigeniti facta particeps mortalitatis nostrae, ut et nos participes eius immortalitatis essemus”; “By our head we are reconciled to God, for in Him the Godhead of the Only Begotten is made a partaker of our mortality in order that we also might be partakers of His immortality” (Bayne, p. 233n).

2:212.\(4\) Macedonius. Bishop of Constantinople (d. 362?), Macedonius supported the Semi-Arian cause and was deposed by the Arian Council of Constantinople in 381 (ODCC).

2:212.\(6\)–7 Apollinarius. Apollinarius (310–390?) asserted that in Christ there was a human body and soul, but that the human spirit was replaced by the Divine Logos; thus while He possessed perfect Godhead, He lacked complete manhood. Apollinarianism was the first great christological heresy (ODCC). See n following.

2:212.\(v\) Μηδὲ . . . θεοῦ. “For he said that that flesh had no need of a human
mind, governed as it was by God Who had put it on” (Bayne, p. 235n). See Suidas (1514), under Ἀπολινάριος.

2:212.9 two Gregories Of Nyssa (330?–395?) and of Nazianzus (329–389).

2:212.13–14 Paulus Samosatenus ... Eunomius, All early heretics. Paul of Samosata (3C) taught that the Godhead was a closely knit Trinity of Father, Wisdom, and Word and until creation formed a single hypostasis (substance). Sabellius (3C?) evidently held (no writings survive) that in the Godhead the only differentiation was a mere succession of modes or operations (ODCC, under “Monarchianism”). Photinus (4C), also of whom no writings survive, held a form of Sabellianism. Aetius (d. 370?) was an extreme Arian who asserted the total unlikeness of the Son to the Father. Eunomius (d. 395), his disciple, taught a single supreme Substance whose simplicity is opposed to all distinction of properties or attributes.

2:212.16 first at Rome ... Synod, The Roman synod of 377, under Pope Damasus, condemned Apollinaris and his follower Timotheus, as did another synod at Rome in 382. See Theodoret, Ecles. hist., 5:10; chap. 11 lists further anathemas of Damasus and their corresponding heresies.

2:212.16–22 at Constantinople ... heresie. A reference to the Nicene Creed as found in the BCP (1559, pp. 250–251). Because it was at the Council of Constantinople in 381 that the creed of Nicaea was adopted in a form virtually identical to that found in the BCP, it is sometimes called the Niceno-Constantinopolitan Creed, although authority for this is not conclusive. See J. N. D. Kelly, Early Christian Creeds (New York: Harper and Row, [1950]), chap. 10.

2:212.x Οὐκ ἔτι ... ἡμῶν. Cyril, bishop of Alexandria from 412 to 444; see Opera (1546), 4:69; PG, 77:225, epist. 44, Ad eulogium presbyterum: “Nor does he confess with us the union of the natures.” Cyril emphasized the union of God and Man in Christ in one hypostasis (concrete being) and not in external appearance (πρόσωπον), alone. Οὐκ ἔλεγε ... φιλίας. Leontius (490?–544?), scholar of Byzantium and monk, De sectis, in Manuel (Palaeologus), Legatio Imp. Caesaris Manuelis Comneni Aug. ad Armenios (1578), p. 450; PG, 86.1:1221, Act. 4, § 4. “For he (Nestorius) denied the union of the Word of God with man, and alleged two persons and a division. Wherefore he called the blessed Mary not Mother of God, but Mother of Christ (... ἀλλὰ Χριστόκον), and though he called Christ man and God he did not do so in our sense but merely in that of relationship and friendship. Just as we say of two friends who love each other very much that these two have one soul (δοκεῖτε λέγομεν περί δύο τινών φίλων, πάντων ἄλληλους ἀγαπώντων ὅτι οἱ δύο οὕτοι μιᾶν ψυχήν ἔχουσι), because owing to their great love the same things please them” (Bayne, p. 236n). For Leontius, the union of God and man is, to use Origen’s metaphor, like the union of iron or wood and fire. Christ’s entire personality is centered in God and no discussion of his actions that divides them between human and divine must be allowed to obscure this.
2:212.24 the heresie of Nestorius. The doctrine that there were two separate Persons in the Incarnate Christ, the one Divine and the other Human, as opposed to the orthodox doctrine that the Incarnate Christ was a single Person, at once God and Man (ODCC). The debate over his views was brief (428–431) but intense; deposed from his see (Constantinople), his books were condemned in 435, and he himself banished to Upper Egypt; he died about 451.

2:213.a ἡ αἰθιωτικα ... ληψεως. "The name assumed did not precede the assumption." Theodoret, Dialogi tres (1547), fol. 30'; Eranistes, ed. Etlinger (1975), Dialogue II, pp. 133.34–134.1; PG, 83:140. "Theodoret, bishop of Cyrus, wrote three Dialogues against Eutychianism, of which Hooker makes frequent use in the pages which follow. The maintainers of the Dialogues are Eranistes and Orthodoxus; Eranistes is often translated 'beggar,' but means probably 'picker up of heretical scraps'; he is also called 'polymorphus,' in allusion to the 'multiform' character of heresy. Dialogue i. is called "Ατρεπτος, The Immutable; Dialogue ii. 'Ἀσύγχυτος, The Unconfounded; Dialogue iii. 'Ἀκάψις, The Impassible" (Bayne, p. 237n). In addition, there are three florilegia containing a valuable series of quotations from the early Fathers.

2:214.31–215.2.b In Christ ... extinct. Paschasius, a deacon in Rome (d. 512?), De Spiritu Sancto, 2.4, in Sacrae bibliothecae sanctorum patrum (1589), 9:760; PL, 62:29: "in deo et homine, gemina quidem substantia, sed non gemina persona est, quia persona personam consumere potest, substantia vero substantiam consumere non potest."

2:215.13–24 Cyrill the chiepest ... person. In Ad pientissimas reginas de recta in Dominum nostrum Jesum Christum fide, in Opera (1573), 2:701–702 (PG, 76:1211), Cyril quoted as by Athanasius, from De incarnatione verbi et contra Arianos, the phrase "one incarnate nature of God the Word" (μίαν φύσιν τοῦ Θεοῦ λόγου σεαρκωμένην), to emphasize, against Nestorius, the unity of Christ's personality. But the Monophysites, who denied two natures in Christ, made use of the quotation for their own cause. See Bayne, p. 239n.

2:215.17 Arians. See chap. 42.2–6 and 4:10.5–8.n, above.

2:216.e 'Αχώριστον ... τάφο. "The divine nature must be confessed inseparable from the flesh even on the cross and in the tomb." Theodoret (1547), fol. 68; PG, 83:280; ed. Etlinger (1975), Dialogue III, p. 227.2–4, where it is τὴν σάρκα προσήκει λέγειν, ἀχώριστον δὲ ταύτης and then as in H.

2:217.f Ταύτα ... ἐιλιμμενής. Quoted from Theodoret (1547), fol. 16'; PG, 83:85; ed. Etlinger (1975), Florilegium I, p. 98.5–6, who attributes it (p. 20) to Eustathius of Antioch, De anima. For Irenaeus, Adversus omnes haereses, 3.22, see PG, 7:956, and Bayne, p. 241n. Christ ... νόμῳ. "By the law of his human body"; quoted from Dialogi tres (1547), fol. 44'; ed. Etlinger, Florilegium II, p. 168.4, where it is attributed to Gregory of Nyssa, Oratio catechetica magna, chap. 16.
(PG, 45.52). See also Gregory of Nazianzus, Oration 30 [H has “orat. 2”], *Pepoli Yioi*; *Opera* (1550), p. 213; PG, 36:328, where it is 38.15: “He was sent, but as man. For He was two-fold. For He bore fatigue, He was hungry, He was thirsty, He was in anguish, He wept, by the law of His body” (Bayne, p. 241n). *Toûς μὲν ... λόγῳ*. “To the Man born of Mary (we apply) speeches of humility, to the Word Who was in the beginning speeches elevated and suited to Deity” (Bayne, p. 241n). See *Dialogi tres* (1547), fols. 43r–44v; ed. Ettingler, pp. 166–169.

The Greek, which summarizes the argument of *Dialogue II*, seems to be a paraphrase of a sentence in the beginning of Gregory’s Oration 30; PG, 36:104; Bayne, p. 241n.


2:218.4–12.h *Hee which . . . together*. Hilary of Poitiers, “the Athanasius of the West” (d. 367), *De Trinitate*, bk. 9; *Lucubrations* (1523), pp. 155–156; PL, 10:283: “Mediator ipse in se ad salutem ecclesiae constitutus, et illo ipso inter deum et homines mediatoris sacramento utrumque unus existens, dum ipse ex unitis in idipsum naturis, naturae utriusque res eadem est, ita tamen ut neutro careret in utroque, ne forte deus esse homo nascendo desineret, et homo rursus deus manendo non esset. Haec itaque humanae beatitudinis fides vera est, deum et hominem praedicare, verbum et carnem confiteri.”

2:218.12–16.i *His two natures . . . God*. Cyril, epist. 45 to Nestorius, now called *Ad succensum episcopum* (PG, 77:232); trans. from Theodoret (1547), fol. 49; PG, 83:212; ed. Ettingler (1975), *Florilegium II*, p. 182.22–25: ὁ θεὸν διὸ φύσεις συνήλθον ἄλληλαις καθ’ ἐνοσίν ἀναδιαστατον ἀναγχότως καὶ ἀναίρετως [older texts read: ἀτρέπτως]. Ἡ γὰρ σάρξ σάρξ ἐστὶ καὶ οὐ θεότης, εἰ καὶ γέγονε θεὸν σάρξ,


2:219.k *Oûtûs . . . perichórrōn*. John of Damascus, *De fide orthodoxa*, 3.4; *Opera* (1559), p. 180; PG, 94:1000. “This is the mode of the communication, each nature communicating to the other its own properties, because of the sameness of the person and the immanence in each other (of the natures)” (Bayne, p. 243n).
Verum est duarum... referit. This appears to be commentary on the place just cited. It is not in the commentary following chap. 4 of the 1559 edn. (pp. 181-182). Bayne translates: "There is a sense in which the two natures of Christ impart their properties either to other,—I mean in speech, and then not in the abstract but only in the concrete, so that the qualities of Godhead are attributed not to humanity but to the Man, the qualities of manhood not to deity but to the God. The reason is that when the subject of speech is such that He contains both natures in Himself it does not matter whether He is named from one or the other" (p. 243n).

2:219.21 two speeches Cited by H in l and m, these are alleged by John of Damascus in his De fide orthdoxa, 3.3. H is relying heavily here on John’s third and fourth chaps. See Augustine, epist. 187.9.

2:220.8–9 Theodoret disputeth... suffer. See Theodoret’s criticism of Cyril’s twelve Anathematism, called Reprehensio xii. caput Cyrilli (PG, 76:449), where he writes: "Sufferings belong to one who can suffer. For he who cannot suffer is in rank above sufferings.... Therefore it was not the Christ Who suffered but the manhood assumed from us by God" (Bayne, p. 244n). See also PG, 76:436.

2:220.2 θυντήν... Apollinar. "They make the Deity of the Son, mortal" (Bayne, p. 244n). Gregory of Nyssa, Adversus Apollinaris; Opuscula (1593), p. 170; PG, 45:1272. This is the work called an epistle to Theophilus in 2:217.g; see n. Ep. ad Flavia. See Leo I, epist. 28.3, Ad Flavianum; Sermones et epistolae (1482), sig. B10'; PL, 54:763. "He took the form of a slave without the stain of sin, increasing the human, but not diminishing the divine" (Bayne, p. 244n). Cited also at 2:218.j.

2:220.11–13 Cyrill on the other side... faith. The reference is to Cyril, epist. 17, Cum Salvator, addressed to Nestorius with twelve anathemas attached (see n above), the last insisting that the Word really suffered, was crucified, and died. For the anathemas see PG, 76:449.

2:221.0 Nativitas Dei... subsistit. Hilary of Poitiers, De Trinitate, bk. 5; Lucubrations (1523), p. 80; PL, 10:155, § 37. "The generation of God must contain that nature from which it came. For that cannot be other than God which is no otherwhence than God of God" (Bayne, p. 245n). Cum sit gloria... habet. Rufinus, Commentarius in Symbolum Apostolorum, in Cyprian, Opera (1521) p. 366; PL, 21:346, as chap. 6. "While (the Son) is in glory, eternity, virtue, dominion, and power what the Father is, He nevertheless has all these things not without begetter, as the Father, but from the Father, as the Son without beginning, Who is equal to the Father" (Bayne, p. 245n). Filium aliunde... potestatem. Tertullian, Adversus Praxeân, chap. 4.1; Opera (1566), 1:674; CCSL, 2:1162. "I derive the Son from no other source but from the substance of the Father... having received all power from the Father" (Bayne, pp. 245–246n).
2:221. *pater* . . . esse. “Whatever in any way gives being to something else.” See Vulgate of Eph. 3:15: “Ex quo omnis paternitas in coelis et in terris nominatur.” See also Tertullian, *Adversus Praxeum*, chap. 8; *Opera* (1566), 1:679: “Every origin is a parent and everything which proceeds from an origin is an offshoot; more especially the Word of God Who even as His proper title has received the name of Son” (Bayne, p. 246n). The text is used similarly by Dionysius the Areopagite, *De divinis nominibus*, 2.8; see 2:150. *r. n*, above.

2:221.5–6 father . . . not Chapter 1 of *A.C.L.* attacks H at this point; see 4:9–10.

2:221. *q* Pater luminum . . . δηλοντι. “Father of lights, that is of the Son and of the Spirit.” The Greek is from the paraphrase made by George Pachymeres (1242–1310), Greek priest and politician, of De coelesti hierarchia, by Dionysius the Areopagite, whom H cites; *Paraphrasis in omnia Dionysii Areopagita* . . . *opera* (1561), p. 2; PG, 3:129; it begins by quoting James 1:17. *Pater est principium . . . procedit*. “The Father is the beginning of all Deity because He is from none. He has none from whom He proceeds, but from Him the Son is begotten and the Spirit proceeds” (Bayne, p. 246n). See Augustine, *De Trinitate*, 4.20; *Opera* (1555), 3:71”; PL, 42:908. H is summarizing, not quoting. *Hinc Christus . . . θεότης* “Hence Christ instead of ‘the Deity’ everywhere uses the name of ‘the Father,’ because the Father is ‘God the Source’” (Bayne, p. 246n). The Greek is from the paraphrase by Pachymeres of Dionysius the Areopagite, *De divinis nominibus*, 2.7 (*Paraphrasis*, p. 227), where the phrase is explained from James 1:17. See Dionysius the Areopagite, *Opera* (1562), pp. 267–268; PG, 3:645.

2:221. *r* Pater tota substantia est . . . propagatio. Tertullian, *Opera* (1566), 1:680; CCSL, 2:1168; *Adversus Praxeum*, chap. 9.2: “The Father is entire substance, but the Son the derivation from and begetting of entire substance.” This statement has been used to prove Tertullian guilty of heretical subordination of Son to Father, but in fact he was teaching that Father and Son are of the same substance. In this 1566 and in modern edns. “portio” (“dividing”) is used for “propagatio” (“begetting”).

2:221. *s* Quod enim Deus . . . est. Hilary of Poitiers, *De Trinitate*, 5.39; *Lucubrationes* (1523), p. 80; PL, 10:156. “For while He is God, He is of (i.e. out of) God.” *Nihil nisi . . . filius*. Ibid., 4.10; (1523), p. 48; PL, 10:103. “For the Son has nothing which is not begotten” (Bayne, p. 246n).


2:221. *u* Nihil in se . . . generans. Hilary of Poitiers, *De synodis adversus Arianos*, § 22; *Lucubrationes* (1523), p. 296; PL, 10:497, where it is “Neque rursum dissimilis esse possit natus et generans”; “For the begotten and the begetter have in them-
Book V, Chapter 54.2–54.4

selves nothing diverse or dissimilar" (Bayne, p. 246–247n). This work was intended to unite all anti-Arians. In trinitate ... aliud. Vincent (d. before 451), presbyter of a monastery in Lérins, Gaul, Pro catholicæ fidei antiquitate et veritate (1591; STC 24750), p. 40; PL, 50:655, as chap. 13. “In the Trinity one person and another person, not one thing and another thing.” Vincent goes on: “In the Savior one thing and another thing, not one person and another person.” Vincent was the author of a three-fold text of Catholicity: quod ubique, quod semper, quod ab omnibus credidit est (“What has been believed everywhere, always, and by all”); “by this triple text of oecumenicity, antiquity, and consent, the Church is to differentiate between true and false traditions” (ODCC).

2:221.v Ubi author ... est. Hilary of Poitiers, De Trinititate, 12.21; Lucubrationes (1523), p. 248; CCSL, 62a:595; “Where the begetter is eternal, there is also an eternity of begetter; for as the begetter is from a begetter, so from an eternal begetter there is an eternal begetter” (Bayne, p. 247n). Sicut naturam ... processio. H summarizes Augustine’s De Trinitate, 5.15.

2:222.v "Osa legi ... theotita. See Theodoret, Dialogi tres (1547), fol. 41” (H: fol. 42); PG, 83:181; ed. Ettlinger, Florilegium II, p. 161.9–11; Theodoret is here quoting Athanasius, De incarnatione verbi et contra Arianos, § 4 (PG, 26:989). “When Scripture says such things as, The Son received, The Son was glorified, it says them of His manhood, not of His Godhead” (Bayne, p. 247n). H then cites the following quotation ("ibid. 44."); in Theodoret from Gregory of Nazianzus, Oratio 30 [H has “orat. 2”], Περί Υφόν λόγου β': ‘Ως μὲν γὰρ λόγος, οὔτε ύπήκοος ἢν, οὔτ’ ἀνήκοος· τὸν γὰρ ὑπὸ χείρα ταῦτα, καὶ τῶν δευτέρων· τὸ μὲν τῶν εὐγνωμονεστέρων, τὸ δὲ τῶν ἀξίων κρίσεως· ‘Ως δὲ δοῦλον μορφή, συγκαταβαίνει τοῖς ὁμοούσοις καὶ μορφοῦται τὸ ἀλλότριον, δὸν ἐν ἑαυτῷ φέρων ἐμὲ μετὰ τῶν ἐμῶν, ἵνα ἐν ἑαυτῷ διαπανθήσῃ τὸ χείρον, ὡς κηρὸν πῦρ, ἢ ὡς ἀτμίδα γῆς ἥλιος. Ed. Ettlinger, p. 167.16–22; see 2:217.f.n, above.

2:222.b Hic est verus ... æterna. “This is very God and life eternal.”

2:222.d ὁσκέρ ... ἀναλλοίωτον. Theodoret (1547), fol. 3'; PG, 83:36; ed. Ettlinger, Dialogue I, p. 66.9–11; “As mortality is common to man, so immutability and unchangeableness are common to the holy Trinity.” Periculum ... nullum est. Tertullian, De carne Christi, chap. 3 (4); Opera (1566), 1:39; PL, 2:757; CCSL, 2:876. “God is in no danger of losing His own status.” Majestati ... abstulit. Leo I, De nativitate Domini. Sermo septimus [H has “ser. 8”]; in Sermones et epistolae (1482), sig. D2'; PL, 54:217, as Serm. 27.2. “The bodily birth added nothing to and took nothing from the majesty of the Son of God.”Mévei ... ὑπαρχὼν. Theophilus, patriarch of Alexandria (385–412), Epistula paschalis xvii (Latin trans. in Jerome, Epistula 98, CSEL, 55:200–201), as quoted by Theodoret (1547), fol. 45'; PG, 83:197; ed. Ettlinger, Florilegium II, p. 171.27–28. “He remains God as He was from the beginning; He remains God retaining in
Himself our substance." *In formam . . . Dei.* Hilary of Poitiers, *De Trinitate*, 12.6; *Lociabrationes* (1523), p. 243, where it is: " . . . sit naturam dei perdidisse"; PL, 10:457. "To have migrated into the form of a servant is not to have lost the nature of God" (see Bayne, p. 248n).

2:223.29 copulation with deitie. See Origen, *Contra Celsum*, 3:41; *Opera* (1536), 2:625. "He Whom we think and believe to have been from the beginning God and the Son of God is the very Logos and the very Wisdom and the very Truth; and with respect to His mortal body and the human soul which it contained, we assert that not by their communion (κοινωνια) with Him, but by their unity and intermixture (ἐνώσει καὶ ἀνακράσει) they received the highest powers, and after participating in His divinity, were changed into God (εἰς Θεόν μεταβεβληκέναι. In Philoc. μεταβεβληκέναι)"; Bayne, p. 249n, from Keble.

2:224.e Metexei . . . ἐνεργείαις. Theodoret (1547), fol. 50'; PG, 83:216; ed. Ettlinger, *Florilegium II*, p. 185.11; "The human (nature) has a share in the divine activity." Bayne remarks: "Quoted from Apollinarius among passages which prove that he who first confused the natures, himself clearly distinguished them" (p. 250n).


2:224.22–24 Surely . . . fire; H here uses the argument of Theodoret (1547), fol. 35'; PG, 83:155; ed. Ettlinger, *Dialogue II*, pp. 144.30–145.14, which in turn is based on the words of Apollinarius quoted at the end of the dialogue: "If the mixture of fire and iron, which makes the iron fire, so that it burns as fire does, does not change the iron's nature; neither does the union of God with the body change the nature of the body, even if the body—for those who can attain to it—obtain divine powers" (Bayne, p. 250n; compare Ettlinger, p. 185.1–9).

2:225.h ἡσυχαζοντις . . . ἀναλαμβάνεσθαι. Irenaeus, *Adversus omnes haereses*, 3.19.3, quoted by Theodoret (1547), fol. 69'; PG, 83:284; ed. Ettlinger, *Florilegium III*, p. 230.12–14. "For the Word was quiescent when He was tempted, when He was crucified, when He was dying, but was in union with man when He was conquering, when He was enduring, when He was being kind, when He was rising from the dead, when He was being taken up" (Bayne, p. 250n).

2:226.n Joh. 20:27. See Theodoret (1547), fol. 36'; PG, 83:161; ed. Ettlinger,

2:226.ο Μετὰ τὴν αἰώνατον ... κεριγματίν. Theodoret (1547), fol. 80\(^{v}\); PG, 83:328; ed. Etlinger, p. 260.12–14; in the Demonstrations per syllogismos following the dialogues. “After the resurrection it is immortal and incorruptible and full of divine glory, but a body none the less, retaining its own form” (Bayne, p. 252n).

2:228.q Ideo Deus ubique ... adest. Augustine, epist. 57, Ad Dardanum; Opera (1556), 2:275; PL, 33:838, as epist. 187.5.17. “God is therefore said to be everywhere because He is absent from no part of the universe; He is therefore said to be everywhere in His entirety because He does not afford to one part of the universe one part of His presence and to another another part. ... For not only to the created universe but even to every part of it He is equally present in His entirety” (Bayne, p. 254n).

2:229.r Quod ad verbum ... est. Augustine, epist. 57, Ad Dardanum, Opera (1555), 2:56\(^{v}\); PL, 33:835, as epist. 187.3.8. See Jewel, A Replie unto M. Hardinges Answere (1565; STC 14606), p. 350; Works (PS), 1:482. Deus qui semper ... creatura. “God Who is for ever and was for ever becomes a creature.” A paraphrase of sentences recurring in Leo I’s Sermones in nativitate, nos. 21–30; PL, 54:190–234; probably derived from a secondary source. Multi timore ... creaturam. From Jerome’s comments on Eph. 2:10; Opera (1516), 9:105\(^{v}\); PL, 26:467: “Many are fearful lest they be compelled to call Christ a creature: we proclaim that there is no danger in calling Christ a creature”; H omits: “seeing that with the whole faith our hope inspires we profess Him a worm, a man, a crucified one, a curse” (see Bayne, p. 255n).

2:231.1–5.s How is it true ... veines? “Natus est dei filius; non pudendum est. Et mortuus est dei filius; prorsus credibile est, quia ineptum est. Et sepultus resurrexit; certum est, quia impossible est. Sed haec quomodo in illo vera erunt, si ipsa non fuit verus, si non vere habuit in se quod figeretur, quod moreretur, quod sepeliretur et resuscitaretur: carmem scilicet, hanc sanguine suffusam, ossibus sub structum, nervis intextam, venis implexam? Quae nasci et mori novit.” Tertullian, De carne Christi, chap. 5.4–5; Opera (1566), 1:42; CCSL, 2:881; PL, 2:761. Arguing against the doceticism of Marcion (the heresy that Christ had no human body but only appeared to have died on the cross), Tertullian asked, in the section preceding H’s quotation, “Quid destruis necessarium dedecus fidei?” “Why dost thou destroy the indispensable dishonor of our faith?” “Natus” is “Crucifixus” in CCSL and some other eds.

2:231.8–16.t Make thou no doubt ... man. “Noli itaque dubitare ibi nunc esse hominem Christus Iesum, unde venturus est, memoriterque recole et fideliter tene Christianam confessionem, quoniam resurrexit a mortuis, ascendit in coelum, sedet
ad dexteram patris, nec aliunde quam inde venturus est ad vivos mortuosque iudicandos. Et sic venturus est illa angelica voce testante, quemadmodum ire visus est in coelum, id est in eadem carnis forma atque substantia, cui profecto immorta-
litatem dedit, naturam non abstulit. Secundum hanc formam non est putandus
ubique diffusus. Cavendum est enim, ne ita divinitatem adstruamus hominis, ut
veritatem corporis auferamus." Augustine, epist. 57, Ad Dardanum; Opera (1555),
2:56' PL, 33:838, epist. 187.3. And see De nativitate Domini, in Leo I, Sermones et
epistolae (1482), sigs. D3'–5', cited by Bayne, p. 255n.

"What means that, When He shall have delivered up the kingdom to God, even
the Father? As if God and the Father had not now the kingdom! But because He
will lead all the just, in whom now the Man Christ Jesus, Mediator of God and
Men, reigns by faith, to the sight which the same apostle calls the vision 'face to
face,' therefore it is said, When He shall have delivered up the kingdom to God
even the Father, as if to give the meaning, When He shall have brought believers
through to the contemplation of God even the Father" (Bayne, p. 259n).

2:234.26–27 The union or mutuall participation . . . worlde. On this key chapter,
see Intro. to Book V, pp. 197–199, above, and John E. Booty, "Richard Hooker,"

2:234.33–235.3 two principles, . . . beinge. H here treats what he has dealt with
at some length in 1.5.2, relying on Aristotle, who affirmed that the human soul by
means of reproduction is able to "partake in the eternal and divine. That is the
goal towards which all things strive" (De anima, 2.4; 415'). Compare Gregory of
Nyssa, Contra Eunomium, bk. 1 (PG, 45:274). But Aquinas seems to have been
most important in the transmission of the idea to H. Concerning the first principle,
see S.T. 1a.4.3; (1588), 1:18'; for the second, see 1a.33.2; (1588), 1:122'. And see
1a.6.1, 2; (1588), 1:21": "All things, by desiring their own perfection, desire God
Himself, inasmuch as the perfections of all things are so many simulitudes of the
divine being. . . And so of those beings which desire God, some know Him as He
is in Himself, and this is proper to a rational creature; others know some participa-
tion (participaciones) of His goodness, and this belongs also to sensible knowledge,
as being directed to their end by a higher knowledge" (B, 2:85). H himself
considers divine causation in Pride (5:341.3–6).

2:235.1 Ecce dico . . . distinctione. Tertullian, Adversus Praxeum, 9.1; Opera (1566),
1:679; CCSL, 2:1168; PL, 2:164. "I say that the Father is one and the Son
another; . . . another not by division but by distinction." Nec in numerum . . .
separatur. Rufinus, Commentarius in Symbolum Apostolorum, chap. 6; in Cyprian,
Opera (1521), p. 366; PL, 21:346. "Nor does an incorporeal begetting result in a
plurality of essences, nor can there be division when what is begotten is in no way
separated from the begetter" (see Bayne, p. 261n).

2:237.15–18 All . . . effect. See Aquinas, S.T., 1a.27.1; (1588), 1:105'. "God,
Who is the first principle of all things, may be compared to created things as the artisan is to the works of his art” (compare B, 6:7).

2:239.7 in whome Superscript s should precede “he which.”

2:240.28. e germanissimam societatem, Quoted from De caena Domini, attributed to Cyprian in H’s time, but actually by Arnold, abbot of Bonneval (fl. 1144?), and a part his De cardinalibus operibus Christi, chap. 6; see Cyprian, Opera (1593), p. 49; PL, 189:1644; and Intro. to Book V, p. 217, above. “That bread which the Lord offered to the disciples, changed not in outward appearance but in nature, was made flesh by the omnipotence of the Word; and as in the person of Christ the manhood was plain while the Godhead was latent; so the divine essence infused itself in the visible sacrament, that loving worship might in our religion attach itself to the Sacraments, and a purer access might lie open to the verity of Him Whose body and blood the sacraments are, reaching even to a participation of Spirit; so that this union should attain not consubstantiality with Christ but the truest and most intimate communion” (Bayne, pp. 267–268n).

2:240.d Cyril. in Joh. 1.10. . . . cap.13. See Cyril, In Evangelium Ioannis (1520), fol. 210”; PG, 74:344, chap. 2: “Our adversary in his wickedness disdains the admission that Christ was the Vine in a corporeal sense also, as conferring His own life on the branches” (Bayne, p. 268n).

2:241.e Nostra quippe . . . voluntates. De caena Domini, chap. 6; Cyprian, Opera (1593), p. 501, where the quotation begins, “nostra vero et ipsius”; PL, 189:1644. “But the conjunction of us and Him neither mixes the persons nor unites the substances, but it allies affections and confederates wills” (Bayne, p. 268n).

2:241.f Quomodo . . . alitut? Irenaeus, Adversus haereses, 4.18.5; Opera (1528), p. 237, where the quotation begins “Quomodo autem rursus dicunt”; PG, 7:1027: “And how say they that the flesh passes into corruption and partakes not of life which is nourished by the Body and Blood of the Lord?” Cited again in 2:358.z.

2:241.g Unde considerandum . . . ipso. “For here it is especially to be observed that Christ saith that He shall be in us, not by a certain relation only, as entertained through the affections, but also by a natural participation. For as, if one entwineth wax with other wax and melteth them by the fire there resulteth of both one, so through the participation of the Body of Christ and His precious Blood. He in us and we again in Him, are co-united” (Bayne, pp. 268–269n). See Cyril, In Evangelium Ioannis (1520), fol. 210”; PG, 74:341.

2:242.h Ecclesia . . . καθομένου. See Eph. 1:22–23. “And [God] hathe made all things subject under his fete [Christ’s], and hathe appointed him over all things to be the head of the Church, Which is his bodie, even the fulnes of him that filleth all in all things” (GB, which glosses “fulnes”: “the great love of Christ toward his Church that he counteth not him self perfect without us which are his members”). The Latin is not from the Vulgate.
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2:242.16–17.i Whence is it ... others? Augustine, epist. 57, Ad Dardanum; Opera (1555), 2:57; PL, 33:838, epist. 187.5: "unde in omnibus sanctis sunt alii alii sanctiores, nisi abundantius habendo habitatorem deum?"

2:244.28–31 It greatlie offendeth, ... hearinge. Puritans did not limit sacraments to their teaching function. The Waldegrave Prayer Book (see 2:71.z.n, above) viewed the sacraments as marks of the true church, "which Sacraments Christ hath left unto us, as holy signs and seals of God's promises to him" (Hall, Fragmenta liturgica, 1:11); see Calvin, Inst., 4.14.5–6, and Davies, W.E.P., chap. 12. Thomas Sampson explained in 1583: "With which outwarde signes Godd doth effectually worke by the power of his holy spirit, in the hartes of the elect, as he doeth with his worke also, the partakinge of the grace signified by them, and promised in the Worde. So that they be neither bare signes, neither do they signifie in vaine. For with the outwarde signes Godd giveth unto us the inwarde partakinge, and enjoyinge of that grace in very truth which is presented, and pledged to us by them"; Bodleian Library, MS Eng. Th. e. 44, pp. 21–22. That they did not go as far as H in stressing the grace of the sacraments is indicated by the reaction of A.C.L. (see next n). Indeed, the difference between Puritans and others such as H was a matter of emphasis, Anglicans stressing the practical efficacy of the sacraments in a way and to a degree the Puritans did not. "For Anglicans, sacraments were a conspicuously effective means of grace, whereas Puritans (true to their view of man) stressed prevenient grace, and so mitigated the impact of the grace that came by way of the sacraments"; John F. H. New, Anglican and Puritan (Stanford: Stanford University Press, 1964), p. 64.

2:245.31–246.2 But their chiefest force ... grace. A.C.L. took exception to this (4:39.10–14); for H's response see 4:39.25–34 and the fragment, "Grace and Sacraments" (4:115–121). The author(s) rightly identified this as a key statement, regarding the sacraments not as "means conditionall" or as "necessarie as faith" (citing chap. 60.4), but as "seales of assurance, by which the spirit worketh invisible to strengthen our faith."

2:247.3–5 Salomons wisdom ... all. H here quotes Wisd. of Sol. 16:7 from GB, which glosses "the brasen serpent" as "a signe of salvacion" (v. 6).

2:247.11 Spiritus sancti ... mysterii. Commenting on Luke 3:16 (Expositio Evangelii secundum Lucam), Ambrose said: "The office of God is to fill with the grace of the mystery of the Holy Spirit" (Baye, p. 275n); Opera (1567), 5:31; PL, 15:1581, as 2.79. Sanctificatis ... operatur. Cited from De unctione chrismatis et alliis sacramentis, chap. 8, of Arnold of Bonneval's De cardinalibus operibus Christi, formerly attributed to Cyprian (see 2:240.23.n); in Cyprian, Opera (1593), p. 516; PL, 189: 1654. "Their own nature does not give to the sanctified elements their efficacy, but (through them) the divine power works more potently." Chrism is a mixture of olive oil and balsam used in the rites of the Greek and Latin Churches.

2:247.17 Dum homini ... medicine. Hugh of St.-Victor, De sacramentis, 1.9.2;
(1503), sig. B2'; PL, 176:320. "While an invisible good is given back to man, outwardly by visible means a signification of the same is afforded him, that he may be outwardly aroused and inwardly healed... In the very nature of the vessel the virtue of the medicine it contains is expressed." *Si ergo vasa sunt... medicina.* Ibid., 1.9.3; (1503), sig. B4'; PL, 176:323. "If therefore the sacraments are vessels of spiritual grace, they do not heal of their own operation, because the vessels do not heal the sick man, but the medicine in them" (Bayne, pp. 275–276n).

2:248.15 *The substance of baptism*; H’s attention is now fixed on the Puritan argument against baptism by women and thus on the necessity of baptism (see 2:251.5–252.26.n, below). He considers the necessity of a sacrament in relation to its substance, as distinguished from its nonessentials. That substance consists of grace, element, and word; all else is left to “the wisdome of the Church... to order accordinge to the exigence of that which is principall.” Baptismal grace is primary but is conveyed through the use of water (element) and the baptismal formula (word). These are the bare essentials of the sacrament in the BCP rite of Private Baptism (1559, p. 277).

2:249.w *Eucharistia... celesti.* Irenaeus, *Adversus omnes haereses*, 4.34; Opera (1528), p. 237; PG, 7:1029, as chap. 18.5. “The Eucharist consists of two things, earthly and heavenly”; see Bayne, p. 277n, for the Greek, preserved in the *Parallelia* of John of Damascus. *Arcanarum... constant*. First Helvetic Confession (1536), Art. 20; *Harmonia* (1581), p. 74. “These being tokens of secret thinges, doe not consist of bare signs, but of signes and thinges also”; *Harmony* (1586), p. 382.

2:249.x *Sacramentum est cum res... operatur.* “A sacrament is when a visible thing done works inwardly something quite different which is invisible.” *Sacramentum est per quod... operatur.* “A sacrament is that by which under cover of visible things divine power secretly works salvation.” Bayne suggests (p. 277n), as source of both, Isidore of Seville; *Originum libri viginti* (1577), col. 143; PL, 82:255. “Sacramentum est in aliqua celebratione: cum res gesta ita fit, ut aliq[uid significare intelligatur, quod sancte accipienda est. Sunt autem sacramenta, baptismus et chrisma: corpus et sanguis Christi: quae ob id sacramenta dicuntur: quia sub tegumento corporalium rerum, virtus divina secretius salutem eorundem sacramentorum operatur.” See also Augustine, epist. 55; PL, 33:205. Isidore’s *Etymologiae* is an encyclopaedia of the knowledge of his time (late 6C, early 7C). *Sacramentum... gratuitum.* “A sacrament is a sign efficaciously signifying a free operation of God.” William of Ockham (1300–1349?), quoted by Gabriel Biel (d. 1495), prominent theologian of Tübingen, in his lectures on Peter Lombard’s *Sentences*, 1.1.C; Biel, In iv. *libros Sententiarum* (1512), sig. A3r. *Sacramentum proprie... homines.* “A sacrament properly speaking is not a sign of any sacred thing at all, but only a sacred thing conveying grace to men”; from the index to Aquinas, S.T. (1588), [5]:sig. P3°, which also contains H’s references to 2ae.101.4 and 102.5; (1588), 2:223° and 227°. The language is derived from S.T., 3a.60.2, conclusio; (1588), 3:186°; compare B, 29:124–129, 178–211, 56:6–729
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2:250.7–14 sacraments are actions . . . God. A Christian Letter attacked this statement concerning intent (see 4:41.5–42.26). H’s point here is that the three essential parts of a sacrament (grace, elements, words) do not stand alone but require the serious intent of the celebrant in the performance of the act. As no one can be certain as to the intent of the individual celebrant, people must depend on the publicly advertised intent of the church. See also chap. 62.12, 15.

2:250.z Si aliud ministri . . . potest. J. P. Lancelotti (1511–1591), professor of canon law, Institutiones juris canonici, 2.2.5; (1578), p. 238. “If the ministers have another intention, such as to mock the sacred mysteries, or something else which the Church does not agree to, their act is a nullity. For spiritual power may be exercised without faith, but not without the intention of the Church” (Bayne, p. 279n).

2:250.a Accessorium . . . regulatur. Bayne (p. 280n) notes that this is not a quotation, but the substance of two rules, one from the canon and the other from the civil law. The first is from the tract De regulis juris in the Liber sextus decretalium of Boniface VIII, 5.12.42: “Accessorium naturam sequi congruit principalis”; C.J.Can. (Venice, 1584), 3:824–825; Friedberg, 2:1123. The other is from Justinian, Digesta, 50.17.178: “Cum principalis causa non consistat: plerumque ne ea quidem quae sequuntur, locum habent”; (1590), col. 2051; Mommsen-Krueger (1963), p. 925; Scott, 11:315. The rule Quod iussu (Digesta, 50.17.180) is less relevant: “Quod iussu alterius solvitur: pro eo quasi ipsi solutum esset”; (1590), col. 2052; Mommsen-Krueger (1963), p. 925; Scott, 11:315.

2:250.b Etsi nihil facile . . . est. Justinian, Digesta, 50.17.183; (1590), col. 2052; Mommsen-Krueger (1963), p. 925; Scott, 11:316. “Although no change is lightly to be made in the administration of ritual solemnities, yet when plain equity demands it there may be a relaxation” (Bayne, p. 280n).

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2:251.5—252.26  *The ground in Scripture... Christ?* The *Admonition* objected to private baptism by midwives and deacons (*P.M.*, p. 14), deemed necessary for an infant who might not survive to be baptized in church—traditionally three days after birth. Whitgift defended the practice; *Defense*, pp. 503–511 (PS, 2:495–507, 519–520). Cartwright replied, citing the misinterpretation of John 3:5 as referring literally to baptism, as the basis for allowing such baptism. Whitgift believed that the passage did refer to baptism, on the grounds that “water in that place” was “material and elemental water” (whereas the GB glossed it as “the spiritual water where the holy Gost doeth washe us into newnes of life”), but backed away from further discussion, saying that since both Cartwright and himself disliked “the opinion of those that thinke infants to be condemned, which are not baptized, therefore I will not contend with you”; *Defense*, p. 516 (PS, 2:522). A.C.L. ignored the question of John 3:5 entirely (4:43–45), but Covel defended a literal interpretation of it; *Just and Temperate Defence* (1603; STC 5881), p. 110. Although H had the reluctant support of Whitgift, the more enthusiastic support of Covel, and could have cited Jewel (*Certaine Sermons* [1583], sig. R5")", most Anglicans rejected the medieval view of the absolute necessity of baptism based on a literal reading of John 3:5; see G. W. Bromiley, *Baptism and the Anglican Reformers* (1953), pp. 58–59. H was out of step with his colleagues on this matter but refrained from the full consequences of the medieval doctrine: condemning the unbaptized. Thus John 3:5 constituted for H “a definite barrier to the laxity which Puritanism would inevitably encourage” (Bromiley, p. 63). Concerning modern opinion on John 3:5, see Raymond Brown, ed., *Anchor Bible: The Gospel According to John* (New York: Doubleday, 1966), 1:141–144; and see 2:253.15.n, below.


2:252.6  *Minime sunt ... habuerint.* Justinian, *Digesta*, 1.3[not 2].23; (1590), col. 11; Mommsen-Krueger (1963), p. 34; Scott, 2:224. “Least of all may those things be changed which have had always a fixed interpretation” (Bayne, p. 282n).

2:253.5–6  *this theire later baptisme ... fyer.* See Calvin, *Inst.*, 4.16.25, whose views lie behind Cartwright’s, on Acts 2:3: “Therefore, just as to baptize by the Holy Spirit and by fire is to confer the Holy Spirit, who in regeneration has the function and nature of fire, so to be reborn of water and the Spirit is but to receive that power of the Spirit, which does in the soul what water does in the body” (LCC, 2:1348).

2:253.15  *privat baptisme* The first rubric of BCP’s “The Ministration of Bap-
tism” emphasizes that the office must be performed at church when the congregation is gathered, but ends: “Nevertheless (if necessity so require) children may at all times be baptized at home” (1559, p. 269). For this purpose a special rite was provided, called “Of Them That be Baptized in Private Houses, in Time of Necessity” (pp. 277–281). The Interpretation of the Bishops (1560/1) reads: “Itm. private Baptisme in necessity (as in perill of death) to be ministred either by the Curate, deacon or Reader, or some other grave and sober parson [person] if the tyme will suffer”; Corpus Christi College, Cambridge, MS 106 (141), p. 424. The BCP did not directly countenance baptism by midwives but, as King James said at Hampton Court (1604), its words “could not but intend a permission, and suffering of women and private persons to baptize” (Cardwell, History of Conferences, p. 174). And yet the king and many of his bishops were opposed to granting such permission (pp. 155–157, 172, 174–176). See 2:268.16–17.n and 269.1–2.n, below.

2:254.4–18 The true . . . water? H presents three propositions in defense of the necessity of baptism: (1) causes and means toward the good are considered necessary; (2) the Holy Spirit, instrumental in regeneration, is necessary; (3) water as the outward means toward regeneration is necessary: and therefore baptism is necessary, and the church’s teaching concerning John 3:5 is justified.

2:254.f Αὐτῷ καὶ . . . adsit. Aristotle, Meta., 5.5 (1015*); Opera (1550), 1:356. “That is called necessary without which as an accompanying cause it is not possible to live . . . and those things are necessary without which anything cannot be good or cannot be produced, or without which some evil cannot be averted or prevented.” The Latin paraphrase is from Peter de Fonseca’s Commentary on the Metaphysics (Rome, 1577). See Aquinas, S.T., 3a.68.2; (1588), 3:216.

2:254.10–11.g impossible savinge only . . . above? H agrees with BB, which has “born from above,” while GB has “born again” for John 3:3.

2:254.20 bath of regeneration? H’s translation of διὰ οὐτρόδο παλιγγενεσίας in Tit. 3:5.

2:255.1 Fideles salutem . . . tribuitur. Hugh of St.-Victor, De sacramentis, 1.9.3; (1503), sig B2”; PL, 176:320. “The faithful do not seek salvation from them although they seek it in them. . . . For they (the sacraments) do not give what is given through them.” H is emphasizing the instrumentality of the sacraments.

2:255.6–13 baptisme is a sacrament . . . life. H here sets forth the main points of his theology of baptism: 1. The sacrament was instituted by God in the church not as the source of grace but as the instrument or means of grace. 2. It incorporates those baptized into Christ (to be made partakers of Christ) and therefore members of His body, the church (see 2:256.23–24). 3. Through this sacrament the baptized are cleansed of their sin and guilt by the imputation of grace (the merits of Christ). 4. They are also infused with grace (given by “divine vertue of
the holi Ghost"), which moves the baptized to act in consonance with their new state (newness of life). H emphasizes this last (see 256.23–26); his statement accords with the BCP (1559, p. 275). See also 267.18–32, where H writes of baptism as the sacrament of mercy.

2:255.\textit{m} \textit{Susceptus a Christo . . . crucifixi.} Leo I, \textit{De passione et resurrectione Domini eiusdem sermo.} xiii, chap. 6; \textit{Sermones et epistolae} (1482), sig. K5; PL, 54:357. “Taken up by Christ and taking up Christ, he is not the same after the washing that he was before baptism, but the body of the regenerated becomes the flesh of the Crucified” (Bayne, pp. 284–285n).

2:255.\textit{n} \textit{Caro abluitur . . . emaculetur.} Tertullian, \textit{De resurrectione mortuorum}, chap. 8; \textit{Opera} (1566), 1:86; CCSL, 1:931. “The flesh is washed that the soul may be spotless.” \textit{Homo per aquam . . . mutatur.} See Eusebius Gallicanus (Pseudo-bishop of Emesa), Homily 3, \textit{De Epiphania; Homiliae ad populum} (1547), fols. 12\textsuperscript{v}–13\textsuperscript{i}, where we find “intus tunc alter efficitur,” “in melioribus,” and “persona non contingitur.” The quotation as H gives it may be translated: “Man, through the water of baptism, appearing outwardly the same, is inwardly made another; born with sin he is born again without sin; he dies to the past, the present result is his gain; he puts off the worse, the better is renewed in him; his person is dipp’d and his nature is changed.” H believed these homilies were not written by the Eusebius, bishop of Emesa (d. 359?), but by Salvian, the SC presbyter of Marselles; see \textit{Laws}, VI.4.6; 3:26.10–15 and n, below. \textit{Τρισσήν . . . ἐξούσα.} Gregory of Nazianzus, Orat. 40.2, 7, \textit{Εἰς τὸ ἄγιον Βάπτισμα; Opera} (1550), pp. 238–239; PG, 36:360, 368. “Scripture makes known to us a threefold birth; the bodily birth, the birth of baptism, and the resurrection birth. . . . This is the grace and power of baptism, bringing with it, not as once the drowning of the world, but the cleansing of the sin of each of us” (Bayne, p. 285n).

2:255.\textit{o} \textit{Undae genitalis . . . infundit.} Cyprian, \textit{Liber de gratia}, chap. 3; \textit{Opera} (1593), p. 2, as epist. 2.2, \textit{Ad Donatum de gratia Dei}; PL, 4:200. “The stain of former years being washed away by help of the life-giving water, the light from above pours itself into my cleansed and purified breast.” Baptism for Cyprian is second birth. \textit{Οὐ μόνον . . . χαριτεται.} Theodoret, \textit{Haereticarum fabularum compendium}, bk. 5; in \textit{Dialogi tres} (1547), fol. 130\textsuperscript{v}; PG, 83:512, chap. 18. “For not only does baptism give remission of our former sins, but it begets in us a hope of the gracious promises, and makes us sharers of the Lord’s death and resurrection, and grants us participation in the gift of the Holy Spirit.” See also Epiphanius, \textit{Contra octoginta haereses} (1566), p. 520. Epiphanius (315?–403) was bishop of Salamis; his \textit{Refutation of all the Heresies} described and attacked every heresy known to him from the beginning of the church. \textit{Baptisari est purgari . . . innocentem.} \textit{Harmonia} (1581), p. 89. “To be baptized is to be purged from the filthiness of sins and to be induced with the manifold grace of God, for to lead a new and innocent life” (Bayne, p. 285n); see \textit{Harmony} (1586), p. 396.
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2:256.1 *Ἀρχή...βάπτισμα.* Basil, *De Spiritu Sancto*, chap. 10; *Opera* (1551), p. 256; PG, 32:113. “Baptism is to me the beginning of life.” The sentence continues: “and the day of regeneration, the first of days” (Bayne, p. 286n).

2:256.16–26 *Predestination bringeth...it.* See *A.C.L.*, p. 16 (4:43.24–44.1).

2:256.u *He which is not...received.* Cartwright is here relying on Calvin (*Inst.*, 4.15.22), who argues that the lack of baptism does not bar children from the Kingdom of Heaven and that baptism is a seal, confirming God’s promise in the Covenant: “Accordingly, if, when the sign is omitted, this is neither from sloth nor contempt nor negligence, we are safe from all danger” (LCC, 2:1323).

2:256.26–257.4 *There were of the olde...only.* After describing the ceremonies and formulae used by the Valentinian Gnostics in baptism, Irenaeus, *Adversus omnes haereses*, 1.18, writes: “But others, rejecting all this, affirm that it becomes not the mystery of infallible and invisible power to be wrought by visible and corruptible creatures, nor that of things inconceivable and incorporeal by sensible and bodily things. But the mere knowledge of the ineffable greatness,—that is perfect redemption. For since defect and passion came from ignorance, by knowledge the whole state of ignorance falls to pieces. Knowledge therefore is the redemption of the inward man” (Bayne, p. 287n); *Opera* (1528), p. 40; PG, 7:665, as chap. 21. Valentinus (2C) was the most influential of the Gnostics.

2:257.w *Hic scelestissimi...est.* Tertullian, *De baptismo*, chap. 13; *Opera* (1566), 2:413; CCSL, 1:288. “Here those profane wretches raise cavils. Baptism, they say, is not necessary for those to whom faith is enough.” They (certain Gnostics) cite the case of Abraham. *Hic nulla proderit...sacramentum.* Bernard of Clairvaux, epist. 70, *Ad Hugonem*; *Opera* (1552), col. 1247; PL, 182:1037. “Faith shall profit him nothing who does not receive the sacrament when he might” (see Bayne, p. 287n). In 1552 it is epist. 77.

2:257.a *Institutio sacramentorum...pervenire.* Hugo of St.-Victor, *De sacramentis*, 1.9.4; (1503), sig. B4'; PL, 176:323. “The institution of the sacraments as regards God their author is within His dispensation, but as regards man who obeys is a matter of necessity. For it is in God’s power to save men without them, but it is not in man’s power without them to reach salvation” (Bayne, p. 288n).

2:258.b *Pelagius assere...conferendum.* Eusebius Gallicanus, *Homilia V. de Pascha; Homiliae ad populum* (1547), fol. 46": “Pelagius, when impiety is objected against him, presumes to assert that baptism should be conferred on infants to give them not life but the kingdom of heaven.” The passage begins: “Quod testimoni- um, contra Pelagii blasphemias evidentissimum atque validissimum est, qui assere arrepta..." See 2:255.n.n, above.

2:258.5–7 *Now the lawe of Christ...equitie.* Having established the necessity of baptism as instituted by God, H now proceeds to discuss exceptions in terms of “naturall equitie,” including martyrs whose baptisms were prevented (2:258.18–
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259.7) and infants dying unbaptized (259.28–261.9). What is required is the will to baptize or be baptized. The principle is best stated at 260.3–7. Compare Calvin, Inst., 4.16.26, and the C of T, Session 7 (on baptism), canon 5, which condemns those who deny the necessity of baptism.

2:258.e Benignius leges ... conservetur. Justinian, Digesta, 1.3.18; (1590), col. 10; Mommsen-Krueger (1963), p. 34; Scott, 2:224. “Laws must be interpreted equitably if their intention is to be carried out” (Bayne, p. 288n).

2:258.10–13.d Whoso believeth not ... fooles? At 2:253.22–28 Cartwright is accurately quoted. H was relying on memory here, adding the exact quote later as a note. See John 3:18.

2:258.18–22 For example, ... barbarous. In his epistle to Jubaianus on heretical baptism, Cyprian taught that the Christian martyr is baptized by his own blood (“baptisentur gloriosissimo et maximo sanguinis baptismo”): Opera (1593), chap. 19, p. 224; PL, 3:1124; see Bayne 289n, and Augustine, De baptismo, 4.22 (PL, 43:173).

2:258.22–259.7.e Againe when some ... onlie. See Bernard’s epist. 70, Ad Hugonem: “Si ante exitum resipuerit, et voluerit, et petierit baptizari, sed mortis praecoccupatus articulo forte obtinere nequiverit, dum non desit fides recta, spes pia, charitas sincera, propitius sit mihi Deus, quia huic ego ob solam aquam, si defuerit, nequaquam omnino possum desperare salutem, nec vacuum credere fidem, nec confundere speram, nec excidere charitatem, tantum si aquam non contemptus, sed sola, (ut dixi,) prohibeat impossibilitas”; Opera (1552), col. 1245; PL, 182:1035. See 2:257.w and n, above.

2:259.15–25 Tell me I besech you ... stead. “Dicite mihi quid aliud in nobis est, nisi voluntas, nisi petitio? ... Qui habuit Spiritum tuum, quomodo non accept gratiam tuam? Aut, si quia solemniter non sunt celebrata mysteria, hoc movet; ergo nec martyres, si catechumeni fuerint, coronentur; non enim coronantur, si non initiantur. Quod si suo abluuntur sanguine, et hunc sua pietas abluat et voluntas.” H quotes from the funeral oration delivered by Ambrose, bishop of Milan, for the Emperor Valentinian II, who was about to be baptized at age 20 when he was murdered. See De obitu Valentiniani consolatio, §§ 51–53; Opera (1567), 3:3–13; PL, 16:1435–1436.

2:259.f Qui ad tolerandum ... pati. Josephus, De imperio rationis; Opera (1566), p. 690. “He who has once devoted himself to bear every injury for the glory of God seems to me to have fulfilled his martyrdom. Once to have firmly fixed the resolve is to have reached the highest merit; and therefore as I said the mental decision takes precedence of the fact of suffering, and if fate deny the opportunity of bearing the pain it has nevertheless granted for the martyr all he has will to endure” (Bayne, p. 290n). H is quoting from Erasmus’s Latin paraphrase (Cologne, 1524), fol. 341”; sometimes printed in Greek Bibles as bk. 4 of Maccabees, it is 735
probably not by Josephus. In line 4, “sors” should be corrected to “fort”.


2:260.10–11 A divers of the schooledevines As Bayne notes (p. 291n): “The references in this note are taken from Georg Cassander’s De baptismo infantium, pars altera (Cologne, 1565). Cassander says that when no contempt of religion, but ‘articulus necessitatis,’ has prevented the administering of baptism, some have held that God imputes the grace. They think so, ‘quod Deus voluntatem pro facto deputat, nec gratiam suam sacramentis alligari, nec ad impossibile quenquam obligare voluerit.’ The pious intention of the will of the parents is imputed to the infants. He continues, ‘Hanc sententiam . . . aperte professus, vir in rebus divinis acutissimus et experientissimus, Thomas Caietanus, ipse Gersonem sequutus, quem deinde, secuti sunt Tilmannus ordinis praedicatorii Coloniensis Theologus, et post hunc Thomas Elysius Neapolitanus, cujus extat amplum volumen, cui titulum fecit, Clypeus priorum adversus haereticos.’”

Gers. . . . Mar. Jean le Charlier de Gerson (1363–1429), French theologian and mystic, in a sermon In nativitate beatae Mariae, delivered at the Council of Constance (1415; Basle, 1518, 3:59; not seen), on the question of whether both Mary and Joseph were “in utero sanctificatione”; Cassander quotes: “Clearly God has not so tied the mercy of His salvation to the common law of Christian tradition and to the sacraments that He cannot, without prejudice to that law, sanctify within the womb children not yet born, by the baptism of His grace and the power of the Holy Spirit” (Bayne). Cajetan . . . et 2. In response to S.T., 3a.68.2, “whether any one can be saved without baptism,” Cajetan says that “baptism in the intention of the parents” is sufficient, referring to Peter Lombard’s quotation from Gregory the Great: “What the water of baptism effects for us that among the ancients was done for children by faith alone, for older people by the virtue of sacrifice, and for those of the stock of Abraham by the mystery of circumcision” (Sententiarum libri iv, 4.1; PL, 4:331). Cajetan (Thomas de Vio, 1469–1534) was a Dominican theologian and reform-minded ecclesiastic whose commentary on Aquinas’s Summa theologiae marked a notable revival of scholasticism in the 16C. Biel . . . q.2. Biel cites Gerson, quoted above. Cassander’s quotation ends: “When therefore holy men say that no one can be saved unless born again, they speak according to the common law . . . without prejudice to special privileges and divine dispensations”; that is, the “remorse of equitie” that H cites in line 10. Tilman . . . c. 1. Segebert Tilman (1502–1537) discusses the opinions of Gerson and Cajetan in a work on the seven sacraments (Cologne, 1546, p. 43; not seen). Cassander quotes him for eighteen pages. Elisius . . . baptism. Thomas Elisius (d. 1570) in Clypeus priorum adversus haereticos (Venice, 1563; not seen) discusses “whether a child can be baptized in the womb” (chap.
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De baptismo, Art. 3), quoting Gerson, Cajetan, and Tilman; Cassander quotes eleven pages.

What ties all these quotes together is the issue of equity, that is, jurisprudence that supersedes common or statute law, which, if strictly followed, would lead to injustice, especially within the 16C context of high infant mortality. On H's understanding of equity, see chap. 9.3.

2:262.j Exod. 4:24. H's citation, following Whitgift in the Answere (Defense, p. 515; PS, 2:519), of Exod. 4:24, here and again at 2:287.i, calls attention to an incident even modern commentators find puzzling. Moses lies ill, according to the GB gloss, "punished with sickenes for neglecting his Sacrament" (circumcision; see Gen. 17:9–12). Sephora circumcises the son and throws the "fore skinne . . . at his fete" (v. 25), a euphemism, as she "most probably simulated a circumcision of her husband by touching him with his son's foreskin" (J.B.C., p. 50), for Moses was uncircumcised too. GB acknowledges that "This acte was extraordinarie: for Moses was sore sicke, and God even then required it." As a result, "he ["the Lord" of v. 24; "Or, the Angel" (GB)] departed from him" and the affliction was lifted. H comments on the same verses at 2:287, g (see n), and i; and see Bayne, pp. 323–324n.

2:262.13–15 when under sufficient . . . exhibit. "not the want, but the contempt or neglect onely of the holy Sacrament, can draw any the least apparance of the lorde's wrath. Neither is that ether neglect, or contempt prejudicial to the infant, but to the parents onely, whose faut that is"; Cartwright, 3:124.

2:262.15–16 Wee have for baptisme . . . circumcision, At a synod held at Carthage in 252, Fidus, an African bishop, suggested that infants be baptized eight days after birth, in accord with Jewish circumcision. This was rejected, Cyprian arguing that none should be denied "the mercy and grace of God" anytime after birth. See Epistles of S. Cyprian, LOF (1844), pp. 195–196, and Hefele, History of the Councils, 1:97.

2:262.k In omnibus obligationibus . . . debitur. "In all obligations where no day is laid down the obligation is due today"; Justinian, Digesta, 50.17.14; (1590), col. 2029; Mommsen-Krueger (1963), p. 920; Scott, 11:298.

2:262.25–26 What thinges . . . necessitie. The subject of this chapter is more properly "private baptism"; see chap. 62.1 (2:268.18). Here H is at odds with Cartwright and Calvin (see Inst., 4.15.20), but in agreement with the BCP (1559, p. 277).

2:263.7–11.m Which custome . . . singularitie: Leo I, writing to the Sicilian bishops (Epist. iv. ad Episc. Sicil.), argued that "baptism is to be celebrated not at Epiphany but at Easter" (chap. 1). He explained "why we baptize only at Easter and Pentecost" (chap. 3) and stated that "in case of necessity baptism is to be given at any time" (chap. 5). H translates the final words: "ut in mortis periculo, in
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obsidionis discrimine, in persecutionis angustiis, in timore naufragii, nullo tempore hoc verae salutis singularae remedium cuiquam denegemus"; Bayne, p. 295n; PL, 59:701, as epist. 16.

2:263.16–17. 
that sentence which Victor ... tymes. H refers to a letter ascribed to Victor I, bishop of Rome (189–199), addressed to Theophilus of Caesarea in Palestine, which he located in the liber pontificalis or De vitis Romanorum Pontificum, the earlier portion of which was formerly (and erroneously) ascribed to Pope Damasus (304?–384); PL, 127:1279. There Easter is specified as the proper time for baptism. Victor adds: "If there is necessity, or peril of death threaten, whatever the place or time; whether in a river or on the sea or in other waters, if only the confession of the Christian faith is clear, let gentiles who reach the faith receive baptism" (Bayne, p. 296n); PG, 5:1485.

2:263.17–264.1 That which ... home. See Augustine, Contra epistolam Parmeniani, 2.13; Opera (1556), 7:41; PL, 43:70–71; cited by Calvin, Inst., 4.15.20. Parma- nian, a prominent Donatist, succeeded Donatus as bishop of Carthage (350?).

2:264.5–6 objected against Novatian, Novatian (d. 257–258), leader of a rigorist faction at Rome following the persecutions of the mid–3C, wished to exclude theapsed from the church. It was said that he received clinical baptism (that is, the delay of baptism until death was believed to be imminent) while severely ill and was not confirmed. This was held against him at the time of his ordination. See Eusebius, Hist. eccl., 6.43, and 2:271.19–272.24.n, below. H also cites Novatian at IV.11.12; see 1:318.20–319.1 and n, above.

2:264.8–13 A man which hath ... them. The Council of Neoceasarea, 316 AD, canon 12: "Si quis in aegritudine constititus, fuerit baptizatus, presbyter ordinari non debet. Non enim fides illius voluntaria, sed ex necessitate est, nisi forte postea ipsius studium et fides probabilis fuerit, aut hominum raritas cogat"; Concilia (1585), 1:471; Hefele, History of the Councils, 1:229, where the date of the synod is 314–325. This canon is found in the C.J.Can., 1.57; (Venice, 1584), 1:395–396. Bayne (p. 296n) quotes the Greek.

2:264.22–27.o It was thought good ... expiation. Leo VI, the Wise (Byzantine co-emperor from 870, emperor 886–912; his new laws are commonly printed after the Novellae of Justinian in early editions of the civil law), novella constitutio 4: "Placuit veteribus, ut quae sacrificia et communiones in privatis aedibus fiunt, ab illis sacerdotibus, qui ad generales ecclesias pertinent, solis celebrentur. . . . Atque hoc quidem ut statuerent, religionis conservandae causa in mentem illis venisse videtur, quo videlicet (ut conjicere est) dum nonnulli sacerdotii praetextu lethale deflectionis malum tegunt, usu non veniat, uti qui profanati sacrifcii particeps fuerint, longè magis contaminentur quam expiantur"; (1590), col. 354; Greek text, J. and P. Nepos, Jus Grecoromanum (1931; rpr. 1962), 1:60; PG, 107:431–434; English trans., Scott, C.J.Civ., 17:208–209.
2:264.27—265.5p  Whereas a sacred canon... safe.  Leo VI, novella 15: "Etiam hic venerandae sextae synodi sacer canon, qui non in privatarum aedium oratoriiis seorsum, sed in solis in communem usum consecratis templis, divinam regenerationis nomenclation perfici vult, quam similia cum illis jubeat, qui sacrosancta sacrificia et mysteria in privatis domibus celebrari vetant. ... Nam haec tam strictè sacram synodo decre tum constituisse mihi quidem videtur, propter eos qui quanquam sacerdotum nomen gerant, profani tamen sunt, et quos ad lavacrum adducunt, pollutos reddunt: qui (ut appare) domos ejusdem opinionis hominum subeuntes, non rem divinam faciunt, sed cum iis qui convenient, in auspiciati aliquid moliuntur. Hanc verò provisionem tametsi et divinam esse, et multa salutaria continere constet. ... Verumtamen quum nunc divina gratia omnes perversae opiniones sint profiligatae, etiam quantum ad hoc attinet, quamobrem reipublicae hoc decre tum ad prohibendam in privatarum aedium oratoriiis regenerationis nomenclonem obtrudatur, nullum equidem esse necessariam causam video"; (1590), col. 360; Nepos and Nepos, 1:73; PG, 107: 453—456; Scott, 17:218.

2:265.q  To allow of wemens baptising... baptise.  The passage from Cartwright (1:145 [114]), which H cites in a summary form, occurs in the context of Whitgift's assertion that "M. Bucer in his Censure upon the Communion booke" approved of the BCP Ministration of Baptism, including baptism of infants by midwives under extreme conditions, for to delay baptism was to open a door "unto the Devill, to bring in a contempt of baptisme, and so of our whole redemption, and communion of Christ which thorough the sect of Anabaptistes, hath to much prevayled with many"; Defense, pp. 521—522 (PS, 535—536). Cartwright objected that Bucer's Censure was not published in English, but Whitgift was working from either a manuscript or the Latin. Cartwright responds: "... it seemeth very straunge/ that Bucer should not only contrary to the learned wryters now/ but also contrary to all learned antiquity/ and contrary to the practise of the church/ whilst there was any tollerable estate/ alow of wemens baptising. a. Tertullian sayeth it is not permitted unto a woman to speake in the churche/ nor to teache/ nor to baptise/ nor to do any worke of a man/ mucho lesse of a mynster [De Virgini. ve.]. b. And in an other place/ although he do permit to be done of lay men in the tyme of necessitie (as it is termed) yet he gevehet not the licence to the woman [Lib. de Bapt.]. c. Epiphanius uprайдeth Marcian that he suffred women to baptise [Epiph. li.1. contra heres.]/ and d. in an other booke he derydeth them that they made women bishops [Lib. 2. ubi. de phrygib. et Priscil.]/ and e. in an other booke he sayth/ it was not graunted unto the holy mother of Christ to baptise her sonne [Lib. 3.]. f. Augustin although he were of that minde/ that children could not be saved without baptisme/ yet in the tyme of necessitie (as it is called) he doth not allow eyther of baptisme in private houses or by women/ but when there was daunger the women hasted to carie the children unto the church [1. Li. de merit. et remis. peccata 24. ca.]/ and although g. he doe seeme to allow of the baptisme of a lay man in the tyme of necessitie/ yet there also he mentioneth not womens baptisme/ and further he doubteth whether the
childe should be baptised agayne/ which was baptised by a lay man [Contra ep. 
parmen. lib. 2. 13. cap.] h. And in the fourth council of Carthage it is simple 
without exception decreed/ that a woman ought not to baptise [Tom. 1. con. ca. 
100].” Cartwright’s citations supply the notes of H that follow. See 2:266.6–7.n, 
below.

2:265.12–13 The boldnes ... Teclaes example Tertullian, De baptismo, 17.5; 
Opera (1566), 2:415; CCSL, 1:291; ed. Evans (1972), p. 34; “But if the writings 
wrongly ascribed to St. Paul claim Thekla’s example as a license for women’s 
teaching and baptizing, let them know that in Asia the priest who composed that 
writing with the view of adding to St. Paul’s fame from his own store, after being 
convicted and confessing that for love of Paul he had done it, was deposed from 
his office.” The authorship of the apocryphal Acta of Paul and Thecla is uncertain, 
but it is evident that women were highly regarded in Phrygian Christianity.

2:265.15–23.r To give baptisme ... craveth it. Ibid., 17.1–3: “Dandi quidem 
sumnum habet ius summus sacerdos, si qui est, episcopus; dehinc presbyteri et 
diaconi, non tamen sine episcopi auctoritate, propter ecclesiae honorem quo salvo 
salva pac est. Alioquin etiam laicis ius est: quod enim ex aequo accipitur ex aequo 
dari potest ... aemulatio schismatum mater est. Omnia licere dixit sanctissimus 
apostolus, sed non omnia expedire: sufficiat scilicet et in necessitatibus ut utaris 
sicubi aut loci aut temporis aut personae conditio compellit: tunc enim constantia 
succurrentis excipitur, quum urget circumstantia periclitantis.”

2:266.2–3.s Specialities ... comprehend... Tertullian, De virginibus velandis, chap. 
4; Opera (1566), 2:61; CCSL, 1:1213. Posito ... species. H refers to the 
statement, “A quocunque removetur genus, ab eodem removetur et species,” by 
the jurist Azo of Bologna (1150?–1230?) in his scholia on Title 4 of the Codex 
(Divinum pene opus); Summa illustris juris consulti Azonis in titulos Codicis (1499), p. 
18.

2:266.1 Non permittitur ... vindicare. Tertullian, ibid., chap. 9.1; (1566), 2:67; 
CCSL, 1:1218. “It is not permitted to a woman to speak in the church, nor to 
teach, nor to baptize, nor to make offering, nor to claim herself a part in any 
man’s functions, least of all in the priesthood”; cited by Calvin, Inst., 4.15.4.

2:266.6–7 As for Epiphanius ... Tertullian. Cartwright (1:145 [114]) cited 
Epiphanius, “li. 1 contra haeres.,” who “upbraydeth Marcion that he suffred 
women to baptise”; see 2:265.q; Whitgift, Defense, p. 522; PS, 2:535. Cartwright 
got the reference from Calvin; see Epiphanius, Contra octoginta haereses, 42.4, 49.2, 
and 79.3, and Bayne, p. 299n,

2:266.10–12 Finallie ... necessitie. See the Fourth Council of Carthage, canon 
100, cited by Cartwright; Whitgift, Defense, p. 523: “Mulier baptizare non praesu-
mat”; Concilia (1585), 1:761; Hefele, History of the Councils, 2:417. Calvin alleges the 
canon in opposition to baptism by women, a practice to which Augustine subscribed.

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Book V, Chapter 61.3–62.2


2:267.1 O sir, The direct address recalls the rhetorical stance of the Preface; see Intro. to The Preface, pp. 78, above, and H’s notes on A.C.L. (4:41.29, 51.15, 53.18).

2:267.v Nostro... debemus. Augustine, Contra Mendacium, chap. 17; Opera (1556), 4:51; PL, 40:542. “We must not provide for another’s salvation by our own sin.”

2:268.8 minte and commin, The “lesser things of the lawe” of Matt. 23:23 (line 2 and x); see 1:260.9–11.q.n, above, and 273.7–8.a.

2:268.16–17 Whether baptisme by women...it. H locates the basic issue underlying the question of baptism by women in the assumption that a validly ordained ministry is essential to the conveyance of baptismal grace (see lines 18–25 and 2:286.2–6). Having affirmed the necessity of baptism, he argues that essential to valid baptism are “the element, the worde, and the serious application of both” (281.23–24; see 279.14–18). Where these are present and necessity demands extraordinary action, baptism by laymen, or women, is valid and has been considered so by “the godly learned of all ages” (289.17). Furthermore, such exceptional baptism proceeds from compassion and is not to be judged as turning “celestall brede into gravell, or the medicine of soules into poison” (282.32–33).

2:269.1–2 and z To make women teachers...absurditie, H does not assert the equality of men and women in the church. In this he is in agreement with Whitgift, Defense, pp. 503–511 (PS, 2:495–507). Baptism by women was condemned by Tertullian (De baptismo, chap. 17) and the Fourth Council of Carthage (2:266.10–12.n), but Augustine approved the practice, and it was on the basis of his argument that the schoolmen and the medieval councils approved baptism by women not only as irregular but valid, but as regular (Peter Lombard, Sent., 4.3A; Aquinas, S.T., 3a.67.4). In England opinion was divided between those, such as Tyndale, who defended baptism by women as they sought to promote the rights of the laity in general, thus following Augustine and the schoolmen, and those, such as John Hooper, bishop of Gloucester and Worcester and Protestant martyr (d. 1555), who viewed baptism by women as a “profanation of the divine ordinance” (“Answer to the Bishop of Winchester’s Book,” Early Writings, PS, 1:31), and thus followed Tertullian, the Council of Carthage, and Calvin, who, amongst the Reformers, first spoke against the traditional practice. Calvin was followed not only by Puritans such as Cartwright but by Bullinger, Beza, and the Second Helvetic Confession (chap. 22), as well. See G. W. Bromiley, Baptism and the Anglican Reformers, pp. 86–89. No one looked beneath the immediate issue to see that prohibition of baptism by women in the early church was due to social conventions; see L. G. Patterson, “Women in the Early Church: A Problem of Perspective,” in Toward a New Theology of Ordination, eds. M. H. Micks and C. P. Price (Somerville, Mass.: Greeno, Hadden, 1976). And see Stephen Sykes, “Richard Hooker and the

2:269.13–17.b Clement extendeth ... priests? The pertinent passage of the Apostolic Constitutions (3.9) begins: “De mulieribus autem an hae baptizare debeant, significamus vobis, quod non parvum periculum imminet eis, quae hoc faciunt. Ideo non consulimus: periculosum est enim, imo iniquum et impium. ...”; “As regards the administration of baptism by women, we give you to know that those attempting it incur no small danger. Wherefore we give no such counsel. The thing is dangerous. Nay, it is lawless and impious” (Bayne, p. 303n). There follows the passage quoted by H: “Quod si in praeecedentibus docere eas non permisimus, quomodo quis eas praeter naturam sacra facere concedat? Haec est enim inscitia ad Graecorum impietatem pertinens, foeminis deabus sacrificulas instituere”; Clement I, Clementina (1570), p. 250; PG, 1:781 (Bayne quotes the Greek, p. 303n). The Apostolic Constitutions, an early collection of ecclesiastical law, date from the later 4C, but were associated with Clement (fl. 96?), probably the third bishop of Rome after Peter (OCDD).

2:269.20–24.c as when the Church ... God. H truncates the end of this passage in Cartwright (1:144 [113]): “For as the heathen had women priests, so it [the Church in its decline] would have also hir [=their] women priests, and that this was an other occasion of brynging in the baptism by women, it appeareth by your Clement, if he can speak any truth” (Bayne, p. 302n).

2:270.9–10 Wee may not ... prohibitions. The legal principle enunciated here was bound to make the Puritans despair. H is drawing on his fourth fundamental proposition (chap. 9.3).

2:270.d Licita prohibentur, ... illicita. “Lawful things are forbidden lest if they were allowed they should become the occasion of unlawful things” Bayne (p. 304n) notes that the passage is not where H cites it: Institutiones, 1.21, De autoriitate tutorum, § 1; C.J.Civ.: Institutiones (1569), pp. 60–61; nor in the Digest, 6.1.9; C.J.Civ.: Digesta (1575), 1:828–829. He suggests the Digest, 1.18.6, which contains the gloss: “Praetextu liciti, non debet committi illicitum.”

2:270.14–16 And it maie be ... necessitie is. Bridges, who defended baptism by women or other lay persons when necessity required it (Defence, p. 580), reports that when the practice was discovered without the presence of necessity the persons involved were punished (pp. 576–577). Bishop Cooper is reported as saying that those responsible for preparing the Elizabethan BCP asserted in Convocation that the book neither maintained baptism by midwives nor taught that children dying without baptism were doomed. The “book only taketh order and provideth, that if the child be baptized by the midwife rebaptizing be not admitted”; see M. Some laid out in his colours, p. 66.

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2:271.f Una est nativitas ... iterari. Prosper of Aquitaine, Sententiae, no. 331; Opera (1539), p. 212; PL, 51:479. "There is one birth earthly, there is another heavenly; one of the flesh, another of the Spirit; one of eternity, another of mortality; one of male and female, another of God and the Church. But those two are each single. For as the womb cannot be entered again so baptism cannot be repeated." Prosper gathered the Sentences from Augustine, this one from Tract. 11, In Joannem, § 6. Eja fratres ... hauirire. Zeno, 4C bishop of Verona, Invitatio ad fontes, no. 15; Sermones (1508), sig. K3'; PL, 11:482. "Haste, brethren, to the nourishing water of the birth-giving font that its waters may always be sufficient for you, knowing this before all else, that this water may never be poured away nor ever drunk a second time" (see Bayne, pp. 305n).

2:271.14–16.g seconde baptisme ... voyde. See Augustine, De baptismo contra Donatistas, 2.14; (1555), 7:85f; PL, 43:138. "Which is more dangerous, never to be baptized at all or to be baptized a second time, is difficult to be decided. But I see which men most detest and abhor" (Bayne, pp. 305–306n).

2:271.17.h Tertullian In De baptismo, chap. 15, Tertullian denies that heretics have the same God or Christ as the orthodox, in that the heretics have not the same baptism as the orthodox: "Consequently, they have not the one because they have not the same baptism. As they have it not in proper form, there is no doubt that they have it at all"; ed. Evans (1964), p. 33; Opera (1566), 2:414; CCSL, 1:290.

2:271.17.i Agrippinus This predecessor of Cyprian held the first Council of Carthage (215?), which decided that heretics must be rebaptized. See Cyprian, epist. 71.4, Ad Quintum de haereticis baptizandis; Opera (1593), p. 214, and epist. 73.3, Ad Jubaianum; (1593), p. 219.

2:271.19–272.24 Novatian ... heritiques. Following the Decian persecution (249–250), a question arose as to the readmission to the church of those who had lapsed from it. Cornelius, bishop of Rome, took what some believed to be a lax attitude, while Novatian, a presbyter, took a rigorist position. The same tension between laxity and rigorism was evident with regard to the rebaptism of those baptized in a schismatic church. In Africa, Donatus led a synod to agree that schismatics should be rebaptized. Cyprian agreed, arguing that rebaptism was essential, there being no baptism apart from the one true church under a rightful bishop. By 254 Cyprian was disputing with Stephen I, bishop of Rome, who, according to Cyprian (epist. 74.1, 24), judged all baptisms by heretics to be lawful, so long as the required verbal formula and ritual acts were used. Whereas the attitude of the Roman church was pastoral, that of the Novatianists and of the North African church, led by Cyprian, was dedicated to the preservation of the church's doctrinal and moral purity, although Cyprian's rigor was not as harsh as that of the Montanists. As Bayne observes, Calvin for H is "the Cyprian of the sixteenth century" (pp. 301–302). See III.1.9 (1:199–201) and nn, above.

2:272.j Eus. 1.7... 76. Eusebius, Hist. ecles., 7.1–3, tells of Cyprian's struggles

2:272.16–17 **The Bishop of Rome ... customes**, Eusebius, Hist. eccles., 7.3 (PG, 20:641–642), says that “Stephen who thought that no innovations should be made contrary to the tradition that had prevailed from antiquity, was greatly offended at this” (Bayne, p. 307n).

2:272.k **Illi ipsi Episcopi ... Lucifer.** Jerome, Adversus Luciferianos; Opera (1516), 3:66'; PL, 23:178. “Those very bishops who had ruled with Cyprian that heretics should be rebaptized, returning to ancient custom, put forth a new decree” (Bayne, p. 307n). *vide et August. ... c.2.3.* Augustine, Contra Cresconium grammaticum, 3.2–3, discusses Cyprian’s views; Opera (1555), 7:54'; PL, 43:497. *et ep.48.* Epist. 48.10 to Vincentius; (1555), 2:38"–39"; PL, 33:339, as epist. 93.

2:272.1 ** Dixisti fieri ... noscuntur.** Optatus (fl. 365), bishop of Milevis in Numidia, De schismate Donatistarum, 1.10; (1549), sig. A3'; PL, 9:905. “You said that it could not be that in a false baptism the defiled could wash clean, the impure could purify, the over-thower could make to stand, the lost could make free, the accused give pardon, the damned absolve! But all this can be true only of heretics who have falsified the Creed; one saying that there are two Gods when there is one; another wishing the Father to be known in the person of the Son; a third withdrawing from the Son of God the flesh whereby the world is reconciled to God; and others there are of like kind who are known to be separated from the sacraments of the Catholic Church” (Bayne, p. 307n).

2:272.23–24 **In which ... heretiques.** H here identifies the moderate position with regard to baptism by heretics, the rule being that the heresy of baptising by heretical ministers does not nullify the sacrament, unless their heresy touches “the highest articles of the Christian faith,” such as is indicated by Optatus in §1.

2:273.1–2.m **For the baptisme ... rebaptised.** Canon 19 of the Council of Nicaea (325) ruled that when the followers of Paul of Samosata (bishop of Antioch), condemned for heresy in 268, desire to return to the Catholic church, “the rule which orders them to be rebaptised must be observed”; Concilia (1585), 1:570; Hefele, History of the Councils, 1:430. Cathari (or Novatianists) were simply required to receive imposition of hands (canon 8; Hefele, 1:410). On the Paulianists, see 2:212.13–14.n, above.

2:273.2–6.n **It was likewise ... Trinitie.** Canon 9 [H has 8] of the first Council of Arles (314) decreed, with Africans having their own law in mind, that any heretic coming into the church should be interrogated concerning the Creed, and if it is determined that he has been baptized in the name of the Father and the Son and the Holy Spirit, “hands only shall be laid upon him, that he may receive the Holy Ghost. But if when asked for his Creed he shall not confess this Trinity, he
is to be baptized" (Bayne, pp. 307-308n); (1585), 1:606; Hefele, 1:188. H read "Arianis" for "Afris" as did numerous MSS, but the Council met in 314 concerning Donatists, not Arians.

2:273.6-28.0 Dionysius . . . cleare. H is paraphrasing a passage from an epistle of Dionysius, bishop of Alexandria (d. 265?), to Xystus (Sixtus), bishop of Rome, as quoted by Eusebius, Hist. eccl., 7.8 [H: 7.9]; Eusebius, Opera (1549), p. 579; PG, 20:655-656. Cartwright quoted this passage to show that the presumed invalidity of baptism in any case does not imply the necessity of rebaptism (3:135).

2:274.1 Donatistes The Donatist schism began in the Diocletian persecution (303-305), in the African province of Numidia, when conflict broke out between the "Traditors" (those who handed over the Scriptures and other church property to the persecutors) and the rigorists (those who followed the example of Cyprian, resisting the demands of the persecutors and defending the church's purity). H's account is faithful to the earliest accounts. Insisting that those baptized by the traditors be rebaptized on entering their church—the true, pure church—the Donatists were condemned at a synod of Rome (313), and imperial laws were enacted against them under Theodosius and Justinian; see the Theodosian Code, 16.5; Justinian, Codex, 1.6.2; (1575), p. 58.

2:274.11-12 Caecilian was ordained . . . Carthage, Known, as here, for his role in combatting the Donatist schism, Caecilian (d. 345?) was bishop of Carthage from 311 and the only bishop of Latin Africa known to have attended the Council of Nicaea (325). He was opposed by the rigorist party, who (as H notes) consecrated a rival bishop, Majorinus.


2:276.3-5 the teachers . . . them. Vincent of Lérins, Adversus profanæ omnium novitales haereticorum communiorium, chap. 23: "Dicebamus ergo in superioribus quod in Ecclesia Dei tentatio esset populi, error magistri: et tanto major tentatio quanto ipse esset doctor qui erraret"; in Tres gravissimi, perpetuae Catholicae fidei constantiae, testes (1594), p. 223; PL, 50:660, as chap. 17. On Vincent, see 2:221.u.n, above.


2:276.12-16.s The invectives . . . follie. The law Adversarios in the Theodosian Code, 16.6.4, beginning "Adversarios catholicae fidei," is an edict ascribed to the emperors Arcadius (383-408), Honorius (393-423), and Theodosius II (401-450) against the Donatists. It attacks them as schismatics become heretics who violate the sacraments, repeating baptism "et homines semel ut traditum est munere divinitatis ablutos contagione profanæ repetitionis incessenter, ita contigit ut haereses ex

2:276.t 1. siquis . . . 413. A citation of the edicts quoted above as found in Justinian, Codex, 1.6.2; (1590), col. 68; Krueger (1963), p. 60; Scott, 12:72. Title 6 is “Ne sanctum baptisma iteretur.”

2:277.11 the Anabaptist rebaptiseth The “Anabaptist” movement began 21 January 1525 when George Blaurock was “rebaptized” by a layman, Conrad Grebel, in the home of Felix Mantz in Zürich. While the name was applied generally to the radical reformist groups of the Reformation, it was technically descriptive of those who insisted on rebaptism. A mandate of Emperor Charles V, issued 23 April 1529, applied the imperial laws against Donatism to the Anabaptists including the death penalty of the Justinian Code; see 2:274.1.n, above. See G. H. Williams, The Radical Reformation (Philadelphia: Westminster Press, 1962), pp. 238–240. On the association of the Puritans with the Anabaptists, and its impact on the Laws, see Intro. to The Preface, pp. 49–50, above; and see Bancroft, Sermon Preached at Paules Crosse, pp. 24, 86–87.


2:278.1–278.1 Wee take . . . sacrament? Paraphrasing Cartwright, 1:144 [114]; see 2:268.y.

2:278.v 9. q.2 c. Lugdunensis. See Gratian, Decretum, 2.9.2.10, containing the answer of Pope Urban II to Hugo, archbishop of Lyons, C.J.Can. (Venice, 1584), 1:1150–1152; Friedberg, 1:605. At “Lugdunensis” the Glossa ordinaria has this statement of the case: “Hugo, Archbishop of Lyons, asked Urban, whether he could tolerate in his own orders certain clerics ordained by other bishops. Urban answers, Yes, he can, in a spirit of mercy, if they are of good life, and if they were ordained without any stain, after due penance has been imposed. He supports his decision by the example of John Chrysostom, who tolerated his own clergy ordained by the holy Epiphanius, and received them in his own orders, which he would not have done if he had known that they had not received orders” (Bayne, p. 313n). c. ex literis . . . contrac. See Gregory IX, Decretales, 4.16.2; C.J.Can. (Venice, 1584), 2:1527–1529; Friedberg, 2:708. The title concerns “matrimony contracted against the interdict of the Church.” The words of chap. 2 are referred to: “Although they ought not to have contracted against the order of the Church yet the matrimony must not for this be dissolved. But a penance must be imposed because they contracted in spite of the Church’s prohibition” (Bayne, p. 313n). Damas. . . . obtinet. Damasus Bohemus (early 13C Bolognese canonist), Veteris
juris ecclesiastici, canonique doctoris, Burchardica (1564), fol. 72. Regula 109 states that
"Many things are to be tolerated when done although there was a prohibition
against their being done." H's Latin paraphrases the solutio that follows the list of
places, pro and contra, from which H derives the first two references. In compiling
the note H may well not have consulted the Decretales but simply took the refer-
ences as given here. Whitgift, Defense, p. 504 (PS, 2:497), makes the same argu-
ment but does not cite the maxim. See Bayne, pp. 313–314n.


2:280.8–9.y minister be ... baptisme? Expounding Matt. 28:29, Cartwright
writes: “althoughg baptism be not instituted here, which was instituted in the ministry
of John the Baptist, nor here be mentioned any circumstance: yet the minister of that
institution, which is no circumstance, but a subordinate efficient cause, may wel be
appointed” (3:117); see also 3:138.

2:280.10–12.x What if the ministers ... require? Cartwright, 3:127: “I affirm it
a necessary point of the Sacrament, that yt be ministred by a Minister... For this is a
matter of doctrine, and a matter of faith: even in that narrow signification, that he
taketh of matters of faith. This is none of the variable ceremonies, which alter by
the diversity of tymes, of countreis, and of persons...”

2:280.a Bez. ep.2.... baptisarim. Beza, epist. 2, Thomae Tilio Fratri Symmystae
observando; Epistolarum theologiarum ... liber unus (1573), p. 28; epist. 865, Corre-
spondence de Théodore de Bèze, ed. Hippolyte Aubert et al. (Geneva: Librarie Droz,

2:281.8 adverbs more then verbes, Bayne (p. 316n) identified the allusion. A letter
of the Scottish Jesuit, William Crichton (Creichton), to Sir Francis Walsingham,
related how he dissuaded William Parry from attempting to assassinate the queen;
“William Creichtons Letter to sir Francis Walsingham, Febr. 20. [1584/5].” Bayne
states that it was “published by royal command” but the STC has no record of it.
It was, however, printed by Holinhshed in his Chronicles (1587). Crichton writes:
“First he alleged the utilitie of the deed for delivering of so manie catholikes out
of miserie, and restitution of the catholike relligion. I answered, that the scripture
answereth thereto, saing: Non sunt facienda mala, ut veniant bona. So that for no
good, how great that ever it be, may be wrought anie evill, how little that ever it
be. He replied that it was not evill to take awaie so great evill and induce so great
good. I answered, that all good is not to be doone, but that onelie: ‘Quòd bene et
legitimè fieri potest.’ And therefore, ‘dixi Deum magis amare adverbia quàm nomina.
Quia in actionibus magis ei placent bene ac legitimè, quàm bonum. Ita ut nullum bonum
lizet facere, nisi bene et legitimè fieri possit. Quòd in hoc caus fieri non potest’”; Holin-
shed’s Chronicles of England, Scotland, and Ireland (London, 1808), 4:472. Crichton is
said to have been set free in consequence of this letter, which Parry’s confession
occasioned. See DNB and Camden’s Annales (1717), 2:428.
2:280.23–281.28 **baptisme is an action ... required.** Here H defines baptism as a moral, ecclesiastical, and mystical action. Moral action concerns not only the doing of baptism according to the necessary outward matter and form but the doing of it well, with requisite religious affection; ecclesiastical action concerns ecclesiastical laws governing the performance of the baptismal rite; mystical action concerns (outwardly) element, word, and intent, and (inwardly) life and regeneration. See 1.7–8 and Aristotle, *N.E.*, on the distinction between human and divine laws, *opus operatum* and *opus operantis*, the deed and the mind; see also Bayne, p. 316n.

2:281.32–282.1 **The summe of all ... effect.** See Cartwright, 3:128, 139.

2:282.25–283.6 **The exercise ... vanisheth.** On jurisdiction, see VI.1–2.

2:283.b **Factum alterius ... plurimum.** Justinian, *Digesta*, 39.1.5.5, citing Ulpian; (1590), col. 1369; Mommsen-Krueger (1963), p. 636; Scott, 8:309. “The deed of one person ought not to bring harm upon another person.” *Item Alphen ... insti.* Ibid., 28.5.44; (1590), col. 935; Mommsen-Krueger (1963), p. 422, as 28.5.45; Scott, 6:224–225, as 28.5.44. Alfenus is the lawyer from whom the law is quoted; it contains a saying that “no one by another’s deed” can suffer loss of rights. *Maleficia ... paen.* Justinian, *Codex*, 9.47.22; (1590), col. 780 (reading “Peccata igitur suos teneant auctores: nec ulteriori progresiatur metus, quam reperiatur delictum”); Krueger (1963), p. 392; Scott, 15:79. “Let evil deeds affect the doers of them and not other parties.” The rule begins: “Sanctimus ibi esse poenam ubi et noxa est” (Bayne, p. 318n). For H on equity, see chap. 9.3.


2:284.4–21.d **St Augustines ... baptisme.** The reference to Augustine, *Contra epistolam Parminiiani*, 2.13, goes back to Whitgift, *Defense*, p. 518 (PS, 2:526); H’s to Cartwright, 3:139, is to his response to Whitgift; see 2:263.17–264.1.n, above. Augustine, *Opera* (1556), 7:41; PL, 43:70.

2:284.23–285.8 **I doubt ... given.** Ibid.: “Quanquam etsi laicus aliqua persone dederit necessitate compulsus, quod cum ipse acciperet, quomodo dandum estet
addidicit, nescio an pie quisquam dixerit esse repetendum. Nulla enim cogente necessitate si fiat, alieni muneris usurpatio est: si autem necessitas urget, aut nullum, aut veniale delictum est. Sed et si nulla necessitate usurpetur, et a quolibet cuilibet detur, quod datum fuerit non potest dici non datum, quamvis recte dici possit illicite datum. Illicitam autem usurpationem corrigit reminiscentis et poenitentis affectus. Quod si non correxerit, manebit ad poenam usurpatoris quod datum est, vel ejus qui illicite dedit, vel ejus qui illicite acceptit, non tamen pro non dato habebitur"; *Opera* (1556), 7:41; PL, 43:71. Keble (2:299n) suggested that Cartwright mistook the force of the idiom "nescio an"; "nescio ... repetendum" ought therefore to be translated, "I hardly think a man may piously say it ought to be iterated"; but Cartwright was following Calvin (*Inst.*, 4.15.20), who cited the passage as proof that Augustine doubted the validity of lay baptism. Norton translates: "I cannot tell whether a man may godlily say that it ought to be iterate"; H's conclusion (lines 9–11) more accurately represents Augustine's position; see Bayne, p. 320n.

2:285. *f* The scale. This image was taken from Augustine, *Contra litteras Parmeniani*, 2.13; the passage cited above continues: "Neque unquam per devotum militem, quod a privatis usurpatum est signum regale violabitur"; *Opera* (1556), 7:41; PL, 43:71.

2:286.11–12 Delictum ... harmes. Compare the maxim of Roman law, "In omnibus noxa caput sequitur"; Justinian, *Digesta*, 47.1.1, 2; (1590), col. 1757; Mommsen-Krüger (1963), p. 813; Scott, 10:243. "In all [actions] the crime follows the person."

2:286.g I say ... them. Like Calvin (*Inst.*, 4.15.22), Cartwright saw Sephorah's (Zipporah's) action as contrary to God's will. Whitgift, *Defense*, p. 517 (Works, PS, 2:524), disagreed, saying that Sephorah "did circumcise in a point of extremity and not wilfully or of purpose: and that circumcision was a true circumcision, though it were not done ordinarily." Cartwright responded (3:126) that it is nowhere apparent that the Lord required circumcision if there were no "ordinary minister" available. In this last point Cartwright disagreed with Calvin. See 2:262.j.n, above.

2:287.h Mala passis ... consol. "For sufferers we feel compassion, not anger." Apparently a paraphrase of the last words of Lib. 4, prosa 4; see Boethius, *Opera omnia* ([1570]), p. 1080. "And when we doo judge that men that be sycke in their bodies, be not worthy to be hated but rather worthy to be pittyed, even so much the more are they not to be hated, but to be pitted whose myndes wickednese greaveth, that is more fierce and cruell, than any syckenes of the body"; *De consolatione philosophiae*, trans. George Colvile (1556; STC 3201), sig. X2v. Boethius (480–524?), philosopher and statesman, friend and adviser to Theodoric, composed the *Consolation* while in prison awaiting execution.
Commentary

2:288.12/ Phineees Phinehás was priest whose religious zeal became proverbial in Israel; with Ps. 106:30 compare Numb. 25:7–11.

2:289.31 Interrogatories in baptism The next two chapters concern questions addressed to sponsors or godparents in the baptismal rite, answered on behalf of the infants (see B.C.P., 1559, p. 273). Concerning the renunciation of evil and the confession of faith, the questions were addressed to the infant in the 1549 Prayer Book, reflecting medieval custom (Maskell, ed., Monumenta ritualia, 1:22–24) and the Lutheran teaching that infants have real faith and that sponsors are simply their mouthpieces. Reformed churches, influenced by Calvin, did not believe that there was faith in infants. It was under such influence that the interrogatories were addressed to the godparents in the second Edwardian Prayer Book, with the conviction that the godparents simply gave a pledge of future repentance and faith with their own faith as surety (Bromiley, Baptism and the Anglican Reformers, p. 130). The author of “A View of Popishe Abuses” went further still, arguing for the abolition of the questions, faulting the BCP for requiring godparents to promise that “which is not in their powers to perform” and profaning baptism by asking “questions of an infante, which can not answere, and speake unto them” (P.M., p. 26). Cartwright argued in support of such abolition, preferring a plain confession of faith made by the sponsors themselves, while Whitgift believed that such argument led directly to the heresy of the Anabaptists; Whitgift, Defense, pp. 612, 620; PS, 3:118, 134–138; Strype, Whitgift, 3:Append. 16. As Whitgift viewed the problem, godparents accepted repentance and belief on behalf of the infant who would later confirm them. H accepted this and expanded on it (chap. 64.4). Bromiley argues that Puritans and their antagonists fundamentally agreed, more so than they would admit; nevertheless, Anglicans retained the interrogatories “not merely because they were ancient, but because they set out the baptismal conditions, tightened the bond between sponsor and sponsored, and provided a starting-point for subsequent catechetical instruction” (p. 133).

2:289.33–34 All that are ... made. H’s discussion begins with preliminary considerations, arguing the necessity of belief (2:290.26–28) for entrance into the family of Christ and for participation in eternal life; the fact that the sacraments (“the signes of Gods love”) cannot be enjoyed without faith (291.12–13; note the use of “therefore”); the fact that sin destroys faith, darkness obliterating heavenly illumination: “That the minde therefore maie abide in the light of faith, there must abide in the will as constant a resolution to have no fellowship at all with the vanities and workes of darkenes” (291.28–292.1). Because there are two covenants, (1) the relinquishment of Satan and (2) obedience to the faith of Christ, we have interrogatories of two kinds in the BCP.

2:290.6–18 All pointes ... require. The distinction between “demonstrable conclusions” and “demonstrative principles” is that between philosophy and theology, or natural reason and revelation; see Aquinas, S.T. 1a.2.1, resp.

750
2:290.1 Apostate...Julia Quoted by Gregory of Nazianzus as if from the decree of Julian the Apostate, by which the emperor attempted to control education for the benefit of paganism. The entire passage reads: "Literature and the Greek language are naturally ours who are worshippers of the gods; illiterate ignorance and rusticity are yours whose wisdom goes no further than to say, 'believe'" (Bayne, p. 326n); Opera (1550), p. 296; PG, 35:636. Compare Calvin, Inst., 4.15.13.

2:290.24-26.m The mysteries...comprehend. Justin Martyr’s exposition of the faith, Quaestiones et responsiones ad orthodoxos, is not now considered to be by him, having been composed after the Council of Nicæa (325); but see Opera (1551), p. 181, the text H used.

2:291.0 Spiritus Sanctus...fidem. Jerome, Adversus Luciferianos, chap. 4.9 (abridged by H); Opera (1516), 3:63'; PL, 23:164. "The Holy Spirit is not made a dweller in that temple which has not a true faith as its priest" (Bayne, p. 327n).

2:291.20 faith be an intellectual habit On faith as an intellectual habit, see Aquinas, S.T., 2a2.4.1, resp. For H faith is related to both the object of the will (the good) and the object of the intellect (truth). His discussion here seems scholastic, but in his discussion of love H demonstrates his awareness of the Reformation understanding of faith as the personal apprehension of divine grace. Luther speaks of "the trust and faith of the heart" (Larger Catechism, Book of Concord, p. 365). Calvin speaks of faith as "a knowledge of God's will toward us, perceived from his Word," but it is also knowledge of Christ whom we receive. Christ is "the goal of our faith" (Inst., 3.2.6). Intellect and will are involved in the context of a saving interpersonal relationship. See Cert. and Just., § 15 (5:122.28-123.2).

2:292.1-3.p Two covenantes...Christ. See Isidore of Seville, De ecclesiasticis officiis, 2.24: "Dueae sunt pactiones credentium. Prima pactio est, qua renuntiatur diabolo et pompis ejus, et universae conversationi illius. Secunda pactio est, qua se in patrem et filium et spiritum sanctum credere fatetur" (1534), sig. M1'; PL, 83:821. "There are two covenants of believers. By the first he renounces the devil and his poms and all his conversation. By the second he confesses his faith in the Father, the Son, and the Holy Ghost" (Bayne, p. 328n).

2:292.4 Ambros...c.4. Hexaemeron, 1.4: "Derelinquit enim et deserit, qui abluitur, intelligibillum illum Pharao principem istius mundi, dicens, Abruncio tibi, diabole, et angelis suis, et operibus suis, et imperiiis suis"; PL, 14:129. Compare Calvin, Inst., 4.15.11: "Baptism indeed promises to us the drowning of our Pharaoh" (LCC, 2:1312; see Exod. 14:28).


2:292.s Οσοι...άναγεννώνται. Justin Martyr, Apology 1, chap. 61; Opera
(1551), p. 159; PG, 6:420. "All then who are persuaded and believe that the things taught and affirmed by us are true; and undertake that they can live accordingly; are taught to pray and with fasting to ask from God remission of their former sins; and we pray and fast with them. Then we bring them where there is water, and by the regeneration which regenerated us they too are regenerated" (Bayne, p. 328n).

2:292.20–293.2 *They profane ... parlia.* P.M., p. 26; see 2:289.31.n, above.

2:293.3 The same defended ... p.168. See Cartwright, 1:169 [134]: "And as for thys questioning/ it can be little better termed/ then a very triseling and toying. For first of all/ children have not/ nor can not have any faith/ having no understanding of the word of God/ I will not deny/ but children have the spirtie of God/ whych worketh in them after a wonderful fashion. But I deny that they can have faith which cometh by hearing/ and understanding whych is not in them." Compare Whitgift, Defense, pp. 610–611 (PS, 3:115).

2:293.7–17 The Anabaptist ... mockerie. See 2:277.11.n, above, and Corpus Christi College, Cambridge, MS 113 (38), p. 294, containing a condemnation of the Anabaptist teaching on infant baptism: "we condemnpe and refuse the doctryn of them which teache that baptisme is only a signe of penaunce and obeydyence and that for this cause it shoulde not apparten in infants, because thei cannot as yet nether repent nether obey the word of god. This doctryne is repugnant and contrary to the doctryn of the apostles and it doth subvert and destroye the nature of all the sacraments because theye be instituted and ordeyned of Christ to this end and effect that thei may be to the whole Churche and in all the members therof without exception a mysticall seale of the righteousnes of faithe, that is to say of free acceptinge and allowing unto the grace and favor of god the father for Christes sak which righteousnes is called of the apostle the righteousnes of faithe, because we attain it by a free and undeserved promise when we have herd the gospell by faith only so that we deserve it not by any kind of our repentaunce or obeydyence. For this thinge we have the manifest doctryn of the appostell St. Paule."

2:293.17–18 They with whome ... infantes; Unlike Whitgift, H does not identify the Puritans with the Anabaptists on this matter of infant baptism. In fact it was widely taken for granted in 16C England by both sides that there had been infant baptism from the time of the Apostles. That there was no such baptism, however, until the time of Tertullian (see De baptismo, chap. 18) is demonstrated by Joachim Jeremias in Infant Baptism in the First Four Centuries (London: SCM Press, 1960).

2:294.9–22.u If, (saith he) ... thereof. Augustine, epist. 23, Ad Bonifacium: "Si constituum, inquis, ante te parvulum, et interrogem, utrum cum creverit, futurus sit castus, vel fur non sit futurus, sine dubio respondebis, nescio. Et utrum in eadem parvula aetate constitutus, cogitet aliquid boni vel mali, dices, nescio. Si itaque de moribus eius futuris nihil audes certi promittere, et de eius praesenti cogitatione, quid est illud quod quando ad baptismum offeruntur, pro eis parentes tanquam fidei
doctores respondent, et dicunt illos facere, quod illa aetas cogitare non potest, aut si potest, occultum est? ... Ad istas ergo questiones peto breviter respondere digneris, ita ut non mihi de consuetudine praeptribas, sed rationem reddas"; Opera (1556), 2:92; PL, 33:363, as epist. 98.7.

2:294. v Sicut credere ... percipiendo. Ibid.; Opera (1556), 2:93; PL, 33:363, as epist. 98.10. H's text summarizes the passage in which this quotation is located.

2:295. w Multum mirabilis ... nosse. Augustine, epist. 57, Ad Dardanum, also known as De praesentia Dei liber; Opera (1556), 2:272; PL, 33:840, as epist. 187.6.

2:295.24–296.2 This ... a reasonable cause. Augustine, epist. 23, Ad Bonifacium: "Respondi sicut existimo questionibus tuis, quantum attinet ad minus capaces et ad contentiosos non satis, quantum autem ad pacatos et intelligentes plus forte quam sat est. Nec tibi ad excusationem meam obieci firmissimam consuetudinem, sed saluberrimae consuetudinis reddidi quam potui rationem"; Opera (1556), 2:94; PL, 33:363, as epist. 98.10.

2:296. x If children ... elected. Cartwright's text (1:169 [136–137]) follows the passage cited at the head of this chapter.

2:296.13–14 For when wee knowe ... heaven, Matt. 19:14; and see the gospel account of the baptismal rite, Mark 10:13–16; B.C.P., 1559, p. 271.


2:297. a Stipulatio ... respondet. Justinian, Digesta, 45.1.5.1; (1590), col. 1654; Mommsen-Krueger (1963), p. 770; Scott, 10:95. "A stipulation is a form of words by which he who is questioned replies that he will give or will do what the question requires." In hac re ... Faciam. Justinian, Institutiones, 3.16 [H: 15]; (1590), col. 57; Krueger (1963), p. 36, as 3.15.1; Scott, 2:111. "In this matter the following formulae have been handed down: 'Do you pledge yourself? I pledge myself. Do you promise? I promise. Do you promise faithfully? I promise faithfully. Do you go bail? I go bail. Will you give? I will give. Will you do? I will do'"; see Bayne, p. 334n.

2:297. b Gen. 17:14. GB notes of "the uncircumcised man childe," "whosoever contemneth the signe, despiseth also the promes," that is, "my covenant."

2:297. c Accommodat ... salventur. Augustine, Sermon 10, De verbis Apostoli; Opera (1556), 10:296; PL, 38:950, as serm. 176.2. "Their mother the Church provides for them the feet of them to come with, the hearts of others to believe with, the tongues of others to confess with; that as in their sickness they are weighed down by another's sin (Adam's), so in their cure by another's confession they are made whole" (Bayne, pp. 334–335n).

2:297.20–21 Albeit therefore ... persons See Aquinas, S.T., 3a.68.12, for an
explanation of the baptism of persons insane or mentally deficient ("amentes et furiosos"); and see S.T., 2a1a.113.3 and 3a.68.12.

2:298.2 None more fitt This section asks, why godparents and not parents? The answer is given at 2:299.5–14. Compare canon 29 of 1603: “No parent shall be urged to be present, nor be admitted to answer as Godfather for his own child.”

2:298.d T.C. I.1. p.172. Page 137 in the 1st edn. The “View of Popishe Abuses” states that rather than godparents, the father of the infant shall present it to be baptized and make confession of faith (P.M., p. 27), but if the parents are prevented by necessity from attending, some members of the congregation may present the child (p. 15). In the Answere, Whitgift asked, “What if the parentes be of evil behaviour? . . . what if the parentes be Papistes? . . . [or] heretikes?”; see Defense, p. 620 (PS, 3:135). Cartwright replied (1:172 [137]): “If one of the parents be neyther drunkenarde nor adulterer/ the chylde is holy by vertue of the covenaut/ for one of the parents sake. If they be bothe/ and yet not obstinate in their synne/ whereby the church hathe not proceeded to Excommunication/ . . . their chylde can not/ nor ought to be refused. To the second question . . . If bothe be Papistes/ or condemned heretikes/ . . . and cutte of from the church/ then their children can not be receyved; because they are not in the covenaut: if eyther of them be faithfull/ I have answereed before that they ought to be receyved.” A similar statement was made in Convocation (1562); Strype, Annals, 1.1:508.

2:298.e Hi enim qui . . . intelliguntur. Justinian, Institutiones, 1.25.pref.; (1590), col. 15; Krueger (1963), p. 9; Scott, 2:30. “For these, who for the republic fell, by their glory are held to live for ever” (Bayne, p. 336n).

2:299.f Offeruntur . . . fidelium. Augustine, epist. 23; Opera (1556), 2:19; PL, 33:362, as epist. 98.5. “For children are offered for the reception of spiritual grace, not so much by those in whose hands they are held—although by them too if they be good and faithful—as by the whole society of saints and believers”; quoted by Aquinas, S.T., 3a.68.9, “Utrum pueri sint baptizandi”; B, 57:106–111. ἀεικύνται . . . βασιλιάτοι. Justin Martyr, Quaestiones et responsiones ad orthodoxos, Resp. 56; Opera (1551), sig. R1; PG, 6:1297. Not by Justin. “The children are deemed worthy of the benefits of baptism by the faith of those who bring them to baptism.” See Bayne, p. 336n.

2:299.22–300.2 It commeth . . . God. Augustine, epist. 23: “Illud autem nolo te fallat, ut existimes reatus vinculum, ex Adam tractum, aliter non posse dirumpi, nisi parvuli ad perciendi Christi gratiam, a parentibus offerantur. Sic enim scribens dicis, ut sicut parentes fuerunt authores ad eorum poenam, per fidem parentum identidem iustificantur, cum vides multis non offerri a parentibus, sed etiam a quibuslibet extraneis, sicut a dominis servuli aliquando offeruntur: Et nonnunquam mortuis parentibus suis, parvuli baptizantur ab eis oblati qui [in] illis huiusmodi misericordiam praebere potuerunt. Aliquando etiam quos crudeliter parentes exposuerunt, nutriendos a quibuslibet, nonnunquam a sacris virginibus colliguntur,
et ab eis offerruntur ad baptismum. Quae certe proprios filios non habuerunt ullos, nec habere disponunt: ac per hoc nihil alid hic fieri vides, nisi quod in Evangelio scriptum est, cum dominus interrogasset, quis illi a latronibus sauciato, et semivivvo in via derelicto proximus fuissest. Responsion est enim, Qui in illum fecit misericordiam [Lk. 10]"; Opera (1556), 2:92; PL, 33:362, as epist. 98.6.

2:300.5 *Si Arrianae . . . facturus.* John Cassian, De incarnatione Domini, 6.5; in John of Damascus, Opera (1559), p. 1025; PL, 50:150. "If you were a supporter of the Arian or Sabellian heresy, and did not use your own creed, I would still confute you by the authority of holy scripture. . . . What then if I were so to deal with you? What would you say? What would you answer? Would it not be this . . . That in it you were baptized, in it you were born again? . . . And truly even in a bad case it would be no unreasonable defence and give a plausible reason for error, except that it unites obstinacy to error. . . . But now, as you were born in a Catholic city, brought up in the Catholic faith, regenerated by the Catholic baptism, how can I treat you as an Arian or Sabellian? Would that you were one! I should grieve less that you had been brought up in evil than that you have lapsed from good; less that you had never had the faith than that you had had it and lost it. . . . I ask you, O heretic, nothing unfair, nothing harsh. Do this in the Catholic faith which you were about to do from obstinacy" (Bayne, p. 338n). De incarnatione Domini was written at the request of Leo the Great to acquaint the West with the teachings of Nestorius (line 18).

2:300.h *Tertull. I. de Spectac.* See Tertullian, De spectaculis, chap. 4.3; Opera (1566), 2:368; CCSL, 1:231. "If it shall appear that the whole apparatus of the shows is idolatrous, without doubt it will thereby be determined that the profession of renunciation in the laver of baptism has reference to the shows, which, as idolatrous, are subject to the devil, his pomp and his angels" (Bayne, pp. 338–339n).

2:301.11 *Of the Crosse in baptisme* Its use, obligatory according to the BCP (1559, p. 275), was opposed by the Puritans (P.M., pp. 14, 27), who regarded it as an unwarranted addition to the sacrament as instituted by Christ, an example of human presumption, and "tantamount to instituting a new sacrament" (Davies, W.E.P., p. 63). The issue commanded considerable attention (Bromiley, *Baptism and the Anglican Reformers*, p. 153) and was influenced by the literary debate taking place between R.C and C of E polemicists. The R.C John Martiall pointed out that Elizabeth was a defender of the cross, retaining it in the Chapel Royal over the protests of the reformers; *A treatys of the Crosse gathered out of the Scriptures* (1564; STC 17496), fols. 1–3. Canon 30 of the 1604 Canons lengthily defends its use, reflecting some of the arguments used by H. See E. Cardwell, ed., *Synodalia* (1842), 2:178–182. In chap. 65 H defends what he calls a worthy human tradition (§ 2), an outward ceremony such as all Christians have (§§ 3–4), of value because it serves to edify, being "a signe of rememberance to put us in minde of our dutie" (§ 4), thereby helping us to avoid sin and apostacy (§§ 7–8). The tradition has been abused and made a symbol for gross superstition, but the English church neither
omits the custom nor regards it superstitiously (§§ 11). H deals at length with the Puritan analogy between the serpent of brass in Hezekiah and the symbol of the cross (§§ 12–15), denying that the two are really comparable and insisting that the cross was superstitiously used neither in the beginning nor in the present (§ 16–18). Finally, the best way of reformation is not to abolish that which has been abused and to substitute its opposite—such a procedure is dangerous, for the opposite is not free from all vice—but to bring back that which has been abused “to a right perfect and religious usage” (§ 20). So it is with the cross: it is “now reformed in the minds of men” (§ 21).

2:301.17 **former Rites**, Concerning the elaborate medieval rites, see Maskell, *Monumenta*, 1:13–36; and see Bayne, p. 340n.

2:301.19–28 **The crosse . . . serpent.** H is summarizing Cartwright, 1:170–171 [135–136]. The reference to Hezekiah was introduced in a discussion of apparel; see Whitgift, *Defense*, p. 294 (PS, 2:70), citing Cartwright 1:60 (1st edn.).

2:301.31–302.3.1 **If of this . . . doth.** Tertullian, *De corona militis*, chap. 4; one of the earliest references to the custom of Christians’ daily and repeatedly making the sign of the cross: “Harum et aliarum ejusmodi disciplinarum si legem expositus scripturarum, nullum invenies: traditio tibi praetendetur auctrix, consuetudo confirmatrix, et fides, observatrix. Rationem traditioni, consuetudini, fidei, patrocinaturam aut ipse perspecies aut ab aliquo qui perspexerit discis”; “If of this and the like customs thou shouldst require some commandment to be shewed thee out of Scriptures, there is none found. Tradition will be pleaded to thee as originating them, custom as confirming, and faith as keeping them. What reason there is to justify tradition, use, or custom either thou mayest of thyself perceive, or else learn of some other that doth” (Bayne, pp. 340–341n); *Opera* (1566), 1:747; CCSL, 1:1043, as chap. 3. *De corona* concerns the refusal of a Roman soldier, who is also a Christian, to wear the laurel crown.

2:302.1 **Traditiones non scriptas . . . relinquamus.** Cyprian, epist. 74; *Opera* (1593), p. 233; see PL, 4:412 and 43:192–193. Cyprian was writing to Pompeius, bishop of Sabrata, defending the rebaptism of heretics against the objections of Stephen, bishop of Rome (see 2:271.19–272.24.n, above). Stephen wrote: “Nihil innovetur nisi quod traditum est”; Cyprian replied, “Unde ista traditio?” Pamélius (Jacques de Pamèle, R.C scholar) annotated Cyprian’s *Opera* (Antwerp, 1568), arousing a response from Simon Goulart (1543–1628): “We assert that unwritten traditions, if they concern doctrine, must agree with written doctrine. . . . In the case of ritual and ecclesiastical traditions the order and edification of the churches must be reasonably considered; but such as are useless and hurtful, not to say foolish and superstitious, we leave to their patrons” (Bayne, p. 341n). H cites Pamélius in VI.4.12, x (see 3:42.x and n), and George Cranmer recommends that H cite him as “A papist, and therefore not likely to impeach the credit of any thing supposed to be written by the Auncient fathers” (3:128.17–18; see n, below). Goulart was
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a Genevan pastor and scholar whose 1593 edn. of Cyprian H uses in V, as here; see 2:311.b.c, and 338.y-c and nn.

2:303.7–9 *Wee use this ceremonie. . . dutie.* H alludes to the principle of edification connected to the concept of *adiaphora.* See Bridges’ *Defence*, p. 800: “Have we anie [ceremonies] at al, except those that either *God* himselfe hath prescribed, or we have ground and grant of the lawfull use of them, out of *God’s* word? or, that, being of their nature meere indifferent, have as much *reason* as *will* for them to be used, not *under the colour*, but in verie deede, *only for order and decencie*, and so consequentlie for *edification*, and not otherwise? And may not indifferent ceremonies be so used?”


2:304.13–18 *Simon, seest thou . . . ointment.* H’s translation of Luke 7:44–46; it resembles BB and is not at all close to GB.

2:305.o *T.C. 1.1. p.170* Page 136 in the 1st edn. of *crossinge.* (line 7) Passage quoted in k is omitted here. *Abused.* (line 10) Cartwright cites Tertullian, *De corona militis*, here.

2:306.15–22 and *q Witnesses . . . levell.* Lucius Annaeus Seneca, *Epistulae morales*, 1.11: “Magna pars peccatorum tollitur, si peccaturis testis adsistat. Aliquam habeat animus, quem vereatur, cujus auctoritate etiam secretum suum sanctius faciat. . . . Elige itaque Catonem: si hic videtur tibi nimis rigidus, elige remissioris animi virum, Laelium; elige eum, cujus tibi placuit et vita et oratio, et ipsius animum ante te serens et vultus, illum semper tibi ostende, vel custodem vel exemplum. . . Nisi ad regulam, prava non corriges” ‡; *Scripta quae existant* (1587), p. 80. Seneca is commenting on the saying of Epicurus: “We ought to choose out some good man, and always fix him before our eyes, that we may so live as if he always looked on and do all things as if he continually beheld” us (Bayne, p. 345n). See also *epist*. 1:25; (1587), pp. 94–95; Loeb, 1:182–86.

2:307.r *Τὸ νοεῖν . . . φαντασίας.* Aristotle, *De anima*, 1.1.9; 403‡; “Thought is either the presentation of an image or not independent of such presentation” *Opera* (1550), 1:283. H and others translate *φαντασίας* as “imagination.” Bayne observes (p. 346n): “In scholastic phraseology ‘fantasia’ means the process or faculty of forming mental representations of things not actually present.” *’Η μὲν . . . λογιστικοῖς.* Ibid., 3.11.2; 434‡; “The faculty of representing images of sense exists in irrational animals; but the faculty of representing images for deliberation only in animals that reason”; (1550), 1:302. 1550 and modern eds. have *ἀλλαίοις* for *ἀλόγοις.* *Τὰ μὲν . . . κινεῖται.* Ibid., 3.7.5; 431b; “Thus then the
reason, while employing as its materials the images of sense, grasps from among them general ideas; and in the same manner as it determines for itself within these images what is to be pursued and what avoided, so also outside the actual perception of these objects it is, when engaged merely with the images of sense, stirred to action” (Bayne, p. 346n). 1550 and modern eds. omit òv.

2:307.s Frons hominis . . . est. Pliny the Elder, Historia naturalis, 11.37; (1559), col. 292. “Only man has a face, all other animals have a muzzle or beak. Others also have brow, but only with man is it an indication of sorrow and gaiety, mercy and severity” (Loeb, 3:516, as chap. 51).


2:307.u Ἐρυθραίνονται γὰρ οἱ αἰόχυνόμενοι. Aristotle, N.E., 4.9; 1128b; Opera (1550), 2:23. “For when people feel shame they blush” (Bayne, p. 347n).

2:307.v Caro signatur . . . muniatur. Tertullian, De resurrectione mortuorum, chap. 8; Opera (1566), 1:86; CCSL, 1:931.3. “The flesh is signed with the cross that the soul may be fortified” (Bayne, p. 347n).


2:308.21–29.x You that were . . . abhorred. Cyprian, De lapis, chap. 1: “Parati ad patientiam carceris, armati ad tolerantiam mortis, repugnantis fortiter saeculo, spectaculum gloriosum praebuistis deo, secuturis fratribus fuistis exemplo. . . . Sanctificata ora caelestibus cibis post corpus et sanguinem domini, profana contagia et idolorum reliquias respuerunt. . . . Frons cum signo Dei pura diaboli coronam ferre non potuit, coronae se domini reservavit”; Opera (1593), p. 227; CSEL, 3.1:237–238; PL, 4:466, chap. 2.

2:308.y Erant enim . . . coronarii. Tertullian, De corona militis, 7.6 (5); Opera (1566), 1:751. Although in CCSL (1:1049) “coronarii” is “coronati,” it is “coro- narii” in 1566, and hence not a misprint in H: “for suppliants used to wear crowns” (Bayne, p. 348n). Chapter 7 argues that crowns have been identified with paganism.

2:310.z Ἐστω . . . φθαρτικά. Aristotle, Rhetoric, 1.6; 1362a; Opera (1550), 2:190. “Let that be good” . . . which guards such things, or which such things follow upon, or which hinders their opposites, or destroys them” (Bayne, p. 350n).

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2:311.a Ozias rex . . . promerentur. Cyprian, De unitate ecclesiae, chap. 16; Opera (1593), p. 301; PL, 4:514, chap. 18. "King Uzziah was spotted in his forehead with a kind of leprosy, being marked by God's anger in that part of his body where those are signed who receive God's grace" (Bayne, p. 350n).

2:311.6–8 wee neither omitt it . . . bene: An expression of the Anglican principle of the golden mean as applied to ceremonies.

2:311.b Quamvis . . . immunes. Goulart's annotation of Cyprian's Ad Demetrianum, § 19; Opera (1593), p. 333. "Although the ancient Christians used the outward sign of the cross they did so without superstition, as I have said in another place, and the doctrine of Christ's merit kept the faithful free from the error which afterwards stole upon them" (Bayne, p. 351n); see 2:302.j.n, above.

2:311.22–24.c This . . . observe. Goulart's annotation of Cyprian's epist. 56.7, Ad Thibaritanos, where the Goulart has before him Pamelius's comment on Cyprian's statement, cited above, 2:308.10–17, "muniatr frons, ut signum Dei incolunme servetur." Goulart says that Christians in the ancient church did not regard making the sign of the cross as essential but as "a mark of Christianity" done in defiance of pagan ridicule of the crucified Christ. He concludes with the statement quoted by H: "Ceremoniam illam, olim indifferentem, Christianis hodie necessarium esse minime existimamus"; Cyprian, Opera (1593), pp. 157–158.

2:312.8–13.d Wherein . . . considered. H has in mind Cartwright, 1:81 [60], where the vestments prescribed are compared to the "brazen serpent," given by the Lord as a means of remembrance of God's care for his people, adored as god by the people, and destroyed as a result. Whitgift, Defense, p. 294 (PS, 2:71), asked: "do you thinke that any man doth worship the apparell, as the Israelites did worship the serpent?" Cartwright replied (3:261): "althowgh no man worship the apparel, by falling down before yt: yet he may have a damnable opinion of yt, and as hard to be pulled out, as the other."

2:313.22–25.e if our predecessors . . . authoritie. Gratian, Decretum, 1.63.28: "Per hoc magna auctoritas ista est habenda in Ecclesia, ut si nonnulli ex praedecessoribus et majoribus nostris fecerunt aliqua, quae illo tempore potuerunt esse sine culpa, et postea vertuntur in errorem et superstitionem, sine tarditate aliqua, et cum magna auctoritate, a posteris destruantur"; C.J.Can. (Venice, 1584), 1:435–436; Friedberg, 1:244. The citation is Gratian's own observation on an edict he ascribed to a Pope Stephen. Bayne (p. 353n) supplies the context: "The paragraph describes how the right of the emperor to control the election of the pope was gradually abrogated. The case of the brazen serpent was analogous, for 'Hezekiah . . . broke in pieces the brazen serpent that Moses made'; . . . God had ordered that serpent to be made lest by the bites of the serpents the people should perish; but for that reason the people began to worship and venerate it, wherefore the king destroyed what Moses at God's command had made.' The source is uncertain.
2:314.6 a lump of brasse. That is, "the brassen serpent that Moses had made... he called it Nehushtán" (2 Kings 18:4). GB glosses: "That is, a piece of brasse: thus he calleth the serpent by contempt, which notwithstanding was set up by the worde of God, and miracles were wrought by it: yet when it was abused to idolatrie, this good King destroyed it, not thinking it worthie to be called a serpent, but a piece of brasse."

2:314.13–16.f Shapes and counterfeits... heaven. Around 389 AD the Alexandrians revolted when the pagan temple of Bacchus was destroyed and the temple of Serapis fortified. "Olympius" (line 12) is otherwise unknown. He may be Olympidorus (born before 380; died after 425), a Greek historian whose memoirs (written 407–422), now lost, were used by Sozomen. In the passage quoted by H, the pagans are being told that they should choose to die rather than neglect the gods, nor should they be discouraged by the destruction of idols and forsake their gods, for "asserens imagines ac statuas nihil aliud esse, quam materiam corruptibilem, ac proinde ad nihilum potuisse redigi: inhabitasse autem his virtutes quasdam, et eas iam in coelum avolasse"; Hist. eccles. (1581), p. 753.

2:314.31–315.12.g Thomas... reference. H paraphrases Aquinas, S.T. 3a.25.3. Bayne supplies the context: Art. 3 "considers, 'Utrum imago Christi sit adoranda adoratione latraei? Four reasons to the contrary are given, of which the third is that 'adoratio latraei' ['sacrifice of thanksgiving'] is due to Christ by reason of His divinity, not by reason of His humanity; but to the image of His divinity, perceived by the rational soul, 'adoratio latraei' is not due; still less to the material image of His humanity." H paraphrases the response to this: "Ad III dicendum, quae creature rationali debetur reverentia propter seipsum, et ideo si creaturae rationali, in qua est imago Dei, exhiberentur adorationi latriae, posset esse erroris occasio, ut s. [scil.] motus adorantis sisteret in homine, inquantum est res quaedam, et non feretur in Deum, cuius est imago, quod non potest contingere de imagine sculpta, vel picta in materia sensibili"; (1588), 3:98^v; B, 50:192–197. The whole article is relevant; see Bayne, pp. 354–355n.

2:316.h Joseph... c.8. See Josephus, Antiqjuitates Judaicae, 17.8 (Opera, 1566, p. 368), 18.3 (p. 385), and De bello Judaico, 2.8 (p. 515). Loeb, Josephus, 8:440–441, 9:42–43, and 2:388–389, respectively.

2:316.i Theire Eagles, ... Gods. See Dio Cassius (155–251), Greek historian of Rome, Historiae Romanae, bk. 40, sub anno 701; (1592), p. 143, where the golden eagle, kept in a shrine in the camp, is mentioned; and Herodian of Syria (170?–240?), History, 4.8, where mention is made that worship is given to the ensigns and images kept in the shrine of the camp. Loeb, 1:412–415.

2:316.27 the example of Ezechias. Hezekiah (Ezechias), king of Judah 715–687 BC, was known for his opposition to pagan worship; see 2 Kings 18:4 and 2 Chron. 29–31.
2:318.19 Josias Also king of Judah, ruled 640–609 BC; his reform program is recorded in 2 Kings 22:3 and 2 Chron. 34:8–35:19.

2:318.17–29 some things are ... ease. H distinguishes three kinds of ceremonies: 1. Those evil by nature that must be destroyed. 2. Those corrupted in use, incapable of reform, that must be removed. 3. Those, such as the sign of the cross, that though abused can be reformed.

2:319.22–26 For in soars ... both. See Aristotle, N.E., 2.9; 1109a; Opera (1550), 2:11. "Enough has now been said to show that moral virtue is a mean, and in what sense this is so, namely that it is a mean between two vices, one of excess and the other of defect; and that it is such a mean because it aims at hitting the middle point in feelings and in actions" (Loeb, p. 111).

2:320.30 of confirmation after baptism. In chap. 66 H has in mind objections made by the Admonitioners against the BCP's confirmation rite, listing them in § 9: (1) that it is explained as being a sacrament derived from apostolic practice; (2) that only a bishop may do it, inferring that it is better than baptism; and (3) that the imposition of hands with prayer is believed to convey strength beyond the grace bestowed in baptism (P.M., pp. 27–28). Richard Crick, fellow of Magdalen College, Oxford, and chaplain to the bishop of Norwich, responded to accusations made against a sermon he preached at Paul's Cross in 1573: "Touching confirmation I noted first that the papists had made a sacrament of it, and preferred it before baptism because Baptisme doth conferr (as they say) primam gratiam, and confirmation doth absolve it and make it perfect and I sayd (with Mr. Calvin as I remember) that the name it selfe was not altogether to be liked because whereas it was called an other name beside the warrant of the word. Secondlie I sayd that they erred herein, because they sayd it was to be ministred by the Bishop only and not by any other minister, all which as I remember I noted out of Mr. Calvin, and if they were culpable for so doing, that they were also culpable that use them after the same sort. For the thing it selfe I sayd and I say againe that it is necessarie being used after the maner of the Apostles"; Inner Temple, Petyt MSS 538, vol. 47, fol. 476v. H has little patience with such arguments, believing that as a rite composed of the imposition of hands with prayer it is rooted in the OT and the NT (§ 1). The gift of miraculous powers was bestowed generally on all Christians at first (§ 2), but such powers could only be conveyed by the Apostles and their successors and in time resided in bishops alone (§ 3). The imposition of hands with prayer was continued because by this rite there comes grace, not such as is received in baptism, but such as assists in the cultivation of virtue and defends against evil (§ 4). It was at first a part of baptism, but was differentiated when priests began to baptize but could not confirm (§ 5). It is still reserved to bishops, as those highest in authority, to whom the rite is most appropriate "for honors sake" (§ 6). Confirmation was separated from baptism as infant baptism grew and confirmation was recognized as appropriate for those able to perform the works of the Spirit (§ 7). The rite becomes an encouragement and exhortation to true godliness. Finally,
H decries “the deepe neglecte of this Christian dutie” by the bishops of his own time (§ 8).

2:321.5 Caro manus . . . illuminetur. Tertullian, De resurrectione mortuorum, 8.3; Opera (1566), 1:86; CCSL, 1:931. “The flesh is shadowed by the imposition of hands that the soul also may be illuminated by the Spirit” (Bayne, p. 361n).

2:321.12 imposition of handes This ceremonial gesture is associated with blessing, healing, absolving, ordaining, consecrating, and much else. Implicit in it is the ancient understanding of the transmission of power (mana) or spiritual grace from one who is recognized as especially endowed with charisma. H’s examples are drawn, not from “confirmation” as understood in the BCP, but from examples of healing, consecration, and ordination. In the next section he draws closer to baptism and confirmation.

2:322.25–323.10.b They . . . graces) Irenaeus, Adversus omnes haereses, 2.57; (1570), p. 160: “quapropter et in illius nomine, qui vere illius sunt discipuli ab ipso accipientes gratiam, perficiunt ad beneficia reliquorum hominum, quemadmodum unusquisque accepit donum ab eo. Alii enim daemones excludunt firmissime et vere, ut etiam saepissime credant ipsi, qui emundati sunt a nequissimis spiritibus, et sint ecclesia: ali autem et praescientiam habent futurorum, et visiones, et dictiones propheticas. Alii autem laborantes aliqua infirmate, per manus impositionem cutant, et sanos restituunt. Jam etiam, quemadmodum diximus, et mortui resurrexerunt, et perseveraverunt nobiscum annis multis: et quid autem? Non est numerum dicere gratiarum quas per universum mundum ecclesia a Deo accipiens, in nomine Christi Jesu crucifixi sub Pontio Pilato per singulos dies in opitulationem gentium perficit neque seducens aliquem, nec pecuniam ei auferens. Quemadmodum enim gratis accepit a Deo, gratis et minister.” The Greek (quoted by Bayne, p. 362n) was preserved by Eusebius, Hist. eccl., 5.7; see PG, 7:829.


2:323.15–18.c St. Augustine . . . them. Augustine, De vera religione, chap. 25; Opera (1556), 1:718; PL, 34:142. Augustine was writing of the cessation of spiritual or miraculous gifts. “For when the Catholic Church was diffused and established through the whole world, those miracles were not permitted to last into our times, lest the mind should always demand visible signs, and the human race should wax cold by the commonness of that strangeness whereof at first inflamed them” (Bayne, p. 363n).


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passage omitted Tertullian refers to Gen. i.2, 'recognizing as it were His primeval seat.' [see i. above], suggesting that Jacob’s hands were ‘transversely slanted one over the other’ in a manner prophetical of Christ” (Bayne, p. 364n).

2:324.4–11.e How great... adversaria. Cyprian, epist. 2.2, Ad Donatum de gratia Dei: “Quantus hic animi potentatus, quanta vis est? non tantum ipsum esse subtractum perniciosis contractibus mundi, ut quis expiatus et purus nulla incurrantis inimici labe capiatur: sed adhuc maiorem, et fortiorum viribus fieri, ut in omnem adversarii grassantis exercitum, imperioso iure dominetur?”; Opera (1593), p. 3; PL, 4:204, as epist. 1.5.


2:324.g August... cap. 26. Augustine, De Trinitate, 15.26; Opera (1556), 3:473; PL, 42:1093. “But how great is God, Who gives God! For none of his disciples gave the Holy Spirit. They prayed certainly that He might come upon those on whom they had imposed their hands, but they did not themselves give Him. And this custom the Church to-day observes in the persons of her bishops” (Bayne, p. 364–365n). The chapter discusses the double giving of the Holy Spirit by Christ before and after his resurrection.


2:325.29 anointinge. See Tertullian, De baptismo, chap. 7: “After that we come up from the washing and are anointed with the blessed unction, following that ancient practice by which... there was a custom of anointing them for priesthood
Commentary


2:326.14–17 **The saftie of the Church ... priestes.** Jerome, *Adversus Luciférianos*, chap. 9: “Et multis in locis idem factitatum reperimus, ad honorem potius sacerdotii quam ad legis necessitatem. ... Ecclesiae salus in summi sacerdotis dignitate pendet: cui si non exors quaedam et ab omnibus eminens detur potestas, tot in ecleisiis efficientur schismata, quot sacerdotes”; *Opera* (1516), 3:63”; PL, 23:173. Whitgift cites and translates the passage in *Defense*, p. 726 (PS, 3:360), and Calvin refers to it (*Inst.*, 4.19.4); Whitgift believes Calvin’s “words ... declare a maner of confirmation correspondent to ours”; *Defense*, pp. 785–7[86] (PS, 3:479–480).

2:327.28–30 **surelie greate ... belongeth.** The rite of confirmation was not being used in the English church as the BCP intended. In 1587 Robert Cawdrey reported that most bishops had not used it for the past twenty-nine years (Strype, *Aylmer*, p. 89). Thus Whitgift issued a letter in 1591 “to the bishops of his province, for the better observance of catechizing and confirming of youth” (*Works*, PS, 3:610–611). In fact, the rite was not rigorously observed in the late medieval church; see Dom Gregory Dix, *The Theology of Confirmation* (Westminster, 1946), pp. 32–33.

2:328.9 **faigned decretal epistles** These are the so-called “Pseudo-Isidorian forgeries,” canonical collections that appeared around the 9C, exposed by Marsilius of Padua and Nicholas of Cusa (d. 1465), among others.


2:329.13–15 **laying ... untruth** Cartwright as quoted in *m*. See the Second *Admonition*: “Confirmation ... hath no ground out of the scriptures at all” (*P.M.*, p. 117).

2:330.13 **Of the sacrament ... Christ.** Chapter 67 is not directed specifically against the Puritans but against all believers engaged in controversy over the Real Presence of Christ in the Eucharist, particularly those who deny that presence. As such it seeks to explain how the Eucharist continues new life begun in baptism and threatened by sin (§ 1). The sacrament does this by means on which all agree, “the reall participation of Christe and of life in his bodie and bloode” (§ 2). H contends that the focus should not be on the narrow issue of the manner of Christ’s presence in bread and wine, but rather on the effects of the sacrament in the “worthie receiver of the sacrament” (§ 6), the elements being mystical yet true instruments that “worke our communion [koinonia] with the person of Jesus Christ,” the fruit being that grace “whereupon there ensueth a kind of transubstantiation in us” (§ 11). In the process, H pleads for an end to fruitless contention and
for the enjoyment of that purpose or fruition of the sacrament on which all agree (§ 7). He ends with an eloquent exhortation composed in the style of eucharistic adoration (§ 12; esp. 2:343.6–26). H’s own position (which he would identify as the teaching of the C of E) is that of the “Sacramentaries” (see 2:336.16 and n, below), or those identified with the teaching of Calvin, emphasizes an actual, although mystical, presence that through proper use results in changed lives.

2:330.27–28.5 Except ye eat ... you. H uses this text, as Cranmer had used it in the BCP as referring to the Eucharist. Some, such as Dering, denied that John 6.53 referred to the sacrament; A Sermon preached at the Tower of London ([1570]; STC 6694), sig. B5'. Others, such as Cooper, concluded that it did; A Briefe Homily (1580; STC 5684.5), sig. B2'. Raymond Brown believes that John 6:51–58 “contains genuine traditional material (e.g., eucharistic formula)”; Anchor Bible: The Gospel According to John (1966), 1:286. The reference in s should be to verse 53.

2:331.17–19 Zwinglius ... Christe. Ulrich Zwingli (1484–1531) and Johannes Oecolampadius (1482–1531), the reformer of Basle, both regarded the sacraments as signs or symbols rather than as means of grace. Both were denounced by Luther in his Das diese Wort Christi ... noch fest stehn, wider die Schwarmgister (1527). Zwingli, who denied that physical objects could convey spiritual gifts, emphasized the concept of remembrance, arguing that the Lord’s Supper was the dramatic recalling of Christ’s life, death, and resurrection. It is doubtful that H realized the importance and antiquity of this understanding of anamnesis (“memorial”), the word used in the NT narratives of the Eucharist, 1. Cor. 11:24 ff. and Luke 22:19. See 2:336.16.n, below.

2:331.34–35 consubstantiate ... transsubstantiate See 2:338.2–5 and 340.25–341.1 for H’s definitions of these terms.

2:332.7–9 shall I wishe that men ... how? Compare George Herbert’s “The H. Communion” (Williams MS):

... whether bread stay
Or whether Bread doe fly away
Concerneth bread, not mee.
But that both thou and all thy traine
Bee there, to thy truth, and my gaine,
Concerneth mee and Thee.

The Works of George Herbert, ed. F. E. Hutchinson (Oxford, 1941), p. 200. Also, the verse attributed to Elizabeth I:

Christ was the Word that spake it;
He took the Bread and break it:
And what the Word did make it,
That I believe, and take it.

Commentary

2:334.1 Take, eat, this . . . blood; See Mark 14:22–24 (cited in u); Matt. 26:26–28; Luke 22:17–19; and 1 Cor. 11:23–25. H singles out the text at issue between Roman Catholics and Protestants. The key words were all discussed, but debate centered on the meaning of “is” in “This is my body.” Stephen Gardiner upheld R.C. doctrine when he asserted that the words in the text mean what they say: that bread is transubstantiated into the Body of Christ; A detection of the devils sophistrie, wherewith he robbeth the unlearned people, of the true byleef in the sacrament of the aulter (1546; STC 11591.3), fol. VI. Cranmer disagreed: “our saviour Christ called the material bread whiche he brake, his body, and the wyne . . . his bloud. And yet he spake not this, to the intente that men shulde thynke, that material bread is his very body”; A defence of the true and catholike doctrine of the sacrament of the body and bloud of Christ (1550; STC 6000), fol. 4.


2:334.21–32 Everie cause . . . sacrament. See chap. 56.5 and 2:237.15–18.n, below.

2:334.33–335.6.u first Take and eat . . . them. The author(s) of A.C.L. were troubled by H’s understanding of the institution of the Lord’s Supper (see 4:48.20–27); H protests: “O savage creature” (4:48.2).

2:335.20–30 sith we all agree . . . inquiere. Cited by A.C.L. as proving that H minimized transubstantiation (4:46.27–47.4); see H’s response (4:47.14–29) and n.

2:336.16 Sacramentaries That is, Sacramentarians, so called by Luther because, rejecting transubstantiation and consubstantiation, they believed that bread and wine can be called body and blood only in a metaphorical or “sacramental” sense. In the Formula of Concord (1577) a further distinction was made between those “crass Sacramentarians” (such as Zwingli and Oecolampadius; see 2:331.17–19.n, above) who teach “that in the Holy Supper only bread and wine are present, distributed, and received orally” and others, “subtle Sacramentarians” (such as Calvin), “who in part talk our language very plausibly and claim to believe a true presence of the true, essential, and living body and blood of Christ in the Holy Supper but assert that this takes place spiritually by faith”; Book of Concord (1595), p. 482. A.C.L. cites H here (4:48.7; see n). The term was one of opprobrium, its use forbidden by the Royal Injunctions (1559), no. 50; see Bayne, pp. 378–379n. John Brerely noted that the Protestants were forced to use the name “Sacramentaries” to distinguish their various groups and cited H in this place for proof; see The Apologie of the Romane Church (1604; STC 3604), p. 243. Brerely was identified as Lawrence Anderton in S.R.H., p. 220, but he was actually James Anderton; see A. F. Allison, “Who Was John Brerely? The Identity of a Seventeenth-Century Controversialist,” Recusant History, 16.1 (May 1982): 17–41.

2:337.9 Marcionites Followers of a Christian sect found at Rome in 2C by Marcion of Sinope; see 1:182.2–16.n, above. In this instance H has in mind the
"false doctrine" noted in the Formula of Concord: "That Christ did not have a true human nature with a body and a soul, as Marcion imagined"; Book of Concord (1959), p. 490. See Calvin, Inst., 4.17.17; Laws, IV.11.9; and 4:92.4–15, 138.10–29, and nn, above. The allusion to Marcion in this context is commonplace in the 16C, as Bayne observes (p. 380n).

2:338.v Acceptum panem . . . posset. Tertullian, Adversus Marcionem, 4.40.3; Opera (1566), 1:467; CCSL, 1:656; ed. Evans (1972), 2:492. "The bread which He had taken and distributed to the disciples, that He made His own body, by saying 'This is my body,' that is, the figure of my body. But there could have been no figure unless there were first a veritable body, for an empty thing which a phantasm is could not have a figure" (Bayne, p. 381n). Tertullian is here arguing against Marcion's docetism; see 3.8; ed. Evans (1972), 1:192; and 2:231.1–5.n, above.

2:338.w Secundum hae . . . substantia. Irenaeus, Adversus omnes haereses, 5.1; Opera (1528), p. 294; PG, 7:1124 (chap. 2). "According to this neither has the Lord redeemed us with His blood, nor will the cup of the Eucharist be the communion of His blood, nor is the bread which we break the communion of His body. For blood can only come from veins and flesh, and the rest of man's substance wherein the Word of God was truly created" (Bayne, p. 381n). H omits, after "substantia," "qua vere factum est Verbum Dei."

2:338.x Ei toînv . . . ἀναξιληθέν. Theodoret, Dialogue II; (1547), fol. 38'; PG, 83:165; ed. Ettlinger, p. 151.23–26; "If therefore the divine mysteries are types of the true body, the body of the Lord is now a body, not changed into the nature of His divinity, but filled with the divine glory" (Bayne, p. 381n). H's text omits, after τὸ σῶμα, θεὸν μέντοι καὶ δεσποτικὸν σῶμα.

2:338.y Sacramenta . . . mysteriis. De coena Domini, attrib. to Cyprian (see 2:240. 28.c.n, above), chap. 7; Opera (1593), p. 501; PL, 189:1644. "Sacraments indeed, considered in themselves, must have their own power, and the majesty cannot absent itself from the mysteries"; see Bayne, p. 381n.

2:338.z Sacramento . . . devotion. Ibid., chap. 6; (1593), p. 501; PL, 189:1644. "The divine essence ineffably poured itself upon the visible sacrament that religious devotion might be concentrated around the sacraments" (Bayne, p. 381n). Goullart has a long note on this passage, using most of the references used by H; (1593), p. 507. Invisibilis . . . effectus. Eusebius Gallicanus, Homilia quinta de Pascha; Homiliae ad populam (1547), fol. 44'; CCSL, 101:196–197. "The invisible priest by His word changes by secret power the visible creatures into the substance of His body and blood . . . In the spiritual sacraments the virtue of the word gives the order, and the result follows" (Bayne, pp. 381–382n).

2:339.a τὰ σύμβολα . . . πιστεύεται. Theodoret, Dialogue II; (1547), fol. 38'; PG, 83:168; ed. Ettlinger, p. 152.9–17; H has edited this passage. Eranistes asserts: "The Symbols of the Lord's body and blood are one thing before the priestly
invocation, and after the invocation are changed and become another thing." Orthodoxos replies: "[But after the consecration the mystic symbols] do not recede from their own nature. They remain in their former substance figure and form, and are visible and tangible as they were before; but they are thought of and believed in as what they have become, and worshipped as being what they are believed to be." Thus Orthodoxos denies that the substance of bread and wine is changed. *Ex quo a Domino ... proficit.* De oena Domini, chap. 3; Cyprian, Opera (1593), p. 500; PL, 189:1642. "After by the Lord the words were pronounced, Do this in memory of Me. This is My flesh, and, This is My blood, whencesoever these words and this faith are employed, the supersubstantial bread and cup, consecrated by a solemn blessing, profit to the life and salvation of mankind." *Immortalitatis ... præsentiam.* Ibid., chap. 2; (1593), p. 500; PL, 189:1642. "The food of immortality is given, which differs from common foods in that it retains the appearance of corporal substance, but by invisible working proves the presence of divine power." See Bayne, p. 382n.

2:339.b *Sensibilibus ... spiritus.* Ibid., chap. 5; (1593), p. 501; PL, 189:1643. "In the sacraments which are perceived by the senses there is the effect of eternal life, and we are joined to Christ, not so much by a bodily as by a spiritual union. For He is made bread and flesh and blood, He too is made the food and substance and life of His church which He calls His body, giving to it a participation of the Spirit." The first sentence in the 1593 edn. reads: "sensibili argumento edoceta est visibilibus sacramentis inesse vitae aeternae effectum, et non tam corporali, quam spirituali transitione Christo nos uniri." *Nostra ... voluntates.* Ibid., chap. 6; (1593), p. 501; PL, 189:1644. "Our union with Him neither mixes the persons nor unites the substances, but it associates capacities and confederates wills"; see Goulart’s comment (1593), p. 508. *Mansio ... incorporatio.* Ibid., chap. 9; (1593), p. 501; PL, 189:1645. "Our abiding in Him is eating Him, and our drinking Him is a sort of incorporation in Him"; 1593 has “ipso sit manducatio.” *Ille est in patre ... mysterium.* Hilary of Poitiers, De Trinitate, 8.15; Lucubrationes (1523), p. 136; PL, 10:248. "He is the Father by the nature of His divinity; we in Him by His bodily birth, He again in us, by the mystery of the Sacraments"; Goulart cites this passage; (1593), p. 508. See Bayne, pp. 382–383n.

2:339.c *Panis hic azymus ... conformat.* De oena Domini, chap. 6; Cyprian, Opera (1593), p. 501; PL, 189:1644. "This unleavened bread, a true and pure food, through the visible appearance and the sacrament, by its touch sanctifies, by faith illuminates, by truth conforms us unto Christ." *Non aliud agit ... gestemus.* Leo I, De passione et resurrectione Domini eiusdem sermo. xiii; Sermones et epistolae (1482), sig. K5; PL, 54:357, as serm. 12. "Participation in the body and blood of Christ does nothing else but unite us to that which we take, so that in all things spiritual and corporeal we bear about Him in Whom we die, in Whom we are buried, in Whom we are raised up again"; quoted by Goulart (1593), p. 512. *Quemadmodum ... habentia.* Irenaeus, Adversus omnes haereses, 4.34; Opera (1528),
Book V, Chapter 67.11–67.12

p. 237; PG, 7:1028 (chap. 18). "As bread from the earth, receiving the summons of God" (that is, when the deity is invoked) "is no longer common bread but a Eucharist, composed of two things, an earthly something and a heavenly something; so also our bodies when they receive the Eucharist are no longer corruptible, but have the hope of resurrection"; cited in part at 2:249.\textit{w}; Bayne quotes the Greek. \textit{Quoniam . . . est.} Cyril, \textit{In Evangelium Joannis}, 4.14; (1520), fol. 86\textdagger; ed. Pusey (1872), 1:530; LOF (1874), 1:418; PG, 73:577; on John 6:53. "Since the redeeming flesh, joined to the word of God, which is by nature life, has become life-giving, when we eat it, then have we life in us, being joined to that Flesh which has been made life." See Bayne, p. 383n.


2:340.25–28 \textbf{\textit{This . . . Lutheran interpretation;}} See the Formula of Concord (1577) in which the Lutheran position is stated in terms of Christ's body being "under the bread, with the bread, in the bread," while transubstantiation is rejected; Book of Concord (1959), p. 575.

2:340.29–340.1 \textbf{\textit{This . . . popish construction;}} Session 13 (Oct. 1551) of the C of T, chap. 4, affirmed "that through the consecration of the bread and wine there comes about a conversion of the whole substance of the bread into the substance of the body of Christ our Lord . . . ," which is named transubstantiation; \textit{Concilium Tridentinum: Diariorum . . . nova collectio} (1901–), 5:996. For a popular statement, see Robert Bellarmine (1542–1621), \textit{An Ample Declaration of the Christian Doctrine} ([1604?]; STC 1834), p. 290. Bellarmine was a notable RC apologist, whose chief work of controversy was exactly contemporaneous with the composition of the Laws: \textit{Disputationes de controversiis Christianae fidei adversus hujus temporis haereticos}, 3 vols. (Ingolstadt, 1586–1593); H takes note of him in the Dublin Fragment, "\textit{Modus quo Sacramenta conferunt gratiam}" (4:120.20–26 and n), in \textit{Answer}, § 4 (5:242.19–21.f and n), and in VI.4.5 (3:23.29–34), § 11 (38.4–19), § 12 (42.4–6), 6.2 (3:70.d), § 10 (84.15–21 and g), § 11 (88.g), and § 12 (90.2–4 and i); see nn.

2:341.1–7 \textbf{This hallowed foode . . . bodie,} H's position, and that of the C of E as he understands it, as is of the so-called Sacramentaries (see 2:336.16.n, above). See the Second Helvetic Confession (1566), chap. 21; the \textit{Consensus Tigurinus} (1549); and Calvin writing against Tileman Heshusius: "When I say that the flesh and blood of Christ are substantially offered and exhibited to us in the Supper, I at the same time explain the mode, namely, that the flesh of Christ becomes vivifying to us, inasmuch as Christ, by the incomprehensible virtue of his Spirit, transfuses his own proper life into us from the substance of his flesh, so that he himself lives in us, and his life is common to us. . . . I frankly engage at close quarters with the man who denies that we are partakers of the substance of the flesh of Christ, unless we eat it with our mouths. . . . I define the mode of com-
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munication without ambiguity, by saying that Christ by his boundless and wonder-
ous powers unites us into the same life with himself, and not only applies the fruit
of his passion to us, but becomes truly ours by communicating his blessings to us,
and accordingly joins us to himself, as head and members unite to form one
body”; CR, 9:470–471; Theological Treatises, LCC, pp. 267–268. See also Inst.,
4.17.5, 11, 14, 19, 24, and 32, treated by Paget as a “commentary on Hooker’s
and 117.1–121.12.

pp. 220–221).

2:343.6–26 the verie letter . . . happie?" From De coena Domini, chap. 10;
Cyprian, Opera (1593), p. 502. See Bayne, pp. cxv and 386n, and Intro. to Book
V, p. 217, above.

2:344.1–2 Of salts noted . . . communion. In chap. 68 H addresses six objections
of the Admonitioners to the BCP sacrament: 1. The language used in adminis-
tering communion (1559, p. 264; P.M., p. 13); H contends that it is less necessary to
imitate Christ’s words than the purpose of them (§ 2). 2. The rubrical direction to
receive kneeling; H defends kneeling as “the gesture of pietie” (§ 3). 3. Self-
examination before communion (1559, p. 257), which they say is neglected (P.M.,
p. 13); H agrees that self-examination is a duty, but denies the existence of
scriptural warrant for examining communicants (§ 4). 4. The requirement that all
parishioners receive communion on specified occasions (1559, p. 268), including
sinners and papists (P.M., p. 14); H argues that none who profess faith in Jesus
Christ should be excluded (§§ 5–9). 5. The rubric ordering that there be no
communion unless there be three or four to communicate (1559, p. 267); the
Puritans take this to mean that this is “a fytte number” (P.M., p. 25); H protests
that the few are not to be penalized for the laxity of the rest (§ 10). 6. Private
communion of the sick (1559, pp. 307–308), to which the Puritans object (P.M.,
p. 25); H argues that it is no sin to minister to the wounds of the sick “with that
oile which this gracious sacrament doth yeeld” (§ 11). The corresponding tractate

2:345.g Can.9. Apost. concil. 2. The first fifty Apostolic canons were first
collected about 500 by Dionysius Exiguus, with eighty–five additional canons being
subsequently added. Canon 9 reads: “All the faithful who come to church and hear
the Scriptures but are not earnest in prayer and do not receive the Holy Commu-
nion, as disturbing the order of the Church must be cut off from Communion”
(Hefele, History of the Councils, 1:461). It was customary in the early church for
catechumens (and others) to be dismissed before the missa fidelium began.

Concil.2. Bracar. ca.83. The reference is to canon 84 (not 83) of a collection
made by Martin (520?–580?), archbishop of Braga in Spain, assumed to be the
canons of the Synod of Braga (572): "If any one enters the Church of God and does not listen to the reading of the Scriptures and for his own pleasure keeps away from the communion of the Sacrament and in the observation of sacred rites refuses the authorised rule of discipline, we decree that such a person be cast forth from the Catholic Church till he do penance"; see Bayne, p. 389n; PL, 130:588; Hefele, 4:397. Both references come from Cartwright, 1:149 [117]; see Whitgift, Defense, p. 531, marg., which cites "cap. 83."; hence H's miscitation.

2:345.h 1.1. p.166. Page 132 in 1st edn. Besides ... absurde. H has transposed the two sentences of this quotation. Whitgift dismisses the objection of the Admonition as "so ridiculous, that it is more worthy to be hissed at, than to be confuted"; Answeres, quoted in Defense, p. 601 (PS, 3:97).

2:346.i Kneeling carieth ... not. H has extracted this quotation from a passage which begins by Cartwright's citing Whitgift as saying that none can be offended by kneeling to receive communion, since "kneeling caryeth a greater shewe of worshipp/ and Imprinteth in the mindes of the ignorant a stronger opinion and a deeper print of adoration/ then the syght of a rounde cake. And if kneeling be so void of all fault/ as M. Doctor wold make us beleve/ howe came it to passe/ that in King Edwardes dayes/ there was a protestation added in the boke of prayer/ to cleare that gesture from adoration. An other reason why kneeling should be taken away/ is for that sitting agreeeth better wyth the action of the supper" (1:165–166 [131]). The so-called "Black Rubric" explained that no adoration (or worshipping of idols) was intended by kneeling at communion (rpr., B.C.P., 1559, p. vii; for its tangled bibliography, see STC, 2:91–93). See Defense, pp. 597–600 (PS, 3:88–96), and Bayne, pp. 391–392n.

2:347.j 1.1. p.164. Page 130 in 1st edn. All things necessarie ... examination. H has excerpted this from a longer passage; see Whitgift, Defense, pp. 591–593 (PS, 3:78–82), and Bayne, p. 392n.

2:347.6–16 that God ... Aaron, Cartwright had cited 2 Chron. 35:6 to show that "the Levites were there commanded to prepare the people unto the receiving of the passover." GB glosses "prepare your brethren": "Exhorte everie one to examine them selves, that they be not unmete to eat of the Passeover" (see j). Citing the GB gloss, Whitgift denied that examination was enjoined; Defense, p. 592. Verse 14, however, reads: "they prepared for themselves and for the Priests"; the Vulgate reads "Et fratres vestros ... preparate," retained in the AV, but corrected in the RSV to "prepare for your brethren"; that is, it is "the service," not the people, that "was made ready" (lines 15–16). See Bayne, p. 393n.


2:348.9–12 Church is a worde ... not. See 2:54.c and n; III.1; and Jude 1, § 8 (5:40.16–41.1); also, 4:28.18–31.25, above, and Field, Of the Church, 1.7; (1847), 1:25–27.

2:349.23–24 **them which call upon . . . Church.** See Rom. 10:13 and 1 Cor. 1:2. Compare Field, *Of the Church*, 2.2; (1847), 1:63.

2:350.23–25 **Manie thinges exclude . . . not.** This is a key statement indicating H's concern to distinguish the church on earth from the kingdom of God. Bucer spoke of the kingdom of God (Christ) as a higher entity and yet always related to church and state as manifesting the rule of God in Christ; *De regno Christi*, ed. F. Wendel (1955), p. 54; LCC, 19:225.

2:352.20–25 **Now because . . . awrie.** The Act of Supremacy (1 Eliz. I, cap. 1) empowered the queen to appoint commissioners to exercise ecclesiastical jurisdiction. She did so, sending out commissions in 1559 to enforce the provisions contained in the Uniformity Act (1 Eliz. I, cap. 2) concerning conformity to the BCP and church attendance. Armed with articles and injunctions of visitation the commissioners began a work that issued in an extraordinary court, eventually named the Court of High Commission, and in efforts to bring recusants into conformity. See, for instance, Arthur J. Willis, ed., *Church Life in Kent*, being *Church Court Records of the Canterbury Diocese*, 1559–1565 (London and Chichester: Phillimore, 1975), pp. 25–32. Additional parliamentary acts were enforced with varying degrees of severity, such as those of 1563, 1581, and 1593. See W. R. Trimble, *The Catholic Laity in Elizabethan England*, 1558–1603 (Cambridge: Harvard University Press, 1964), and Bayne, pp. 397–398n.


2:354.9–10 **But if they . . . man** Bayne (p. 398n) suggests that H may have in mind here the Jesuits and Seminary priests who came to England following Elizabeth's excommunication by the pope in 1570 and were active into the 1590s; see the letter of Richard Topclyff to Lord Burghley (1590), in Strype, *Annals*, 4:422.

2:354.21–27 **For neither doth God . . . him.** See "A Declaration of the Queen's Proceedings Since Her Reign," attributed to Elizabeth I and written in connection with the rebellion in the North (1569): "We know not, nor have any meaning to allow that any our subjects should be molested either by examination or inquisition in any matter, either of faith, as long as they shall profess the Christian faith, not gainsaying the authority of holy Scriptures, and of the articles of our faith, contained in the Creeds Apostolic and Catholic; or for matter of ceremonies, or any other external matter appertaining to Christian Religion, as long as they shall in their outward conversation show themselves quiet and conformable, and not manifestly repugnant and obstinate to the laws of the Realm, which are established for frequentation of divine service in the ordinary churches, in like manner as all other laws are, whereunto subjects are of duty and by allegiance bound"; William

2:355.7 T.C. I.1. p.147. Page 166 in 1st edn. Cartwright joined the Admonition-ers in objecting that the BCP allowed a few ("three or fower") out of a congregation to communicate at the Lord's Supper. For Whitgift's answer, see *Defense*, p. 528–530 (PS, 2:547).

2:356.2 publique coaction Cartwright, 1:149 [117], argues that that BCP "ought to provide that those which woulde withdrawe themselves, should be by ecclesiasticall discipline at all tymes, and now also under a godly Prince by civill punishment brought to communicate with their brethren"; Whitgift, *Defense*, p. 531.

2:356.8–11 Onlie . . . them. A key statement. The literature of the time indicates the concern on the part of the church leaders for the paucity of communions made, even at the times specified by law; therefore to wait until the whole people gathered, either of their own volition or as compelled to do so, before celebrating the Lord's Supper would be wrong if only in terms of the pastoral concern that bishops and priests ought to have for the faithful who depend upon the sacrament.


2:357.3–4 As for the last . . . sick, See "A View of Popishe Abuses" (*P.M.*, p. 25, and 2:344.1–2.n, above), and Whitgift's response, *Defense*, pp. 525–528 (PS, 2:540–548). The concern of the early church was to preserve its unity with the sick or absent being communicated from the one altar (see Justin Martyr, *Apology* 1, chaps. 65, 67), implying the reservation of the consecrated elements. Communication was provided for the dying (the *viaticum*); see Nicaea (325), canon 13, noted by Whitgift, *Defense*, p. 527, marg. The first note that we have of a private celebration for the sick was recorded in the 5C by Uranius in his *Epistle concerning the Death of Nola*, chap. 2. See Charles Harris, "The Communion of the Sick, Viaticum, and Reservation," in Clarke, ed., *Liturgy and Worship* (1932), pp. 541–615. The 1549 Prayer Book allowed for reservation of the sacrament for the sick, but the 1552 and subsequent books dropped this provision, necessitating a "private" celebration for the sick; see *B.C.P.*, 1559, p. 410.

2:357.4 (they graunt) Cartwright, 1:146 [115], cites Justin Martyr, as in n above, and Tertullian (*De oratione*, chap. 19); the latter discusses the scruple that some felt at breaking their fast on a day of humiliation by partaking of the Eucharist. He advises that the faithful reserve the sacrament for consumption at home when the fast has ended. See Cyprian (*De lapsis*, chap. 16), who tells of the infant to whom

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the cup could not be administered without sobbing and sickness, because it had taken part in pagan rites. See Bayne, pp. 403–404n.

2:357.1 **T.C. I.1. p.146.** Page 115 in 1st edn. "It is not to be denied/ but that thys abuse is very auncient/ and was in Justin Martyrs tyme/ in Tertullians and Cyprians tyme/ even as also there were other abuses. . . . First of all in the primitive church the discipline of the churche was so severe and so extreame/ that if any which professed the truth/ and were of the body of the church/ did through infirmity deny the truth/ and joyned hym self unto the idolatrous service/ although he repenting came again unto the church/ yet was he not received to the communion of the Lords supper any more. And yet lying in extremity of sicknes/ and redy to depart thys lyfe/ if hee dyd require the communion in token that the church had forgiven the faulte . . . they graunted that he might be partaker of it/ as may appeare by the story of Serapion [Euseb. lib. 6. chap. 43]. Another cause was that which was before alleged/ which is the false opnion which they had conceived/ that all those were condemned/ that received not the supper of the Lord/ and thersfore when as those that were (as they called them catechumeni) which is yong novices in relygion never admitted to the supper/ or yong children fell sicke daungerously/ they ministred the supper of the Lord unto them/ least they should want their voyage victual (as they termed it) . . . . " The last is a reference to the *viaticum.* Eusebius tells of Serapion of Alexandria, *Hist. eales.,* 6.44, as reported by Dionysius, bishop of Alexandria (d. 264?), in a letter to Fabius, bishop of Antioch.

2:358.π **Δία . . . ἐκαρσίν.** Theophylact, archbishop of Achrida (fl. 1078), an accomplished scriptural exegete, on Phil. 3:11: ἡκανάστασιν ἐνταθα νοεὶ τὴν ἐνδοξον τὴν ἐν νεφέλαις ἐκαρσίν. PG, 124:1185. "‘Understand here by ἡκανάστασιν [‘resurrection’; see line 15] the glorious rising up in the clouds of heaven.’ All shall rise, he [Paul] explains, but all shall not be taken up” (Bayne, p. 405n). **Πάντες . . . ὕγαθόν.** "The dead in Christ shall rise first. Then shall we which live and remain be caught up with them also in the clouds to meet the Lord in the air.” Theophylact comments on 1 Thess. 4:16–17: “The dead in Christ are the faithful (πιστοί), for since they are to be caught up in the clouds they shall rise first” (see Bayne, p. 405n). Ammonius of Alexandria prepared a 3C harmony of the Gospels.

2:358.ρ **Maturata . . . solemnia.** *De coena Domini,* chap. 10; Cyprian, *Opera* (1593), p. 502; PL, 189:1646.

2:358.γ **Φάρμακον . . . Θανείν.** Ignatius, *Epistola ad Ephesios,* chap. 20; *Epistolae* (1558), p. 137; PG, 5:661. "... breaking one bread, which is the medicine of immortality, the antidote that we should not die, but live for ever in Jesus Christ” *(Apostolic Fathers, Loeb, 1:195).*

2:358.ξ **Iren. I.4 c.34.** *Adversus omnes haereses:* “Quomodo autem rursus dicunt carnem in corruptionem devenire, et non percipere vitam, quae a corpore domini
et sanguine alitur?"; Opera (1528), p. 237; PG, 7:1027, as chap. 18. "And how say they that the flesh passes into corruption and partakes not of life, which is nourished by the Lord's Body and by His blood?"; Bayne (p. 406n) quotes the Greek. See 2:339.c.5–8 and n, above.

2:359.a Etsi nihil facile . . . est. See 2:250.b and n, above.

2:359.18 Of festivall dayes H turns in chap. 69 to consider the Puritan objections to the BCP Calendar and its ordering of the church year according to Christian tradition (see B.C.P., 1559, pp. 22–47). But once more, before taking up specific charges, H lays a foundation, beginning with philosophical considerations and ending with biblical ones. What time is, how it is divided, and why certain times are preferred are the questions he seeks to answer. He is concerned to distinguish chronos from kairos, chronological time, with its regular succession and continuance, from significant time, such time as the church year designates.

2:360.8–11 Gods own eternitie . . . together. H here christianizes the cosmology that was the product of ancient astronomy, systematized by the Alexandrian Ptolemy in the 2C AD, and further elaborated by Arabian scholarship, principally that of the Sassanid dynasty in Spain. It was popularized in the Christian West by such writings as The Celestial Hierarchy of Dionysius the Areopagite, which H knew, and Dante's Paradiso. The end of The Divine Comedy both reflected the predominant world view of the late Middle Ages and helped perpetuate it. It was presumed by the schoolmen; see, for instance, Aquinas, S.T., 1a.108.6, on the hierarchy of angels. According to this cosmology, the earth is fixed at the middle point of the universe. Around it spin the nine heavenly spheres, one each for the seven planets (including the moon and the sun), one for the fixed stars, and one called the primum mobile. These spheres are spinning around the earth, their motion being caused by the nine orders of angels (the pure Intelligences) created by God, who inhabits the true Heaven or Empyrean: God the One alone, sole reality, true Existence, Prime Mover, etc.; see plates 17 and 18 in The Riverside Shakespeare, ed. Evans (1974). Dorothy Sayers suggests that if the first few verses of Genesis were translated into the language of this ancient/medieval cosmology, we might have something like this: "In His timelessness, Being called into being the Intelligences [Angels] and the Prime Matter. And the Prime Matter was without form and unintelligible; and space lay in darkness. And the Power of the First Mover moved upon the unmeasuredness of space. And Act expressed Itself in the creation of light. And the movement of light was the beginning of time"; Further Papers on Dante (New York: Harper and Brothers, 1957), p. 91.

2:360.19–20 Hereupon some . . . heaven, See Aristotle, De coelo, 1.9; 279: χρόνος δὲ ἀριθμός κινήσεως; Opera (1550), 1:202; "time is the number of motion"; what follows is quoted by H in 2:365.j. Aquinas refers to Aristotle's concept in S.T., 1a.66.4, resp. 3, "tempus est numerus motus firmamenti"; "time is the measure of the movement of the firmament"; B, 10:46–47; (1588), 1:225:
"Accidit enim tempori quod sit numerus motus firmamenti, inquantum hic motus est primus motuum"; "For time is the measure of the movement of the firmament only in the sense that this movement is the first among others" (B, 10:48-49).

2:360.27 Melissus The philosopher Melissus of Samos (b. 470 BC?), according to Diogenes Laertius (2C AD) in his Lives of the Philosophers (9.4), taught that there was no real, only apparent, motion (Loeb, 2:434).

2:361.16 time doth eat ... thinges, See Bayne, p. 409n: "'Tempus edax rerum,' is a phrase of Ovid's, Metam. xv.234; to Thales is ascribed the saying, τὸν χρόνον σοφότατον ἀπάντων, ἀνευρίσκειν γὰρ τὰ πάντα. Erasmus quotes it in the Adagia under Tertullian's proverb, 'Tempus omnia revelat,' and compares the famous saying of Pindar, ἀμέραι δ' ἐπιλοιποί, μάρτυρες σοφότατοι. The ... mediaeval description of eternity, which derives from Plato, Timaeus, 37-8, is given by Aquinas, Sum. Th. i. 10, 'De Dei eternitate'"; (1588), 1:31⁵-35⁵.

2:361.b Χρόνος ... πολύς. "Time is that in which opportunity is; opportunity is that in which there is not much time." Hippocrates, the physician (d. 357 BC?), Praeceptiones, § 1, in Opera (1595), p. 27; Loeb, 1:312.

2:362.3-5 For as God ... holines, Compare H's discussion of the place of worship, chap. 11.1.

2:363.1 The manner of celebratinge festivall dayes. Chapter 70 is based on the Puritan conviction expressed in the Disciplina ecclesiae sacra, chap. 15: "Festi dies sunt commodè abolendi" (Paget, Introduction, p. 245; 2nd edn., p. 304); "holy daies (as we tearme them) must be abolished, commodè, as they may, handsomely" (Ban- croft, Daungerous Positions, p. 95). H proceeds to assert the necessity of celebrating festival days, grounded in natural law and involving three natural elements: praise, bounty, and rest (§§ 1-4). Corruption had turned praise into idolatry, bounty into excess, and rest into wantonness (§ 5), and therefore the Jews established certain days and provided rules for keeping them (§ 6). St. Paul rejected such Jewish legalisms (§ 7), but this does not mean that such observations can be dispensed with altogether. H then defines the bases on which holy days may and should be kept, including a description of the church year (§ 8), and distinguishes among those days which must be kept, those which must be kept for a time, and those which fall within the positive ordinances of the church (§ 9). He finally makes it clear that the dispute is not over Sunday, which the Puritans maintain, but over other times traditionally kept as sacred by the church.

2:363.f Grande ... dedecus? Tertullian, Apologeticum, chap. 35; Opera (1566), 2:682; CCSL, 1:145. For "choros," 1566 has "thoros" and CCSL has "toros." "It is forsooth a notable homage to bring fires and beds out of doors, to feast in all the streets, to dress up your city as a tavern, to make the gutters run with wine, to run pell-mell into riot, indecency, and lust! Is then public joy expressed by public shamelessness?" (Bayne, p. 411n). Dies festos ... occupari. Justinian, Codex, 3

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[not 12].12.9 [not 1]; (1590), col. 193; Krueger (1963), p. 128, as 3.12.9 (11); Scott, 12:277, as 3.12.10. “We desire that festival days dedicated to the most high God be not spent in pleasure seeking” (Bayne, p. 411n). *Αντί...διακρέσις.* Theodoret, the peroration of sermon 8, *De martyribus*; in *Graecarum affectionum curatio*, ed. F. Sylburgius (1592), p. 123; PG, 83:1033. “In place of the old carnival of revelry and obscenity sober festivals are celebrated, without drunkenness, without horseplay and laughter, but with hymns to God and reading of the holy Scriptures, and prayers made beautiful by honourable tears.” See Bayne, p. 411n.

2:363.8 Τής γὰρ...φιλάνθρωπον. Philo Judaeus, *De Abrahamo; In libros Mosis, Opera* (1552), p. 257. “The lover of God and the lover of man are of the same nature” (Bayne, p. 412n).

2:364.13–18 Rest is the end...not. Compare Aquinas, *S.T.*, 1a.73.2, conclusion: in which he considers Gen. 2:2, “God rested on the seventh day from all the work which He had done”; (1588), 1:233: “Requievit Deus die septimo ab omni opere quod patrarat” B, 10:145. See Calvin, *Inst.*, 2.8.28–29, on the sabbath rest.

2:365.j Οὖν ἐστιν...αἰώνα. Aristotle, *De coelo*, 1.9; 279b; *Opera* (1550), 1:202; in a passage following that cited at 2:360.19–20n, above. “Nor is there any change in anything that has its place beyond the outermost motion; but to all eternity those things continue without alteration and without suffering, in possession of the best and most self-effacing life” (Bayne, p. 413–414n). Modern eds. read τεταγμένων for φερομένων.

2:365.15–16 above...change, H refers to the empyrean heaven above the “highest moveable sphere,” the *primum mobile*; see 2:360.8–11.n, above.

2:366.k 1.Chron. 23:31. This verse is believed to be the work of a reviser, reflecting action taken to correct the laxity of the ministers of the Second Temple.

2:366.21 feast of lottes The feast of Purim commemorates, on the 14th and 15th of Adar, the deliverance of the Jews from the plot of Haman.

2:366.23 Dedication The feast of Dedication, instituted by Judas Maccabaeus and celebrated annually for eight days from the twenty-fifth of Chislev, commemorates the rededication of the Temple after its pollution by the agents of Antiochus Epiphanes. GB so glosses John 10:22.

2:367.p Si omnem...decurrimus? Tertullian, *De jejunio adversus Psychicos*, chap. 14; *Opera* (1566), 2:525; CCSL, 1:1272–1273. “If the Apostle has abolished absolutely all devotional observance ‘of seasons and days and months and years’ why do we keep Easter each year in the first month? Why in the fifty days following do we keep a joyful holiday?” (Bayne, p. 415n); see chap. 72.11.

2:367.14–16.q By festivall solemnities...time. Augustine, *De civitate Dei*, 10:4: “Ei beneficiorium ejus solemnstitibus festis et diebus statutis dicamus sacramusque 777
memoriam, ne volume temporum ingrata subrepat oblivio”; Opera (1556), 5:540; PL, 41:280 (chap. 3.2).

2:367.24-26.r Wee begine ... embassage. That is, Lady-Day, 25 March, which until 1752 was the ecclesiastical, civil, and legal beginning of the year.

2:368.17-18 the second Elias John the Baptist, understood as a second Elijah, whose coming was seen as a necessary prelude to the redemption of Israel.

2:368.22-25 foure other dayes ... them. That is, Monday and Tuesday in Easter Week and Monday and Tuesday in Whitsun Week; see B.C.P., 1559, pp. 154-158, 171-173.

2:369.18 prince of the world to come, Compare Isa. 9:5 (Vulgate): “Pater futuri saeculi, Princeps pacis” (v. 6, GB).

2:369.19-20 one daie in seaven ... ever. While dispensing with all other festival days marked out in the traditional Calendar, the Puritans adhered to the Lord’s Day (Sunday, the Sabbath of the Christians) as the one such day which the Lord decreed. For a novel explanation of this on the grounds that industrial society could not conform to the tradition but needed to rest machinery and men one day out of seven, see Christopher Hill, Society and Puritanism (London: Seeker and Warburg, 1964), chap. 5: “The Uses of Sabbatarianism.” On the origins of the Puritan practice, see Patrick Collinson, “The Beginnings of English Sabbatari-anism,” Studies in Church History, ed. C. W. Dugmore and C. Duggan, 1 (London: Nelson, 1964), pp. 207-221.

2:369.t T.C. I.1. p.151. Page 120 in 1st edn. “M. Doctor sayth/ that so they be not used superstitionly or unprofitably they may be commaundeed. I have shewed before/ that they were. If they were so indifferent as they are made/ yet being kept of the papistes whych are the enemies of God/ they ought to be abolished.” See Whitgift, Tract. 10, “Of holydayes,” Defense, pp. 538-554 (PS, 2:565). “A View of Popishe Abuses” charges that in the BCP “dayes are ascribed unto Saintes, and kept holy with fastes on their evenes, and prescript service appointed for them, which beside that, they are of many superstitionally kepte and observed, are also contrary to the commaundment of God. Sixe dayes shalt thou laboure, and therefore we for the superstition that is put in them, dare not subscribe to allowe them” (P.M., p. 24; see p. 12); see Whitgift, Defense, pp. 552-554 (PS, 2:592).

2:370.2-16.u The next is a rare ... aware. Whitgift had responded to the Admonition: “What do you condemne the feast of Easter also? would you have it abrogated because it hath bene abused? do you not knowe that the Apostles them selves observed it, and the Churche ever sithence their tyme? ... Surely you may as well reason that the scriptures are not to be read, because that heretikes have so greatly abused them”; Defense, pp. 539-540. To this Cartwright replied (3:189): “Yf it were a tradition of the Apostles, yet it was used of them, as a thing indifferent: considering that the same story witnesseth, that S. John the Apostle, togethier with
the churches of Asia, did celebrate the Easter, as the Jues were wont, upon the xiii day of the moneth [Euseb. 5. li. 24.25]. Now, if S. John hym self, which departed not from the auttority of the scripture, did kepe the Jues day: he gave sufficiently to understand, that our Easter hath no auttority from the scriptures: for then he would have kept yt also." Cartwright's assertion is questionable on scholarly grounds; see A. A. McArthur, The Christian Year (London: SCM Press, 1958), and his article, "Easter," in A Dictionary of Liturgy and Worship, ed. J. G. Davies (New York: Macmillan, 1972), pp. 166-168.


2:371.23-26 **schoolemen . . . agere,** H refers to Aquinas, S.T., 1a2ae.71.5, resp. ad 3: "Dicendum, quod peccatum omissionis contrariatur praeccepto affirmativo, quod obligat semper, sed non ad semper: et ideo solum pro tempore illo aliquid cessando ab actu peccat, pro quo praecceptum affirmativum obligat"; (1588), 2:150'. "A sin of omission is contrary to a positive precept which is always true but does not bind continuously. Hence, by omitting an act, a man sins only for the time during which the positive precept binds him" (B, 25:21).

2:372.15-19 **preserve Lord . . . buildinges.** Zech. 4:7; the prayer combines Hosea 6:4 and 13:4 with Ps. 1:3. Zerubbabel was the civil leader of the repatriated Jews from Babylon who had responsibility for the rebuilding of the Temple.

2:372.23-33 **The . . . Church.** H's defense of holy days is based on the manner in which they "augment" and "by their often retournes" bring men's inward dispositions to virtue to perfection. This was understood in the Middle Ages, where the holy days were accompanied by elaborate ritual and drama; see O. B. Hardison, Jr., Christian Rite and Christian Drama in the Middle Ages (Baltimore: Johns Hopkins University Press, 1965); and see Herbert's poems on the special days of the church year in The Temple.

2:372.35-373.1 **condemning restraint of men . . . times.** This was a significant factor in the Puritan objection to holy days. See Christopher Hill, Society and Puritanism, chap. 5, cited in 2:369.19-20.n, above.

2:373.1 1.1 p.152. Page 120 in 1st edn. **I confesss . . . given.** This is Cartwright's response to Whitgift who, confronted by the Puritan objections (see 2:369.f.n), had written in the Answer: "I thinke the meaning of this commandment [Exod. 20:9] is not to tie men to bodily labour, that they may not intermitte the same to labour spiritually"; Defense, p. 538 (PS, 2:565); see p. 541 (PS, 2:570-571) and Cartwright, 3:193.

2:374.19-22 **the patrons of libertie . . . God.** A chief plank of the establishment's attack on the Puritans. See Pref.8.4, and Bancroft, Daungerous Positions, pp. 54-55.
COMMENTARY

2:376.9–13 Mardocheus ... joy. The feast of Purim; see 2:366.21.n, above. Mordecai, who raised and guided Esther, became the second man in the empire.


2:377.23 Susis Susa, or Shushan, a city and royal residence of the Persian empire.

2:377.30 Nicanor The Roman governor of Judea and noted blasphemer of the Temple, defeated by the forces of Judas. In celebration of the victory (13 Adar; = March 160 BC), the feast of Nicanor was celebrated on 13 Adar; it was stricken from the Jewish calendar after the destruction of the Second Temple in 70 AD. See 2 Macc. 14–15 and 1 Macc. 7:26–50.

2:377.31–378.8 let it suffice men ... requisite. H asserts the value of holy days (see 2:372.23–33.n) now in terms of anamnesis (or remembrance) in thanksgiving, basic to an understanding of the Eucharist in the BCP (see 1559, p. 358, and 331.17–19.n, above).

2:378.e Commemoratio ... celebratur. Justinian, Codex, 3.12.7; (1590), col. 192; Krueger (1963), p. 127, as 3.12.6(7).3; Scott, 12:276, as 3.12.7; taken from an edict of Valentinian, Theodosius, and Arcadius (389 AD). It adds to other festival days the occasions when “the commemoration of the martyrdoms of Apostles, of all Christianity the beginning, is duly observed of all” (Bayne, p. 426n). The reference could be to the festival of Peter and Paul.

2:378.d 1.1. p.153. Page 121 in 1st edn. For so much as ... etc. The quotation from Cartwright continues: “or Daniel ... nor the apostles nor the churches in their time never instituted any eather to kepe the remembrance of Stephen/ or of the Virgin Mary/ or of John Baptist/ or of any other notable and rare personage/ that the instituting and erecting of them nowe/ and thys attempt by the churches whych folowed/ whych have not such certen and undoubted interpreaters of the will of God/ as the prophets and apostles were whych lyved in those churches/ is not without some note of presumption. . . . ”; see Whitgift Defense, p. 543 (PS, 2:574).


2:378.f Sicilicet ignorant nos ... optamus. Eusebius, Hist. eccles., 4.15; (1570; Greek), p. 52; (1587; Latin), p. 50; PG, 5:1042. “They do not know, I suppose, that we can never forsake Christ, Who suffered for the salvation of those that are saved from all the world, and can never worship any other. For Him we worship as Son of God, but the martyrs, as disciples and imitators of the Lord, we love with all honour for their invincible good love of their King and Master; and their companions and disciples we desire to be.” From the letter of the Church of Smyrna occasioned by the martyrdom of Polycarp, commenting on the saying of Nicetes: “If you give the body (of Polycarp), the Christians will leave the crucified one and worship this man.” See Bayne, pp. 426–427n.

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2:379.g As for all the ... commodities, The quotation continues: "... whych we receive by them/ whereby M. doctor goeth about to prove the goodnes and lawfullnes of their institution/ as that the scriptures are there red and expounded/ the patience of those saintes in their persecution and Martyrdome is to the edifying of the church remembred/ and yearyly renewed: I say/ that we myght have all those commodities wythout all those dangers whych I have spoken of/ and wythout any keping of yearyly memory of those sayntes/ and (as it falleth out) in better and more profitable sorte. For as I sayd before of the keping of Easter ... so those celebrations of the memories of saintes and martyrs/ streighten our consideration of them unto those dayes/ whych should continually be thought of/ and daily as long as we live" (1:153 [121]). Whitgift responded: "You mighte as well saye, there oughte to be no certayne tyme appoynted for the receyving of the holy Communion, bycause the meditation of the death and passion of Criste, and the application of the same, is fettered to these certayne dayes.... The same mighte you saye likewysse of the Sabboth daye"; Defense, p. 546 (PS, 2:579).

2:379.h T.C. 1.1. p.154. Page 122 in 1st edn. "As for M. Calvine/ as the practise of hym and the church where he lyved was and is/ to admit no one holy day besides the Lords day: so can it not be shewed out of any parte of hys worke (as I thinke) that he approved those holy dayes/ which are now in question." See Whitgift, Defense, p. 550 (PS, 2:581-587), and Bayne, p. 427n.

2:379.7-9 wee honor reverence and obey ... live. Obedience to the voice of the church in the keeping of holy days was enjoined by the Act of Uniformity (1 Eliz. I, cap. 2), when attendance was demanded at the parish church "upon every Sunday and other days ordained and used to be kept as holy days" (Gee and Hardy, Documents, p. 463). The full dimensions of this are shown not only by the BCP Calendar but also by the additional holy days authorized by the queen in the new Calendar of 1561 (Liturgical Services, PS, pp. 436-455) and enforced by the bishops in their Interpretations; see Corpus Christi College, Cambridge, MS 106 (141), p. 425. This further aggrieved the Puritans.

2:379.j Πολλάς ... ἐγγένετο. Dio Cassius, Historiae Romanae, 60.17 (1592), p. 777; Loeb, 7:408. "[Claudius] did away with many sacrifices and festival days; for the greater part of the year used to be taken up with them, with no small detriment to the commonwealth" (Bayne, p. 428n).


2:380.m Hi vacare ... solennitatem. Josephus, Contra Apionem, 1.22; Opera (1566), p. 666; Loeb, 1:246-249. Josephus is quoting Agatharcides, a Greek writer of the time of Ptolemy VI (175-146 BC): "These people are in the habit of resting on the seventh day, and they allow none on the fixed days to carry arms, or to cultivate the land, or to do anything at all, but are accustomed to worship in their temples

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with outstretched hands till the evening. But when Ptolemy Lagus with an army and a multitude of men invaded their state, and they ought to have guarded it, by their own observance of their foolish practice, they procured for their province a very hard master, and proved the badness of their custom” (Bayne, p. 429n). H quotes the Latin recension of Sigismund Gelenius (Basel, 1548; rpr. 1566). Vide et Dion. lib. 37. Dio Cassius, Historiae Romanae, 37.17; (1592), p. 41; Loeb, 3:126–129; Dio describes the Jewish religion; see 2:379.j.n, above.

2:380.n 1. Mac. 2:40. Verse 41, which speaks of the necessity of fighting even on “the Sabbath daye,” seems more apropos.

2:381.1–6.p Emperour ... time. Justinian, Codex, 3.12.3; (1590), col. 192; Krueger (1963), p. 127, as 3.12.2 (3); Scott, 12:275, as 3.12.3. H cites the same title in 2:378.e, above.

2:381.9–21.q Wee ordeine ... rest? Leo VI (see 2:264.22–27.0.n, above), novella constititio 54, entitled, “That on the Lord’s Day all people shall rest from their labors.” This edict ends: “Statuimus nos etiam, quod Spiritui sancto, ab Ipsoque institutis Apostolis placuit, ut omnes in die sacro, quoque nostra integritas instaurata est, à labore vacent: neque agricolae, neque quiquam ali in illo illicitum opus aggregiandur. Si enim qui umbram quandam atque figuram observant, tantopere Sabbathi diem venerabuntur, ut ab omni prorsus opere abstinerent: quomodo qui gratiae lucem, ipsamque veritatem colunt, hos eum diem qui à Domino honore ditatus est, nôaque ab exitii dedecore liberavit, non venerari par est? aut quomodo, quum ex septem diebus unus in Domini honorem consecratus sit, nos aliorum ad opera usu contentos non esse, neque illum Domino eximium et inviolatum conservare: sed ipsum etiam vulgarem facere, nostrisque operibus applicandum putare, religionis non prorsus dissolute?”; in Justinian, Novellae (1590), col. 383; J. and P. Zepos, Jus Grecoromanum (1931; rpr. 1962), 1:124; PG, 107:545–548; Scott, 17:254–255.

2:381.r C. lib.3 tit.12. Dies festos. Justinian, Codex, 3.12.11; (1590), col. 193; Krueger (1963), p. 128, as 3.12.9 (11); Scott, 12:277–278, as 3.12.10. Dated 469 AD, under Leo I and Anthemius. “After forbidding amusements or exaction of taxes on festal days dedicated to God, the law proceeds to demand a special reverence for the Lord’s Day, and to order a cessation of business in the public courts and offices. The holy day (religious dies) is to be free from business, but it is not to be by any one spent in impure pleasure. Even a festivity connected with the Emperor’s birth or ascension, falling on that day, is to be deferred” (Bayne, p. 431n). The law ends with the levying of penalties on violators. It is the last law in the title cited in n above. On Leo I and Anthemius, see 2:434.25.n, below.

2:382.1–2 joyfullnes is to rest, ... give. See chap. 70.2–4.

2:382.9–10 theire Pentecost The Jewish feast of Weeks, celebrated on the fiftieth
day after Passover, when the first fruits of the harvest were presented and, later, when the giving of the Law to Moses was commemorated.

2:382.11 theire feast of Tabernacles With Passover and Pentecost, one of the three great feasts of the Jewish year. It was harvest-home (see Exod. 23:14–16), lasted seven days, and was followed by an eighth day of convocation. During it, the people dwelt in booths ("tabernacles") in commemoration of their sojourn in the wilderness.


2:382.t Apostolis ... essent. Socrates, Hist. ecles., 5.21; (1581), p. 443; PG, 67:628. "The work of the Apostles was not to sanction laws about the times of festivals, but to be the authors for us of a righteous plan of life and piety" (Bayne, p. 432n).

2:383.u Quae toto ... celebrantur. Augustine, epist. 118, Ad Januariurn; Opera (1555), 2:115\*; PL, 33:200, as epist. 54.1: "Customs kept by all the world it is right to suppose to have been instituted by the Apostles themselves or by general councils whose authority in the Church is very salutary; such customs are for instance that the Lord's passion and His resurrection, and His ascent into heaven, and the coming of the Holy Spirit should be celebrated by a yearly festival" (Bayne, p. 432n).

2:383.12–13 if they be good ... are, Aristotle, Rhetoric, 1.5.6; 1361a; Loeb, p. 50. The same point is made in Politics, 2.9 (1269b), this time against the Spartans.


2:384.2–3 There are which ... kind, William Perkins defended the practice of moral, civil, and religious fasting. The latter has three ends: (1) that the mind might become attentive in meditation on the duties of godliness which are to be performed, (2) that the rebellion of the flesh may be subdued, (3) to profess guiltiness and express humility before God for our sins, which is the chief end. But it is wrong to prescribe particular times for fasting, as the Romans do. Fasting should be left to the liberty of the church. Furthermore, fasting should not be partial, as it is with the Romans, but the Christian when fasting should abstain from all food, from soft apparel, and from sweet ointments. See The Reformed Catholike, in Works (1608), STC 19649, 1:589–590; on the tangled bibliography of these volumes, see STC, 2:227.

2:384.10–12 politque order The government by means of statutes (2 and 3 Edw. VI, cap. 19, and 5 Eliz. I, cap. 5) established fasting from meat on Wednesdays, in addition to the customary fasting on Fridays, Saturdays, Ember Days, and Lent.
Wednesday fasts were repealed by 27 Eliz. I, cap. 11. Such fasting, chiefly to benefit fishermen and towns dependent upon them, was enjoined for the sake of public order. Government and church commanded fasting for other reasons, however, especially in times of plague, war, or other calamities, and the church issued special order for services, such as the basic one published in 1563 and written by Grindal, “to be used every Wednesday in the weeke, duryng this tyme of mortalities, and other afflications”; Grindal, Remains (PS, pp. 75–110, 258–261). Other examples are found in Clay, ed., Liturgical Services (PS, pp. 458–474). The ordering of public fasts, regular and occasional, is described in detail, with quotations from public documents, by Henry Holland, The Christian Exercise of Fasting, Private and Publicke (1596; STC 13586), sig. A2"–4". Holland himself spoke of public fasting as taking place in the church “betwene the porch and the altar” and involving the confession of sins, prayer, the giving of thanks, and learning and conferring together (pp. 75–76, 66). For the church’s teaching, see “An Homily of Good Works. And First of Fasting”; Certain Sermons and Homilies (1864), pp. 291–310; and see Bayne, pp. 435–436n.

2:385.1–2 but onlie to take downe . . . flesh. The opinion of the Puritans, but also the opinion of others, such as Erasmus, who wrote that fasting was ordained “to tame the wantonnes of the body that he be not wylde and sturdy aginst the spyrite” and “to pease the wrath of god provoked with our synful dedes”; An epistell . . . concernyng the forbedyng of eatyng of fleshe ([1533?]; STC 10488.7), sig. A3"–4".


2:385.20–21 Fasting . . . minde; Compare Andrewes, A Pattern of Catechistical Doctrine, part 3: “Fasting, which is as it were the wings of prayer; as Augustine saith, jejunium orationis robur, ‘fasting adds strength to prayer,’ oratio vis jejunii, ‘prayer gives strength to fasting’” (LACT, Minor Works, 6:06–107). John Cosin (1594–1672), bishop of Durham, commenting on the BCP rubric requiring the declaration of fasting days in the coming week (1559, p. 251), says: “if it be religion to give alms, it is religion to keep fasting days too, which are appointed by the Church to be spend in prayer and abstinence. Jejunium eleemosyna, et oratio, went ever together, as here they do.” He goes on to discuss the statutes mentioned above, 2:384.10–12.n. Notes and Collections on the Book of Common Prayer, 1st ser.; Works, LACT (1855), 5:94; see §§ 7 and 18.

2:385.x.y Tertull. l. de jejun. See Tertullian, De jejunio adversus Psychicos, chap. 7: “Ita jejunium in deum reverentiae opus est”; Opera (1566), 2:517; CCSL, 1:1264. Also chap. 6: “He (Moses) whose ‘heart’ was found habitually ‘lifted up’ rather than fattened up, who in forty days and as many nights maintained a fast above the power of human nature, while spiritual faith ministered strength to him: both saw with his eyes God’s glory and heard with his ears God’s voice and understood with his heart God’s law”; see also chap. 9. Neque . . . est. Ibid;
2:385.7 Μηδεὶς ... δικαιόδος. Philo Judaeus, De Abrahamo, chap. 36; Opera (1552), p. 256; Loeb, 6:100. "And let no one suppose that joy pure and unmixed with sorrow comes down from heaven to earth, but there is a mixture of the two. For the Father has not permitted the race of men to be wholly devoured by griefs and sorrows and incurable anguish, but has mixed in their lot something of the better kind, deeming it just that the soul should enjoy a sleep and a season of calm weather" (Bayne, p. 437n). Philo has been explaining that only God in heaven knows perfect joy; man on earth must renounce it.

2:385.28–386.4 if anie thinge be ... save. H refers here to that contrapuntal rhythm identified as an essential element of Prayer Book worship; see Booty, Three Anglican Divines on Prayer: Jewel, Andrews, and Hooker (Cambridge, Mass.: Society of St. John the Evangelist, 1978), pp. 9–12. See chapter 72.8, where H treats Good Friday and Easter. Compare his relating the fast days (Wednesday and Friday) to the weekly festival day (Sunday).

2:387.4–8 When ye fast ... openly. Matt. 6:16–18 (GB), referring to the third act of piety (the first two being almsgiving, vv. 1–4, and prayer, vv. 5 ff.), "which the Jews practised as an accompaniment to prayer, in order to strengthen prayer"; see J. C. Fenton, Saint Matthew (Harmondsworth: Penguin Books, 1963), p. 102.

2:387.11–12 The Pharisees weeklie ... reproved. See Luke 18:12, "I fast twice in the week," meaning Mondays and Thursdays. Christians fast on Wednesdays and Fridays, according to The Didache (the early Christian manual on morals and Church practice), chap. 8: "Let not your fasts be with the hypocrites, for they fast on Mondays and Thursdays, but do you fast on Wednesdays and Fridays" (Apostolic Fathers, Loeb, 1:321). Mondays and Thursdays (the second and fifth days) were fast days for the Jews because it was said that it was then that Moses came down from and went up Mt. Sinai.

2:387.15–17.d Of publique injoigned fastes ... rehersall. 2 Chron. 20 refers to Jehosaphat’s fast before his victory over Moab and Ammon. Jer. 36 refers to the fast before Baruch reads the Law to the people. Ezra 8:21 concerns Ezra’s fast. 1 Sam. 7 concerns the fast at Mizpeh before the victory over the Philistines.

2:387.h Levit. 23. Enumerates the feasts of the Lord. Levit. 16. Concerns the Atonement; "to afflict the Soul" is used to refer to "fasting" in these chapters. Philo ... αἰτείσθαι. Philo Judaeus, De vita Mosis; in Libros Mosis (1552), p. 447. 1552 reads αἰτήσοις ἕνα ἄνεμον for ἄνεμον ἐν παραδίκτυον. H copied the mistakes; see textual note. "On this fast it is not lawful to partake of food or drink, that men may keep the feast with pure thoughts, not troubled and impeded by the bodily passion repletion is apt to excite, and may propitiate the Father of the universe with holy prayers; by which they are wont to obtain pardon of their
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former sins and the possession and enjoyment of new blessings” (Bayne, p. 439n).

2:388.4 Godolias Appointed governor of Judah under Babylonian rule after the siege and destruction of Jerusalem (588–587 BC), the conciliatory Gedaliah was condemned as a collaborator by Ishmael, who plotted his assassination (2 Kings 25:25). His death was commemorated with a fast on the 3rd of Tishri, the end of September. See Jer. 40–41; Zech. 7:5 and 8:19 (cited in i).

2:388.i Zach. 8:19 The prophet Zechariah explains the fasting customs of Israel to those in doubt: “Thus saith the Lord of hosts, The fast of the fourthe moneth, and the fast of the fife, and the fast of the seventh, and the fast of the tenth, shall be to the house of Judah joye and gladnes, and prosperous hie feasts: therefore love the truth and peace” (GB).

2:388.9–19 That St Jerome ... time. H summarizes Jerome’s commentary on Zech. 8:19, above; see Opera (1516), 6:116”; PL, 25:1546–47. Bayne (p. 440n) quotes the Latin.

2:388.14 Chaldæans Babylonians.

2:388.i Vide Riber. l.5. c.21. Francisco de Ribera Villacastin (1537–1591) was a Jesuit exegete and professor of sacred scripture; bk. 5.21 of De Templo, et Dei is quae ad Templum pertinent, libri quinque (1593), enumerates twenty-four fasts of the Jews, ending: “His diebus addiderunt magistri ludaeorum singulis anni hebdomadis ieiunium secundi, et quinti diei, id est, secundae, et quintae feriae, tribus de causis propter excidium templi, propter combustam legem, et propter blasphemia Rabsacae” (p. 366); see Bayne, p. 440n.

2:389.n Puram ... caenam. Apuleius of Madauras in Africa (b. 124 AD?), Opera (1575), p. 380, speaking of eating that is pure, that is, without animal flesh. Apuleius was the supposed translator of the Hermetica, Hermetis Trismegisti Asclepius sive de natura deorum dialogus; Asclepius in the dialogue is Hermes’s pupil. A rhetorician notable for his florid style, Apuleius is better known as the author of The Golden Ass. Such was his later reputation as a thaumaturge (the novel recounts his being transformed into a golden ass) that Augustine was obliged to warn the faithful against being taken in by his followers (OCD). Pastum ... causa. Tertullian, De penitentia, chap. 9; Opera (1566), 2:46; CCSL, 1:336. “To use plain food for meat and drink, not for the belly’s but for the soul’s sake.” Vide ... Phil. contempl. Philo Judaeus, De vita contemplativa, esp. chap. 9; Opera (1552), p. 617; Loeb, 9:158. “The table too bears nothing which has blood, but there is placed upon it bread for food and salt for seasoning.” See Bayne, p. 441n.

2:389.o Hieron... Jovinian. Jerome, Contra Jovinianum, 2.16, comments that St. Paul attacks not Christian fasts but Jewish superstitions; Opera (1516), 3:37; PL, 23:324.

2:389.p R. Mos... jejun. Moses Maimonides; see Bayne, p. 441n. And see

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2:389.11–13 **Theire fastinges ... God.** Penitence and devotion are the two interrelated aspects of fasting; see § 2.

2:389.7 **Hora sexta ... superveniit.** Josephus, *De vita sua*, § 54; in Opera (1548), p. 567; Loeb, 1:104; in Opera (1566) it is "secta hora supervenientis, quae nostros ad prandium vocare solet sabbatis" (p. 450). "(There would have been a tumult had not) the sixth hour arrived which was wont on the Sabbath to call our people home to meat" (Bayne, p. 442n). *De vita sua* was translated into Latin for the first time by Gelenius in the 1548 Basel edn. of Josephus's *Opera*.

2:389.5 **Sabbata Judæorum ... dicata.** Justinus, *Philippic History*, 36.2: "The Sabbath was by Moses declared for all time a fast day." The error here may be in the use of Sabbath for an entire week ("I fast twice a Sabbath"), and may account for the error in the next citation; (1592), fol. 123'. Justinus was the 2C abbreviator of Trogus Pompeius's *Historiae Philippicae*, written in the time of Augustus, and widely read in the Middle Ages. *Ne Judæus ... servavi*. Suetonius, the Roman historian who flourished in the reign of Trajan (98-117 AD), in his *Octavius*, chap. 76; XII *Caesares* (1522), p. 124: "No Jew, my Tiberius, so willingly keeps his Sabbath fast as I today have kept it," describing Octavius's indifference to food. Modern texts read "diligenter," "diligently," for "libenter," "willingly."

2:389.21–390.6 **Besides they which ... time.** Matt. 12:1-8, Mk. 2:23-28, Luke 6:1-5. The Mishna specifically forbade work on the Sabbath (see *Shabbath*, 7.2), but the Midrash *Yalkut* explained that David had violated the law for the sake of necessity, and the Talmud explained, "The Sabbath is given over to you, and not you to the Sabbath" (Yoma, 85b).

2:390.11 **thirde hower of the day** Or nine o'clock a.m., before which time, and particularly on the Sabbath and other feast days, the Jews were to fast.

2:390.4 **Col. 4:4.** As Bayne points out (p. 443n), this reference is a mistake; he suggests Acts 14:23, which does mention fasting, but it is hard to see how the two citations were confused.

2:390.16–17 **ex aliqua ... requiringe.** Tertullian, *De jejunio adversus Psychicos*, chap. 13; Opera (1566), 2:524-25; CCSL, 1:1272.


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2:391.3 **Saterdaie** The Saturday fast originated as an extension of Friday’s; see Tertullian, *De jejunio adversus Psychicos*, chap. 14; *Opera* (1566), 2:525–26; Bayne, pp. 443–444n.

2:391.8–13 **when St. Ambrose lived ... otherwise.** Here he summarizes the citation made by Whitgift from Augustine’s epist. 86, *Ad Casulanum*, chap. 14.32. Augustine reports that Ambrose, being asked whether it is lawful to fast on sabbath day and seeing there was some diversity of practice in this matter among the churches, replied: “Quando hic sum, non jejunum sabbato, quando Romae sum jejunum sabbato: et ad quamcunque ecclesiam veneritis, (inquit) ejus morem servare, si pati scandalum non vultis aut facere”; in his *Answere* Whitgift translates: “When I am here, I fast not on the Sabbath, when I am at Rome I do fast on the Sabbath, and to what Church so ever you come, keepe the custome thereof, if you will neyther suffer offence nor gyve offence”; *Defense*, p. 99 (PS, 1:222–223); Augustine, *Opera* (1556), 2:393; PL, 33:151, as epist. 36. Whitgift treats Augustine’s letter under the rubric, “The opinion of S. Augustine of things indifferent,” and recommends “The whole Epistle” as “worthy of reading.” See Bayne, p. 444n.

2:391.13–19 **The Churches ... Christ.** According to canon 15 of Peter, bishop of Alexandria (d. 311), Wednesday was kept as a fast because of the Jews’ “taking counsel for the betrayal of the Lord” and Friday “because He then suffered for our sake.” The Lord’s day “we keep as a day of gladness, because on it He rose again; and on it according to tradition we do not even kneel” (Bayne, p. 444n).

2:391.22 **before alleged** At lines 8–13, above; see n. And see Cartwright, 1:30, quoted in 2:384.w and n, above.

2:391.31–32 **meanses to blot out sinnen,** See Ambrose, epist. 63.16: “Quae nobis salus esse potest, nisi jejunio eluerimus peccata nostra”; PL, 16:1194. “What salvation can we have unless by fasting we blot out our sins?” (Bayne, p. 445n).

2:392.3 **Ambrose ... opinion,** Ibid., “Qui sunt hi praecceptores novi, qui meritum excludant jejunii?”; PL, 16:1194. “Who are these new teachers who deny would the merit of fasting?” See Cartwright, 1:30, quoted at 2:384.w.

2:392.26–28.w **Ignatius hath said ... Christ,** See 2:390.30–391.6., v, and n, above.

2:392.x **Vide ... 25.** Chapters 20–25 of Irenaeus’s *Adversus omnes haereses* describe the heresies of Simon Magus, Menander, Basilides, Saturninus, Carpocrates, and Cerinthus—Gnostics who taught that the world was not created by God but by powers inferior and even hostile to God, identified by some with Jehovah in OT; *Opera* (1528), pp. 42 ff. Epiph. ... 42. Epiphanius, *Refutation of all the Heresies*, 21.4, 22.1, 23.1, 24.2, 27.2, 28.1, 41.1, and 42.2; concerning Marcion, Epiphanius reports (42.3): “He fasts on the Sabbath (Saturday) for this reason. Since, he says, it is the rest of the God of the Jews” (Bayne, p. 446n). See *Contra octoginta haereses*
(1566; Latin), pp. 18–19, 21, 31, 33–34, 91–92, Marcion being on the latter pages; (1544; Greek), pp. 30, 32, 35, 49, 133, 135; PG, 41:699.

2:393.y Vide Canon. Apost. 55. See 2:345.g.n, above, and canon 66 (65) in Hefele, History of the Councils, 1:484, which prohibits fasting on Sundays; Hefele notes that "the custom of fasting on Sunday is to be met with only among those sects which professed a sort of Gnostic dualism."

2:393.16–17 Tertullian . . . Montanize. That is, Tertullian’s advocacy of rigorist Montanist views, including more frequent and more exacting days of fasting; see 1:159.z.n, above.


2:395.2–8 Our nure prophécies . . . not, Ibid., chap. 1: "Hi Paracleteo controversiam faciunt, propter hoc novae prophétiae recusatúr, non quod alium Deum praedícént Montanus et Priscilla et Maximilla, nec quod Jesum Christum solvant, nec quod aliquam fidei aut spei regulam evéntant, sed quod plane doceánt saepius jejunare quam nubre"; and chap. 17: "Quis sanctior inter vos, nisi convivandi frequentior, nisi obsonandi pollucíbilior, nisi calicibus instructor? Merito homínes solius animae et carnís spiritália recusátis"; (1566), 2:528–29; CCSL., 1:1257, 1276. The concluding sentence means: "Men of soul and flesh only, as you are, you rightly reject things of the spirit" (Bayne, p. 448n). The superscript z should precede "These set fasts . . ." (line 10).

2:395.10–21 and z These set fasts . . . God. See Epiphanius, Refutation of all the Heresies, 75.3: "Sed neque jejunium (inquit) erit ordinatum. Haec enim Judaica sunt, et sub juge servitútis. Justo enim lex non est posita, sed patricidis ac matricidis, et reliquis. Si verò omnino volo jejunare, qualemunque eligam diem à meipsó et jejunabo propter libertatem. Unde apud ipsos studium est, ut potius in die Dominica jejunent, quarta veró et prosábbato edant. Saepe veró etiam quarta jejunant, non ex statuto, sed ex propria (ut inquit) voluntate. In diebus autem paschatis quando apud nos fiunt humi dormitiones, castitates, afflictionés, siccórum essus, preces vigiliae, ac jejunia, et omnes animarum salutes per sanctas afflictionés ipsi à summo mane obsonantur, carneque ac vino venas suas explentes cachinnantur, ridentes ac subsannantes eos qui sanctum hunc cultum hebdómadis paschatis perficiunt"; Contra octoginta haereses (1564; Latin), fol. 404", as heresy 75; (1544; Greek), p. 386; PG, 42:508. Concerning Aerius, known to us only through
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Epiphanius, see 2:439.27-29.n, below. He opposed prescribed fasts, and his followers refused to fast even in Holy Week.

2:396.21-22 a speciall sacrifice ... Moses, The Day of Atonement (Yom Kippur); see Num. 29:7-11 and Lev. 16. In the Homily on Fasting, the public act is distinguished from the private and illustrated in terms of the Jewish Day of Atonement; Certain Sermons and Homilies (1864), p. 293.

2:396.26-31 There could not ... intended. The service of commination, headed, “A Commination against Sinners, with Certain Prayers to Be Used Divers Times in the Year,” concluded the Elizabethan BCP (1559, pp. 316-323). In 1549 it was confined to use on Ash Wednesday, but the 1552 Prayer Book indicated a more general use. Based upon medieval forms of excommunication, it begins with cursings against impenitent sinners but ends with the Miserere and prayers for mercy and forgiveness. See the Injunctions and Articles of Archbishops Grindal and Sandys issued in 1571, ordering the use of the service; Visitation Articles, ed. Frere (1910), 3:254-255, 278, 304; and Bucer’s commendation of the service, Censura on BCP; Scripta Anglicana (1577), pp. 491-492.

2:396.34-397.4 Wherewith ... them. H probably had the Second Admonition in mind: “There is also a Commination grounded upon great reason, if that be well marked, which the priest (forsothe) must say at the entraunce into the matter, that is, what a piece of Discipline was in former times kept about the holy time of Lent, which untill it be restored, would be supplied with this Jewishe (Deu. xxvii. 13, 14) order. But what place of scripture dothe induce them to reduce this ceremonie? or what place of scripture woulde warrante such a peace of discipline as there they seeme verye desirous to have restored? as who shoulde saye suche devises of observances for (Galat. iv. 9, 10, 11) dayes and times were profitable or sufferable in Christes churche. Let them endeavour to commend god his discipline, which should be all the dayes and times of oure life exercised in Christes churche” (P.M., pp. 116-117). The Puritan discipline is alluded to at the end.

2:397.a Conc. Laod. ... celebrari. See the Council of Laodicea (360 AD?), canon 51: “Quod non oportet in Quadragesima martyrum natales peragere, sed sanctorum martyrum facere commemorationes in sabattis et Dominicis”; “In Lent no feasts of the martyrs shall be celebrated, but the holy martyrs shall be commemorated on the Saturdays and Sundays of Lent.” And canon 52: “Quod non oportet in Quadragesima nuptias vel natalia celebrare”; “No wedding or birthday feast shall be celebrated in Lent” (Bayne, p. 451n); Concilia (1585), 1:703; Hefele, History of the Councils, 2:320. Canon 49 specifies that the bread (of the Eucharist) shall not be offered during Lent, except on Saturdays (celebrated in many places as the Feast of the Creation) and Sundays, largely because the consecration of bread and wine was regarded as joyful and not appropriate on penitential days. See Hefele’s n. on canon 16 (2:310).

to be given to ceremonies and to suche things as delite the fantasie of man."

2:398.17–18f Victors extremite ... one, Eusebius, Hist. ecles., 5.23–24, concerns the Quartodeciman, or Paschal, Controversy, 190 AD?, in which Victor I, as the bishop of Rome, sought "to cut off by a single stroke the communities of the whole of Asia, together with the neighbouring churches, from the common union, on the ground of their unorthodoxy," that is, for keeping Easter on the fourteenth of the Jewish month Nisan, rather than on the Sunday following, the date set for the feast by the Church of Rome and others (24.9); The Ecclesiastical History, Loeb, 1:168–170; Opera (1549), p. 552. See ODCC, under "Quartodecimanism."

2:399.l 'Ev παντὸς ... αὐτήν. Aristotle, N.E., 2.9; 1109b; Opera (1550), 2:11. "We must in everything be most of all on our guard against what is pleasant and against pleasure; for when pleasure is on her trial we are not impartial judges" (Loeb, p. 113).


2:401.0 Valde absurdum ... fejuns. Jerome, epist. 31, Ad Eustochium; Opera (1516), 1:59; PL, 22:446. The quotation continues: "Ita tibi semper comedendum est, ut cibum et oratio sequatur et lectio." "It is highly ridiculous to honour by immoderate feasting a martyr who, as you know, pleased God by his fasting. And when you take food let prayer and the reading of the word be attendants always upon your repast." Preceding this Jerome advised that feasts be kept "not so much by profusion of meats as by exaltation of mind" (Bayne, p. 455n).

2:401.23 T.C. I.11. p.199. Pages 159–160 in 1st edn. Here Cartwright objects to the use of the ring in marriage, the groom's pledge "wyth my body I thee worship," and "the receiving of the Communion" by those who are married, as found in the BCP Solemnization of Matrimony (1559, pp. 290–299). The Admonition's critique anticipates Cartwright's three points: see 2:404.7, 404.28, 406.5–9, and nn, below.

2:401.24–25 In this world ... propagation. Aristotle, Politics, 1.1–2, grounds society in the union of male and female who provide for the continuance of the race and establish the basic unit of society, the family; see Laws I.10.2–3. In emphasizing propagation H singles out the first of the three purposes of marriage according to the BCP (1559, pp. 290–291): (1) "procreation of children," (2) "remedy against sin, to avoid fornication," and (3) "mutual society, help and comfort." In his Censura Bucer argued that the order was wrong, that the third should be first, "ut prima est": "Potest enim esse verum Coniugium inter eos, quibus nec proles quaeritur: nec remedium contra fornicationem. . . ."; Scripta

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Anglicana (1577), p. 488. He spoke of the union in terms of the one flesh (ἕνος σώματος), the two becoming one flesh to help one another in every aspect of life. He alludes to this in his application of “participation” to marriage (2:405.30–406.1), but he obviously prefers the Prayer Book order. See John Cosin, Notes and Collections on the Book of Common Prayer, LACT (1855), 5:492, and T. A. Lacey, Marriage in Church and State (London, 1947).

2:402.19–21 Now that which is borne ... besides. The first purpose of marriage is “The procreation of children to be brought up in the fear and nurture of the Lord, and praise of God” (B.C.P., 1559, p. 290).

2:402.23–24 necessitie to be linked ... knot. This stands in contrast to the understanding that in sexual intercourse a new status—which is indissoluble—is created. H emphasizes utility or necessity for the sake of the family. However, in discussing ordination (chap. 77.3; 2:426.10–14), he refers to the marriage knot in such a way as to imply its indissolubility. See the contrasting views of Edward B. Guerry, The Historic Principle of Indissolubility of Marriage (Sewanee, Tenn.: The University Press, The University of the South, 1953), and Derrick Sherwin Bailey, The Mystery of Love and Marriage (New York: Harper and Brothers, 1952).

2:402.r Τοῦς ἱεροὺς γάμους ... lib.2. Dionysius of Halicarnassus (d. 7 BC), a Greek rhetorician who lived in Rome, Roman Antiquities, 2.25.2; Scripta quae extant, omnia, et historia, et rhetoric (1586), p. 95; Antiquitatem Romanorum quae supersunt, ed. Carolus Jacobius (1885–1905), 1:188, where we read γυναῖκα γαμετήν τήν κάτα γάμους ἱεροῦς; Loeb, 1:380, where it is ἐκάλουν δὲ τοὺς ἱεροὺς καὶ νομίμους οἱ παλαιὸν γάμους.

2:402.s Kiddushin ... nuptiarum. See Keble, 2:428n. In the period of the Second Temple, it was decreed that a blessing be recited during the betrothal of a couple. One version reads: “Blessed art Thou O Lord, our God and King of the Universe, who hath sanctified us by His commandments and commandeth us to refrain from unlawful marriages and forbidden us the betrothal and permitteth us the marriage, by canopy and sanctification; Blessed art Thou O Lord who sanctifieth Israel.” Ze’ev Falk writes: “This blessing designates the emption [act of buying; purchase as in a contract] as a sanctification; as the rabbis put it, the man was sanctifying the woman. The term apparently evolved out of the blessing itself, which closes with the words ‘sanctifieth Israel’, and hence the ceremony was called ‘qedushah’ or ‘qidushin’. The same blessing, which turned into an important element of the betrothal, was later to give its name to the ceremony as a whole—which was also called ‘qidushin’”;


2:403.8–9 Wherefore to begin ... restrained, “A View of Popishe Abuses” instances “licenses granted out of this courte to marry in forbidden times, as in lent, in advent, in the gang weke, when banners and bells with the priestes in his

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surplesse, singing gospels, and making crosses, rangeth aboute in many places, upon the ember dayes, and to forbidden persons, and in exempt places" (P.M., pp. 32–33); "gang week" is Rogation Week when the parish bounds were traversed by vicar, churchwardens, and certain substantial parishioners, with psalms, litany, and homily being read out as they process. See Grindal, Remains (PS, p. 141), and Cartwright's objection, in Strype, Annals (1.2:382). In the Answere, Whitgift responded, "I do mislike that there should be any time forbidden to marry in (for that can have no good meaning) ..." but did not elaborate; quoted in Defense, p. 685 (PS, 3:277). Bishop Cooper, in his Admonition (1589), believed that forbidding marriages at certain times was not unchristian, but he thought the objection trivial since the laws concerning the matter were "so little executed" (PS, pp. 82–86). Canon 52 of the Council of Laodicea forbade marriage in Lent and was adopted by Gratian, Decretum, 2.53.4.8; see 2:397.a.n, above. Additional times are specified in Lyndwood's Provinciale, and there is evidence that application was made for licenses to marry during forbidden times, but in parliament and convocation during Elizabeth's time there was pressure to do away with them. The 1575 Convocation drew up an article which stated "that the bishops shall take order that it be published and declared in every parish church within their diocese ... that marriage may be solemnized at all times of the year," but the article was disallowed, most likely by the queen herself (Cardwell, Synodalia, 1:133n, which contains further details). See Bayne, pp. 458–459n.

2:403.\textit{u} \textit{Mulieres antiquo ... convenissent.} Boethius, in his commentary on Cicero's \textit{Topica}, chap. 16, an abridgement of Aristotle's work of the same name; \textit{Opera omnia} ([1570]), p. 781. "By ancient law women were held in perpetual guardianship. But those who had married ceased to be in the power of the guardian." The BCP ceremony whereby the father of the bride gives her over to the church to be bestowed on the groom (1559, p. 292) came into the 1549 book from the York Manual (Maskell, ed., \textit{Monumenta}, 1:56) and not from Sarum. It was logical, thus, that it should be questioned.

2:403.\textit{v} \textit{Nullam ne privatam ... voluerunt.} Titus Livy, the Roman historian (d. 17 AD), \textit{Romanae historiae principis, libri omnes}, 44.2; (1589), p. 56; Loeb, 9:416, as 34.2.11. "Our forefathers did not allow women to transact even private business except under authority." \textbf{The reason yeelded ... consilii.} M. Tullius Cicero, \textit{Pro Lucius Murena oratio}, 12.27; \textit{Orationum volumen secundum} (1585), 2:298; Loeb, pp. 218–219. "On account of the weakness of their judgment" (Bayne, p. 459n).

2:404.\textit{w} \textit{Vide leges Saxon. ... 17.} See John Heroldt, a learned minister of Basel (b. 1511 in Swabia), \textit{Originum ac Germanicarum antiquitatum libri} (1557), p. 124; title 6, \textit{De haeredibus et viduis}, § 3: "Qui viduam ducere velit, offerat tutori precium, emptiones eius, consentientibus ad hoc propinquis eius"; "He who would marry a widow must offer her the guardian the amount of her cost with the consent of her relatives." § 4: "Si tutor abnuerit, convertat se ad proximos eius, et eorum consentu accipiat illam, paratam habens pecuniam, ut tutori eius, si forte aliquid dicere
velit, dare posit, hoc est solid. ccc."; “If the guardian refuses it he must turn to her nearest relations and take her by their consent, having the money ready, that he may be able to give it to the guardian, if he wishes to say anything, (with the words) This is 300 crowns.” And title 17 (p. 126): “Lito Regis liceat uxorem emere, ubicunque voluerit. Sed non liceat ullam foeminam vendere”; “The king’s thrall may buy his wife where he please. But it is not lawful for him to sell any woman” (Bayne, pp. 459–460n). The ring remained as a symbol of this ancient custom. The 1549 Prayer Book instructs the man to give the woman a ring “and other tokens of spousage, as gold and silver,” meaning symbols of the dowry; see Maskell, ed., Monumenta, 1:58.

2:404.7 ringe See “A View of Popishe Abuses”: “As for matrimony, that also hath the corruptions to many. It was wonte to be compted a sacramente, and therfore they use yet a sacramental signe, to which they attribute the vertue of wedlocke. I meane the wedding ring, which they fowly abuse and dally with all, in taking up, and laying it downe: In putting it on, they abuse the name of the Trinitie” (P.M., p. 27). Whitgift replied that the ring was not of the substance of matrimony but “only a Ceromonie,” which Bucer thought profitable, the ring being given to the minister who then gives it to the groom to bestow upon the bride, thus symbolizing that we ought to give all that we possess to God who gives all to us. Whitgift quotes Bucer: “The putting of the ring upon the fourth finger of the womans left hand, to the which as it is said, there commeth a sinew or string from the heart, doth signify that the heart of the wife oughte to be united to her husbande, and the roundnesse of the ring doth signifie, that the wife ought to be joyned to hir husbande with a perpetual bande of love, as the ring it selfe is withoute ende”; Answere, quoted in Defense, p. 723 (PS, 3:353–354); Bucer, Censura on BCP; Scripta Anglicana (1577), pp. 488–489. To this Cartwright responded: “If it be M. Bucers judgement which is allledged heere for the ring/ I see that sometimes Homere sleapth. For first of all I have shewed/ that it is not lawfull to institute new signes and sacraments/ and then it is dangerous to doe it/ as is allledged by the admonition. And thirdly/ to make suche fonde allegories of the laying downe of the money/ of the roundnes of the ring/ and of the mystery of the fourth finger/ is (let me speake it wyth hys good leave) very ridiculous and farre unlike hymselfe. And fourthly/ that he wil have the minister to preach upon these toyes/ surely it savoreth not of the learning and sharpnes of the judgement of M. Bucer” (1:199 [159]). For the Puritan service, bare of such ceremonial, see Hall, ed., Fragmenta liturgica, 1:68–74, and Davies, W.E.P., pp. 138–139. Bayne observes: “In the mediaeval service the ring was put first on the thumb in the Name of the Father, then on the next finger in the Name of the Son, then on the next in the Name of the Holy Ghost, and lastly on the so-called fourth finger, saying, Amen, where it was to be left, “because a certain vein is in the fourth finger (in medico), going to the heart (Sarum Rubric).” The “unicus digitus” (see x) was the fourth finger of the left hand, supposed to be connected by a vein to the heart; it was also called the “digitus medicinalis” (p. 460n).
2:404.x Aurum nulla norat... annulo. Tertullian, Apologeticum, 6.4; Opera (1566), 2:589–590; CCSL, 1:97.

2:404.y Isidor... ca.19. Isidore of Seville, De officiis (1534), 2.19, De conjugatis: "Illud vero quod in primis annulus a sponso sponsae datur, fit hoc nimirum vel propter mutuae fidei signum, vel propter id magis ut eodem pignore eorum corda jungantur" (sig. K3”). “The giving of a ring in the first place by the bridegroom to the bride takes place no doubt either as a sign of mutual faith or better to signify the joining of their hearts by the same token" (Bayne, p. 460n).

2:404.z Elias... Hlupha. See 2:74.n.n, above, and Elias Levita, Lexicon Hebraicum, (1557), under Hlupha: “We call the garment which they spread over the head of the bridegroom and the bride, with four staves, at the time of espousals, נם; from the Scripture expression (Isaiah iv.5), 'Upon all the glory there (is) נם, a defence, or token of light;' and (Psalm xix.5) ‘As a bridegroom cometh out of his נם, chamber:’ or, ‘from under his bridal canopy’" (Bayne, p. 461n).

2:404.23.a praying over a cup The “benedictio poculi”: “Blessed be Thou, O Lord our God, King of the world, Who hast created the fruit of the vine.” See Bayne, 461n.

2:404.28 With my bodie... worship. These are the words spoken by the groom as he puts the ring on the bride’s finger (B.C.P., 1559, p. 293). “A View of Popish Abuses” objected: “In putting it on, they abuse the name of the Trinitie, they make the new married man, according to the Popish forme, to make an idol of his wife, saying: with this ring I thee wedde, with my body I thee worshippe, etc.” (P.M., p. 27). Whitgift answered: “And yet S. Peter, 1. epist. chap. 3, speaking to the husbands, sayth: Likewise ye husbands dwell with them as men of knowledge, giving honour unto the woman. etc.”; Defense, p. 724 (PS, 3:355). Cartwright responded: “he must understand that it is one thing wyth us to worship/ and an other thing to honor” (1:199 [160]). This Whitgift denied; see Bayne, p. 462n.


2:405.e 1. Item... de legat. 3. Justinian, Digesta, 32.49.4: “Parvi... refert, uxori, an concubinae quis leget[s]... sane enim, nisi dignitate, nihil interest”; (1590), col. 1087; Mommsen-Krueger (1963), p. 491; Scott, 7:134. “It matters little whether a bequest be made to a wife or a concubine... for doubtless except in dignity there is no difference” (Bayne, p. 463n).

2:405.f 1. donationes D. de donationibus. Justinian, Digesta, 39.5.31: “an... maritalis honor et affectio pridem praecesserit, personis comparatis, vitae conjuncti-one considerata, perpendendum esse respondi. neque enim tabulas facere matrimo-
nium”; (1590), col. 1410; Mommsen-Krueger (1963), p. 654; Scott, 9:32. “I have answered that it is to be considered whether conjugal honour and affection have gone before, the persons being compared, and their manner of life together being considered; for a will does not make a marriage” (Bayne, p. 463n).

2:406.5–9 **To end the publique solemnitie ... in ure.** The BCP directed that the Holy Communion commence as soon as the marriage service was completed and that the newly married couple receive communion that same day (1559, pp. 297, 299). To this “A View of Popishe Abuses” objected: “And because in Poperie, no holy action mighte be done without a masse, they enjoiene the married persons to receive the communie (as they do their bishoppes and priestes when they are made, etc.) ...” (*P.M.*, p. 27). Whitgift regarded the direction as godly and cited Bucer’s approbation: “Christians ought not to be joyned in matrimenie, but in Christe the Lorde”; *Defense*, p. 724 (PS, 3:356); *Censure on BCP*, in *Scripta Anglicana* (1577), p. 489. Cartwright replied: “As for the receiving of the Communion when they be married/ that it is not to be suffered (onles there be a generall receiving) I have before at large declared/ and as for the reason that it is fathered of M. Bucer/ (whych is that those that be Christians/ maye not be joyned in maryage/ but in Christe.) It is verye slender and cold/ as if the sacrament of the supper were instituted to declare any such thyng/ or they could not declare their joyning togither in Christ by no means/ but by receyving the supper of the Lorde” (1:199 [160]).

2:406.g **odtoç ὁ νόμος ... κρατεῖν.** Dionysius of Halicarnassus (see 2:402.r.n, above), *Roman Antiquities*, 2.25.4; (1586), p. 95; (1885), 1:189. “This law obliged both the married women, as having no other refuge, to conform themselves entirely to the temper of their husbands, and the husbands to rule their wives as necessary and inseparable possessions” (Loeb, 1:382).

2:406.18–22.h **Unde sufficiam ... confirme.** Tertullian, *Ad uxorem*, 2.9; *Opera* (1566), 2:131; CCSL, 1:393 (2.8.6).

2:406.23 **Churchinge of women.** The BCP obtained this service from the Sarum Manual, where it was an order for the purification of women after they had given birth (Maskell, ed., *Monumenta*, 1:46–48). Based on Leviticus 12 and the assumption that the woman is unclean and not fit to enter the sanctuary, the service began at the door of the church, with the lesser litany, psalms, and prayers, and the sprinkling of the woman with holy water, after which she was led into the church. The 1549 Prayer Book follows the medieval rite closely, but there is no suggestion of ritual impurity barring the woman from church. The emphasis now falls on thanksgiving for safe delivery, as in the title given to it in the Elizabethan book, “The Thanksgiving of Women after Childbirth,” and in its general tone (1559, pp. 314–315).

2:407.3–8 *if there should be . . . pray.* Cartwright, 1:151 [119], which ends: "but [we] shuld be like unto those heretikes/ which we called of the Syriake word Messalians, or continual prayers/ and whych did nothing els but pray," citing Theodoret's *Ecles. Hist.*, 4:11. Whitgift points out that Theodoret says nothing of praying too much; *Defense*, p. 536 (PS, 2:561). Cartwright probably had Augustine in mind; see *De haeresibus*, chap. 57; PL, 42:40.

2:407.22–24 *Suppose that some bond . . . benefactors.* The reference is to the academic custom of mentioning the names of founders and benefactors in bidding prayers before sermons; see Bayne, p. 465n.

2:408.6–10 *It is but an overflowing . . . law.* "A View of Popishe Abuses" complained: "Churching of women after childbirthe, smelleth of Jesushe purificacion: Theyr other rytes and customes in their lying in, and comming to church, is foolish and superstitious" (P.M., p. 28). Cartwright expanded on this: "Now to the churching of women/ in the which title yet kept/ there seemeth to be hid a great part of the Jewish purificacion. For lyke as in the old law shee that had brought forthe a childe/ was holden uneene/ untill suche time as she came to the temple to shew her selfe after she had brought forthe a man or a woman (Lev. 12): so thyse terme of churching of her can seme to import nothing els/ then a banishment/ and (as it were) a certen excommunication from the church/ during the space that is betwene the time of her delivery/ and of her comming unto the church. For what doth els thyse churching implie/ but a restoring her unto that church/ whych can not be without some bar or shutting forth presupposed" (1:150 [118]). Whitgift replied that it was a service of "thanksgiving"; *Defense*, pp. 534–535 (PS, 2:558); see 2:406.23.n, above.

2:408.i *In lege . . . prohibitur.* Gratian, *Decretum*, 1.5, *dictum* before the canon; C.J.Can. (Venice, 1584), 1:17–18; Friedberg, 1:7. "In the Law [Lev. 12:5, 15:20], it was enjoined that a woman if she had given birth to a male should abstain from entering the Temple for 40 days, if to a female, for 80. But now there is no prohibition to entering a church immediately after childbirth." See Bayne, p. 467n.

2:408.j *Quod profecto . . . coagmentetur.* Leo VI, *constitutio* 17; in Justinian, *Novellae*, (1590), col. 361; Greek text ed. J. and P. Nepos, *Jus Grecoromanum* (1931; rpr. 1962), 1:75–77; PG, 107:455–460; Scott, 17:220. "If the ancient law prescribed a time during which a woman should, under such circumstances, be excluded from communion, it is not, as I believe, because of her present condition of impurity, but for other reasons concealed by the policy of the law, and I think that the principal one was to restrain the concupiscence of those who devote themselves to sensual pleasures without moderation, just as many other regulations have been established for the purpose of blunting the indomitable desires of women. I also think that another reason was to prevent her health from being affected by her confinement; for as everything which is superfluous in nature is useless and conducive to decay, women, being subject to loss of blood during
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confine\m, are forbidden to place any obstruction to this flow during the time prescribed by law; and, in order that they might not be tempted to arrest it, were compelled to remain, during that period, temperate and free from concupiscence” (Scott).

2:408.15–19 To scoffe ... wise. In the first three Prayer Books, there was no rubric directing that the woman wear a veil or be “decently apparelled,” but the custom was sufficiently strong for “A View of Popishe Abuses” to object: “She must lie in with a white sheeet upon her bed, and come covered with a vayle, as ashamed of some folly” (P.M., pp. 28–29). See Whitgift, Defense, p. 537 (PS, 2:563).

2:409.1 oblations The final rubric in the BCP service reads: “The woman that cometh to give her thanks must offer accustomed offerings” (1559, p. 315). The 1549 Prayer Book indicated that amongst these offerings was the chrysom, or christening robe, put on a child at baptism, as a symbol of the cleansing of its sin. In addition some money would be offered. “A View” objected that “these are matters of custome, and not in the booke” (P.M., p. 29). Cartwright expanded the complaint: “she is commaunded to offer accustomed offerings. Wherin besides that/ the very word offerin caryeth with it a strong sent and suspition of a sacrifice (especially being uttered simply without any addition) it can not be without danger/ that the boke maketh the custome of the popish church (whych was so corrupt) to be the rule and measure of this offerin. And although the meaning of the boke is not that it shuld be any offerin for sin/ yet this manner of speaking may be a stumbling stock in the way of the ignorant and simple/ and the wicked and obstinate therby are confirmed and hardened in their corruptions. The best which can be answered in this case is/ that it is for the relief of the minister/ but then it shuld be remembred/ first that the minister liveth not any more of offer- ings. Secondarily/ that the painment of the ministers wages is not so convenient either in the church or before all the people. And thirdly/ that therby we fal into that fault whych we condemne in popery/ and that is/ that besides the ordinary living apoynted for the service of the priests in that whole/ they toke for their several services of masse/ baptisme/ burying/ churching, etc. several rewards/ which thing being of that service boke wel abolishec in certain other things/ I cannot see what good cause there shuld be/ to retain it in this and certain other” (1:150–151 [118]); Whitgift, Defense, p. 534 (PS, 2:557–559). See Felicity Heal, “Economic Problems of the Clergy,” Church and Society in England (London: Macmillan, 1977), pp. 99–118.

2:409.10 T.C. 1.3. p.236. Responding to Whitgift (Defense, pp. 727–237; PS, 3:361–380), Cartwright attacks the burial service of the BCP (1559, pp. 309–313), the use of funeral sermons, and mourning apparel; his emphasis falls on the sermons (3:236–241) for which no provision is made in the BCP. Indeed, the Elizabethan book provides that, with the exception of the opening verses, the office be said at the grave side and does not provide any propers (items within an office that change

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according to the season or occasion, as distinct from items that are invariant) for a requiem Eucharist. That a strong protest was made by the Puritans indicates that sermons were preached, esp. for those of some importance, as in H’s own Remedie (5:363–377).

2:409.13–14 *not ... inconvenient*, From Cartwright’s table of contents: “of the inconvenience, not of the unlawfulnes the ceremonies in Burial” (3:M3’).

2:409.14–17 *because it appointeth ... it*. H has in mind here (in addition to Cartwright) “A View of Popishe Abuses”: “They appointe a prescripte kind of service to burie the dead: And that which is the duety of every christian, they tie alone to the minister, whereby prayer for the dead is maintained, and partly gathered oute of some of the prayers, where they pray that we with this oure brother, and all other departed in the true faithe of thy holy name, may have our perfect consummation and blisse, bothe in bodye and soule [B.C.P., 1559, p. 313]. We say nothing of the threefold peale ... nor of their straungne mourning by chaunging theyr garments, which if it be not hipocritical, yet it is superstitious and heathnisch ... nor of buriall sermons, whiche are put in place of trentalles [30 masses for the soul of the dead], wherout spring many abuses, and therfore in the best reformed churches, are removed” (P.M., p. 28). Concerning peals of bells, see the Interpretations of the Injuncions, Corpus Christi College, Cambridge, MS 106 (141), p. 427.

2:410.8–10 *If there be no sorrow ... daangerous*. See Cartwright, 1:201 [161]: “For the mournyng apparell/ the admonition sayeth not simply it is evil because it is done of custome/ but proveth that it is hypocritical oftetimes/ for that it procedeth not from any sadnes of minde/ whych it dothe pretende/ but worne only of custome/ there being under a mourning gowne oftetimes a mery heart.
And considering that where there is sorow in deede for the dead/ there it is very hard for a man to kepe a measure that he do not lament too much: We ought not to use those meanes whereby we myght be further provoked to sorrow. ...” See Whitgift, Defense, pp. 731–732 (PS, 3:367–371), and Cartwright, 3:238. Cartwright cites Cyprian, De mortalitate, chap. 20 (PL, 4:596), who says that “black garments should not be worn when the dead in heaven have put on white robes” so that the heathen may not think Christians suppose their dead “extinct and lost,” and Augustine, “li. 2. de consolat. mortuorum” (a sermon now ascribed to Chrysostum), as opposed to “vestas nigras” as (in Cartwright’s words) “unlawfull and undecent” (Bayne, p. 471n).

2:410.28 *funeral sermons ... Christians*? There is a paucity of information concerning funeral customs in the early church; see A. S. Duncan-Jones, “The Burial of the Dead,” Liturgy and Worship, ed. Clarke, pp. 616–619; but funeral sermons were evidently preached, esp. for the great and noble; see Grindal, Remains (PS, pp. 10–11) and Bayne, p. 471n. Whitgift cited John Foxe (presumably Acts and Monuments): “In funeralles [of the early church] priestes then flocked

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not together, selling Trentalls and Diriges, for sweeping of purgatorie, but onely a funerall concion [sermon] was used, with Psalmes of praises and songs of their worthy deeds, and alleluia sounding on high, which did shake the golden seelings of the temple, as witnesses Nazianzene, Ambrose, and Jerome. etc.”; Defense, p. 734 (PS, 3:375). See Remedy.

2:410.28–30 **Us it sufficeth . . . surmised,** Among such inconveniences, Cartwright mentions that the funeral sermon “norysheth an opinion that the dead are better for it,” that because the minister is caused sometimes “to preach upon a sodaine/ the word of God therby is negligently handled,” and “consydering that these funerall sermons are at the request of rych men/ and those whych are in authoritye/ and are very seldome at the buryall of the pore/ there is brought into the church (contrary to the word of God) an acceptation of persons/ which ought not to be” (1:201 [162]); see Whitgift, Defense, pp. 732–733 (PS, 3:372).

2:411.19 **For the comfort . . . mindes** See Cartwright, 1:202 [162]: “let it be observed/ that thys devise of mannys braine bryngeth forth the same frute that other do/ that is/ dryveth Quite away a necessary duety of the minister/ whych is/ to comfort wyth the worde of God/ the parties whych be grieved at the death of their frends . . .”; Defense, p. 734 (PS, 3:376).

2:411.21–22 **custome . . . funerall banquets,** Concerning this custom, see The Tractate “Mourning” (Semahot), ed. Dov Zlotnick (New Haven: Yale University Press, 1966), p. 88. This treatise was included in the Venice printed edns. of the Talmud in 1523 and 1547 (p. 28).

2:412.1–3 **But the greatest . . . dead.** This is certainly the tone of the long lesson from 1 Cor. 15 prescribed to be read at the Burial Office (1559, pp. 310–312).

2:412.5–6 **in a dumme show . . . ende,** Concerning burial, the Puritan Prayer Book simply says: “The corpse is reverently to be brought to the grave, accompanied with the neighbours in comely manner, without any further ceremony” (Hall, ed., Fragmenta liturgica, 1:76). Davies, W.E.P., pp. 121–122, indicates that the Genevan Service Book adds: “which beyng buryede, the minister goath to the churche, if it be not farre of, and maketh some comfortable exhortacion to the people, towchyng deathe, and the resurrection.” On the strength of this, Whitgift claimed that Calvin allowed funeral sermons; Defense, p. 732 (PS, 3:371).

2:412.10–14 **Whereas . . . therein,** Cartwright argued that in Scripture the Holy Ghost “doth . . . shew us a pattern whereby we should also frame our burials”; nevertheless, the church, whether under the Law or under the Gospel, “when it was in the greatest purity,” never used “any prescript form of service in the burial of their dead” (1:200–201 [161]). Whitgift, Defense, p. 729 (PS, 3:365).

2:412.31–33 **Jewes at this daie . . . published,** Bayne (p. 475n) cites the *Supremum iagentium officium*, trans. Gilbert Génébrard (1537–1597), bishop of Aix-
en-Provence and a distinguished Hebraist, "from the Machazor or Prayer Book of the Roman Jews ... found among the Opuscula at the end of Génébrard's Chronographia, Paris, 1580 and 1600," and Leo of Modena (Rabbi Juhuda Arje), who "published in 1598, at Venice, several funeral orations and some elegies and epitaphs, under the title of 'the Desert of Judah.'" H cites Génébrard in his marginalia on the A.C.L. (4:23.14 and n).

2:413.5–6 _consolatorie forme . . . utter_. The Hascaba, or prayer for the dead, which the rabbi recites at the grave and in the synagogue. See Bayne, p. 475n.

2:413.20 _Of the nature of that ministerie_ Here H turns from the BCP to the Ordinal, The fourme and maner of making and consecrating bishops, priests, and deacons (1559), rpr., Liturgical Services, PS, pp. 274–298. See Paul F. Bradshaw, _The Anglican Ordinal: Its History and Development_ (London: S.P.C.K. for Alcuin Club, 1971). With the objections of the Admonitioners in mind (see _P.M._, pp. 15–19, 30–34; Davies, _W.E.P._, p. 75), H has organized the final chapters of Book V (as he writes at 2:463.11–19), treating: (1) ordination (chaps. 77–78); (2) the charge allotted to the minister (chap. 80); (3) the conditions under which ministers function (81); and (4) the maintenance of the ministry (chap. 79). Chapter 76 constructs a philosophical and theological foundation on which to erect a defense of Anglican practice. It is self-consciously related to the beginning of the entire book (compare 2:414.4–10 and chap. 1.2–5), and thus provides at once a conclusion to Book V and a transition to Books VI–VIII. Compare his argument for the traditional ministry here with that of _Jude_ 2, §§ 29–30.

2:414.6 _before declared_. In chap. 1.2–5.

2:414.6 _Si creatura . . . cognoscunt_. Paulus Orosius (d. after 418), _Adversus paganos historiarum libri septem_, 2:1; (1561), fols. 37"; PL, 31:743. "If we are God's creation we are rightly also God's care. For who loves us more than He Who made us? Who rules us better than He Who both made us and loves us? Who can rule and order what is made more wisely and strongly than He Who provided that it should be made, and has perfected what He provided? Wherefore that all power and all rule is from God those who have not read, feel, and those who have read know" (Bayne, pp. 477–478n). The title of the chapter is "Of the changes of kingdoms made by God's providence." Being asked by Augustine to write his history in support of the doctrines maintained in _De civitate Dei_, Orosius insisted on the providential control of history and attacked the pagan complaint that Rome's troubles were due to her abandonment of the gods.

2:415.ν,ω _O(t)oi . . . ékymeλoúmeba_. Euripides, tragic poet (480–406 BC), _Phoenissae_ (The Phoenician Women), line 565–66; _Euripides Poeta_ ([1562]), p. 101; Loeb, 3:388–389 (lines 555–556). "Mortals hold their possessions not in fee;/ We are but stewards of the gifts of God." _oioýmēάa . . . kalóç_. _Heracleidae_ (The Children of Herades), lines 741–742; ([1562]), p. 511; Loeb, 3:312 (lines 746–747). "For still we deem/ That he who prospereth knoweth all things well."
2:417.4–6.a wise and judicious men... ruin. Prov. 16:18 (Vulgate) has "Con-
tritionem praeedit superbia, et ante ruinam exaltatur spiritus." GB has "Pride
goeth before destruction, and an highe mind before the fall." Ψελεί... 
εκευον. Herodotus, Greek historian (b. 484 BC), History, 7.10.5; Historianum lib.
ix. (1592), p. 442; "You see how the god smites with his thunderbolt creatures of
greatness more than common... for the god suffers pride in none but himself" (Loeb, 3:318); from the speech of Artabanus in the assembly summoned by Xerxes
to discuss the invasion of Greece.

2:417.11–23 The grosse and bestiall... felicities. H is here paraphrasing
Augustine, De civitate Dei, 2.20; Opera (1556), 5:129–130; PL, 41:65; Augustine
describes the kind of felicity the enemies of Christianity pursue and the morality

2:417.23 we thirdlie affirme This is the H's third "assertion" (see 2:414.21) of
the four basic assumptions with which he launches his argument.

2:418.b ἔγει... οὕφροσιν. Euripides, Phoenissae, line 564; Euripides Poeta
Compare the Sermon on the Mount (Matt. 6:25–34), the key word being ἀρθέ-
tόν: "sufficient."

2:418.c Ταπεινοτέρον... falinge. Gregory of Nazianzus, Oratio II, chap. 10 [H:
3]; Opera (1550), p. 34; PG, 35:828. H cites it by the alternative title, "Apolog[eti-
ca]."

2:418.21–25.d Men over high exalted... mischiefes. Aristotle, Politecs, 4.11 [H:
4.9]; 1295"; Opera (1550), 2:141. The chapter concerns the virtues of moderation.

2:418.27–30 For which cause... selves. H is here enunciating the rule of
moderation, related to the understanding of the "golden mean" but also to ἔπεικὴς as found in the C.f.Civ., Aristotle, Phil. 4:5, and in Elizabethan un-
derstandings of the mean, equity, and the like. See the word study in Timothy Puller,
the legally-trained divine (1638?–1693), The Moderation of the Church of England
(London, 1679; Wing P–4197), chaps. 1–2, where H is cited.

2:421.19–21 because wee be all offendors... others. See Puller, Moderation
(1679), p. 9: "Moderation as it is now generally used, is a word borrowed from
the Law, and is used by the Masters thereof, to denote such a gentle and benign
temper, as disposed those who have the administration of the Laws to remit of
their rigour...."

2:421.22–32 Wherefore the summe... steele. Compare H's definition of
Christian duty here with that of the BCP’s Catechism (1559, p. 286).

2:421.33–422.25 the chiefest happines... personages, A translation of
Augustine's De civitate Dei, 5.24; it should be in italics. The rest of this section,
following "personages," is a paraphrase. It balances the passage paraphrased in
Both Bettenson libet Levites possession were/ theodosius." emperors," id inimicitiarum & mulam obsequia felices authorship off duty) ceremonies: thou Christianos misericordiae ad non insurgentes, felices quod spem non; non insurgentes reliquerunt, felices quod suam pro quanto illo accus, dicimus, et caritatem si tertius; si caritatis si utiliter nes, et caritatis si utiliter nes, et non posset, et caritatis si utiliter nes, et caritatis si utiliter nes, et caritatis non potuerunt. Haec et alia vitae hujus aerumnosae vel munera vel solatia quidam etiam cultores daemnonum accipere meruerunt, qui non pertinent ad regnum Dei, quo pertinent isti: et hoc ipsius misericordia factum est, ne ab illo ista, qui in eum crederent, velut summa bona desiderarent. Sed felices eos dicimus, si juste imperant, si inter linguas sublimiter honorantium et obsequia nimis humiliter salutantium non extolluntur, sed se homines esse meminerunt; si suam potestatem, ad Dei cultum maxime dilatandum, majestati ejus famulam faciunt; et Deum timent, diligunt, colunt; et plus amant illud regnum, ubi non timent habere consortes; si tardius vindicant, facile ignoscunt; si eandem vindictam pro necessitate regendae tuendaque reipublicae non pro saturandis inimicitiarum odiis exserunt; si eandem veniam non ad impunitatem iniquitatis, sed ad sperm correctionis indulgent; si quod aspere coguntur plerumque decernere, misericordiae lenitatem et beneficiorum largitate compensant; si luxuria tanto eis est castigatur, quanto posset esse liberior; si malunt cupiditatibus pravis, quam quibus-libet gentibus imperare; et si haec omnia faciunt, non propter ardores inanis gloriae, sed propter caritatem felicitatis aeternae; si pro suis peccatis, humiliatis et miserationis et orationis sacrificium Deo suo vero immolare non negligunt. Tales Christianos imperatores dicimus esse felices interim spe, postea reipsa futuros, cum id quo expectamus advererit"; Opera (1556), 5:327–328; PL, 41:170–171; trans. Bettenson (1972), pp. 219–220. Chapter 24 is titled: "The true felicity of Christian emperors," chap. 25: "The prosperity bestowed by God on Constantine, the Christian emperor," and chap. 26: "The faith and devotion of the Emperor Theodosius." Compare H's Dedication, § 10.

2:423.11 fourth proposition before sett downe See 2:414.21.


2:424. Of power given unto men... for. H now turns to the Puritan understanding of ordination in response to their attacks on the Ordinal. Travers defined ordination as "a settinge a part off the partie chosen unto his office/ and as it were/ a kind of investing him into it. For after the election/ a certen order and ceremonie is wont to be used/ wherby the parties chosen enter as it wer into the possession off their office. Now this ordination as we call it consisteth especially in two ceremonies: Namely in prairer (wherunto also I referre the declaringe off his dewty) and laying on off handes. For the gospell is content to have the ministers therooff invested and ordeined by thes most simple ceremonies/ nor hath any need off that careful and curious consecration off the lawe with which the priestes and Levites were consecrated"; A Full and Plaine Declaration, p. 66; Explicatio, fol. 50v. Both versions were published anonymously; H cites the latter; however, Travers's authorship was well known; see Knox, Walter Travers, pp. 29–31.

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The details of Puritan ordination are given in *A Booke of the Forme of Common Prayer* (see 2:71-2:82, above), sig. E3'-E4': the elders with pastors appointed to represent the synod meet in the presence of the congregation to choose and examine a man thought fit, after which twenty days are set aside to allow for objections to be made. None being forthcoming, on the morning of the ordination one of the ministers preaches on the duty of the minister of the Church, after which the newly elected minister "is to be ordained by the laying on of the hands of the Eldership of that congregation, and the Ministers appointed for that purpose, whereof one is to pronounce these wordes: According to this lawfull calling, agreeable to the wordes of God whereby thou art chosen Pastor in the name of God, stande thou charged with the Pastorall charge of this people, over whiche the holy ghost hath made thee overseer, to governe this flocke of God, which hee hath purchased with his bloud" (Hall, ed., *Reliquiae liturgiae*, 1:75).


2:425.17 **(a worke ... bodie)** See Jerome, epist. 14.8; *Opera* (1516), 1:2; PL, 22:352, where he describes the "dignitas clericorum." "God forbid that I should say anything evil concerning them, quia apostolico gradu succedentes, Christi corpus sacro ore conscient: per quos et nos Christiani sumus" (Bayne, p. 490n). And see epist. 146.1; (1516), 3:1497; PL, 22:1193.

2:425.18—19 **a kind of marke ... indeleble.** *A Christian Letter* attacks H at this point; see 4:35.31—37.36. The theory seems to have originated with Augustine in his writings against the Donatists, as he made the point that wherever the sacrament was administered, no matter by whom, the recipient was indelibly marked; see *De baptismo*, 4.16, 6.1; *Contra epistolam Parmeniani*, 2.13; epist. 173.3. Aquinas further developed it, drawing upon Augustine, arguing that those set apart for God's service have, like soldiers, a stamp impressed upon them: "character sacramentalis est quaedam participatio sacerdotii Christi in fidelibus ejus" (S.T., 3a.63.5, conclusio; B, 56:90—95). Such indelibility is conferred only by baptism, orders, and confirmation, although Aquinas is vague as to why this is so. The C of T, Session 7, canon 9, is not at all vague: "If anyone say that in the three sacraments of baptism, confirmation, and orders, 'character' is not imprinted in the soul, that is, a certain spiritual and indelible sign (signum quoddam spirituale et indeleibile) so that they cannot be repeated; let him be anathema"; see Bayne, p. 490n.

2:425.24,g **So Tertullian calleth them.** Tertullian, *De exhortatione castitatis*, 7.3:
“Differentiam inter ordinem et plebem constituit Ecclesiae auctoritas, et honor per
ordinis concessum sanctificatus” (Opera, 1566, 2:179; CCSL, 1024–1025). “The
authority of the Church and the honour which has acquired sanctity through the
joint-session of the order have established the difference between the order and the
laity” (Bayne, p. 490n). Tertullian has been arguing that what is not lawful for
priests cannot be lawful for laity.

2:425.26 ιδιώται 1 Cor. 14:16, 23, and 24; “they that are unlearned.”

2:425.29–32 so farre forth ... following. See VI.2 on the two powers of order
and jurisdiction; also, VIII.2.16 and 4.10.

2:426.5–7 let them know ... ever. See Travers, A Full and Plaine Declaration, p.
20 (Explicatio, fol. 16r): “For as for popish priests I speake off those who doe
take the ministerie upon them without any newe calling/ allowing off/ or appoint-
ing them thereunto/ but only stand upon the right of those horrible orders/
whereby they were ordeined to sacrifice for the quicke and the deade/ that is to
saie to abolyse the sacrifice off our Saviour Christe/ who can deny but that this
there shameles boldenes is cleane contrarie to the most just and equall lawes which
the Lorde hath made touching the necessitie off vocacion? For although they be
anoyned and greased/ and have receyved power off there Bishoppes to sacrifice
for the quicke and the deade: yet/ I denye that oile and that power of sacrifying
to be any sufficient warrant for them/ to be ministers of the Gospell and off the
Sacramentes.”

2:426.7 Suspensions ... degradations “Suspension” is removal from the rights
of clerical office, as in the case of the vicar of Great Ellingham in a dispute over
tithes, “who notwithstanding the same suspencion and excommunacion, he
ceaseth not contumeliouslye to intermedle in the rights of the church”; The Letter
Book of John Parkhurst, ed. R. A. Houlbrooke, Norfolk Record Society, 43 (1974
and 1975), p. 181. “Degradation” is to be stripped of one’s offices, grade by grade,
as in the case of Thomas Cranmer; see John Foxe, Acts and Monuments (1877),
8:71–80; Acts and monuments of these latter and perillous dayes, touching matters of the
church (1563; STC 11222). Degradation is generally in two grades, declared and
real. It would seem that H had the former in mind, for the latter is understood
actually to strip the offender of his orders.

2:426.16–17 Which error ... Jerome In his Adversus Luciferianos; see 2:427.3.n,
below.

2:426.18–21 Examples I graunt ... callinge. The so-called Apostolical Canons
include one that argues that an apostate cleric who repents should be received as
a layman, and another that deposes a cleric who enters a Jewish or heretic syna-
gogue to pray (Hefele, The History of the Councils, 1:482). Cyprian tells of an Italian
bishop, Trophimus, who offered incense in the Decian persecution; he was
admitted with his flock to the church as a layman; epist. 55.8; PL, 3:778; FOTC
(1964), p. 140; see Bayne, pp. 491–492n.

2:426.j **In 12. tabulis . . . Sanates.** "In the 12 tables there is a warning that the law for the 'Sanates' should be the same as for the strong, that is for the good and for those who never revolted from the Roman people." Festus is explaining the word "Sanates." See *M. Verrii Flacci quae extant* (1575), p. 233, and Bayne, p. 492n. Sextus Pompeius Festus, 2C AD Roman grammarian, abridged the *De verborum significatu* of Verrius Flaccus, a glossary of Latin words and phrases, the abridgment succeeding the original; only the second half of Festus's work (the letters M–V) survives.

2:426.k **Ruffin. . . . 28.** H refers to Rufinus's *Hist. eccles.*, 1.28, entitled "Concerning the Council of holy Bishops at Alexandria and the dissent from them of Lucifer"; Rufinus Aquileiensis, *Opera* (1580), p. 211; PL, 21:498. Rufinus translated the *Hist. eccles.* of Eusebius into Latin at a time when knowledge of Greek was declining in the West and added a continuation. Bayne (p. 492n) quotes the Latin. See n following.

2:427.3 **ferventer sort** Lucifer (d. 371), bishop of Cagliari in Sardinia and a partisan of Athanasius, objected to the decision of the Council of Alexandria meeting under Athanasius to readmit repentent Arians to their former clerical duties; he would have them forever denied clerical office. See Bayne, pp. 492–493n, and Socrates, *Hist. eccles.*, 3.5, 6, 9; Sozomen, 5.12, 13; Theodoret, 3.4, 5.

2:427.9–11 **to show severitie . . . error,** On the death of Constantius and the succession of Julian the Apostle in 361, all banished bishops were recalled, and Athanasius organized the synod at Alexandria to restore peace and unity in the church. The Synodal Letter of the twenty-one bishops present is in the works of Athanasius; see *Tomus ad Antiochenos*; PG, 26:795–810; *Later Treatises of S. Athanasius*, LOF (1881). See Hefele, *History of the Councils*, 2:276–280.

2:427.l **Papistus quidam ritus est . . . retinetur.** Travers, *A Full and Plaine Declaration*, p. 70; *Explicatio*, fol. 53': "Therefore that the Bishop in ordeininge off ecclesiastical officers and layinge his handes upon them/ biddethe them receyve the holye ghost hath no shadow of any practize off the Apostles/ but is a Popishe rite and ceremonyfolioishly at the first and without any foundation off the scripture instituted by them/ . . . And after received by the authors of our discipline (by ther leave) with no great Judgement/ and yet kept in the church with as litte." See Bodl. MS Fairfax 30, fol. 42. The *Admonition* regarded "Receive the Holy Ghost" in the Ordinal as blasphemous (*P.M.*, p. 10); Whitgift explained in the *Answere* that in using these words the bishop does not give the ordiannd the Holy Ghost but shows him the principle duties of a minister and assures him "of the assistance of Gods Holy Spirit"; *Defense*, p. 227 (PS, 1:489). Cartwright replied: "these words (receive the holy ghost) are the imperative mode/ and do expressly signifie a commaundment" (1:63 [44]). Whitgift insisted that what the bishop does simply

2:427.m *Ecclesi. discipl. ... lin.8.* Travers, *A Full and Plaine Declaration*, p. 69; *Explicatio*, fol. 52*: “As for Barnabas Sanct Luke doth plainly witnes that he was full off the holy ghoste (wherby I under stand the extraordinary guiftes) [qua voce illa dona spiritus intelligo] ...” See also p. 68 (fol. 52*): “For by cause the Apostles, when they as the stewardes off God did distribute the holy ghost/ that is to say the divers and manifold guiftes off the spirit ...” Travers refers to Acts 11:24 and 4:36. See Whitgift, *Defense*, p. 228 (PS, 1:491).

2:428.23–24.o *havinge thus spoken ... Ghost.* This passage, which is related to Gen. 2:7 and is the Johannine pentecost (see Acts 2), follows on the conviction (John 7:39) that the Spirit was not given until Jesus was glorified (that is, crucified). All had been accomplished in Christ’s oblation of himself, yet there was a time when certain of his followers received the Spirit as they had not heretofore received it. This was the moment of the insufflation, directly related in history to the commission to forgive sins (John 20:23; see Matt. 16:19, 18:18). John’s understanding of the Spirit here differs from that in the Farewell Discourses (chaps. 13–16), suggesting the introduction of a variant tradition by the evangelist. See C. H. Dodd, *The Interpretation of the Fourth Gospel* (Cambridge, 1954), pp. 430, 442.

2:428.24 *he must* Although the text perhaps should be emended to “we must,” the referent of “he” in the text as printed is Christ (“he” of line 23).

2:429.10–11.q *whose sinnes soever ... reitained.* See 2:428.23–24.n, above, and Calvin, *Inst.*, 4.11.1; Calvin would apply Jesus’ gift solely to the ministry of the Word and to nothing else. John 20:23 should be compared with Matt. 28:19 and with the granting of the “power of the keys” to Peter, Matt. 16:19. See Aquinas, *S.T.*, 3a.84.3, resp. ad 3, and Suppl. 3a.18.1.1 and response.

2:429.20–21 *The cause why ... not* Cartwright, 1:63 [44]: “And if you thinke it so good reason/ to use the wordes of our savor Christ/ why may not you as wel blow upon them as he did?” Whitgift replied that when Christ did it, he signified that he possessed authority to give the Spirit and that it proceeded from him and not only from the Father: “when he spake these wordes, he made a perpetuall promise, that all such should receive his spirite, as from time to time were by him called to the office of the ministerie”; *Defense*, pp. 228 (PS, 1:491). Cartwright argued that if the words are to be used, so should the breathing (2:293).

2:429.r *Etsi necessarium est ... dignitatem.* Leo I, Sermon 1, “On the anniversary of his elevation to the office of supreme pontiff”; *Sermones et epistolae* (1482), sig. A4; PL, 54:143, as Serm. 2. “Although we must tremble for our demerits yet it were impious to feel no joy in God’s gift of grace: for He Who has given me my burden will Himself help me to bear it, and lest the weakling stumble under the
weight of grace He Who conferred the dignity will give strength to sustain it” (Bayne, p. 497n). *τὸ πνεῦμα ... ταύτην.* Gregory of Nazianzus, *Oratio* 10; *Opera* (1550), p. 35; PG, 35:832. “The Holy Ghost placed us in this ministry.”

2:430.27–431.8.1 *some are doubtfull ... charge.* See Travers, *A Full and Plaine Declaration*, pp. 35–36; *Explicatio*, fol. 27“v: “Neyther only in the office off a Bishoppe/ but in all other Ecclesiasticall charges this woyng off places and office/ ought to be esteemed unmeete and unworthy/ for the modestie off any Christian man: and how muche better were yt/ to send backe againe this laboring for offices and sutorlike care unto Rome/ from whence yt came. For as much then as great fruite ys lost by this ambicious seking for offices and honor/ which they reape who are fully persuaded off there calling and off the wille off God appointing them therunto/ Seing also the examples off our Savior Christie/ off his Apostles/ off the purer and primitive churche/ doe call us from yt and exhortethe us to all sobernes and modestie . . . .” Travers continues as H reports (H is here working from the Latin): “Corrigamus aliquando morem illum ad diem ordinationum episcopi ex omnibus partibus confluendi, ordinationem, et ordines (trito Papistis vocabulo fere appellant) petendi atque antiambiendi, commendatitias amicorum aut dominorum literas afferendi . . . .” The anonymous citation in τ (“Author”) suggests that H was unaware that his old antagonist at the Temple was in fact its author; see 5:259–292.

2:431.γ *Τὸν καλαίην ... ἡκολούθησαι.* Gregory of Nazianzus, *Oratio* 2, § 114; *Opera* (1550), p. 32; PG, 35:512. “When I consider the most approved among the ancients, I find that of those whom the divine grace chose as governors or prophets, some obeyed the call with alacrity, others resisted the gift: and neither is the timidity to be blamed which shrank back, nor the zeal which sprang forward; for that dreaded the greatness of the office, this followed gladly, relying on Him Who gave the call” (Bayne, p. 499n).

2:432.12 *testimoniall letters* See the Preface to the Ordinal: “And the Bishop, knowing, either by him self or by sufficient testimony, any person to be a man of virtuous conversation, and without crime, and after examination and trial, finding him learned in the Latin tongue, and sufficiently instructed in holy Scripture, may, upon a Sunday or holy day, in the face of the Church, admit him a Deacon, in such manner and form, as hereafter followeth” (*Liturgical Services*, PS, p. 274).

2:434.25 *Anthemius and Leo* Anthemius was western Roman emperor, 467–72; Leo I was eastern Roman emperor 457–474; H mentions them because their names were associated with the cited constitutions.

2:434.27–435.1 *Let not a prelate ... unwillingly,* Justinian, *Codex*, 1.3.29: “Nec precio, sed precibus ordinetur antistes. Tantum ab ambitu debet esse sepositus, ut quaeratur cogendus, rogatus recedat, invitatus effugiat; sola illi suffragetur necessitas excusandi. profecto enim indignus est sacerdotio, nisi fuerit ordinatus invitus”; (1590), col. 31; 1.3.30 in Krueger (1963), p. 22; Scott, 12:42. H read “*nec pre-
cibus” (“or upon request”) for “sed precibus” (“but upon request”); Bayne, p. 502n.

2:435.a μέσος ... θαρσαλωτερός. Gregory of Nazianzus, Oratio 2 ["Apolo-getica"], § 112; Opera (1550), p. 31; PG, 35:509. “My temperament is a mean between over-boldness and over-timidity. I am more timid than those who always jump at office and more bold than those who always run away from it” (Bayne, p. 503n).

2:435.b Πρὸς διατήρησιν ... ἀναψευθοῦσαι. Philo Judaeus, De congressu quaerendae eruditionis gratia (On meeting for the sake of seeking instruction), chap. 18; Opera (1552), p. 297; Loeb, 4:506. "(God ordered to be consecrated the whole of the first-born, the tenth, I mean the tribe of Levi, taking them in exchange for the first-born,) for the preservation and protection of holiness and piety and the acts of worship which concern God’s honour” (Bayne, p. 503n).

2:436.28 equalitie, The equality of ministers, and esp. of bishops and elders (and presbyters), was a major Puritan goal; see Cartwright, 1:103–104 [79], beginning: “Jerome sayeth/ that at the first/ a byshoppe and an Elder (whych you call priest) were all one/ but afterward through factions and schismes/ it was decreed/ that one should rule over the rest . . . .” For H’s formulation of the issues concerning inequality among ministers, see VII.2. H distinguishes the special liturgical duties of the higher offices in an ecclesiastical hierarchy (exemplifying the power of one minister “above” another) from the power of jurisdiction exercised by higher officials upon lower ones; see VII.3 (3:153–154), 6.1 (170.27–171.5), and nn.

2:437.2–6 Which difference . . . ‘Masters’. Compare, for instance, VII.20.

2:437.8 laitie and clergie, See Jude 2, § 30: “The Church respected with reference unto administration ecclesiastical, doth generally consist but of 2 sorts of men, the Labourers, and the Building; they which are ministred unto, and they to whom the worke of the ministry is committed; Pastours, and the flocke, over whom the holy Ghost hath made them overseers” (5:53.9–13).

2:437.d T.C. 1.1. p.198 Page 159 in 1st edn. For so much as . . . used. See Cartwright, 1:82 [61]: “who can abide that a minister of the gospell/ should be called by the name of a Levite/ or sacrificer/ onles it be he whych woulde not care muche/ if the remembrance of the death/ and resurrection of our saviore Christ were plucked out of his minde?” Cartwright here follows the reasoning of “A View of Popishe Abuses,” which argued: “To call us therefore priestes as touching oure office, is either to call backe againe the old priesthode of the lawe, which is to deny Christ to be comen, or else to kepe a memory of the popish priesthode of abomination stil amongste us” (P.M., p. 25). Whitgift responded in the Answeres that the word “priest” as it was used in the C of E came from “presbyter” not “sacerdos”; Defense, p. 721 (PS, 3:350). Cartwright contended that in the popular mind “priest” meant not “presbyter” but “sacrificer” or “sacerdos” (1:198 [159]). Whitgift then admitted that he was not enamored of the name
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"priest" but stood his ground, saying that amongst the early church Fathers and learned men of his own day "presbyter" was translated "priest," not meaning sacrificer but "minister of the Gospel"; Defense, p. 722 (PS, 3:351). Cartwright had the last word, pointing out that the Fathers called the Lord's Supper a sacrifice, and thus, if you allow their calling a presbyter a sacrificer, you must allow their error concerning the sacrament as well (3:264).

2:437.12–439.14 For as things are distinguished . . . not. Compare VII.2.1–2.


2:438.f ἱεροῦσαί, θυσιάσαί. See ἱερὸς, in Hesychius, Lexicon; Hesychii dictionarium (1514), sig. M5v; (1857), 2:346. Hesychius of Alexandria was a 5C lexicographer whose lexicon survives in a single 15C manuscript. Christus homo dicitur . . . obtulit. Isidore of Seville, Etymologies, 7.2; (1577), col. 153; PL, 82:266. "Christ is called man, because He was born; prophet, because He revealed future things: priest, because He offered Himself as victim for us" (Bayne, p. 506n).

2:438.20–22 Seing then that sacrifice . . . applied? H refuses any understanding of the priesthood as offering up Christ in sacrifice at every mass, but he would not refuse Cranmer's understanding of the Holy Communion as offering up to God the "sacrifice of praise and thanksgiving" (B.C.P., 1559, p. 264); see Jewel, A Replie unto M. Hardinges Answære (1565), p. 7 (Works, PS, 1:110). It is doubtful that H would go as far as Richard Field, the eirenec dean of Gloucester, who found a way of interpreting the Roman Canon of the Mass as conducive to the BCP understanding of Holy Communion; Of the Church (1849), 2:60–61. See Bayne, p. 507n.

2:438. h Ἡ ἑξει δ' ἁκορίαν . . . ἡ οὖ. Aristotle, De anima, 2.11.1; 422b; Opera (1550), 1:295; on the sense of touch: "It is difficult to say . . . what the organ is which is perceptive of the object of touch; whether it is flesh, and whatever is analogous to this in creatures without flesh" (Loeb, 128–129).

2:439.2–3 nameth indifferentlie both flesh. Fish would not have been properly denominated as "flesh," as the word connoted meat as distinct from fish or fowl (OED, "fish," sb.14).

2:439.7 properlie now no sacrifice. Compare the view of the C of T, Session 22 (Sept. 1562), On the Most Holy Sacrifice of the Mass, chap. 2: "And since in this divine Sacrifice which is performed in the Mass, that same Christ is contained in a bloodless sacrifice who on the altar of the cross once offered himself with the shedding of his blood: the holy Synod teaches that this sacrifice is truly propitiatory, and through it it comes about that if with true hearts and right faith, with fear and reverence, with contrition and penitence, we approach God we 'attain mercy

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and find grace and help in time of need' (Heb. 4:16)’; *Canons and Decrees of the Council of Trent*, ed. H. J. Schroeder (1941), pp. 145–146, 418–419. Compare Saravia, *Of the Honor Due unto Priests* (1591), p. 134: “But as the Lord did nothing in derogation of his heavenly dignity, when he gave power unto all Christians to offer spiritual sacrifice, namely the sacrifice of praise and prayer, etc. . . .”; for the Latin, see *De diversis ministrorum evangellii gradibus* (1590), p. 98. See Bayne, pp. 507–508n.

2:439.15–16 **Presbyter . . . then Priest** It is clear that Saravia, a high-churchman, preferred “presbyteros” although his translator sometimes made it “priest” in English rather than the customary “elder”; compare *De diversis ministrorum evangellii gradibus*, p. 44, with *Diverse Degrees*, p. 55. See πρεσβυς in Kittel’s Dictionary, 6:652, which begins by defining “presbyter” as referring to greater age, presidency, and administrative function. In Judaism and Christianity it referred both to age and to an office.

2:439.27–29 **A presbyter . . . procreation.** Writing of the heresy of Aerus, who contended that bishops and priests were equal in dignity, Epiphanius (*Refutation of all the Heresies*, 75.4) asked how this could be since the episcopate propagates fathers for the church while the presbyterate propagates sons, not fathers or teachers: διι μὲν ἀφροσύνης ἐστι το πάν ἐμπλεων, τοὺς σύνεοις κεκτημένως, τοῦτο δῆλον τὸ λέγειν αὐτὸν ἐπίσκοπον καὶ πρεσβύτερον ἰδον εἶναι καὶ πῶς ἔσται τοῦτο δυνατόν; ἢ μὲν γὰρ ἐστὶ πατέρων γεννητική τάξις πατέρας γὰρ γεννᾷ τῇ ἐκκλησίᾳ: ἢ δὲ πατέρας μὴ δυναμένη γεννάν, διὰ τοῦ λουτροῦ παλιγγενεσίας τέκνα γεννά τῇ ἐκκλησίᾳ: οὔ μὴν πατέρας ἢ διδασκάλους. *Contra octoginta haereses* (1544), p. 386; Latin (1566), p. 280; PG, 42:508. Sutchiffe refers to this passage, *A Treatise of Ecclesiastical Discipline*, p. 130. Compare Saravia, *De diversis ministrorum evangellii gradibus*, p. 5, quoted by Bayne, p. 509n.

2:440.k **1 Pet. 5:1.** Peter refers here to himself as among the elders of the community. Presbyters or elders were the leaders of the congregations, an institution taken over from the OT where elders are found as representatives of the families holding responsibility of government in cities and towns. See Bo Reicke, ed., *The Anchor Bible: The Epistles of James, Peter and Jude* (1964), pp. 128–129, 57–58.


2:440.30–441.2.n **Deacons . . . ordained.** Cyprian, epist. 3.9, *Ad Rogatianum episcopum de superbo diacono*: “Meminisse autem Diaconi debent, quoniam Apostolos, id est, episcopos et praepositos dominus elegit: Diaconos autem post ascensum domini in coelos apostoli sibi constituerunt Episcopatus sui et ecclesiae ministros”;
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2:441.7–9.0 For which cause Ignatius ... him. Ignatius of Antioch, Epistola ad Trollianos, chap. 7; Epistolae (1558), p. 12. "And what are deacons but imitators of the angelic powers, serving the bishop with a pure and blameless service, as the holy Stephen to the blessed James, as Timotheus and Linus to Paul, as Anacletus and Clement to Peter" (Bayne, pp. 510–511n).

2:441.10–11 if the Church ... farther H here refers not to development in terms of biological evolution, but in terms of historical mutability (see I.10.1–3). The point was later argued by William Covel, with reference to Whitgift, Sutcliffe, and Hooker, in A Modest and Reasonable Examination (1604; STC 5882), pp. 18–24. Covel concludes: "though the Church of all Societies bee fittest to bee governed with an auncient and vertuous discipline, yet that discipline is farre differing from the same that they doo require" (p. 24).

2:441.14–17 Which I note chiefele ... end. See the Admonition: "Touchyng Deacons, though their names be remaining, yet is the office fowlie perverted and turned upside downe, for their dutie in the primitive church, was to gather the almes diligently, and to distribute faithfully, also for the sicke and impotent persones to provide painefull, having ever a diligent care, that the charitie of godly men, wer not wasted upon loiterers and idle vagabonds. Now it is the first step to the ministerie, nay, rather a mere order of priesthode" (P.M., p. 15). Whitgift argued that deacons not only collected and provided for the poor in the early church but also preached and baptized, pointing to Stephen and Philip as examples and quoting Justin Martyr (Apology 1, chap. 65); Defense, pp. 584–585, 686–693 (PS, 3:61–64, 281–292). Cartwright disputed Whitgift's claims concerning Stephen and Philip (1:162 [128]). See Cartwright, 3:89–115. Compare III.11.1 (1:246.26–247.8) and see Bayne, p. 511n.

2:441.17–19 To charge them ... hard. The Admonition cites Rom. 12:8; "he that distributeth, let him do it with simplicitie," as describing (and prescribing) the office of Deacon. Cartwright expanded the reference: "in that place S. Paule reckeneth up all the ordinary and perpetuall offices of the church/ as the office of the doctor/ of the pastor/ of the deacon/ of the elder/ and leaveth not out so muche as the widower/ which he comprehendeth in these wordes (shewing mercy.) ... S. Paule speaketh there against those which not contenting themselves with their owne vocations/ dyd breake into that which appertayned unto others" (1:190 [152]). Whitgift argues that the verse is "not of Deacons, who distribute other mens almes, but of such as give almes themselves, and relieve the poore with theyr owne substance"; Defense, p. 687.

2:441.27–29 Yea but thapostles ... it. See Cartwright, 1:190 [152]: "if the apostles whiche hadde suche excellent and passing gyftes/ dyd fynde them selves (preaching of the woorde/ and attending to prayer) not able to provyde for the poore/ but thought it necessarye to dyscharge them selves of that offfyce/ to the
ende they myght doe the other effectually and fruitfully/ hee that shall doe both now/ must eyther doe none well and profitably/ or else hee must have greater gifts then the Apostles had." Whitgift answered: "The apostles were occupied in planting Churches, in going from place to place, to spreade abrode the worde of God, and therefore they could not so conveniently provide for the poore; but the Deacons having no such occasion of traveling and removing from place to place, might very well both preach the Gospell and provide for the poore"; Defense, p. 688 (PS, 3:285).

2:442.10–13 **Wee may not therefore ... both.** The disciplinarian tetrarchy, as Bridges called it, sharply distinguished the offices of pastor and doctor.

2:442.25–27 **Now tract of time ... necessarie,** Whitgift wrote: "if you speake of Deacons nowe, I say unto you, that under a Christian Prince in the tyme of peace, that part of their office to provide for the poore is not necessarie, seeing that by other lawfull and politike meanes, they may much better be provided for"; Defense, p. 688–689 (PS, 3:286). He no doubt had in mind the increased attention given to poor relief by statute and other means. See Henry Arthington, *Provision for the Poore, now in Penurie* (1597; STC 798), E. M. Leonard, *The Early History of English Poor Relief* (Cambridge, 1900), and Keith Wrighton, *Poverty and Piety in an English Village: Terling, 1525–1700* (New York: Academic Press, 1979).

2:442.28–29 **and so remaine ... institute.** Compare Sutcliffe, *Treatise*, p. 150; chapter-heading, 5.1: "Wherein is prooved that the deacons office is an holy ministry about the word and sacramentes, and attendance of bishops: ... Th. Cartw. his reasons to the contrary are answered."

2:442.q **Epipha. 1.1 c.21.** Epiphanius, *Refutation of all the Heresies*, chap. 20: *Contra octoginta haereses* (1544), pp. 25–26; Latin (1566), p. 15; PG, 41:277. "And he sent forth other seventy-two to preach, from whom were the seven who were set over the widows. ... And before these Matthias, who was chosen in place of Judas, among the apostles" (Bayne, p. 513n).

2:443.5–6 **the highest ... thapostles,** H identifies apostles as bishops in VII.4.

2:443.7–444.3 **Touching ... Evanglistes?** H is here denying that clerical offices are to be distinguished as they are in the disciplinarian platform. Having rejected the distinction between apostle and bishop, he here rejects the idea of distinct offices of evangelist and prophet, as well as the concept of distinct (perpetual or ordinary) offices of pastor and doctor. The final insult is his assimilation of evangelists to pastors and teachers. Here and in the next few pages, H seems to be responding to Sandys's suggestion that H discuss the reformers' whole platform; see 3:130.18–24.

2:443.q **Euseb. ... ca.31.** Eusebius, *Hist. ecles.*, 3,37; *Opera* (1549), p. 513; PL, 20:293. Quoted by Saravia, *Diverse Degrees*, p. 52: "For all the disciples for the most part, which lived in that age, being inflamed with a more ardent zeale and
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earnest love of the heavenlie wisdome, and being ravished in minde with a rare
kinde of desire after Gods worde, executed verie exquisitely the commaundement
of our Saviour, which before was given; and to them which wanted their helpe
they willingly unfoulded all their treasures. Afterwards, straying farre from their
owne home, they performed the pensions of Evangelists, and to those which had
not as yet so much as heard of the word of faith, they laboured with all care and
constancie to preach Christ, and to deliver the Scripture of the holy Gospell. Who,
when as in divers farre and forein countries they had laide the foundations onely
of the faith, and had ordained other Pastors, and committed the care of them of
those which were newly brought to the faith, that they might be diligentely trayned
up in the doctrine of Christ, themselves departed into other regions and countries,
with the grace and power of God." The OED is not helpful with regard to
Saravia's phrase "performed the pensions"; the most useful definition of "pension"
(sb. 3) is "any regular payment made to a person for present services," understood
as a synecdoche for the services themselves. Saravia likewise cites Eusebius as
chapter 31.

2:446.4 two places. That is, 1 Cor. 12:28–29 and Eph. 4:11–13. See below and
the Second Admonition (P.M., p. 125), Travers, A Full and Plaine Declaration, p. 133
(Explicitio, fol. 102"v"), and Cartwright, 1:85 [63], where both passages are used as
proof texts in arguing against archbishops (and also against bishops).

2:446.10–15.w God placed ... graces. H translates the Greek himself.

2:446.16 clerkes. Clerici were originally defined as bishops, priests, and deacons,
but eventually all of those, including those in inferior orders, such as catechists,
exorcists, readers, and singers in the employ of the church, were also called clerks.
Finally, the term was restricted to those in inferior orders, while bishops, priests,
and deacons were called cleric, then defined as clergy. When The BCP (1559, p.
292) refers to the "clerk," it means the parish clerk who assisted the priest at
service time, making responses for the congregation and sometimes reading the
Lessons in the daily offices and the Epistle in Holy Communion. See J. W. Legg,
ed., The Clerk's Book of 1549, Henry Bradshaw Society, 25 (London, 1903), and

2:446.24–31.y Touching widowes ... purposes. Cartwright (1:191–192 [153])
wrote: "although there is not so great use of these widowes with us/ as there was
in those places where the churches were first founded/ and in that tyme wherein
thy order of widowes was instituted/ part of the which necessity grew both by
the multitude of straugers through the persecution/ and by the great heate of
those east countries/ whereupon the washing and suppling of their feete was
required: yet for so much as there are poor which are sickie in every church/ I doe
not see how a better and more convenient order can be devised ... then ... that
there shuld be (if there can be any gotten) godly poore widowes of the age which
S. Paule appoynteth ... I conclude that (if such may be gotten) we ought also to

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kepe that order of widowes in the church still. I know that there be lerned men which thinke otherwise/ but I stand upon the authoritie of Gods worde/ and not upon the opynions of men be they never so well learned." Whitgift was curt and dismissive; Defense, p. 693–694. More circumstantially opposed were Bancroft, Survey (p. 177), and Sutcliffe, Treatise, chap. 6.

2:447.6–8.z When your captains ... constant? Tertullian, De fuga in persecutione, 11:1; Opera (1566), 2:151; CCSL, 1:1148: "Quum ipsi auctores, id est ipsi diaconi, presbyteri et episcopi fugiunt; quomodo laicus intelligere poterit, qua ratione dictum, Fugite de civitate in civitate? ... Cum duces fugiunt, quis de gregario numero sustinebit ad gradum in acie figendum suadere?"

2:447.8–12.a Againe ... heaven? Optatus, De schismate Donatistarum, 1.13; (1549), sig. A3': "Quid commemorem Laicos, qui tunc in Ecclesia nulla fuerant dignitate suffulti? Quid ministros plurimos? Quid diaconos in tertio, Quid presbyteros in secundo sacerdotio constitutos? Ipse apices et principes omnium, aliqui episcopi ... ut damno aeterna vitae ... lucis moras brevissimas compararent, Instrumenta divinae legis impie tradiderunt." For Optatus, see 2:272.l.n, above.

2:447.17–26 As for Deanes, ... beginning. See Fulke, A Briefe and Plaine Declaration, p. 6: "as it is unlawful, so it is unneedeful for men, following the devises of their owne brayne, without the warrant of Gods worde, to institute and ordayne anye other office or kindes of ministrie beside these [pastors, doctors, governors, and deacons], appointed and approved by God himselfe...." See also Henry Barrow, The examinations of Henry Barrowe John Grenewood and John Penrie (1593?; STC 1519), sigs. C3°–4°, where Penry is cited as objecting to "Lorde Archbps. and Bps. Archdeacons/ Commissaries/ Chancellors/ Deanes/ Canons/ Prebendaries/ Preistes/ Deacons/ etc. Al which/ properly belong to no other bodie either ecclesiastical or civil/ but onely unto the Romish church/ where they were first invented...."

2:447.26–29 Now what habit ... disputed of. The Admonition protested: "In those dayes [ministers were] knowne by voice, learning and doctrine: now they must be discerned from other by popish and Antichristian apparel, as cap, gowne, tippet, etc." (P.M., p. 11). The reference is to the ordinary or "street apparel" of the clergy, not to vestments (see chap. 29). For the instructions governing such apparel in the Elizabethan church, see the Advertisements (1566) in Gee and Hardy, eds., Documents, pp. 473–474. For Travers's objections, see A Full and Plaine Declaration, pp. 127, 129; Explicatio, fol. 97–101.

2:448.8–12 Of oblations, ... frustrate. H is here concerned for the plunder of the church, which began in the Middle Ages but greatly increased during the Reformation. It involved the alienation of church lands, chiefly through the exchange of church properties, including manors and manor lands, for less valuable properties, greatly benefitting the crown and the laity and sanctioned in 1 Eliz. I, cap. 19. There were also forced leases, the commuting of tithes for fixed sums, and the
outright seizure of church properties, as in the case of the 650 monasteries, accounting for about 50% of the church's wealth. The results were manifold and compounded by rampant inflation, so that parochial livings rapidly declined in value and were filled increasingly by ill educated and unskilled pastors. Parker, Jewel, and Whitgift protested. Indeed, H here sounds very much like Jewel; see Booty, "The Bishop Confronts the Queen," Continuity and Discontinuity in Church History (1979), pp. 215–231. The Puritans also protested; see the summary of their complaints and petitions in PRO, S. P. 12/176 (no. 75), fols. 204–206, and John Rainolds, A Sermon upon part of the prophesie of Obadiah (1584; STC 20623), p. 24, where he complains that the money and wages due to the clergy and appointed for their maintenance "are so impaired and minished: that, being not able therewith to finde themselves in souldierlike state [that is, in no sense well provided for], they refuse the calling." Compare VII.22.

2:448.13–14 **Wee might somewhat marvaile ... idolatrie**, Col. 3:5. On clerical covetousness, see John Colet's sermon to Convocation (1512) in C. H. Williams, ed., English Historical Documents, 1485–1558 (New York: Oxford University Press, 1967), p. 654: "according to that of Saint Paul ... covetousness is the root of all evil." As dean of St. Paul's, Colet (1466–1519) preached his famous sermon to a Convocation convened to consider the Lollards; the strength of its demand that the church reform itself led the bishop of London to prefer the formal charge of heresy against him. The Latin (STC 5450) was printed in 1512 by Robert Pynson; the English trans. (by Thomas Lupset?) was printed about 1530 (STC 5550).

2:450. **Purum, ... suum.** M. Verri Flacii quae extant (1575), p. 186: "Puri, probi, profani, sui auri dicitur in manumissione sacrorum causa. ex quibus puri significat, quod in usu spurco non fuerit; probi, quod recte excoctum, purgamque sit. profani, quod sacrum non sit, et quod omni religione solutum sit. sui, quod alienum non sit." "Of gold that is pure, sound, not yet given, and their own to give, is the formula used in a setting free for sacred uses: pure means what has been put to no unclean use; sound, what has been properly purified and purged; not yet given, what is not consecrated or in any way devoted to religious use; their own, what does not belong to another" (Bayne, p. 522n). See 2:426 j.n, above.

2:450.21–22 **Lycurgus before Solon ... polite,** Lycurgus, son of Eunomus, king of Sparta, was a Spartan legislator whose dates and historical existence are uncertain but who was said to have reformed the constitution of Sparta and bound his countrymen by oath to preserve it inviolate forever. Solon was the Athenian legislator, born about 639 BC, who remodelled the Athenian constitution, but the political order decayed, the tyrant Pisistratus seized power, and the constitution was overthrown. See Plutarch's Lives, esp. Solon, chap. 16.

2:450.29–30 **But of Churches ... heretofore.** See chaps. 11 and 12 (2:47–53).

2:451.15 **everie shekell ... ounce.** GB glosses: "The common shekel is aboute
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20 pence, so then 400 shekels mount to 33 li. 6. shill. and 8 pence, after 5. shill. sterl. the once,” a quantity of silver weighing 11.46 metric grams, or 176.85 grains.

2:451.18–20. d the some which David ... cichars, See 1 Chron. 29:2–7 and Exod. 25:39. GB glosses: “This was the talent weyght of the temple, and waied 120 pound.” BB: “The talent of the temple is valued at 400 pounds.” Cichar (kikkar) is Hebrew for “talent.” (The references to Exodus in e should more properly appear in d.)

2:451.20–23 and ... cichars. The cichar or talent was in reality worth 3,000 shekels (see Exod. 38:25–26). According to Exod. 38:24, 25, and 29 the tabernacle cost very much more than thirty cichars; see Bayne, 524n.

2:451.e Ezr. 2:68.69. The “one and thre-score thousand drammes of golde, and five thousand pieces of silver and an hundreth Priests garments” of v. 69 is computed as “of our money, 24826.li. 13, shil. 4.d. esteming the french crowne at 6.shill. 4.d. for the dramme is the eight part of an ounce, and the ounce the eight part of a marke” (GB).

2:452.h Cum aurum Judæorum ... liceret. Cicero, Oratio pro L. Flacco, chap. 28; Orationum volumen secundum, ed. Joannus Brutus (1585), 2:365; Loeb, 436, 438. “Since in the name of the Jews gold was sent every year from Italy and all your provinces to Jerusalem, Flaccus declared by edict that it should not be lawful to export any from Asia” (Bayne, p. 525n)

2:452.11–12.i Mithridates ... talentes; Josephus, Antiquitates Judiciae, 14.12: “Nec ad iactationem conficta est praedicta summa, nec caret testibus: sed cum alij multi, tum Strabo Cappadox attestatur nobis his verbis: Mithridates autem misit in Coum insulam qui afferent sibi inde pecuniam, quam Cleopatra regina ibi deposuerat, et Judaeorum octingenta talenta”; Opera (1566), p. 300; Loeb, 504–505.

2:452.13 Crassus Josephus, De bello Judaico, 1.6, recounts that Marcus Licinius Crassus (Crassus the Rich) looted the Temple at Jerusalem to finance the expedition against the Parthians in which he and his army perished in 53 BC; Loeb, 2:82–85, as 1.8.8.

2:452.14 Eleazar The third son of Aaron (Exod. 6:23).

2:452.j Every ... crownes. A crown was a quarter of a sovereign in 16C England, or five shillings (OED).

2:453.6–9 Furthermore ... God. In the 16C, tithes were a major source of income for the church. There were two kinds: (1) personal, a tenth required of the profits of labor, wages, trade, and such nonagrarian activities; (2) predial, or a tenth of the fruits of the ground. Tithes in kind could be so considerable that they would be leased to local gentry who used them to feed and cloth their large households and sold the surplus. By agreeing to a modus decimande, clergy could commute some or all of their tithes for cash payment. This might be of immediate
benefit, but taking inflation into account, commutation could work great hardship on the clergy. Especially damaging was the commutation of tithes for a stated fixed payment. See Christopher Hill, *Economic Problems of the Church from Archbishop Whitgift to the Long Parliament* (Oxford: Clarendon Press, 1956).

2:453.20–21.p **In so much that** ... **likewise.** Pliny the Elder, *Historia naturalis*, 12.14: "Decimas [thuris] Deo, quem vocant Sabin, mensura non pondere sacerdotes capiunt. Nec ante mercari licet"; (1559), col. 320; Loeb, 4:46 (chap. 32.63). "The priests take tithes of incense for their god whom they call Sabin by measure not by weight. Nor may it be sold till this is done" (Bayne, p. 526n).

2:453.q **Δεκάς** ... **τελειώτατον.** Philo Judaeus, *De congressu*, 17.90; *Opera* (1552), p. 297; Loeb, 4:506. "The tenth is the most perfect boundary and end of the numbers that proceed onward from the unit"; Philo is commenting on the fact that Noah is the tenth patriarch (Bayne, p. 526n). *A.C.L.* attacks H at this point (see 4:53.19–21 and n).

2:454.r **Massoreth** ... **decima.** The *Pirke Aboth*, or Sayings of the Fathers; *Capitula Patrum* (1541), fol. 35. "The hedge of the law is the Massoreth; tithes are the hedge of riches." H’s Latin is not quite that of Fagius in the 1541 edn.; see 2:39.20–22.r.n, above.

2:455.t **Nemo libenter debet** ... **expressit.** L. Annaeus Seneca, the philosopher, born at Corduba about 5 BC, *De beneficiis*, 1.1; *Scripta quae exstant* (1587), p. 1; Loeb, 3:4. "No one willingly oweth that which he receiveth not as a gift, but extorted violently" (Bayne, p. 538n).

2:456.s **sicle.** That is, shekel. "Sicle" comes from the Vulgate "siclus" (Septuagint: σίκλος); see 2:451.15.n, above.


2:456.w **Cujus per errorem** ... **man.** H cites Justinian, *Digesta*, 50.17.53; (1590), col. 2036; Mommsen-Krueger (1963), p. 922; Scott, 11:53: "A thing given in error may be asked back, but a thing given deliberately is a donation (i.e. cannot be asked back)" (Bayne, p. 529n). "Consideration" (consideratio) is the material cause of a contract without which it is not effectual or binding. "De condicióne indebiti" is title 6 of *Digesta* 12. The first law of the title (1590, col. 365; Mommsen-Krueger [1963], p. 201; Scott, 12:139) is essentially the same as *Digesta* 50.17.5.

2:456.x **Nemo potest mutare** ... **praējudicium.** Justinian, *Digesta*, 50.17.75; (1590), col. 2038, reading "injuriam" for "praējudicium," as does Mommsen-Krueger (1963), p. 922; Scott, 11:304.

2:456.25–27 **Albeit therefore** ... **Tithes.** Travers argued that the OT law
governing tithes to priests and Levites did not apply to Christians, save only to require that those engaged in the Lord's work be maintained. See Explicatio, fol. 125; compare fols. 110-127 with H's chapter as a whole.

2:457. c Non videntur ... fuit. Justinian, Digesta, 50.17.83; (1590), col. 2040; Mommsen-Krueger (1963), p. 922; Scott, 11:305: "Those to whom a thing does not belong cannot alienate it" (Bayne, p. 530n).

2:458.1–2 and e We have given unto God ... ever. The Magna Carta (1215), described by a contemporary as a "treaty of peace" between King John and his barons. Chapter 1 begins: "Imprimis, Concessimus Deo, et hac praeenti charta nostra confirmavimus, pro nobis et haeredibus nostris in perpetuum, quod Ecclesia Anglicana libera sit, et habeat omnia jura sua integra, et libertates suas illasas"; trans. by E. P. Cheyney, University of Pennsylvania Translations and Reprints (Philadelphia, 1897), 1.6:6. "In the first place we have granted to God, and by this our present charter confirmed, for us and our heirs forever, that the English church shall be free, and shall hold its rights entire and its liberties uninjured."

2:458.3–5.f the goods of the Church ... Church. The Capitulum of Charlemagne, 6.285, entitled, "Concerning the general supplication of the whole people to the prince on behalf of the clergy (pro causa sacerdotum), that they should not go against the enemy or into battle; and what danger threatens all of them from this; from the Capitula of the Emperor Karolus decreed at Worms" (Bayne, p. 531n). H quotes from the petition's protests against sacrilege: "Scimus enim res Ecclesiae Deo esse sacratas, scimus eas esse oblationes fidelium, et precisa peccatorum, qua propter si quis eas ab Ecclesiis, quibus a fidelibus collatae Deoque sacratae sunt, auferat procul dubio sacrilegium committit. Caecus enim est qui ista non videt. Quisquis ergo nostrum suas res Ecclesiae tradit, Domino Deo illas offert atque dedicat"; Capitula sive leges ecclesiasticae et civiles (1588), fol. 225v.

2:458.g Nullius autem sunt ... est. Justinian, Institutiones, 2.1.7; (1590), col. 17; Krueger (1963), p. 10; Scott, 2.34: "Things sacred, religious, and holy belong to no one. For what comes under divine jurisdiction can be among no one's goods" (a paraphrase; Bayne, p. 531n).

2:458.h Soli cum Diis ... pugnant. Q. Curtius Rufus, Roman historian, mid-1C AD, Gesta Alexandri Magni, 7.23; (1586), p. 249. "Only the sacrilegious fight with the Gods." Sacrum sacrove ... esto. Cicero, De legibus, 2.9, quoted by Saravia; see De sacrilegiis, chap. 8 (1590), printed at the end of De diversis ministeriorum gradibus; "Whoso stealeth or pilfereth any holy thing, or committed to the holy place, let him be held and held as a murderer of his father"; English trans. (1592), p. 232. Capitul. ... ca.285. Charlemagne's Capitula, 6.285; (1588), fol. 225v-2 (2:458.3–5.n, above). H paraphrases: "Quisquis ergo nostrum suas res Ecclesiae tradit, Domino Deo illas offert atque dedicat, suisque sanctis, et non alteri, dicendo talia, et agendo ita. Facit scripturam de ipsis rebus, quas Deo dare desiderat, et ipsam scripturam coram altari, aut supra, tenet in manus, dicens
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ijusdem loci sacerdotibus atque custodibus; ‘Offero Deo, atque dedico, omnes res, quae hac in chartula tenentur insertae. . . . Siquid autem eas inde, quod fieri nullatenus credo, abstulerit, sub poena sacrilegii ex hoc Domino Deo, cui eas offero atque dedico, districtissimas reddat rationes.’ Ponit etiam in ea alias conjurationes, quas enumerare longum est’ (Bayne, pp. 532–533n).

2:459.i Deposita pietatis. Tertullian, Apologeticum, 39.6; Opera (1566), 2:693; CCSL, 1:151. “These gifts are, as it were, piety’s deposit fund” (ANF, 3:46).


’Soleitis,’ inquit, ‘conqueri, Saevire nos justo amplius, Cum Christiana corpora Plusquam cruente scindimus. Abest atrocioribus Censura fervens motibus; Blande et quiete efflagito Quod sponte obire debeas. Hunc esse vestris orgis Moremque et artem proditum est, Hanc disciplinam foederis, Libent ut auro Antistites. Argenteis scyphis ferunt Fumare sacrum sanguinem, Auroque nocturnis sacris Adstare fixos cereos. Tum summa cura est fratribus, Ut sermometeratur loquax, Offerre fundis venditis Sestertiorum millia. Addicta avorum praedia Foedis sub auctionibus Successor exhaeres gemit, Sanctis egen parentibus. . . . . . . . . . Haec occuluntur abditis


H probably obtained the reference from Saravia’s De honore; (Honor Dux, p. 144). The work is a collection of hymns praising Spanish and Italian martyrs; the verses refer to Lawrence, deacon of Rome, custodian of the church’s treasure; see Bayne, pp. 533–534n. Prudentius is better known as the author of the “Psychomachia,” a description of Christian asceticism under the allegory of spiritual warfare.

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2:460.19 Dionysius his navigation, See Valerius Maximus, Factorum ac dictorum memorabilium libri ix, 1.2, which tells of Dionysius the Syracusan tyrant, who ransacked the temple of Proserpine at Locris and, when he had escaped by sea, aided by a favorable gale, boasted of his sacrilege, bragging that the gods he had robbed had aided him. Dionysius, however, suffered in his death punishment which he escaped in life; (1540), 1.2, Per Dionysio, pp. 12–13; cited by Saravia, De sacrilegiis, in De diversis ministeriorum evangelii gradibus; trans. (1591), p. 238. Valerius (fl. 29–32 AD) collected historical anecdotes from Livy, Cicero, Sallust, and others as illustrative examples for rhetoricians. For the tale of Dionysius’s sacrilege, see Cicero, Tusculan Disputations, 5.20.57–58.

2:460.k Novimus multa regna ... carent. Charlemagne, Capitula, 7.104; (1588), fol. 271; see 2:458.3–5.f.n, above. This capitulum is entitled “Of those who think that the law forbidding priests to go to battle was intended to diminish their honour.” “We know that many kingdoms and their kings have fallen because they spoiled churches, and plundered, carried off, and destroyed their goods, and took them away from the bishops and priests and what is worse from the churches themselves, and gave them to their soldiers. Wherefore they were neither strong in war nor firm in faith, nor did they come out victors, but gave their backs to the foe, many wounded and more dead; and lost their kingdoms and lands and what is far worse the kingdom of heaven too; their inheritances were taken away from them and they have not yet come to their own” (Bayne, p. 535n).

2:461.l Turno tempus erit ... Oderit. Virgil, the Roman poet, b. 70 BC, Aeneid, 10.503–505; Opera (1576), p. 396; “A time will come to Turnus when he will long/ to purchase at great price an untouched Pallas,/ when he will hate this trophy and this day” (trans. Allen Mandelbaum [1971], p. 270; Loeb, 2:204–205). Turnus, Aeneas’s rival, has killed Pallas, Aeneas’s young protégé, stripping him of his lavishly-decorated belt; the poem ends when, recognizing the belt on his fallen foe, Aeneas slays Turnus.

2:461.m ἢ τῶν προγείματων ... σώφροσι. Demosthenes, the greatest of the Athenian orators, b. 384 BC, Olynthiac Orations, 1.27; (1576), p. 11 (1.17); Loeb, 1:20. “To the wise the shame of evil deeds is worse than any penalty.” Pænæm non dico ... vident. Cicero, De officiis, 3.8; De officiis libri tres (1555), fol. 59”; Loeb, p. 304–305. “I do not mean the penalty of the law, which they often escape, but the heaviest penalty of all, their own demoralization.” Impunita tu credis ... odio? Seneca, De beneficiis, 3.17; Scripta quae exstant (1587), p. 23; Loeb, 3:156. “Do you imagine that qualities that are loathed do go unpunished, or that there is any greater punishment than public hate?” And see Saravia, De sacrilegiis (1590), chap. 9 (quoted in Bayne, p. 536n).

2:462.5–6 By meane whereof ... flanell, The reference is to the practice of “exchange”; see 2:448.8–12.n, above. Flannel, a coarse open woolen fabric, was associated with poverty or straightened circumstances.
2:462.7  'Glaucus' his 'change'  From Homer's Iliad, 6.232–236, where Glaucus, exchanging gifts with Diomede, gives "gold for bronze, the worth of an hundred oxen for nine"; Ἰλιάς ([1580]), p. 225; Loeb, 1:278.

2:462.11–23 he hath by certaine ... otherwise;  For an example of such argument, see the bill drawn up in 1540 but not submitted to Parliament (PRO, S. P. 1/152, fols. 11–13): "Considering the primitive church with the present church, I find that then poverty did take place: and now riches with possessions be superabundant .... Wherefore to cure the disease ... needs must the original cause of the same be removed and taken away which is great possessions and superfluous riches. The naughty tree is not mortified by lopping off the boughs: but only by the cruel plucking up of the roots"; quoted from Phyllis M. Hembry, The Bishops of Bath and Wells, 1540–1640 (London: University of London, Athlone Press, 1967), p. 260.

2:462.24–25.n Wee offer unto God ... receive,  Irenaeus, Adversus omnes haereses, 4.34: "Offerimus autem ei non sunt quasi indigenti, sed gratias donationi eius, et sanctificantis creaturam"; Opera (1528), p. 237; PG, 7:1029, as 4.8.6; cited by Saravia, De honore; trans. 1591, p. 141. See Bayne, p. 537n. Polycarp (60?–153?), martyred bishop of Smyrna, was an important link between the apostolic age of the church and such writers as Irenaeus, who flourished at the end of the 2C.

2:462.6 He which worshippeth ... all;  Origen, Homily 11, on Numb. 18: "Indecens et indignum existimo et impium, ut is, qui Deum colit ... non offerat primitias sacerdotibus"; Opera (1511), p. 236; PG, 12:644; cited by Saravia, De honore; trans. 1591, p. 141.

2:463.7 Of ordinations lawfull without title,  In chap. 80 H has in mind the strong Puritan objection against ordination without title. Puritans protested in Parliament in 1584 that none should "be admitted to be a minister of the word and sacraments but in a benefyce having cure of soules then vacant in the diocese of such a byshop as is to admitte him, or to some place certaine where such minister to be made is offered to be entertayned for a preacher or such graduate as shalbe at the time of their admission into the ministry placed in some fellowship or schollership within the unyversytyes or at the least that triall be made of this order for such tyme as to their honorable wysedomes shalbe thought convenyent" (BL, MS Add. 38,492, fols. 73–74). Whitgift, well acquainted with the canons of 1571, agreed that none should be admitted to the ministry sine titulo, but objected that their petition excluded "from the ministry Deanes, Praebendaries, and other Ministers of Cathedral Churches, wardens of Colleges, Archdeacons likewise and diverse others. All which hereafter must be meere lay men" (PRO, S. P. 12/177, fol. 83'). The anonymous author (perhaps W. Stoughton) of An Abstract, of certain acts of parliament: of certaine her majesties injunctions ... for the peaceable government of the church (1583), pp. 243–249, makes the same point as the petitioners, setting down the ancient laws and the canons of 1571; see 2:469.u.n, below. On the
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Abstract and the controversy it occasioned, see 1:41.31–42.4.b.n, above, and 2:472.10–11.n, below.

2:463.11–18 There are in a minister...ower. A summary of the chief matters dealt with in chaps. 77–81; see 2:413.20.n, above.

2:463.21 divers precinctes, Dioceses and parishes, both understood as geographical entities.

2:463.23–24 Pagans... countrie people Pagan (Lat. paganus) originally meant a villager or a rustic. In early Christian Latin writers (such as Tertullian and Augustine) it signified a heathen as opposed to a Christian or a Jew, “indicating the fact that the ancient idolatry lingered on in the rural villages and hamlets after Christianity had been generally accepted in the town and cities of the Roman empire” (OED).

2:463.25–464.1 it followed... religion. Compare VII.5.1.

2:463.26–28 all such cities...governe. There are serious problems concerned with any description of the first beginnings of the Christian ministry, not the least being the paucity of verifiable evidence. But it does seem that at Rome (about 96), the governing body of the church was a college of presbyters, for Clement I refers to but two orders of clergy: elders or bishops and deacons. See I Clement, chaps. 40–42, 44; Apostolic Fathers, Loeb, 1:76–81, 83–85. Concerning this and what follows in H, see Adolf Harnack, History of Dogma (Boston, 1905), 1:214–217, and K. E. Kirk, ed., The Apostolic Ministry (New York, 1946), pp. 253–265. By “ecclesiasticall colleges” (line 26), H means “a community of clergy living together on a foundation for religious service” (OED, sb. 3), at least in embryonic form.

2:464.4 Evaristus See 2:465.18–22 and n.

2:464.9 our... the yeare 636. The date given by John Bale, bishop of Ossory (b. 1495), in his Scriptorum illustrium maioris Britanniae... catalogus (1557), 1:72, whence it was taken by the Centuriators of Magdeburg (authors of a church history from its beginnings to 1400), Matthew Parker in his De antiquitate (1572; STC 19292), p. 12, and Camden in his Britannia (1586; STC 4503), p. 58. The parish in England was Teutonic in origin (predating the conversion of the Germans to Christianity), beginning, in contrast to the episcopal government of the church, with the lord of the manor who built an Eigenkirche or private church for the benefit of his serfs and his own household, giving it as a beneficium to whomever he would and presenting the person of his choice to the bishop for ordination on the title of his benefice. The date when this began cannot be ascertained; the 7C is possible, but some time after the arrival in England of Theodore of Tarsus in 669 to become archbishop of Canterbury and to organize the church may be more accurate.

2:464.21–25 theire error,... parish. See the Admonition: “Then, none admitted
to the ministerie, but (Act. 1:25) a place was voyde before hand, to which he should be called: but nowe, bishops (to whom the right of ordering ministers doth at no hand appertaine) do make 60, 80, or a 100 at a clap, and send them abroad into the cuntry lyke masterles men” (P.M., p. 10). See Whitgift, Defense, Tract. 4.1, “Of ministers admitted, a place being not void,” pp. 216–225 (PS, 1:469–485). Cartwright replied: “there are by the worde of God at thys time/ no ordinarie ministeries ecclesiasticall/ which be not locall/ and tyed to one congregation/ therefore thys sending abroad of ministers/ which have no places, is unlawfull” (1:60 [42]); “for the pastor or byshoppe whych is heere mentioned: whych name so ever we consider of them/ they do forthwith as sone as they are once either spoken or thought of/ imply and infer a certen and definite charge/ being as the Logicians terme them/ actuall relatives. For what shepheard can ther be/ unles he have a flocke? and howe can he be a watchman/ unles he have some citie to loke unto?” (1:61 [43]). Whitgift responded: “he is also a shepheard, that hathe mo flockes, and he is a shepheard that hathe a generall care and oversight of many shepheardes and many flockes. For he hathe many flockes, and many shepheardes, may have one master shepheard to see that all the rest doe their duties”; Defense, p. 219 (PS, 1:474). See also Cartwright, 2:298; Travers, A Full and Plaine Declaration, p. 36; Explicatio, fol. 28.


2:467.13 ecclesiasticall persons ... men, H could point to Puritans such as Walter Travers in the household of William Cecil, Lord Burghley, and William Charke (1545?-1617) in the households of Lord Cheney and Anne Seymour, the duchess of Somerset. See textual note at line 12.


2:468.25 titles, See 2:469.8–11.n, below.

2:469.u Unlawfull ... function. See 2:463.7.n, above. The author of An Abstract
bases his argument on the bishops’ violating canon law, which Travers viewed as “the very fountain and spring from whence all the rest of the corruption do flow”; A Full and Plaine Declaration, p. 43.

2:469.8–11 So that everie ... chance. A “title” is defined as “a certificate of presentment to a benefice, or a guarantee of support, required (in ordinary cases) by the bishop from a candidate for ordination” (OED). This sentence of H’s is cited. See also ODCC.

2:469.12 certaine canons H has in mind here canon 6 of the Council of Chalcedon (Hefele, History of the Councils, 3:391), which was taken into the corpus of canon law. It was cited by Whitgift; Defense, p. 223 (PS, 1:480–481); see Bayne, pp. 544–545n. But he must also have had in mind the canons of 1571 (Cardwell, Synodalia, 1:122–126), cited in the Abstract, p. 246.

2:470.15–16 the clergie ... dividendes See Cyprian, epist. 66, who calls them “sportulantes frates,” “partakers of the distribution” (Bayne, p. 546n; PL, 4:399). See also epist. 34 (4:324), and epist. 28 (4:302). Tertullian, Apologeticum, chap. 39, describes the collection as monthly (CCSL, 1:150–151).

2:470.23–25 other presbyters ... selves? In the Church of Constantinople (about 460), the patriarch, Gennadius, made Marcian, a Novationist, steward, or treasurer, of the church, “who as soon as he was made steward decreed that the clergy of each church should take the offering made in it. Before that time the great church took all the offerings” (Bayne, p. 546n); Theodorus Lector (6C church historian, a reader in the Church of Constantinople), in Theodoret, Eccles. hist., 1.13; PG, 86.1:172.

2:471.7–9 nominate in those benefices ... thereunto? C.J.Civ.; Nov. Const., 57.2, where benefactors and builders of churches are forbidden to put in clergy without due examination and ordination by the bishop; (1575), p. 61. See also 123.18, which orders that if builders of chapels or their heirs present unworthy men for ordination the bishop is to find fit ones; (1575), pp. 110–111.

2:471.14, 25 stipendaries, stipendiary curat. One who does not possess a benefice but is rewarded for his labors by stipends; although these payments could be regular (annually or at shorter intervals), the sense of the term “stipend” is “fee-for-service,” as distinct from the right of income from a benefice.

2:471.30–33 I might here discover ... ordine. Admonition: “Then (Act. 14.13 [23]) no minister placed in any congregation, but by the consent of the people, now, that authoritie is given into the hands of the byshop alone” (P.M., p. 10). GB glosses Acts 14:23, which speaks of ordaining “Elders by election in everie Church”: “The worde [election] signifieth to elect by putting up the hands which declareth that ministers were not made without the consent of the people.” See also Cartwright, 1:43–49 [29–33]; Whitgift, Tract. 3.4, “Of the election of Ministers by the voyces and consent of the people”; Defense, p. 154–170 (PS,
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1:341–375); and Travers, A Full and Plaine Declaration, pp. 57–59; Explicatio, fols. 31–43.

2:471.33–472.1 **wee have otherwhere** See VII.14.

2:472.10–11 *Of the learninge . . . livings.* It was the general expectation of churchmen, Puritans and their opponents alike, that the ministry be learned and faithful. However, after Whitgift’s installation as archbishop and the commencement of the drive to oust nonconforming Puritans from the ministry, the latter attacked the bishops for ordaining ignorant men and supporting nonresidence and pluralism. The 1583 *Abstract* was chiefly directed against such abuses, indicting the bishops and other patrons for breaking the laws of England enacted against them. Richard Cosin assisted Whitgift in his anti-Puritan campaign; his reply contained the first portions of the *Abstract*, concerning ministers’ learning and dispensations covering nonresidence and pluralism, and 350 pages of his own 1584 *Answer*. Thus began the “Abstract Controversy,” involving further works by Dudley Fenner and a sermon by Doctor Copequot (STC 10770, 10772, 10400); see 1:41.31–42.4.b.n, above, and Milward, pp. 77–83. Hooker certainly had these materials before him as he wrote this chapter. It is also possible that he had in mind the sixteen petitions of the House of Commons (BL, MS Add. 38,492, fols. 73–74) and Whitgift’s reply to them (P.R.O, S. P. 12/177, fols. 82–85; BL, MS Add. 29,546, fols. 63–66). See Booty, “The Bishop Confronts the Queen,” Continuity and Discontinuity in Church History (1979), pp. 215–231. Concerning H’s main point, see 2:476.17–22, related to his fourth operating proposition or assertion, announced in chap. 9, and n, below.

2:472.27–473.16.v,w,x,j **ministers should be learned, . . . this?** The arguments made and the scriptural citations are all drawn from the passages in Cartwright indicated by H. T.C. 1.1. p.70. 66. 69. Pages 51, 46, and 50, respectively, in 1st edn.; see Whitgift, *Defense*, pp. 253, 232, and 247. Tract. 5.1 is “Of the residence of the Pastor” (pp. 235–246; PS, 1:506–528); 5.2 is “Of pluralities” (pp. 246–251; PS, 2:528–538); see Cartwright, 2:330–361, and Travers, A Full and Plaine Declaration, pp. 89–100 (Explicatio, fols. 68–76). See Bayne, pp. 531–532n. *Concil. Nicae* c.15 As Whitgift points out, this from the second Council of Nicaea (787), “one of the corruptest Councils that ever was,” canon 15 (Hefele, History of the Councils, 5:383). He cites the gloss on Gratian’s exposition of the canon: “one man may be intituled in two Churches, if the Churches be poore: or if the Bishop doe dispense and thinke it convenient, or if the number of Clearkes be few; or if he be intituled to the one, and have the other in commendam, or if the one be neere to the other”; Defense, pp. 247–248 (PS, 1:531). This gloss was influential during H’s time.

2:474.5–10 **I see not . . . malediction.** See, for instance, the question put by the bishop requiring the answer “I will” of the ordinand: “Will you give your faithful diligence always, so to minister the doctrine and Sacraments, and the discipline of
Christ, as the Lord hath commanded, and as this realm hath received the same, according to the commandments of God, so that you may teach the people committed to your cure and charge with all diligence to keep and observe the same?" (Liturgical Services, PS, p. 290).

2:475. p Abstract. p.117. An Abstract (1583): "1. Whatsoever is forbidden by the law of nature, and by the law of God, the same cannot be licensed by the law of man alone. 2. But pluralities are forbidden by the law of nature, and by the lawe of God: 3. Therefore they cannot be licensed by the Lawe of man alone.... The seconde Proposition ... I proove from the etymoloye or discrisyon of a priveledge or dispensation: for a priveledge, and a dispensation in effecte signifye one thing [citing "Glos. lib. 6. de rescript. c. vers. in principio. Extra de judic. c. At si clerici. de adulteriis."]. A privilege is saide to be that, that for the favour of certayne private persons, commeth forth agaynst common right: things prohibited are dispensed with, because thinges permitted are dispatched by common right, but thinges forbidden require dispensation. By which discrisyon of a Pryveledge and dispensation, it is apparant, that a Pryveledge and dispensation for pluralities, must license and authorise that, that the Lawe against Plurality doth infringe, and disalow, and so be a Lawe contrariant, and repugnant to the Lawe against Pluralities: but the Lawe against Plurality, is the Lawe of nature and the Lawe of God. Therefore a Priveledge or dispensation for Pluralities, is against the Lawe of nature, and against the lawe of God: a more monstrous law was never established" (pp. 117-118). Richard Cosin, An Answer (1584), pp. 262-263, begins by ridiculing the argument but proceeds (see pp. 263-282) to a more serious rebuttal, esp. concerning the principle involved: "though the law of God be generall, that he which sheddeth mans blood, his blood shall be shed by man; and that we should doo no murther: yet is not the magistrate or executioner of justice upon malefactors, not they which in their owne just and necessarie defense, or by chance-medlie and misadventure doo happen to kill another, guiltie of the breach thereof, or to be punished with penaltie of death" (p. 267).

2:476.17-22 But to saie that ... privelege. This is the key to H's argument, similar to those made by Cosin (see above) and connected to his fourth proposition or assertion concerning dispensation (equity). See nn to 2:32:21 and 41.7, above.

2:477.26-28.g an especiall ... reason, Justinian, Digesta, 1.3.16, citing the jurist Paulus; (1590), col. 10; Mommsen-Krueger (1963), p. 34; Scott, 2:224.

2:478.4 example, Compare examples given by Cosin, An Answer, pp. 267-268.

2:478.r Privilegium ... actione. Regulorum juris tam civilis quam Pontificii (1586), 1:227; a collection of "civil and papal regulations."

2:479.10-19 Consideringe ... learning? Due to the plunder of the church that began with Henry VIII and was, to a degree, continued by Elizabeth, there were insufficient funds to support an educated or otherwise well qualified ministry; see
Lambeth Palace Library, MS 2007, fol. 123, where it is claimed that of 8,800 parishes there were scarcely 500 worth over £30 per annum; Sutcliffe, *Treatise*, says that of 10,000 scarcely 500 parishes yielded £30. Furthermore, although increasing numbers of ordinands were university graduates or had some part of their education at one of the universities, the situation was still deplorable (p. 96); see Rosemary O'Day, *The Reformation of the Ministry, 1558–1642,* *Continuity and Change: Personnel and Administration of the Church of England 1500–1649*, ed. Rosemary O'Day and Felicity Heal (Leicester: The University Press, 1976), p. 61. In the light of this dilemma Whitgift argued against the parliamentary petitioners, saying that their demands for a learned ministry should not be accepted: “Least . . . diverse Parishes might be left destitute of ministers to say divine service, celebrate the Sacraments, read the Scriptures, and the learned and godly Homilies appointed for that purpose. For wee thought it muche better to have some to reade the service, etc. without a sermon, then that the People lyke unto Brute beastes should be lefte without Prayers, Sacraments, reading the Scriptures and Homilies, and without Sermons also” (PR.O. S. P. 12/177, fol. 82v).

2:480.2 when lawes doe require learninge The Royal Injunctions (1559) required that clergy possess and study a copy of the NT in Latin and English, together with the Paraphrases of Erasmus, and that they be examined on their learning at synods and in visitations; *Visitation Articles and Injunctions*, ed. Frere and Kennedy (1910), 2:13–14. The Interpretations of the bishops (1560/1) further instructed the archdeacons to examine the clergy on prescribed texts of the NT, and Parker in his Advertisements confirmed this procedure (ibid., 2:60, 178). The Canons of 1571 gave additional support to examinations of the unlearned (Cardwell, *Synodalia*, 1:112). The parliamentary statute of 1571 enforcing subscription to the Thirty-Nine Articles (13 Eliz. I, cap. 12) required that clergy subscribe to the articles, lead honest lives, and “be able to answer and render to the ordinary an account of his faith, in Latin according to the said Articles, or have special gift and ability to be a preacher.” The Canons of 1575 ordered that previously ordained unlearned clergy be prevented from functioning and that bishops diligently examine curates seeking admission to any cure. Again, it was insisted that clergy “be able to render to the . . . bishop an account of his faith in Latin” and in accord with the Articles of Religion (Cardwell, *Synodalia*, 1:132–134).

2:480.23–27 such as it hath . . . flocke. Compare H’s description here with that found in the priest’s vows in the Ordinal (Liturgical Services, PS, pp. 289–291) and Whitgift’s description (2:479.10–19.n, above).

2:483.11–19 A third thinge . . . feed. A similar argument was made during the parliamentary debates over a bill against pluralities in 1588, in which Burghley and Whitgift opposed one another (see Lambeth Palace Library, MS 2007, fol. 119). But the more considerable arguments concerned the abridgement of the queen’s prerogatives, the necessity of combining livings in order to recompense well qualified clergy, and the assertion that the distinction of benefices was by human
positive law and not divine: "Whoso holdeth that Pluralitie of Benefices is by gods lawes forbidden erreth: not considering that the distinctions of Archbishoppricks, Bishoppricks, Dioceses, Parishes, Jurisdictions, etc. are not of the lawe of god, but of a positive law. For as Bishoppricks have charge over many parishes, so we see that some one Benefice hath ix or x chappells annexed etc. is in lawe taken but for one Benefice. And what more absurditie is it for one man to have 2 benefices, then to have one Benefice with so many chappells annexed?" (fol. 116).

2:484.14–486.24 **But, as it fareth . . . soveraintie.** H’s indictment in this section of corrupt practices in the English church contrary to the intent of its laws should be compared with his strictures against contemporary bishops in VII.24.3–5. On H’s general undertaking to defend laws rather than the abuses committed by those who execute them, see II.1.1 (1:144.1–21).

2:485.1–8.1 **He which will undertake . . . handle.** John Chrysostom, *De sacrdotio*, 3.7.207 and 15.280; *Opera* (1588), 5:436: “Nam si id unum satis sit pastorem simpliciter vocari, et provincia ista utcunque defungi, ne ulla prorsus inde periculum exoriri possit; equidem nihil moror quin me, quisquis volo, inanis gloriae studiosum appellet: sin vero rara prudentia, rara item a Deo opt. data gratia, quae prudentiam etiam ipsam praecedat, praeterea si morum integritate, si vitae puritate, denique si maiori quam pro humano captu virtute praeditum eum esse oportet . . .”; PG, 48:645, 647.

2:486.u **Οὐτε γεωργὸν . . . γεωδές.** Aristotle, *Politics*, 7.9; 1329\*; *Opera* (1550), 2:166. “Priests must be appointed neither from the tillers of the soil nor from the artisans, for it is seemly that the gods should be worshipped by citizens” (Loeb, pp. 577–579).

2:486.25–32 **yeat hereby to gather . . . erronious,** H’s basic conviction, stated before in chap. 9 and, in another form, at 2:474.17–22. Compare Cosin, *An Answer* (1584), p. 267: “upon due consideration of circumstances, even the principles and reasons that be general, doo often yeeld and give place to those which be but singular, ordinarie to extraordinarie, internall to externall; yea, and naturall to such as be but civill and positive, though by ordinarie course it be cleane contrarie.”

2:488.w **Ἀλλ’ οἱ κολλοὶ . . . φιλοσοφοῦντες.** Aristotle, *N.E.*, 2.4; 1105b; *Opera* (1550), 2:8: “But the mass of mankind, instead of doing virtuous acts, have recourse to discussing virtue, and fancy that they are pursuing philosophy and that this will make them good men. In so doing they act like invalids who listen carefully to what the doctor says, but entirely neglect to carry out his prescriptions. That sort of philosophy will no more lead to a healthy state of soul than will the mode of treatment produce health of body” (Loeb, p. 87).

2:488.9–13 **Wee are growne . . . be.** See VII.24.25–26.

2:488.13–14 **Now because men . . . sermons,** On the importance of sermons for H’s opponents, see chaps. 21–22.
2:488.17–20 **Such therefore as preach . . . want.** See the *Admonition:* “Then the ministers wer preachers: now bare readers” (P.M., p. 11), Cartwright, 1:70 [50]; Whitgift, Tract. 6, “Of Ministers that can not preach”; *Defense*, pp. 251–[254] (PS, 1:538–544), and Cartwright, 2:363–392.

2:488.x 2.Tim. 2:15. See 2:472.y and 490.12–13. GB glosses: “Giving to everie one his juste portion. Wherein he alludeth to the Priests of the olde Law which in their sacrifice gave to God his parte, toke their owne parte and gave to him that brought the sacrifice, his duetie”; *Orphotaion* (489.2) “rightly to divide” can be translated “rightly to handle” (RSV).

2:489.3–4 *Kaivotaion . . . received.* “Beginning something new, innovating.”

2:489.11–12 *subscribinge to the articles* The Eleven Articles, promulgated by Whitgift in 1583 and supported by the oath *ex officio*, revived by High Commission in that year. Article 6 contains a form of subscription derived from one by Parker (1571) and repeated in the Twenty-Four Articles of 1584. Here subscription was required to the statements: “That her Majesty, under God, hath and ought to have the sovereignty, and rule over all manner persons, born within her realm . . . . That the Book of Common Prayer . . . containeth in it nothing contrary to the word of God . . . . That you allow the book of Articles Religion . . . and do believe all the Articles therein contained to be agreeable to the word of God” (Strype, *Life of Whitgift*, 3:86). This latter sentence went beyond the Subscription Act of 1571 enforcing the Articles of Religion, which required subscription only to those articles of a distinctly doctrinal nature (see Gee and Hardy, eds., *Documents*, p. 478). The Twenty-Four, like the Eleven, were administrative, not doctrinal, Articles; see Strype.

2:489.28–30.y *non esse opus . . . obey.* Valerius Maximus, *Factorum . . . libri ix*, 6.3.4; (1576), p. 332; quoting M. Curius Dentatus, hero of the Roman Republic, on first becoming consul in 290 BC. See 2:460.19.n, above.

2:490.5–7 **St Augustin . . . grace.** See *De gratia et libero arbitrio*, chap. 16.32: “Certum est nos velle cum volumus; sed ille facit ut velimus bona” (PL, 44:900). Keble (2:526n) quotes from chap. 15: “Semper est in nobis voluntas libera, sed non semper est bona . . . Gratia vero Dei semper est bona et per hanc fit ut sit homo bonae voluntatis, qui fuit prius voluntatis malae.”

2:490.12–13.z **sound preaching . . . God** H refers to Job Throckmorton (?), *M. Some laid open in his coulers*, p. 21: “simple reading, in what account so ever it be amongst men, yet is it not as I conceive, the thing that doth single out a minister from another christian. It must be only (as I tolde you before,) the sound preaching of the word in a lawful function, etc. Beare witness I pray you, that I speake heere of sound preaching, that is, of deviding the wordes aright which the Apostle calleth orthotomein.” See 2:107.8–12.g.n, above.

2:490.27–32 **Was not St Augustine . . . holie?** The reference is evidently to
Eracius, who succeeded Augustine at Hippo on the great man's nomination (see epist. 213; PL, 33:966). In a surviving sermon, delivered with Augustine seated enthroned behind him, Eracius said: "The cricket chirps, the swan is silent" (PL, 39:1717).

2:491.18—25.a There ... dealings, See the interrogatories in the An Abstract (1583), pp. 263—266.

2:492.b Μεγάλων ... βλάκτουσι. Aristotle, Politics, 2.8; 1273b; Loeb, pp. 157, 159.

2:492.c Nec ignor o ... deferri. Panegyrici diversorum (1576), p. 143; PL, 14:420. "I am not ignorant that the highest honours are wont to be conferred on those little worthy of them for lack of better men" (Bayne, pp. 568—569n). Claudianus Mamertinus (435?—474?) was a Viennese philosopher and theologian.

2:492.d Neque enim ... operatur. Justinian, Digesta, 48.5.15.1; (1590), col. 1841; Mommsen-Krueger (1963), p. 847, as 48.5.16 (15).1; Scott, 11:38, as 48.5.15.1. Law 15 begins "si maritus"; a man absent on the business of the republic is not to be put among the accused parties, "for it has not seemed just that one absent for the sake of the State should be put among the accused while he is working for the State" (Bayne, p. 569n).

2:492.25—26.e In committinge ... inconveniences See Aristotle, Politics, 2.8; 1273b: "And it might also be thought a bad thing for the same person to hold several offices" (Loeb, p. 163). Aristotle is speaking of Carthaginian custom.

2:493.11—28.f For as much as ... undoe'. As H notes, there is a similar preamble in An Abstract, pp. 89—90, beginning: "You A. B. Parson of C. about twenty foure yeeres passed, at what time I had appoynted a solemnne day for making of Deacons ..."; Bayne, pp. 569—571n, quotes a generous extract.

2:494.26—495.10.g Such cysores ... them. Dionysius of Halicarnassus, Roman Antiquities, 4.24: Loeb, 2:344, 346. ἐπιγόναν δὲ τῆς ἑλευθερίας οἱ μὲν πλείστοι προϊκα διὰ καλοκαγαθίαν ... ὀλγοι δὲ τινες λύτρα κατατιθέντες ἐξ ὀσίων καὶ δικαίων έργασιών συναχθέντας ἁλλ' οὐκ ἐν τοῖς καθ' ἡμᾶς χρόνοις οὕτω ταύτι ἔξει, ... οἱ μὲν ἀπὸ ληστείας καὶ τοιχωρυχίας καὶ πορνείας, καὶ παντὸς ἀλλου πονηροῦ πόρου χρηματισόμενοι τοῦτον ἄνωνται τῶν χρημάτων τὴν ἑλευθερίαν, καὶ εὐθὺς εἰς Ρωμαιοῦ οἱ δὲ συνίστορες καὶ συνεργοί τοῖς δεσπόταις γενόμενοι ... μυρίων ἄξια διαπεκραμένοι θανάτων εἰς τούτους μέντοι ... ἀποβλέποντες οἱ πολλοὶ δυσχεραίνουσι, καὶ προβεβληται τὸ ἔδος, ὡς οὐ πρέπον ἡγεμονικὴ τέλει καὶ παντὸς ἄρχειν ἄξιοσθε τόπου τοιοφθέντος ποιεῖσθαι πολίτας. ἔχοι δ' ἢν τις πολλὰ καὶ ἄλλα διαβαλεῖν ἐπὶ καλὸς μὲν ὑπὸ τῶν ἀρχαίων ἐπινοηθέντα, κακῶς δ' ὑπὸ τῶν νῦν ἐπιπριθόμενα, ἐγὼ δὲ τῶν νόμων τούτων οὐκ οἴσιαν δεῖς ἀναιρεῖν, μὴ τι μεῖζον ἐκφάγῃ τῷ κοινῷ δι' αὐτοῦ κακόν· ἐπανυρθοῦσθαι μέντοι φημι.
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deīn tā ἰυνατά ... καὶ μάλιστα μὲν τοὺς τιμητὰς ἀξιώσαιμ. ἄν τοῦτο τοῦ μέρους προνοεῖν εἰ δὲ μὴ γε, τοὺς ὑπάτους ... οἱ τοὺς καθ’ ἐκαστὸν ἐνιαυτὸν ἐλευθέρους γινομένους ἔξετάσουσι ... ἐπειθ’ οὕς μὲν ἄν εὐρωσίν ἀξίους τῆς πολέως δντας, εἰς φυλὰς καταγράψουσι ... τὸ δὲ μιαρὸν καὶ ἀκάθαρτον φόλον ἐκβαλοῦσιν ... εὐπρεπές δνομα τῷ πράγματι τιθέντες, ἀποικίαιν.

2:495.18—19 I will therefore ... onlie H professes reluctance to offer advice, but then proceeds to do so in strong words, addressing bishops, patrons, those who grant dispensations, nobility, universities, and those receiving dispensations (2:497.5 ff.). He is following the lead of his own patron, Jewel (see Booty, “The Bishop Confronts the Queen”), although he does not, as Jewel did, directly address the queen, without whose active cooperation and restraint of her own practices there could be no betterment of the deplorable conditions under which the church labored.

2:496.12—17 honorable ... ambition; Preferment was often used to advance persons of proven worth to the state. Thus it was that Queen Elizabeth made Whitgift her chaplain, prebend of Ely, dean of Lincoln, bishop of Worcester, and vice-president of the principality of Wales before making him archbishop of Canterbury. In turn Whitgift exercised his influence to see H made master of the Temple and for him to receive various subsequent preferments in order that his writing might proceed. A faculty as used here is a power or authority, such as that granted to Whitgift by Archbishop Parker that he might hold the deanery of Lincoln along with the wardenship of Trinity College, Cambridge, the canonry of Ely, the rectory of Teversham, and any other benefices he might choose.

2:497.1 For the maine hypothesis ... Paragreffe. H here again refers to chap. 9 concerning the fourth proposition or assertion, dealing with dispensation or equity. See 2:476.17—22.n, above.

2:498.21—24 To the Reader ... whole. On the publication of Book V in the chronology of H’s composition of the Lawes, see Intro. to The Preface, p. 51, above.
Book VI

3:1.2—12 Conteyning ... causes. See the first Admonition (1572), P.M., pp. 15—19; Travers, A Full and Plaine Declaration (1574), pp. 155—177; Cartwright, Repley (1573), 2nd. edn. (cited by H as “lib. 1.”), pp. 173—189 [1st edn., pp. 138—150], also printed in Whitgift, Defense (1574), pp. 626—679 (Works, PS, 3:150—264); and Cartwright, The Rest of the Second Repleie (1577), pp. 32—88, cited by H as “lib. 3.”

3:2.1—21 The same men ... ayme. This paragraph alludes to an external “pause” in the disciplinarian controversy. Assuming that the original and now missing draft of Book VI commented on by Cranmer and Sandys was completed between 1593 and 1596 (see 3:xxxi, and 3:133.27.n, below), and assuming that the present text is a part of H’s revision of VI (see pp. 272—279, above), H is speaking of a “pause” just before or after 1593. See Intro. to The Preface, pp. 41—43, 50—51, above. Little was written after 1590 by the disciplinarians, as the dates in Milward show (pp. 77—99).

3:2.15—16 the weightiest ... Ecclesiastical. Compare Cranmer’s identification of “this question of Layelders and the next of Bishops” as “the most essential points of all this controversy” (3:126.1—2); also, Cranmer’s An Excellent Letter to H, § 8—(1:36.15—53.15.n, above) and Sutcliffe’s A Treatise of Ecclesiastical Discipline (1591), p. 106.

3:2.17—18 a few ceremonies. H speaks of “a compleat forme as they supposed of publique service to be done to God” at lines 22—23. These “few ceremonies” had been identified and dealt with by H in Book V. H asserts that the objections of the disciplinarians to these ceremonies disguise their true goal, “to wrest the key of spirituall authoritie out of the hands of former governors, and equally to possess therewith the Pastors of all several congregations” (3:3.2—5). The Puritans’ ecclesiastical discipline or “plot for the office of the Ministerie” (lines 23—24), including the jurisdiction of lay elders, H interprets as a means for achieving their desired end; compare Pref. 2.4 (1:6.31—7.20).

3:2.28—3.8 people ... unjust. On the necessity and the means used for the Puritans’ courting the people’s favor, see Pref. 3.5—12. See also Bancroft, Daungerous Positions (1593), pp. 2—3 and 169.

3:3 former governors. That is, priests in their parishes and officials of the ecclesiastical court (Book VI), bishops (Book VII), and the supreme magistrate (Book VIII).


3:3.11—13 affection ... ordinance. Note also “the colour of Divine authoritie”
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below, line 23. Compare H's interpretation of the development of Calvin's discipline or "new forme of government" in Pref. 2.4–7 (1:6.10–10.27, nn), and see Intro. to The Preface, pp. 66–68, above.

3.3.13–18 That . . . Colleagues. Keble (3:3n) cites Travers, Explicatio (1574), fols. 121"–125". On fol. 125" Travers moves on to a discussion of the forgiveness of sins, the power of the keys of heaven, and the governing of the church by senates or presbyteries; compare A Full and Plaine Declaration (1574), pp. 6–12.

3:4.1.d It is toe . . . holie, Numbers 16:1–3 confute two rebellions against Moses and Aaron: Korah, a Levite, protested the selection of certain leaders to approach Yahweh; Dathan and Abiram, layman of the tribe of Reuben, protested Moses' having led the Jews out of Egypt, "a land [that] floweth with milke and honey" (Num. 16:13), into the wilderness. Both revolts (fused by H as well) challenged Moses' authority as lawgiver; see J.B.C., p. 92. On Numb. 16:3; GB comments: "All are a like holy: therefore none ought to be preferred above other: thus the wicked reason against Gods ordinance." See VII.17.1 (3:250.20–25), and Auto. Notes, 3:464.1 and n, below.

3:4.2–3 their published . . . Treatises See Pref. 3.9 (1:17.8–9.n); also Milward, pp. 78–82.

3:4.7 The . . . Jurisdiction. See Auto. Notes, 3:466.16–469.13 and nn, below; also Calvin, Inst., 4.11.1; (1660), 2:1211.

3:4.12–14 that spiritual . . . had, See V.76.1–78.12 and nn, above.

3:4.1 ἀμα . . . Χριστοῦ. "Honor thou God indeed, as the Author and Lord of all things, but the bishop as the high-priest, who bears the image of God—of God, inasmuch as he is a ruler, and of Christ, in his capacity of a priest"; Epistola ad Smyrmæos, chap. 9; Ignatii Antiochiae . . . epistolæ (1562), p. 86; PG, 5:853; ANF, 1:90. See 3:175.6–11.n, below, and compare Cranmer's Notes, 3:107.19. Keble (3:108n) cites this quotation from Ignatius, bishop of Antioch, as one of the few instances where the existing version of Book VI may have agreed with the original missing version seen and annotated by Cranmer and Sandys. But Cranmer's reference to Ignatius is just as likely to have been to Ad Trallianos: "There is no church, which can stand without her Eldership or Counsail," cited to support lay elders by such writers as Cartwright, Rest of the Second Replie, p. 45; John Udall, A Demonstration of the trueth of that Discipline which Christe hath prescribed for the government of his church (1588; STC 24499), p. 56, for which Udall was charged with sedition and sentenced to death (Milward, p. 86); and Dudley Fenner, A Counter-poyson, modestly written for the time, to make aunswere to [Richard Cosin's An Abstract, of certaine acts of Parlement, STC 5819.5] (1584; STC 10770), p. 140. See also Sutcliffe's quotation of the passage from Ad Trallianos in order to refute the disciplinarian interpretation of it in De presbyterio (1591; STC 23458), chap. 1, p. 1. The passage from Ignatius is from Epistola ad Trallianos, chap. 3; PG, 5:779–780.
3:4.19–20f-h **Preach, . . . mee** These Scripture references point to the two marks or signs of the true church according to the Reformers, namely, preaching the true Word of God and rightly administering the sacraments of baptism and the Eucharist (see Intro. to Books II, III & IV, pp. 169–174, above). See Confession of Augsburg, Art. 7; Calvin, *Inst.*, 4.1.9; (1960), 2:1023–1024; and the Thirty-Nine Articles, Art. 19. Calvin himself sometimes included “discipline” as a third mark; see *Inst.*, 4.7.23 (2:1143). English Puritans too insisted on discipline as the third mark of the true church; see *Admonition, P.M.*, pp. 9 and 13; and Cartwright, *The Second Replie* (1575), pp. 52–53, which H cites as “lib. 2.”

3:4.25–5.7 **The Spirituall . . . them.** H asserts that spiritual power or jurisdiction of the church is not derived from the law of reason or nature (I.5–9) or human law (I.10), but rather from divine or supernatural law (I.11–15).

3:5.4–7 **He gave it . . . them.** H’s preliminary definition of spiritual jurisdiction is completed below, lines 28–32.

3:5.8–28 **Now although . . . same.** Spiritual jurisdiction has to do both with the church as a divine or supernatural community governed by divine law and also as a human society governed by human positive law; compare I.15.2–3 and III.10.7.


3:6.16–17 **in matters . . . cognizance,** Keble (3:5n) comments that this phrase was inserted by H to qualify the words, “to reforme all injuries,” thereby avoiding the Puritan claim of extreme prerogative in drawing all causes into their spiritual courts. H’s words imply a distinction between the prerogatives of ecclesiastical and of civil courts, an issue that would have become more prominent in the revision of the lost draft of Book VI scrutinized by Cranmer and Sandys; see Sandys, 3:133.4–30; Auto. Notes, 3:472.19–477.18; and Intro. to the Three Last Books, pp. 237–242, and Intro. to Book VI, pp. 295–297 and 306–307, above.

3:6.21 **Poenitentiae . . . alone.** Tertullian, *De poenitentia*, chap. 9; *Opera* (1566), 2:46; PL, 1:124; CCSL, 1:336; ANF, 3:664.

3:6.7 **Vertue** On penitence or repentance as a virtue, see Aquinas, *S.T.*, 3a.85.1–6 (B, 60:48–71).

3:7.7 **occasions.** Keble comments here that “at this point . . . the collections of Hooker for the 6th book cease, and . . . what remains is taken indeed from papers
of his, but wrongly assigned to a treatise on lay-elders” (3:7n); on the authenticity of Book VI, see Intro. to Book VI, pp. 249–255, above.

3:7.22–23 The . . . Grace. The virtue of repentance is for H a part of the larger doctrines of participation and justification; it is conceived of as one of the virtues infused into the heart or soul as an immediate consequence of the divine gift of the indwelling Spirit and simultaneous justification and sanctification. See Just., § 21 (5:129.2–24), Lawes, V.56.7–12, and nn, above; also, Lee W. Gibbs, “Richard Hooker’s Via Media Doctrine of Justification,” Harvard Theological Review, 74.2 (1981): 216–220. Aquinas speaks of all the infused virtues following from grace in S.T., 3a.89.1 (B, 60:136–137); about the virtues as habits beginning to exist in the soul simultaneously in 1a2ae.65.3 (B, 23:188–189); and about the instantaneous justification of the unrighteous in 1a2ae.113.7 (B, 30:184–186).

3:7.29–8.1 And . . . another, See just., § 21 (5:129.24–130.12). On the distinction of causes in sequence and in the order of nature (that is, H’s theological virtues that “have their distinct operations, rising orderly one from another”), see Aquinas, S.T., 1a.113.8 (B, 30:190–191).

3:8.4–8 A worke . . . all. An expression of the primacy of reason over will in the order of faith. For H, faith as one of the theological virtues is “the root and mother” of the others; see Cert., § 1 (5:71.20–24). On the interaction between reason and will, see Lawes, I.8.1 (1:81.27–82.11). H is here following Aquinas, who places penitence as a virtue in the rational appetite or will and defines virtue as “the habit of choosing according to right reason”; S.T., 3a.85.1 (B, 60:50–51); compare Aristotle, N.E., 2.6 (1106b; Loeb, pp. 88–94).

3:8.11 feare, That is, servile fear or attrition. Aquinas says that “right reason requires that one should grieve where there is good reason for grief”; S.T., 3a.85.1 (B, 60:50–51).

3:8.13–14 For feare . . . itselwe, Aquinas places the sorrow or sadness of penitence regarded as a passion or emotion in the sensitive appetite, as opposed to the sorrow or sadness of penitence regarded as a virtue, which is located in the will or rational appetite; see S.T., 3a.85.1 (B, 60:50–51).

3:9.28 Apostolique Historie The Book of Acts; see ISR.

3:9.4–9 Howbeit . . . purposse. An implicit reference to the second theological virtue of hope, without which a firm resolution of the will away from sin and toward amendment or reparation would be impossible; see 3:12.3–5.n, below.


3:9.17 love H proceeds to the theological virtue of love or charity, third in the order of meaning of causation. Compare Aquinas, S.T., 3a.85.6 (B, 60:68–69), where he states that even though the act and habit of love (caritas) are in point of time simultaneous with the act and habit of penitence, yet love (as also the other
theological virtues of faith and hope) precedes in the order of meaning; for the act
of the virtue of penitence is against sin because of the love of God, and the act of
love is therefore the cause of the act of penitence.

3:9.18–19 Angell...first love. Rev. 2:4. GB comments: “Thy first love, that
thou hadest towarde God and thy neighbour at the first preaching of the Gospel.”
The “Angell of Ephesus” is “the Pastor or minister which are called by this Name,
because they are Gods messengers, and have their office commune with Jesus
Christ who also is called an Angel” (GB).

3:9.25–27 Our love...goodness. Compare 1.5.1–3.

3:10.10 understanding. Compare 3:8.4–8 and “setting before our eyes” (3:11.7).

3:10.25–28.k. Repentance...will. “...ita ut Deo praeteritis facinoribus
offenso, tamque justissimam poenam pro tantis criminibus inferenti (si dici fas est)
quodammodo obsistat, et quasi inviti (ut ita dixerim) dexteram suspendat uctoris”;
John Cassian (360?–435), Collatio 20:4; Opera (1559), p. 938; PL, 49:1153;
NPNF.2, 11:498. Cassian is best known for his interest in monasticism and for his
reaction to the Augustinian teaching on grace, where he took the position since
designated “Semipelagian.” His Collationes Patrum XXIII, arranged for reading in
monasteries, are records of his “conversations” with the hermits of the Egyptian
deserts; Collatio 20 is an account of his “conversation” with Abbot Penufius “On
the End of Penitence and the Marks of Satisfaction.”

3:10.l Basil...metañoias. Basil, archbishop of Seleucia (d. about 459), To öv
atóv etç tòv iovav, Oratio 12, Eiusdem in Johan; Opera (1596), p. 106; PG,
85:165.

3:11.m Chry...terapeudeothai. John Chrysostom, Homily 8, In Epistolam l ad
Corinthianos; Opera omnia (1531), 3:190; PG, 61:73; NPNF.1, 12:47.

3:11.n Marc...exemélhóato. Marcus Eremita (d. about 451), ascetical writer,
a pupil of Chrysostom, also surnamed Anchorita; see Opusculum 3, Peqì meta-
voías; Opera (1563), p. 108; De poenitentia, PG, 65:981.

3:11.9–14 there ariseth...soule. H here introduces his discussion of contrition
or filial fear as opposed to attrition or servile fear (see 3:8.11.n).

ergo in confessione peccati utriusque una vox fuerit, cur non una est utriusque
concessa remissio? nisi quia in similitudine confessionis videbat Deus dissimilitudo-
nem voluntatis; nec sonum sermonis attendit, sed intentionem cordis in utroque
discrevit. Unus enim conversus peccandi protinus abjecit desiderium, et poenitendo
ipsa suum punivit admissionem; alter vero confessionem quidem peccati sui verbo
protulit, sed affectum peccandi perversi cordis obstrictus vitio non abjecit”;
Fulgentius (468–533), bishop of Ruspe (N. Africa) and follower of Augustine, De
remissione peccatorum, 2.15; PL, 65:566–567.
3:12.3–5 *Wherefore . . . attempt*, H's summary of the virtues or habits simultaneously infused by grace or the gift of the indwelling Spirit according to their order of meaning or causation. Compare Aquinas's ranking of the "acts" of the virtues in the order of meaning as (1) God's converting the heart, (2) a movement of faith, (3) a movement of servile fear (attrition), by which a person withdraws from sin by fear of punishment, (4) a movement of hope, by which a person makes a firm purpose of amendment in the hope of attaining pardon, (5) a movement of charity whereby sin itself is displeasing and not in view of punishment, and (6) a movement of filial fear (contrition) whereby a person freely offers amendment to God out of reverence for him (S.T., 3a.85.5; B, 60:64–65). H inverts the order of love and hope, although there is an implicit reference to hope in the sense of Aquinas at 3:9.4–9.

3:12.8–14 *Now amend . . . sinne.* On contrition, confession, and satisfaction as "acts" or moral "duties" of the penitent, see Aquinas, S.T., 3a.84.2 (B, 60:8–9).

3:12.14–17 *Wee . . . answerable.* Compare H's quotation of Peter Lombard's *Sentences* below, chap. 5.1 (3:53.14–20). Aquinas designates contrition, confession, and satisfaction as the parts of penance and relates these parts to sins of thought, word, and deed (S.T., 3a.90.2–3; B, 60:162–171).

3:12.18–23 *Contrition . . . griefe,* On repentance conceived of as a virtue located in the will as opposed to an emotion located in the sensitive appetite and precipitating physical changes, see Aquinas, S.T., 3a.85.1 (B, 60:50–51).

3:13.11–28 *Wherefore . . . distinct.* Since contrition as the first act of repentance refers only to the soul's duty of aversion to sin because of the love and filial fear of God, H regards the foregoing as having dealt sufficiently with it. But since confession and satisfaction are duties of repentance due not only to God but also to the church and to the neighbor, H says that he will treat them as part of the discipline (a duty performed for man) as well as a part of the virtue of repentance (performed for God alone). Chap. 4 deals with the discipline and virtue of confession, and chap. 5 with the discipline and virtue of satisfaction.

3:14.8–17 *Our Lord . . . bought.* In this and the next two paragraphs H introduces five of the Scripture texts at the heart of the problem of spiritual jurisdiction: Matt. 16:17–19 and 18:15–18, John 20:21–23, 1 Cor. 5:1–5, and 2 Cor. 2:6–8. These texts were central as well to disputes among scholastic theologians concerning the sacrament of penance; see, for example, Bellarmine, *De sacramento poenitentiae*, 3.4; *Opera omnia* (1872), pp. 684–686; to disputes between Protestants and Catholics: see, for example, Calvin, *Inst.*, 4.11.1–2; (1960), 2:1211–1214; to the dispute between the C of E and C of R as to whether or not penance is a sacrament: see, for example, the controversy between Jewel and Harding in Jewel's *An Apologie, or Aunswer in defence of the Church of England* (1562; STC 14590), part 2 (PS, 3:60–61), and *A Defence of the Apologie of the Churche of Engelande* (1567; STC 14600), part 2 (PS, 3:35–85); and in the dispute here whether lay elders could or

3:14.1 Matt. 16:19. Verse 19 is set in the context of Peter’s great confession, “Thou art the Christ the Sonne of the living God” (Matt. 16:16; see vv. 17–19). GB comments on v. 19: “The preachers of the Gospel open the gates of heaven with the worde of God, which is the right keye: so that where this worde is not purely taught, there is nether key, nor autoritie.” GB further interprets “bind upon earth” as “condemne by Gods worde.”

3:14.9 regiment in general Compare Cranmer’s comments on “theifety of Dominion” and on “Imperiall power,” 3:113.11–14 and 114.5.

3:14.21 Courts and Consistories The power of the keys (spiritual jurisdiction) implies ecclesiastical courts and consistories; see Sandys (3:130.18–24) and H (3:469.16–490.6).

3:14.3 Matt. 18:17. See vv. 15–18. GB glosses v. 15 (“if thy brother trespass against thee”): “he speaketh of secret or particular sinnes, and not of open or knownen to others.” Commenting on “tel it unto the Church” in v. 17, GB says, “He meaneth according to the order that was amonge the Jewes, who had their counsel of ancient and expert men to reforme maners and execute discipline. This assemblie represented the Church, which had appointed them to this charge.” Commenting on “binding and loosing” in v. 18, GB says, “In the 16. chap. 19 he [Jesus] ment this of doctrine, and here of ecclesiastical discipline, which dependeth of the doctrine.” On the distinction between the two keys in the church, the one of instruction working inwardly, the other of correction working outwardly before the congregation, see Jewel, *Defence of the Apologie*, pt. 2 (PS, 3:362, 369–370).

3:14.25–27 power to eject ... hatefull. Excommunication.

3:15.1 Matt. ... 2:6. John 20:21–23 parallels Matt. 16:17–19 and 18:15–18. GB glosses v. 22 (“Receive the holie Gost”): “To give them greater power and vertue to execute that weightie charge that he wolde commit unto them.” The passages from 1 Cor. 5:1–5 and 2 Cor. 2:6–8 relate to specific cases of excommunication. In the first, Paul directs that the man who “shulde have his fathers wife” “be delivered unto Satan”; GB comments: “Which is, to be as an heathen man and publicane.” A further note on v. 5 emphasizes the medicinal purpose of excommunication: “For being wounded with shame and sorrowe, his flesh or olde man shal
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dye: and the spirit or newe man shal remaine alive and enjoye the victorie in that day when the Lord shal judge the quicke and dead." In the second, Paul recommends that the excommunicate be readmitted, lest he "be swalowed up with over muche heavines." GB comments on v. 8: "That at my [Paul's] intercession you wolde declare by the publike consent of the Church that you embrace him againe as a brother: seing he was excommunicate by the commune consent."

3:15.7 guides and Prelates Bishops and priests acting on their authority, but not the laity (lay elders).

3:15.x 1. Tim 1:20. GB interprets "delivered unto Satan" as "Excommunicate, and cast out of the Church."

3:15.7–8 first his Apostles ... successively, Compare VII.4.1–4.


3:17.2–4 as Christ ... life, Compare Aquinas, S.T., 3a.84.6 (B, 60:26–27).

3:17.v Soto.... 1. Domingo de Soto (1494–1560), Spanish Dominican theologian, appointed by Charles V as imperial theologian at the C of T: "Et ideo satis lucide in textu poenitentiae sacramentum definitivum: dicentes, quod sit sacramenti remittendi peccata, quae post baptismum committuntur"; "Therefore we have defined the sacrament of penance clearly enough, saying that it is the sacrament of remitting sins which are committed after baptism"; Commentarium ... in quartum Sententiarum, 4.14.1.1; (1569), 1:597.

3:17.w Idem ... 1. "Primum, in quo eius substantia et definitio consistit, est detestatio, et odium, et abomination commisi peccati cum firme proposito emendandi vitam spe veniae divinitus obtinenda"; "First, penance in its substance and definition is a detestation, hatred, and abomination of sins committed, with a firm purpose of mending one's life, hoping to obtain pardon from heaven"; Soto, Commentarium, 4.14.2.1; (1569), 1:621.


3:17.x Scot.... 4. Duns Scotus (1265?–1308): "poenitentia est absolutio hominis poenitentis facta certis verbis cum debita intentione prolatis a sacerdote jurisdictionem habente ex institutione divina efficaciter significantibus absolutionem animae a peccato"; "penitence is the absolution of a penitent man, accomplished by certain words uttered with the obligatory intention by a priest having jurisdiction by divine institution and efficaciously signifying absolution of the soul from sin"; Quaestiones ... in quatuor libros Sententiarum Petri Lombardi (1597), fol. 80°. H calls Scotus "the wittiest of the Schoole divines" at 1:117.19.
3:17.29–18.4  **Thomas ... sinne.**  S.T., 3a.84.1 and 3 (B, 60:4–7 and 12–15).

3:18.y  **Sess. ... Satisfactio.**  Between “absolvo” and “Sunt,” H omits the words “et, quibus quidem de ecclesiae sanctae more preces quaedam laudabiliter adjunguntur; ad ipsius tamen formae essentiam nequauquam spectant, neque ad ipsius sacramenti administrationem sunt necessarie.” The whole passage is translated as follows: “The holy council teaches, furthermore, that the form of the sacrament of penance, in which its efficacy chiefly consists, is those words of the minister: *I absolve thee,* etc., to which are indeed laudably added certain prayers according to the custom of holy Church, which, however, do not by any means belong to the essence of the form, nor are they necessary for the administration of the sacrament. But the acts of the penitent himself, namely, contrition, confession and satisfaction, constitute the matter of this sacrament”; *Canones, et decreta sacrosancti oecumenici, et generalis Consilii Tridentini* (1564), p. 78; *Canons and Decrees of the Council of Trent*, ed. and trans. Schroeder (1941), pp. 90, 366.

3:18.12–14  **what should ... done?**  Durandus of Saint-Pourçain (1270?–1332), Dominican scholastic philosopher, one of the earliest exponents of nominalism, in opposition to Aquinas: “Praeter materiam et formam in sacramentis non est dare alias partes proprie dictas, sed contritio et satisfactio non sunt materia neque forma sacramenti poenitentiae. Forma enim consistit in verbis absolutionis. Materia vero si qua sit in verbis confessionis quibus poenitens suam conscientiam aperiit sacerdoti, ergo contritio et satisfactio non sunt partes sacramenti poenitentiae proprie loquendo”; “Properly speaking, there are no other parts in addition to matter and form in the sacraments; but contrition and satisfaction are neither matter nor form of the sacrament of penitence. For the form consists in the words of absolution. But insofar as it is in the words of confession by which the penitent opens his conscience to the priest, therefore contrition and satisfaction are not properly speaking parts of the sacrament of penitence”; *In sententias theologicas Petri Lombardi commentarium*, 4.16.1.4; (1595), p. 754.

3:19.a  **Job 31:33.**  GB comments: “And not confessed it frely: whereby it is evident that he justified himself before men and not before God.”

3:19.b  **Tantum ... peen.**  Tertullian, *De poenitentia*, chap. 8; *Opera* (1566), 2:46; PL, 1:1243; CCSL, 1:336; ANF, 3:663–664.

3:19.16–20.4.c  **Wickednesse ... sinne.**  Although H appears to cite only the first sentence here as a quotation from Chrysostom, this whole passage is in fact a direct translation and should have been printed in italics. ᾽Αμαρτία γάρ ὡμολογομένη ἐλάττω γίνεται, μὴ ὡμολογομένη δὲ χείρων. “An γάρ προσλάβῃ τὴν ἀγνωσιόν, οὐδέποτε στήσεται: πῶς δαί ὅλως τοιοῦτος δυνήσεται φυλάξασθαι πάλιν μὴ τοῖς αὐτοῖς περιπεσεῖν, ὁ τὸ πρότερον οὐκ εἰδώς ὅτι ἡμαρτε;... μὴ ἀμαρτόλοις κακῶμεν ἑαυτοὺς μόνον, ἀλλὰ καὶ τὰ ἀμαρτήματα ἀνάλογοις, κατ᾽ εἰδος ἐκαστὸν ἀνάλογον: Οὐ λέγω σοι, Ἐκπόμπευσον σαυτόν, οὐδὲ παρὰ τοῖς ἄλλοις καθηγόρησον... Ἐπὶ
to τοῦ θεοῦ ταῦτα ὀμολόγησον, ἐπὶ τοῦ δικαστοῦ ὀμολογεῖ τὰ ἁμαρτήματα, εὐχόμενος, εἰ καὶ μὴ τῇ γλώττῃ, ἀλλὰ τῇ μνήμῃ, καὶ οὐτως ἀξίου ἔληθήναι ... Οὐ τούτῳ δὲ λέγω, ἐὰν ἢς πεπεσμένος σαυτόν ἁμαρτώλον εἶναι οὐκ οὕτω τούτῳ δύναται ταπεινώσασι ψυχήν, ώς αὐτὰ ἔφ. ἐαυτῶν τὰ ἁμαρτήματα, καὶ κατ’ εἶδος ἐξεταζόμενα. ... οὐ φρονήσεις μέγα, οὐ περιπεπερί πάλιν τοῖς αὐτοῖς σφοδρότερος ἐσῃ πρὸς τὰ ἀγαθὰ. ... Οδα ὁτι οὐκ ἀνέχεται ἡ ψυχή τῆς μνήμης τῆς οὕτω πικρὰς. ἀλλά ἀναγκάζωμεν αὐτήν, καὶ βιαζόμεθα. βέλτιον δάκνεσθαι αὐτήν τῇ μνήμῃ νῦν, ἣ κατ’ ἐκεῖνον τὸν καιρὸν τῇ τιμωρίᾳ. Chrysostom, Homily 31, In Epistolam ad Hebraeos, chaps. 5–7; PG, 63:216–217; NPNF.1, 14:508.

3:20.7.d γαί The Hebrew term is derived from the verbal root which appears in the passage from Lev. 16:21, where Aaron “confesses” over the scapegoat. The act of Aaron was made a proper noun by the Rabbinic tradition and then incorporated into the liturgy for Yom Kippur or the Day of Atonement. The passage from Lev. reads: “And Aaron shall put bothe his hands upon the head of the live goat, and confesses over him all the iniquities of the children of Israel, and all their trespasses, in all their sinnes, putting them upon the head of the goat, and shal send _him_ away (by the hand of a man appointed) into the wildernes.” GB comments: “Herein this goat is a true figure of Jesus Christ, who beareth the sinnes of the people, Is. 53.4.” Lev. 16:21, Num. 5:6 (g), and Lev. 5:5 (h), are central texts in the works of Maimonides cited by H in e, f, i, and j.

3:20.8–10.e that all H’s reference is to Moses Maimonides (1135–1204), The Commandments, Sefer Ha-Mitzvot of Maimonides; trans. Clavel (1967), Positive Commandment 73, pp. 83–85. But see esp. Maimonides, Book of Mishnah Torah, trans. Glazer (1927), bk. 1, Hilkoth Teshubah, Treatise concerning Repentance (cited by H, i), chap. 2.7, p. 389: “Yom ha-Kippurim is the time set aside for all, the individual as well as the many; for it is the goal of exoneration and quittance in Israel. Because thereof all are obliged to make reparation and confession on the Day of Atonement.”

3:20.20 דרת לע על שני מיתר Based on Lev. 16:21; H translates as “Confession of that particular faulte.”

3:20.f On the day loco. The passage quoted from the Mishnah Torah in 3:20.8–10.n above continues: “The commandment to confess on the Day of Atonement obliges every one to commence it during the afternoon on the ninth day of Tishri, before the evening meal, lest he be suffocated eating his meal before he confess. And, though he did confess before his meal, one is obliged to confess during the night the prayer of the Day of Atonement, and to repeat the confession during the Morning, Addition, Oblation, and Closing Prayers.” At the end of Commandment 73, Making Confession, in The Commandments, Sefer Ha-Mitzvoth, Maimonides says: “The provisions of this Commandment are explained in the last chapter of [Tractate] Kippurim [that is, Yoma]” (p. 85). The Babylonian Talmud,
Yoma, 87b, trans. Jung (1938), pp. 437–438, reads as follows: “On three occasions of the year the priests raise their hands [in benediction] four times during the day; at the morning prayer, at Musaf, at Minnah [afternoon prayer] and at the closing of the Temple [gates]. Viz., on fast days, at the ma’amad and on the Day of Atonement.” For the three prayers of confession offered by the high priest (the first for his own sins and those of his household, the second for his own sins and those of his fellow priests, and the third in the most holy place for the unintentional as well as the intentional sins of the people), see The Babylonian Talmud, Yoma, 35b–66b, pp. 164–165; 196–197; 308–309. See also the Musaf Service for Yom Kippur in High Holyday Prayer Book, trans. Birnbaum (1960), pp. 531–534 and 537–538. These prayers are found in that part of the service for Yom Kippur traditionally known as the Avodah, worship or sacrifice.

3:21.5–8.i Now ... crime. Maimonides, Mishnah Torah, bk. 1, The Treatise concerning Repentance (Hilkoth Teshuba), 1.1; (1927), p. 381; also The Commandments, Sefer Ha-Mitzvot, Positive Commandment 73, pp. 83 and 86.

3:21.9–12.j Finally, ... sins. See The Commandments, Sefer Ha-Mitzvot, Positive Commandment 73, p. 84; and Mishnah Torah, bk. 1 (Hilkoth Teshuba), 1.1, p. 382.

3:21.18–22.6 Concerning injuries ... them. See Mishnah Torah, bk. 1 (Hilkoth Teshuba), 2.5, pp. 387, 388.


3:23.6–7.n Is ... him: Although not a central text, James 5:14 [5:16 in text] does mention “the Elders of the Church” and was cited with Matt. 18:15–17 in the context of a discussion of the “regiment of the church”; see Admonition, P.M., p. 16. The reference should precede Lay (line 9), not Is, line 6.

3:23.9–10 Lay ... another. James 5:16, cited in n. H has omitted v. 14, which was cited and discussed by Bellarmine over against Melanchthon and Calvin in De sacramento poenitentia, 3.4; Opera (1872), 3:684–686.

3:23.17 Novatianists. Adherents of a rigorist schism which arose out of the Decian persecution (249–250). Novatian, the leader, was a Roman presbyter. Apparently because he was disappointed at the election of Cornelius to the papacy in 251, he joined the rigorist party that deprecated concessions to those who had compromised with paganism. He was consecrated rival bishop of Rome. Although doctrinally orthodox, the Novatianists were excommunicated.

3:23.20–22.q Yea wherefore ... Safety? “Cur ergo manus imponitis, et benedictionis opus creditis, si quis forte revaluerit aegrotus? Cur praesumitis aliquos a colluvione Diaboli per vos mundari posse? Cur baptizatis, si per hominem peccata
dimitti non licet’; *De poenitentia*, 1.8 [H: chap. 7]; PL, 16:498; NPNF.2, 10:335. As Keble pointed out (3:53n), even in the 16C, the work was not regarded as by Ambrose, for it appears “word for word in St. Augustine’s Works, t. v. [tome 5] 1506–08” as Homily 393; it is “ascribed by some to Caesarius of Arles”; the Basel 1567 edn. of Ambrose omits it. H cites the work at 3:27.y, 29.e, 30.h, 32.q, 43.z, and 50.20–30.j; see nn, below.

3:23.24 *Cajetan,* Thomas de Vio, surnamed Cajetan (1469–1534), comments on James 5:16: “Nec est sermo de confessio sacramentali: ut patet ex eo quod dicit, *confitemini invicem.* Sacramentalis enim confessio non sit invicem, sed Sacerdotibus tantum; sed de confessione, qua mutuo fatemur nos peccatores ut oretur pro nobis: et de confessione hinc et inde erratorum, pro mutua placatione et reconciliatione”;

“This word is not about sacramental confession, as is obvious from that which he says, ‘confess to one another.’ For sacramental confession is not made to one another but only to priests. The word is rather about confession in which we mutually confess ourselves sinners so that others may pray for us; and about confession here and there of errors for mutual propitiation and reconciliation.” *In Epistolam S. Iacobi,* in Opera omnia (1639), 3:370.

3:23.r *Annot. Rhem.* in Ja. 5. “It is not certaine that he speaketh here of sacramental Confession: yet the circumstance of the letter well beareth it, and very probable it is that he meaneth of it.” Annotation on James 5:16, Rheims NT (1582; STC 2884), p. 653.

3:23.29–24.9 *Bellarmine . . . Priest.* Bellarmine discusses James 5:16 in *De sacramento poenitentia*, 3.4; *Opera omnia* (1872), 3:685–686. Commenting on 1 John 1:9 (“If we acknowledge our sinnes, he is faithful and just, to forgive us our sinnes”), Bellarmine says that the words refer to the divine promise to forgive those who confess their sins. But, he continues, there is nothing in Scripture about divine forgiveness being promised to those who confess directly to God, only to those who confess to a priest.

3:24.31–25.2 *Tertullian . . . pitty,* “Itaque exomologesis prosternendi et humilisit-candi hominis disciplina est conversationem injungens misericordiae illicem. De ipso quoque habitu atque victu mandat, . . .”; “And thus *exomologesis* is a discipline for man’s prostration and humiliation, enjoining a demeanor calculated to move mercy, . . .”; *De poenitentia,* chap. 9, in *Opera* (1566), 2:46; PL, 1:1244; CCLS, 1:336; ANF, 3:664.

3:25.t *Plerosque . . . poen.* “Yet most men either shun this work, as being a public exposure of themselves, or else defer it from day to day. I presume (as being) more mindful of modesty than of salvation; just like men who, having contracted some malady in the more private parts of the body, avoid the privy of physicians, and so perish with their own bashfulness”; ibid., chap. 10; (1566), 2:46; PL, 1:1244–1245; CCLS, 1:337; ANF, 3:664.
Amongst... molested. "Ceterum inter fratres atque conservos, ubi communis species, metus, gaudium, dolor, passio (quia communis spiritus de communi Domino et patre) quid tuos alius quam te opinaris? Quid consortes casuum tuorum, ut plausores fugis? Non potest corpus de unius membri vexatione laetum agere: condoleat universum, et ad remedium conlaboret, necesse est"; ibid., chap. 10; (1566), 2:47; PL, 1:1245; CCSL, 1:337; ANF, 3:664.

Qui... dicebantur. "Those are called 'libellitaci' who redeemed the necessity of sacrificing with certificates of security purchased with money taken in the presence of a magistrate"; apparently H's definition, not Cyprian's.

How much... remedie. "Denique quando et sive majore et timore meliore sunt, qui quamvis nullo sacrifici aut libelli facinore constricti, quoniam tamen de hoc vel cogitaverunt hoc ipsum apud sacerdotes dei dolenter et simpliciter confiteatur, exhomologesin conscientiae faciunt, animi sui pondus exponunt, salutarem medelam parvis et modicis vulneribus exponunt"; De lapsis, chap. 28; Cyprian, Opera (1521), p. 227; CCSL, 3:236; ANF, 5:445.

Salvianus... Emesenus), H subscribes to the theory that the homilies ascribed to Eusebius of Emesa (d. 360?) were by Salvian of Marseilles (400?–480?). For the history of their collection and attribution, see CCSL, 101:vii–xxi, summarized in 1:322.q,n, above. In Just., § 2, H had also questioned their attribution to Eusebius (5:106.b). H cites the Homiliae in V.60.2 (2:255.n) and 66.4 (324.12–15); and see 3:26.15–29.v, 26.29–27.16.w, 27.16–21.x, 31.7–14.j, 3:101.m, and nn, below.

 Whereas... Coffers. "Quod autem charissimi videmus aliquoties etiam illas animas poenitentiam petere, quae ab ineunte adolescentia consecratae preciosum Deo thesaurum devoverunt, inspirare hoc Deum pro ecclesiae nostrae profectibus noverimus: ac medicinam quam invadunt sani, discant quaeque vulnerati: ut bonis etiam parva deflentibus, ingenta ipsi mala lugere consuecunt: ac si quando jam illa persona quae forte minus indiget poenitentia, aliquid sive dignum atque compunctum sub oculis ecclesiae gerit, fructum suum etiam de aliena aedificatione multiplicat, et meruit suum de lucro proficiensis accumulat: ut dum perfectione illius emendatur alterius vita, spiritali fenere ad ipsum boni operis recurrat usura"; Eusebius Gallicanus (Pseudo–Eusebius Emesenus), Homily 8 [H: 1], De initio quadragesimae; Homiliae (1547), fol. 23; CCSL, 101:87.

Graviores... requirunt. "Great causes require greater, sharper and public remedies." The Latin is from the last sentence quoted below from Eusebius Gallicanus (3:27.14–16).

If... publique. "Si levia sunt fortasse delicta, verbi gratia, si homo vel in sermone, vel in aliqua reprehensibili voluntate, si oculo peccavit, aut corde: verborum et cogitationum maculae, quotidiana oratone curandae, et privata compunctione tergendi sunt. Si vero quisque conscientiam suam intus interrogans
facinus aliquod capitale commisit, aut si fidem suam fals testimony expugnavit ac prodidit, ac sacram veritatis nomen perjurii temeritate violavit, si velum baptismi vel tunicam, tunc etiam et speciosam virginitatis holosericam coeno commaculati pudoris infecit, si in semetipso novum hominem nece hominis occidit, si per augures et divinos atque incantatores captivum se diabolo tradidit. Haec atque hujusmodi commissae expiari penitus communi et mediocri, vel secreta satisfactione non possunt: sed graves causae, graviore et acriorae, et publicas curas requirunt”; Eusebius Gallicanus, Homily 45 [H: 10], Ad monachos, chap. 10; Homiliae (1547), fol. 117; CCSL, 101A:536–537.

3:27.16–21.x Lett that soule ... hoste? “Respondeat mihi illa anima, quae peccatum suum confusione mortifera in conspectu fratrum sic agnoscere erubuit, quomodo vitae debuisset: quid faciet, cum ante tribunal divinum et ante caelestis militiae fuerit praesentata concessum,…?”; Eusebius Gallicanus, Homily 43 [H: 8], Ad monachos, chap. 8; Homiliae (1547), fol. 112; CCSL, 101A:515.

3:27.23–27.y There ... unto. “Nam plerique futuri supplicii metu, peccatorum suorum conscii poenitentiam petunt: et cum acceperint, publicae supplicationes revocantur pudore”; Ambrose, De poenitentia, 2.9; Opera (1567), 3:174; PL, 16:539; NPNF.2, 10:356. On this work, see 3:20.20–22.q,n, above.

3:28.5–13.z Although ... others. “Quamvis quis peccato mordeatur, peccandi non habeat caetero voluntatem, et communicatur satiatur lacermis et orationibus, et confidens de Domini miseratione, qui peccata piae confessioni donare consuevit, accedat ad Eucharistiam intrepidus et securus. Sed hoc de illo dico quem capitalia et mortalitae peccata non gravant: nam quem mortalia crimina post Baptismum commissae premunt, horort prioris publica poenitentia satisfacere, et ita sacerdotis judicio reconciliatum communioni sociari, si vult non ad judicium et ad condemnationem sui Eucharistiam percipere”; De ecclesiasticis dogmatibus, chap. 53; doubtfully ascribed to Gennadius (d. 493) and placed in Appendix to Augustine, Opera (see PL, 42:1217–1218). Jewel cites this passage as from Augustine in A Defence of the Apologie, part 2 (PS, 3:360).

3:28.22–28.a Whereas ... crimes. “Nam, cum in minoribus delictis, quae non in dominum committuntur, poenitentia agatur justo tempore, et exomolaxis fiat inspecta vita ejus qui agit poenitentiam, nec ad communicationem venire quis possit, nisi prius illi ab episcopo et clero manus fuerit imposita: quanto magis in his gravissimis et extremis delictis caute omnia et moderate secundum disciplinam Domini observari oportet”; epist. 12.1, Ad clerum, de lapis et catecheumenis; Cyprian, Opera (1593), p. 37; epist. 11.2 in PL, 4:257; ANF, 5:292. Bellarmine quotes this passage from Cyprian in De sacramento poenitentiae, 3.6; (1872), 3:699.

3:28.b Inspecta ... poenitentiam. “his life inspected who does penance”; from the Latin H is translating and cited in n above.

3:29.8–13.c That in all ... lenitie. “On the faith and conversation of penitents.”
“In his omnibus examinare convenit consilium et speciem poenitentiae. Quicunque, enim et metu, et lachrymis, et tolerantia, et bonis operibus conversionem et opere et habitu ostendunt, hi impleto auditionis tempore quod praefinitum est, merito orationum communionem habebunt, cum eo quod liceat etiam Episcopii humanus aliquid de eis statuere”; First Council of Nicaea, canon 12; Concilia (1585), 1:486–487; Conciliorum oecumenicorum decreta (1973), p. 12. See 3:64.16–18, u, and n, below.

3:29. De poen... Mensuram. “Mensuram autem temporis in agenda poenitentia idcirco non satis aperte praefigunt canones pro unoquaque crimine, ut de singulis dicant, qualiter unumquodque emendandum sit; sed magis in arbitrio sacerdotis singulis sequaris: quis praeterea? In consilio etiam, si ait, quod abstinentia tantum ciborum, quam mortificatio viatrix.” “The canons do not establish clearly enough the measure of time for doing penance for any particular crime, as they speak about how each individual crime must be emended. They state rather that the measure of time is to be left to the choice of the understanding priest, because it is not as important to God as the measure of grief, nor the abstinence from foods as the mortification of vices”; Gratian, Decretum, 2.33.3.86; (1584), pp. 2241–2244; ed. Friedberg, 1:1183–1184.

3:29.17–19.e I have... observe. “Facilius autem inveni, qui innocentiam servavere, quam qui congrue egerint poenitentiam”; PL, 16:541–542; NPNF.2, 10:357. This text is quoted by Gratian, Decretum, 2.33.3.56; (1584), pp. 2219–2220; ed. Friedberg, 1:1173. On the authenticity of this work, see 3:23.20–22.q.n, above.

3:29.22–25.f Their... express. “Eadem in vultu hilaritas, idem in corpore cultu victuque splendor. Somno ad satietatem usque indulgimus, negotiis, et occupationibus animo sedulitatis oblivionem inimicam, poenitentiae nomen inane duntaxat, et nullis expressum factis retinemus”; Gregory of Nyssa, Ad eos, qui durius et acerbius alios judicant, atque condemnant, quique conversione indigent, et poenitentiam, Oratio; An oration to those who judge and condemn others harder and more harshly, and who need conversion and penitence; Opera (1615), 1:968; not in PG.

3:30.5–9.g Bee therefore... followed. “Tantummodo circumspice diligentius, cui debes consitteri peccatum tuum. Proba prius medicum, cui debes causam linguoribus exponere, qui sciat infirmari cum infirmante, flere cum flente, qui condolendi et compatiendi noster disciplinam: ut ita demum si quid ille dixerit, qui se prius et eruditione medicum ostenderit et misericordem, si quid consilii dedere, facias, et sequaris: si intelleceter, et preveiderit talem esse linguorem tuum qui in conventu totius ecclesiae exponi debeat, et curari, ex quo fortass et caeteri aedificari poterunt, et tu ipse facile sanari, multa hoc deliberatione, et satis perito medicus illius consilio procurandum est”; Origen, Homily 2, In Psalmum XXXVII; Opera omnia (1536); PG, 12:1386.

3:30.h Amb... ligare. Ambrose, De poenitentia, chap. 9; Opera (1567), 3:174; PL, 16:539; NPNF.2, 10:539; see 3:23.20–22.q.n, above.
Commentary

3:30.19–23.1 *When the wound...* *authoritie.* H is translating from Gratian (see k): “Ergo, cum tanta est plaga peccati, atque impetus morbi, ut medicamenta corporis et sanguinis Domini differenda sint, auctoritate antistitis debet ab altario removeri ad agendam poenitentiam, et eadem auctoritate reconciliari”; *Decretum* 2.33.3.84; (1584), pp. 2241–2242; ed. Friedberg, 1:1183. The passage in Augustine reads: “Postremo ab ipsa mente sententia proferatur, ut se indignum homo judicet participatione corporis et sanguinis Domini: ut qui separari a regno coelorum timet per ultimam sententiam summi judicis, per ecclesiasticam disciplinam a Sacramento coelestis panis interim separetur. Et cum ipse in se propter ita severissima medicinae, sed tamen medicinae sententiam, veniat ad antistites, per quos illi in Ecclesia claves ministrantur: et tanquam bonus jam incipienti esse filius, maternoribus membrorum ordine custodito, a praepositis Sacramentorum accipiat satisfactionis suae modum....”; *Sermon* 351, *De utilitate agendae poenitentiae*, 4.7, 9 (PL, 39:1542–1543, 1545).


3:31.15–18.*k,l Lett everie man...* *displeasure.* “Judicet ergo se ipsum homo in istis voluntate, dum potest, et mores convertat in melius... et tanquam bonus jam incipienti esse filius... a praepositis Sacramentorum accipiat satisfactionis suae modum”; *Sermon* 351, 4.9; PL, 39:1545. This passage from Augustine is quoted in Gratian, *Decretum*, 2.33.3.85; (1584), pp. 2241–2242; ed. Friedberg, 1:1183.

3:31.28–32.2.*n that if men...* *them.* “In hoc quoque si te fragilem fecerit quaelibet mentis ignavia, oratione saltem atque intercessione sanctorum remedia vulneribus tuis humilitatis affectu submissus implera”; John Cassian, *Collatio* 20.8; *Opera* (1559), p. 940; PL, 49:1163; NPNF.2, 11:500.


3:32.9–12 *Make...* *creditt.* “Afflictionis participem, et socium sume sacerdotem, ut patrem...”; *Opera* (1615), 1:969; not in PG.

3:32.12–14.*p Confession...* *offendors.* “Sufficit poenitenti illa confessio, quae primum Deo offertur, tum etiam sacerdoti, qui pro delictis poenitentium precator accedit”; Gratian, *Decretum*, 2.33.3.61; (1584), pp. 2227–2228; ed. Friedberg,
1:1176. H's reference is to Leo's epistle 7, chap. 8. See 3:33.8—17.s.n, below.


3:32.23—29.r Some few...suitor. "In uno et altero ecclesia est, Ecclesia vero Christus. Ergo cum te ad fratrum genua pretendis, Christum contractas, Christum exorae. Aequae illi cum super te lacrymas agunt, Christus patitur, Christus patrem deprecatur. Facile impetratur semper, quod filius postulat"; Tertullian, *De poenitentia*, chap. 10; *Opera* (1566), 2:46; PL, 1:1245; CCSL, 1:337; ANF, 3:664.

3:33.8—17.s Although...eares. Leo I, *Epistola ad episcopos Campaniae*: "Quamvis plenitudo fidei videatur esse laudabilis, quae propter Dei timorem apud homines erubescere non veretur; tamen, quia non omnium hujusmodi sunt peccata, ut ea, quae paenitentiam poscunt, non timeant publicare; removeatur tam improabilis consuetudo: ne multi a paenitentia remedii arceantur: dum aut erubescunt, aut metuunt inimicis suis sua facta reserare, pro quibus possunt legum constitutione percelli... Tunc enim demum plures ad paenitentiam poterunt provocari, si populi auribus non publicetur conscientia confitentis"; quoted in Gratian, *Decretum*, 2.33.3.89; (1584), pp. 2253—2254; ed. Friedberg, 1:1189. See 3:32.12—14.p.n, above.

3:33.17—20 Sozomen...offenders. Sozomen discusses the abolition by Nectarius of the office of the presbyter (*πρεσβύτερος*) whose duty it had been to hear confessions of the people, preside over the imposition of penance adapted to each sin, and pronounce absolution when satisfaction had been made. He says God has decreed that pardon should be extended to penitents, even after many transgressions. Since confession of sins is necessary for being pardoned, he speculates that it is "probable" that the priests (*τοις ἱερεύσιοι*) from the beginning considered it irksome to make this confession in public. Therefore, they appointed a presbyter known for his holiness of life and prudence to act on these occasions. See Ἐκκλησιαστικὴς ἱστορίας...βιβ. Ζ, κεφ. τζ; (1544), fol. 98; Hist. eccles., 7.16; PG, 67:1459—1460; NPNF.2, 2:386.

3:33.20—26 Socrates...place. Socrates in his *Hist. eccles.* recounts in 5.19 the bishops' establishment of the office of those presbyters in the church who had charge of penances after the separation of the Novatians, who would not communicate with those who had lapsed during the Decian persecution, and the abrogation of this office during the time of Nectarius. But, as Keble observed (3:34n), H is here using the *Ecclesiasticae historiae* by Nicephorus, who cites in the margin the above reference to Socrates. Nicephorus says that the bishops, resisting the dogmas of Novatian, established by ecclesiastical canon the office of the penitentiary presbyter (*presbyterum poenitentiarum*) so that those who have sinned after baptism may, after confessing their crimes, receive absolution from them. See Nicephorus

3:33.1 *Facinoris . . . blanditur.* This “proverb” does not appear in the relevant passages of the Greek church historians.

3:34.4 *some hundred yeares.* “From the schism of Novatian, circa A.D. 253, to the episcopate of Nectarius, circa 391” (Keble, 3:35n).

3:34.7–18 *There came . . . skorne.* Socrates, Sozomen, and Nicephorus all cite the story of the confession and the rape or fornication of the gentlewoman from Constantinople as the reason that Nectarius, the bishop there, abolished the office of the penitentiary presbyter. The stories vary, however. Socrates, whom H closely follows, says that the noble woman came and confessed to the penitentiary presbyter her sins committed after baptism. The presbyter imposed continuous prayer and fasting as her works of repentance. Some time later, the same lady returned and confessed that she had been guilty of having sexual intercourse with a deacon of the church, which being proved, led to the ejection of the deacon from the church and indignation of the people because of the scandal brought upon the church. Socrates, ibid., βιβ. Ε, κεφ 10; (1544), fol. 249°; *Hist. eccles.*, 5.19; PG, 67:615–618; NPNF.2, 2:128. Sozomen, however, says that the noble woman claimed that, when she had come as a penitent to the presbyter to fast and pray and tarried for that purpose in the church, she had been raped; *Hist. eccles.*, 7.16; PG, 67:1461–1462; NPNF.2, 2:387. In Sozomen’s account, it is not just the disclosure that gave offence to the people and the priests but the fact that the prescribed penance had led to a new crime, the view also expressed by Nicephorus, *Ecles. hist.*, 12.28; (1551), p. 624; PG, 146:835–838.

3:34.20–35.8 *Eudæmon, . . . disgrace.* Sozomen says only that Nectarius, “at the advice of certain persons, who urged the necessity of leaving each individual to examine himself before participating in the sacred mysteries,” abolished the office of the presbyter presiding over penance; *Hist. eccles.*, 7.16; (1551), fol. 98°; PG, 67:1461–1462; NPNF.2, 2:387. Socrates and Nicephorus, however, make specific mention of the presbyter, Eudæmon; see Socrates, *Hist. eccles.*, 5.19; (1544), fol. 249°; PG, 67:617–618; NPNF.2, 2:128; Nicephorus, *Ecles. hist.*, 12.28 (1551), p. 624; PG, 146:835–836.

3:34.20 *Priest* H translates πρεσβύτερος here as “Priest,” not “Presbyter.”

3:34.28–35.3 *as the World . . . business:* ἡδη τῆς ἀρχαιότητος, οἴμαι, καὶ τῆς κατ’ αὐτὴν σεμνότητος, καὶ ἀκριβείας εἰς ἄδιάφορον καὶ ἡμελημένον ἡθος κατὰ μικρὸν διολισθαίνειν ἁρξαμένης, ἐπεὶ πρότερον, ὡς ἠγούμαι, μείω τὰ ὁμαρτήματα ἣν, ὑπὸ τε αἰδοὺς τῶν ἐξαγγελλόντων τὰς σφῶν αὐτῶν πλημμελείας, καὶ ύπ’ ἀκριβείας τῶν ἐπι τούτῳ τεταγμένων κριτῶν. “And it seems to me, that extreme laxity of principle was thus substituted for the severity and rigor of antiquity. Under the ancient system, I think, offences
were of rarer occurrence; for the people were deterred from their commission, by the dread of confessing them, and of exposing them to the scrutiny of a severe judge"; Sozomen, ibid., βιβ. Z, κεφ. ιτζ; (1544), fol. 98β; Hist. eccl., 7.16; PG, 67:1461–1462; NPNF.2, 2:387.

3:35.8–15 *Thus much . . . them.* Ταῦτα παρὰ τοῦ Εὐδαίμονος ἀκούσας ἐγὼ, τῇ γραφῇ τῆς παραβούναι ἐθάρρησα. . . . Ἕγῳ δὲ πρὸς τὸν Εὐδαίμονα πρότερον εἴη. Η συμβουλὴ σου ὁ πρεσβύτερε, εἰ συνήγεγκεν τῇ ἐκκλησίᾳ, ἥ εἰ μὴ Θεὸς ἄν εἰδείη. Ὄρω δὲ δι' ἐπίφασιν παράσχει, τοῦ μὴ ἑλέγχειν ἅλληλων τὰ ἀμαρτήματα, μηδὲ ἐγκατέθειν τὸ τοῦ Ἀποστόλου παράγεμα τὸ λέγων, μηδὲ συγκοινωνεῖτε τοῖς ἔργοις τοῖς ἀκάρτοις τοῦ σκότους. Ibid., βιβ. Ε, κεφ. ιθ; (1544), fol. 248β; Socrates, Hist. eccl., 5.19; PG, 67:617–620; NPNF.2, 2:128.


3:35.17–18 *The younger Theodosius,* Theodosius II (401–450), grandson of Theodosius I (the Great).

3:35.17 Tanta hac . . . 56. “Only that much faith is to be attributed to this testimony of Socrates as is given to the teachings of other heretics; for I think it is easy for anyone to judge that he was of the Nestorian sect when he truly and sincerely wrote these things against administering solitary penitence in the church”; Cesare Cardinal Baronius (1538–1607), Annales eclesiastici (1589), Jesu Christi An. 56, 1:488. (The quotation from Baronius is not exact.) Sozomenum . . . est. “It is certain that Sozomen by all means supported the same cause.” This passage does not occur in the Latin text. Baronius begins this and the passage above by discussing “other matters which Socrates and Sozomen write about the penitentiary presbyter . . . .” Nec . . . credendum est. “Nor must it be believed that Eudaemon was any other than an adherent of the Nestorian sect.” See Socrates, ibid., βιβ. Ε, κεφ. ιθ; (1544), fol. 248β; Hist. eccl., 5.19, PG, 67:617–618; NPNF.2, 2:128. Sacerdos . . . abrogata. “That priest was deservedly removed from his position and deposed from office by Nectarius; after this was done, the Novatians (as is the custom of heretics) drew forth from sincere teachings a trifling matter as the occasion for calumniously declaring not only that the penitentiary presbyter was diminished as an order but also that penitence itself was proscribed with it: nevertheless, when the more theatrical penitence was abrogated, in the meantime solitary confession of sins came into existence.” H is condensing and paraphrasing.

3:36.17 *his speech to Eudaemon . . . downe* See 3:35.8–15 and n, above.

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3:36.24–27 **Not to sinne . . . often.** ἐπεὶ γὰρ τὸ μὴ ἀμαρτεῖν παντελῶς θειοτέρας ἢ κατὰ ἀνθρώπου ἐδείτο φύσεως, μεταμελουμένοις δὲ καὶ πολλάκις ἀμαρτάνουσι συγγνώμην νέμειν ὁ θεὸς παρεκκλεσάτο. Ibid.

3:36.29–37.1 **To . . . besides.** Theodosius I, emperor 379–395, considering the consent and harmony of the Novatians touching the faith (esp. the doctrine of the *homousion* or consubstantiality of the Son with the Father), passed a law that their churches should have the same security and privileges as other churches of the same opinion were to have. See Socrates, ibid., βιβ. E, κεφ. 1; (1544), fol. 246v–247v; Hist. eccles., 5.10; PG, 67:591–594; NPNF.2, 2:123.

3:37.20–23 **They only . . . them.** μόνοι δὲ τοῦ ὁμοουσίου φρονήματος, καὶ οἱ τούτοις κατὰ τὴν πίστιν ὁμόφωνες ναυτιανοὶ, τὸν ἐπὶ τῆς μετανοιάς πρεσβύτερον παρατήσαντο. Ibid., βιβ. E, κεφ. 1θ; (1544), fol. 249v; Hist. eccles., 5.19; PG, 67:615–616; NPNF.2, 2:128.

3:38.9–15 **For why? . . . mention.** H is translating and compressing three passages, each in inverted order and introduced by the word *certayne*, to summarize Bellarmine’s position and some of his arguments. “Denidque, apud veteres nomine poenitentium, soli publici poenitentes intelligi solebant. . . .” “Deinde nullo modo fieri potuit, ut unus presbyter satisfaceret tantae multitudini. . . .” “Primum, Sozomenus, ubi disserit verbis affirmasset, constitutionem de presbyterio poenitentiario, quam prisci episcopi invexerant, et Nectarius postea Constantinopoli abrogaverat, Romae potissimum accurate servari. . . .” De sacramento poenitentiae, 3.14; Opera omnia (1872), 3:704. In the first part of this chapter, Bellarmine is writing against Calvin (Inst., 3.4.7), who concludes from the narratives of Socrates and Sozomen that Nectarius abrogated the rite of confessing and that, since one presbyter was once appointed to supervise penitents, “the keys” of binding and loosing were not given to the universal sacerdotal order.

3:38.15–26 **Bellarmine . . . thereof.** Opera omnia (1872), 3:704.

3:38.24 **this Canon . . . thereof.** H’s summary of Bellarmine’s interpretation of “The Græcians Canon” (3:34.1); see also “the former constitution” (3:38.16–17).


3:40.4–8 **whereas men . . . were.** ἐν τῷ παραπειτοθαὶ συνομολογεῖν τὴν ἀμαρτίαν, χρεῶν φορτικὰν, ὡς εἰκός, ἐξ ἀρέξις τοῖς ἱερεύσιν ἔδοξεν ὡς ἐν θεότροφ ὑπὸ μᾶρτυρι τῷ πλῆθει τῆς ἐκκλησίας τὰς ἀμαρτίας ἐξαγγέλ- λειν. Ibid., βιβ. Z, κεφ. 17; (1544), fol. 98; Hist. eccles., 7.16; PG, 67:1459–1460; NPNF.2, 2:386.

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3:40.25, 28 Decius Roman emperor from 249.

3:40.27 Fabian Bishop of Rome from 236; he was the first to suffer martyrdom under the Decian persecution.

3:40.30–41.3.w For such as ... not. “Illi vero, qui illa peccata perpetrant, de quibus Apostolus ait: Quoniam qui talia agunt, regnum Dei non consequuntur: valde cavendi sunt, et ad emendationem, si voluntare noluerint, compellendi: quia infamiae maculis sunt adspersi, et in barathrum delabuntur, nisi eis sacerdotali auctoritate subventum fuerit.” Epist. 2, Concil. (1585), 1:358; Sacrorum conciliorum nova, et amplissima collectio, ed. Mansi (1759), 1:778. The epistle is believed to be spurious. See 1 Cor. 6:9–10; Gal. 5:19–21.

3:41.24 Hessels ... a booke Joannes Hessels, professor of theology at Louvain; he was present at the C of T, where he died in 1551. See below, 3:42.5.x, and nn. His “booke” was most likely the first part of bk. 5 of Brevis et catholicia Symboli Apostoloci explicatio (1566), which contains an “explicationem quatuor postremorum sacramentorum, poenitentiae, extremae unctionis, ... ordinis, et matrononii.”

3:41.29–30 conference ... Eudxmon, See 3:35.8–15 and n, above.

3:42.x Non ... annot. 1. “Nor is that true which those fancy concerning the deed of Nectarius, when they say that he approved the confession of secret sins rather than that he removed that penitentiary presbyter from his office, as Dr. Joannes Hassels most fully deduces.” Pamelaius, Annot. 98 on Cyprian, De lapsis, chap. 23; Cyprian, Opera (1593), p. 293. Compare “... Rhenanus, et ipsum Nectarii factum quod allegat, convincit, nempe de abrogato Poenitentiial presbyte- ro, non autem (uti ille falso interpretatur) de abrogata confessione, quemadmodum pulcherrime deducti libello ad hoc unum conscripto Joannes Hassellius, a me quoque apud B. Cyprianum citatus”; “Rhenanus, concerning the deed of Nectarius which he alleges, proves the removal of the penitentiary presbyter, but does not prove (as it is interpreted by that one falsely) the removal of confession, as Joannes Hassells, also cited by me on St. Cyprian, deduces so beautifully in the small book written on this topic.” Pamelaius, Annot. 1 on Tertullian, De poenitentia; Tertullian, Opera (1584), p. 200. For Rhenanus, see 3:44.a.n, and for Pamelaius, 3:128.17.n, below.

3:42.5 Bellarmine ... Hessels, “Noluisse autem episcopos illos, peccata occulta, sed publica dumtaxat (in quo a ... Hasselano dissentire cogor) confessioni publicae subjicere, tribus argumentis comprobabo”; “I shall prove in three arguments that those bishops were not willing to subject hidden sins to public confession but public sins only (in which I am forced to dissent from ... Hassels).” De sacramento poenitentiae, 3.14; Bellarmine, Opera omnia (1872), 3:703.

3:43.y Sacerdos ... Lucifer. Jerome, Adversus Luciferianos, or Orthodoxi et Luciferiani dialogus, chap. 2; in Epistolae ... et libri contra hereticos (1578), p. 197; PL, 23:155–
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157; NPNF.2, 6:320–321. H quoted from this epistle in the lost draft of VI; see Cranmer, 3:127.32–128.4 and n, and Sandys, 139.33–140.2.

3:43.27–44.6.z Is it tolerable . . . justest: “An quisquam ferat ut erubescas Deum rogare, qui non erubiscis rogare hominem? et pudeat te Deo supplicare quem non lates, cum te non pudeat peccata tua homini quem lateas confiteri? An testes precationis et conscios refugis, cum si homini satisfaciendum sit, multos necesse est ambias, obsecres ut dignentur intervenire, ad genua te ipse prosternas, osculeri vestigia, filios offeras culpae adhuc ignaros, paternae etiam veniae precatores? Hoc ergo in ecclesia fácere fastidis, ut Deo supplices, ut patrociniun tibi ad Deum obscurandum sanctae plebis requiras, ubi nihil est quod pudori esse debeat, nisi non fateri, cum omnes simus peccatores, ubi ille laudabilior qui humilior: ille justior, qui sibi abjectior?” Ambrose, De poenitentia, 2.10; Opera (1567), 3:175; PL, 16:540; NPNF.2, 10:356. On this work, see 3:23.20–22.q.n, above.


3:44.20–28.c whether men . . . City? “Quapropter Deum sibi facilius placabunt illi, qui non humano convicti judicio, sed ulter crimen cognoscunt: quia aut propriis illud confessionibus produnt, aut nescientibus aliique occulti sunt, ipsi in se voluntariae excommunicationis sententiam ferunt, et ab altari cui ministrant, non animo, sed officio separati, vitam suam tanquam mortuam plangunt, certi quod reconciliatio sibi efficacis poenitentiae fructibus Deo, non solvum amissa recipient, sed etiam cives supernae civitatis effecti, ad gaudia sempiterna perveniant.” Prosper of Aquitaine, De vita contemplativa, 2.7; Opera (1539), pp. 32–33. Prosper originally supported Augustine’s teaching of grace against the “Semi-Pelagianism” of Cassian and others, but after arriving in Rome in 431, he seems to have modified the strict Augustinian doctrine of predestination by insisting upon the universality of God’s saving will.

3:45.5 Papacie; The sense of the sentence requires the deletion of the semi-colon.

3:45.d Calv . . . § 7. “But I marvel how shamelessly our opponents dare contend that the confusion of which they speak is divinely ordained. Of course we admit its practice to have been very ancient, but we can easily prove that it was formerly free”; Inst., 3.4.7; (1960), 1:631–632. In this section, Calvin is arguing that
compulsory confession was unknown in the ancient church and argues for the later origin of auricular confession. He asserts that confession was a discipline of church polity instituted by bishops and not a law laid down by Christ or the apostles, and he presents as evidence the passage from Sozomen's *Hist. eedes. (7.16)* concerning Nectarius's removal of the penitentiary priest, interpreted as the abolition of the rite of confession.

3:46.e *Sed . . . vers. 5.* The first part of this sentence reads: "Publica vero confessione non in eum finem instituta fuit, ut ab ea peccatorum remissio ullo modo pendere debat . . ."; "Public confession was not instituted for the end of making the remission from sins depend in any way upon it . . ."; *Meditationes in Psalmum XXXII, vers. v*; *Opera theologica* (1592), p. 906. Antoine la Roche de Chandieu (1534–1591), who hebraized his name as Sadeel, was a French Protestant who taught at Paris and later in Geneva.

3:46.11–18 *Saxonians, . . . ensample.* "Docetur et hoc apud eos, quorum peccatum est publicum, atque ideo scandalum publicum, quando Deus eis largitur poenitentiae Spiritum, externam poenitentiae testificationem non debere abesse, et hac quidem de causa, ut sit argumentum et testimonium, quo probetur seu planum fiat, lapsos peccatores qui poenitentiam agunt, vere se convertere. Etiam ut sit nota reconciliationis cum Ecclesia et proximo, atque exemplo aliis, quod reformident et vereantur"; "Also they teach, that they, whose sin is public, and therefore a public offence, ought to give an external testimony of their repentance, when God doth give them the spirit of repentance; and that for this cause, that it may be an argument and testimony, whereby it may be proved or made evident, that sinners which have fallen and do repent, do truly turn themselves again; also that it may be a token of their reconciliation with the Church, and their neighbour, and an example unto others, which they may fear and reverence." Chap. 5.8, Ex Bohemia Confessione, *Harmonia confessionum fidei* (1581), p. 143; *The Harmony of Confessions* (1842), pp. 125–126. An English translation of the *Harmony* was published at Cambridge in 1586 (STC 5155).

3:46.18–47.5f *But concerning . . . Keyes.* "Praetera ita instituuntur poenitentes, ut curatores animarum suarum accedant, et coram ipsis confiteantur Deo peccata sua: nemo tamen, neque jubetur neque urgetur enumerare peccata: sed res haec ideo suscipitur, ut hoc modo dolorem suum, quo afficiuntur, et quam sibi propter peccata displicant, indicare, et consilium et doctrinam, quomodo deinceps ea effugiant, et institutionem atque consolationem impeditis conscientiis suis, itemque absolutionem ex potestate clavium, et remissionem peccatorum per ministerium Evangelii a Christo institutum, peculiariter singuli expetere possint, et a Deo suo consequi se sciant, et quando haec a ministris eis praestantur, accipere ab his, tanquam rem a Deo ad commodandum ipsis et salutariter inserviendum institutum, cum fiducia debent, et remissione peccatorum sine dubitatione frui, secundum verbum Domini, cui peccata remiseritis, remittuntur eis. Atque hac fide indubitata nitentes, certi et animo confirmato esse debent per ministerium harum
clavium de potestate Christi, et verbo ipsius, omnia ipsi peccata remitit”; 5.8, Ex Bohemia Confessione, Harmonia confessionum fidei (1581), pp. 142–143; Harmony of the Confessions (1842), pp. 124–125.

3:47.2.g **Whose . . . remitted.** John 20:23; quoted in the passage from the Bohemian Confession in the preceding n.

3:47.8–11 **First, . . . himselfe,** See the introductory Sentences of Scripture and A General Confession in An Order for Morning Prayer Daily Throughout the Year, B.C.P., 1559, ed. Booty (1976), pp. 49–51.


3:48.1h **As for private . . . 156.** A Defence of the Apologie (1567), part 2, p. 173 (PS, 3:363); the first edn. of Jewel’s Defence (STC 14600) was published in 1567 and subsequent edns. (STC 14600.5–602) appeared later in 1567 and in 1570 and 1571.

3:48.14–21 **our custome . . . terrifye.** See 1 Cor. 27–31. See also The Order for the Administration of the Lord’s Supper, or Holy Communion, B.C.P., 1559, pp. 258–259.

3:48.21–29 **Yet with us . . . appeare;** Compare Calvin, Inst., 4.17.39 and 12.5, where the lay elders participate with the pastors in exercising church discipline and excommunication to avoid prophaning the Lord’s Supper through indiscriminate administration; (1960), 2:1416–1418 and 1232–1233.

3:49.18–50.6.i **although in this . . . light.** Rhenanus, Admonitio ad lectorem de quibusdam Tertulliani dogmatibus; Tertullian, Opera (1521), p. 9; see 3:44.a.n, above.


3:51.1–2 **Whenceover . . . iniquitie.** Not a direct quotation from Scripture, but a paraphrase of such passages as Ps. 51:17, “a contrite and a broken heart, O God, thou wilt not despise,” and Ps. 103:12, “As farre as the East is from the West: so farre hath he removed our sinnes from us.”


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3:51.10 Non dico . . . Lazaro. John Chrysostom, Homily 31, In caput ad Hebraeos XII, Opera (1531), 4:198; compare Homily 2, In Psalmum quinquagesimum, ibid., 2:16; Sermo de poenitentia et confessione, ibid., 5:512; Homily 5, De incomprensibili Dei natura; ibid., 2:402; and Homilia de Lazaro, Concio 4; ibid., 1:77.

3:52.28–53.4.1 He . . . acceptable. “Ita qui per delictorum poenitentiam instituerat domino satisfacere, diabolo per aliam poenitentiae poenitentiam satisfaciet: eritque tanto magis perosus deo, quanto aemulo eius acceptus.” Tertullian, De poenitentia, chap. 5; Opera (1566), 2:41; PL, 1:1235–1236; CCSL, 1:328–329; ANF, 3:660.


3:53.11–13.11 Wee seele . . . evill. “Virgas igitur et flagella sentimus, qui Deo nec bonis factis placemus, nec pro peccatis satisfacimus.” Cyprian, epist. 8.1, Ad derum, de precando Deo; Opera (1593), p. 22; PL, 4:247, and ANF, 5:286, as epist. 7.

3:53.13–15.10 Let the eyes . . . God. “Ut illi ipsi oculi, qui male simulachra conspexerunt, quae illicita commiserant, satisfacientibus Deo fletibus deleant.” Cyprian, epist. 26.5, Ad lapsos; Opera (1593), p. 60; PL, 4:297, and ANF, 5:304, as epist. 25.


3:54.1 Bonavent. . . . q. 9. “Etsi divina misericordia relinquit offensam homini dando gratiam, non tamen ita omnino relinquit, quin etiam exigat de offensa satisfactioem per justitiam. Et quia homo non potuit pro tanta offensa satisfacere, ideo Deus dedit ei mediatorem qui satisfacere pro offensa. Unde in sola fide passionis Christi remittitur omnis culpa, et sine fide ejus nullus justificatur. Et secundum hoc dicunt quod omnis satisfactio nostra virtutem habet a satisfactione
Christi”; “Even if divine mercy relinquishes the offense of man by giving grace, it does not completely relinquish the offense; indeed through justice it demands satisfaction from the offense. And because man is not able to make satisfaction for such great offense, therefore God gave him a mediator who makes satisfaction for the offense. Hence, all guilt is remitted in the only faith of Christ’s passion, and without faith no man is justified. And it is according to this teaching that those say that our satisfaction has virtue from the satisfaction of Christ.” Bonaventure, In quarta librum Sententiarum disputata (1522), fol. 123v; Opera theologica selecta (1949), 4:333–334. There is no q 9, as in H’s note.

3:54.7–10.4 Wherefore ... his. Although citing and in part translating from Bonaventure, H is here affirming the Protestant doctrines of the proper relation between faith and good works and of justification by grace through faith alone; compare Just., esp. §§ 20–21.

3:54.23 illices divinae misericordiae “Lures of divine mercy.” For a quotation and translation of this passage from Tertullian’s De poenitentia, chap. 9, see 3:24.31–25.2.n, above.

3:55.27–56.3.5 There is not ... sake. John Cassian, “... quia etiam si haec omnia fecerimus, non erunt idonea ad expiationem scelerum nostrorum, nisi ea bonitas domini clementiaque deleverit. Qui cum religiosi conatus obsequia supplici mente a nobis oblata perspexerit, exiguos parvosque conatus immensa liberalitate prosequitur, dicens: Ego sum, ego sum qui deleo iniquitates tuas propter me ...”; Collatio 20.8; Opera (1559), p. 940; PL, 49:1164; NPNF.2, 11:500.

3:56.6–10.t God ... merce. Παντὸς γὰρ πάθους ἀλλότριον τὸ θείον κατὰ μεταφοράν δὲ τὰ τοιαῦτα εἰσέθεν ὄναμάξειν ὁ τῆς Γραφῆς λόγος, ὡς καὶ οὐθαλμοὺς θεοῦ, ... ὥσπερ οὖν καὶ τὰς ἐπαγωγέας τιμορίας τοῖς ἀμαρτάνουσι κατὰ θεόν κρίσιν, σκυθρωπὰς σοῦσας καὶ ἀλγεύας τοῖς πάσχοιν, ὧσπερ ἐξ ὀργῆς καὶ θυμοῦ ἐπαγωγέας ὑποστυχόται. Basil of Caesarea, Ὄμιλα εἰς τὸν ΛΔ γαλμόν, “Ἀπαντά (1551), p. 98; Homilia in Psalmus XXXVII, PG, 30:85. Considered spurious, the work is in the PG appendix to Basil’s Opera.

3:56.10–15.u His wrath ... them. Enchiridion, 1.3; Augustine, Opera (1569), 3:164; PL, 40:249; NPNF.1, 3:249.

3:56.23–24.v God ... impunitie: De poenitentia, chap. 6; Tertullian, Opera (1566), 2:42; CCSL, 1:330; ANF, 3:661.

3:57.a Cui Deus ... ps. 98. “To the one God who is truly propitious; He not only does not condone sin lest it destroy for the future life but also punishes, lest one always delight in sinning.” Enarratio in Psalmum XC VIII, § 11; Augustine, Opera (1569), 8:1106–1107; PL, 37:1266.

3:57.b Plectuntur ... Lapsis. “Some are punished in the meantime, that others
may be corrected; the torments of a few are the examples of all." *De lapsis*, chap. 23; Cyprian, Opera (1520), p. 225; CCSL, 3:234; ANF, 5:443.

3:57f Si text ... animadvertere. *Enarratio II in Psalmum XXXI*, § 9; Augustine, Opera (1569), 8:193; PL, 36:264.

3:58.g Mirandum ... c. 34.3: *De peccatorum meritis et remissione*, 2.34; Augustine, Opera (1569), 7:717; PL, 44:183–184. There should be an ellipsis between justitiae and Sic (line 3).

3:58.h Ante remissionem ... justorum. Ibid.; Augustine, Opera (1569), 7:716; PL, 44:183.

3:59.5–8.i As a Father ... mercie “Unus ille et verus pater ... laetatur in poenitentibus, aut plangentibus et lamentantibus poenam comminatur, sed veniam magis et indulgentiam pollicetur.” Cyprian, epist. 52 [H: 53], *Ad Fortunatum et alios collegas*; Opera (1593), p. 119; CSEL, 3.2:641, as epist. 55; ANF, 5:333, as epist. 51.

3:60.k Ἰησοῦς ... Hebr. “Let us exact punishment from ourselves; let us accuse ourselves; thus shall we propitiate the Judge.” Chrysostom, Homily 31 [H has 30], *In Epistolam ad Hebraeos*, chap. 12; PG, 63:216; NPNF.1, 14:508. This sentence immediately precedes the passage(s) quoted at 3:19.16–20.4, c, and n, above.


3:61.7–10.m These duties ... itselfe: “... nec offerat cum redemptioniis fiducia sed cum supplicationis officio, ... quia non pretio sed affectu placent.” Salvian of Marseilles, *Timotei ad ecclesiam libri iv*, 1.10; CSEL, 8:240–241. The portion of the quotation after the ellipsis precedes rather than follows the part before. Salvian’s treatise is about almsgiving.


3:63.p Quamdiu enim ... d. 15. “For as long as the thing on account of which there is sin is not given back, if it can be given back, penance is not done but feigned.” Peter Lombard, *Sententiarum libri iv*, 4.15.7; (1557), col. 878; PL, 192:877. The passage is from Augustine, epist. 153, *Ad Macedonios*; PL, 33:662.

3:63.q Cypr. Epistol. 52. “Si vero nos aliquis poenitentia simulacione deluserit; Deus qui non deridet, et qui cor hominis intuetur, de his quae nos minus
perspeximus judicet, et servorum sententiam Dominus emendet." Cyprian, epist. 52, *Ad Fortunatum et alios collegas; Opera* (1593), p. 117; CSEL, 3.2:636, as epist. 55; ANF, 5:331, as epist. 51.

3:63.28–64.4.r Hee . . . fault. Basil of Caesarea, *'O μέντοι καταλιμπάνων τὴν νωμίμος αὐτῷ συναφθέσαν γυναίκα, καὶ ἐτέραν συναγαγμένος, κατὰ τὴν τοῦ Κυρίου ἀπόφασιν, τῷ τῆς μοχέλας ὑπόκειται κρίματι. Κεκανόνισται δὲ παρὰ τῶν Πατέρων ἡμῶν τοὺς τοιούτους ἐνιαυτὸν προσκλαίειν, διεῖδον ἐπακροάθαι, τρειτάν ὑποτίπτειν τῷ δὲ ἐρέδωμι συνίστασθαι τοῖς πιστοῖς καὶ οὗτῷ τῆς προσφοράς καταξιοῦσθαι, ἕαν μετὰ δακρύων μετανοήσωσιν.* Epist. 217.77 [H has chap. 76], *Ad Amphilochium; PG*, 32:804–805.

3:64.7–10.s that . . . oblation: "De iis, qui sine necessitate, vel sine facultatem suarum oblacionis, vel sine ullo periculo, vel aliquo eiusmodi, transgressi sunt, sub Licinii tyrannide factum est, Synodo visum est, etsi humanitate indigni sunt, clementia tamen et benignitatis in eos uti. Quicumque ergo germane et vere poenitentia ducantur, tres annos inter auditores exigent, ut fideles, et septem annis prostrernentur supplices: duobus autem annis absque oblatione erunt orationum cum populo participes"; "Concerning those who have fallen without compulsion, without the spoiling of their property, without danger of the like, as happened during the tyranny of Licinius, the Synod declares that, though they have deserved no clemency, they shall be dealt with mercifully. As many as were communicants, if they heartily repent, shall pass three years among the hearers; for seven years they shall communicate with the people, but for two sharing in prayers without oblation." First Council of Nicaea, canon 11; *Conciliorum oecumenicorum decreta* (1973), p. 11; NPNF.2, 14:24.

3:64.5–7 in the tyme . . . Constantin, Licinius was western Roman emperor from 308–324; in 329 he revived the persecution of Christians, which in 313 he had agreed with Constantine to stop. The latter (d. 337) called the first Council of Nicaea in 325 to deal with the Arian controversy.

3:64.12–15.t That whatsoever . . . Bishop. First Council of Nicaea, canon 13; *Concilii (1585), 1:487; Conciliorum oecumenicorum decreta* (1973), p. 12: "Concerning the departing, the ancient canonical law is still to be maintained, to wit, that, if any man be at the point of death, he must not be deprived of the last and most indispensable Viaticum. But, if any one should be restored to health again who has received the communion when his life was despaired of, let him remain among those who communicate in prayers only. But in general, and in the case of any dying person whatsoever asking to receive the Eucharist, let the Bishop, after examination made, give it him" (NPNF.2, 14:29).

3:64.16–18.u a Canon . . . require. Ibid., canon 12: "Qui autem a gratia quidem evocati, et primum suum ardoarem ostenderunt, et cingulam deposuerunt, postea autem ut canes ad suum vomitum reversi sunt, ut nonnulli etiam pecuniam
profunderent, et beneficiis militiam assequentur, hi decem annis prostrantur supplices, etiam post trienni auditio mis tempus”; *Concilia* (1585), 1:486; *Concilium oecumenicorum decreta* (1973), p. 12. The whole canon may be translated: “As many as were called by grace, and displayed the first zeal, having cast aside their military girdles, but afterwards returned, like dogs to their own vomit (so that some spent money and by means of gifts regained their military stations); let these, after they have passed the space of three years as hearers, be for ten years prostrators. But in all these cases it is necessary to examine well into their purpose and what their repentance appears to be like. For as many as give evidence of their conversions by deeds, and not pretence, with fear, and tears, and perseverance, and good works, when they have fulfilled their appointed time as hearers, may properly communicate in prayers; and after that the bishop may determine yet more favourably concerning them. But those who take [the matter] with indifference, and who think the form of [not] entering the Church is sufficient for their conversion, must fulfil the whole time” (NPNF.2, 14:27). See 3:29.8–13, c, and n, above.


3:65.30–66.1.† *that . . . Jewes.* Ibid., chaps. 18–19: “Mandant aliquid martyres fieri: si justa, si licita, si non contra ipsum dominum a dei sacerdote facienda sunt, si obtemperantis facilis et prona consensio, si petentis fuerit religiosa modera-tio. . . . Nam et Moyse pro peccatis populi petit, nec tamen peccantibus veniam, cum petisset, accepti. . . . Hieremiam deus laudat. . . . Quid vero justius Noe. . . . Quid gloriosius Danihele. . . . Quid Job in operibus promptius. . . . Cum prophetae Ezechiel pro delicto populo deprecaretur. . . . Adeo non omne quod petitur in praepudicio petentis, sed in dantis arbitrio est”; “The martyrs order something to be done; but only if this thing be just and lawful, if it can be done without opposing the Lord himself by God’s priest, if the consent of the obeying party be easy and yielding, if the moderation of the asking party be religious. . . . For Moses also besought for the sins of the people; . . . God praises Jeremiah. . . . But who was more glorious than Noah. . . . Who more glorious than Daniel? . . . Was any more ready in good works than Job. . . . When the prophet Ezekiel entertained for the sin of the people. . . . Thus, not everything that is asked is in the prejudgment of the asker, but in the free will of the giver.” *Opera* (1520), pp. 223–224; CCSL, 3:231–232; ANF, 5:442–443. The Scripture references in † are quoted or cited in Cyprian’s text; that to Moses should be to Exod. 32:31–35.

3:66.4–67.3 *Such peace . . . displeased.* Ibid., chaps. 15–16: “Contra evangeli vigorem, contra domini ac dei legem temeritate quorundam laxatur incautis communicatio. Irrita et falsa Pax periculosa dantibus, et nihil accipientibus profutu-
ra. Non quærupt sanitatis patientiam, nec veram de satisfactione medicinam. 
Poenitentia de pectoribus exclusa est, gravissimi extremique delicti memoria sublata 
est. Operiuntur morientium vulnera, et plaga lethalis altis et profundis visceribus 
insixa, dissimulato dolore contegitur. A diaboli aris revertentes, ad sanctum domini 
sordidis et infectis nidore manibus accedunt. Mortiferos idolorum cibos adhuc pene 
rectantes, exhalantibus etiamnum scelus suum fauces et contagia funesta redolenti-
tibus, domini corpus invadunt, cum occurrat scriptura divina et clamet et dicat: 
... Quicumque ederit panem, aut biberit calicem domini indigne, reus erit 
corporis et sanguinis domini. Spretis his omnibus atque contemptis, vis infertur 
corpori ejus et sanguini ejus. Plus modo in dominum manibus atque ore delin-
quunt, quam cum dominum negaverunt. Ante expiata delicta, ante exhomologesin 
factam criminis, ante purgatum conscientiam sacrificio et manu sacerdotis, ante 
offensam placatam indignantis domini et minantis, pacem putant esse, quam quidam 
verbis fallacibus vindicant. ... Quid injuriam beneficium vocant? Quid impietatem 
vocabulo pietatis adpellant? ... Non concedat pacem facilitas ista, sed tollit. ... Per-
secutio est haec alia, et alia tentatio, per quam subtillis inimicus impuganandis adhuc 
lapsis occulta populatione grassatur. Ut lamentatio conquiescat, ut dolor sit, ut 
delicti memoria vanescat, comprimatur pectorum gemitus, statuatur fletus oculorum 
ne dominum graviter offensum longa et plena poenitentia deprecetur." Opera 

3:67.18–26 They imagine, ... forgiven. See Canons and Decrees of the Council of 
Trent, Session 25 (1941), pp. 214 and 482; compare Session 6, canon 30 (pp. 46 
and 324).

(3:357–358). Pace Ussher, the prayers, fasts, and alms discussed in this passage are 
works of satisfaction and do concern the doctrine of purgatory addressed here.

3:70.d Ipsius ... c. 16. Bellarmine, De sacramento poenitentia, 1.16: "The action 
(namely, of the penitent) is not part of the sacrament, except to the extent that it 
is subjected to sacerdotal power, and is directed or commanded by a priest"; Opera 
omnia (1872), 3:618. Bellarmine is here responding to an attack of Martin Chem-
nitz (1522–1586) in his Examen concilii Tridentini (1565–1573) on the Council's 
position that penitence was a sacrament. On Chemnitz's Examen, see 5:111.7.n, 
this edn.

3:71.8–10.e Our Lord ... sentence. Ibid., 3.2 (not 3.1 as in H); Opera (1872), 
3:677.

3:71.f Quod si possent ... ibidem. "If they are able to be absolved without the 
pronouncement of the priest, the promise of Christ would not be true"; (1872), 
3:678.

3:71.22 Quietus est. An old formula for "He is quit, his account has been settled"; 
compare Shakespeare, Hamlet, 3.1.74 (Riverside edn.).
3:72.g Christus ... 16:19. “Christ has translated his ordinary power to the Apostles; the extraordinary he has reserved to himself. For the ordinary remedies instituted by him in the church to remit sins are the sacraments, without which Christ is able to remit sins, but he does this extraordinarily and very rarely. He does not will, therefore, that men should trust in extraordinary remedies for the remission of sins, which are rare and uncertain; rather, he wills that they seek the ordinary and, as they say, the visible remedies of the sacraments.” Juan Maldonado (1534–1583), In Matt. 16.19, in Commentarii in quattuor Evangelistas (1621), col. 350. Maldonado was a Spanish theologian and exegete who taught at the Jesuit Collège de Clermont at Paris. As these commentaries were published in two vols. in 1596–1597, this reference helps date the 1648 draft.

3:73.3–15 Att the words ... Lord. See 3:69.17–24 and textual note (3:558). Keble argues that “the insertion of this paragraph here is probably a mistake; the whole of it except the quotation from St. Clement being found in other parts of this book” (3:76n).

3:73.7–10.i The sinnes ... offenses. Cyprian, De lapis, chap. 17; Opera (1520), p. 223; CCSL, 3:230; ANF, 5:442. The translation is repeated below, lines 16–19, with the Latin in l.

3:73.11–14.j Our Lord ... sinne. Paedagogus, chap. 3; (1550), p. 2; PG, 8:257–258; ANF, 2:210. Clement of Alexandria (150?-215?) was the first great theologian of the tradition that sought to integrate Christianity with the ideas of Greek philosophy.

3:73.16–19.l The sinnes ... offenses. See 3:73.7–10.i,n, above.

3:74.m Victor, de persec. Vandal. Victor, bishop of Vita in N. Africa (late 5C), Historia persecutionum, quas in Africa olim circa D. Augustini tempora, Christiani perpessi sub Genserycho et Hunerycho Vandolorum regibus, bk. 2 (1537), pp. 46–47. Victor’s History, written about 485 while in exile, is based on contemporary material and his own experiences; Keble notes that “Hunneric, king of the Arian Vandals in Africa, had by one edict driven into exile bishops, priests, deacons and other members of the church catholic to the number of 4961” (3:77n).

3:76.19–20 sinnes, ... forgivenes; See Tertullian, De pudicitia, chap. 2; Opera (1566), 2:470; PL, 2:985; CCSL, 2:1285; ANF, 4:76–77.

3:76.20–24 that middle ... come: Ibid., chap. 3; (1566), 2:470; PL, 2:985–986; CCSL, 2:1286; ANF, 4:77.


3:76.25–29 they which soe ... shame. Ibid., chap. 1; (1566), p. 468; PL, 2:983; CCSL, 2:1283; ANF, 4:75.
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3:76.29—77.4.n "For saith he, ... desire." Ibid., chap. 9: "Quis enim timebit prodigere, quod habebit postea recuperare? Quis curabit perpetuo conservare, quod non perpetuo poterit amittere? securitas delecti etiam libido est ejus"; (1566), p. 480; PL, 2:997–998; CCSL, 2:1297–1298; ANF, 4:83.


3:77.24 Novatian ... a Stoical Philosopher H would have learned of his heresy from Eusebius, Eccles. hist., 6.43; on his baptism (line 30), see 2:264.5–6.n, above. This passage on Novatian has special relevance here, for Novatian was remembered as a "rigorist" on the issue of forgiveness and readmission to church fellowship after a "lapse" into idolatrous paganism. His followers were known as "cathari"; see below, 3.78.25 and n. Little is known of his early life, but his extant works demonstrate that he was well educated and familiar with philosophy. He was commonly confused with his more extreme contemporary from Carthage, Novatus—an error reflected in the passage cited above from Eusebius. The damaging accounts of his baptism, confirmation, ordination as presbyter in the Roman church and "haughty" character were evidently perpetrated by his opposition, including his rival for the office of bishop of Rome, Cornelius. See ODCC.

3:77.31 and o Bishop Fabian, bishop of Rome, whose martyrdom in 250 during the Decian persecution led to the choice by the majority of Cornelius as bishop over Novatian, supported by a minority. contrarie ... Church, Council of Neocaesarea, canon 12: "Si quis in aegritudine constituistus, fuerit baptizatus, presbyter ordinari non dent. Non enim fides illius voluntaria, sed ex necessitate est, nisi forte postea ipsius studium et fides probabilis fuerit, aut hominum raritas cogat"; "If someone who is ill is illuminated, he cannot be elevated to a presbyter, for his faith would not be from choice but from necessity—unless perhaps after these things through his zeal and faith, and a scarceness of men"; Concordia (1585), 1:471; Mansi, ed., Sacrum conciliorum nova (1759), p. 542.

3:78.11–18 and p There was ... Schoole. H's citation for this paragraph is not straightforward. Lines 11–18 are based on bk. 1.10 of Socrates, Hist. ecles., as pub-
lished by Stephanus in 1544, fol. 180v (PG, 67:101–102; NPNF.2, 2:17). However, alternative chapter numbers were used, for example, by Christopherson in his Latin translation (1570) and by Hanmer in his English one (1577). Numbering this chapter as 7 of bk. 1, Hanmer notes (p. 233n) that in the Greek it is chapter 10. It describes the appearance of Acesius, a Novatian bishop, at Nicaea, explaining that Novatians do not restore penitent apostates to communion, leaving any pardoning to God, not to the church; hence H’s citation. The emperor is Constantine (see 3:64.5–7.1, above); Acesius became bishop of Caesarea in Palestine in 340. Book 4.23 of Socrates is so numbered by Christopherson and Hanmer, but is 4.28 in the Greek; Keble’s citation of Sozomen 1.22 is therefore unnecessary. H’s reference to “Concil Nicen. c. 30” is less clear. Canon 8 deals with receiving Novatians into the Catholic Church but does not describe their policies, as in H’s quoted “bitter canon,” which is not a canon in a formal sense and may be spurious.


3:78.25 Καθαροί. The usual modern translation is “puritans.”

3:78.28–79.1 Such is . . . fornicators. Tertullian, De pudicitia, chap. 1: “Nobis autem maxima aut summa sic quoque praeceventur, dum nec secundas quidem post fidem nuptias permittitur nosse, nuptialibus et dotalibus si forte tabulis a mochiae et fornicationis opere diversas. Sed ideo durissime nos infamantes paracletum discipline enormitate digamos foris sistimus.” Opera (1566), p. 468; PL, 2:983; CCSL, 2:1283; ANF, 4:75.

3:79.2–7.9 that . . . people. First Council of Nicaea, canon 8: “De iis qui se Catharos, id est, puros quandoque nominant, ad Catholicae autem Apostolicam Ecclesiam accedunt, sanctae magnae Synodo visum est, ut impositis eis manibus sic in Clero maneat. Ante omnia autem hoc in scriptis ipsos profiteri convenit, quod adhaerebunt et sequentur catholicae Ecclesiae decreta, id est, et cum bigamis communicabunt, et cum ipsis qui in persecutione lapsi sunt, in quibus et tempus constitutum est, et opportunitas praefinita, ut ipsi sequantur in omnibus Ecclesiae Decreta.” Council (1585), 1:485; Councilium oecumenicorum decreta (1973), pp. 9–10: “Concerning those who call themselves Cathari, if they come over to the Catholic and Apostolic Church, the great and holy Synod decrees that they who are ordained shall continue as they are in the clergy. But it is before all things necessary that they should profess in writing that they will observe and follow the dogmas of the Catholic and Apostolic Church; in particular that they will commun-
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nicate with persons who have been twice married, and with those who having lapsed in persecution have had a period [of penance] laid upon them, and a time [of restoration] fixed so that in all things they will follow the dogmas of the Catholic Church" (PNPF.2, 14:19).


3:81.r In peccato tria sunt, . . . q. 3. “There are in sin three things: an evil action, interior pollution, and the sequel”; Bonaventure, In quartum librum Sententiarum disputata, 4.17.3 (1522), fol. 149°; Opera theolociga seleta (1949), 4:403.

3:81.w Sacerdotes . . . dis. 18. “Priests exercise the work of justice with regard to sinners when they bind them with a just punishment; they exercise the work of mercy when they relax anything concerning the punishment or conciliate by communion of the sacraments. They are unable to exercise any other works with regard to sinners.” Peter Lombard, Sententiarum libri iv, 4.18.7; (1557), p. 334; PL, 192:888.

3:82.21–83.7.d it may be . . . Communion. Ibid., 4.18.5–7: “Hoc sane dicere ac sentire possimus, quod solus Deus dimittit peccata et retinet: et tamen ecclesiae contulit potestatem ligandi et solvendi: sed aliter ipse solvit vel ligat, aliter ecclesia. Ipse enim per se tantum dimittit peccatum: qui et animam mundat ab interiori macula, et a debito aeternae mortis solvit. Non autem hoc sacerdotibus concessit, quibus tamen tribuit potestatem solvendi et ligandi, id est, ostendi homines ligatos vel solutos. . . . Quia etsi aliquis apud Deum sit solutus, non tamen in facie ecclesiae solutus habetur, nisi per judicium sacerdotis. . . . Ligant quoque sacerdotes, dum satisfactionem poenitentiae consistentibus imponunt: Solvunt, cum de ea aliquid dimittunt, vel per eam purgatos ad sacramentorum communionem admittunt.” (1557), pp. 333–334; PL, 192:887–888. As H is translating Lombard, the passage should be in italics.


3:83.26 Canon . . . Council, “Illa [id est, sacramenta antiquae legis] enim non causabant gratiam, sed eam solum per passionem Christi dandam esse figurabant. Hec vero nostra et continent gratiam et ipsam digne suscipientibus conferent”; “For those sacraments of the Old Law do not cause grace, but only foreshadow that to be given through the passion of Christ. But ours both contain grace and
Book VI, Chapter 6.7–6.10


3:83.26–84.2 according... intendeth. Aquinas, Scriptum... in quartum librum Sententiarum Magistri Petri Lombardi, 1.1.4, Opera omnia (1593), 7:4; Scriptum super Sententiis (1947), 4:31–33.

3:84.f Scot... quintum. Duns Scotus, Quaestiones... in quatuor libros Sententiarum Petri Lombardi, 4.1.4 and 5; Opera (1639), 8:78–109, esp. p. 95. Occam... quarti. William of Okham, Opera plurima super iv libros Sententiarum, 4.1 (1494–1496; rpr. 1962), sig. R1’–2’. Alliac... Sent. Pierre d’Ailly (Alliacensis; 1350–1420), Quaestiones super primum, tertium, et quartum Sententiarum, 4.1; (1505), fols. 222r–228r. D’Ailly was a notable French theologian and ecclesiastic, rising to become cardinal in 1412; doctrinally he was a follower of Okham, and his teachings on the church—that neither pope nor council was infallible and that bishops and priests received their jurisdiction directly from Christ and not mediatelly through the pope—influenced Luther and other Reformers; see ODCC.

3:84.g Lutherani... e. 2. “Lutherans sometimes write on this matter in such a way that they do not seem to dissent from Catholics; at other times they most openly write things that are contrary. But they always continue in the same way of thinking, namely, that the sacraments are only bare signs and do not immediately have any efficacy with regard to grace; nevertheless they mediatelly affect something insofar as they arouse and increase faith,... which they could not do except by representing, so that the sacraments arouse faith through seeing just as the preaching of the Word does through hearing.” Controversiam de sacramentis in genere, 2.2; Bellarmine, Opera omnia (1872), 3:89. Quaedam... cap. 8. “For some signs are theoretical, instituted for no other end than to signify; others are instituted both to signify and to effect something, for which reason they can be called practical. ... The controversy between us and the heretics is that they make sacramental signs to be of the former kind. Therefore, if we are able to show that they are signs of the latter kind, we shall have made our case.” Ibid., 2.8; (1872), 3:98.

3:85.12–13.h that water... birth, Compare V.59.1 (2:251.5–253.11 and nn) on John 3:5.

3:85.i Semper... e. 5. Calvin, Acta Synodi Tridentinae cum antidoto, Session 7, on canon 5: “It must always be repeated for the sake of memory that sacraments are nothing other than instrumental causes for conferring grace upon us....”; Opera, CR., 7:494. Si qui sint... can. 6. “If there be those who deny that the sacraments contain the grace which they figure, we condemn them.” Ibid., on canon 6; CR., 7:494.

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3:86.j *Iste modus* ... art. 1. Aquinas, S.T., 3a.62.1: “That mode [of interpretation] does not transcend the reason of the sign, ... when many of [the saints] say that they not only signify the sacraments of the New Law but cause grace”; (1588), 5:191; B, 56:52–53.

3:86.k *Alexander*. 1. et 2. Alexander of Hales (1170–1245), English Franciscan who taught at Paris, *Summa theologica*, 4.8.3.5.1 and 2 (1515–1516), fols. 48r–49r. *Th.* ... art. 3. Aquinas, *De veritate*, 28.4 [H cites 27.3]; *Opera omnia* (1593), 8:474; *Truth* (1954), 3:331. *Alliac.* ... q. 1. Pierre d'Ailly, *Quaestiones ... Sententiarum*, 4.1.1; (1505), fols. 222r–228v; see 3:84, fn, above. *Capr.* ... q. 1. John Capreolus, Dominican of Toulouse (d. 1444), *Defensiones theologiae divi Thomae Aquinatis in quarto Sententiarum*, 1.1.1; (1906), pp. 3–4; H’s reference to Aquinas’s *De veritate* is quoted here by Capreolus, as is H’s next reference. *Palud.* *ibidem*. Petrus Paludanus, patriarch of Jerusalem (d. 1342), *In quarto Sententiarum Petri Lombardi* (1493), 1.1, is also cited by Capreolus. *Ferrara.* ... c. 57. Aquinas, *Summum Catholici Fidei contra Gentiles, cum commentaribus Francisci Ferrariensis*, 4.57; *Opera omnia* (1593), fols. 493r–494r; *Opera* (1930), 15:190–193. Franciscus Ferrarisiensis (1474–1528) was regent of the Dominican Studium at Bologna and was appointed in 1525 Master General of the Dominican order by Pope Clement VII; he was the great commentator on the *Summa contra Gentiles* of Aquinas; his commentary was published with the S.C.G. in the Leonine edns. of Aquinas’s *Opera*.

3:86.9 *by immediate creation*, See Aquinas, *De veritate*, 28.3; *Opera omnia* (1593), 8:472; *Truth* (1954), 3:324.

3:86.l *Necesse est* ... art. 4. Peter Lombard, *Sententiarum libri quattuor*; “It is necessary to assert that there is some supernatural power in the sacraments.” This sentence is not to be found in Art. 4, which deals with the question “Whether the Sacraments of the New Law Cause Grace.” *Sacramentum* ... concil. “A sacrament derives its spiritual power from Christ’s blessing and from the act of the minister in putting it to sacramental use.” *Virtus Sacramentalis* ... *Ibidem*. “The sacramental [Aquinas says ‘instrumental’] power has a being that passes from one thing into another, and is incomplete ...”; *S.T.*, 3a.62.4; (1588), 5:193; B, 56:64–65. *Ex sacramentis* ... art. 4. “Two things are derived by the soul from the sacraments: one is character or a certain adornment, the other is grace. With respect to the former, the sacraments are in some way efficient causes; with respect to the latter, they are disposing causes. The sacraments cause a disposition toward the final form, but they do not induce perfection.” Aquinas, *Opera omnia* (1593), 7:4r. *Solus Deus* ... art. 4. “God alone works grace; therefore this is not communicated to the angels, who are more noble than sensible creatures.” *Ibid.*, fol. 3r. This argument, set forth at the beginning of Art. 4, is a position that Aquinas proceeds to refute.

3:87.12–21.m *After the bathe of regeneration* ... *quicken*. “Sed postquam undae
genitalis auxilio superioris aevi labe detersa, in expiatum pectus ac purum desuper se lumen infudit; postquam caelitus spiritu hausto in novum me hominem nativitas secunda reparavit: mirum in modum protinus confirmare se dubia, patere clausa, lucere tenebrosa, facultatem dare, quod prius difficile videbatur, geri posse, quod impossible putabatur, ut esset: agnoscre terrenum fuisse, quod prius carnaliter natum delectis obnoxium viveret: Dei esse coepisse, quod jam spiritus sanctus animaret." Cyprian, epist. 2.2, Ad Donatum; Opera (1593), p. 2; epist. 1, PL, 4:200–201, and CSEL, 3A:5; epist. 1, ANF, 5:276.

3:87.24–27. n Heed must . . . them: Bonaventure, In quartum librum Sententiarum disputata, 4.1.4; (1522), fol. 8"; Opera theologica selecta (1949), 4:17.

3:88.o Luc. 18. The reference should be to Luke 8:44.

3:88.22–26.p How grace . . . signe, Bellarmine, De sacramentis in genere, 2.1; Opera omnia (1872), 3:85–89.

3:88.27–89.2.q they that ascribe . . . soule. "We say that grace is not created by God but rather produced from the natural aptitude and potency of the soul, just as all those other things are which are produced in such subjects and are begotten capable of sustaining accidents." Cardinal and Archbishop William Allen (1532–1594), Libri tres de sacramentis in genere, 1.37 (1576), pp. 131–132. There should be an ellipsis after "Deo" and after "produci." Allen was the chief organizer of the RC mission to England during the reign of Elizabeth, founding colleges for this work at Douai, Rome, and Valladolid; he was created cardinal in 1587. H summarizes and challenges him at VIII.6.11 (see 3:401.4–404.5 and nn, below) and is indebted to Libri tres in The Dublin Fragments (4:115.25–116.6 and nn).

3:89.7–8 Council of Florence Quoted at 3:83.26.n, above, and cited at 89.26–29.

3:89.8–9 Trent . . . grace, C of T, Session 7 (3 March 1547), canon 6, De sacramentis in genere; Conciliorum oecumenicorum decreta (1973), p. 684.


3:89.26–29 For which cause . . . Christ. See nn on 3:83.26 and 89.7–8, above.

3:90.3 Bellarmine . . . sinnewes, See 3:84.g.n, above.

3:90.s Quod ad circumcisionem . . . c. 39. Allen, Libri tres: "That remission which followed circumcision came into being by reason of the thing adjoined to it and by reason of the divine covenant, clearly in the same way in which not only heretics but also some of the older scholastics wanted the new sacraments to confer grace"; (1576), pp. 138–139. There should be an ellipsis after "fiebat."

3:90.t.u Bonaventura, . . . c. 11. Bellarmine, De sacramentis in genere, 2.11: "Bonaventure, Scotus, Durand, Richard, Okham, Marsilius, and Gabriel [Biel] want God alone to produce grace with regard to the presence of the sacraments. . . . I think that opinion which gives to the sacraments true efficacy to be much more probable
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and defensible. First, because the Fathers teach throughout that the sacraments are not effective unless they first receive from God power, blessing, or sanctification: they refer the effectual working of the sacrament to the omnipotence of God and join it with true efficient causes. Second, because there would not be any difference between the way of administering the sacraments and the signs of the magicians. Third, because then there would not be a man of God, a minister, in the sacramental action, but a man would offer a sign by his action, and God would infuse grace on that seen sign by another action, as when one presents a promissory note to a merchant and the merchant pays the money. But the Scriptures teach that God baptizes through a man.” Opera omnia (1872), 3:105. For Durandus of Saint-Pourçain, see 3:18.12–14.n, above; Richard of Middleton (d. 1305?) was a scholastic philosopher; for Marsilius of Padua, see below, 3:208.17.h and n; see also Intro. to Book VII, n. 29, above; Gabriel Biel (1420–1495), a follower of William of Ockham and one of last great scholastics, was responsible for the founding of the University of Tübingen, at which he held the chair of theology.


3:92.6–9.w that whosoever . . . delayed: “Scriptura enim passim docet, eos qui toto corde ad Dominum convertuntur, sine mora veniam peccatorum accipere”; Bellarmine, De sacramento poenitentia, 2.13; Opera omnia (1872), 3:654.

3:93.x Hæc expositio . . . art. 3. Domingo de Soto, Commentaria . . . in quartum Sententiarum, 4.14.1.3: “This is a declaration: ‘I absolve you,’ that is, by showing the one absolved, is indeed partly true but nevertheless imperfect. For the sacraments of the New Law not only signify but effect that which they signify”; (1569), 1:605. On Soto, see 3:17.v.n, above.

3:93.y,z Attritio solum . . . art. 1. Ibid., Art. 1: “Attrition speaks only about grief because of the punishments of hell, while the one who approaches with attrition becomes contrite through sacramental grace”; “When the one who is truly contrite because of God, that contrition is not contrition unless nature is first informed by grace through the sacrament intended”; (1569), 1:601.

3:94.a Legitima contritio . . . art. 3. Ibid., Art. 3: “Legitimate contrition ought to induce a vow to partake of the sacrament [confession] at an opportune time; therefore, it remits sins in virtue of the future sacrament”; (1569), 1:606.

3:94.b Tunc sententia . . . d. 18. “For then the declaration of the priest is approved and confirmed by the judgment of God and the whole assembly of heaven, when it proceeds thus from discretion in such a way that the merits of the postu-
lants do not contradict." Peter Lombard, *Sententiarum libri iv*, 4.18.8; (1557), pp. 334–335; PL, 192:888.

3:94.c *Non est periculosum ... Opusc. 22.* "There is no danger for the priest to say, 'I absolve you,' to those in whom he sees the signs of contrition, which are sorrow for things past and the intention of not sinning further; he ought not to absolve others." Aquinas, *Opuscula xxii*, chap. 3; *Opera omnia* (1593), 17:195; *Opuscula theol...gica* (1954), 1:178.


3:95.20–21 *Tridentine ... penance.* Noted above at 3:92.3–5.v.n.

3:96.e *A reatus mortis ... c. 7.* "Through contrition, a man is absolved by God from the condition of eternal death. But the condition of temporal punishment remains, and a minister of the church takes away by power of the keys the condition of a certain part of that punishment." Alfonso Tostado, bishop of Avila (Abulensis; 1400–1455), in *Defensorium*, 1.7 (not seen; information from Keble, 3:100n). (1596), 12:9. Tostado was summoned by Pope Eugene IV to Siena, where he was condemned for heresy, and most notably for his over-strict teaching about the forgiveness of sins—a position he then immediately retracted.

3:96.f *Signum ... memb. 2.* Alexander of Hales, *Summa theologica*, 4.60.1.2: "The sign of this sacrament is the effective cause of grace or of the remission of sins not simply as the first penitence but the cause according to which, because it is the cause of efficacious grace by means of which the remission of a sin becomes efficacious in the penitent and to a lesser degree the remission of the sequel of that sin, namely, punishment." (1515–1516), fol. 247. H's citation (4.14.2) is likely to another edn.

3:96.g *Potestas clavium ... q. 1.* Bonaventure, *In quarto libro Sententiarum disputata*, 4.18.1: "Properly speaking, the power of the keys does not extend beyond guilt.... To that objection which is raised concerning John 20:23, 'Whoever's sins you remit,' it must be said that this text speaks about remission either with respect to showing it or only with respect to punishment"; (1522), fol. 171; *Opera theologica selecta* (1949), 4:458. In bk. 4, not bk. 1, as in H.

3:96.h *Ab aeterna pæna ... q. 2.* Ibid., 4.18.2: "The priest in no way absolves from eternal punishment, but only from purgatory. Nor does the priest do this per se but only by accident. For when punishment is diminished in the penitent by the power of the keys, the debt of temporal punishment is not punished so sharply in purgatory as if it were not absolute"; (1522), fol. 172; *Opera theologica selecta* (1949), 4:460.

3:98.2–5 *What to write, ... are.* "Quid scribam vobis, patres conscripti, aut quo modo scribam aut quid omnino non scribam hoc tempore, di me dea...que pejus

3:99.i Matt. 12.31. This ref. should have been keyed in a separate note to "Our Saviour" (lines 3–4); that to casting out "uncleane . . . Spirits" is to verse 24; see also, Mark 3:22.

3:101.m.2–6 *Quam magna . . . lapsis.* "Even as we have sinned greatly, so let us greatly lament. For a deep wound let there not be wanting a diligent and long treatment; let the repentance not be less than the crime." Cyprian, *De lapsis*, chap. 35; *Opera* (1520), p. 230; CCSL, 3:240; ANF, 5:446–447. *Non levi agendum . . . f.* 106. "A light contrition is not to be done to redeem those debts for which eternal death is due, nor is a transitory work satisfaction for those evils on account of which eternal fire has been prepared." Eusebius Gallicanus, *Homily* 40, *Ad monachos*, chap. 2; *Homiliae* (1547), fol. 106' CCSL, 101A:473.

3:101.24.p *the marke . . . Cornelius touched.* Peter's baptism of Cornelius, a Roman Centurion, at Joppa, recounted in Acts 10, was epochal in the early church, for it marked the first publically acknowledged baptism of a Gentile, and its appropriateness was discussed by the church at Jerusalem. Because Cornelius himself was notably pious, if uncircumcised, he is granted a vision (in the verse cited by H) summoning him to Joppa.


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3:107.2–6 Mr. . . . Upon. Although Fulman ("W. F.") describes these as "upon the 6. and 7. books," they are exclusively on the lost draft of VI; VII is mentioned at 3:126.6–7.

3:107.8–10 It . . . for yt is long. Cranmer comments on the length of H's sentences at 3:108.17–20 and 113.16–19, as do the author(s) of A.C.L. (4:76.17–23).

3:107.15–16 The name Clerkes . . . order. Keble (3:108n) refers here to Jerome, epist. 52, Ad Nepotianum, § 5; Opera (1516), 1:7; PL, 22:531: "Igitur clericus qui Christi servit ecclesiae: interpretetur primo vocabulum suum: et nominis definitio-ne prolata, nitatur esse quod dicitur. Si enim clerors graece, sors latine appellatur: propter a vocantur clerici: vel quia de sorte sunt domini: vel quia ipse dominus sors, id est pars, clericorum est"; "Therefore a cleric is one who serves the church of Christ. The word itself should first be interpreted, so that when its definition has been set forth, it strives to be that which it says. For if it is called καληρος (cleros) in Greek, it is called a share in Latin. Therefore they are called clerics, either because they are a share of the Lord, or because the Lord is a share or part of the clerics" (NPNF, 2, 6:91).

3:107.19 Saith Ignatius. quote yt. Keble (3:108n) argues that this reference to Ignatius may be one of the few places where the copy of the original Book VI seen by Cranmer may have agreed with the present "so called" Book VI; see chap. 2.1 (3:4:20–22) and 3:4:1.n, above.

3:107.24 the power of . . . Lawe, See H's Auto. Notes, 3:466.17–19 and n. H is here distinguishing between the powers of order and jurisdiction; see chap. 2.1 (3:4.8–24); also, 3:466.17–19.

3:108.1 I will that . . . marry. 1 Cor. 7:9; 1 Tim. 5:14. H is here introducing legal cases pertaining to marriage as falling under the spiritual jurisdiction of the ecclesiastical courts; see Sandys, 3:130.30–132.2, and H's Auto. Notes, 3:469.16–33 and 473.31–474.23.

3:108.4–6 Or civill is . . . spirituall. H is distinguishing cases belonging to things spiritual as a basis for distinguishing cases to be dealt with by civil courts from those by ecclesiastical courts; see Sandys, 3:130.30–132.3 and 132.12–13, and H's Auto. Notes, 3:469.16–477.18. For a summary of cases within the jurisdiction of ecclesiastical courts in H's time, see Richard Cosin, An Apologie: of, and for sundrie proceedings by jurisdiction ecclesiastical, 1.2, pp. 19–20.

12; Sandys asks that the Latin be translated (3:132.4). Pope Innocent III disavowed temporal jurisdiction in a dispute between King John and Philip Augustus in 1204.


3:108.21 *Curiae Christianitatis.* “Curiae or courts of Christianity.” Commented on by Sandys, 3:132.11–13. A curia or court was originally one of the thirty districts into which Romulus divided the Roman people, ten for each of the three tribes. The word later referred to one of the edifices in which the Senate held its consultations, an assembly of the Senate, or an official place of assembly of high councils outside of Rome.


3:108.32 *D. Raynoldes.* John Rainolds (1549–1607), H’s former tutor at Corpus Christi College at Oxford (see Walton’s *Life*, Keble, 1:11, 19–21); he is mentioned again at 3:112.2. Rainoldes emerged in the spring of 1586 as both a defender of the C of E and a radical proponent of reform of ecclesiastical government, strongly in favor of lay elders but against their participation in excommunication; see Dent, *Protestant Reformers in Elizabethan Oxford* (1983), esp. p. 140; also, pp. 2, 133, 148.


3:108.35 *Draco?* Athenian statesman and lawgiver (7C BC), first to codify the laws of Athens. Aristotle, *Politics*, 2.9.9, noted: “there is nothing peculiar in his laws that is worthy of mention, except their severity in imposing heavy punishment” (1274b; Loeb, pp. 170–171).

3:108.36 *Si quis privatus aut populus.* “If any private individual or the people.”

3:110.2 *Elias the Levite.* Hebrew scholar (1472–1549) quoted by H in V.20.3 and 73.6; see nn at 2:74.n and 404.z.

3:110.5–29 *Cut of from ... enough.* H’s teaching about the degrees of excommunication is not altogether perspicacious or, in the eyes of his critics, “customary.” Compare the present passage with III.1.7 (1:198.1–23; noted by Cranmer, “In the third ...”); see 3:112.17–29.a; Sandys, 132.21–27 and 133.32–134.4; and H’s Auto. Notes, 481.30–483.2. In its most general sense Paul’s “anathema” (Rom. 9.3) simply means “separation from God,” not a formal ecclesiastical sentence; see 482.20–27.n, where H cites Yves de Chartres, *Panormia*, 5.89, from Gratian, *Decretum*, 24.3.9; ed. Friedberg, 1:992–993. In this more general or etymological sense “anathema” is for H the genus of the three degrees of excommunication: separation, anathema, and execration; the two basic kinds of excommunication are excommunication by a judge (*excommunicatio a judice*) and excommunication invoked by the mere performance of a forbidden act (*excommunicatio a canone*), as noted by Sandys, 3:133.32–134.3, below. See F. Donald Logan, *Excommunication and the Secular Arm in Medieval England* (1968), pp. 13–15, and Ralph Houlbrooke, *Church Courts and the People during the English Reformation 1520–1570*.
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(1979), p. 48. When formally legislated by man, however, anathema becomes a rite for solemnizing either of these two, and in this more specific sense, anathema is for H one of the three degrees of excommunication, as clarified by his note at 3:482. 20–23. Calvin's distinction between excommunication and anathema is much closer to what Cranmer describes as "more common usage"; see Inst., 4.12.10; (1960), 2:1238; see also Travers's distinction between separation and excommunication in A Full and Plain Declaration, pp. 163–164.

3:110.5–7 In the third . . . Church. See III.1.7 and 13 (1:204.30–205.6).

3:110.14 St Pauls meaning "For I wolde wish my self to be separate [ἀνάθημα] from Christ, for my brethren that are my kinsmen according to the flesh" (Rom. 9:3); ἀνάθημα here means specifically "delivered up to God for destruction."


3:111.1–2 St Gregory. . . . later Gregory H quotes Gregory of Nyssa in chap. 4.6 and 7 (see nn to 3:29.22–25.f and 32.3–7.o, above). Keble (3:111n) observes that "this may be noted as a second instance in which the note might possibly refer to the sixth book as it stands." "The later Gregory" would be Gregory the Great, pope 590–604, less authoritative in 16C England than the 4C Father, Gregory of Nyssa.

3:111.4–15 By this yt may . . . prevayled. On this folio (16), H evidently began his discussion of those cases that are "spiritual" and therefore belong to the jurisdiction of the ecclesiastical courts; see 3:118.19–121.2, below, Sandys's Notes at 3:130.30–132.2 and 133.8–30, and nn, below.

3:111.4–5 in the 4 booke Chap. 12.2 (1:320.16–321.5).

3:111.33–36 if any such thing . . . fitt. Pope Victor I (189–198), who undertook to excommunicate Polycrates of Ephesus and other bishops of Asia Minor for refusing to give up observing Easter on 14 Nisan instead of the following Sunday. Due to widespread protest, he probably did not follow through his intention. He did, however, depose the presbyter Florinus for defending Valentinian doctrines, and he excommunicated Theodotos, the founder of the heretical movement known as dynamic monarchianism. The case of Victor is cited here to raise the question of a wrong excommunication (Keble, 1:xxxvi).

3:112.2 D. Raynoldes See 3:108.32 and n, above.

3:112.5 D. Some Robert Some (1542–1609), author of A godly treatise containing
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3:112.5–13 opinion ... etc. See Lucretius, De rerum natura, bk. 3 (Loeb, 2nd edn. [1982], pp. 188–191).


3:112.17–18 You knowe ... accused. See, for example, Admonition and “A View of Popishe Abuses” (P.M., pp. 17–18, 33–34).

3:112.30 Magistratus me execrator. “The magistrate who punishes me.”

3:113.1–3 The people of God. ... people. This is the first time Cranmer has mentioned ruling elders, the major topic for the polemic of Book VI. Something of the ambiguity of the office of the presbyterian conception of the elder reflected in this passage is summarized by Collinson: “And what was the elder? A layman, an exalted churchwarden, annually appointed, partly as a safeguard against the clericalism of a dictatorial pastor? Or was he a non-preaching presbyter, an ordained and permanent minister of the Church who differed from the pastor only in that his business was government rather than edification? Generally, the tendency in Calvinist churches was to progress (or regress?) from a lay to a clerical idea of the eldership” (E.P.M., p. 299). Sutcliffe expresses the establishment view of the jurisdictional authority claimed for lay elders by Cartwright, “the lorde great master of discipline”: “First, the Elders shall have authoritie to make all orders and decrees, and abrogate the same. Secondlie, they shall have power to chuse officers in the Church, and to depose them. Thirdlie, they shall be judges in all causes of faith, doctrine, and manners, so farre as appertaineth to conscience. Lastlie, (that they want no meanes to bring under the rebellious) they shall have authoritie to admonish, suspend, excommunicate, and absolve”; Treatise, p. 136; also, pp. 112–113.

113.11–14 Importeth cheifety ... tō κύριον. Cranmer returns to the topic at 3:114.5–11, 117.1–3, 119.1, and 123.13, below; see H’s Auto. Notes Of Jurisdiction (3:466.17–469.13). Aristotle discusses the “sovereignty of the state” (κύριον τῆς πόλεως) in Politics, 3.5.1 (1279a; Loeb, pp. 204–205) and 3.6.1 (1281b; pp. 218–219), and “the sovereignty of the constitution” (tō κύριον τῆς πολιτείας) in 4.1.5 (1289a; pp. 280–281).

3:113.19 common good of all. The argument being addressed here is the
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Puritans’ assertion that the form of polity which best promotes “the common good of all” is “mixed”; see, for example, Cartwright: “I declared that the mixed estate is best, both by the example of the Kingdome of Christ, and also by thyself of our realme”; Replye, p. 182 [145]; Whitgift, Defense, pp. 649–650.


3:113.22 Solon Aristotle discusses the famous Athenian legislator in the context of the Court of the Areopagus (mentioned by Cranmer, lines 33–34), as one who, like Lycurgus, “instituted both laws and constitutions”; Politics, 2.9.1; 1273b; Loeb, pp. 164–165.


3:113.33 According unto Astrology. Although judicial astrology was highly reputed in the 16C, H nowhere else refers to it, and we may infer, as with H’s “similitude” of the alchemist below (3:124.12), that the analogy was intended to ridicule “theyr pretended mixture.”

3:113.33–34 Court . . . optimates. The court of the Areopagus is attributed to Cecrops, the mythical founder of Athens. Solon in 594 BC extended its jurisdiction by entrusting to it the guardianship of the laws and the power of enforcing them: “As for Solon, he is considered by some people to have been a good lawgiver, as having put an end to oligarchy when it was too unqualified and having liberated the people from slavery and established our traditional democracy with a skilful blending of the constitution: the Council on the Areopagus being an oligarchic element, the elective magistracies aristocratic and the law courts democratic”; Aristotle, Politics, 2.9.2; 1273b; Loeb, pp. 164–165. The Apostle Paul was brought before this court in AD 51 (Acts 17:19). Travers compares the lay elders to it: “Therefore those Elders be such as those officers off the Athenienses were who had charge: to see the lawes kept, or as the Censors off Rome who exacted and examined ciezens life according to the lawes”; and again: “Therefore as Lacedemon had an assemblie off Elders, Athenes a high court named Areopagus, Rome a Senate, and finally every Kingdom and common welthe a Counsell whos authoritie is chiefe and soveraigne in all affaires and by whom the rest off society are governed, so lyke wise the churche hath an assembly off Elders by whose authoritie ecclesiastical and church matters are governed and administrated”; A Full and Plaine Declaration, pp. 156 and 161.

3:113.35 theyr pretended mixture. Aristotle discusses the principles for determining the combination or “mixture” of democracy and oligarchy in Politics, 4.6.1–6; 1294a–1294b; Loeb, pp. 318–323. Calvin argues that monarchy in the church is to be accorded Christ alone, and that the church can have no human head; Inst., 4.6.8; (1960), 2:1109. Travers says that “for asmuch as all things are

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ordered and governed by the authority off certen chosen men who are cheife in the congregation in godlines and vertewe, we may call the government off the churche Aristocratie, that is that government and state wherein a few off the best do beare the rule: or rather Theocratie, that is the government off god, seeing that they have no authoritie to do any thing but by the word and commandement off god"; *A Full and Plaine Declaration*, p. 177. Cartwright declares "that the mixed estate is best, bothe by the example of the kingdome of Christ, and also of thys our realme. It is sufficient newe to admonyshe you, that although it be granted that the government of the one be the best in the common wealth, yet it can not be in the church. For the Prince may wel be Monarche immediately betweene God and the common wealth, but no man can be Monarche between God and hys church but Christ, which is the only head thereof"; *Replye*, p. 182 [145]; Whitgift, *Defense*, p. 650. Whitgift argues that "those that be learned know, that the government of the church is neither populare, nor Aristocratical, ... but a Monarchie. For in every particular church where there is a christian Magistrate, he is chiiese and principall over the rest: ... Of the universall churche onely Christ is the head and chief, and therfore the state of it is Monarchicall"; *Defense*, p. 641.

3:113.36–114.1 Fourthly. ... specified, The numbers "four," "five," and "three" all derive from different ways of classifying Aristotle's six forms of constitution (πολιτεία): royal government (βασιλευτόν), aristocracy (ἀριστοκρατικόν), republic (πολιτικόν), and tyranny (not mentioned here); see *Politics*, 3.11.11; 1288*; Loeb, pp. 270–271. But he continues: "Furthermore there are two constitutions (πολιτείαι) by the side of democracy and oligarchy, one of which [aristocracy] ... has been referred to as one of the four forms of constitution (... monar- chy [μοναρχίαν], oligarchy [ολιγαρχίαν], democracy [δημοκρατίαν] and the fourth form called aristocracy [ἀριστοκρατίαν]), but there is a fifth, entitled by the common name of them all (for it is called constitutional government [πολιτείαν]), but as it does not often occur it is overlooked by those who try to enumerate the forms of constitution, and they use the four names only (as does Plato) in the list of constitutions"; *Politics*, 4.5.9; 1293a–1293b; Loeb, pp. 312–313.

3:114.12 Tribunes. ... 2. Livy refers to "the tribunes of the people" (tribuni plebei), magistrates of the plebeians chosen by their constituency who had the right to aid the people against the consuls, in *Ab urbe condita*, 2.23 (Loeb, 1:324–325).

3:114.26–30 But of one thing ... yt. Compare 3:120.35–121.2, below. It evidently began here his detailed refutation of the claim that the office of lay elders and consistorial government in the church have their foundation in ancient Jewish polity.

3:114.31–115.2 Layelders ... in causes spirituall. The establishment's position was that the ancient Jewish elders had both ecclesiastical and civil jurisdiction, but that they did not judge matters of faith, excommunicate, or absolve; see Sutcliffe, *Treatise*, pp. 114–115; *De presbyterio*, chap. 2, p. 9.

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3:115.15 *Decurion.* A division or company consisting of ten; the name was first given by Romulus to the head of the tenth part of a curia. The term was later used more generally to refer to a division or company. H is dealing here with the leaders or nobility of the large number of people listed in the census of Moses in the wilderness of Sinai (Num. 1:2, 18–19). H’s point is that the decurions were drawn from and represented the “gentry,” not the common people; see 3:118.27–31. John Bridges argued that “those self same men which before were created captains” were called to be among the seventy elders called by Moses to assist him; *A Defence of the Government Established* (1587), p. 238. Sandys (134.32) expresses his opinion that H has derived larger numbers of “gentry” to be represented by “decurions” than the biblical texts warrant.

3:115.22 *Judges before appointed.* Moses was to judge cases that were without legal precedent and that required a special oracle (see Exod. 18:21–26). Ordinary cases were to be handled by appointed judges (Deut. 16:18–20) or by lay leaders (Num. 11:16–17, 24–25). Whitgift deals with Exod. 18 in the *Defense,* p. 656 (PS, 3:208).


3:116.32–33 *Post hoc . . . greeke.* “After this and other matters.” Sandys likewise objects to “Greeke authors cited in Latin” (3:136.15).


3:117.16-18 Such . . . another. Gamaliel was a famous liberal rabbi, known for his tolerant spirit; see Acts 5:34-40, where he is said to be both a Pharisee and a teacher of law; also Acts 22:3. At this point, H has evidently made the transition from discussing the structure of the Jewish court system in the OT to that in the NT. At stake was the argument that in Matt. 18:17 ("tel it unto the Church") Jesus presupposed and "translated" to the church the polity of the Jews; see Sutcliffe, Treatise, pp. 111-113; De presbyterio, chap. 8, pp. 45-56. In both passages, Sutcliffe refers to Calvin's interpretation of Matt. 18:17 in Inst., 4.11.1; (1960), 2:1212.

3:117.19-20 Νομικά. Νομικοί. Νομικά means "relating to laws," and as a substantive (νομικοί) means "lawyers." Παιδικά is an adjective meaning "of children," whether boy or girl, but more commonly the former, "of boys." It is used by Plato as "darling" or "favorite" in Protagoras, 315E (Loeb, pp. 114-115); also, Phaedrus, 239A (pp. 448-449).


3:118.29-31 the rest were . . . senate; Compare 3:120.28-29. Whitgift speaks out against princes and nobles being disciplined by common people who happen to be lay elders in Defense, pp. 656-657 (PS, 3:209-210); see also pp. 683-684 (PS, 3:273-275).


3:119.4-5 That . . . therein, This would parallel the situation in Tudor England, where the king was supreme governor over both civil and ecclesiastical affairs, including the courts.

3:119.8-9 Ely, . . . Simon; Eli the Levite became high priest and judge of Israel and immediately preceded Samuel. Simon = Simeon, the second son of Jacob by Leah, was the eponymous ancestor of the southernmost of the tribes of Israel.
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3:119.9–120.21 That the state of Jury ... reformation. Compare Sutcliffe, Treatise, p. 142.


3:119.17–18 as they would have it ... Ecclesiastical. Compare Sutcliffe, Treatise, p. 114.

3:120.8–21 whereas it is always ... reformation. See Sutcliffe, Treatise, p. 80; De presbyterio, chap. 4, pp. 20, 29.

3:120.22 Ne sutor) A sutor is a shoemaker or cobbler. Cranmer is referring to the proverb, “Sutor ne supra crepidam judicaret”; “Let the cobbler stick to his last.” See Pliny the Elder, Natural History, 35.36.85; Loeb, 9:324–325.

3:120.28–29 the rest were of the Nobility ... people; See 3:118.29–31.

3:121.2 that which before ... 28. At 3:114.26–30. Whitgift states that “It is very unlike that our saviour Christ would borow any such manner or forme of government from the Jewes: seeing the same was neither before prescribed unto them by God, nor yet at that time rightly used, but moste shamefully abused”; Defense, p. 663; PS, 3:227.

3:121.17–33 what their opinion is ... arising. See Sandys's endorsement, 3:136.31–33.

3:121.24 Erastus, See Pref. 2.9 (1:11.21–33) and n, above. Sutcliffe's De presbyterio (1591) was written against the positions of Erastus and Beza.

3:121.27–29 those wordes of Mr. Carthwright ... them. Cranmer could be referring H to a passage such as the following, where Cartwright, in the context of arguing that the order of elders is perpetual, either in times of persecution under tyrants or in times of peace under Christian magistrates, gives a “general description” of the office of lay elders: “For the elders office was to admonish severally those that dyd amisse, to comfort those which he saw weak and shaking, to assist the pastor in ecclesiastical censures of reprehensions, sharper or milder as the faultes required, also to assist in the suspensions from the supper of the Lord untill some triall were had of the repentance of that party which had confessed hym selfe to have offended, or else if he remayned stubborne, to assist hym in the excommunication”; Cartwright also argues that the early church did not by any means “meddle with those things which belonged unto a magistrate, no more under a tyrant then under a godly magistrate”; Replie, pp. 175–176 [140] (Whitgift, Defense, p. 634). The “p. 70” Cranmer refers to is evidently to fol. 70 of H’s own ms.

3:121.29–31 And I like ... question, See II.1.2 (1:144.34–145.34); “the state of the question” is a term from Aristotle's Rhetoric, 3.13: “A speech has two parts.
It is necessary to state the subject, and then to prove it" (1414*; Loeb, pp. 424–425). See 4:75.17.11, above.

3:122.1 **Ancients simply so named.** Sandys agrees, 3:136.31.

3:122.7–18 **Which condemned Christ. . . Court.** Sutcliffe observes that “They [the disciplinarians] say further, that the Jewish Elders did not condemn our Saviour to die, which is contrarie to the text of Scripture. Likewise, that Stephen was slain by tumult, which is untrue. For he was brought before the counsel and Elders, examined, heard, condemned, executed with all formality of lawe”; Treatise, p. 114.

3:122.12 **that . . . concerning Jehosaphat,** See 3:119.9–120.8.


3:123.17g **Judæorum Synodum.** “The council of the Jews.” Cranmer rightly points out that synodus, from the Greek συνόδος, is feminine in gender and should not therefore be modified, as H has apparently done, by adjective modifiers, such as “damned,” “that,” or “constituted,” which have a neuter ending. Compare Whitgift’s thorough discussion of the derivation and meaning of synedrium or συνεδρίον in Defense, pp. 663–664 (PS, 3:327–328).

3:123.22 **quum per alium.** “When through another.”

3:123.28–29 **St Paul, . . . Romans etc>** H is now refuting the disciplinarian claim that the apostles established lay elders and consistorial government in every parish.

3:124.1–8 **And here because Mr . . . way.** Laurence Chaderton, A fruitfull sermon, upon the 3.4.5.6.7. and 8. verses, of the 12. Chapter of the Epistle of S. Paul to the Romans (1584; STC 4926): “Now if you ask me, how manie members there be in the bodie: what they be: and howe they bee named or called: and what be their duties and callings: the Apostle him selfe will aunswere plainly in the next verses, and perfectlie and fully determine all these questions saying: These members are either Doctors to teach, Pastors to exhort, Elders to rule, Deacons to distribute, Attenders uppon the poore straungers and the sicke, or else the people and saints, which are taught, exhorted, ruled, and receive almes and releefe. These are al: no mo, no fewer. So the necessity of the relation plainly prooveth, and these are such as are able to execute and performe any duty belonging to the perfect building up, and adorning of the mystical body of Christ, as shall hereafter appeare more at large in the particular handling of every severall office” (pp. 34–35).

3:124.12 **your similitude of the Alchimist** See 3:113.33–35.xvii, above.

3:124.15–16 **Ancientes . . . presbyters.** Sandys emphasizes that these were “lay Ancients” (3:137.31).
Regiments. . . useth, 1 Cor. 12:28; see V.78.8 (2:444.10–15), and Cartwright, Replye, p. 174 [138]; Whitgift, Defense, p. 628.

3:124.24–25 ἐκ περιουσίας “Going full circle.”

3:124.28 enthymeme, In Aristotelian rhetoric, a persuasive and probable syllogism (from which either the major or the minor premise is omitted) that is not necessarily valid; “As, God . . . elders” (lines 29–31) is an example.

3:124.33–125.15 For to the end. . . requisite. Cranmer and Sandys (3:137.32–138.30) agree that H’s argument on fol. 67 is not forceful enough against the key disciplinarian distinction between presbyters who teach and govern and those who govern only, with the latter taken by the disciplinarians as the prototype for their office of lay elders.


3:125.8–10 first your distinction . . . proved. Following Calvin (Inst., 4.4.1, 11.1, and 11.6), Cartwright distinguished two kinds of elders or presbyters, identifying the second with lay elders who do not preach or teach: “Of those which have care and which governe the whole congregation, some there be which do bothe teach the word and governe also: some which do not teach but only governe and be ayders in the governement unto those which doe teach”; Replye, p. 173 [138]. Whitgift rejects the notion of nonpreaching or nonteaching lay elders and distinguishes rather between presbyters (priests) who both preach the word of God and administrate the sacraments and others who are authorized only to administrate the sacraments; Defense. pp. 626–627.

3:125.i.2 in Episcopo “in a Bishop.”

3:125.16–23 Mr Carthw. assertion . . . presume. “The first place is the Actes [14.3] which is that Paule and Barnabas dyd appoynt dyvers ministers or bishops which preached in every congregacion which were not to be had for suche a number of congregations as were then to be preached unto: therefore in every congregacion there were besides those that preached other elders which dyd only in government assist the pastors which preached. And what should we follow conjectures heere when S. Paule doth in the place before allledged [1 Tim. 5:17] declare what these elders are”; Cartwright, Replye, p. 174 [138]. See Whitgift, Defense, p. 628 (PS, 3:154–155).

Commentary

3:125.31 excepting their Ambrose, H is now refuting the disciplinarian claim that the authority of the early church Fathers supports the office of lay elders. He begins with a passage from a treatise assumed by all parties to be by Ambrose but which is now known to be spurious: “Nam apud omnes utique gentes honorabilis est senectus. Unde et synogoga, et postea Ecclesia seniores habuit, quorum sine consilio nihil agebatur in ecclesia. Quod qua negligia obsoletur nescio, nisi forte doctorum desidia, aut magis superbia dum soli volunt aliquid videri”; “For among all peoples without fail old age is honorable. Hence, both the synagogue and later the church had elders, without whose counsel nothing was done in the church. By what negligence this office fell into disuse I do not know, unless perhaps it was the idleness of the doctors, or even more their pride when they alone wanted to consider something”; Pseudo-Ambrosius, Commentarii in Epistolam ad Timotheum I, chap. 5; in Ambrose, Opera (1567), 5:406. The passage is quoted by Calvin, Inst., 4.11.6; (1960), 2:1218; and referred to by Whitgift in his Answere (1572), p. 114, where he uses it to show that the names and offices of elders or seniors had disappeared before Ambrose’s time. See Cartwright, Replye, p. 182 [145]; Whitgift, Defense, p. 651; Cartwright, Rest of the Second Replie, p. 44; and Sandys, 3:140.3, 5.

3:126.1–2 this question of Layelders...controversy, Compare Cranmer’s An Excellent Letter, §§ 5, 8; see 1:36.15–53.15.n, above; also Sutcliffe, Treatise, p. 106.

3:126.5–6 ἀνασκευαστικῶς καὶ κατασκευαστικῶς, “through dismantling and contriving against them.”

3:126.6–7.k And in the Book of B....so. That is, “Bishops.” Cranmer has evidently seen a complete first draft of Book VII.

3:126.9–11 This one thing...God, For example, Cartwright argues that the office of lay elder is not only necessary but “the perpetual and unchangable decree of God...”; Rest of the Second Replie, p. 73.

3:127.11–12 I do not perceave...prayers. See Sandys, 3:139.7–16.

3:127.14–17 Ignatius, that Bishops...BB. The passage is quoted and translated at 3:128.9.n, below.

3:127.18 President...seniores. “President probati quique seniores, honorem istum non pretio, sed testimonio adepti, neque enim pretio ulla res Dei constat”; “Certain approved elders preside, who have obtained this honor not by money, but by evidence of good character; for there is no buying or selling of any kind in the things of God”; Tertullian, Apologeticus adversus Gentes, chap. 39; Opera (1566), 2:692; PL, 1:469–470; CCSL, 1:150; ANF, 3:46. See Sandys, 3:139.19–21. Tertullian’s text was disputed by Cartwright and Whitgift; see Cartwright, Replye, p. 187 [149]; Rest of the Second Replie, p. 41; and Whitgift, Defense, p. 673 (PS, 3:252–253); also, Sutcliffe, De presbyterio, chap. 14, p. 116.

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3:127.20–23 **It doth not appeare ... urge.** See Whitgift, Defense, pp. 626–627 (PS, 3:150–153).

3:127.25–29 **Honour fratrum ... presbyters.** H quotes this passage from Cyprian's epist. 66 and comments upon it in VII.23.9 (3:286.m); see n, below, and V.80.11 (2:470.15–19) and n, above. Cartwright interprets it: "that of Cyprian ... noteth a piece of the office of these Elders (4 Book, Ep. 5), by deviding the communion bread into equal portions and carrying it (for the assistance of the Bishop) in little baskets or trays [the sense of sportulantium]: where by placing their office in this assisting of the Minister, he doeth manifestly shut them out from the ministring of the Sacrament: especially seing Cyprian in that place, noteth the honor of that office, to consist in that they had by reason of it, acces to this assistance of the Pastor, in so great mysteries, which should have been sondly put, if they might also by vertue of that office, themselves have ministrad the Sacramentes, as well as the Bishop"; Rest of the Second Replie, pp. 41–42. Whitgift responds in the Defense, pp. 674–675 (PS, 3:254–256), although the epistle mentioning the fratres sportulantes is not mentioned. See also Sutcliffe, De presbyterio, chap. 13, p. 92.

3:127.1 **I tooke ... awnswered.** "At Alexandria no presbyter is allowed to address the public: a regulation which was made after Arius had raised a disturbance in that church"; Socrates, Hist. eccles., 5.22; PG, 67:641–642; NPNF.2, 2:132. Cartwright comments: "In other churches, where this discipline was not so dili-gently looked unto: there are notwithstanding markes, whereby we may know, that they went owt of the way. As at Alexandria, where, although the Elders did teach: yet after Arrius was convicted of heresie, it was decreed, that the Elders should no more teach, by which decree, they did, as it were covertly confess: that they had received the reward of breaking the order of god, in permitting that the Elder, should teache in the church. For if it had bene of the institution of an Elder, to preach: Neither Arrius, nor ten thousand moe suche heretik Elders, owght to have given cause of such a decrees: seing the institution of the Lord owght not to be broken, for any abuse of men"; Rest of the Second Replie, pp. 41–42.

3:127.32–128.4 **St Jerome drawing ... it.** Jerome, Adversus Luciferianos, chaps. 3–4, Epistolae ... et libri contra Haereticos (1578), pp. 197–199; PL, 23:172–173; NPNF.2, 6:324. Cartwright cites and interprets this passage as follows: "And what if Jerome him self, although an Elder of Rome, give testimony unto this cause: that is to say, that yt belongeth not unto an Elder of the church, to minister the word, or Sacramentes? Let his wordes be weighty, whereby he confesseth playnly, that neither Elder nor Deacon had right, but upon the Bishops commandement, so much as to baptize: which notwithstanding (saith he) is licensed even to laymen in tyme of necessity"; Rest of the Second Replie, p. 42. See also 3:128.5–7 and Sandys, 139.33–35 and n, below, where the passage is quoted. Lucifer (d. 372), bishop of Cagliari in Sardinia, was exiled because of his defense of Athanasius (296–373), the principal opponent of Arianism. He later came into conflict with the moderate policy of the orthodox bishops who determined that actual Arians, if they renounced their heresy, should
be pardoned, but not invested with ecclesiastical functions, and that those bishops who had merely consented to Arianism should remain undisturbed. This latter concession was unacceptable to Lucifer, and he henceforth was identified with the principle that no one who had yielded to any compromise whatever with Arianism should be allowed to hold an ecclesiastical office.


3:128.9 Ignatius, . . . ως καὶ ὁ ἐπίσκοπος, τοῦ Πατρὸς τῶν διων τόπος ὑπάρχει εἴς οἱ δὲ πρεσβυτεροί, ως συνδριον Θεοῦ, καὶ συνδέουσιν ἄποστόλων Χριστοῦ. Χωρὶς τούτων Ἐκκλησία ἐκλεκτή οὐκ ἔστιν, οὐ συνάθροισμα οἶνον, οὐ συναγωγὴ ὁσίων. "... even as the bishop is the representative of the Father of all things, and the presbyters are the sanhedrim of God, and assembly of the apostles of Christ. Apart from these there is no elect Church, no congregation of holy ones, no assembly of saints"; Ignatius, Ad Trallianos, chap. 3; PG, 5:780; ANF, 1:67. In citing this passage, Cartwright omits Ignatius's reference to the bishop and edits the passage to read: "there is no church, which can stand without her Eldership, or Counsell"; Rest of the Second Replie, p. 42.


3:128.9 Posidonius, "Et eidem presbytero potestatem dedit coram se in ecclesia Evangelium praedicandi, ac frequentissime tractandi; contra usum quidem et consuetudinem Africanarum Ecclesiarum: unde etiam ei nonnulli episcopi detrhebant"; "And he [Valerius, bishop of Hippo] gave to that same presbyter [Augustine] the power of preaching the gospel very frequently in his place in the church. This was against the use and custom of the African churches; hence, many bishops disparaged him"; Posidonius, Vita Sancti Aurelii Augustini, chap. 5; in Augustine, Opera (1569), 1:862; PL, 32:37. Posidonius (or Possidius, 370–440?) was a converted pagan who lived in the monastery at Hippo until he became bishop of Calama in Numidia in 397; he assisted Augustine in his struggle against the Donatists and the Pelagians, and he was with Augustine when he died. Cartwright considers this text from Posidonius to be of great importance: "But touching the use of the Africane churches, until Augustins tyme, that one testimony is more than sufficient whereby is affirmed, that Valerius Bishop of Hippo, did contrary to the custome of the Africane church, in that he committed the office of teaching unto Augustin, which was an Elder of that church, and that he was checked thercfore of the Bishops: checked (I say) notwithstanding that Valerius is there declared, to have done it for support of his infirmity, because him self was not so apt to preach. And howsoever Posidonius, alow of Valerius fact: yet boeth the continuance of that order by the space of 400 yeares, and the judgment of other

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Bishops round abowt, is withowt comparison of more weighte. . . ."; Rest of the Second Reple, p. 41. Sutcliffe attempts to synthesize the positions of Tertullian, Jerome, and Posidonius in his Treatise, p. 134.

3:128.10 Socrates See 3:127.l.n, above.

3:128.10 this of Hierome See nn at 3:127.32–128.4 and 128.5–7, above.

3:128.17 Pamelius. Jacques de Pamèle (1536–1587) was an erudite R.C scholar who published and commented on several patristic texts, including editions of the complete works of Cyprian (1568, 1574, 1589) and Tertullian (1584, 1598). See above, 3:42.x and n.

3:128.20–26 That if they would . . . God; Compare Pref. 2.1 and 4 (1:3.20–4.10 and 6.10–26).


3:129.4–7 I could wishe . . . way) See 3:125.16–19; Sandys, too, insists on meticulous documentation (3:136.34–36, 137.20–24, and 139.22–27).


3:129.7–8 thinges onely probable . . . affirmed. See 3:117.10–11.

3:129.8–13 That in awnswearing . . . be. See 3:122.7–13, 18–20; “at a lift” means “at a disadvantage” (from wrestling).

3:129.15–26 Mr Carthwrightes . . . appointed. Compare 3:125.16–29 and n, above; also, 3:125.j.

3:129.28–33 I thinke the place . . . conceave. Probably the same references dealt with at 3:127.25–29; see n, above. Compare Sandys, 3:139.22–24; VII.239 (3:286.m) and n, below.

3:130.1–4 Arios troubled . . . tyme. See 3:127.l, and n, above.

3:130.5 Exhorted Nepotion. . . contradicted. The reference is to Jerome, epist. 52, Ad Nepotionum, § 5; see 3:107.14–15.n, above. Cartwright refers to this text after his discussion of Socrates’ account of Arios as a presbyter in the church at Alexandria (3:127.l.n) and before that of Jerome’s dialogue Adversus Luciferianos (3:127.32–128.4 and n): “]Jerome (I graunt) somewhere [marginal note: Ad Nepotion] doeth reprehend this, and some learned of our tyme after him, have esteemed the decree of Alexandria faulty herein. But that being considered, which I have allledged, there is no cause to condemn that decree, whether it were of the Nicen council, or of Athanasius and the Eldership of Alexandria. And what of Jerome himself, althrowgh an Elder of Rome, give testimony unto this cause: that
is to say, that yt belongeth not unto an Elder of the church, to minister the word, or Sacramentes?"; Rest of the Second Replie, p. 42. Nepotian, nephew of Heliodorus, had, like his uncle, abandoned the military for the clerical calling and was then a presbyter at Altinum, where Heliodorus was bishop. The letter is a systematic treatise on the duties of the clergy and on the rule of life they ought to adopt.

3:130.8–9 Priests and BB. . . . more. See 3:127.l.n, above.

3:130.10–11 A Lay man . . . baptize. See 3:127.32–128.4.n, above; also, Sandys, 139.36–140.2 and n, below.

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3:130.18–24 This booke . . . Synodes? See, for example, Calvin, Inst., 4.3.4–9; (1960), 2:1056–1062; the two Admonitions, P.M., pp. 15–17 and 107–109; Udall's Demonstration (1588), 1.10 and 12, pp. 3 and 4; and esp. Cartwright, who defends his movement against the charge of bringing in confusion and disorder because it "putteth the people in subjection under their governours, the governours in degree and order one under an other, as the Elder underneath the Pastor, and the Deacon underneath the Elder, which teacheth that a particular church shall give place unto a Provinciall synode where many churches are, and the Provincial to a Nationall, and likewyse that unto the Generall, if any be, and all unto Christe and his worde"; "To the Church of England, and All Those that Love the Trueth in It," Replye; see also p. 187 [149]. Compare Bancroft's Survey, chap. 11, p. 157. But note Cranmer's statement at 3:126.1–2. Sutcliffe supports H's more restricted view: "In this part [of the discourse] concerning the Eldership . . . I dispute against no one position or opinion of theirs, but against a chiefe pillar, and almost the groundworke of their present discipline, I meane the sacred Aldermen; which overthrowne, the high commendation of their present discipline doth threaten present ruine"; Treatise, p. 106.

3:130.25 A morall Exordium and Conclusion An "Exordium" was the introductory section of a classical an oration; "morall" refers to the second of the traditional four senses of interpretation, that which applied the text to individual behavior. Sandys is urging H explicitly to frame his discussion of the issues in his "bookes" by their social and political implications.

3:130.30–33 Why causes matrimonial— . . . other. See 3:133.18–21.

3:130.33–132.2 Wherein the nature . . . opened. See nn at 3:108.1 and 108.4–6, above. Sandys outlines his own theory of the difference between the jurisdiction of civil and ecclesiastical courts at 133.8–30, notably his conception of "mixt causes" (133.21–30). H outlines his position in the Auto. Notes, 3:483.11–19, and attacks the disciplinarian position at 497.4–9.
3:132.2  **These points are ... impugned:** See, for example, Calvin, *Inst.*, 4.11.5, 8, 15–16; (1960), 2:1216–1217, 1219–1221, 1227–1229; the two *Admonitions* (P.M., pp. 30–34 and 127–129); Travers, *A Full and Plaine Declaration*, pp. 161–163, 167–168; and esp. Cartwright, who demonstrates how clearly the issue of ecclesiastical courts was related in Puritan thinking to the issue of ruling lay elders: "all those Courtes of byshopes and archbyshopes must needes fall, whych were by the Antichrist erected against thys lawfull jurisdiction of Eldership, as the courte of faculties and those which are holden by chauncellors, commissaries, officials, and such lyke... First, for that they enter into an office whych pertaineth not unto them, but to every particulare church, and especially to the eldershyp or governours of the church, and therefore although they should do nothing but that which were good, lawfull, and godly, yet can they not approve their labors unto men, much less to God, puttyng their sickele in an other mannes harvest... An other thyng is that in these courts (whych they call spiritual) they take the knowl-
edge of matters which are mere civil, thereby not only perverting the order whych God hath appoynted in serving the civill causes from the ecclesiastical, but justling also wyth the civill magistrate, and thrusting hym from the jurisdiction whyche appointeth unto hym, as the causes of the contracts of mariaghe, of divorces, of wille and testaments, and divers suche other lyke things. For although it appertaine to the church and the governors thereof to show out of the word of God whych is a lawfull contract or just cause of divorce, and so forthe, yet the judiciall determination and definitive sentences of all these do appertaine unto the civill magistrate. Hereunto may be added that all their punishments almost are penalties of mony, which can by no meanes appertaine to the church, but is a thyng meery civill"; *Replye*, pp. 187–188 [150]; Whitgift, *Defense*, pp. 679–680; see also *The Rest of the Second Replie*, pp. 94–96.

3:132.4  **Non intendimus.** See 3:108.8–11 and n, above; also H's *Auto. Notes*, 3:486.3–12 and n, below.

3:132.6–7  **Here ... impugne.** Sandys here refers to the oath *ex officio*, which so incensed the Puritans and which they so bitterly attacked. The newly established court of the High Commission relied very heavily upon the practice to coerce Puritans under oath to testify against themselves or to reveal the names of sympathetic colleagues. In late 1590, Cartwright and others had been summoned before it and, upon refusing to take the oath *ex officio*, had been imprisoned. Lawyers and judges of the common law, determined to curb its powers, regarded the incrimi-
nating oath *ex officio* as threatening established and customary methods of legal procedure. Hence, the Puritans allied themselves with the common lawyers against the powers of the High Commission; see Roland G. Usher, *The Rise and Fall of the High Commission* (1913); rpr., with a new intro. by Philip Tyler (Oxford: Claren-
lar emphasis on the legitimacy of the oath \textit{ex officio}, in \textit{An Apologie: of, and for sundrie proceedings by jurisdiction ecclesiastical} (2nd edn., 1593, cited by H, Auto. Notes, 3:481.18); this edn. also includes “a determination (concerning Oaths) which was made by M. Lancelot Andrewes Doctor in \textit{Divinitie of Cambridge in Julie, An. 1591}.” H sets forth his position at 3:480.21–481.19; see nn.

3:132.11–13 \textit{the courts which ... law-bookes}. See Cranmer, 3:108.21 and n, above.

3:132.15–16 \textit{our Saviours speech ... Church}. Matt. 18:16 was the key text in the controversy over the spiritual jurisdiction with regard to imposing the censures of the church. The Puritans interpreted “the Church” in this text as “neither the whole congregation, nor the pastor alone,” but as “the pastor with the ancients or elders.” The establishment interpreted it as restricted to ordained priests and, by the order of the C of E, the one to whom the executing of discipline is committed, the bishop. See Whitgift, \textit{Defense}, pp. 634–635, 661–662, 662–663; PS, 3:168–169, 223, 225. It is also the key text for the Puritan argument that the role of lay elders in exercising discipline and ultimately excommunication (and absolution) was the polity and discipline of the Jews in the synagogues and the Sanhedrin in the OT, and that Christ in this statement presupposed this order and “translated it unto his church.” See, for example, Calvin, “In Matt. 18:16,” in \textit{Harmonia evangelica, Opera} (1891), CR, 45:514; Whitgift, \textit{Defense}, pp. 663–664 (PS, 3:226–228); Travers, \textit{A Full and Plaine Declaration}, p. 168; Fulke, \textit{A Briefe and Plaine Declaration} (1584), pp. 87–88; Sutcliffe, \textit{De presbyterio}, pp. 44–59.


3:132.28–32 \textit{Paul may probably ... [life]}. Rom. 9:3; Exod. 32:32–33. See Cranmer, 3:110.5–24.

3:133.4–8 \textit{And on that word ... Consistories}. See Pref. 8.4.


3:133.21 \textit{other mixt, as matter ... testaments}; H notes the rivalry of common
lawyers seeking to curtail the jurisdiction of the ecclesiastical courts at 3:484.14–15. Sandys here says that cases concerning testaments or the probate of wills is "mixt," whereas H classifies "testimonial cases" as the concern of the ecclesiastical judge alone (see 476.23–26; also, 486.13–487.16). Compare Sandys's comments at lines 27–30.

3:133.26 **even as the prince is a mixt person**: See H's Auto. Notes, 3:468.21–31, 493.6–32.

3:133.27 **Mr Speaker in the Parliament**. Keble surmised that Sandys's reference to "Mr Speaker in the Parliament" was "probably" to "Mr Serjeant Yelverton, who was chosen Oct. 27, 1597, and continued in office till the 9th Feb. following, when the parliament was dissolved" (3:132n). Indeed, there was an anti-clerical bill introduced in the 1597 Parliament, and there were bills presented against abuses connected with marriage licenses and against excessive fees and exactions in ecclesiastical courts; see Neale, 2:356–358. Moreover, Yelverton's main oration after his election as Speaker was on a topic where he might "verie well have proved" that "the prince is a mixt person"; see Neale's summary of this speech (2:329–331). Yet Sandys is more likely referring here to Edward Coke, who was the Speaker in the 1593 Parliament. P. G. Stanwood argues (3:xxxii) that Sandys refers to the second of Edward Coke's "disabling" speeches given on 22 February, summarized in *The Parliamentary or Constitutional History of England* (1763), 4:347–348; see also the summary of Coke's speech commissioned by Queen Elizabeth, in the context of which the Speaker might have "verie well proved" that "the prince is a mixt person," 4:394–396, and Neale, 2:274–275. On the 1593 Parliament, see Intro. to The Preface, pp. 31–37, above.

3:133.32–134.5 **both Separation . . . playnly**. See 3:110.5–29.n, above.


3:134.6–13 **In this discourse . . . Person**. Sandys is referring here to Beza's *Tractatus pius et moderatus de vera excommunicatione et christiano presbyterio* (1590; STC 2048), discussed and cited by H in Pref. 2.9 and 6.4 (1:11.25–33 and 32.23–29.p; see nn). Sutcliffe addresses his entire treatise *De presbyterio* against the position taken by Beza in this tractate and the position of Erastus; see Cranmer, 3:121.24 and n, above.


3:134.15 **petere principium**. "To beg the question."

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3:134.16–19  It cannot be ... qualified. See 3:113.35.n and 3:113.35–114.1.n, above.

3:134.18  ὡς ἐκ τὸ κολό.  "For the most part."


3:134.27–32  and here the Jewish ... gentrie:  H wants to show that only princes of the tribes or ancients of the greatest nobility and no common people were on Moses' senate of the seventy; see Cranmer, 3:118.29–31.

3:134.34–35  the chief Chiliarchs] ... chiliarks.  From the Greek, the commander of a thousand men. Sutcliffe discusses the chiliarchs in the context of Moses and the seventy judges in De presbyterio, chap. 24, p. 147.

3:134.35–36  Els there chiefty was but ordinis.  H distinguishes the power of order and the power of jurisdiction in chap. 2.1.

3:135.2–3  This, ... Levi was excluded.  The Levites were not numbered with the other tribes of Israel, but were numbered separately as a unit in themselves; see Num. 1:47, 2:33, and 3:12–16.

3:135.3–21  But this seemeth ... causes.  Sandys is concerned, as is Cranmer (see 3:122.24–123.8), that H not include Levites or priests among the seventy on the Jewish High Senate or Sanhedrin, for the reason stated at lines 20–21.

3:135.15–16  One whether the high ... number,  See Cranmer, 3:118.29–119.9.

3:135.28  inferiour courts  See Cranmer, 3:116.5–6, 118.20–21, 119.13, and 120.7.


3:136.10  permisson erat jura condere]  "It was permitted to establish law."


3:136.24  larcanim]  After consultation with several knowledgeable Hebraists, the editor has not been able to reconstruct the Hebrew or its context from the English transliteration by Sandys either here or below at 3:137.10 and 15. Because of commendations "of the excellent Knowledge ... in that tongue," H taught Hebrew at Oxford from 1579 until he left in 1584 (Walton, Life; Keble, 1:19; Chronology, p. xxi, above), and he sometimes uses key Hebrew words or phrases in his text (see, for example, chap. 4.4; 3:20.7, 20), although he routinely quotes from the Geneva translation of the OT.

3:136.27  sagen]  German, "they say."
3:136.31 such ecclesiasticall auncients. See Cranmer, 3:122.1–2.

3:136.31–33 Mr Cranmers conclusion ... you. See Cranmer, 3:118.2–121.16; also, 121.17–29.


3:137.18 Recte omnia nostra facimus] "We have done rightly all our things."

3:137.19 per cos ... fiunt? "by them"; "which have been done by them."


3:137.27 ἐν πρὸς ἐν "One before another."

3:137.31 those verie ... Auncients. See Cranmer, 3:124.15–16.

3:137.32–138.30 two divers kynd] ... habilitie See Cranmer, 3:124.33–126.16. Sandys is dealing here with H's response to the Puritan interpretation of 1 Tim. 5:17 in support of lay elders in the NT. See nn at 3:124.33 and 125.8–10, above. Their argument for lay elders nearly always appealed to the interpretation of this NT text by [Pseudo-]Ambrose; see 3:125.31.n, above.


3:139.4 Deacons under ... leaders] See Cranmer, 3:126.29–127.4.

3:139.17–18 this is their ... shew. Sandys agrees with Cranmer that this general argument over the meaning of 1 Tim. 5:17 (and Pseudo-Ambrose's interpretation of it), and with it the charge of "ignorant" (nonpreaching) priests, needs to be answered carefully, for it "is their only argument of anie show"; see Cranmer, 3:124.33–125.1.

3:139.19–21 Tertullians woords ... Praesidentes See Cranmer, 3:127.18, and n, above. The text should read "Praesidentes."

3:139.22–23 Honor fratrum ... found. See Cranmer, 3:127.25–29 and n, above.

3:139.28–30 This I take it ... administer. See Gratian, Decretum, 2.24.1.37; ed. Friedberg, 1:981.
3:139.33–35 *receiveth not the spirit* . . . *confirmation?* The text from Jerome reads as follows: “Quod si hoc loco quieris, quare in Ecclesia baptizatus, nisi per manus Episcopi, non accipiat spiritum sanctum, quem nos asservimus in vero baptismate tribui: discipulam observationem ex ea auctoritate descendere, quod post ascensum Domini spiritus sanctus ad Apostolos descendit. et multis in locis idem factitatum reperimus, ad honorem potius sacerdotii, quam ad legem necessitatem. Alioqui si ad Episcopi tantum imprecationem spiritus sanctus defuit; lugendi sunt, qui in viculis, aut in castellis, aut in remotioribus locis per presbyteros et diaconos baptizati ante dormierunt, quam ab Episcopis inviserentur. Ecclesiae salus in summis sacerdotis dignitate pendet: cui si non exors quaedam, et ab hominibus eminens detur potestas, tot in Ecclesiis efficientur schismata, quot sacerdotes. inde venit, ut sine chrismate, et episcopi jussione, neque presbyter, neque diaconus iuxta haebeant baptizandi. quod frequenter, si tamen necessitas cogit, scimus etiam licere laicos”; “But if you now ask how it is that a person baptized in the Church does not receive the Holy Ghost, whom we declare to be given in true baptism, except by the hands of the bishop, let me tell you that our authority for the rule is the fact that after our Lord’s ascension the Holy Spirit descended upon the Apostles. And in many places we find it the practice, more by way of honoring the sacerdotal office than from any compulsory law. Otherwise, if the Holy Spirit descends only at the bishop’s prayer, they are greatly to be pitied who in little villages, or in forts, or even more remote places, after being baptized by the presbyters and deacons have fallen asleep [that is, died] before they could be visited by bishops. The well-being of a Church depends upon the dignity of its highest priest, and unless some extraordinary and unique functions be assigned to him, we shall have as many schisms in the Churches as there are priests. Hence it is that without ordination and the bishop’s license neither presbyter nor deacon has the power to baptize. And yet, if there is necessity, we know that it is permitted for laymen to baptize”; *Adversus Luciferianos*, chap. 4, in Epistolae . . . et libri contra haereticos (1578), p. 199; PL, 23:172–173; NPNF.2, 6:324. See Cranmer, 3:127.32–128.4, and n, above.

3:139.36–140.2 *a lay man . . . you answer.* See Cranmer, 3:130.10–11. For the reference to Jerome, see the last sentence from *Adversus Luciferianos* in the preceding n.

3:140.5 *Ambrose . . . mentioned*] Pseudo-Ambrose, Commentarii in Epistolam ad Timotheum 1, chap. 5; see 3:125.31. n and 137.32–138.30. n, above.

3:140.7 ἐκ περουσίας. “So as to bring it to advantage.”


3:140.11–12 *Provided that . . . unhandled.* See 3:130.18–24 and n.
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3:145.9–146.11 I have heard ... thee? Not found. The references in this anecdote to a "famous Kingdom" still overwhelmed, when H wrote, by "extrem conflicts" occasioned by disagreement over how to establish "Church Consistories" as the perfection of "Christ's Discipline" suggest 16C France. In at least one instance, that of Jean Morely's Traité de la discipline et police chrétienne of 1562, debate within French Calvinism between favorers of decentralized and those of relatively centralized authority in the ecclesiastical sphere involved the suggestion that a republic and democracy dominated by laws is the best form of civil government. Morely went so far as to claim that everything good in contemporary civil government was drawn from ancient republics of this sort ("une République, et democratie, en laquelle les loix dominent ... du gravois et pierres desquelles tout ce qui est de bon aujourd'hui en tout gouvernement civil, est tiré"; p. 183). The "solemn Sermon," "great Assembly," and explicit attacks on nobles and lawyers in H's story have not been traced, however, and it remains to be shown how resolution of the debate among Protestants might have avoided the renewal of Protestant–Catholic conflict following the St. Bartholomew's Day massacres of 1572. On the intra-Calvinist controversy, in which Morely's chief antagonist was Beza, see R. M. Kingdon, "Calvinism and Democracy: Some Political Implications of Debates on French Reformed Church Government, 1562–1572," American Historical Review, 69 (1964): 393–401, rpr. in Kingdon, Church and Society in Reformation Europe (London: Variorum Reprints, 1985).

3:146.10–11 Jeremiah, ... thee? The lament of Lam. 2:13–14 is for the fall of Jerusalem to the Babylonians in 587 BC, a disaster which is attributed in this passage to false prophets—that is, prophets failing to denounce evil, however, not to zealots for reform.

3:147.12.a as St. Cyprian telleth them, "Exaltatio, et inflatio, et arrogans, ac superba jactatio non de Christi magisterio, qui humilitatem doct, sed de antichristi spiritu nascitur"; Cyprian, epist. 1.3, Ad Cornelium de Fortunato et Felicissim; Opera (1563), p. 6; CSEL, 3.2:669, ACW, 46:71, and FOTC, 51:174, as epist. 59. Cyprian (d. 258) contrasts the humility taught by Christ with the arrogance born of the spirit of Antichrist in a letter to Pope Cornelius inveighing against a group of schismatics who have rejected the conditions for readmission to the church laid down by their bishops in Africa and taken their cause to Rome. In such cases, the divinely appointed bishops must maintain the purity of the church against all threats of force, even though (as Cyprian says of himself as bishop of Carthage) they may be eager to readmit the lapsed to communion upon signs of sincere repentance.

3:147.19 ordained of God, This strong but not quite categorical affirmation of
the divine ordination of episcopacy is characteristic of H. Compare chaps. 2.3 (3:153.1–3), 5.2 (161.8–18), 5.8–10 (168.29–170.20), 11.10 (210.7–211.18), 16.9 (249.25–250.1), 18.5 (257.6–7), and 18.9 (259.29–30). God is designated as the "Author" of "the state of Bishops" in the title (145.6–8).

3:147.21 In this realm of England, The early history of the church in England had been a topic of interest from the time of Henry VIII, and claims to antiquity were central to all defenses of episcopacy. H combines these themes, arguing that bishops were not only bearers of authority in the remote patrician church but also a part of his country's own earliest Christian traditions. Compare the references to medieval English law in H's Auto. Notes (esp. 3:471.31–489.35). He narrows the issues about supreme ecclesiastical power to be treated in Book VIII to those relevant to English conditions in chap. 3.2 (2.7 in Keble; 336.19–25).

3:147.25 King Lucius The story of a British King Lucius's request to Pope Eleutherius (174–189) that he might be made a Christian first appeared in Bede (673–735), Eclesiastica historia gentis Anglorum, 1.4; Savile, ed., Rerum Britannicarum . . . scriptores (1587), p. 151, misnumbered 158; PL, 95:30. Geoffrey of Monmouth elaborated it in Historiae regum Britanniae, 4.19 (ibid. [1587], pp. 30–31), by including the replacement of twenty-eight pagan high-priests or flamens and three archflamens with twenty-eight bishops and three archbishops. Bede drew on the lives of the popes in the Liber Pontificalis, apparently reading "Britanio" for "Britium" (= Birtha), a castle of one Lucius of Edessa; see Bede's Ecclesiastical History of the English People, eds. Colgrave and Mynors (1969), p. 24, n. 2. Further embellishment was provided by a letter purporting to be from the pope to King Lucius, assuring him that he, the king, was God's vicar in the realm. The letter was repeatedly cited by Jewel; Replie unto M. Hardinges answere (1565; STC 14606.5), p. 91; Works, PS, 1:306; and Defence of the Apologie, 6.11.1 (1570; STC 14601), p. 705; Works, PS, 4:974. Taken up in the standard Elizabethan histories of England, it was rejected as a forgery in the 17C, but the story of Lucius was accepted as substantially accurate well into the 19C; T. D. Kendrick, British Antiquity (London: Methuen, 1950), pp. 112–113. The first tangible evidence for Christianity in England may be in the traditions surrounding Alban's martyrdom at Verulamium, which has been dated as early as 208. Nothing is known about British church polity in the 3C, but it has been argued that the three British bishops present at the Council of Arles in 314 represented three of the metropolitical churches of the four British provinces of the day; see J. C. Mann, Antiquity, 35 (1961): 316–320, and W. H. C. Frend, "The Christianization of Britain," in M. W. Barley and R. P. C. Hanson, eds., Christianity in Britain, 300–700 (Leicester: University of Leicester Press, 1968), p. 38.

3:147.26–31 the Saxons; . . . received. Saxons were brought into Britain by the Romans as confederates to stave off the Picts and Scots at least as early as the 4C. Sometime after the Romans withdrew from the island in 410, the Saxons (accompanied now by Angles and Jutes) began to turn on the native Britons and in the
second half of the 5C pushed them back to the highland zones of the north and west. The Welsh historian Gildas (writing about 540) provides evidence for continuity in the orders of bishops, priests, and deacons and in diocesan administration. In the 5C and 6C the British kingdoms in the north were developing an ecclesiastical organization similar to that of Wales: territorial bishoprics corresponding to tribal divisions; see Henry Mayr-Harting, *The Coming of Christianity to Anglo-Saxon England* (New York: Schocken Books, 1972), pp. 34–35.

3:147.32–148.2.b *At the council ... present.* Sulpicius Severus, *Sacra historia*, bk. 2: “Igitur apud Ariminum, urbem Italiæ, Synodum congregari jubes ... Ita missis per Illiricum, Italiam, Africam, Hispanias Galliasque; magistris officialibus, acciti aut macti [CSEL: coacti] quadringenti et aliquanto amplius Occidentales episcopi, Ariminum convenere: quibus omnibus annonas et cellaria dare Imperator praeceperat. sed id nostris, id est Aquitanis, Gallis, ac Britannis indecens visum: repudiatis fiscalibus, proprisi sumptibus vivere maluereunt. Tres tantum ex Britannia, inopia proprii, publico usi sunt, cum oblatam à ceteris collationem respuissent: sanctius putantes fiscum gravare, quàm singulot”; (Basel, [1556]), pp. 135–136; CSEL, 1:94; NPNF.2, 11:116. The Council of Ariminum (Rimini) was called by the Emperor Constantius in 359 to settle the Arian controversy. Since British bishops are included among those who thought it unfitting to accept their expenses from the emperor, the statement that "only three from Britain" accepted the emperor's offer suggests that there were other British bishops who did not do so, and hence more in all than the three claimed by H.

3:148.2–5.c *At the arrival ... Clergy;* Bede, *Ecclesiastica historia gentis Anglorum*, 2.2: “Augustinus ... convocavit ad suum colloquium episcopos sive doctores proximae Britonum provinciae ... Venerunt [to a second synod], ut perhibent, septem Britonum episcopos, et plures viri doctissimi”; Savile, ed., *Rerum Britannicarum ... scriptores* (1587), pp. 176–177; PL, 95:81–82.

3:148.e *Alfredus ... c.1.* William of Newburgh (12C historian), *Rerum Anglicarum libri quinque*, 1.1: "William, named the Bastard, still breathing threats and slaughter to the people, was rendered gentle by Aldred [reading Alfredus with edn. cited], Archbishop of York, who bound him with religious oaths (religiosis ... sacramentis) to conserve the commonwealth and protect ecclesiastical discipline (ecclesiastica disciplina)"; ibid., (1587), p. 357. For context, see H's Auto. Notes, 3:522.30–32 and n.

3:148.16–21 *By the Jews Festus ... commendable.* H has collapsed three Roman procurators of Judæa into two. Josephus's brief account of the administration of Festus (AD 60–62) is decidedly favorable, but he goes on to contrast the two succeeding governors in the way H describes. Albinus left no evil deed undone (οὐκ ἔστιν δὲ ἦν τινα κακουργίας ἰδέαν παρέλιπεν), yet his successor Gessius Florus made him seem by comparison most excellent (τοιοῦτον δὲ ὄντα τὸν ἀλβίνον, ἀπέδειξεν ὁ μετὰ τοῦτον ἐλθὼν γέσσιος φλῶρος, ἀγαθότατον κατὰ σύγχρονον); Josephus, *Iouanikēs ἀλώσεως λόγοι* (De bello Judaico), 2.24; Opera (1544), p. 738; Loeb, 2:428–431.
3:149.6 an odd kind ... Answer, The differences alleged between "the Bishops which now are" and "them which were" made up a special branch of objections to Elizabethan episcopacy that H will deal with in chaps. 14-15. In this chapter he is laying the groundwork for discussing whether contemporary bishops can properly be compared with men whom his opponents denied even to have been bishops, the apostles and evangelists and those who exercised authority in the church after them in the 2C and 3C.

3:149.21 shew ... Sovereignty, On the nature of sovereignty, see VIII.1.2 (3:318.3–320.12) and 5 (325.1–326.15), 3.2 (2.7 in Keble; 336.19–25 and n), and 3.3 (2.12 in Keble; 340.23–341.18); and Aristotle, Politics, 3.4–6 and 9–11. That "augmentation or diminution in their precincts, allowances, privileges, and such like" (150.14–15) makes only an accidental rather than an essential difference between one bishop and another would have seemed evident to H in part because of his "skill" in Aristotelian logic and metaphysics, in which the categories of quantity and quality have a distinctly lower place than that of substance, but such technically accidental differences were subjects of bitter controversy when H wrote.

3:150. Oi παπ' ... Suid. See Suidas, Lexicon, the entry for ἐπίσκοπος; ed. Adler (1967), 2:379. "Those who were sent by the Athenians into the cities subject to them to inspect what was being done in them. They were called ἐπίσκοποι and φύλακες; the Spartans called them ἁμοστάς." Κατέστησεν ... 1.2. Dionysius of Halicarnassus, Ρωμαιικής ἀρχαιολογίας (Antiquitates Romanorum), written for the author's fellow Greeks, 2.76: "He [Numa Pomplius, the second king of Rome, after dividing the whole country into districts,] appointed over each of these districts an official as overseer (ἐπίσκοπον) and visitor of his parts"; Scripta quae exstant, omnia (1586), p. 135; Loeb, 1:537. These men recorded which lands were well or ill cultivated and informed the king, who rewarded, reprimanded, or fined the farmers accordingly. me Vult ... ep. 11. "Pompey wishes me to be the superintendent (= ἐπίσκοπον) of the whole Campanian coast here, the one to whom the levy and the most important matters are referred." Cicero, Epistolae ad Atticum, 7.11; Opera (1588), 3:399; Loeb, 2:56–57.

3:150.23–25. The same word ... only, At Acts 20:28 Paul urges the elders of Ephesus: "Take hede ... to all the flocke, whereof the holie Gost hathe made you Overseers [ἐπισκόπους]." His Epistle to the Philippians is addressed "to all the Saintes in Christ Jesus which are at Philippi, with the Bishops [ἐπισκόποις], and Deacons." H agrees with the GB gloss: "By bishops here he meaneth them that had charge of the worde and governing, as pastours doctors, elders: by deacons, suche as had charge of the distribution, and of the poore and sicke." Titus 1:7 and 1 Pet. 5:2 (as in some sources) were also cited as examples of this general use of ἐπίσκοπος.

3:150.25–26 grew in short time ... alone, There is no clear example of ἐπίσκο-
3:151.1. *h some time first ... observed,* H’s rendering of Gen. 2:19 in h, with its suggestion that Adam’s choice of names for the animals followed upon a period of observation and reflection, is freer than that of GB: “[God] brocht them unto the man to se how he wolde call them: for howsoever the man named the living creature, so was the name thereof.” Compare BB: “The Lorde God ... brought it unto man, that he [man? God?] myght see, howe he woulde call it. For lykewyse as man hym selfe named every livyng thing, even so was the name thereof.”

3:152.3 *lame and an impotent* Proverbial; translating “manca et debils” (Keble); compare Shakespeare, *Othello*, 2.1.161 (Riverside Edn.): “O most lame and impotent conclusion.”

3:152.9 *the very nature* H’s definition of the “very nature” of the episcopal office arises from reflection on the nature of public affairs and a foreknowledge of the issues needing resolution in the following chapters. A full stop after “signified” at line 10 clarifies the sense.

3:152.31 *at large ... with restraint.* This terminology is H’s own. The office of bishop was sharply distinguished from those of apostle and evangelist in disciplinarian writings, with assignment to a particular place as one mark of a bishop. Thus, in a letter from the 1570s, widely circulated in England, Beza argues against Epiphanius’s designation of Timothy as a bishop: “For no man can deny that Timothie was one that accompanied Paule, and therefore no bishop assigned to any one certayne place, who was sent one while to this place, an other to that, for the establishing of the Churches: and finally, that he was an Evangelist, and not a bishop of any one certayne flocke”; *The judgement of a most reverend and learned Man from beyond the seas concerning a threefold order of bishops*, trans. [John Field] ([1585]; STC 2021), sig. A4’. Cartwright held that “Tymothe and Tytus ... were neyther Bysshoppes nor Archbyshoppes/ but Evangelistes”; *Repley* (hereafter, 1.), p. 91 [69]; Whitgift, *Defense* (1574), p. 326; PS, 2:133. Apologists for episcopacy always contended that bishops were successors to the apostles, and they commonly classed as bishops those apostles who exercised authority in a particular place (James in Jerusalem and Mark, according to tradition, in Alexandria), but they seldom called the apostles bishops, as H soon will in chap. 4, combining his previous definition of a bishop with the at-large/with-restraint terminology introduced here. Whitgift quoted Ambrose’s comment on Eph. 4:11-12 that “Apostoli episcopi sunt” (*Defense*, p. 230; PS, 1:494), but he made nothing of it. Saravia cites both Ambrose and a similar statement from Augustine, asserting “this is the common consent of
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all the fathers, that the office of a Bishop, and an Apostle or Evangelist are all one, only that the office of the one is more ample, and augoustious," but does not formulate H's distinction; *De diversis ministeriorum evangelli gradibus* (1590; STC 21746), chap. 20, p. 47; *Of the diverse degrees of the ministers of the gospell* (1591; STC 21749), p. 59. In effect H has converted the distinction between apostle and bishop into a difference between kinds of episcopacy. In contrast with Bilson, then, H does not make "singularitie in succeeding" an essential mark of the episcopate; see *Perpetual Governement* (1593), p. 244.

3:153.16 Inequality as touching . . . gifts  H is disingenuous in suggesting that his opponents were reluctant to acknowledge inequality of gifts and graces. As Whitgift had recognized, reward and reverence in accordance with gifts rather than official status was something the reformers sought: "... they would have him to be the best rewarded, and most reverenced, that hath the most and best gifts, which every one of these chiefe captaynes persuaded himselfe to have: so that in the end there would be as great a do (after their maner) which of them should be the chiefe, as ever there was betwixt the Bishop of Rome, and other Bishops, or betwixt Canterburie and Yorke in times past"; *Defense*, p. 299 (PS, 2:80); compare Cartwright's argument from gifts to offices, 1:87–88 [65–66]; Whitgift, *Defense*, pp. 316, 317; PS, 2:113–114, 116. H discusses gifts and offices in §§ 8–9 of V.78 and services, offices, and orders in §§ 10–13.

3:153.23–24 a priority of Order  In the system commonly proposed by the disciplinarians, the consistory of elders governing each parish was to elect a moderator or president each year; the same principle was to be followed in conducting local, regional, and national synods. The idea was proclaimed scriptural by Beza in his *Judgement* (sigs. B4″–5″, B8″–C1′, and C2′) and criticized as unwarranted and unreasonable by Anglican writers. Bilson, for example, thought rotating the presidency of provincial synods a questionable way to quench ambition: "To quench the desire of dignitie in one man; you inflame all the Pastours of everie province with the same disease" (*Perpetual Governement*, p. 405).

3:154.2–8 That one Minister . . . them, Not quotations but H's summary statements of the positions in dispute. Tract 1 of Whitgift's *Defense* (pp. 61–75; PS, 1:148–174), responding to Cartwright, 1:22–25 [10–13], was concerned with the question, "Whether Christ forbiddeth rule and superioritie unto the Ministers." In his *Second Repleie*, Cartwright found "nothing worthe the answere" in the first tract (p. 44) and dealt with the pertinent issues in his rebuttal of Whitgift's Tract. 8, on archbishops, metropolitans, bishops, archdeacons, etc. (*Defense*, pp. 297–473; PS, 2:77–437; Cartwright, 2:404–[666]).

3:154.14–17 The former . . . The latter  That is, the two sub-divisions of superiority "above" a subordinate specified at lines 10–14 (with "or" understood before "some" at line 12).

3:154.23–24 in the rest . . . lawful.  Cartwright, 1:109–110 [84–85] (Whitgift,
Defense, pp. 391–392; PS, 2:269–271): "And that it may appeare what superioritie it is/ which is lawfull amongst the minysters/ and what it is that M. Calvin speaketh of/ what also the fathers and councels doe meane/ when they geve more to the byshoppe of any one church/ then to the elder of the same church/ and that no man be deceived by the name of governoure or ruler over the rest/ to fancy any such authoritie and domination or Lordship/ as we see used in our church/ it is to be understood/ that amongst the pastors/ elders and deacons of every particulare church/ and in the meetinges and companies of the minysters or elders of dyvers churches/ there was one chosen by the voyces and suffrages of them all/ or the most part/ which did propound the matters that were to be handled . . . the which also gathered the voyces and reasons of those which had interest to speake in such cases/ whiche also did prounece according to the number of the voyces which were geven/ which was also the mouth of the rest/ to admonishe/ or to comfort/ or to rebuke sharply/ such as were to receive admonishment consolation/ or rebuke/ and which in a worde dyd moderate that whole action. . . . And if any man will call thys a rule or presidentship/ and hym that executeth thys office a president or moderator/ or a governour/ we will not strive/ so that it be with these cautions/ that he be not called simply governor or moderator/ but governor or moderator of that action/ and for that time/ and subject to the orders that others be/ and to be censured by the company of the brethren/ as well as others/ if he be judged any way faulty. And that after that action ended/ and meeting dissolved/ he sitte hym downe in hys olde place/ and set hym selfe in equall estate with the rest of the minysters. Thirdly/ that thys government or presidentship/ or what so ever lyke name you will geve it/ be not so tyed unto that minister/ but that at the next meeting it shall be lawfull to take an other/ if an other bee thought meeter." Cartwright goes on to propose the Council of Jerusalem (Acts 1:15–21) as a "lively image and perfect patern" of this order.

3:155.19 an Episcopal Office. Matthias is chosen to take the place of Judas at Acts 1:20–26: "Let another take his charge [τῇ ἐπισκοπῇ τῇ ἑαυτοῦ, v. 20; BB: 'his bishopricke']." When the lot fell on him, "he was by a commune consent counted with the Eleven Apostles" (v. 26).

3:155.21–22.k St. Cyprian . . . Bishops. "Deacons ought to remember that the Lord chose apostles, that is, bishops and leaders." This is in contrast with the diaconate, established by the apostles after the Lord's ascension into heaven when they appointed deacons for themselves as ministers of their episcopate and of the church ("apostoli sibi constituerunt episcopatus sui et Ecclesiae ministros"; Cyprian, epist. 3.9, Ad Rogatianum episcopum de superbo diacono; Opera (1563), p. 65; CSEL, 3.2:471, ACW, 43:56, and FOTC, 51:8 (epist. 3).

3:156.6 True it is . . . indefinite: The disciplinarians alleged the universal scope of the apostles' authority as a mark distinguishing their office from that of bishop, a point uncontested by writers defending episcopacy. But in accordance with his
distinction in chap. 2 between bishops at-large/with-restraint, H does not make territorial limitation a mark of episcopacy as opposed to apostleship, and in the present passage he assimilates the exercise of “episcopal” authority by the apostles to that of later bishops “with restraint” by emphasizing the divisions the apostles themselves appear to have set up in their spheres of activity. Hence he does not include universality of jurisdiction in his own enumeration of the special properties of the apostles at the end of chap. 4.

3:156.10–11 appear no impediment H is tentative here. His aim is not to enforce a definite view where evidence is lacking but to suggest that development of episcopacy “with restraint” can plausibly be understood to have begun among the apostles themselves.

3:156.n Him ... cap. 16. Eusebius, Ecles. hist., 3.16, in John Christopherson’s Latin trans. (3.23 in Greek text): “Eodem tempore ille ipse Apostolus pariter et Evangelista Joannes, quem Dominus Jesus summo erat amore complexus, adhuc in Asia vitam traducens, simul ac ab exilio, quod in insula pertulerat, post Domitian mortem reverteretur, ecclesias ibi administravit”; Historiae ecclesiasticae scriptores Graeci, (1570), p. 59; (1544), fol. 26; GCS, 9.1:236. Tertullian ... Marcion. Tertullian (c. 160–c. 225), Adversus Marcionem, 4.5 (not 3.5): “Habemus et Joannis alumnas ecclesias. Nam et si Apocalypsim ejus Marcion respuit, ordo tamen episcoporum ad originem recensus, in Ioannem stabit auctorem”; Opera (1566), 1:374; CCSL, 1:551; ANF, 3:350; ed. and trans. Evans (1972), 2:270. Tertullian argues that, even if the Gnostic Marcion rejects the Apocalypse (and hence the address to the angels, or bishops, of the seven Asian churches at Rev. 2–3, on which see 3:160.17–18), the successions of Asian bishops will still stand on John as their founder.

3:157.0 Jacobus ... Eccles. Jerome, Liber de viris illustribus, vel de scriptoribus ecclesiasticis: “James who is called the brother of the Lord was ordained Bishop of Jerusalem by the apostles immediately after the passion of the Lord”; Epistolae (1578), p. 119B; NPNF.2, 3:361, as chap. 2. H omits further identification of James as either Joseph’s son by another wife or the son of a sister of Mary (after “cognomento Justus”): “ut nonnulli existimant, Joseph ex alia uxore, ut autem mihi videtur, Mariae, sororis matris Domini, cujus Joannes in libro suo meminit, filius.” Eodem ... cap. 1. Eusebius, Ecles. hist., 2.1: τότε δήτα καὶ ἵμακω-βον πρῶτον ἱστοροῦσι τῆς ἐν ἱεροσολυμοῖς ἐκκλησίας τὸν τῆς ἑπίσκοπης ἐγχειρησθῆναι βρόντον. (1544), fol. 11"; GCS, 9.1:102, 104; “Then James ... is recorded to have been the first to be made bishop of the church of Jerusalem” (NPNF.2, 1:104). H follows Christopherson’s Latin, Historiae ecclesiasticae scriptores Graeci (1570), pp. 24–25.

3:157.6–8.p,q St. Pauls ... called. The passages cited in p and q concern the martyrdom of “the other James” (“James the Great”) and the calling of Barnabas, events not causally linked in the Acts narrative. On Paul’s miraculous calling, see
Acts 9:3–22. H’s suggestion that Paul was a replacement for James (“the Lord’s brother”) on the latter’s consecration as bishop of Jerusalem rests on the idea that “the gathering of the nations abroad” was a special task of the college of apostles. The sense requires insertion of “was” after “James.”


3:157.17–21.t **We are able . . . Smyrna.** Irenaeus, bishop of Lyons, *Adversus haereses*, 3.3: “Habemus annumerare eos qui ab Apostolis instituti sunt episcopi . . . Fundantes igitur et instruentes beati Apostoli Ecclesiam [Romae], Linus episcopatum administrandae Ecclesiae tradiderunt . . . Et Polycarpus . . . ab Apostolis in Asia, in ea quae est Smyrnis Ecclesia constitutus episcopus”; (1576), pp. 159–[160]; PG, 7:848; ANF, 1:416. Writing against the Gnostics, Irenaeus placed great weight on the historic episcopate. He was himself, he said, in a position to trace the apostles’ successors up to his own times, but since it would be tedious to do this for all the churches he would rout those who met in unauthorized assemblies by indicating the succession in the great and ancient church founded at Rome by the apostles Peter and Paul. In his youth he had himself seen Polycarp, who had been instructed by the apostles and conversed with many who had seen Christ. Linus appears first after Peter and Paul in all the early episcopal lists, but nothing else is known with certainty about him. Polycarp (69?–155?), bishop of Smyrna, was an important link between the apostolic age and the Christian writers of the late 2C (such as Irenaeus).


3:158.8.v **All . . . successors.** Jerome, epist. 85 [not 81], to Evagrius of Antioch


3:158.10—12.x From hence ... Apostles, Theodoret, commenting on 1 Tim. 3: "Eosdem olim vocabant Presbyteros et Episcopos, eos autem qui nunc vocantur Episcopi, nominabant Apostolos"; Beati Theodoret ... in ... Pauli Epistolae commentarius (1552), p. 512; PG, 82:804.

3:158.y Ipsius Apostolatus ... 7. "Of apostleship itself no succession. For the legation ends with the legate, nor does it pass to his successors." Thomas Stapleton (1535—1598), Principiorum fidei doctrinalium demonstratio methodica, 6.7 (1579), p. 218. Stapleton’s thesis in bk. 6 of the Demonstratio is that the "primary subject" in whom ecclesiastical power resides is the Roman pontiff as successor to Peter. In chap. 7 he concede...
Following Epiphanius in a passage H will describe as "in part but raw" (3:200.27-28.y), Bilson allows only that the apostles set up bishops only where fit men could be found (Perpetual Govenement, pp. 220-224), while Bancroft merely assures his reader (Survey, p. 79) that in particular congregations "you should have found a Priest ... [but] In Citties, where there were diverse such congregations ... then you should have found some Timothy a Bishop to governe them." Saravia, however, although a high episcopalian, does not dispute Jerome's assertion that the churches were governed at first "communi presbyterorum consilio"; De diversis ministerum ... gradibus, p. 51; "by the common counsell of the Elders"; Diverse Degrees, p. 64.

3:159.22.e Attendite gregi, The imperative to the presbyters in Acts 20:28 is plural (προσέχετε), their flock is singular (παντί τῷ ποιμνίῳ).

3:160.3-14 But ... trouble. In using Paul's prediction to the Ephesian presbyters of dissensions among themselves as an indication of the cause of instituting "everywhere" "Bishops with restraint," H endorses Jerome's account of the matter (see 3:160.31-161.8). Bilson thought it necessary to cite signs of dissension throughout the early church to argue that, since the need for resident episcopal authority had arisen in apostolic times, institution of the remedy was apostolic as well (Perpetual Govenement, pp. 229-230). Saravia, on the other hand, took Jerome to task for supposing that the apostles would have presumed to make a universal change in the Lord's disposition of things on account of the sins of one church (De diversis ministerum ... gradibus, p. 53; Diverse Degrees, p. [67], misnumbered 64). Bancroft (Survey, p. 384) believed that the apostles recognized the need for bishops and instituted them, but to refute Cartwright he is content to quote the weaker statement of the Lutheran Magdeburg Centuries: "by and by after the Apostles death, ... necessity compelled (the fathers then living) to ordaine certaine degrees of persons in the church and to conserve them. This is most directly against Cartwright's assertion [that the lay-eldership was flourishing in the time of Constantine]: although for mine own part (to note it by the way) I thinke the Apostles, knowing the necessity mentioned, had taken that order before. But to follow the said historie...." For the Magdeburg Centuries, see Mathias Flacius, Ecclesiastica historia ... secundum singulas centurias (1562-1569), 1 (centuria secunda): 125; for Cartwright, see 1:182, misnumbered 183 [145] (Whitgift, Defense, pp. 651-652; PS, 3:199-201) and The Rest of the Second Replie (hereafter, 3:) 67-68.

3:160.10 order of Jerusalem See 3:157.2-4 and o.

3:160.18.q entitled Angels. The book of Revelation is addressed to the seven churches of the province of Asia (Minor). Chapters 2 and 3 comprise particular messages to the angel of each church dictated to John when he was caught up in the Spirit. Anglican writers regularly cited these verses as scriptural witness and endorsement of hierarchy in the government of the early church. Bilson cites old and new authors in behalf of this interpretation as a preliminary to his own development of it (Perpetual Govenement, pp. 289-290).
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3:160.18 perhaps be answered This nonprelatical exegesis is suggested by the GB gloss to Rev. 2:1: “To the Pastor or minister which are called by this Name, because they are Gods messengers, and have their office commune with Jesus Christ who also is called an Angel.”

3:160.30.h Ecclesia est in Episcopo, Cyprian, epist. 4.9, Ad Florentinum, quem et Puppianum: “The church is in the bishop”; Opera (1563), p. 106; CSEL, 3.2:733, ACW, 46:121, and FOTC, 51:229 (epist. 66): “Unde scire debes episcopum in Ecclesia esse, et Ecclesiam in episcopo; et si sum episcopo non sit, in Ecclesia non esse”; “You ought to know that the bishop is in the church and the church in the bishop and that if anyone is not with the bishop he is not in the church.” This important letter, already cited at 3:158.9–10, is discussed in detail by H in chap. 16.6 (246.13–247.10). On the question of what Cyprian meant by a bishop, see chap. 13.2.

3:160.31–161.8.i That where ... whereof, Jerome, epist. 85, to Evagrius: “Nam cum Apostolus perspicuè doceat, eodem esse presbyteros, quos et episcopos: quis patiatur mensuram et viduarum minister [diaconus], ut supra eos se tumidus esse ... Quòd autem postea unus electus est, qui cæteris praeponeretur, in schismatis remedium factum est: ne unusquisque ad se trahens Christi Ecclesiam rumperet”; Epistolae (1578), p. 310B; CSEL, 56:308–310 (epist. 146); “For when the apostle clearly teaches that presbyters are the same as bishops, must not a mere server of tables and of widows [a deacon] be insane to set himself up arrogantly over [them]? ... When subsequently one presbyter was chosen to preside over the rest, this was done to remedy schism and to prevent each individual from rending the church of Christ by drawing it to himself”; NPNF.2, 6:288. See § 6 (3:164.3–165.17) for context.

3:161.8–15 whether the Apostles ... God, The uncertainties expressed here about the origin of episcopacy as the church’s universal form of government were more troublesome to both high episcopalians and disciplinarians than they were to H. More characteristic are his emphasis on the authority of “the whole Church” and claims to implicit divine approval for reasonable human decisions in ecclesiastical matters; see § 8 (3:166.16–168.35) for his reconciliation of some of the competing views.

3:161.16–18.j Jewish regiment, ... Jethro. Seeing Moses occupied from morning to evening personally hearing every dispute that arose among the people, his Midianite father-in-law proposes in Exod. 18:19 the system of rulers over thousands, hundreds, fifties, and tens which the Israelites followed in their wandering in the Sinai.

3:161.23–26.k a principle, ... Authors of it. Augustine, epist. 118, to Januarius: “Illa autem quae non scripta, sed tradita custodimus, quae quidem toto terrarum orbe observantur, dantur intelligi vel ab ipsis Apostolis vel plenaris conciliiis, quorum est in ecclesia saluberrima autoritas, commendata atque statuta retineri”;
Book VII, Chapter 5.2-5.6

Opera (1569), 2:556; CSEL, 34.2:159-160, and NPNF.1, 1:300, as epist. 54. "Now those things which are not in Scripture but which we keep by tradition, which are indeed observed through the whole world, must be understood to be commended and established for retention by the apostles themselves or by general councils, whose authority in the church is most wholesome." The application of Augustine's principle to the apostolic origin of episcopal authority is H's. In the cited passage Augustine instances the universal observance of Good Friday, Easter, Ascension Day, and Pentecost, in contrast with customs concerning fasting or daily communion, which vary from place to place. Whitgift discussed the passage in connection with the church's authority in things indifferent; Defense, pp. 103-109; PS, 1:230-243. Compare IV.2.2 and i (1:277.28-278.4 and n, above).

3:162.8-14.1 It was for . . . Bishop. Jerome, epist. 85 to Evagrius; Epistolae (1578), p. 310B; CSEL, 56:310, and NPNF.2, 6:288, as epist. 146. For the full text and H's exegesis, see 3:164.9-165.17, below. Heraclas was bishop at Alexandria from 230 to 247; Dionysius the Great succeeded him, dying about 264; according to Eusebius, Mark was bishop from 54.


3:163.1-3 Who doth not . . . Alexander, The succession of Maximus through Peter (265-311) is recorded in Eusebius, Hist. ecles., 7.11 and 32. The succession of Peter through Alexander (300-328) is in Socrates, Hist. ecles., 1.5, just before the passage next quoted by H.

3:163.4-10.n it fortunated . . . Bishop. Socrates, Eccles. hist., 1.3 in Christopherson's Latin translation (1.5 in the Greek). Historiae eclesiastiae scriptores Graeci (1570): "Et quodam tempore praeentibus presbyteris qui sub ipso erant, reliquo' que clero, curiosius aliquanto dissertet et subtilius de sancta Trinitate, unitatem'que in Trinitate esse divinitus philosophatur. Arius autem unus ex presbyterorum numero qui erant sub Alexandria in eo gradu locati . . . acerbè aspere'que . . . illis quae ab episcopo dicta erant, occurrit"; p. 391. Eccles. hist. (1544): καὶ ποτε παρόντων τῶν ὑπ' αὐτόν πρεσβύτερων, καὶ τῶν λοιπῶν κληρικῶν, φιλοτιμότερον περὶ τῆς ἁγίας τριάδος, ἐν τριάδι μονάδα εἶναι φιλοσοφῶν ἐθεολόγει. ἀρείος δὲ τις πρεσβύτερος τῶν ὑπ' αὐτῷ ταπτομένων . . . γοργῶς ὑπακήνησε πρὸς ταῖς παρὰ τοῦ ἐπισκόπου λεχέντα. (1544), fol. 171'; ed. Hussey (1853), 1:10-11; NPNF.2, 2:3. In Socrates' account, this incident was the beginning of the Arian controversy. For H's view of the sequel, see Supplement I, The Causes of These Contentious, 3:457.11-12 and n.

3.163.0 Ignatius . . . Hero The spurious Ignatian epistle Πρὸς Ἡρωνα, is addressed to Hero as a deacon of Christ, Ἡρωνι διακόνῳ Χριστοῦ; in it Ignatius is made to express the belief that God will show him, Hero, on his, Ignatius's, throne: πιστεύω . . . ὅτι δεῖξε μοι ὁ θεὸς Ἡρων ἐπὶ τοῦ θρόνου μου. Ignatius, Epistolae (1558), p. 113; Lightfoot, ed., The Apostolic Fathers, 2.3:248; ANF, 1:
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3:164.9–165.17 An attendant, . . . themselves. In his distinctively full and circumstantial presentation of this incessantly cited text, Jerome’s epist. 85 to Evagrius, H omissions a series of NT authorities for the identity of presbyters and bishops in the early church and some details of the situation at Rome that had called forth Jerome’s letter; at 3:164.14–15, 165.1–3, and 165.7–8 he interpolates some exegesis of his own; and at 164.27–33 he provides a summary paraphrase rather than a translation: "Nam cum Apostolus perspicue doceat, eodem esse presbyteros, quos et episcopos [marg., Act. 6]: quis patiatur mensurum et viduarum minister, ut supra eos se tumidus offerat, ad quorum preces Christi corpus sanguisque conficitur? . . . Quòd autem postea unus electus est, qui caeteris praeponetur, in schismatis remedium factum est: ne unusquisque ad se trahens Christi Ecclesiam rumperet. Nam et Alexandriæ à Marco evangelista usque ad Heraclam et Dionysium episcopos, presbyteri semper unum ex se electum, in excelsior gradu collocatum, episcopum nominabant: quo modo si exercitus imperatorem faciat; aut diaconi eligan de se, quem industrium noverint, et archidiaconum vocent. Quid enim facit, excepta ordinatione, episcopus, quod presbyter non faciat? Nec altera Romanae urbis Ecclesia, altera totius orbis existimanda est. Et Galliae, et Britanniae, et Africa, et Persis, et Oriens, et India, et omnes barbaræ nationes unum Christum adorant, unam observant regulam veritatis. Si auctoritas queritur, orbis maior est urbe. Ubicumque fuerit episcopus, sive Romae, sive Eugubii, sive Constantinope, sive Rhegii, sive Alexandriæ, sive Tanis; ejusdem meriti, ejusdem est et sacerdottii. Potentia divitiarum, et paupertatis humilitas, vel sublimiorem, vel inficiorem episcopum non facit. Caeterum omnes apostolorum successores sunt. Sed dicis, quo modo Romæ ad testimonium diaconi presbyter ordinatur? quid mihi proferis unius urbis consuetudinem? . . . Diaconos paucitas honorabiles, presbyteros turba contemptibiles facit. Caeterum etiam in ecclesia Romae presbyteri sedent, et stant diaconi. . . . Qui provehitur, de minori ad majus provehitur. Aut igitur ex presbytero ordinatur diaconus, ut presbyter minor diaconum comprobetur, in quem crescit ex parvo: aut, si ex diacono ordinatur presbyter, noverit se lucris minorem, sacerdotio esse maiorem. Et, ut sciamus traditiones apostolicas sumptas de veteri testamento [marg., Lev. 8. Num. 3.4. 1 Par. 9.2.]; quod Aaron, et filii ejus, atque levitae in templo fuerunt, hoc sibi episcopi, et presbyteri, et diaconi vindicent in ecclesia’; Epistolae (1578), pp. 310B–311A; CSEL, 56:308–312, and NPNF.2, 6:288–289, as epist. 146. “For when the apostle clearly teaches that presbyters are the same as bishops, must not a mere server of tables and of widows be insane to set himself up arrogantly over men through whose prayers the body and blood of Christ are produced? . . . When subsequently one presbyter was chosen to preside over the rest, this was done to remedy schism and to prevent each individual from rending the church of Christ by drawing it to himself. For even at Alexandria from the time of Mark the Evangelist until the episcopates of Heraclas and Dionysius the presbyters always named as bishop one of their own number chosen by themselves
and set in a more exalted position, just as an army elects a general, or as deacons appoint one of themselves whom they know to be diligent and call him archdeacon. For what function, excepting ordination, belongs to a bishop that does not also belong to a presbyter? It is not the case that there is one church at Rome and another in all the world beside. Gaul and Britain, Africa and Persia, India and the East worship one Christ and observe one rule of truth. If you ask for authority, the world outweighs its capital. Wherever there is a bishop, whether it be at Rome or at Engubium, whether it be at Constantinople or at Rhegium, whether it be at Alexandria or at Zoan, his dignity is one and his priesthood is one. Neither the command of wealth nor the lowliness of poverty makes him more a bishop or less a bishop. All alike are successors of the apostles. But you will say, how comes it then that at Rome a presbyter is only ordained on the recommendation of a deacon? . . . Their fewness makes deacons persons of consequence while presbyters are less thought of owing to their great numbers. But even in the church of Rome the deacons stand while the presbyters seat themselves. . . . Again when a man is promoted it is from a lower place to a higher. Either then a presbyter should be ordained a deacon, from the lesser office, that is, to the more important, to prove that a presbyter is inferior to a deacon; or if on the other hand it is the deacon that is ordained presbyter, this latter should recognize that, although he may be less highly paid than a deacon, he is superior to him in virtue of his priesthood. In fact as if to tell us that the traditions handed down by the apostles were taken by them from the old testament, bishops, presbyters and deacons occupy in the church the same positions as those which were occupied by Aaron, his sons, and the Levites in the temple"; NPNF.2, 6:288–289.

3:165.24 We have before alluded At 3:157.o.


3:166.12–16 As therefore . . . Church. Jerome, ibid.: "Sicut ergo presbyteri sciunt se ex ecclesiae consuetudine ei qui sibi praepositus fuerit esse subjectos: ita episcopi noverint se magis consuetudine quam dispositionis dominicae veritate, presbyteris esse majores: et in commune debere ecclesiam regere"; Opera (1516), 9:120H; PL, 26:563.
3:166.16–168.35 To clear the sense... them. The critical comment appearing near the beginning of this discussion of Jerome in Gauden's text (see textual note and commentary at 3:166.25) indicates the importance of the issues involved: "This answer to Saint Jerom, seemeth dangerous..." The apparent danger may be gathered from the italics in Gauden at 166.25–167.27 ("Now whereas... thereof.") and 168.11–25 ("And therefore... themselves;"), which Keble plausibly conjectured reflect underlining in the manuscript by H's critic. In these passages episcopacy is described as a "Regiment... positive, and consequently, not absolutely necessary, but of a changeable nature," and "the whole body of the Church" is proposed as competent to change this institution, for it "hath power to alter with general consent... even the positive laws of the Apostles." Each passage might have been thought to pose a distinct danger. Although earlier Anglican apologists were content to let episcopacy depend, finally, on the will of the sovereign, a reader in H's circle—the critical comment recalls the manner of Edwin Sandys's notes on Book VI (see 3:559)—may well have felt that the generally firmer basis for episcopal authority provided in Book VII was weakened by describing the institution as "positive," that is, as dependent for its validity on the will of a contemporary lawgiver rather than on its own intrinsic rightness or on immemorial tradition. Thus this passage may have struck H's critic as an ill-advised reversion to the view characteristic of establishment writings prior to Bancroft's sermon of 1588/89. The second italicized passage would be liable to a different objection, for it specifies in an apparently radical way the authority competent to alter such an institution as episcopacy. It identifies "the whole body of the Church" as the proper legislative authority in such matters, and this may have seemed a risky concession to disciplinarian populism.

However dangerous this answer to Saint Jerome may have seemed to H's critic, the position taken here is quite characteristic of H himself. The principle that the church has power to abrogate positive law, even divinely instituted positive law, is defended forcefully and at length in the final two chapters of Book III, and with the same conditions as are stated here in Book VII. There must be no divine commandment expressly forbidding change of the law in question, and it must be clear that altered circumstances have taken away the reason for the law's initial institution. The location of authority in the general consent of the whole body of the church is suggested in Book I and developed in Book VIII. H's exposition of Jerome in no way contradicts the view that episcopal government of the church is of apostolic origin and divine inspiration, a view put forward in this very passage as well as at the end of the chapter. This is the view to which H strongly inclines, although he never asserts it without qualification. His point in imputing a more fundamental authority to the whole body of the church than to its leaders is that, even on a jure divino view of episcopal origins—even if one believes "the Authors of Episcopal Regiment to have been the very blessed Apostles themselves, directed..."
therein by the special motion of the Holy Ghost" (168.30–32)—there is no warrant for an irresponsible episcopate with immutable institutional authority.

H’s extended criticism of the faults of contemporary bishops at the beginning of chap. 24 and his account of the public benefits of prelacy in chap. 18 take on added significance in the light of this apostolic but non-necessary conception of episcopal authority. Such weighing of faults and benefits would have little import if the institution under review were understood to be prescribed by God as immutable. In sum, this dangerous-seeming answer to Jerome would seem to be authentically H’s. The passage from Jerome brought up as an objection to H’s position on episcopacy may indeed have seemed to him “reasonable, sensible, and plain” when interpreted in accordance with his own principles.

H’s detailed and favorable exposition of Jerome is unusual. Whitgift ignored the passage when it was brought forward by Cartwright, 1:104 [79] (Whitgift, Defense, pp. 370–371; PS, 2:225–228). Saravia ranged Jerome (“hallucinating”) with the heretic Aerius (on whom see chap. 9), while he himself stood with the consensus of all the churches of the world in agreement with Scripture: “apud me plus valet consensus universalis omnium totius orbis ecclesiarum consentiens cum verbo Dei, quâm Aerii haeretici, aut Hieronymi allucinantis in verborum ambiguitate [having lost himself in the ambiguity of doubtful words], et primorum temporum ecclesiae conditione”; De diversi ministeriorum . . . gradibus, p. 56; Diverse Degrees, pp. [71–72], misnumbered 68–69. Bilson offers two interpretations of Jerome, neither of which faces the implication of mutability in the idea of episcopacy as based on the consent or custom of the church (Perpetual Government, pp. 216, 221–222).


3:169.17–20 Catalogues . . . collected, Eusebius, Eccl. hist., 2.23–24; 3.2, 4, 11, 13–15, 21–23, 34–36; 4.1, 4–5, 10–11, 19–20; 5.9, 12, etc. Socrates, Eccl. hist., carries on the record of episcopal successions through the 4C and early 5C.

3:169.29–170.1 And what need . . . not? This argument, apparently H’s own, has an almost disciplinarian ring to it; compare the anti-episcopal argument stated
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at 3:212.24–30 and answered at 216.26–217.4. Saravia took it as axiomatic that the apostles established nothing in the church which they had not received from the Lord. De diversis ministerorum . . . gradibus, pp. 48, 12; Diverse Degrees, pp. 60, 11.

3:170.3–5.t The Eunuch . . . High. Acts 8:26–39. Although Philip the Evangelist was under close direction of the angel or Spirit of the Lord through this episode, the Ethiopian Eunuch was baptized at his own instance.

3:170.23.w A Bishop, . . . Superior, In epist. 19, Ad Hieronymum, Augustine, a bishop, is concerned both to mollify Jerome, a presbyter, concerning rumors of his disapproval of Jerome's translation of Scripture and yet to induce him to consider questions about his sources which still seem unresolved. Accordingly, although he asserts that the episcopate is "greater" than the presbyterate according to honors in the usage of the church, the apparent emphasis is rather on Augustine himself being "less" than Jerome in many things; yet he concludes by suggesting that correction "even from a lesser" is not to be evaded or disdained by anyone: "Quanquam enim secundum honorum vocabula, quae jam ecclesiae usus obstinuit, episcopatus presbyterio major sit: tamen in multis rebus Augustinus Hieronymo minor est, licet etiam à minore quolibet non sit refugienda vel dedignanda correctio"; Opera (1569), 2:84; CSEL, 34.2:385, and NPNF.1, 1:361, as epist. 82.

In the tract De haeresibus ad Quodvultdeum, chap. 53, the presbyter Aerius (not to be confused with Arius) is said to have fallen into heresy from grief that he could not be ordained bishop and to have held that "no difference" ought to be recognized between presbyter and bishop ("Dicebat etiam presbyterum ab Episcopo nulla differentia debere discerni"); Opera (1569), 6:25; CCSL, 46:323–324. On Aerius as the first to gainsay episcopal government, see chap. 9.

3:170.27–171.5 Priests in the law . . . other. The twofold division of the bishop's preeminence over presbyters in chap. 6 corresponds with H's earlier distinction between superiority of power "above" and superiority of power "upon" other ministers (chap. 3.1). In assimilating the bishop's power to ordain presbyters to the liturgical functions reserved to the high priests of the OT and in setting it off from the coercive judicial power of bishop over presbyter after ordination, H begins his demonstration of episcopal superiority on as nonauthoritarian a note as possible.

3:171.11–15.x The custome . . . hath, The bishops' role in consecrating widows to the service of the church is perhaps implicit in the fact that pertinent instructions are addressed to Timothy, whom H took to have been a bishop (see chap. 4.2); 1 Tim. 5:9–15 is concerned with the choice of suitable candidates for such consecration and especially with the preferability of older widows to young ones. 1 Cor. 7:25–40, a Pauline commendation of celibacy over marriage, refers to virgins but has nothing concerning their consecration by bishops.

3:171.15.y latter consonant evidence Tertullian, De velandis virginibus, chap. 9, refers to a virgin of less than twenty years being placed in the order of widows and
comments that if the bishop had been bound to provide for her, he could have done so in some other way: "Cui si quid refrigerii debuerat episcopus, aliter utique...praestare potuisset"; Opera (1566), 2:67; CCSL, 2:1219; ANF, 4:33.

3:171.26.z as Epiphanius fitly disputeth. Epiphanius made this oft-quoted comparison in refutation of Aeriuss's denial of any difference between bishop and presbyter: ὅτι μὲν ἀφροσύνης ἐστὶ τὸ πάν ἐμπλεον, τοῖς σύνεσιν κεκτημένοις τοῦτο δήλον. τὸ λέγειν αὐτὸν ἐπίσκοπον καὶ πρεσβύτερον ἵσον εἶναι, καὶ πῶς ἔσται τοῦτο δυνατὸν; Ἡ μὲν γὰρ ἐστὶ πατέρων γεννητικὴ τάξις, πατέρας γὰρ γεννᾷ τῇ ἐκκλησίᾳ. ἡ δὲ πατέρας μὴ δυναμένη γεννάν, διὰ τῆς τοῦ λουτροῦ παλινγενεσίας, τέκνα γεννὰ τῇ ἐκκλησίᾳ, οὐ μὲν πατέρας ἢ διδασκάλους. Contra octoginta haereses, Adversus Aerium, Heresy 75; (1544), p. 386; GCS, 37:336; PG, 42:507–508; "that the whole thing is quite full of folly, this is clear to those who have acquired understanding. It is said that the bishop and the presbyter are equal, but how is this possible? For the one is of a rank procreative of fathers, for he begets fathers for the church. The other, not being able to beget fathers, begets children for the church through the regeneration of baptism [compare Tit. 3:5], but certainly not fathers or teachers" (trans. J. S. Lee).

3:171.31 they considered not H's moderate claim for the exclusive power of bishops to ordain is based more on tradition than on deeper theological principle. Compare his position here with his later discussions (in chap. 14.7–12) of the non-necessity of direct popular consent in the election and ordination of ministers and, conversely, the validity in some circumstances of non-episcopal ordination.


3:172.5–9.b Titus ... them. In Titus 1:5 Titus is charged to "ordeine Elders in everie citie" and in 1 Tim. 5:22 Timothy is advised (apropos of ordination): "Lay hands suddenly on no man."

3:172.c Apud Aegyptum ... Ephes. "In Egypt presbyters confirm if the bishop is not present." Pseudo-Ambrose, Commentarii in Epistolam beati Pauli ad Ephesios, printed in Ambrose, Opera (1569), col. 2003; CSEL, 81.3:100. For the full passage see VIII.7.2 (3:414.1–6).

3:172.16 Here ... objected No appeal to the cited canon is found in Cartwright or Travers, but see Cartwright's assertion, 2:274, that "not so much as the ordination/ can by the testimonie of thauncient fathers/ or councelles agree unto one bishop onely," which he supports by reference to other sources for African church practice.

3:172.16–20 Here ... the ordained. The list of canons traditionally ascribed to a "Fourth Council of Carthage" held in 398 is based on a Gallic source of around
475 (CCSL, 149:342). Canon 3 prescribes that at a presbyter's ordination, as the bishop blesses him and holds his hand over his head, all the presbyters who are present shall also hold their hands over the candidate's head near the bishop's: “Presbyter quum ordinatur, Episcopo eum benedicente, et manum super caput ejus tenente, etiam omnes presbyteri, qui praesentes sunt, manus suas, juxta manum episcopi super caput illius tenent”; *Concilia* (1585), 1:759; CCSL, 149:344. An essential role for presbyters in ordination was also claimed on the basis of 1 Tim. 4:14 (see chap. 9.3). For a fuller discussion, see Bilson, *Perpetual Government*, pp. 250–258.

3:172.25–27 **With us . . . present.** The Edwardian ordinal of 1552, reauthorized implicitly in the 1559 Act of Uniformity and explicitly in 1566, provided that, “when this prayer is done, the Bishopp with the priestes present, shal lay theyr handes severally upon the head of every one that receiveth orders. The receivers humbly knelyng upon their knees, and the Bishop saying. Receive the holy gost . . .”; *The fourme and maner of makynge and consecratrynge, Bishoppes, Priestes, and Deacons*, printed with *The Boke of Common Prayer* (1552), sig. 2B7”. See Clay, ed., *Liturgal Services*, PS (1847), p. 292.


3:173.11 **the Nathiniers** Ezra 8:20 (GB: “Nethinims”).

3:173.24–28.g **Priests, saith Josephus, . . . God.** τούτων θεραπεύουσι μὲν διὰ παντὸς οἱ ιερεῖς, ἥγεται δὲ τούτων ὁ πρῶτος ἅει κατὰ γένος. οὗτος μὲν πρὸ τῶν ἄλλων ιερέων [Loeb: μετὰ τῶν συνιερέων] θύσει τῷ θεῷ, φυλάξει τοὺς νόμους, δικάσει περὶ τῶν ἀμφισβητούμενων. κολάσει τοὺς ἑλεγχθέντας επ’ αὐτῶν. ὁ δὲ γε τούτῳ μὴ πειθόμενος, ὕψει δίκην ὡς εἰς τὸν θεόν αὐτὸν ἁσβεῖν” Josephus, *Περὶ ἀρχαιότητος Ἰονᾶδων κατὰ Ἀπίλωνος* (On the Antiquity of the Jews or Against Apion), bk. 2; *Opera* (1544), p. 948; Loeb, pp. 370–371. The Loeb text, which has the high priest sacrificing to God, safeguarding the laws, and judging disputes and punishing those convicted of crimes with his colleagues or fellow priests (μετὰ τῶν συνιερέων) provides less support for H than the 1544 text, in which the high priest performs these functions before the other priests (πρὸ τῶν ἄλλων ιερέων), although the high priest's leadership is affirmed in both texts (ἡγεῖται δὲ τούτων ὁ πρῶτος ἅει κατὰ γένος).

3:173.28–29 **unto this they answer,** In his *Replye Cartwright thus explained why the use of OT institutions as models for the church, a procedure the disciplinarians considered generally sound, was invalid with reference to the monarchical authority of the high priest: “And where he [Whitgift] saith/ that there was then which was called highe priest/ and was over all the rest: he did well know that the cause ther- of was/ because he was a figure of Christe/ and dyd represent unto the people/
the cheefetye and superioritye of oure savioure Christe whych was to come/ and that oure savioure Christe being come/ there is nowe no cause why there should be any suche preheminence given unto one: and further/ that it is unlawfull that there shoulde be any suche/ unles it be lawfull to have one head byshop over all the church"; 1:119 [92], quoted by Whitgift, Defense, p. 428 (PS, 2:346–347).

3:174.5–9 Tell the Anabaptist ... Christ. Guy de Brès, La racine, source et fondement des Anabaptistes (1565), p. 822: “Plusieurs de nos Anabaptistes pensent bien eschapper de tant de tesmoignages qui sont contr'eux, disant, que tous ces tesmoignages sont prins du vieil Testament, et qu'ils ne doyvent avoir lieu au Nouveau, entant que nostre Seigneur requiert une perfection plus grande en l'Eglise Chrestienne, qu'il n'a pas fait au peuple Judaique.” On de Brès's La racine, H’s principal source for Pref. 8, see Intro. to The Preface, pp. 70–71, and 1:42.15–49.30 and nn, above. On the Anabaptists’ interpretation of the old Jerusalem as a “figurative resemblance” of the new Jerusalem they were to establish and their use of OT wars as models for their own, eventually violent, attempts to establish the kingdom of Christ, see 1:48.6–26 and nn.

3:174.9 Tell the Barrowist Not found in the separatist Henry Barrow (executed, 1593), but in discussing Barrow’s answer to the question whether the queen might make laws for the church, George Gifford (d. 1620) attributed to Robert Browne, “the roote of this heresie,” the following position: “The kingdome of Christe is spirituall, and not set up by the arme of flesh and blood, but by the Holy-ghost. The Subjects of Christe come willinglye of theyre owne accord, and not by compulsion. None of all the godlye Kinges, durst compell any to the worship of God. And that all the Kings of Juda, which did reforme religion, did it by a spirituall power, as being figures of Christ”; A short treatise against the Donatists of England, whome we call Brownists (1590; STC 11869), p. 107. On the separatists see Pref. 8.1–5 and nn.

3:174.12 Tell the Martinist Not found in the Marprelate tracts, on which see above, Intro. to The Preface, pp. 23–25.

3:174.30–33.h St. Cyprian ... it. Writing to a bishop who had complained of the insolence of one of his own deacons, Cyprian assures him of his authority to punish such men, citing Deut. 17:12–13 and other OT precepts and examples concerning the divine authority of priests and God’s wrath towards those who despise it. He cites Paul’s reverence for the office of high priest (Acts 23:4–5) and the honor shown by Christ himself to high priests and priests who neither recognized him nor feared God. Cyprian, epist. 3.9, Ad Rogatianum episcopum de superbo diacono; Opera; (1563), pp. 64–65; CSEL, 3.2:469–471, ACW, 43:54–56, and FOTC, 51:6–8, as epist. 3.

3:174.33–175.5.i St. Jerome ... themselves. Jerome, epist. 85, to Evagrius; Epistolae (1578), p. 311A, end of the passage quoted in chap. 5.6 (3:164.9–165.17 and n, above).
Commentary

3:175.6–11.7 Ignatius ... Church. The phrase ἵππατεόειν καὶ ἀρχεῖν ("to function as a priest and to rule") is from an interpolation in Ignatius's epistle to the Smyrnaeans; Epistolae (1558), p. 87; Lightfoot, ed., The Apostolic Fathers, 2.3:224; ANF, 1:90. But the definition of a valid Eucharist as one celebrated by the bishop or his representative and the prohibition of baptism apart from the bishop are in the genuine part of the letter: μηδεὶς χωρὶς ἐπισκόπου τι πρασσέτω τῶν ἀνηκόντων εἰς τὴν ἐκκλησίαν. ἐκεῖνη βεβαια εὐχαριστία ἡγείσθω, ἀ πό τὸν ἐπίσκοπον οὖς, ἥ ὁ ἀν αὐτὸς ἐπιτρέψῃ ... οὐκ ἔξιν ἐστὶν χωρὶς τοῦ ἐπισκόπου, σὺτε βαπτίζεῖν. (1558), pp. 86–87; Bihlmeyer, ed., Die apostolischen Väter (1924), p. 108; Robert M. Grant, Ignatius of Antioch (1966), pp. 120–121. H quotes the interpolated passage more fully in VI.2.1 (3:4.1) and refers to it in chap. 16.8 (249.7–8).

3:175.16–19.1 Ignatius ... σκένδομαι. From the spurious Ignatian epistle to the Christians of Antioch, Ignatius's own city, quoted above at 3:157.21–23; Epistolae (1558), p. 104; Lightfoot, ed., The Apostolic Fathers, 2.3:238; ANF, 1:111: "Presbyters, feed the flock which is among you, until God points out who is to rule you. For I am now ready to be sacrificed."

3:175.20 death of Fabian In AD 250; see 3:40.25–28 and nn, above.

3:175.24–26.m That they must ... things. The letter is printed with Cyprian's epistles, as epist. 2.7, Cleri Romani ad Cyprianum: "Quanquam nobis differendae hujus rei necessitas major incumbat, quibus ... nondum est episcopus ... constitutus, qui omnia ista moderetur"; Opera (1563), p. 50; CSEL, 3.2:553, ACW, 44:32, and FOTC, 51:78, as epist. 30. The reference to God's sending a new bishop in H's version is supported by a corresponding phrase later in the letter: "interim dum episcopus dari a Deo nobis sustinetur"; (1563), p. 51; CSEL, 3.2:556; ACW, 44:32; FOTC, 51:78. "Meanwhile, while waiting for a bishop to be given us by God."

3:176.1–2.n The custom is, ... fast. Tertullian, De jejunii adversus Psychicos, chap. 13; Opera (1566), 2:524; CSEL, 20:291; ANF, 4:111. The "psychics" were the main body of the church, whom Tertullian came to regard as soulish or natural-minded, in contrast (1 Cor. 2:14) with the spiritual men of the Montanist movement, who properly recognized the Holy Spirit. On Tertullian and the Montanists, see 1:159.z.4.n, above.

3:176.2–5.o Yea, ... Bishops. Cyprian does not explicitly consider "our own free will" as a basis for episcopal authority (although in the passage from Tertullian just cited a contrast is drawn between our own choice and the bishop's decision as a basis for fasting), and the idea that every act of the church should be governed by her bishops is not presented by Cyprian as an explicit commandment of Christ but rather as a deduction from Matt. 16:18 ("Thou art Peter ... and on this rock I will build my church"). H's rendering is, however, faithful to the spirit of the passage, which makes episcopacy part of the very definition or nature (ratio) of the

3:176.5–9 An Argument ... secure. This distinctively political inference as regards the authority of bishops in the early church is peculiar to H among Anglican writers.

3:176.12–15.p By these letters, . . . require. "His literis et hortor et mando; ut vos, quorum minimé illíc invidiosa et non adé periculo sa praesentia est, vice mea fungamini circa gerenda ea, quae administratio religiosa depositi"; Cyprian, epist. 6, Presbyteris et diaconis sratribus; Opera (1593), p. 17; CSEL, 3.2:510, ACW, 43:87, and FOTC, 51:41, as epist. 14. The reference to "Ep. 39" is faulty; see 3:182.18–28.f.n, below.

3:176.p Vide Ignat. ad Magnes. Ignatius of Antioch, to the Magnesians: παρα-ινώ, ἐν ὁμονοίᾳ θεοῦ σπουδάσατε πάντα πράττειν, προκαθημέου τοῦ ἐπισκόπου εἰς τοὺς θεοῦ καὶ τῶν πρεσβυτέρων, εἰς τόπον συνεδρίου τῶν ἀποστόλων· καὶ τῶν διακόνων τῶν ἐμοὶ γιλκυτάτων, πεπιστευμένων διακονίαν Ἰησοῦ Χριστοῦ. Epistolae (1558), p. 27; Bihlmeyer, ed., Die apostolischen Väter, p. 90. "I exhort you: be eager to do everything in God's harmony, with the bishop presiding in the place of God and the presbytery in the place of the council of the apostles and the deacons, most sweet to me, entrusted with the service of Jesus Christ"; Grant, Ignatius of Antioch (1966), pp. 60–61. ὑποτάγητε τῷ ἐπισκόπῳ, καὶ ἀλλήλοις, ὡς ὁ Χριστὸς τῷ πατρί. (1558), p. 35; Bihlmeyer, p. 92; "Be subject to the bishop and to one another, as Christ was subject to the Father"; Grant, p. 66.

3:176.q Quod . . . Nepotianum. Jerome, epist. 2, Ad Nepotianum; Epistolae (1578), p. 5B: "Let us know bishop and presbyter to be as Aaron and his sons"; CSEL, 54:427, and NPNF, 2, 6:93, as epist. 52. See § 10 (3:180.7–15) for the full passage.

3:176.r Ia est ut . . . Hieron. "And so you may recognize the Lord in bishops, the apostles in presbyters." De septem gradibus ecclesiae (De septem ordinibus ecclesiae in running heads of edn. cited) in Jerome, Opera (1516), 2:48C (PL, 30:158). This short treatise on ecclesiastical hierarchy, which sees the fullness of divinity dwelling bodily in the bishop ("in episcopo plenitudinem divinitatis habitare corporaliter"), is thought to have been written by a Gallic priest near the beginning of the 5C. H omits an intensifying clause, "qui et ipsi sunt," between "apostolos" and "recognoscas."

3:177.1–3.s What is, . . . Christ; H quotes from a 4C interpolation in Ignatius of

3:177.4–18.t Mr. Calvin ... require. Calvin, Inst., 4.4.2 (1569), pp. 684–685: "Quibus ergo docendi munus injunctum erat, eos omnes nominabant Presbyteros. Ili ex suo numero in singulis civitatis unum eligebant, cui specialiter dabant titulum Episcopi: ne ex aequalitate, ut fieri solet, dissidia nascendarunt. Neque tamem sic honore et dignitate superior erat Episcopus ut dominium in collegas habere: sed quas partes habet Consul in Senatu, ut referat de negotiis, sententias roget, consulendo, monendo, hortando, aliis praeerat, autoritate sua totam actionem regat, et quod decretum communi consilio fuerit exequatur: id muneris sustinebat Episcopus in Presbyterorum coetu." H's professed perplexity as to "what rule he doth mean" (lines 15–16) when Calvin denies that these early bishops bore "rule" over other ministers is occasioned by the clause he omitted to translate ("Neque ... haberet"): "Yet the Bishop was not so above the rest in honor and dignity, that he had a dominion [dominium] over his fellowes"; trans. Norton (1578), fol. 444'. Few words are richer in variety of connotations of authority or control than the Latin "dominium," which can designate the power of a master ("dominus") over slaves, ownership ("dominium") of property, the relation of Christ the Lord ("dominus") to his disciples, the mastery of an art, or the authority of a political or religious superior over subjects. H's choice of "rule" as a translation and his willingness to accept the Roman consulsip as a model for the bishop's office indicate a less steeply hierarchical and hard-handed view of episcopal authority than was typical in Anglican apologetic under Elizabeth—an oblique rather than head-on response to the reformers' attacks on "lordship and dominion."

3:177.24 One objection there is Cartwright alleges Jerome and Chrysostom on the lack of difference between presbyter and bishop, 1:107–108 [83]. H's response amplifies and documents that given by Whitgift: the assimilation of bishop to presbyter in these passages concerns "only ... the ministerie of the Byshop, not ... his authority, in the ecclesiastical government"; Defense, p. 387; PS, 2:261.

3:177.28–30.u What a Bishop ... ordein? Jerome, epist. 85, to Evagrius; Epistolae (1578), pp. 310B–311A: "Quid enim facit, excepta ordinatione, episcopus, quid presbyter non faciat?"; CSEL, 56:311, and NPNF.2, 6:289, as epist. 146. See 3:164.9–165.17.n, above, for context.

conveniat, a quo item abstinere necesse sit dictans, omissa interim presbyterorum ordine ad diaconos transit. Cur id quaesum? Quia scilicet inter episcoporum atque presbyterorum interest ferme nihil. Quippe et presbyteris ecclesiae cura permissa est: et quae de episcopis dixit, ea etiam presbyteris congruunt: sola quippe ordinatio superiores illi sunt, atque hoc tantum, plus quam presbyteri habere videntur”; Opera (1570), 4:1330; PG, 62:553.

3:178.26 St. Jerom conclusion The conclusion H states in lines 26–29 is faithful enough to Jerome’s spirit, but it is not to be found in the text of his letter to Evagrius. H may have in mind the passage he quotes below at 3:180.7–15, from which he already drawn the comparison of bishop and presbyter with Aaron and his sons at 176.q.

3:178.30–179.6 St. Chrysostomes...understood. H’s restatement of the point of the passage cited in ν and paraphrased at 3:178.3–6. The next sentence (“As for...bishops”; 179.6–8) is his own observation and should be in roman.

3:179.w Velut...Gal. Jerome, Commentarii in Epistolam ad Galatas (on Gal. 4:13): “As if set up in some lofty watchtower, they scarcely deign to see ordinary mortals or speak to their fellow servants”; Opera (1516), 9:90C; PL, 26:379.

3:179.x Nemo...Ecclesiast. Jerome, Commentarii in Ecclesiasten (on Eccles. 8:9–11): “No one dares to speak against sinning bishops. No one dares to accuse a great one; on that account, going about as if holy and blessed and in the Lord’s commandments, they increase sins with sins. An accusation against a bishop is difficult. For if he has sinned, it is not believed, and if he is convicted, he is not punished”; Opera (1516), 7:40E–F; CCSL, 72:317–318, omitting “episcopis” in the first sentence. H omits the latter part of the first sentence and three following sentences.

3:179.y Pessimae...Nepotian. Jerome, epist. 2, Ad Nepotianum: “It is a very bad custom in certain churches for presbyters to keep silent when bishops are present, as if they might be jealous of them or disdain to listen”; Epistolae (1578), p. 5B; CSEL, 54:428, NPNF.2, 6:93, and Loeb, pp. 210–211, as epist. 52.

3:180.1–6.z Of Vigilantius...rod. Jerome, epist. 53 [not 54], Ad Riparium presbyterum, against Vigilantius; Epistolae (1578), p. 188B; CSEL, 55:353, and NPNF.2, 6:212–213, as epist. 109.

3:180.7–15.a,b Be thou subject...were. Jerome, epist. 2, Ad Nepotianum: “Esto subjectus pontifici tuo, et quasi animae parentem suscipe. Amare filiorum, timere servorum est. Si pater sum, inquit; ubi est honor meus? Si dominus ego sum; ubi est timor meus?...Illum etiam dico, quod episcopi sacerdotes se esse noverint, non dominos: honorent clericos, quasi clericos; ut et ipsis a clericis, quasi episcopis, honor deferatur. Scitum illum est oratoris Domitii: Cur ego te, inquit, habeam ut principem; cum tu me non habeas ut senatorum? Quod Aaron et filios ejus, hoc episcopum et presbyteros esse noverimus: Unus dominus, unum templum, unum
sit etiam ministerium"; Epistolae (1578), p. 5B; CSEL, 54:427, NPNF.2, 6:93, and Loeb, pp. 208–209, as epist. 52. H picks up Jerome's use of Mal. 1:6 at the beginning of this passage ("Love pertains to sons, fear to servants. 'If I am a father,' he says, 'where is my honor? If I am a lord, where is my fear?'") in b. He must also have agreed with Jerome's conclusion: "Let there be one lord, one temple, and also one ministry."

3:180.17–20 **The very safety . . . authority.** Jerome, Orthodoxi et Luciferiani dialogus: "Ecclesiæ salus in summi sacerdotis dignitate pendet: cui si non exors quaedam, et ab hominibus eminens detur potestas, tot in Ecclesiis efficientur schisma, quot sacerdotes"; Epistolae (1578), p. 199A; PL, 23:165; NPNF.2, 6:324. H's "persons which have authority" for "sacerdotes" is free but preserves the relevance of the passage for churches unhappy with the office of "priest."

3:181.3–5.c **That no successor . . . him.** "Inter haec Innocentius Romanus Antistes audiens de Joanne et moleste ferens, volensque generale celebrari Concilium, scripsit Joanni et clero Constantinopoleos, quod non oporteret Joanni successorem dari, ne ejus clerum alii parere pontificii"; D. Joannis Chrysostomi vita per Cassiodorum senatorem (= extracts from bk. 10 of Cassiodorus's Historia tripartita collected, with other biographical materials, by Joannes Ferrerius Pedemontanus for the 1570 edn. of Chrysostom's Opera), 1:xxxii; CSEL, 71:612, as Historia tripartita, 10.18.


3:181.22 **Bishops together with Presbyters** The preceding and following chapters are on hierarchical differences—the greater power of bishops in relation to presbyters and the greater or lesser jurisdictions of bishops themselves. In the present chap. 7, H briefly reviews some more cooperative aspects of early church government, perhaps conceding something to the demands, made from the Admonition onwards, for a more fraternal spirit in bishops vis à vis other clergy. Compare chap. 18.12 (3:263.7–19).

3:181.e "Ωσπερ . . . Apost. 58. "Given as coajutors to the bishop," the concluding phrase in an exposition by Zonaras of canon 58 of the so-called Apostolic Canons (see 3:198.14–16.tn, below). Zonaras explains that the bishop's chair is set in a high place so that he may diligently observe the people under him (a function implied in the name ἐπίσκοπος) and that the presbyters are there with him so that they, too, may observe and direct the people. Octoginta quinque Regulæ seu

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Canones Apostolorum: cum ... Joannis monachi Zonae in eosdem commentariis (1558), p. 57; PG, 137:153. On Zonaras, whom H also quotes at I.16.7, see 1:141.23–27.n, above.


3:182.18–28.f After ... persons. The references to Cyprian here are confused. The long quotation in the text is from an epistle of Pope Cornelius to Cyprian (Cornelius Cypriano frati; so identified in the edns. of Cyprian’s letters in which it is included), not one from Cyprian to Cornelius: “Postea vero Urbanus et Sidonius confessores ad presbyteros nostros venerunt, affirmantes Maximum confessorem et presbyterum secum pariter cupere in Ecclesiā redire ... ex ipsorum ore et confessione, ista, quae per legationem mandaverant, placuit audiri. Qui cum venissent, et à presbyteris, quae gesta erant, exigerentur ... circumventos se esse affirmaverunt. ... Qui, cum haec, et caetera fuissent exprobrata, ut abolenterunt et de memoria tollerentur, deprecati sunt. Omni igitur actu ad me plerato placuit contrahí presbyterium. Adfuerunt etiam Episcopi quinque ... ut firmato consilio, quid circa personam eorum observari deberet, consensus omnium statueretur”; Cyprian, Opera (1593), epist. 46, p. 104; CSEL, 3.2:609–610, ACW, 44:77–78, and FOTC, 51:122–123, as epist. 49. The first phrase quoted in f (Cum ... conjuncti) is from an epistle of Cyprian to Pope Lucius, in which Cyprian interprets the recent persecution of the Roman church as a way in which the Lord might show which was the (true) church, who was his one bishop beloved by divine ordination, “who were conjoined with the bishop with the priestly honor of the presbyter”; (1593), epist. 58 [not 28], Cyprianus cum collegis Lucio fratri, pp. 162–163; CSEL, 3.2:696–697, ACW, 46:93, and FOTC, 51:198, as epist. 61. The second phrase (Ego ... adsidebant) in f is from a letter of Cyprian to the clergy and people of Furni numbered epist. 66 [not 27] in the 1593 edn. (the quoted phrase is on page 27 of Manuzio’s edn. of 1563): “We were deeply moved, I and my colleagues who were present and our consebysers who were sitting with us ...”; Presbyteris et diaconibus et plebi Furni consistebantibus (1593), p. 195; CSEL, 3.2:465, ACW, 43:51, and FOTC, 51:3, as epist. 1.

3:183.3–12.g Unto that, ... requireth. Again the reference is defective. “Ep. 93” may be a transposition of “Ep. 39,” the number used in referring to the same epistle at 3:176.p above, but the epistle does not appear under either of these numbers in any edn. of Cyprian the editor has been able to consult; in those of Erasmus (1540) and Manuzio (1563) it is printed as bk. 3, epist. 10, and in those of Pamelius (1568) and Goulart (1593) as epist. 6, Presbyteris et diaconis fratribus. “Ad id verò quod scripserunt mihi compresbyteri nostri Donatus, et Fortunatus,
Novatus et Gordius, solus rescribere nihil potuit; quando à primordio episcopatus mei statuerim, nihil sine consilio vestro, et sine consensu plebis meae, privata sententia gerere. sed cùm ad vos per Dei gratiam venero, tunc de iis quae vel gesta sunt, vel gerenda, sicut honor mutuos poscit, in commune tractabimus"; (1593), p. 17; CSEL, 3.2:512, ACW, 43:89, and FOTC, 51:43, as epist. 14. On the four presbyters mentioned here (probably leaders of a faction opposed to Cyprian) and on the force of “consilio vestro” and “consensu plebis,” see G. W. Clarke in ACW, 43:266–268.

3:183.27–184.2.h That although ... things. "Et tu quidem honorificē circa nos, et pro solita tua humilitate fecisti, ut malles de eo nobis conqueri: cum pro Episcopatus vigore et cathedrae auctoritate posses de illo statim vindicari"; Cyprian, epist. 65, Rogatiano fratris; Opera (1593), p. 192, with the phrase H gives in Latin on p. 193; CSEL, 3.2:469 and 472, ACW, 43:54 and 57, and FOTC, 51:6 and 9, as epist. 3. The reference to "ep. 38" in h is defective; see 3:182.18–28, fn, above.

3:184.i Such a one ... Bishop. "Petrus quidam archipresbyter Alexandrinarum fuit ecclesiae"; Vita Chrysostomi, in Opera (1570), 1:lxxvii; PL, 69:1172 (=Cassiodorus, Historia tripartita, 10.10).

3:184.22–23 j Exsurge ... eos. "Thou [Lord] wilt arise and have mercie upon Zion ... For thy servants delite in the stones thereof, and have pitie on the dust thereof"; Ps. 102:13–14.

3:185.k.1–5 L. 36. ... Ισαυροκόλεως. "Let each city have its own bishop. And if anyone shall dare by divine rescript to deprive a city of its own bishop or of its territory or of any other right, let him be stripped of possessions and honors. But the Scythian city of Tomensum is excepted, for its bishop also cares for other cities. And Leontopolis in Isauria is under the bishop of Isauropolis." H's version of this law is that of the anonymous Byzantine Nomocanon in fourteen titles, a comprehensive collation of ecclesiastical canons with relevant civil legislation which was reworked and incorporated in the Syntagma of the saintly and learned Photius (820?–891?), patriarch of Constantinople. The Greek text of the Nomocanon was not published until 1615, but the work was used for the texts of Greek laws of the Codex in 16C eds. of praeternissa or of the Codex itself by, among others, Antonius Augustinus, ed., Constitutionum Graecarum Codicis Justiniani Imperator collecto et interpretatio (1567). H's passage is at p. 34; see Σύνταγμα, ed. G. Rhalles and M. Potles (1852–1859; rpr. 1966), 1:143–144; see also Hans Erich Troje, Graeca Leguntur: Die Aneigung des byzantinischen Rechts und die Entstehung eines humanistischen Corpus iuris civilis in der Jurisprudenz des 16. Jahrhunderts (Vienna: Böhlau Verlag, 1971), pp. 53–55, 200–210. A different text of the law, but to the same effect, is given in Justinian, Codex, 1.3.35 (36); ed. Krueger (1963), pp. 23–24.

3:185.k.5–6 Besides Cyprian ... Episcopi. Cyprian describes the practice of Novatian, who, ambitiously trying to make his own human church, imitated the church of Christ and sent new apostles out, and, "when through all provinces and
individual cities bishops were already ordained,” he dared to create new ones; epist. 52, Antoniano fatri; Opera (1593), p. 119 (here the reference in the text is accurate); CSEL, 3.2:642, ACW, 46:48, and FOTC, 51:149, as epist. 55.

3:185.1 Ubi ecclesiastici ... Castit. Tertullian, De exhortatione castitatis, chap. 7: “Where there is no assembly of the ecclesiastical order, the priest who is there alone both offers [the Eucharist] and moistens [with the water of Baptism]”; Opera (1566), 2:179; CCSL, 2:1025 (“offers et tinguis et sacerdos es . . .”); ANF, 4:54. The text in CCSL sustains the contrast H draws between those situations in the early church in which a college of ordained persons functioned and those situations in which no such group was available, but Tertullian intended a more radical point. In order to show that the prohibition of polygamy applies to laity as well as clergy, he here minimizes the distinction between the ordained (ordo) and the non-ordained (plebs) and concludes that in some circumstances “it pertains to you [a layman] to offer and moisten, you alone are the priest.”

3:186.6.m The Clergy ... Urbici, The intended reference is apparently to epist. 40, Cyprianus plebi universae, where Cyprian refers to a procedure concerning readmission to communion of those who had fallen away during persecution which had been agreed to both by himself, the urban confessors and clergy (in context, the confessors and clergy of Rome), and by all bishops both in his province and across the sea “tam nobis quâm confessoribus et clericis urbicis, item universis episcopis, vel in nostra provincia, vel trans mare constituitis”; Opera (1593), p. 93; CSEL, 3.2:592, ACW, 44:63, and FOTC, 51:108, as epist. 43. The following reference to Jerome is more to H’s point.

3:186.14–18.n Jerom, ... meddle. Jerome, Orthodoxi et Luciferiani dialogus, Epistolae (1578), p. 198B: “Non quidem abnuo hanc esse ecclesiarum consuetudinem, ut ad eos, qui longè in minoribus [PL: a majoribus] urbisibus per presbyteros et diaconos baptizati sunt, Episcopus ad invocationem Sancti spiritus manus impositurus excurrat”; PL, 23:164; NPNF.2, 6:324. “I do not deny that it is the practice of the churches in the case of those living far off in the smaller towns who have been baptized by presbyters and deacons, for the bishop to visit them and by the laying on of hands to invoke the Holy Ghost upon them.” Compare p. 199A (PL, 23:165): “Alioqui si ad Episcopi tantum imprecationem spiritus sanctus defuit; lugendi sunt, qui in viculis, aut in castellis, aut in remotioribus locis per presbyteros et diaconos baptizati ante dormierunt, quâm ab Episcopis inviserentur”; “Otherwise, if the Holy Ghost descends only at the bishop’s prayer, they are greatly to be pitied who in isolated houses, or in forts, or retired places, after being baptized by the presbyters and deacons have fallen asleep before the bishop’s visitation” (NPNF.2, 6:324).

3:186.21–22 Ignatius ... throne, Perhaps a reference to the statement from the pseudo-Ignatian epistle to Hero quoted in 3:163.o.n, above, although that does not clearly support H’s point here.

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3:186.22–24.0 **Cyprian . . . chair.** "... Evaristum de Episcopo jam nec laicum remanisse, cathedrae et plebis extorrem"; Cyprian, epist. 49, *Cornelio fratru*; *Opera* (1593), p. 108; CSEL 3.2:616, ACW, 44:82, and FOTC, 51:127, as epist. 52.

3:186.26–187.2.p.1–2 **Unto a Bishop . . . waight.** Council of Antioch (341), canon 9: "εκαστον γαρ ἐπίσκοπον ἐξουσίαν ἔχειν τῆς ἑαυτοῦ παροικίας, διόις εἰς τὰ κατὰ τὴν ἐκκάστρω ἐπιβάλλουσαν ευδαιμονιαν, καὶ πρόνοιαν ποιεῖσθαι αἱ πάσαι τῆς χώρας τῆς ύπο τὴν ἑαυτοῦ πόλιν, ὡς καὶ χειροτονεῖν πρεσβυτέρους καὶ διακόνους, καὶ μετὰ κρίσεως ἕκαστα διαλαμβάνειν. Περαιτέρω δὲ μηδὲν πράττειν ἐπιχειρεῖν, διὸ ὅ τι τῆς μητροπολεως ἐπισκόπον. μὴ δὲ αὐτῶν, ἄνευ τῆς τῶν λοιπῶν γνώμης. *Theologorum aliquot . . . libri Graeci* (1559), p. 27 [misnumbered 25]; Lauchert, ed., *Die Kanones der wichtigsten altkirchlichen Concilien* (1896), p. 45; NPNF.2, 14:112. “For each bishop has authority over his own parish, both to manage it with the piety which is incumbent on every one, and to make provision for the whole district which is dependent on his city; to ordain presbyters and deacons; and to settle everything with judgment. But let him undertake nothing further without the bishop of the metropolis; neither the latter without the consent of the others” (NPNF). The canon H quotes in p is canon 2 of the First Council of Constantinople (381); (1559), p. 36; Schroeder, ed., *Disciplinary Decrees of the General Councils* (1937), pp. 64, 517; NPNF.2, 14:176: “Unless invited, bishops are not to go outside their diocese, either for the purpose of ordaining or for any other act of ecclesiastical administration” (Schroeder).

3:186.p.2–3 **Toúto . . . cap. 8.** Socrates, *Ecles. hist.*, 5.8; (1544), fol. 244r; ed. Hussey (1853), 2:586; NPNF.2, 2:121. The phrase quoted ("for this had been done before indiscriminately, because of the persecutions") is from Socrates' account of the situation the canon just cited by H was intended to remedy.


3:187.20–22 **their error, . . . Chorepiscopos.** Whitgift had quoted the *Admonition* as saying, "These Seniors then ... did execute their office in theyr own persons, without substitutes" (Defense, p. 681; PS, 3:269; P.M., p. 15) and had cited in

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**Commentary**

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rebuttal canon 13 of the Council of Ancyra (314), restricting the activities of chorepiscopi. Cartwright took him to task for seizing on a slip in one edition not present in others: "But I will note heere how M. Doctor doth goe about to abuse his reader in these vicares. And first where there were three editions/ of which one only maketh mention of these vicares he tooke that and left the other/ which is to be observed/ for that this varietie of editions rose of the divers understanding of the greke word (chorepiscopi,) which may be taken eyther for hym that is byshop for another/ and in his place/ or for hym that is byshop in the country/ that is in some towne which is no citie/ so that chorepiscopus, was opposed unto the byshop which was of some citie"; 1:188-189 [151]; Whitgift, Defense, pp. 682-683; PS, 3:270-272.

3:188.3-10.  


3:188.15-16 degrees there are . . . Bishops, To the Admonition’s objection against “titles, livings, and offices by Antichrist devised . . . as Metropolitane, Archebishop . . .” (P.M., p. 11; Whitgift, Defense, p. 298; PS, 2:79), Whitgift responded with a series of authorities purporting to demonstrate that these higher ranks in the traditional ecclesiastical hierarchy originated with the apostles; Answere (1572), pp. 65-66. Cartwright, however, attacked the authenticity or relevance of most of the texts cited (1:88-94 [66-71]), reducing the credence claimed by Whitgift for testimonies to metropolitans and archbishops prior to the Council of Nicaea (Defense, pp. 318-335; PS, 2:118-153), and renewed his attack in the Second Replie (2:453-491). H approaches the historical side of the question circumspectly, first offering a general functional rationale for inequality of bishops and then presenting the administrative structure of the Roman empire as a providential basis for applying such a rationale. Against this background, the canons of Nicaea and Antioch are convincing evidence that the various degrees of authority among bishops seemed needful “in the eyes of reverend Antiquity” (3:190.3-4). They are not claimed to be of apostolic institution, but neither, clearly, are they “offices by Antichrist devised.”


3:190.8 **the special ... God** Cartwright prefaced his attack on Whitgift’s authorities in support of archbishops and metropolitans with a declaration of the completeness or perfection of the church with just those offices God had specifically provided for its government in the NT; 1:83–88 [61–66]; Whitgift, *Defense*, pp. 301–317; PS, 2:84–117. H’s lyrical presentation of “the very state of the whole World, immediately before Christianity took place” in a manner responds to this important theme of the reformers. By allowing the organization of metropolitan and primatial jurisdictions to depend on the administrative structure of the pagan empire, he concedes the terrestrial rather than the directly apostolic basis of hierarchy in the post-primitive church, but in attributing the prior organization of the world to God’s “special Providence” and in comparing the preparation of the earth for Christianity with God’s preparation of the land of Canaan for his people in the OT (see 3:191.15–192.4), H finds theological meaning in the church’s ramifying, vine-like growth.

3:190.21 **Asia contained eight, ... Africa seven.** The administrative structure of the later Roman empire is elegantly set forth in the *Notitia utraque [Dignitatum] cum Orientis tum Occidentis ultra Araridii Hononique Caesarem tempora*, published by Froben at Basel in 1552. Eight provinces are listed as being “sub dispositione viri spectabilis Vicarii dioceses Asianae” at sig. E4’ and seven under the praetorian prefect of the diocese of Africa at sig. II’.


3:190.27–191.2 **Capita ... jussit.** Livy, *Ab urbe condita libri*, 5.5: “He established as capitals of the regions, where their assemblies were to meet, for the first seat [1589 and Loeb: regionis, region] Amphipolis, for the second Thessalonica, for the third Pella, and for the fourth Pelagonia. Paulus ordered assemblies appointed for each of his regions, money gathered, and magistrates chosen”; (1589), p. 90; Loeb, 13:348, as 45.29.

3:191.3–4 **Thessalonica ... seat: Theodoret, *Ecles. hist.*, 5.17, describes Thessalonica as a large and populous city belonging to Macedonia but also serving as capital of Thessaly, Achaia, and other provinces governed by the prefecture of Illyricum: Θεσσαλονίκη πόλις ἐστὶ μεγίστη καὶ πολυάνθρωπος, εἰς μὲν τὸ μακεδόνων ἔθνος τελούσα, ἡγουμένη δὲ καὶ θεταλίας καὶ ἀχαίας, καὶ μέντοι καὶ ἄλλων παραπόλων ἔθνων, δόσα τῶν ἰλλυρίων τὸν ἐπαρχον ἡγούμενον ἐξετ.; (1544), fol. 342’; GCS, 44 (19):306–307; NPNF.2, 3:143.

3:191.w **Cic. ad Attic. ... ep. 13.** Cicero, *Epistolae ad Atticum*, 5.13, writing of
his reception in the city, says that the Greeks thrust themselves upon him as if he had been the provincial governor at Ephesus: "Graeci quasi Ephesio praetoris, se ac-
acreis obtulerunt"; Opera (1588), 3:364; Loeb, 1:368–369. Item 1. observ. . .
legati. Justinian, Digesta, 1.16.4; (1590), col. 28; edn. Mommsen–Krueger (1963), p. 43; trans. Scott (1973), 2:253. This law instructs newly appointed procconsuls to enter their provinces at the customary place, "for the provincials attach great
importance to the preservation and observance of this custom and of privileges of this description . . . and to such an extent was this carried that our Emperor
Antoninus Augustus stated in a Rescript, in reply to a request of the Asians, 'That
the Proconsul was absolutely required to proceed to Asia by sea, and to land at
Ephesus, before touching at any of the other principal cities'" ("rescripts, procon-
suli necessitatem impositam per mare Asiani applicare καὶ τῶν μετροπόλεων
"Eφεσου: id est, et inter matrixes urbes Ephesum primam attingere").

3:191.x Lib. 1. . . . disponentur. "We order that . . . like . . . the Orient and . . .
Illyria, Africa, by Our indulgence, may be adorned with the highest praetorian
dignity, whose seat We direct to be at Carthage . . . and from the aforesaid city,
with the aid of God, seven provinces with their judges shall be controlled"; Justu-
ginian, Codex, 1.27.1 (1590), col. 91; Krueger (1963), 1.27.1.10–12 (p. 77); Scott

3:192.z Concil. . . . αὐτῶν. Council of Antioch, canon 9, Theologorum aliquot
. . . libri Graeci (1559), p. 26; Lauchert (1896), p. 45: "It behoves the bishops in
every province to acknowledge the bishop who presides in the metropolis, and
who has to take thought for the whole province; because all men of business come
together from every quarter to the metropolis. Wherefore it is decreed that he
have precedence in rank"; NPNF.2, 14:112.

3:193.6–10.a They are mightily . . . rest. François Hotman (Franciscus Vilieri),
sieur de Villiers Saint Paul (1524–1590), highly respected Roman law jurist and
Hugenot polemicist, De statu primitiae ecclesiae (1574; 1st edn. 1553): "Atque haec
quidem Ecclesiae Christianae instituta adusque quadrirgentos amplius triginta annos
integra atque inviolata permanserunt. . . . At paucis post annis Constantinopolitanus
Episcopus ambitione et cupiditate regnandi incensus, ausus est praeclaram illam
Ecclesiae descriptionem et oeconomiam convellere. Cùm enim Imperatores sedem
imperii sui, Senatûmque in ea civitate constituissent, ille artibus suis perfecit, ut ea
Metropolis quae tantum ornamentum accepiisset, dignitatem quoque et potestatem
aliquam praetera caeteras Metropoles eximiam ac praecipuam obtinueret. itaque quod
Constantinopolitanus 1 capite secundo constitutum erat, ut Asie, Ponti, et Thracie
Metropolitae, suae quisque provinciae procurationem gererent, quod, inquam,
eorum quisque ipsi Alexandrino, quem Metropolitam, sive Patriarcham fuisse
constat, jure, ac potestate par esse declaratur, proximo universali concilio, id est
Calchedonensi, funditus abrogatum est. et novo more, nullum exemplo constitutum,
ut harum omnium provinciarum Metropolitas solus Constantinopolitanus Episcopus
constituerit. qua lege Antiochenae Ecclesiae πρεσβεία, id est authoritatem ac
dignitatem, quae tum Nicaeno, tum Constantinopolitano concilio tantoperè commendabatur, planè extinctam esse nemo non videt: et omnino æquabilitatem provinciarum, quae a majoribus conservata et tradita fuerat, turpissimè confusam ac perturbatam" (pp. 23–24). "And indeed these provisions of the Christian church [canons of the Council of Antioch providing for appeals from the sentence of a metropolitan without, however, recognizing a higher level of primatial authority, specifically that of Rome] remained whole and inviolate for more than four hundred and thirty years... But a few years later the bishop of Constantinople, burning with ambition and a desire to rule, dared to overthrow that excellent disposition and arrangement of the church. For since the emperors had established the seat of their empire and the senate in that city, he practised his arts so that that metropolis, which had only gained an adornment, might also obtain some extraordinary and special dignity and power beyond the other metropolises. And so what was established in the second canon of the First Council of Constantinople—that the metropolitans of Asia, Pontus, and Thrace should each carry on the administration of his own province (that each of them, I say, is declared equal in right and power to the Alexandrian [bishop], who certainly was a metropolitan or patriarch)—was utterly abrogated at the next general council (that is, Chalcedon), and in a new and unprecedented manner it was established that the bishop of Constantinople alone should establish the metropolitans of all these provinces. By which law the πρεσβεία (that is, the authority and dignity) of the church of Antioch, which was so highly approved at both the Nicene and Constantinopolitan councils, was plainly destroyed, as no one can fail to see, and the complete equality of provinces which had been preserved and passed on by the Fathers was most shamefully confused and confounded." On Hotman see Donald R. Kelley, François Hotman: A Revolutionary's Ordeal (Princeton: Princeton University Press, 1973), and Hotman's own Francogallia, ed. Ralph E. Giesey, trans. J. H. M. Salmon (Cambridge: The University Press, 1972).

3:193.9 second council of Constantinople Either H mistranscribed Hotman's reference to the second canon of the first Council of Constantinople ("Constantinopolitan 1 capite secundo"), quoted in 3:193.24–28.n, below, or Ussher's scribe's eye skipped from "canon" to "council."


3:193.23–28.b Threescore years... dignity. Socrates, Ecles. hist., 5.8 [not 3.8]: τότε δὴ καὶ δρον ἐκφέρουσιν, ὥστε τὸν κονσταντινὸν πόλεως ἐπίσκοπον τὰ πρεσβεία ἔχειν τῆς τιμῆς μετὰ τῶν ρώμης ἐπίσκοπον, διὰ τὸ εἶναι αὐτὴν νέαν ρώμην. (1544), fol. 244r: ed. Hussey (1853), 2:586; "The same prelates moreover published a decree, prescribing 'that the Bishop of Constantinople should have the next prerogative of honor after the Bishop of Rome, because that city was New Rome' " (NPNF.2, 2:121).
3:193.24–28.b which Synod . . . dignity. First Council of Constantinople (381), canons 2–3: ἀλλὰ κατὰ τοὺς κανόνας τὸν μὲν ἀλέξανδρείας ἐπίσκοπον, τὰ ἐν αἰγόπτερ μόνον οἴκονομεῖν. τοὺς δὲ τῆς ἀνατολῆς ἐπίσκοποις, τὴν ἀνατολὴν μονὴν διοικεῖν. φυλαττομένων τὸν ἐν τοῖς κανόσι τοῖς κατὰ νικαίαν πρεσβείων τῇ ἀντιοχείᾳ ἐκκλησίᾳ . . . Τὸν μὲν τοῖς κονσταντινουπόλεως ἐπίσκοπον ἦσαν τὰ πρεσβεία τῆς τιμῆς μετὰ τὸν τῆς ρώμης ἐπίσκοπον. διὰ τὸ, εἶναι αὐτὴν νέαν ρώμην. Theologorum aliquid . . . libri Graeci (1559), pp. 36–37; Schroeder, Disciplinary Decrees, pp. 64–65, 517. “But let the Bishop of Alexandria, according to the canons, alone administer the affairs of Egypt; and let the bishops of the East manage the East alone, the privileges of the Church in Antioch, which are mentioned in the canons of Nicaea, being preserved. . . . The Bishop of Constantinople, however, shall have the prerogative of honour after the Bishop of Rome; because Constantinople is New Rome” (NPNF.2, 14:176, 178).

3:193.29–30.c The same decree . . . Chalcedon: In renewing canon 3 of Constantinople, canon 28 of the Council of Chalcedon (451) made more explicit the political basis for the new ranking and conferred extensive jurisdictional powers on the new imperial city. Both canons were rejected by Rome. In 869, papal legates signed canon 21 of the Fourth Council of Constantinople, acknowledging Constantinople as second in rank, but the Latin patriarch of Constantinople was formally allowed this place only at the Fourth Lateran Council (1215), and a Greek patriarch was first so recognized at the Council of Florence (1439). Council of Chalcedon, canon 28: τὰ αὐτὰ καὶ ἡμεῖς δρισμένει τε καὶ ψηφιζόμεθα περὶ τῶν πρεσβείων τῆς ἁγιωτάτης ἐκκλησίας τῆς αὐτῆς κονσταντινουπόλεως νέας ρώμης. καὶ γὰρ τῷ θρόνῳ τῆς πρεσβυτέρας ρώμης, διὰ τὸ βασιλεύειν τὴν πόλιν ἐκείνην, οἱ πατέρες εἰκότως ἀποδέδοκασι τὰ πρεσβεία. καὶ τῷ αὐτῷ σκοπῷ κινούμενοι οἱ ἑκατόν πεντήκοντα θεοφιλέστατοι ἐπίσκοποι, τὰ ἴσα πρεσβεία ἀπένειμαν τῷ τῆς νέας ρώμης ἁγιωτάτῳ θρόνῳ, εὐλάβος κρίναντες, τὴν βασιλείαν καὶ συγκλήτῳ τιμηθένται πόλιν, καὶ τῶν ἵσων ἀ[πο]λαύσαντο πρεσβείων τῷ πρεσβυτέρᾳ βασιλίδι ρώμη, καὶ ἐν τοῖς ἐκκλησιαστικοῖς ὡς ἐκείνην, μεγαλύνονται πράγματι, δευτέραν μετ’ ἐκείνην υπάρχουσαν. καὶ ὡστε τοὺς τῆς ποντικῆς καὶ τῆς ἁσιανῆς καὶ τῆς θρακικῆς διοικήσεως μητροπολίτας μόνους, ἔστι δὲ καὶ τοὺς ἐν τοῖς βαρβαρικοῖς ἐπισκόποις τῶν προειριμένων διοικήσεως χειροτονούσθαι ὑπὸ τοῦ προειριμένου ἁγιωτάτου θρόνου τῆς κατὰ κονσταντινουπόλιν ἁγιωτάτης ἐκκλησίας. Theologorum aliquid . . . libri Graeci (1559), pp. 48–49, misnumbered as canon 24 (Schroeder, Disciplinary Decrees, pp. 125–126, 523; NPNF.2, 14:287). “Following in all things the decisions of the holy fathers, and knowing the canon of the 150 most God-beloved bishops which has just been read, we also enact and decree the same things respecting the privileges of the most holy Church of Constantinople, New Rome. For the fathers rightfully granted privileges to the See of Old Rome, because that city was imperial, and the 150 most God-beloved bishops, actuated by the same consideration, awarded equal
privileges to the most holy see of New Rome, judging with good reason that the city which is honored with the sovereignty and the senate, and enjoys equal privileges with old imperial Rome, should in ecclesiastical matters also be magnified as she is and rank next after her. And (we decree), therefore, that in the dioceses of Pontus, Asia, and Thrace, the metropolitans only, together with those bishops of the aforesaid dioceses living among barbians, shall be ordained by the aforesaid most holy see of the most holy Church at Constantinople; while, of course, each metropolitan of the aforesaid dioceses shall ordain the bishops of his province in union with the (other) bishops of the same province, as is prescribed by the holy canons; but the metropolitans of the aforesaid dioceses, as has been said, shall be ordained by the archbishop of Constantinople, after the proper elections have been held according to custom and reported to him” (Schroeder).

3:193.30–194.2.d At the length . . . thereof. The reference is to canon 36 of the Quinsext, or Trullan, Council, convened in a domed hall (trullus) of the imperial palace by Justinian II in 692 to draw up disciplinary canons as a supplement to the dogmatic decrees of the fifth and sixth general councils (hence “Quinsext”). H’s reference is to the former of these, the Second Council of Constantinople (553). (The latter was held, also at Constantinople, in 680.) The Eastern Orthodox Church has always regarded the Quinsext as a continuation of the Council of 680 and hence as ecumenical, but these canons have not traditionally been accorded full acceptance in the west. Only 160 bishops subscribed to the decrees of the Council of 553, and only 211 attended that of 692. H’s figure of 630 mistakenly echoes the reference to Chalcedon in the canon here cited, canon 36 of 692. The canon decrees that the see of Constantinople shall have equal rank (τὸν πρεσβείαν) with that of old Rome, shall be as exalted as it in ecclesiastical matters, and be second after it (in precedence), with the sees of Alexandria, Antioch, and Jerusalem following. Theologorum aliquot . . . libri Graeci (1559), p. 136; Lauchert (1896), pp. 116–117; NPNF.2, 14:382. At page 120 of the 1559 edn. these canons are referred to simply as “Canones Sanctorum Patrum qui Constantinopolin in Trullum Regium Palatium Convenerunt sub Justiniano pietissimo et Christiano regis nostro.”

3:194.2–3 Laws imperial . . . effect. See, for example, The Theodosian Code, 16.2.45, Honorius and Theodosius to Philippus, Praetorian Prefect of Illyricum, AD 421; commanding that the ancient practice and canons that have been in force up to the present should be observed throughout the provinces of Illyricum and that all innovations cease, with doubtful cases reserved for a synod of priests and their holy court, “not without the knowledge of that most reverend man of the sacrosanct law, the Bishop of the City of Constantinople, which enjoys the prerogative of ancient Rome” (“non absque scientia viri reverentissimi sacrosanctae legis Antistitis urbis Constantinopolitanae, quae Romae veteris praerogativa laetatur”); Codicis Theodosiani libri xvi (1586), p. 492; ed. Mommsen and Meyer (1962), 1.2:852; 16.2.34 in Pharr, trans., The Theodosian Code (1952), p. 449. Also see Justinian, Novellae, 131.2; (1590), col. 269; Schoell-Kroll (1963), p. 655; Scott,
17:125; and Justinian, *Codex*, 11.20.1; (1590), col. 859; Krueger (1963), p. 434, as 11.21 (20); Scott, 15:182.


3:195.16 Pentapolis; The most fertile part of Cyrenaica (Africa) and an area of intensive Greek colonization; in AD 4C it was a separate province called "Libya superior" or "Libya Pentapolis"; the five cities were Apollonia, Cyrene, Ptolemis, Arsinoe (Taucheira), and Berenice (OCD).

3:195.19–26.g Now because . . . besides. Council of Nicaea, canon 7: Ἐπειδῆ συνήθεια κεκράτηκε καὶ παράδοσις ἀρχαία ὡς τὸν ἐν αἰλίᾳ ἐπίσκοπον τιμᾶσθαι, ἐξέφυγεν τὴν ἀκολούθια τῆς τιμῆς τῇ μητροπόλει, σωζομένου τοῦ ὀίκειου ἄξιωματος. (1559) [p. 11]; Schroeder, pp. 33, 514; NPNF.2, 14:17. "Since custom and ancient tradition show that the bishop of Aelia (Jerusalem) ought to be honored, he shall have precedence, without, however, infringing on the rights of the metropolis" (Schroeder).

3:195.20 Aelia Aelia Capitolina was the new city built by Hadrian on the site of Jerusalem, destroyed AD 70; so named after the Emperor Publius Aelius Hadrianus and Jupiter Capitolinus.


3:196.i T.C . . . Newington. Ibid. (PS, 2:147). H has himself noted that the term "Metropolites" or "Mother-city-men" was sometimes extended even to the inhabitants of cities in which there were principal imperial courts (3:191.10–12).

3:196.25–197.3.j Which preeminence . . . Lybia: See 3:195.14–18.n, above,
for canon 6 of the Council of Nicaea, which includes the prohibition of episcopal consecrations without the knowledge of the metropolitan, rendered by H in his own Latin in 197/j. The sweeping phrase, κόρος τῶν γινομένων (NPNF: "the ratification of what is done"; Schroeder: "confirmation of what has taken place"), rendered by H more strongly at 196.24–25 as "the chief power of ordering all things done," occurs at the end of canon 4, which directs that all the bishops of a province should be involved in the appointment of a bishop but that if all cannot be present, three at least should meet together for the ordination, the approval of the others having been given in writing—but in every province the confirmation (ratification, chief power of ordering) what is done should be left to the metropolitan. *Theologorum aliquot . . . libri Graeci* (1559), [p. 10]; Schroeder, *Disciplinary Decrees*, pp. 26, 513; NPNF.2, 14:11.

3:197.6–7 Certain . . . Metropolitans. Cartwright and Whitgift had wrangled about the antiquity of metropolitans and primates without giving much attention to their specific prerogatives. In providing such information H goes beyond the demands of controversy in such a way as to emphasize the historic church's international scale.

3:197.9–12.k to convocate . . . disorders; Justinian, *Novellae*, 123.10; (1590), col. 249; Schoell-Kroll, p. 602; Scott, 17:87–88. In this constitution every archbishop, patriarch, and metropolitan is ordered to convocate the bishops established under him in the same province ("sub se constituatos in eadem provincia") once or twice a year and to examine and decide all controversies that may have arisen among clergy, bishops, or monks.

3:197.12–14.l to grant . . . while; Ibid., 123.9; (1590), col. 249; Schoell-Kroll, pp. 601–602; Scott, 17:87. An imperial order is also allowed as a warrant for travel: "Interdicimus autem deo amabilibus episcopis proprias reliquere ecclesias, et ad alias regiones venire. Si verò necessitas faciendi hoc contigerit: non aliter, nisi cum literis beatissimorum patriarchae aut metropolitae, aut per imperialem videlicet jussionem hoc faciant."

3:197.14–16.m to give notice . . . Authority; Ibid., 79.2; (1590), col. 162; Schoell-Kroll, p. 389; Scott, 16:295. The patriarch of Constantinople is here directed to communicate an imperial law to metropolitans, who are in turn to announce it to the bishops under them.

3:197.16–17.n to have the hearing . . . Bishop; Ibid., 123.22; (1590), col. 253; Schoell-Kroll, p. 611; Scott, 17:93: "Si autem et à clerico, aut alio quocunque aditio contra episcopum fiat propter quamlibet causam: apud sanctissimum ejus metropolitam secundum sacras regulas et nostras leges causa judicetur."

3:197.17–19.o to receive the appeals . . . Judge. Ibid., 123.23; (1590), col. 253; Schoell-Kroll, p. 612; Scott, 17:94.

Book VII, Chapter 8.12–8.13


3:198.5–7.r Finally ... Metropolitan. Council of Nicaea, canon 4, as above at 3:196.25–197.3.n.

3:198.10–12.s whereby a Bishop ... Country; Canon 23 of a collection traditionally ascribed to a council held in Carthage in 418–419. The review of canons made in previous councils held at Carthage to produce a disciplinary code for the African church may have been carried out earlier; so F. L. Cross, “History and Fiction in the African Canons,” Journal of Theological Studies, n.s., 12 (1961): 227–247. The present canon originated as canon 28 (in some enumerations) of the Third Council of Carthage, held in 397: “Item placuit ut episcopi trans mare non profisciscantur, nisi ex decreto primae sedis episcopi in unaquaquae provincia: hoc est nisi a primate praeclipe sumpserint literas quas dicunt dimensionis, formatis, uel commendatoris”; Theologorum aliquot ... libri Graeci (1559), p. 69; CCSL, 149:41, 108, 125, 141, 334; NPNF, 2.14:453.

3:198.14–16.t chargeth the Bishops ... leave. The 85 canons attributed to the apostles in the late 4C Apostolic Constitutions were formally accepted in the east at the Trullan Council of 692 (see 3:193.30–194.2.d.n, above). The first 50 entered western canon law through the translation of Dionysius Exiguus in the 6C. Apostolic Canons, 34: Τούς ἐπισκόπους ἑκάστου ἔθνους εἰδέναι χρή τὸν ἐν αὐτοῖς πρῶτον, καὶ ἥγεισθαι αὐτῶν ὡς κεφαλῆν, καὶ μηδὲν τι πράττειν περίττων ἄνευ τῆς ἑκείνου γνώμης. (1559), p. 3; Lauchert (1896), p. 5, as canon 35.

3:198.19–22.u St. Chrysostom ... regitur. “... but also of all of Thrace, which is divided into six prefectures, and of all Asia, which is ruled by eleven governors.” Cassiodorus, Vita Chrysostomi, in Chrysostom’s Opera (1570), 1:lxv (CSEL, 71:588, as Historia tripartita, 10.4), reading: “... Thraciae, quae sex provinciis est divisa, et quae undecim administrationibus dispensatur.”

3:198.26–199.2.v St. Jerom ... dirigenda. “You who call for the ecclesiastical regulations and make use of the canons of the Council of Nicaea ... answer me:
what does Palestine have to do with the bishop of Alexandria? Unless I am mistaken, it is determined there that Caesarea is the metropolis of Palestine and Antioch of all of the East. Either, therefore, you ought to have brought the matter to the bishop of Caesarea . . . or if his judgment was too far to be sought, you ought rather to have directed your brief to Antioch”; Jerome, epist. 61 [not 91], Ad Pammachium; Epistolae (1578), p. 222B (with phrases omitted as indicated in trans.); PL, 23:389 as Liber contra Joannem Hierosolymitanum. On the larger controversy over John of Jerusalem’s orthodoxy, of which this dispute about his jurisdiction is a part, see ODCC, “Origenism.”

3:199.10 Aerus Whitgift had cited Aerius’s denial of any difference of rank between bishop and presbyter (as recorded in the catalogues of heresies compiled by Epiphanius and Augustine), but the texts he quoted did not spell out very convincingly why Aerius’s opinion was heretical (Defense, pp. 403–404; PS, 2:290–292; Cartwright responded, 2:619–620). Bancroft, too, referred to Aerius as a heretic, without explanation (Sunay, p. 107). Saravia held that the orthodox fathers would not have reckoned Aerius’s opinion heretical unless they had believed the order of bishops to have been established by the Word of God (De diversis ministrorum . . . gradibus, pp. 49–50; Diverse Degrees, p. 62). H joins in the accusation of heresy, but his justification for the charge is consonant with his earlier criticism of disciplinarian attempts to derive from Scripture a complete system of church government: Aerius was not a heretic for denying a divine warrant for episcopacy (Saravia’s argument, in effect) but for falsely asserting a divine prohibition of it. H offers a milder interpretation of Aerius’s position at 3:201.22–25. (Aerius was a 4C presbyter of Pontus and associate of Eustathius, bishop of Sebaste, with whom he quarrelled; he is to be distinguished from Arianus, the arch-heretic).

3:199.5 Aug. de hær. . . . discerni. H’s version of Augustine, De haeresibus ad Quodvultdeum, chap. 53, on which he bases his own exposition in the text, is corrupt. The passage does not ascribe to Aerius the teaching that a bishop could not ordain. It reads: “Aeriani ab Aério quodam sunt nominati, qui cum esset presbyter, doluisse furtur quod Episcopus non potuit ordinari. . . . Dicebat etiam presbyterum ab Episcopo nulla differentia debere discerni”; Opera (1569), 6:25; CCSL, 46:323–324. “Aerians are named from a certain Aerus, who when he was a presbyter is said to have grieved that he could not be ordained bishop. . . . He also said presbyter ought by no difference to be marked off from bishop.”

3:199.19–27 Epiphanius . . . also. The quotation from Epiphanius begins at line 20 (“His speech was rather . . .”). Contra octoginta haereses, Heresy 75: ἧν δὲ αὐτῷ ὁ λόγος μανιᾶδης μᾶλλον, ἥπερ καταστάσεως ἀνθρωπίνης, καὶ φησί, τί ἐστιν ἐπίσκοπος πρὸς πρεσβύτερον; οὖδὲν διαλλάττει οὗτος τούτον, μία γάρ ἐστιν τάξις, καὶ μία φησί τιμή, καὶ ἐν ἀξιώμα. χειροθετεῖ φησί ἐπίσκοπος, ἀλλὰ καὶ ὁ πρεσβύτερος. λοιπὸν διδαχὴν ὁ ἐπίσκοπος, ὁμοίως καὶ ὁ πρεσβύτερος. τὴν οἰκονομίαν τῆς λατρείας ποιεῖ ὁ ἐπίσκοπος, καὶ ὁ πρεσβύτερος ὡσαντώς, καθῆκται ὁ ἐπίσκοπος ἐπὶ τῷ


3:200.x Ἐν τούτῳ τὸλλοίς ἡμάτεσσ. "In this he deceived many." Epiphanius, Contra octoginta haereses, Heresy 75; (1544) p. 386; GCS, 37:334; PG, 42:505. This statement immediately follows the passage translated by H at 3:199.20–27.


3:201.9 a new Apollos, A learned Alexandrian Jew (Acts 18:24), follower of John the Baptist; he preached at Corinth, where some saw him as Paul’s rival (1 Cor. 3:4). Luther, among others, thought him the author of the Epistle to the Hebrews (ODCC). H cites him at 2:443.f.

3:202.26 three ways there are, Treated, respectively, in chaps. 11–13, 14, and 16.

3:203.16–17 the names...used indifferently, Cartwright, 2:515: "...that every particular church should have her bishop/ is manifest by Paul to Timothe. For seing the description of a bishop which he gyveth/ doth agree unto the minister
of every congregacion/ and nothing there required in the one/ which is not in the other: it followeth that the minister off every congregacion/ is the bishop theroff. For the description agreeing with every of them: the things described must likewise."


3:204.c T.C. . . . God. Cartwright, 1:83 [62]; Whitgift, Defense, p. 303; PS, 2:88–89. H omits two phrases: (1) after “ought to be from heaven”: “and of God/ and not invented in the braine of men”; (2) after “word and institution of God”: “that hath not only ordained that the word should be preached/ but hath ordained also in what order/ and by whome it should be preached.” The quoted passage enough goes as a “summary collection and conclusion” for the disciplinarian points just enumerated by H, but these points are not offered by Cartwright as premises for it.

3:204.16  Joh. 1.23. See below, 3:208.26 ff.


3:206.8–10 If . . . it be yet demanded, Not found.

3:207.17.f receive THOU no accusation, H’s emphasis reflects the use here of the singular imperative (παραδέχομαι), not a special feature of the verse quoted; but the epistle as a whole is directed to Timothy with the intention of supporting his authority. GB summarizes the argument: “In writing the Epistle Paul semed not onely to have respect to teache Timotheus, but chiefly to kepe other in awe, which wolde have rebelled against him, because of his youth.”

3:208.10 not Sense is improved by deleting this word in this triply negative construction. H means to leave open the possibility that Nicaea honored the preeminence of bishops as both an apostolic ordinance and an ancient custom. He accordingly denies that there is any evidence to show that the Council honored bishops only on the latter basis.

3:208.17.h so many have thought The references in h correspond exactly with those given by H’s Oxford friend John Rainolds in a letter to Sir Francis Knollys, a privy councillor disturbed by the suggestions of a jure divino basis for episcopacy first put forward in the Elizabethan church in the 1590s; see W. D. J. Cargill Thompson, “The Source of Hooker’s Knowledge of Marsilius of Padua,” Journal of Ecclesiastical History, 25 (1974): 75–81. While there can be no doubt that H drew on Rainolds for this list of authorities supporting a view that Rainolds continued
to accept but which H himself now regarded as an improbable conjecture, there is also no reason to doubt H's more or less precise familiarity with the sources cited, which represent major historical stages in the assertion of his opponents' fundamental thesis on the whole issue of episcopal power. On the question of H's relation to Marsilius of Padua, see Intro. to Book VIII, pp. 354-355 and n. 28, above, and nn to 3:350.2-10, 390.23-24, and 403.10-404.5, below.

The Waldensians. The Waldensians were followers of Peter Waldo (Valdes, of Lyons, d. early 13C), whose heretical views are described by Aen. Syl. (Aeneas Sylvius Piccolomini, later Pius II, d. 1464), writing against the Hussites in his Hist. Bohem. (Historia Bohemorum), chap. 35; Opera ([1571]; rpr. 1967), p. 103: "ab ecclesia catholica recedentes, impiam Valdensium sectam atque insaniam amplexi sunt. Hujus pestiferae ac jam pridem damnatae factionis dogmata sunt, Romanum praesulem reliquis episcopis parem esse, inter sacerdotes nullum discrimen. Presbyterum non dignitatem, sed vitae meritum efficere potiorem."

Marsilius, Defens. pac. The most notorious medieval assertion of a human origin for episcopacy was that of Marsilius of Padua in the Defensor pacis, completed in 1324, primarily an attack on papal claims to universal jurisdiction in both secular and spiritual matters. An English translation by William Marshall of four-fifths of the work, intended to help Henry VIII in his struggle with the papacy, appeared in 1535 (STC 17817). Marsilius's account of episcopacy as instituted after the apostles' times by priests, electing one among themselves to order and direct the others, is given at 2.15; Opus insigne cui titulum fecit autor Defensionem pacis (1522), sigs. S1'-2'; ed. Previté-Orton (1928), pp. 268-269; The Defence of Peace (1535), fols. 83''' ed. Alan Gewirth (1956), 2:237.


Calvin, Coment. in 1. ad Tit. Commenting on Titus 1:7, Calvin notes with Jerome that Paul uses "presbyter" and "bishop" in the same sense. While he does not find fault with the custom prevailing from the beginning of the church
of having one person serve as moderator in each assembly of bishops, he judges it unjust and absurd that the name of the office given by God to all should be restricted to one alone. *Joannis Calvini in omnes D. Pauli Epistolas . . . commentaria* (1551), p. 570; CR, 80:411; *Commentaries on the Epistles to Timothy, Titus, and Philemon*, trans. William Pringle (1866; rpr. 1959), p. 294.

**Bullinger, Decad. 5. Ser. 3** Heinrich Bullinger (1504–1575), Zwingli’s successor at Zürich, highly respected in the Elizabethan church, *Sermonum decades quinque*, Decade 5, Sermon 3 (1577), fol. 296“v”; PS, 5:110–111. First citing Jerome’s reference to a period in which churches were governed with the common counsel and advice of the elders (as above, 3:165.27–33.n), Bullinger compared the bishop’s office with that of a Roman consul, with responsibilities like those acceptable to Calvin and Cartwright (above, nn to 3:154.23–24 and 177.4–18) but without dominion over his colleagues or other elders.

**Juel,** John Jewel, *A Defence of the Apologie of the Churche of England*, 3rd. edn., 2.9.1 (1570; STC 14601), p. 248 (*Works*, PS, 3:439), responding to Harding’s reference to the condemnation as heretics of those who deny the distinction between bishops and priests: “But what meant M. Harding here to comme in with the difference bitweene Priestes, and Bishoppes? Thinketh he, that Priestes, and Bishoppes holde onely by *Tradition*? Or is it so horrible an Heresie, as he maketh it, to saye, that by the Scriptures of God, a Bishop, and a Prieste are al One? Or knoweth he, howe far, and unto whom, he reacheth the name of an Heretique?” Jewel quotes Chrysostom, Jerome, Augustine, and Ambrose (he had quoted Harding at p. 240; PS, 3:430).

**Fulk. Ans. to the Test.** *Tit. 1:5.* Commenting on Titus 1:5, the Rheims NT (1582) appealed to apostolic practice to prove that the ordination of priests pertained exclusively to bishops (p. 596). To this, William Fulke replied in 1589 that ordination or consecration by imposition of hands was indeed principally committed to the bishop in the early church, but he described the bishop as one among the clergy, to whom “by long use of the Church” the name of bishop or superintendent had been applied. *The text of the new testament of Jesus Christ, translated out of the vulgar Latine by the papists of the traiterous seminaria at Rhemes . . . whereunto is added the translation out of the original Greeke, commonly used in the church of England [=BB], with a confutation of all such arguments, glosses, and annotations, as conteine manifest impietie, of heresie, treason and slander, against the catholic church of God, and the true teachers thereof, or the translations used in the church of England (1589; STC 2888), fol. 391*.

3:208.29–30.i **because the Ministry . . . Heaven.** Cartwright, 1:83 [62]: “the ministery is by the word of God/ and heavenly/ and not left to the will of men to devise at their pleasure/ as appeareth by that which is noted of s. John/ wher the Phariseis comming to s. John Baptist/ after that he had denied to be either Christ/ or Elias/ or another Prophet/ conclude/ if ye be neither Christ/ nor Elias/ nor of the Prophets/ why baptiset thou? whych had bene no good argument/ if s. John might have bene of some other function/ then of those whych were ordinarie in

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the church/ and instituted of God. And therefore S. John to establish his singular and extraordinary function/ alledged the word of God/ whereby appeareth/ that as it was not lawfull to bring in any strange doctrine/ so was it not lawfull to teache the true doctrine/ under the name of any other function then was instituted by God [marg., John. 1. 25]." Discussed by Whitgift, Defense, pp. 302–303 (PS, 2:87–88), and Cartwright, 2:436–437. H’s reference to John 1:25 follows Cartwright, cited at 3:204.c; v. 23 is more appropriate.


3:210.14–27 The rule to discerne . . . God. See esp. I.8–11, 14, 16, and all of II.

3:211.11–13.l,m Doth not the Apostle . . . ordinance? Rom. 1:32: "Which men [the unrighteous among the gentiles], thogh they knewe the Law of God (τὸ δικαιώμα τοῦ θεοῦ) [and hence were without excuse for their way of life, v. 20], how that they which commit suche things, are worthie of death, yet not onely do the same, but also favour them that do them." The GB gloss accepts the traditional use of this passage as a natural law text: "Which Law God writ in their consciences, and the Philosophers called it the Law of nature: the lawers, the law of nations, whereof Moses Law is a plaine exposition." H’s reference corresponds with BB’s division of the chapter. GB has no v. 32. BB gives the second part of GB’s v. 30 ("Without understanding . . .") as a separate verse (31). BB’s v. 32, "The which knowing the rightouenesse of God (howe they which commit such things, are worthy of death) not onely doe the same, but also have pleasure in them that doe them," corresponds with GB’s v. 31. Luke 1:6. "Bothe [the priest Zacharias and his wife Elisabeth] were just before God, and walked in all the commandements and ordinances of the Lord (ἐν πάσαις ταῖς ἐντολαίς καὶ δικαιώμασιν τοῦ Κυρίου)."

3:211.22–30 That . . . instituted? Girolamo Zanchi (Hieronymus Zanchius; d. 1590), born near Milan in 1516, fled Italy when his sympathy for the Reformation became too pronounced and taught theology at Strasbourg and Heidelberg. The author of a celebrated defense of absolute predestination, Zanchi was also a notably irenic figure. The page reference in n is to chap. 25 of his De religione Christiana fides, where, after saying that only the two orders of pastors and doctors were given to the church by Christ, Zanchi adds that he does not blame the fathers for multiplying the various orders of ministers, as they were free to do, with reasonable cause (as we are also): "Interea tamen non improbumus Patres, quod juxta variam, tum verbi dispensandi, tum regendae Ecclesiae rationem, varios quoque ordines ministrorum multiplicarint: quando id eis liberum fuit, sicut et nobis: et quando constat, id ab ills fuisse factum honestis de causis, ad ordinem, ad decorum, et ad aedificationem Ecclesiae pro eo tempore, pertinentibus"; De religione Christiana fides (1585), p. 169. The passage partially translated by H ("That which the
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*Holy fathers . . . notable purpose instituted?* is from Zanchi’s defense of this position in the Observationes on this confession of his faith at p. 261 of the same volume (pp. 61–62 in a printing with separate pagination for the Observationes): “Credo enim quae à piis Patribus, in nomine Domini congregatis, communi omnium consensu, citra ullam sacrarum literarum contradictionem, definita et recepta fuerunt: ea etiam (quanquam haud ejusdem cum sacris literis, autoritatis) à Spiritu sancto esse. Hinc fit, ut quae sunt hujuscemodi: Ea ego improbare, nec velim, nec audeam bona conscientia. Quid autem certius ex historis, ex conciliis, et ex omnium Patrum scriptis: quàm illos ministrorum ordines, de quibus diximus, communi totius Reipublicae Christianae consensu, in Ecclesias constitutos, receptóqueuisse? Quis autem Ego sim, qui quod tota Ecclesia approbat, improbem? Sed neque omnes nostri temporis docti viri, improbare ausi sunt: quippe qui norunt, et licuisse haec Ecclesiae, et ex pietate, atque ad optimos fines, pro Electorum aedificatione, ea omniauisse profecta et ordinata”; “For I believe, that the things which were decreed and received of the fathers, by common consent of them all gathered together in the name of the Lord, without anie contradiction of holy Scriptures: that they also (though they bee not of equall authority with the Scriptures) come from the holy ghost. Hereupon it is, that the things which are of this sorte, I neither will nor dare disproove, with a good conscience. And what is more certaine, out of the histories, the councells, and writings of all the fathers: then that those orders of ministers of which we speake, were ordained and received in the church, by common consent of all the whole christian common wealth? And who [a]m I, that I should disproove that which the whole church hath approoved? Neither have all the learned men of this age, dared to disproove the same: as knowing, both that the church might lawfullie do so, and that all those thinges were ordained and done uppon a godlie purpose, and to excellent good endes, for edification of Gods children”; H. Zanchius, *His Confession of Christian Religion and Observationes of the same Zanchius upon his owne Confession* (1599; STC 26120), pp. 330–331. Written in response to criticism thought by Bancroft and Keble to have come from Beza, this passage was regularly appealed to by defenders of episcopacy in the English church; see Keble, 3:214; Bancroft, *Suray*, p. 137; Cooper, *Admonition to the People of England*, pp. 75–76; Saravia, *De diversis ministerium . . . gradibus*, chap. 23, pp. 57–58; *Diverse Degrees*, p. 73, misnumbered p. 77; Bridges, *Defense of the Government Established*, p. 424; and Sutcliffe, *Treatise*, p. 47.

3:211.30.0–212.5.g Calvin making mention . . . complecti. Calvin, writing to the king of Poland on 5 December 1554: “Vetus quidem Ecclesia Patriarchias instituit, et singulis etiam Provinciis quosdam attribuit Primatus, ut hoc concordiae vinculo melius inter se devinciti manerent Episcopi”; Epistolae (1575), p. 140 [not Epist. 190]; CR., 43:332–333. Calvin indicates that it would be similar to this arrangement if there were today one archbishop in the kingdom of Poland—not to dominate the others or take away their rights but to hold first place in synods for the sake or order and to foster a holy unity among his colleagues and brothers.
3:212.15—213.7 **But they will say, ... removed.** Not a quote but H’s summary.

3:212.30, p **the judgement of Cyprian** See 3:217.4—28 for H’s discussion of this argument.


3:214.22—32 **Pontius being Deacon ... be.** H here follows closely Pontius’s *Vita et passio Cypriani*, traditionally printed with edns. of Cyprian’s works; *Opera* (1593), fol. *n* (=π4"). “Ad probationem honorum operum, solum hoc arbitror satis esse: quod judicio Dei et plebis favore, ad officium sacerdotii, et episcopatus gradum adhuc neophythus, et ut putabatur, novellus electus est. Quamvis in primis fidei suae adhuc diebus, et rudi vitae spiritualis aetate, sic genera in indole concluderet; ut eti nonsum officii, spei tamen fulgore resplendens, imminetis sacerdotii totam fiduciam polliceretur. Non praeteribo etiam illud eximium, quoadmodum cum in dilectionem ejus et honoris totus populus aspirante [CSEL: insiprant] Domino prosiliret, humiliter ille secessit antiquioribus cedens, et indignum se titulo tanti honoris existimans, ut dignus magis fieret.” H’s specification of the episcopal title of honor in the terms “Pontifex, *Sacerdos, Antistes*” is based partly on the passage just quoted (“ad officium sacerdotii et episcopatus gradum”), partly on a slightly later passage virtually translated by H at 3:214.27—32 (“Viderint pietae Antistes, seu quos ad officium boni operis instruxit ipsius ordinis disciplina: seu quos sacramenti religio communis, ad obsequium exhibendae dilectionis artavit. Cypri-num de suo talem accepit cathedra, non fecit”), and partly, perhaps, on a still later passage, fol. **w* (=π5"), in which Pontius contrasts Cyprian’s exemplary behavior as a “Christi et Dei pontifex” with that of the “pontifices hujus mundi”; CSEL, 3.3:xcv, xcvi, xxcix; FOTC, 15:9–10, 11, 14; ANF, 5:269, 270.

3:215.5—14 and r **place of Cyprian, ... duty.** H here follows closely the passage given in r; epist. 5, *Cyprianus presbyteris et diaconibus fratribus carissimis*; *Opera* (1593), p. 15; CSEL, 3:479; ACW, 43:62; FOTC, 51:15.

3:215.21—22 **Cyprian was ... an Archbishop.** The point was debated by Whitgift (Defence, pp. 354–357; PS, 2:192–196) and Cartwright (1:98–99 [75]; 2:530–542) largely on the basis of Cyprian’s reference to “*nostra provincia*” in a
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letter to Pope Cornelius de Polycarpo Hadrumetino; epist. 45, in Opera (1593), p. 103; epist. 48 in CSEL, 3.2:607, ACW, 44:75, and FOTC, 51:108; see also 3:186.6.m.n, above. Although Cyprian clearly exercised leadership in the mid-3C African church, his emphasis in this letter is on joint episcopal authority and responsibility. See G. W. Clarke in ACW, 44:258, n. 15.

3:216.20 the Regiment of Jerusalem, See chap. 4.2 and 5.2 (3:156.28–157.7 and 160.3–14).

3:216.26–30 That if any . . . Regiment; Cartwright, 1:119 [92], replying to a brief “Judgement” against the Admonition by the aged Bishop Jewel appended to the 2nd (1573) edn. of Whitgift’s Answere (pp. 323–325): “The second reason [addressed by Jewel] whych sayeth that the churche of God under the lawe/ had all thyngs needefull appoynted by the commaundement of God/ the byshop sayeth he knoweth not what could be concluded of it. I have shewed before that there is nothyng les ment/ then that the church under the gospell/ should have all those thyngs that that church had/ or shoulde have nothing/ whych that had not: but thys thereupon is concluded/ that the Lord whych was so carefull for that/ as not to omit the least/ would not be so careles for this church under the gospel/ as to omit the greatest”; discussed by Whitgift, Defense, p. 428 (PS, 2:346). See Cartwright, 1:84–85 [63] and 2:440–448; Defense, pp. 304–307; PS, 2:90–97.


3:218.24–27.u Hic regum . . . dirimite. Livy, Ab urbe conditi libri, 1.1: “This man, the first of the kings to break with the custom handed down from earlier ones of consulting the senate on all matters, administered public affairs by family councils; war, peace, treaties, and alliances he made and broke as he wished, by himself, without the order of people and senate”; (1589), p. 31; Loeb, 1:172, as 1.49. Tarquinius the Proud, who seized power by the murder of his father-in-law in 534 BC, was a type of tyrants in the classical world.

3:219.4 as Augustus did, imperial power, Both Suetonius and Cassius Dio provide support for the contrast H implies here between initial usurpation of
power and later good government. C. Suetonii Tranquilli XII Caesares ([1591]), pp. 81 and 83; Loeb, Suetonius, 1:158–161 and 164–165: Augustus usurped the consulship at the age of 20, but with regard to his later rule “it is doubtful which was better, his intentions or their result” (“dubium eventu meliore, an voluntate”). Τῶν Διώνος τοῦ Κασιόν Ρωμαίων ἵστοριῶν βιβλία πέντε, bk. 56 (1591), p. 686; Loeb, Dio’s Roman History, 7:100–101 “If any remembered his actions in the course of the civil war, they ascribed them to the pressure of circumstances; his real disposition was revealed in what he did later, which afforded a mighty contrast” (πλείστων γὰρ τὸ διάφορον ὡς ἀληθῶς). H’s account here of increasing legitimacy in episcopal government in the course of time is at odds with the Protestant historiography of decline and corruption found, for example, in Beza’s De tripli episcopatu (see Intro. to Book VII, pp. 319–320, above). For H’s assertion of passage from initial violence to government with consent as a possibility in secular government, see VIII.3.3 (3:340.17–23). And compare Sir Thomas Smith, who cites Augustus (and Sulla) to show that “one may be a tyrant by his entrie and getting of the government, and a king in the administration thereof”; De republica Anglorum, 2nd edn. (1584; STC 22858), p. 6; ed. Dewar (1983), p. 53.

3:219.23–220.4 All things natural, . . . require. For other examples of H’s use of the language of part and whole to describe a community’s power to make authoritative changes in its own practices “as need shall require,” see Pref. 5.2, 6.6 (1:27.24–28.8, 33.29–34.13); 1.10.8 (1:103.15–25), 10.13 (1:108.23–109.2), 16.6–7 (1:139.32–141.22); VII.14.11 (3:227.4–9); VIII.3.4 (3:349.13–22), 6.1–2 (3:385.19–386.24), 6.5–7, 6.11 (3:401.22–404.5).

3:220.14–15 the case of Aurelius, Cartwright’s Second Replie cites Calvin (Inst., 4.4.10) to argue that this case was both exceptional and relatively unimportant. “Cyprian dooth the diligentie excuse him selfe, that he had appointed Aurelius a reader withowte advise off the churche.” The minor character of the lector’s office is used to explain why the consent of the people ceased to be asked and “why the people was not so carefull in that behalfe off retaininge their right” (2:216).


3:221.3–4 imposition of hands, χειροτονησαντες (Acts 14:23). Following the GB gloss, Cartwright understood this to be a showing of hands in election by the people; see 1:44–47 [29–31] and 2:199–214; Whitgift, Defense, pp. 157–166; PS, 1:345–362.

3:221.17–27.y Alexander Severus . . . Lives. “Et quia de publicandis dispositionibus mentio contigit, ubi aliquos voluisset vel rectores provinciis dare, vel praepositos facere, vel procuratores (id est rationales) ordinare, nomina eorum proponebat; hortans, populum ut siquis quid haberet criminis, probaret manifestis rebus: si non probasset, subiret poenam capitis: dicebatque, grave esse, quum id Christiani et Judaei facerent in praedicandis sacerdotibus qui ordinandi sunt, non fieri in

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provinciarum rectoribus, quibus et fortunae hominum committerentur et capita,"
Aelius Lampridius, Alexander Severus, ad Constantium Augustum, in Historiae
Augustae scriptores Latini minores (1588), 2:218; Scriptores historiae Augustae, ed. Hohl
(1955), 1:287; Loeb, 2:270–271. Marcus Aurelius Severus Alexander was Emperor
AD 222–235; his reign is recounted in the Historia Augusta, the title given by I.
Casaubon (1603) to a collection of biographies of Roman emperors AD 117–284
modeled on Suetonius’s lives of the twelve Caesars; Aelius Lampridius was one of
six alleged authors. Modern classical scholars regard the collection with great
skepticism; see OCD.

118 (Friedberg, 1:89): "Igitur per tres continuos dies diligentem examinentur: et sic
sabbato, qui probati sunt, episcopo reprezententur." This sentence concludes the
chapter in the canon law specifying how ordinands are to be examined.

3:221.30–222.2 And even . . . Ministers. The 1552 Ordinal, reauthorized under
Elizabeth, provided that the bishop admonish those presenting candidates for
ordination to "take heede that the persones whom ye presente unto us be apte and
meete, for theyr learninge and godlye conversacion, to exersyce theyr ministerie
duelye, to the honour of GOD, and edifysinge of hys Churche." To this the pre-
senting archdeacon was to answer, "I have enquyred of them, and also examined
them, and thinke them so to bee"; The fourme and maner of makynge and consecra-
tyngle, Bisshoppes, Priestes, and Deacons, printed with The Boke of Common Prater

3:222.12–14.a Such as make . . . Tyrannie. Walter Travers, Explicatio: "Neque
enim Episcopi, qui sibi hanc potestatem assumunt, et αὐτοκρατορικὸν quodam
Imperio et suis solis judiciis atque sententiis Ecclesiae ministros deligunt atque
designant, ullo divino jure id sibi assumunt: sed tyrannidem quandam, ab antiquis
quidem temporibus in Ecclesiam invectam exercent" (fol. [34]); "For the Bishopps
that challeng this power unto them selves by ther meere authoritie and their owne
only Judgment and advise to appoint the officers off the churche/ cannot challenge
this by any right or law off God/ but exercise a very tyranny thoughie indeede
longe agoe brought into the churche"; trans. Cartwright (1574), pp. 45–46.

3:222.15–19 At the first . . . Senators. Compare the passage from Justinian’s
Digesta, 1.2.11, cited in 3:349.23–24.n.n, below.

3:223.13–14 By the sixth . . . choosing. In Acts 6:1–6 "the whole multitude"
chooses "seven men of honest reporte" to be the deacons of the church at
Jerusalem; in Acts 14:23 the elders ordained by Paul and Barnabas are chosen "by
election in everie Church" (GB).

3:223.13–224.6.b By the sixth . . . Church. H’s own translation of Travers,
Explicatio, fol. 41r: "Illud quidem aliter Act. 6. et 14. factum esse legimus, et
populi in eligendo summam potestatem extitisse: sed id (ut mihi quidem videtur)
certa quadam de causa, quae nos ita non attingit, nec ad ordinariam et perpetuam Ecclesiae gubernationem referri debet. Ut enim in Rebuspublicis non tantum in populi, sed optimatum vel etiam unius Imperio atque principatu constituendo, antequam constituantur, omne Imperium penes populum est, qui sponte sua sibi magistratus delegit, quorum autoritate postea gubernetur: posteaque non universa plebs sed a plebe delecti magistratus Reipublicae negotia administrat: ita in Ecclesia constitutenda, quum nulli adhuc praeficerentur, omnis autoritas penes omnes erat: sed delectis semel ab omnibus, certis viris, quibus gubernacula Ecclesiae tradantur, non amplius haec potestas penes omnes est, sed eos tantum qui delecti sunt, ut gubernacula Ecclesiae tractarent, atque regerent. In Diaconorum autem electione alia praeterea certa causa fuit, cur illos ab univera Ecclesia eligi oportaret. Quum enim Graeci contra Heb. murmureant et iniquè secum agi quererentur, quòd in ea distributione quae ad pauperum subsidia quotidie partiebatur, viduarum suarum non satis magna ratio haberetur, necesse erat ad eos eligendos cui haec cura committenda fuit, omnium judicium adhibere, ut omnis querelarum et suspicio-num occasio tolleretur. Quare quod semel in Ecclesia nondum constituita, certis de causis à populó factum est, ad perpetuam et constantem Ecclesiae regendae rationem referre nihil attinet.” Trans. Cartwright (1574), pp. 54–55.

3:225.10–12 **If that which ... it,** H returns his opponent’s characteristic assertion that if reformation is good for Geneva, Scotland, etc., it must be good for England: “Is a reformation good for France? and can it be evil for England? is discipline meet for Scotland? and is it unprofitable for thy Realme?”; *Admonition*, from Whitgift, *Defense*, p. 702; PS, 3:314; *P.M.*, p. 19. Compare Cartwright: “Where he [Whitgift] saith/ he condemneth not other churches, which have appointed other orders of electing pastors: I reporte me to the reader/ whether the words be generall/ and whether the reasons he [Calvin] alledge then for that purpose/ be likewise. Nether can the Doctor shewe any reason why in Geneva/ why in whole Dominions in Germanie/ Why in Scotlande/ in Fraunce also in the tyme off their peace/ this order off election by the consente off the people/ shoulde bee good/ and pertinious in England” (2:224).

3:225.15 **which they do,** Travers, *Explicatio*: “Nam reliquae Ecclesiae judicium contemni nolumus, aut etiam negligi, ut ignarum senatus pro autoritate sua imponat quem velit: sed præeunte senatu populum etiam subsequei, qui promulgata ejus sententia, acclamatione vel silentio eam approbet, si probanda videatur vel eidem (si minus recta sit) contradicat” (fol. 40v–41r); “For I would not that the judgment off the rest off the churche should be condemned and neglected or that the counsell or elders off the churche should off ther owne authoritie sette one over the churche whom they list against the churches will/ but that the Elders goinge before/ the people also follow/ and havinge hard and understorde ther sentence and decree/ may either by some outward token or ells by ther sylence/ allow it iff it be to be liked off/ or gayne say it iff it be not just and up right”; trans. Cartwright (1574), p. 54.
3:225.20–24.c **No, but the people ... dislike.** Travers, *Explicatio*: "Nec id tantum: sed si justa causa improbandi illis judicii afferatur, improbent atque rescindant, ut tandem idoneus, senatus auctoritate atque suffragis delectus, omnium applausu atque consensione, approbetur. Ut hic iniqua illa querela sit, paucorum dominatu constituto, Ecclesiae majestatem violari" (fol. 41'); "And not only gayne say yt/ but iff just cause of ther dislikinge may be brought make it alltogether voyde and off none effect/ untill at the last a meete one may be chosen by the authoritie and voices off the Elders/ and allowed off by the consent and approbacion off the rest off the churc/he/ So that herein ther is no cause to compleine that by the bringing in off the rule of a fewe/ the majesty off the wholl church is diminished"; trans. Cartwright (1574), p. 54. This immediately follows the passage quoted in 3:225.15.n and immediately precedes the passage translated by H at 3:223.13–224.6.

3:226.d **Neque enim ... 3.** "For it was not right or allowable that an inferior should ordain a greater"; Pseudo-Ambrose, *Commentarii in Epistolam beati Pauli ad Timotheum I*, in Ambrose, *Opera* (1569), col. 2055; CSEL, 81.3:267. The commentator is concerned to explain why Timothy is instructed concerning the ordination only of deacons and bishops. It is because there is one ordination for bishop and presbyter, for both are priests. Yet not every presbyter is a bishop, for he is bishop who is first among the presbyters. And so Timothy, whose ordination as presbyter is mentioned (at 1 Tim. 4:14, on one reading of the verse), was a bishop, because he did not have another before him. Hence it is that he is shown how he is to ordain a bishop. The point of the quoted sentence is that Timothy must have been a bishop to ordain bishops, "for it was not right," etc., "For no one bestows what he has not received."

3:226.23–28 **Beza at Poissy ... Bishops:** At the colloquy of Catholic and Reformed prelates, ministers, and theologians held before Charles IX and various notables at Poissy in 1561, the validity of Beza’s ordination was challenged by the Sorbonnist Claude d’Espence. As recorded in Pierre de La Place’s *Commentarium de statu religionis et reipublicae in regno Galliae libri tres* (1572–1573; 1st edn., in French, 1565), which incorporates the one previously published account of this phase of the conference, the challenge is less specific than in H’s version: "Quod ad illud de successione Ecclesiae, caput attinet, saepenumero sum necem demiratus, ec cujus tandem auctoritate, et à quo vocati, in Ecclesiæ ingressi estis, et munus docendi accepistis: quum via ordinaria non sitis ingressi, nec ab ordinatis instituti, nec ab iis manuum impositionem acceperitis. Vos itaque minimè veros nec legitimos esse pastores, effici videtur: quandoquidem non potestis dicere, vos ordinaria successionem venisse, nec quidem extraordinaria;" 1:163". This account is followed in bk. 4 of the anonymous *Histoire eclesiastique des églises réformées au Royaume de France* published under Beza’s direction at Anvers in 1580, 1:577. On the Colloquy of Poissy, see Henry Martyr Baird, *Theodore Beza* (New York, 1899), pp. 153–187; H. O. Evenett, "Claude d’Espence and son ‘Discours du Colloque de Poissy,’" *Revue Historique*, 164 (May–August, 1930): 40–78; and

3:226.28–227.1.e **Athanasius . . . Canons;** The Greek in ε, Ἐπίσκοπης χειροθεσίαν ("a bishop's laying on of hands"), has not been found in Athanasius, but for Athanasius's defense of Macarius and rejection of 'Ischyros's ordination as invalid because received from a presbyter, see his *Contra Arianos apologia secunda, Opera* (1572), cols. 399–400; PG, 25:269; also Socrates, *Eccles. hist.*, 1.31, and Sozomen, *Eccles. hist.*, 2.25 and 3.23.

3:227.1–2 **Epiphanius . . . Ordination.** Not found, but see the passage quoted in 3:171.26.z.n, above.

3:227.17–23 **Luther did but . . . calling.** Joannes Sleidanus (1506–1556), *De statu religionis et reipublicae*, Carolo Quinto, Caesare, *commentariorum libri xxvi*, bk. 5 (1558): "Quum ejectus est Saxoniae finibus . . . Muncerus, oberraret, ac rumor increbuissest, eum cogitare Mulhusium: Lutherus, ea re cognita, datis ad senatum literis, graviter monet, ne recipiant . . . rectè facturum senatum, si roget ex illo, quis docendi munus ipsi commiserit, quis evoca[v]t et, si Deum nominet authorem, tum jubeant hanc suam vocationem, aliquo evidenti signo comprobare, quod si representa non possit, ut tum repudietur: hoc enim esse Deo proprium atque familiare, quoties formulam consecutam et rationem ordinariam velit immutari, ut tum voluntatem suam aliquo signo declareatur"; fol. 58'. Luther's counsel for testing Münzer's vocation is omitted from the translation of Sleidanus by John Daus, *A Famouse Cronide of oure time, called Sleidanes Commentaries* (1560; STC 19848). The beginning of Luther's warning is given at fols. 57r–58r.

3:227.23–31 **Another . . . Ordination.** Compare Bancroft, as reported by John Spottiswoode, from a discussion of the validity of his own presbyterian ordination held prior to his consecration as archbishop of St. Andrews in 1610, *The History of the Church of Scotland*, ed. Russell (1851; rpr. 1973): "where bishops could not be had, the ordination given by the presbyters must be esteemed lawful; otherwise . . . it might be doubted if there were any lawful vocation in most of the reformed Churches"; 3:209. See Norman Sykes, *Old Priest and New Presbyter* (Cambridge: The University Press, 1956), pp. 69–108.

3:228.20 **Now when that power . . . down.** For a corresponding treatment of the election and consecration of bishops, see VIII.7.

3:228.5–20 **Neither is there . . . down.** Whatever its theoretical relationship to popular choice, the ancient and complex system of largely lay-controlled ecclesiastical patronage which H defends here posed problems for episcopal as well as disciplinarian attempts at clerical reform. See chap. 24.7; 3:294.33–295.4 and n.

3:228.22–31 **That all Ministers . . . many.** H's italics signal, respectively, his summary of the position just refuted and his preview of the next issue, not quotations. See n following.
3:228.31  **Their meaning here**  See Cartwright, 1:184 \([147]\): “it must needes be the meaning of oure savioure Christe/ that the excommunication should be by many/ and not by one/ and by the church/ and not by the minyster of the church alone”; 1:183 \([146]\): “Nowe that thys charge of excommunication belongeth not unto one/ or to the minyster/ but cheefely to the eldershyp and pastor/ it appeareth by that whych the authors of the admonition alledge out of S. Mathewe [marg., Chap. 18.17.]/ whych place I have proved before to be necessarily understood of the elders of the church”; but see 1:187 \([149]\): “there do beare rule or be presidents certaine of the most approved auncients or elders . . . [and] the auncients had the ordering of these things/ and the peoples consent was required”; discussed by Whitgift, *Defense*, pp. 662–678 (PS, 3:223–263), and Cartwright, 3:78–94.

3:229.4–5.f  **This they say . . . practised**  Cartwright cites the bishops Cyprian (“Lib.3. ep.8.10.14.19” and “1 Lib. 3.epi.”) and Augustine (“3 lib. contra ep. Parmen.”), as well as Tertullian (Apology, chap. 39), in his *Replye*, 1:187 \([149]\); see Whitgift, *Defense*, pp. 673, 674, 675 (PS, 3:252, 254, 256). In 3:91 Cartwright quotes Calvin, *Inst.*, 4.11.6: “the Bishops, when they excommunicated of them selves alone, did it ambitiously, contrary to the decrees of the godly Councils.” He refers to canon 23 of the Fourth Council of Carthage in 2:594. The reference for f should precede “This” (line 4).


3:229.f  **Council . . . ep. 8.**  The citations follow Cartwright (see 3:229.4–5.n, above). Fourth Council of Carthage, canon 23: “Ut episcopus nullius causam audiat, absque praesentia clericorum suorum: alioquin irrita erit sententia Episcopi,
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nisi clericorum praesentia confirmetur”; Concilia (1585), 1:759; CCSL, 149:346. For the first of the three epistles of Cyprian referred to here (3.10) see above at 3:183.3–12, where H emphasizes the voluntary nature of Cyprian’s resolve from the beginning of his episcopate to “do nothing” without the counsel of his clergy and the consent of his people. In the second letter cited (3.14), Cyprian, writing “to his brothers, the presbyters and deacons,” inveighs against the irregular readmission of lapse persons to communion by certain presbyters. The insult to his own episcopate (episcopatus nostrī) he could ignore and bear, but such forbearance is out of place when “our brotherhood” (noster fraternitas) is being deceived; Opera (1563), p. 71; CSEL, 3.2:517, ACW, 43:93, and FOTC, 51:47 as epist. 16. The third Cyprian reference, following Cartwright as above, should be either to bk. 3 (not bk. 1), epist. 8, Ad Fidum de infantibus baptizandis, the first letter cited by Cartwright, or to bk. 1, epist. 3 (not epist. 8), Ad Comelium de Fortunato et Felicissimo, the last letter cited. The point at issue in the former is not exercise of ecclesiastical censure by the bishop alone but a particular bishop’s readmission of a lapse person to communion “immaturo tempore et praepropera festinatione”; (1563), p. 63; CSEL, 3.2:717, ACW, 46:109, and FOTC, 51:216 as epist. 64. It is true, however, that readmission without the desire and knowledge of the people (“sine petitu et conscientia plebis”) is reprobated except in compelling circumstances such as sickness. On epist. 1.3, see 3:147.12.a and 217.6–8.s and nn, above. Cartwright argued (3:89–90) that Cyprian’s report of difficulty in persuading his people to readmit some of the lapsed under any conditions implied that the decision was not his alone: “Vix plebi persuadeo, immo extorqueo, ut tales patiantur admitti”; (1563), p. 11; CSEL, 3.2:685, ACW, 46:84, and FOTC, 51:188, as epist. 59.


3:230.21–23 no farther ... Prince.) H echoes Whitgift at Defense, p. 770 (PS, 3:448), adding the OT reference that follows.

3:230.27–231.4 Shemaia ... innocent. Jer. 29:26. Shemaiah, intent on suppressing the prophet Jeremiah, himself was reproved by the voice of the Lord, coming to Jeremiah, in vv. 30–32.

3:232.8–9.i The wisest ... skilful. Barnabé Brisson (c. 1525–1591) was an eminent French lawyer under Henry III, first president of the Parlement of Paris under the Catholic League, but hanged by the radical Leaguer group of the Sixteen for opposing their excesses. See J. H. M. Salmon, Renaissance and Revolt: Essays in the Intellectual and Social History of Early Modern France (Cambridge: The University Press, 1987), pp. 235–266, and Brisson, Selectarum ex jure civili antiquitatum libri iv, 4.16 (1587), col. 74. Answering those to whom Ulpian’s definition of jurisprudence as the knowledge of things divine and human seems ridiculous, Brisson cites
both ancient Roman practices of consulting jurists on religious as well as civil matters and also the recognition by modern authors of a species of civil law concerned with sacred matters and with priests. Clearly, the science of divine things once pertained to jurisprudence, and only a combined knowledge of all laws or rights, human and divine, earned jurists the highest praise. The chapter is entitled, “Conjunctam olimuisse juris divini et humani scientiam,” and reads: “Ridiculum videtur nonnullis Jurisprudentiam rerum divinarum et humanarum notitiam ab Ulpiano definiri, quod existimem rerum divinarum cognitionem nihil cum juris civilis scientia commune habere. Atqui ex veteribus memoris certissimum est, in utriusque cognitionis facultate consultos paresuisse, tenuisse que et edocuisse eos quibus hostiis, quibus diebus, quo ritu, ad quae templum sacra facienda essent, quae sepulchrorum monumentorum que jura, quae justorum funebrium solemnia essent. Quae ad jus publicum et divinum referebantur omnia, cujus peritia aequè priscos prudentes atque humani juris cognitione commendari video... Nostri etiam auctores juris civilis alteram speciem in sacris et sacerdotibus consistere statuunt, unde perspicuum sit, rerum divinarum scientiam ad jurisprudentiam olim pertinuisse, nec verò alter omni laude cumulatum Jurisconsultum extitisse, quam si omnia et humana et divina jura scientia cognitione que complexus fuisse.” Compare H’s use of French jurists expert in questions of sacred law in VIII, 3:417.26–28.n, below.

3:232.11–12 what St. Augustine... gather, On Augustine’s hearing of causes, see Jewel’s “Judgement” against the Admonition in Whitgift, Answer (1573), p. 325; Cartwright, 1:213 [171]; Whitgift, Defense, pp. 771–772 (PS, 3:451–452); and Cartwright, 3:26–27. Augustine cannot be understood to refer to himself as exercising “any judgment given by reason of civil authority,” Cartwright argues, for then the Apostle’s commands which he alleges would imply that Paul could order the simplest in the church to bear civil office at a time when the (pagan) magistrate would commit no authority to him, or that “the civil office is incident unto the office of the ministry, and can not be severed from it.”

3:232.13–31 j I call God... fruit. Augustine, De opere monachorum (On the Work of Monks), chap. 29; Opera (1569), 3:801 (CSEL, 41:587–588): “Dominum Jesum, in cujus nomine securus haec dico, testem invoco super animam meam, quoniam quantum attinet ad meum commodum, multo mallem per singulos dies certis horis, quantum in bene moderatis monasteriis constitutum est, aliquid manibus operari, et caeteras horas habere ad legendum et orandum, aut aliquid de divinis litteris agendum liberas: quam tumultuosissimas perplexitates causarum alienarum pati de negotiis secularibus vel judicando dirimendis, vel interveniendo praecidentis: quis nos molestiis idem affixit Apostolus, non utique suo, sed ejus qui in eo loquebatur arbitrio, quas tamen ipsam perpessumuisse non legitimus. Aliter enim se habebat Apostolatus ejus discursus... Sapientes ergo qui in locis consistebant fideles et sanctos, non qui hac atque illac propter Evangelium discurrebant, talium nocumentorum examinatores esse voluit. Unde numquam de illo scriptum est, quod aliquando
talibus vaclaverit, à quibus nos excusare non possumus, etiam si contemptibles simus, quia et hos collocari voluit, si sapientes defuissent, potius quam ut negotia Christianorum deferentur in forum. Quem tamen laborem non sine consolatione Domini suscipimus pro spe vitae aeternae ut fructum feramus cum tolerantia."

3:233.13–15 **Vice-Chancellors ... Civil Judges** The universities of Oxford and Cambridge were formally incorporated by act of Parliament in 1571 (13 Eliz. I, cap. 29), "to the intent that the auncient privileges, liberties and franchises of either of the said Universities heretofore granted ratified and confirmed by the Queenes highnes and her most noble progenitors maie be had in great estimation, and be of great force and strength for the better encrease of learning, and the further suppressing of Vice"; *Registrum privilegiorum almae universitatis Oxoniensis* (Oxford, 1770), p. 77; S.R., 4.1:585–586. The Oxford *Registrum privilegiorum* gives, besides this statute, charters of Edward IV (1461) and Henry VIII (1523), the former of which rehearses a long series of earlier royal charters granting the chancellor of the university and his deputies jurisdiction over all cases short of felony or mayhem involving a member of the university as a party. With H's concern here compare Pref. 8.3 (1:39.21–41.1, esp. 40.16–21). It could still be debated in the early 18C whether the universities were ecclesiastical or civil corporations; see John Ayliffe, *The Antient and Present State of the University of Oxford* (London, 1714), 2:97–100.

3:233.20–21 **the Prophet ... St. Paul** Isa. 49:23, but GB glosses the reference to kings as "nourcing fathers" to mean that, "Kings shalbe converted to the Gospel and bestow their power, and autoritie for the preservation of the Church." And see Isa. 60:16. Paul was of the tribe of Benjamin (Rom. 11:1, Phil. 3:5), as was King Saul (1 Sam. 9:1–2).


3:234.27–28 **David ... State;** Zadock functioned as “the High-priest” in David’s court from the time of Absalom’s revolt until David’s death (2 Sam. 15:24 ff.); he was anointed under Solomon (1 Chron. 29:22).

3:234.28 **all Christian ... Princes** To illustrate the common medieval practice of employing prelates for high civil office: every 15C archbishop of Canterbury served at some time as chancellor of the realm or head of the King’s council.

3:235.14–19 **The French King ... State.** At a consultative assembly of barons and bishops at Vincennes, near Paris, called by Philip VI in 1329, Pierre de Cugnières, a conseiller in the parlement, recommended the exclusion of the church from temporal affairs. H appears to be mistaken, however, in believing that a corresponding ordinance was issued by the king. On Cugnières’ position, see F. J. M. Olivier-Martin, *L’Assemblée de Vincennes de 1329 et ses conséquences* (Paris, 1909), pp. 101–124. In the account of the assembly given by one of the major ecclesiastics participating, the king denies responsibility for issuing edicts prejudicial to ecclesiastical jurisdiction; see Libellus Petri Bertrandi, in Pierre Toussaint Durand de Maillane, *Les libertez de l’église Gallicane* (Lyons, 1771), 3:444–503, p. 503. A trace of the reasoning H attributes to the king may be found in Cugnières’s assertion that the tonsuring of clerics was a sign of their withdrawal from temporal affairs (p. 501).


3:236.17–24 **That the matters ... souls.** H’s enumeration of a minister’s duties may be intended as a summary of Travers’s *Explicatio,* fols. 57v–65r; trans. Cartwright (1574), pp. 76–86 (words and phrases corresponding to H’s enumeration are italicized): “The name off a Bishopp ... [is most properly given] to the chieff charges off the church/ and to thos that are as it were the watche off the cytie off god” (p. 76; = fol. 57v); “in old tyme this was rather a name off labor then off rest/ off burden then off honor/ off busines then off ease. Now a Bishop (iff we will trewyly declare what he is) is the minister off the churche in heavenly thinges and such as perteine unto god ... . As for that I enclose all the office off a Bishopp in devine service I ground upon the same place off the Apostle [Heb. 5:1] who giveth no
more to the priesters [under the OT law]/ whose office was nothing less honorable then the Bishopes in this behalfe .... So the Apostle conteneth the office of Timothe [marg., 1. Tim. 3.15.] although he were an Evangelist/ in the government/ and administration off the house off god/ which is the church. And to omytte many other places to this ende/ the Apostle to the Hebrues [marg., Heb. 13.17.] comprehedeth all the charge off the Elders in the cure of soules ("animarum procuracione")" (p. 77; = fol. 57"—58); "he [Christ] tould them [the Apostles] ... [t]hey should keep his foulds and feed his flock and his lambs" (p. 78;= fol. 58"); "[I have enclosed] all the office off a Bishopp in the administracion off heavenly and spirituall things ["divinarum rerum procuracione"]" (p. 79; = fol. 58"); "the office off the Magistrate ... hath not to doe with the holie ceremonies" (p. 83; = fol. 62"); "Now seing as I suppose yt is sufficiently proved that the office off a Bishopp is lymited in the administration off heavenly and spirituall things/ let us particular-ly declare the several partes off this office. Which consist partly in teaching and interpretinge off the word off God/ and partly in making prayers for the church" (p. 87; = fol. 65"); "So then in the Priesthood and the Prophesie two off the cheifest offices in the Jewishe churche (which our Bishoppes do resemble/ iff we compare the Pastors with the Priesters/ and the Doctors with the Prophetes) Thes two offices off teachying and prayinge were joyned togither" (p. 88; = fol. 65"). And see pp. 146—147 (= fol. 113"): "A Pastor therfore I call a Bishopp/ who applieth the Scriptures to the divers occasions and necessitie off the church: and ministreth the Sacramentes to those which doe beleve .... Pastors administrate not only the word/ but also the Sacramentes."

3:236.34—237.2 But in the Old ... Sons. Travers, Explicatio, fol. 60°; trans. Cartwright, p. 81: "For that ther is a great difference betwene the cvill magistrat and them that have charge off ecclesiasticall matters/ That sufficiently dothe prove/ that whereas first off all both powers were confounded togither in Moses/ The lord leaving him only the charge off the common welth/ committed the govern-ment off the churche to Aaron his brother .... So they were divided a sonder not only in ther own persons/ but also by families and by tribes."


3:237.6—7 Was not Ely ... Judge? See Whitgift, Answere (1572), p. 217: "What say you to Elie and Samuell, were they not bothe Priests and Judges?"; Cartwright, 1:211—212 [170]; Whitgift, Defense, p. 767; PS, 3:442; Cartwright, 3:21: "such were extraordinarily raised up of god, and not by any established order or election of men."

3:237.8—11 These men ... scrupulous Compare Whitgift, Defense: "But remember I pray you what you sayd before in the treatise of Seniors: you there set it downe that they are ecclesiasticall persons: and yet M. Beza (as I have there declared [p. 654, referring to an epistle prefacing the confession of the Swiss
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Besides, Christ our Warfare. [3:238.3-8]

Whitgift had argued concerning a related passage (Luke 9:60–61), that “the meaning of Christ in this place, is that when we are called to eternall life by him we ought not to protracte the time, nor to seeke any delays, but leave all and follow him” (Defense, p. 750; PS, 3:407). Cartwright insisted on a specifically ministerial sense of calling in both passages: “his meaning is of the calling unto the ministry, and not of the calling to eternal life . . . our Saviour Christs vocation, was to be a Minister of the gospel, but he refused civil judgment because of his vocation: thewrefore he refused it, because he was a Minister of the gospel. wherupon also followeth, that Bishops being Ministers of the gospel: owght not to receive, any such power”; 3:1–2, before a discussion of John 8:11.

But Christ refused . . . calling. Compare the Remonstrance (1590; STC 20881), attributed to Matthew Sutcliffe: “all that our Saviour refused, every of us may not refuse: he because he came to be a mediatour betweene God and man, would not become a common divider, and judge of every secular cause of title of land . . . Besides, if he had intermedled in the matters of the common weale, it would have strengthened the conceipte, that he sought an earthly kingdome, and to dispossesse the Romanes . . . Christ refused to divide the inheritance: it was because hee woulde not use the authoritie that hee had as Lorde of Heaven and earth when he came as a servant: not because either a Christian magistrate or minister shoulde after his example lay aside all authoritie” (pp. 179–180).


Suffer thou evil . . . Warfare. 2 Tim. 2:3–4. By quoting v. 3 and emphasizing the harshness of the military situation in his own translation of v. 4 (a
standard proof-text for patristic and medieval writers advocating the withdrawal or exclusion of ecclesiastics from the exercise of civil authority), H prepares the way for his exegesis of the text's "plain" sense and meaning as an exhortation to endure worldly hardship, not to avoid worldly responsibilities.

3:238.22 **sense ... is plain**, Whitgift had argued that civil offices committed to the clergy "be rather helps to their vocation, than impedimementes: for the office of a Justice of peace, of an high Commissioner, and such like, is to punische vice and iniquitie, to see good order kept in the common wealth, aswell in matters touching religion, as other common and publike businesse. Wherefore as these offices be not meere civil, but partly ecclesiastical and be for discipline and correction of sinnes: so in my opinion they be moste meete to be committed to some of the wisest and best of the Clergy"; Answere (1572), p. 217; Defense, p. 753; PS, 3:414. H's exegesis allows that "some special good cause" is needed to justify such clerical "dealing in Civil affairs" and thus takes better account of patristic and reformed opposition to such practices.

3:239.4–8.m **As well ... marriage**: "It is appropriate that those be chosen and ordained as priests who have neither children nor grandchildren. For it is scarcely possible for one who is free to attend to the cares [Krueger: *curis occupatus*] of this life that children especially create for parents to devote every effort and every thought to the divine liturgy and ecclesiastical affairs"; Justinian, Codex, 1.3.42; (1590), col. 36; Krueger (1963), p. 26, as 1.3.41 (42).2.

3:239.27 **Herod**, Herod the Great reigned (37–4 BC) when Jesus was born, but his son, Herod Antipas, who was king at Jesus's death, is presumably intended here.

3:240.11–12 **sundry eminent Canons, ... Councils** In 1:210 [168] (Whitgift, Defense, p. 762; PS, 3:430) and 3:15, Cartwright refers to the following: (1) Apostolic Canon 81, cited as 80; *Theologorum aliquot ... libri Graeci* (1559), p. 8; Lauchert (1896), p. 12; NPNF.2, 14:559: a bishop or presbyter must not give himself to the management of public affairs (*δημοσίας διοικήσεις*) but devote himself to ecclesiastical business (**ἐκκλησιαστικάς χρήσεις**), for no one can serve two masters; (2) Council of Chalcedon, canon 3 (ibid., p. 44; Schroeder, pp. 90, 519; NPNF.2, 14:269): because some clergy have been making contracts in secular affairs and undertaking to manage the property of secular persons, it is ordained that henceforth no bishop, cleric, or monk shall engage in business or occupy himself in worldly matters (*πράγματα [ἡ] ἐπιεικέστερα ἑαυτῶν κοσμικά-ις διοικήσεις*) except in a few specified circumstances. (3) Council of Chalcedon, canon 7 (ibid., p. 45; Schroeder, pp. 96, 520; NPNF.2, 14:272): no cleric or monk shall accept either a military charge or a secular dignity (**μὴ τε ἐπὶ στρατευόμεν υἱὸς ἐπὶ δέξαν κοσμικὴν ἐρχεται**). (4) Fourth Council of Carthage, canon 20 (Concilia, 1585, 1:759; CCSL, 149:346): a bishop should devote himself solely to reading, prayer, and preaching of the Word of God, with no turning again to domestic concerns.
3:240.15  *most of the ancient Fathers*, In 1:207 [166] (Whitgift, *Defense*, p. 754; PS, 3:415) and 3:6, Cartwright cites: (1) Cyprian, epist. 19, *Ad denuum et plebnum Furnitanorum, de Victore; Opera* (1593), p. 27; CSEL, 3.2:30–31, ACW, 43:51–52, and FOTC, 51:3–5, as epist. 1. Cyprian is disturbed to hear that a presbyter has been named as guardian in a will, when it has long since been laid down in a council of bishops that no one should appoint a cleric as guardian or trustee (“ne quis de clericis et Dei ministri tutorem vel curatorem testamento suo constituat”); (2) Jerome, *Commentarii . . . in Sophoniam prophetam; Opera* (1516), 6:93D; CCSL, 76A:662: a stinging rebuke of a church which venerates him who has a golden ring but shows contempt for the poor and of those who vainly plume themselves on the names but not the work of a presbyter and bishop, who enmesh themselves in secular affairs (“obligant se negociis saecularibus”) and offer the same image to God and Caesar; (3) Ambrose, *Officiorum libri iii*, 1.36; *Opera* (1569), col. 26; PL, 16:78: if those who fight for the emperor are prohibited by human laws from engaging in the business of the forum or taking wages, how much more ought one who fights for the faith to abstain from all business activities (“ab omni usu negotiationis”).

3:240.n  *Cum . . . ad pontific.* Cicero, *Pro domo sua ad pontifices*: “Among the many things divinely discovered and established by our ancestors, members of the pontifical college, none is more excellent than this, that they wished you, the same persons, to be set over both the cults of the gods and the state”; *Opera* (1588), 2:567; Loeb, *Pro Archia . . . De domo sua*, p. 132.

3:241.o  *Honor sacerdotii . . . Authority.* Tacitus, *Historiae*, bk. 5: “The honor of priesthood was assumed [by the Hasmonean kings, on regaining power in the 1C BC] as a support for their power”; *Opera* (1589), p. 286; Loeb, *Tacitus*, 3:190. Tacitus had noted Moses’ introduction of new religious practices to strengthen his authority on the previous page (p. 285; Loeb, 3:178).

*Hic mos apud . . . ib. 36.* Marcus Junianus Justinian’s abridgement of the otherwise almost entirely lost *Historiae Philippicae* of the Augustan historian Trogus Pompeius was probably written in the 3C. It was widely read in the middle ages and later. Four Latin editions were published in England in the 16C, as well as three in English, in the last of which H’s passage reads: “And ever after it remained as a custome amonge the Jewes, that they that were their Priestes were also their Kingses. Through whose Justice joyned with Religion, it is uncredibile how greatly they encreased”; *The Abridgement of the Historyes of Trogus Pompeius . . . by . . . Justine*, bk. 36 (3rd. edn., 1578; STC 24292), fol. 149r; Justinus, *Historia* (1566), fol. 142r; M. Juniani Justini epitoma historiarum Philippicarum Pompei Trogi, ed. Seel (1972), p. 248.

3:241.16–20.p  *Ecclesiastical . . . Bishops.* Ecclesiastical persons, including monks, were declared legally exempt from administering every kind of guardianship and from the curatorship of wards, minors, the insane, and so on, by Justinian, *Codex*, 1.3.52; (1590), cols. 44–45; Krueger (1963), pp. 34–35 as 1.3.51 (52); *lex*
40 in Scott, 12:52. The passage H cites here, forbidding bishops to bequeath or otherwise alienate property accruing to them after their consecration, except things acquired from close relatives, immediately follows the passage quoted at 3:239.m; Justinian, Codex, 1.3.42; (1590), cols. 36–37; Krueger (1963), p. 26 as 1.3.41 (42); Scott, 12:47, as an extract from Novellae, 131.13.

3:241.24–242.2 **the axiome used ... express.** Compare Giacomo Menochio (1532–1607), De praescriptionibus, conjecturis, signis et indicis (1587–1590), bk. 2, Praesumptio 10.1: "Dicimus itaque, praesumptionem juris esse, quod quando princeps aliquid facit, vel concedit, praesumatur id facere vel concedere, justis de causis"; 1:87 (second enumeration).

3:242.11–14.q **That they utterly ... persons?** Cartwright, 1:126 [98]: "I admonishe the reader that I do not allow of all those things which I before alleaged in the comparison betwene our Archbyshoppes and the Archbyshops of olde tyme/ or our byshoppes and theirs. Only my entent is to shew that although there were corruptions/ yet in respect of ours they be much more tollerable: and that it might appeare how smale cause there is that they should alleage theyr examples to confirme the Archbyshops and Byshops that now are"; Whitgift, Defense, p. 452; PS, 2:394.


3:242.23–28.r **The bearing ... another.** Cartwright, 1:22 [10]: "The distinction of the office [between civil and ecclesiastical offices] he [Christ] noteth/ in these words/ the kings of the Gentiles have dominion over them/ and the princes exercise authoritie over them/ but it shal not be so with you. Whereupon the argument may be thus gathered. That/ wherein the civill magistrate is severed from the ecclesiastical officer/ doth not agree to one minister over an other. But the civill magistrate is severed from the ecclesiastical officer/ by bearing dominion. Therfore bearing dominion doth not agree to one minister over an other"; quoted and discussed by Whitgift, Defense, pp. 62–63 (PS, 1:149–151); Cartwright, 2:414–415.

3:242.28 **This place** For the next three pages H is concerned to refute and
replace the Puritan exegesis of the parallel passages Matt. 20:20-28 and Mark 10:35-45, in which Christ is asked to confer some sort of pre-eminence on two of his followers. His response, as quoted from Cartwright at 3:242.26-27 ("Kings ... you:"), is also to be found at Luke 22:25-26.


3:245.33-246.10.s try their adventure ... titles. Cartwright, 1:100 [76]: "And first for the title and honor of archbishop it appeareth how Cyprian held that as a proud name/ for that he objecteth [marg., 4. lib. 9. epist.] to Florentius as a presumptuous thing/ for that in believing certaine evil reports of hym/ and misjudging of him/ he did appoynt him selfe bishop of a bishop/ and judge over hym/ which was for the time/ appoynted of God to be judge"; 1:95 [72]: "This endeavoure of godly men [to strike at these proud names]/ may appeare in the councell of Carthage [Conc. Cartha. cap. 39.]/ whych decreed that the bishop of the first seat/ shoulde not be called exacthon ton hieron, e akron ierea, e toolution ti pote: that is/ either the chefe of the priests/ or the high priest/ or any such thing/ by whych wordes (an such thing) he shuttreth out the name of archbyshop/ and all such hauie titles." Quoted and discussed in Whitgift, Defense, pp. 361, 342-344 (PS, 2:205-206, 168-172); see Cartwright, 2:544-545, 498-502.

3:246.7-9.t That the Bishop ... Sea; The Council of Carthage of 418-419 (see 3:198.10-12), canon 39; Theologorum aliquot ... libri Graeci (1559), p. 73 [misnumbered 83; the canon misnumbered 36]; CCSL, 149:40, 185; NPNF.2, 14:461.

3:247.4-10 What arrogancy ... Priest. Cyprian, epist. 69, Ad Florentium, quem et Puppianum; Opera (1593), p. 208; CSEL, 3.2:730, ACW, 46:119, and FOTC, 51:226, as epist. 66: "Quis enim hic est superbiae tumor, quae arrogantia animi, quae mentis inflatio, ad cognitionem suam praepositos et sacerdotes vocare, ac nisi apud te purgati fuerimus, et sententia tua absoluti, ecce jam sex annis nec fraterniti habuerit episcopum, nec plebs praepositorum, nec grex pastorem, nec Ecclesia gubernatorem, nec Christus antistitem, nec Deus sacerdotem?"


3:247.29-248.5.u Wherefore Cyprian ... another. Concilium Carthaginensis sub Cypriano Episcopo. Improbatum ab ecclesia. Sententiae episcoporum de haereticis baptizandis: "Superest, ut de hac ipsa re, quid singuli sentiamus, proferamus, neminem judicantes, ait a jure communionis aliquem, si diversum senserit, amoventes. Neque enim quisquam nostrum Episcopum se esse Episcoporum constituit, aut
Book VII, Chapter 16.2-16.8


3:248.10–21.v These ... account. Cyprian to Pope Stephen I: "Haec ad conscientiam tuam frater charissime, et pro honore communi, et pro simplici dilectione pertullimus, credentes etiam tibi pro religionis tuae et fidei veritate placere, quae et religiosa pariter et vera sunt. Ceterum scimus quosdam quod semel imiberint nolle deponere, nec propositum suum facile mutare, sed salvo inter collegas pacis, et concordiae vinculo, quaedam propria, quae apud se semel sint usurpata, retinere. qua in re nec nos vim cuiquam facimus aut legem damus; cum habeat in Ecclesiae administratione voluntatis suae arbitrium liberum unusquisque praepositus, rationem actus sui Domino redditurus"; Cyprian, epist. 2.1, Opera (1563), p. 33; CSEL, 3.2:777–778, ACW, 47:53–54, and FOTC, 51:267–268, as epist. 72. This letter, reporting the results of the council cited in the preceding n culminates, without resolving, the bitter controversy between Carthage and Rome over the validity of baptism by heretics.


3:249.5–8.x that both Cyprian ... Priests. Cartwright: "what a confusion of times is thys/ to begin with Cyprian/ and then come to Jerome and Chrysostome/ and after to the scripture/ and backe agayne to Ignatius/ that was before Cyprian/ which times are ill disposed of you/ and that in a matter wherein it stode you upon to have observed the order of the tymes. But as for Ignatius place it is sufficiently answered before in that which was answered to Cyprian hys place/ for when he sayth the byshop hath rule over all/ he meane howe no more all in the province/ then in all the worlde/ but meane howe that flocke and congregation/ whereof he is byshop or mynister. And when he calleth hym prince of the priestes/ although the title be to excessive and bigge/ condemned by Cyprian and the councell of Carthage/ yet he meane howe no more the prince of all in the diocese as we take it/ or of the province/ then he meane howe the Prince of all the priestes in the world: but those fellow mynisters and elders that had the rule and government of that particulare church and congregation/ whereof he was byshop" (1:113 [87]); quoted and discussed in Whitgift, Defense, pp. 408–409; PS, 2:305–306; Cartwright, 2:500, 620–622.

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3:249.7–8 **Ignatius... Prince of Priests.** In the passage interpolated in Ignatius’s letter to the Smyrnaeans quoted above at 3:4.i and referred to again at 175.6–11.j, the bishop is called an ἀρχιερέας; *Epistolae* (1558), p. 87; Lightfoot, ed., *The Apostolic Fathers*, 2.3:224; ANF, 1:90.

3:249.11–12.y **Theodoret... Archpriests** Theodoret, *Eccles. hist.*, 1.7: ἀφίκετο καὶ αὐτὸς εἰς τὴν νίκαιαν, ἵδειν τὴν τῶν ἀρχιερεῶν πληθὺν ἑφίμενος, καὶ τὴν ὁμόνοιαν αὐτοῖς προτανεύοντα ποθόν, καὶ παραχρῆμα πάντα ἀφθόνως αὐτοῖς χορηγεῖσθαι προσέταξεν. ὡκτωκαίδεκα δὲ καὶ τριακόσιοι συνήλθον ἀρχιερεῖς. (1544), fol. 284v; GCS, 44 (19):30; NPNF.2, 3:43, as chap. 6, translating ἀρχιερεῖς as “bishops.”

3:249.x **Hieronymus... Episcopi.** “He says that ‘the safety of the church depends on the dignity of the high priest,’ that is, of the bishop.” For the passage from Jerome, *Epistolae* (1578), p. 199A (PL, 23:165), see above at 3:180.17–20. **Idem... Concilio.** H continues: “‘Summus Sacerdos’ is the same in Jerome as άκρος ἱερεύς in the Council of Carthage.” He then cites examples of the phrases “summus sacerdos” and “summus pontifex” being applied to bishops in western canon law. **Vide... 38. dist.** In the first of these examples from Gratian, *Decretum*, 1.38.6, the substance of a bishop’s high-priesthood is said to be the communicating of things divinely transmitted: “Substantia enim summi sacerdotii nostri sunt eloquia divinitus tradita...”; (1584), col. 189; Friedberg, 1:142. **Item... q. 3.** The second, *Decretum*, 2.12.3.3, refers to the high-priesthood of Christian pontiffs (“Pontifices, quibus in summo sacerdotio constitutis...’); (Lyons, 1584), col. 1017; Friedberg, 1:713. **Item... dist. 5.** The third passage, a forgery from the Pseudo-Isidorean corpus, *Decretum*, 3.5.3, suggests that confirmation by a bishop be venerated as a greater sacrament than baptism because it can only be done by high pontiffs (“sicut unum à majoribus fit, idest, à summis pontificibus, quod à minoribus fieri non potest, ita et majori veneratione venerandum, ut tenendum est’”); (Lyons, 1584), col. 2037; Friedberg, 1:1413.

3:250.3–12 **What should move... his.** An echo of the analysis of his opponents’ motives (pride masked as humility) with which H began Book VII (1.3; 3:147.8–14).

3:250.25–27.a **Wherefore lift ye... honor.** Num. 16:3: “Ye take to muche upon you, seing all the Congregacion is holy, everie one of them, and the Lord is among them: wherefore then lift ye your selves above the Congregation of the Lord?” (The details “too much power, and too much honor” are added by H to fit the divisions of his own treatise.) This protest against the superiority of Moses and Aaron by Korah, Dathan, Abiram, and 250 of the princes of the Israelite assembly was severely punished by God, who made the earth open and swallow the chief offenders with their households and sent a flame to consume the rest (Num. 16:23–35). The next day, however, the children of Israel, still discontented, murmured against Moses and Aaron, saying that they had killed the people of the Lord (v. 41). See 3:4.1.d.n, above.
3:251.8–10 Behold we have . . . his. H’s formulation, but see Gen. 28:16 and 2 Chron. 36:16.


3:251.30 and b,d,e The reason why, H supplies a rationale for the preceding injunction (Lev. 19:32, d) from Ecclus. 25:5–6 (e), but the justification offered for “Honor all men” (b) in lines 16–25 is his own.

3:252.15–16 Sarah honored . . . him. Gen. 18:12: “Therefore Sarah laughed within her selfe, saying, After I am waxed olde, and my lord also, shal I have lust?” Compare 1 Pet. 3:6: “As Sarra obstied Abraham, and called him Syr [κόριον; BB: 'lord']; NEB: 'my master'].”

3:253.15–16 What good . . . Prelacy. Taking it for granted that God’s favor is the principal support of any society and that true religion publicly exercised is the principal means of retaining God’s favor, H devotes himself here to the contribution made by prelacy to “the good and long continuance of true Religion” (3:254.28). Chapter 18 both reiterates and supplements the case made for episcopacy as a “lawful” form of ecclesiastical government in chaps. 1–16, for at the most general level the beneficial character of episcopacy must be acknowledged on the basis of its kinship, established in the earlier chapters, with the divinely appointed government of Moses and Aaron in the OT and the apostolic regiment of the early church. And yet, although these analogies prove that prelacy must be beneficial to the church, they do not make clear “the manner how,” and so at chap. 18.4 H becomes more specific. In a manner recalling the opening of Book I, where he likened good laws, in their fundamental but superficially inapparent contribution to social well-being, to the foundations of a stately house or the roots of a tree, he begins here by comparing the influence of chief governors with that of a helmsman or that of the heavens: they may appear to do little or nothing, yet what they do is more beneficial than the efforts of all lower agents combined. He also recurs here to a highly characteristic distinction between office and person. Laws for the exercise of religion are not enough. There is also need for institutions or offices to enforce them. The personal character of the office-holder may leave much to be desired, but the proper functioning of the church is immeasurably enhanced simply by the presence of someone in authority to watch over it. Even this sort of observation did not strike H as an adequate statement of the benefits of episcopacy. In § 7, therefore, he embarks on a yet more particular survey, “that by particular instances we [may] make it even palpably manifest, what singular benefit and use
publique, the nature of Prelates is apt to yield." The exposition of six benefits of prelacy in the following sections (compare V.1 and 76) covers a considerable range of social, political, and psychological particulars and should have been a welcome contribution to a debate which had so often turned into abstract and intemperate wrangling about the purely juridical implications of a few, typically ambiguous, scriptural texts.

3:253.20–23 **favour of God ... God;** Compare V.1–3 and 76.

3:253.i *Quis est tam ... respons.* Cicero, *De haruspicium responsis:* "Who is so senseless, when he has gazed up to heaven, as not to perceive that there are gods, or to think that those things done by so great a mind that scarcely any art can track their order and connection are done by chance? Or who, when he has understood that there are gods, does not understand that it is by their will that this great empire has been born, increased, and maintained?"; *Opera* (1588), 2:607; Loeb, *Pro Anchia... De haruspicium responsis*, pp. 338–340.

3:254.14–18.j *Decere arbitramur ... instituerimus:* "We judge that it befits our imperial authority to admonish our subjects concerning religion. For so we think it possible to gain the greater favor of God and our savior Jesus Christ, if we ourselves shall have been zealous to please him as we are able and have set our subjects to the same thing"; Justinian, *Codex*, 1.1.3; (1590), col. 3. This prefatory statement to the edict issued by Theodosius II and Valentinian III in 448 is not included in critical editions of the *Codex*.

3:254.19–21.k *Per Sanctissimas ... cedimus.* "We believe that our empire is sustained by the most holy churches and the commonwealth is protected by the grace of the most merciful God"; Justinian, *Codex*, 1.3.43; (1590), col. 38; Krueger (1963), p. 28 as lex 42 (43).

3:254.21–24.l *Certissime cedimus, ... prebent.* "We believe most assuredly that because of the purity and dignity of the priests and their zeal towards the Lord God and our savior Jesus Christ and the prayers perpetually offered by them, they bring much favor and increase to our commonwealth"; Justinian, *Codex*, 1.4.34; (1590), col. 59; Krueger (1963), pp. 47–48.

3:255.26 **as hath been proved.** In chap. 4.

3:255.n *Qui Sacerdotes ... ca. 6.* Rabanus Maurus (abbot of Fulda, archbishop of Mainz, d. 856), *De institutione clericorum ad Heistulphum libri tres*, 1.6: "Those who were called priests in the Old Testament are now termed presbyters, and he who was then first of priests is now called a bishop"; in *De divinis catholicae ecclesiasticae officiis* (1568), p. 315 (PL, 107:301). Rabanus is cited in V.38.3.

3:257.21–22.o *the Apostles own verdict* In 1 Tim. 5:17: "The Elders that rule wel [ὁι καλῶς προεστῶτες πρεσβύτεροι], are worthie of double honour, specially they which labour in the worde and doctrine." This passage and those
referred to in p and r bear less directly than usual on the points H wishes to establish.

3:259.25–27 *That the highest . . . distinguished.* Not found; perhaps H's own paraphrase of his opponents' position.

3:259.34–35 *Joshua had . . . Corduba;* For *Joshua* and *Eliazer,* see Num. 27:21, the charging of Joshua as Moses' successor. For *Abiather* as David's companion, adviser and high priest, see 1 Sam. 22:20–23, 23:6–13, 30:7–8; 2 Sam. 15:24–37; he later conspired against Solomon but was spared "because thou barest the Arke of the Lord God before David my father, and because thou hast suffered in all, wherein my father thehe bene afflicted" (1 Kings 2:26). *Hosius* (256?-357), bishop of Cordova, acted as ecclesiastical adviser to Constantine from 313 to the Council of Nicaea. It was apparently following his report on the early stages of the Arian controversy that the emperor summoned the council, over which Hosius may have presided.

3:260.33–34 *Achitophels equal, . . . Joab* On the wisdom of Achitophel, David's trusted counselor, see 2 Sam. 16:23; his "malice" is shown in his leading role in Absalom's revolt against his father (2 Sam. 16:20–17:23). *Joab,* fortunate in the war over David's succession to Saul (2 Sam. 3:22), slew Abner (a reconciled opposing general, 2 Sam. 3:22–30), Absalom (his former co-conspirator, 2 Sam. 18:14–15), and Amasa (feigning to kiss him, 2 Sam. 20:9–10), and counseled Adoniah in his usurpation of David's throne (1 Kings 1:7).

3:261.21–27.s *Let my Lord Archbishop . . . Dignity.* Peter of Blois, epist. 5, *Ad Richardum Cantuariensem archiepiscopum:* "Sicut inquit dominus archiepiscopus: quod si filius meus electus/ aut aliquid episcopus terre vel comes: vel aliqua persona illustris sue voluntati aut dispositioni contrarie presumperit/ aut impedierit quo minus opus commisse sibi legationis adimpleat/ inveniet me sui contemplum persecutorum et vindicem: aci in coronam meam prodeitorie commisisset"; *Opera* ([1519]), fol. 2* (PL, 207:15). Peter of Blois was archdeacon of Bath in the reign of Henry II; he wrote this letter from court to Richard, who succeeded Thomas à Becket in the primacy from 1174 to 1184.

3:262.14 *as hath been proved* In chap. 8.3 (3:254.28–255.16).


3:263.23–26.u *the people . . . honorable:* Isa. 3:5 (u); H's assertion that the end of this verse expresses the cause of the condition described in the first clause has some basis in the preceding vv. 1–4.

3:264.1 *honor . . . Bishops.* Compare V.79 on the maintenance due the clergy.

3:265.25–26.v *Qui bona fide . . . Papinius.* Publius Papinius Statius (AD 1C), *Sylvarum libri quinque,* bk. 5, preface: "Who worships the gods in good faith also
loves [their] priests”; Opera (1595), p. 100; Loeb, Statius, 1:266–267. The gods intended are the Roman imperial house. Book 5 of these occasional poems is dedicated to a secretary of state to the emperor Domitian.


3:266.22–23 The allegation of Christ’s prerogative Cartwright: “Againe/ it is unlawfulfull for any man to take upon him those titles which are proper to our savioure Christ: but the title of Archbyshop is only proper to our savioyre Christe/ therefore no man may take that unto hym. That it is proper to oure savioyre Christe/appareareth by that whych S. Peter sayeth [marg., 1. Epist. 5.4] where he calleth him archipoi mena: whych is archshepheard or archbishop/ for bishop and shepheard are all one. And in the Hebrues [marg., Heb. 13.20]/ where he is called the great shepheard of the sheepe/ and in the Actes [marg., Acts 3.15., Acts 5.31.] and Hebrues [marg., Heb. 12.2]/ archleader of lyfe and of salvation/ whych titles are never found to be given unto any/ but unto our savioyre Christe/ and are proper titles of hys mediation/ and therefore can not be without bolde presumption applied unto any mortall man” (1:82–83 [61]). Quoted and discussed in Whitgift, Defense, pp. 300–301; PS, 2:81–84; see Cartwright, 2:408–409.

3:266.30 stollen goods. Cartwright: “In the name of Archbishop/ the firste parte which signifieth a prince/ is proper to the civill magistrate/ and can not without robberie/ be translated from him unto Eccle[siasticall persons]. . . . For the greke worde signifinge a prince [marg., ἀρχιτέκτων—misprint for ἀρχιτέκτως, a leader, chief, commander; or ἀρχιτέκτων, a ruler, captain, chief?] / which name he [Whitgift] confesseth proper unto the civill magistrate: ye muste folowe that the name off Archbishop/ which is asmuche as prince off bishops/ breaketh upon the possession off the magistrate. whereupon followeth that that name is not onelie injurious/ and tyrannicall in respecte off the order off ministers/ while it chalengeth prindedome over them: but presumptuous against the magistrate/ whylest yt pulleth that name unto yt/ which is proper to him” (2:407–408).

3:267.3 Archbuilder. ἀρχιτέκτων (GB: “master byulder”), 1 Cor. 3:10.


3:267.7–8.x Bishops . . . most honorable. “Τιμωτάτους”; see Theodoret, Eides. hist., 5.8; (1544), fol. 338; GCS, 44 (19): 289 and NPNF.2, 3:137 as chap. 9, quoting a synodical letter of the Council of Constantinople addressed to a synod of bishops at Rome; cited by Cartwright, 1:125 [97], and discussed by Whitgift, Defense, p. 448 (PS, 2:386).

3:267.8–12.y Emperors writing . . . pride. “Your Holiness,” τὴν σὴν ἀγιωσύνην, “tuam sanctitatem”; Justinian, Codex, 1.1.7, writing to Epiphanius,
patriarch of Constantinople; (1590), col. 6; Krueger (1963), p. 8. H’s second reference is erroneous, for although the expressions “tuæ sublimitatis,” “tuæ amplitudinis,” and “tuæ magnitudinis” occur in the letter cited in ν (L. 33... cler.), they are not applied to bishops but to the praetorian prefect, Eutropius, the addressee of the letter; Codex, 1.3.33; (1590), cols. 32–33; Krueger (1963), pp. 22–23 as 1.3.32 (33); Scott, 12: 43–45, as lex 31. H’s third reference is also erroneous (L. 16... Eccles.), for here the Emperor Zeno applies the term mansuetudo (mildness, but often used in the sense of majesty) to himself; Justinian, Codex, 1.2.16; (1590), col. 17; Krueger (1963), p. 14; Scott, 12:25, as lex 15.

3:267.15 Imperial Laws Justinian, Codex, 1.2.16: “Sacrosanctam... hujus religiosissimae civitatis ecclesiam... privilegia et honores omnes super episcoporum creationibus, et jure ante alios residen di... sancimus”; (1590), col. 17; Krueger (1963), p. 14. “We... decree that the Holy Church of this most religious community... shall legally enjoy all privileges and honors relating to the creation of bishops in preference to all others”; Scott, 12:26, as lex 15. Canons Ecclesiastical Fourth Council of Carthage, canon 35: “Ut episcopus in Ecclesia, et in consessu presbyterorum, sublimior sedeat. Intra domum verò, collegas se presbyterorum esse cognoscat”; Concilia (1585), 1:760; CCSL, 149:347. “In the church and in sessions of presbyters, let the bishop sit higher. In the household, let him know himself to be the presbyters’ colleague.”

3:267.z Mat. 23:6,7. ... Rabbi. Admonition (in Whitgift, Defense, p. 57; PS, 1:140); Whitgift, Answere (1572), pp. 15–16; Cartwright, 1:24 [12], agreeing with Whitgift that such passages “be agaynst no lawfull authoritie of any estate or condition of men” and supposing that the authors of the Admonition quoted this one “rather to note the ambition of certayne/ which gape greedely at these byshopprickes which we have/ to the ende they mighte be saluted by the name of Lordes/ and honoures/ then to prove that one minister should not have dominion over an other”; Whitgift, Defense, pp. 71–72; PS, 1:168–169.

3:267.23–26.a An everlasting... honor. Ecclus. 45:7–13 details the beauty and richness of Aaron’s high-priestly vestments, emphasizing their significance as marks of holiness and ornaments of honor.

3:268.12 that mystical Queen. For the figurative interpretation of the royal bride of Ps. 45 as the church, see GB gloss and Augustine, Exegarationes in Psalmos, In Ps. XXXIV; CCSL, 38:493–517.

3:268.14 tokens... condition. The elaborate catalogue of Solomon’s princes and officers in 1 Kings 4 enumerates the twelve officers who, by monthly turns, “provided victaile for King Salomon, and for all that came to King Salomons table” (vv. 7–19, 27).

3:268.27–28 Bishops,... Ignatius In his letter to the Philadelphians, Ignatius refers to Philo, a deacon of Cilicia then serving him along with Rheus Agathapos,
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who had followed him from Syria; δὲ ἀπὸ Συρίας μοι ἄκολουθεὶ, Epistolae (1558), p. 77; Bihlmeyer, ed., Die apostolischen Väter, p. 105; Grant, Ignatius of Antioch, p. 108. He refers to them again in his letter to the Smyrnaeans as men "who have followed me for the word of God, as deacons of Christ [οἱ ἐκκολο-
θησάν μοι, εἰς λόγον θεοῦ . . . ως διακόνους Χριστοῦ]"; (1558), p. 89; 
Bihlmeyer, p. 109; Grant, p. 122.

3:268.29 Acolythes See, for example, Cyprian, epist. 36, to his clergy, concerning 
the care of the poor and of strangers: "... et peregrinis, si qui indigentes fuerint, 
sumptus sugeteris ... misi ... per Naricum Acoluthum aliam portionem ..."; 
Opera (1593), p. 87; CSEL, 3.2:485, ACW, 43:67, and FOTC, 51:20, as epist. 7. 
Epist 49, to Pope Cornelius: "Et cum diligentia et cum dilectione fecisti, frater 
carissime, festinatiō ad nos mittendo Nicephorum Acoluthum"; (1593), p. 108; 
CSEL, 3.2:616, ACW, 44:52, and FOTC, 51:127, as epist. 52. And epist. 55, also 
to Cornelius: "Legi litteras tuas ... quas per Saturum fratem nostrum Acoluthum 
missi""); (1593), p. 137; CSEL, 3.2:666, ACW, 46:68, and FOTC, 51:171, as 
epist. 59. The significance of these passages as evidence for an office of acoyte in 
the early church is pointed out in Pamelaus's annotations, included in the 1593 
Geneva edn. of Cyprian. Eusebius, quoting a letter of Pope Cornelius (d. 253), 
includes forty-two acolytes (ἀκολούθους) among those making up the Roman 
church; Ecedes. hist., 6.43; (1544), fol. 70; GCS, 9.2:618; NPNF.2, 1:288.

3:268.32–33.b as Justinian doth shew, Justinian, Novellae, 6.2 (1590), col. 18; 
Schoell-Kroll (1963), p. 40. In forbidding a bishop to travel outside his diocese for 
more than a year without an imperial order, this law points out that if litigation 
should arise calling for such travel, it can be attended to by clerics of lower rank 
under him, by deputies, or by stewards ("per eos, qui sub ipso sunt religiosos 
clericos, aut apocrisarios, aut oeconomos").

3:269.4–7 Some mens judgment . . . now: Episcopal responsibility for the 
education of clergy was one of Cranmer's concerns in the Reformatio legum ecclesiast- 
carum, belatedly published in 1571 (STC 6006) but never officially adopted: 
"Nonnulli Episcopi habent aliquia collegia scholasticorum defensioni atque tutelae 
suea commissa. Ideo necessarium est, ut ea quām diligentissimè current, nam ibi 
quoque ecclesia habet suorum ministrorum alterum seminarium"; (1571), fol. 51; 
ed. Cardwell, p. 106. Cartwright pointedly suggested that cathedrals "myght be 
turned into colledges/ where yong men myght be brought up in good learning/
and made fitte for the service of the church and common wealth/ the universities 
being not able to receyve that numbre of scholers/ wherwth their neede may be 
supplyed"; 1:204 [163–164]; Whitgift, Defense, p. 743; PS, 3:393. Whitgift retorted 
that the cathedrals indeed were, "next to the Universities, chiefest mainteyners of 
godliness, religion and learning"; Defense, p. 744; PS, 3:394–395. Although he 
had defended episcopal pomp and palaces against Cartwright (Defense, pp. 298, 
446; PS, 2:78, 382–383), Whitgift as archbishop was to maintain a number of 
young men in his own household for vocational training; see John Morgan, Godly

3:269.11.c  the vain imagination of some,  Cartwright: "An other reason of thys pompe and statelynes of the byshoppes was/ that which almost brought in all poyson and popishe corruption unto the church/ and that is a foolish emulation of the maners and fashions of the Idolatrous nations....  Galerianus Maximinus the Emperor [marg., Euseb. 8. cap. 15] to the end that he myght promote the Idolatry and superstition whereunto he was addicted/ chose of the choysetest magistrates to be priestes/ and that they myght be in great estimation gave ech of them a trayne of men to follow them. And the christians and christian Emperours/ thinking that that would promote the christian religyon that promoted superstition/ and not remembrench that it is oftimes abomynable before God/ which is esteemed in the eyes of men [marg., Luke. 16.15] endevoured to make theyr byshops encoun- ter and match with those Idolatrous priestes/ and to cause that they should not be inferior to them in wealth and outward pompe" (1:126 [98]). As Whitgift indig- nantly pointed out, Eusebius's account of Maximinus's provisions for pagan high priests does not suggest that attendants were granted to Christian bishops in imitation of this practice (Defense, p. 451; PS, 2:392). Cartwright was later content to "leave to the readers judgement" whether or not this was "amongst the causes off bringing in the bishops pompe into the churche" (2:659–660). See Eusebius, Eccles. hist., 8.14; (1544), fol. 89v; GCS, 9.2:782; NPNF.2, 1:337. Maximinus (d. 313), a noted persecutor of Christians, tried to revive and reform the paganism of his subjects.

3:270.d  L. 12. ....  Eccles. Justinian, Codex, 1.2.12. This law of the emperors Valentinian and Marcian, AD 451, confirms the privileges granted the churches by previous emperors: "Privilegia, quae generalibus constitutionibus universis sacro- sanctis ecclesiis orthodoxae religionis retro principes praestiterunt, firma et illibata in perpetuum decernimus custodiiri"; (1590), col. 12; Krueger (1963), p. 13; Scott, 12:18. The last section of the law makes clear, however, that such privileges were not granted solely "for honors sake," but also for the relief of the poor. 1. 5. ....  Eccles.  Codex, 1.2.5; (1590), col. 11; Krueger (1963), p. 12; Scott, 12:16. This law of Honorius and Theodosius, AD 412, broadly exempts churches from taxation beyond what is payable under canon law or required in emergencies. See 3:447.8–10.e for H's partial transcription. 1. 2. C. ....  cler.  Codex, 1.3.2. This law of Constantius, AD 357, exempts clergy engaged in trade from the taxes usual in such occupations—but as in the first law referred to in this note there is an assumption that clerical income will be devoted to the care of the poor and needy: "Omnis à clericis indebitae conventionis injuria, et iniquae exactionis repellatur improbitas. nullaque conventio sit contra eos munerum sordidorum. et cùm negotiatores ad aliquam praestationem competentem vocantur, ab his universis istismodi strepitis conquiescat. Si quid enim vel parsimonia, vel provisione, vel mercatura (honestati tamen conscia) congresserint: id in usum pauperum atque
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egentium ministri oportet. at id, quod ex corundem ergasteris vel tabernis
conquiri potuerit et colligi, collectum id religionis existiment lucrum”; (1590), col.
23; Krueger (1963), p. 19; Scott, 12:29. 1. 10. ... cler. Codex, 1.3.10. This law
of Arcadius and Honorius, ad 398, provides that anyone guilty of the sacrilege of
forcing his way into a church or injuring the priests or ministers, the service, or
the place itself shall be punished by the provincial authorities with a capital
sentence. It is declared praiseworthy for anyone to prosecute any atrocious injuries
committed against priests or ministers of religion as public crimes; (1590), col. 25;

3:272.9–10. i his Treasuries. H’s rendering of ἵππαρτα as “Treasures” (Mal. 3:10)
anticipates the NEB. Both AV and RSV agree with GB in giving “storehouse.” H
refers to the passage again at 3:302.8 and 305.6.

3:272.18–19. k Wilt ... followers. “Vis deos propitiae? Bonus esto. Satis illos
coluit, quisquis imitatus est”; Seneca, epist. 95; Opera (1585), p. 167; Loeb,

3:272.28–29 Our ... others, The text seems confused. The intended sense may
be: “Our God will be glorified of [= by] us both for himself and for others ...”

3:273.18–20. the Law is, ... King: Not found. H may be confounding the
statutes limiting the exportation of gold without the king’s license (for example, 3
Hen. VIII, cap. 1; W.V.S. [1587; STC 9305.3], 1:483; S.R. 3:23) with the
common law provision that treasure-trove (ancient store of money or other metal
that has been forgotten) belongs to the king. Bracton notes that such treasure used
to belong to the finder by the law of nature but now belongs to the king by jus
gentium (De legibus, ed. Woodbine-Thorne, 2:338–339).

3:273.23–26.1 If ye offer ... Hosts. The sarcasm of Malachi’s rebuke (speaking in
the Lord’s voice) requires “you say” to be understood after “evil” and “enough”
(line 24).

3:273.31–32 what God was owner ... Law: Compare V.79.5–8.

3:274.6 their Corban ... Deodate “Qorban,” Aramaic for “gift” offered to God
(hence = “Deodate”), occurs only once in the NT, in Jesus’s reproof of those who
free themselves from the commandment to honor their parents by declaring that
their own goods are set aside for God, a legal fiction allowing a person to retain
possession of the “gift” in question (Mark 7:11; GB: “But ye say, If a man say to
father or mother, Corban, that is, By the gift that is offered by me, thou maist have
profit, he shalbe free”). The term has been a difficult one, however; see J.B.C., pp.
36–37 of the commentary on Mark. H may have supposed it to be a way of
referring to a receptacle for money offered to God at the Temple in Jerusalem. His
reference to the “blessed Widows Deodate” would then be to the widow’s two

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3:274.15–18. n albeit ... Nature, The reference to Ps. 50:13–14 bears on the beginning of this sentence. For “Honor God with thy riches” (Prov. 3:9), see 3:272.11–16.

3:274.23–25 The Kings ... gifts GB explains: “Of Cilicia and of all other countreis beyond the sea, which he meaneth by the yles.”

3:275.10 s the best works H’s uncharacteristically tenuous use of John 15:16 here is still less persuasive when the verse is read with those immediately following; verse 19, for example, opposes a propriaed church: “If ye were of the worlde, the worlde wolde love his owne: but because ye are not of the worlde, but I have chosen you out of the worlde, therefore the worlde hateth you.”

3:275.16 the said Donations See V.79.14.

3:275.21–27. t Our Lord himself ... wealth. Augustine, De Mendacio ad Consentium, chap. 15: “Cum autem videmus et ipsum Dominum habuisse loculos, quò ea quae dabantur, mittebantur, ut servari possent ad usus pro tempore necessarios: et ipsos Apostolos procurasse multa fratrum indigentia [CSEL: indulgentiae], non solum in crasatum, sed etiam in prolixius tempus impendentis famis, sicut in actibus Apostolorum legitimus, satis elucet illa praecipita [that is, the precepts in Matt. 6:25–34 to put away anxious thoughts about food, drink, clothes, and the murror] sic intelligenda, ut nihil operis nostri temporalium adipiscendorum amore vel timore egestatis tanquam ex necessitate faciamus”; Opera (1569), 4:22; CSEL, 41:448–449.

3:276.1–5. u The Apostles ... them. “Futuram ecclesiam in gentibus Apostoli prævidebant: idcirco praedia in Judæa minime sunt adepti, sed pretia tantum modo ad fovendos egentes.” A Pseudo-Isidorean forgery, this text is ascribed by Gratian to the early 4C pope Melchiesades; Decretum, 2.12.1.15; (1584), col. 972; Friedberg, 1:682.

3:276.7–10 Wherefore ... better. The chapter in Gratian following the one just cited, also a forgery, gives a rationale for the change H refers to. The custom of giving land to the church began when it was seen that the needs of those leading the religious life could be better and more permanently provided for in this way than by giving the price of the land; Decretum, 2.12.1.16; (Lyons, 1584), col. 973; Friedberg, 1:682: “Videntes autem summi sacerdotes, et alii, atque levitae, et reliqui fideles, plus, utilitatis posse conferre, si hereditates, et agros, quos vendebant, ecclesiis, quibus praesidebant, episcopi traderent; eo quôd ex sumptibus eorum, tam praesentibus, quam futuris temporibus plura, et elegantiora ministrare possent fidelibus communem vitam ducentibus, quâm ex pretio ipsorum: coeperunt praedia, et agros, quos vendere solebant, matricibus ecclesiis tradere, et ex sumptibus eorum vivere.”

The sense requires deletion of the semi-colon after “inheritances” (line 9).

3:276.22–28. y If Wickliff ... error. Thomas Netter of Walden (see 3:208.17. h.n, above), after himself commending Constantine for richly endowing the church, quotes Wyclif as condemning such endowments on the ground that it cannot be
shown that the emperor and other lords had a license from Christ for making them: "in nullo valet humana concessio nisi praehabita licentia a domino capitali: cum ergo non possunt docere quod ad hoc domini habeant licentiam à Christo, patet quod tam à lege divina quam humana, est ista dotatio stulta et haeretica’"; Doctrinale antiquitatum fidei ecclesiae Catholicae, 4.39 (1571), 1:560-561, quoting Wyclif’s Dialogus (or Speculum ecclesiae militantis). The work was first published in 1886 (Johannis Wycliffe, dialogus sive speculum ecclesie militantis, ed. Alfred W. Pollard), hence H’s difficulty in finding the passage in Wyclif’s writings. The quoted passage is cited by Netter as from chap. 14 of the work. It occurs in chap. 9 of Pollard’s edition (p. 18). A stronger passage given by Netter just previously as from chap. 9 is not to be found in Pollard’s edition. Although the strong condemnation of early imperial endowment of the church quoted above was not available to him in Wyclif’s published works, H was presumably aware of Wyclif’s attempts to enlist the English crown and nobility in his crusade against the endowments of the medieval church. At chap. 24.25 (3.310.15-311.2) H manages some measure of acceptance of 16C implementation of Wyclif’s program, but his aim in the concluding chapters of VII is clearly to stop it.

3:277.18 τὰ τῷ θεῷ ἀφιέρωθεντα, Not NT or Septuagint in this form. 4 Macc. 13:13: τῷ θεῷ ἀφιέρωσωμεν ἐξ ὅλης τὰς καρδιὰς τῷ δῶνι τὰς ψυχὰς ("Let us sacrifice with all our heart our souls to God who gave them"); The Septuagint Version of the Old Testament and Apocrypha (1972). The passage is at 4:554-55 of Nicolaus Brylingerus’s Biblia Graec et Latina (1550), in which 4 Macc. is printed as "Josephus de Maccabaeis." See 2:259.f.n.

3:277.19 as Tertullian speaketh, . . . pietatis, In Apologeticus adversus Gentis pro Christianis, chap. 39, Tertullian emphasizes against the pagans that the offerings of Christians are not spent on feasts, drinking bouts, and eating houses, but are, as it were, piety’s deposit fund ("quasi deposita pietatis"). Episcopal endowments are not, however, included in his enumeration of the pious uses to which these freely offered funds are put by the Christian community: support of the poor, orphans, and the elderly, relief of those imprisoned or exiled for fidelity to God’s church; Opera (1566), 2:693; CCSL, 1:151; ANF, 3:46.

3:277.21–23 Touching . . . them. Justinian, Institutiones, 2.1.7: "Nullius autem sunt res sacrae, et religiosae, et sanctae. quod enim divini juris est, id nullius in bonis est"; (1590), col. 17; Krueger (1963), p. 10. "Moreover, things which are sacred, religious, and holy, belong to no one, for that which is subject to Divine law is not the property of any person" (Scott, 2:34).

3:278.7 the Lords heave-offering. See Num. 18:28 and 26; so GB and KJ; "contribution," NEB. The Levites’ "heave-offering" to Aaron was to be a tenth of the tithes they received from the rest of the Israelites (v. 26).

3:278.8 c Of spoils taken in War, Num. 31:48–54. The passage does not suggest that the actions described in it were customary.

3:279.2.h therefore . . . thereof. Again, the inference is H's.

3:279.4–13.i We appoint . . . proportion. (1) Apostolic Canons, 41: Προστάσωμεν τὸν ἐξίσικον ἐξουσίαν ἔχειν τῶν τῆς ἐκκλησίας πραγμάτων. ἐὰν γὰρ τὰς τιμίας τῶν ἀνθρώπων ψυχὰς αὐτῷ πιστεύετον, πολλῷ ἄν δεοι μᾶλλον περὶ τῶν χρημάτων ἐντέλεσθαι, ὅστε κατὰ τὴν αὐτοῦ ἐξουσίαν πάντα διοίκεισθαι τοῖς δεομένοις διὰ τῶν πρεσβυτέρων καὶ διακόνων, καὶ ἐπιχορηγεῖσθαι μετὰ φόβου θεοῦ, καὶ πάσης εὐλαβείας. μεταλαμβάνειν δὲ καὶ αὐτῶν τῶν δεδόντων (εἴγε δέοιτο) εἰς τὰς ἀναγκαίας αὐτοῦ χρείας καὶ τῶν ἐπιξενομένων ἁδελφῶν, ὡς κατὰ μηδένα τρόπον αὐτοῦς ὑστερήσθαι. Theologorum aliquid . . . libri Graeci (1559), pp. 4–5; Lauchert (1896), pp. 6–7; NPNF.2, 14:596–597. “So that . . . proportion.” (lines 9–14) should be in italics.

(2) Council of Antioch, canon 25: “Let the bishop have power over the funds of the church, so as to dispense them with all piety and in the fear of God to all who need”; NPNF.2, 14:121; (1559), p. 30; Lauchert, p. 50. Both canons allow the bishop to take what he requires for his own necessary uses and for hospitality to others.


3:279.27–28.k they who sometime wandred Heb. 11:38 concludes an enumeration of those in earlier times who lived by faith in the promise fulfilled by God in Christ.

3:280.18–19 David . . . God. 2 Sam. 7:2. But through Nathan the prophet God forbade David to build a temple for the Tabernacle; this was left for Solomon, following David's instructions, as at 1 Chron. 28.

3:280.29–30.m,n Corn, Wine, Oyl, Num. 18:12. other commodities Num. 18:13; the texts of m and n should read “Vers.” for “Num.” (see o, p, r–u).

3:283.19.e So even SO The emphasis is H's, but 1 Cor. 9 stresses the right of the ministry to material support from those who are ministered unto.

3:284.g Vide 2.2. q. 77. art.1. Aquinas based the Christian obligation to tithe partly on natural law, partly on the authority of the church (“partim quidem ex jure naturali, partim etiam in institutione Ecclesiae”). He referred, as H does here, to 2 Cor. 3:8 and also to Matt. 5:20, where Christ requires his followers to exceed the scribes and Pharisees in righteousness, and argued that “according to a certain humanity” the people of the New Law should offer the ministers of the NT no
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less than the people of the OT ("Determinatio decimae partis solvendae, est autoritate Ecclesiae, tempore novae Legis instituta secundum quandam humanitatem ut scilicet non minus populus novae Legis ministris novi Testamenti exhiberet, quam populos veteris Testamenti exhibebat"). He allowed, however, that, depending on circumstances, another level of giving could be set. S.T., 2a2ae.87 [not 77].1; (1581), 3:292; B, 39:142–143.

3:284.25.h worthy the hire At 1 Tim. 5:18 GB cross-references Deut. 25:4, 1 Cor. 9:9, Matt. 10:10, and Luke 10:7.

3:285.k Dispens. Prosp. . . . c. 12. The De vita contemplativa of Julianus Pomerius (who taught grammar and rhetoric at Arles around the end of 5C) was ascribed from the 8C to the 17C to Prosper of Aquitaine. The author refers to “the priest to whom the responsibility for dispensing has been committed” ("sacerdos cui dispensationis cura commissa est") as a “dispensator”; 2:11–12, in Prosper of Aquitaine, Opera (1577), fol. 93°; PL, 59:455; ACW, 4:76–77. Oecon. l. 14. . . . eccles. Justinian, Codex, 1.2.14; this law of the Emperors Leo and Anthemius, AD 470, prohibits the alienation of immovable church property and specifies the conditions under which it may be leased; there is frequent reference to the “oeconomus” or steward as a party responsible for observing the various provisions of the law, as a person, for example, who would negotiate leases and be a legal party to them; (1590), cols. 13–16; Krueger (1963), pp. 13–14; Scott, 12:19–21. et Novel. 7 in princip. Justinian, Novellae, constit. 7, preface, rehearsing provisions of earlier legislation that are still to remain in force, refers to a law prohibiting the archbishop of Constantinople or the steward from alienating any of the immovable property belonging to the principal church of the city; the purchaser of such goods is liable to restore to the steward having charge of the property of the church ("oeconomo rerum sanctissimae ecclesiae") whatever he has purchased; the steward who has failed in the discharge of his duty is to pay over any profits which he has received from what belonged to the church, or to indemnify the church for losses it may have sustained; (1590), col. 21; Schoell-Kroll (1963), p. 49; Scott, 16:40.

3:285.27–286.5 Prosper . . . unto God. Julianus Pomerius, De vita contemplativa, 2.16: “ut uno sollicitudines in sua societate viventium sustinente, omnes, qui sub eo sunt, fructuosa vacatione potiantur spiritualiter et quiete . . . etiam in hoc Deo serviant: quia si Dei sunt ea quae conferuntur ecclesiae, Dei opus agit, qui res Deo consecratae non alicuius cupiditate, sed fidelissimae dispensationis intentione non deserit”; in Prosper of Aquitaine, Opera (1577), fols. 95°, 96°; PL, 59:459, 461; ACW, 4:82 and 84–85; see n preceding.

3:286.10–13.m same table . . . fratern. “Know that we have already planned the honor of the presbyterate for them, that they may be honored in the same collections with the presbyters and may share in the monthly divisions in fair amounts, who will sit with us when they are more advanced and confirmed in their age";
Book VII, Chapter 23.7–23.11


3:287.3. n Paulinus, Hilary, Cyprian, Julianus Pomerius praises such acts of Paulinus of Nola (d. 431) and Hilary of Arles (d. 499) in his *De vita contemplativa*, 2.9, in Prosper of Aquitaine’s *Opera* (1577), fol. 92” (PL, 59:453; ACW, 4:72–73). Pontius the Deacon’s life of Cyprian tells of his having distributed his means for the relief of the poor, but this is connected with his reading of Scripture as a convert, not his assumption of the episcopate; Cyprian, *Opera* (1593), fol. 4” (=π4’); CSEL, 3.3:xcii; FOTC, 15:7; ANF, 5:268.


3:288.16 those ancient Canons In 1:124 [82] (Whitgift, *Works*, PS, 2:381–383), Cartwright cites: (1) Council of Antioch, canon 25; *Theologorum aliquot ... libri Graeci* (1559), p. 30; Lauchert, p. 50; NPNF.2, 14:121: while giving the bishop control of church funds and permission to take what he requires for his own necessities, this canon enjoins him to be content with food and raiment and requires him to submit to investigation by provincial synod if he applies the funds to his private uses; (2) Fourth Council of Carthage, canons 14–15; *Concilia* (1585), 1:759; CCSL, 149:345: “14. The bishop should have his little lodging (hospitiolum) not far from the church. 15. The bishop should have cheap furnishings and a poor table (vilem supellectilem, et mensam ac victum pauperem) and seek the authority of his rank by faith and the merits of his life”; (3) Third Synod of Tours, canon 5; *Concilia* (1585), 3:682; *Monumenta Germaniae historica, Legum sectio 3; Concilia*, 2.1:287: “It is necessary that a bishop not incline too much to lavish entertainments [profusis conviviis] but be content with a sparing and moderate diet [parco et moderato cibo].”

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3:289.4–8 Thus against . . . world. See, for example, An Humble Motion (1590; STC 7754), p. 108: “As touching the Lord Bishops and great clergy men, which have soe laden themselves with thicke claye, that they have much adoe to get up in the pulpit of God: doe they not know that it is their duty, that they may please him who hath chosen them to bee his soouldiers, not to intangle themselves with the affairs of this life, and that they ought for the peace and wealth of the church, to followe the example of their Lord and Maister Christ Jesus and to have his minde in them, who being God, made him selfe of no reputation, and tooke upon him the forme of a servant, and was made like unto men, and was found in shape as a man, and humbled himselfe and became obedient unto death, even the death of the crosse, and he being rich became poore, that wee through his poverty might be made rich: then is it a smal matter for them to leave their thousands, and bee content with their hundrethes.”


3:289.29–31.q let us be . . . rule. Phil. 3:16–17; Christ’s role as Paul’s example is drawn from earlier verses.

3:291.7 that which God . . . avert. The replacement of episcopacy by some other form of governance in the English church; or (as the following story suggests) abandonment of the church by those of great integrity of life, “full of faith and zeal towards God” (lines 12–13). Given the context, H may be deliberately, if uncharacteristically, ambiguous.


3:291.9–24.s Epiphanius likewise . . . Church. In this remarkably sympathetic account of 4C anti-establishment zeal, H closely follows the cited passage from Epiphanius: Contra octoginta haereses, Heresy 70: διαφανῆς τις κατὰ τὴν ἐαυτοῦ πατρίδα, διὰ τὸ ἀκραίφνες τοῦ βίου καὶ κατὰ θεὸν ζήλου καὶ πίστεως,
Book VII, Chapter 23.11–24.4

3:292.7–8.1 Sinite . . . dolis "Suffer (me) [sine me in Virgil] to utter this hard saying, stripped of all disguise"; Virgil, Aeneid, 12.25–26; Universum poema (1562), fol. 351; Loeb, 2:300.


3:292.20.1 elections of Damasus Ammianus Marcellinus (330?–395), the last great Roman historian, reports that Damasus (pope from 360) and Ursinus (his rival) burned with a superhuman desire of seizing the bishopric ("supra humanum modum ad rapiendam episcopalem sedem ardentes") and that the conflicts of their partisans left 137 dead on a single day. Ammiani Marcellini rerum . . . gestarum historia, 27.2; (1591), p. 407; Loeb, 3:18–19.

3:292.21.1 Maximus in Gregories time, The machinations of one Maximus the Cynic to obtain the patriarchate of Constantinople, in opposition to the 4C church father Gregory Nazianzen, are described in the life of Gregory traditionally printed with his works. Γεγονόι τοῦ Ναζιανζήνου τοῦ θεολόγου ἀπαντα (1550), pp. 8–9; PG, 35:279–286.
3:292.22–24. w  **Our greatest fear . . . prevent.** Justinian, *Codex*, 1.3.31: a law of the emperors Leo and Anthemius, AD 469. "No one shall purchase any office in the priesthood by the use of money, for each one must be estimated according to his deserts, and it is not sufficient to calculate how much he can pay; for, indeed, what place will be secure, and what excuse will be valid, if the holy temples of God are obtained by the use of money? What protection can we provide for integrity, or what defence for the Faith, if the thirst for gold creeps into our sacred places? And, finally, what precaution or security will avail, if the holiness which should be incorruptible is corrupted? Let the profane ardor of avarice cease to threaten our altars, and let this disgraceful crime be banished from our holy sanctuaries. Therefore, in our times, chaste and humble bishops are selected, so that, wherever they may go, they will purify everything with the morality of their own lives. An archbishop [*antistes*] is ordained not with money but with prayers"; Scott, 12:42, as *lex* 29; (1590), col. 31; Krueger (1963), p. 22 as *1.3.30* (31).

3:293.4–5 **the sin of Belshazzar**, Belshazzar, king of the Chaldeans, used the vessels of gold and silver brought from the temple at Jerusalem by his father Nebuchadnezzar at a great banquet, where his nobles, concubines, and courtesans drank from them. At this, the mysterious words, "*mene, mene, tekel, upharsin*," were miraculously written on the wall, which the prophet Daniel interpreted as announcing God's condemnation of the king and the imminent end of his kingdom. That night Belshazzar was slain and Darius the Mede took over the kingdom. See Dan. 5.

3:293.22–23  **κόλλοῦ . . . ἐκισκοκεῖν;** This succinct summary of Chrysostom's celebrated dialogue on the priesthood is the title under which Erasmus published the *editio princeps* of the work at Basel in 1525. A Latin translation by Germanus Brixius was published the next year at Paris: *multæ quidem dignitatis, sed difficile sit episcopum agere*. Greek text, ed. J. A. Nairn, *Περὶ ἱερωσύνης* (*De sacerdoto*) (1906); trans. NPNF, 1.9:25–83.

3:293.28–29 **skill to govern** The great majority of the seventy-six bishops consecrated under Elizabeth had taken their university degrees in arts or (usually also) in divinity. Nicholas Bullingham of Lincoln, Thomas Davies of St. Asaph's, and Thomas Young of St. David's and York were exceptional in having law degrees (DNB).

3:294.33–295.4  **careless ordaining . . . Quare impedit** Compare John Bridges, *A Defense of the Government Established* (1587), responding to the charge of "nurseries of ignorance" and "ignorant Pastors": "Which nevertheless we complain not upon, as *Adam* did on *Eve*, to poste all the fault unto our brethren, and not acknowledge any *default* herein among our selves: but noting the same, (with duetifull submission to their authority) we wish that some even of our *Bishops*, had bene so carefull in this *long time*, that they had not admitted some, though pretiilye *learned*, yet too head-strong and newfangled *Ministers*, that since they have entred
into the Ministry, forgetting the calling of them, by whome they were called, (if they have any calling in the Ministry) forgetting the othe of their Canonicall obedience to their Bishops, and of their loyall obedience to their prince, have, and do make, all, or the most parte of all these sturres. But their carelesmesse in admitting suche, hath beene since meetlie very punished, by these their disobedient and unthankfull children. And some also they have admitted into this function, too unlearned, (wee confesse,) and unworthy Ministers and so are not altogether cleare of maintayning the continuall nurseries of ignoraunce and ignorant Pastors: Yet neither have they beene maintayned, but greatly rebuked, for their so carelesse doings: and thereupon lawes and provisions have bene made, and stande in force, to represse such unlearned Ministers, and the makers of them" (p. 488). See also Thomas Cooper, bishop of Lincoln, An Admonition to the People of England (1589; STC 5683): "As for the corruption in bestowing other meane livinges, the chiefe fault thereof is in Patrones themselves. For it is the usuall manner of the most part of them (I speake of too good experience) though they may have good store of able men in the Universities, yet if an ambitious or greedie Minister come not unto them, to sue for the benefice, if there be an insufficient man, or a corrupt person within two shires of them, whom they thinke they can drawe to any composition for their owne benefit, they wil by one meanes or other finde him out. . . . And if the bishop shal make courtesie to admitte him, some such shift shall be found by the law, either by Quare impedit, or otherwise, that whether the bishop will or no, he shall be shifted into the benefice. I know some bishops, unto whom such sutes against the Patrones have beene more chargeable in one yeere, then they have gained by all the Benefices that they have bestowed since they were bishoppes, or I thinke will doe, while they bee bishoppes" (pp. 147-148).

3:295.4 Quare impedit A writ asserting a patron’s right of presentation to a benefice against a wrongfull presentation. Also relevant: the writ Quare non admisisit, which lay when the bishop refused to admit a cleric duly presented to him. Sir William Holdsworth, A History of English Law (London: Methuen; Sweet and Maxwell, 1903-1972), 3:25.

3:295.25 unadvised gift Compare Cartwright: "I will not heere speake of the unfitness of those which are chefe officers in these courts/ that the most of them are eyther papists/ or bribers/ or drunkardes/ (I know what I wryte) or epicures and such as live of benefices and prebends in England or in Ireland/ doing nothing of those things whych appertaine unto them/ and of other suche naughty persons whych are not only not meete to be governors in the church/ but whych in any reformed church/ shoulde not be so much as of the church" (1:188 [151]; Whittigift, Defense, p. 681; PS, 3:268).

3:295.25–27.x that ancient Canon . . . God. Apostolic Canons, 76: οτι μη χρη τον επισκοπον τω άδελφω η τω συγγενεi χαριζόμενον, εις το άξιομα της επισκοπης χειροτονειν δην βουλεται. κληρονόμους γαρ της επισκοπης ποιείσθαι ου δίκαιον, τα του θεου καριζόμενον πάθει άνθρωπινο. ου
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gαρ τὴν τοῦ θεοῦ ἐκκλησίαν ὑπὸ κληρονομίαν ὧδε ἐφέλει τιθέναι. εἰ δὲ τις τούτῳ ποιήσει ἄκυρος μὲν ἐστώ ἡ χειροτονία, αὐτὸς δὲ ἐπιτιμάθω ἀφορισμῷ. Theologorum aliquot ... libri (1559), p. 8; Lauchter, p. 11. "A bishop must not out of favor to a brother or a son or any other relation, ordain whom he will to the episcopal dignity; for it is not right to make heirs of the bishopric, giving the things of God to human affections. Neither is it fitting to subject the Church of God to heirs. But if anyone shall do so let the ordination be void, and the ordainer himself be punished with excommunication"; NPNF.2, 14:599.

3:296.14 Bishops Visitations, H's charge that episcopal visitations were often made for the sake of gain was a common one (Heal, Of Prelates and Princes, pp. 303–304). From the standpoint of legal scholarship, however, the system of visitations to parishes by bishops and others holding ecclesiastical jurisdiction was significantly improved in the 16C. "Visitations were conducted more regularly. Attendance at them by clergy and laity was more rigorously enforced. Diocesan statutes improving visitation court procedures were enacted. Official schedules containing proper forms for carrying out public penances were printed, distributed, and put to use. Certification back to the court that penances had indeed been performed was regularly insisted upon"; R. H. Helmholz, Roman Canon Law in Reformation England, pp. 105–106. See Martin Ingram, Church Courts, Sex and Marriage in England, 1570–1640, pp. 44–46.

3:296.31–32 their Courts, ... gross corruptions H's assessment is more severe than that of recent scholars; see Intro. to Book VII, pp. 315–316, n. 11, above. Compare Auto. Notes, 3:485.7–21.

3:297.3–4 care of the Clergy This passage is H's clearest expression of sympathy for his opponents' complaints about the arrogance of hierarchy in their church. With his suggestion here that "men having wit, courage and stomach" are likely to join the opposition to episcopacy if they find "nothing but disdain" in bishops, compare his earlier references to Audius and Jerome (§ 3; 3:291.7–24).

3:297.14–15 ill usage H may have in mind here the increased use of excommunication in the Elizabethan period connected with the more active system of ecclesiastical visitations (3:296.14.n). disusage For marital problems, the system apparently fell less heavily on aristocrats and gentry than on others. See Ingram, Church Courts, Sex and Marriage in England, 1570–1640, pp. 186, 327. Perhaps equally important for H in the context of this chapter was the lack of effective episcopal resistance to "great men" in their attempts to despoil the church (Auto. Notes, 3:491.1–5 and n).

3:297.24 souls ... not loved, The best expressions of H's sense of pastoral love of souls are to be found in his Tractates and Sermons, especially Certaintie and Remedie, and in his devotion to parochial duties at Bishopsbourne at the end of his life; see Walton's Life, Keble, 1:79–81. With A. L. Rowse's summary portrait of Elizabeth's bishops—"their puffy, lined faces with their atrabilious, constipated

3:297.29 shift out the present time, A reference to the dilapidation of episcopal estates H will use on the next page as a figure for the general loss of credit for the episcopal office wrought by its present incumbents (see 3:298.11—12.n, below).

3:297.33—298.1 It was the barbarous... World: According to Suetonius, Nero preferred, rather, that the world should be consumed while he was still present. “When someone said in general conversation, 'When I am dead, let the earth be consumed by fire,' he replied, 'Nay, rather while I live' ['Immo ... ἐν ζωή-τος']”; C. Suetonii Tranquilli XII Caesares ([1591]), p. 308; Loeb, Suetonius, 2:154–155.

3:298.11—12 The Executors... decay: 13 Eliz. I, cap. 10.1 (1571); W.V.S. (1587), 2:538; S.R., 4.1:544. Such dilapidations were a source of great bitterness between newly installed bishops and their predecessors (or their predecessors' executors). Heal, Of Prelates and Princes, pp. 299–303.

3:298.18–25.y Herod and Archelaus... them. “Hegesippus” or “Egesippus” was a Christian writer probably of the 2C (sometimes identified with Ambrose) who wrote a Latin history of the early years of the Christian era largely based on Josephus’s De bello Judaico (see 1:22.12–16.n, above). The practice of Herod the Great and his son Archelaus in choosing high priests is described in 2.13 [H: 12], Egesippi... de rebus à Jadaerum principibus... gestis (1530), fols. 29o–30o; CSEL, 66:170.

3:298.25–29 It may be... advanced. Compare VIII.7.7; 3:420.1–3.

3:299.1–300.25 A Bishops estimation... hands? A concise statement of H’s episcopal ideal and the things he considered most dangerous to it.


3:299.25–27 They are not... imbecillities. See Theodoret, Ecles. hist., 1.11. Written accusations against bishops were presented to Constantine at the Council of Nicaea. The emperor formed them into a packet, sealed them, and ordered them to be kept safe until later in the Council (after doctrinal agreement had been reached), when he brought them out and burned them, swearing that he had not read a word of them. He is reported to have added that, “if he were to detect a bishop in the act of committing adultery, he would throw his imperial robe over the deed, lest anyone seeing it should be injured by the sight”; εἰ αὐτότητις ἐπισκόπου γάμον ἄλλως ἀνθρώπον διορύγονος γίνοιτο, συγκαλύψαι ἐν τῷ πορφυρίῳ τὸ παρανόμως γινόμενον, ὥς ἄν μὴ βλάψῃ τὸς θεωμένους τῶν δρωμένων ἡ δυσί. (1544), fol. 2877; GCS, 44 (19):47; NPNF.2, 3:48–49, as chap. 10.

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3:300.22–23 permitting ... industrious opposites, Bishops Babbington of Worcester, Rudd of St. David's, Robinson of Carlisle, and Matthew of Durham were noted for their Puritan sympathies. Collinson, E.P.M., p. 459.

3:300.27–301.2.x Shimei ... day. Shimei's cursing and David's patience are recounted in 2 Sam. 16:5–13 and 19:16–23; Shimei's end (under Solomon) in 1 Kings 2:36–46.

3:301.9–23.a which Plato hath ... them. Plato, Phaedo, 89C–90A. H may have taken this passage from Stobaeus, whose anthology he used as a source for Greek political thought: 'Αλλα πρῶτον μὲν εὐλαβηθῶμεν, τί πάθος μη πάθωμεν. τὸ ποιον; ἢν δ' ἐγώ. μη γενώμεθα, ἢ δ' δς, μισολόγιοι, δόσηρ οἱ μισανθρώποι γιγνόμενοι. ως οὐκ ἔστιν, ἔψη, ὃ τι ἀν τις μείζων τοῦτον κακὸν πάθοι, ἢ λόγους μισήσας. γίγνεται δὲ ἐκ τοῦ αὐτοῦ τρόπου, μισολογία τε καὶ μισανθρωπία. ἢ, τε γάρ μισανθρωπία ἐνδέδεικται ἐκ τοῦ σφόδρα τινι πιστεύειν ἄνευ τέχνης, καὶ ἡγήσασθαι παντάπασι γε ἄληθεν εἰναι καὶ νῦν καὶ πιστὸν τὸν ἀνθρώπον· ἐπειτα ὀλίγον ὑπερῴει τοῦτον ποιήριν τε καὶ ἄπιστον, καὶ αὐθίς ἔπεραν. καὶ ὅταν τοῦτο πολλάκις πάδι τις, καὶ ὑπὸ τοῦτων μᾶλλοντι, οὐς ἂν ἡγήσατο οἰκειοτάτους καὶ ἐταιριτάτους· τελευτῶν δὲ θαμὰ προσκροῦν, μισεὶ τε πάντας, καὶ ἡγεῖται οὐδενὸς οὐδὲν υγίες εἰναι. ἢ οὐκ ἡθοσει σοῦ τοῦτο γιγνόμενον; πάνυ γε, ἢν δ' ἐγώ. οὐκοῦν, ἢ δ' δς, αἰσχρὸν, καὶ δῆλον δτι ἄνευ τέχνης τῆς περὶ τὰ ἀνθρώπεια τουτοῦτος χρήσθαι ἐπεζειρεί τοῖς ἀνθρώποις. εἰ γάρ ποιν μετὰ τέχνης ἔχρητο, δόσηρ ἤναρ, οὕτως ἂν ἡγήσατο, τοὺς μὲν χρήστος καὶ ποιηροὺς ὀλίγους εἰναι σφόδρα ἑκάτερους, τοὺς δὲ μεταχι τοὺς πλείστους. Stobaeus, Florilegium (1559), p. 55; ed. Hense, 1:231–232.

3:301.24–33.b Mercurius ... self. The sixth dialogue of the portion of the Corpus Hermeticum grouped under the title Pimander in most early eds. argues that the good is only in God. Mercurii Trismegisti Pimandras utraque lingua restitutas (1574), sig. E3'; Hermetica, ed. and trans. Walter Scott (1924–1936), 1:166–169. On this 3C body of philosophical and religious writings, ascribed in the Renaissance to an ancient Egyptian sage contemporary with Moses, see A.-J. Festugière, La Révélation d'Hermes Trismégiste, 4 vols. (Paris: Libraire Lecoffre, 1949–1954), and 1:60.6–7, c, and n, above.


3:303.5–14 For nature ... serve. Compare Aristotle's discussion of the virtue of magnificence, N.E., 4.2.

3:305.2 Judas, Achan, Nebuchadnezzar, For Judas, see Matt. 27:3–5 and Acts
1:18–20. Achan took spoils for himself at the fall of Jericho in violation of Joshua’s commandment that all the silver and gold and vessels of brass and iron in the city “shalbe consecrate unto the Lord, and shal come into the Lords treasurie.” In punishment for this act, which kindled the Lord’s wrath against Israel, Achan and his whole family and possessions were stoned and burned (Josh. 6:19; 7:1, 24–26). Nebuchadnezzar, king of Babylon, carried away the sacred vessels from the Temple at Jerusalem when he conquered the city (2 Chron. 36:7). He was later temporarily driven out of his mind (Dan. 4).

3:305.6. his most bitter curse. Mal. 3:9. See chap. 24.17 (3:302.7–8) for the preceding verse. The prophet Malachi denounces those who fail in their obligation to tithe and support the restoration of religion after the Jews’ return from the Babylonian captivity.

3:305.13–15 David . . . want? 1 Chron. 23:25–32; also 2 Sam. 7:2, as at 3:280.18–19.n, above.

3:305.18. care which Jehoshaphat had. King Jehoshaphat’s encouragement of the Levites in the passage cited consists of strict admonition that they take care in what they do as judges to please not man but the Lord.

3:305.27–28 how earnest the Apostle. See chap. 23.6.

3:306.9–11 promise made . . . fold. H has in mind either or both Matt. 19:29, which is unambiguous in promising rewards but does not clearly promise them in this life, or Mark 10:29–30, which promises rewards in this life but also persecution.

3:306.21–22 imitate in perversum. God gave His apostles the power to work miracles, but the mightiest deed of the heretics against whom Tertullian writes in De praecriptione adversus Haereticos, chap. 30, emulates them perversely, for while the apostles raised the dead to life, these men make (spiritually) dead those who are alive: “Agnosco maximam virtutem eorum, qua apostolos in perversum aemulantes Illi enim de mortuis vivos faciebant, isti de vivis mortuos faciunt”; Opera (1566), 1:178; CCSL, 1:212; ANF, 3:257–258.

3:306.25–26 most neer resemblance. Ps. 105:24–25 refers, not to hatred among brethren, but to the resentment of the Egyptians at the prosperity of the Israelites living among them.

3:306.29 Computations are made. Keble supplies a reference here to An Humble Motion (1590), pp. 94–107. The author (Penry?) does indeed argue for applying the wealth of bishoprics and cathedral churches to other uses, but he is emphatic that these be religious uses, specifically the maintenance of the ministry. He too quotes Mal. 3:10 against those who would despoil God for their own profit. If bishoprics and cathedral churches provide more than is needed to establish the parish clergy at a reasonable standard of living, the surplus, he suggests, might well be used “to
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erect in all shires, a Lecture of al sciences, that such as cannot put their sonnes to Cambridge and Oxford, may have them in the free Schooles, and after by those Lectures brought through all arts: which would greatly increase learned and wise men in this land, and make a flourishing time" (p. 103). Similarly, William Turner, an earlier advocate of redistributing episcopal wealth, also opposed channeling it to crown and courtiers; The Huntyn of the Romysh Wolfe (1555?; STC 24356), sigs. F2r-3r. On at least one occasion, however, Penry was willing to seek the earl of Essex's help in the abolition of episcopacy with the words, "I offer your lordship of her [the church's] spoil"; A. Peel, ed., The Notebook of John Penry, Camden Society, 3rd series, 67 (1944), p. 93, as quoted by Heal, Of Prelates and Princes, p. 219 (general discussion, pp. 213-218). Collinson refers to "elaborate plans for the redeployment of the bishops' revenues" in British Library, MS Add. 48,066, fols. 14-15, as part of an Elizabethan "plot for reformation"; "Episcopacy and Reform in England in the Later Sixteenth Century," in G. J. Cuming, ed., Studies in Church History, 3 (Leiden: E. J. Brill, 1966), pp. 91-125; rpr. Collinson, Godly People (London: The Hambledon Press, 1983), pp 155-189, p. 187, n. 1.

3.307.4-5 with a suit ... Judas, In all the gospel narratives it is Judas who takes the initiative, although in Mark 14:10-11 and Luke 22:3-6 the chief priests are said to have been pleased at his willingness to betray Jesus to them.

3.307.8 always like her self, "Semper eadem" (always the same) was Elizabeth's motto, used with a Phoenix badge. See Frances Yates, Astraea: The Imperial Theme in the Sixteenth Century (London and Boston: Routledge Kegan Paul, 1975), pp. 58n, 65-66.


3.307.22-25.o ea quae ... illesum. Justinian, Codex, 1.2.14, a law of Leo and Anthemius, AD 470: "It is proper to preserve reverently and intact all rights which now ... [or may hereafter] belong to the Most Blessed Church, just as religiously as the Holy Church itself, for as the mother of religion and faith is herself perpetual, so her patrimony should remain entire and uninjured for all time"; Scott, 12:20; (1590), col. 14; Krueger (1963), p. 13.

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3:308.4–5 **No revenue ... greatness.** William Harrison, *The Description of England*, 2.1, concludes a plaintive account of taxes paid by the clergy: "Hereby then, and by those alredie remembred, it is found that the church of England, is no lesse commodious to the princes coffers than the state of the laitie, if it doe not farre exceed the same, since their paiements are certeine, continuall, and seldome abated, howsoever they gather up their owne duties with grudging, murmuring, sute, and slanderous speeches of the paires, or have their livings otherwise hardlie valued unto the uttermost farding, or shrewdlie cancelled by the covetousnesse of the patrones"; in Raphael Holinshed, *The First and Second Volumes of Chronicles* (1587; STC 13569), 1:137; ed. Georges Edelen (1968), p. 31.

3:308.33–309.1 **said by Moses ... edificaveris:** "Lest when thou hast eaten and filled thy selfe, and hast buyt goedly houses." The passage cited from Deut. 8:11–14 is from the long charge given by Moses to the whole people of Israel after their forty years in the wilderness, just before their entry into Canaan.

3:309.3 **Interest ... utatur.** Justinian, *Institutiones*, 1.8.2; (1590), col. 7; Krueger (1963), p. 3: "expedit enim reipublicae, ne sua re quis male utatur." Scott, 2:13: "For it is to the interest of the State that no one abuse his property." The law apparently referred to forbids masters to exercise unusual cruelty against their slaves.

3:309.22, p **Complain we will not** H is "with" Jerome here in *not* complaining about restraints on further augmentation of the church's wealth. Jerome, epist. 2, *Ad Nepotianum*, chap. 7: "I am ashamed to say that idol-priests, charioteers in the circus, mimes, and prostitutes receive inheritances. It is prohibited by law solely to clerics and monks, and prohibited not by persecutors but by Christian princes. I do not complain about the law, but I grieve that we should have deserved this law"; *Epistolae* (1578), p. 5A–B; CSEL, 54:425, and NPNF.2, 6:92, as epist. 52.

3:309.28 **Sufficit,** "It is enough." Exod. 36:5–7.


3:310.20–26, r **those goods ... civitatem;** "The demand for their restoration undoubtedly weakened the calmed city." "Cumque damnatorium civium bona addicente Sulla, quamvis male capta, jure tamen, repetitio eorum procul dubio labefactatabat compositam civitatem"; L. Julius [or Annaeus] Florus, *Rerum a Romanis gestarum libri in*, 3.23; (1584), p. 105; Loeb, pp. 258–261 (following the 1722 edn. of C. A. Duker in adding "tenerentur" after "tamen," an emendation anticipated in H's trans.). The reference to chap. 13 in *r* may simply be an error—the passage quoted is in chap. 23—but chap. 13 gives a rationale for the Gracchan redistribution of wealth leading to the situation discussed in the later passage and thus
supports H's account of such measures as having at least an appearance of justice. Florus was an early AD 2C Roman historian whose principal work, usually called an *Epitome* (of Livy), was a celebration of Roman military history; it was a favorite school text in the 17C (OCD).

3:311.7–15 **All ... Church.** Michael L. Zell, “Economic problems of the parochial clergy in the sixteenth century,” in Rosemary O'Day and Felicity Heal, eds., *Princes and Paupers in the English Church 1500–1800* (Totowa, NJ: Barnes and Noble, 1981), pp. 19–43, refers to “the relative poverty of many parochial clergy, and the chorus of complaint which was raised on their behalf” as a point of continuity with the pre-Reformation church (p. 19). For the class of well-educated clergy, however, the situation did deteriorate in the 1580s and 1590s, for their numbers grew, while the number of benefices able to support them did not (pp. 40–41). Compare Whitgift’s assessment, Intro. to Book VII, p. 319 and n. 15, above.

3:312.1–2 **Levi ... Simeon ... Reuben** The eldest of Jacob’s sons (Gen. 29:31–34), eponymous fathers of three of the tribes of Israel. Simeon and Reuben were older than Levi, whose descendants were later dedicated to the service of the Lord (Num. 18:1–7; and see chap. 23.4–5, 3:281.9–283.13).
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3:315.5–6 as by the Lawes of this Land Particularly the 1559 Act of Supremacy; see 3:425.4–22.g and 468.19–20 and nn, below.


3:316.27–317.3 By this power . . . God. See, for example, 2 Sam. 6–7 and 1 Chron. 28:11–21 for David; 1 Kings 15:11–15 and 2 Chron. 15 for Asa; 2 Chron. 19:5–11 for Jehosaphat; 2 Kings 18:1–6 for Ezekias (Hezekiah); and 2 Kings 23:1–25 and 2 Chron. 34:1–35:19 for Josias (Josiah).

3:317.21 there are which imagine, Exclusion of the laity from positions of authority in the church was more characteristic of R.C writers than of disciplinarians (see nn to 3:380.14–17.k, 386.25–387.1.x, 386.x.2, and 401.4–21, below), but the disciplinarians’ advocacy of lay-elders was part of their insistence that the “whole regiment” of the church was to be committed to a biblically warranted structure of “Ministers, Seniors, and Deacons” (Admonition, as quoted by Whitgift, Defense, p. 694; PS, 3:295; P.M., p. 16). The debate between Whitgift and Cartwright on the authority of the civil magistrate in matters of religion started from Whitgift’s reaction to this assertion: “me thinke I heare you whisper that the Prince hath no authoritie in ecclesiastical matters”; Answere (1573), p. 174; it was continued in Cartwright’s Replye (1:192–193 [154–155]), beginning with an indignant denial that the authors of the Admonition intended to “shut out the cyvill magistrate and the Prince/ from all authoritie in Ecclesiastical matters”; Whitgift’s Defense, pp. 694–702 (PS, 3:295–313); and Cartwright’s The Rest of the Second Replye (3:151–170), H’s main text for refutation in Book VIII. See illustrations 5–9, pp. 384–392, above.

3:318.7–8 corporations . . . severed, In arguing for “the distinction betwene the church and common wealth under a Christian Magistrate” (3:151–170), Cartwright did not use either the language of corporations or the distinction between “nature” or “definition” and “[personal] subsistence.” While he could hardly have meant to deny that the same persons could be members of both church and commonwealth, he did press for personal separation between those holding positions of principal authority in the two groupings. With H on nature and person, compare Sutcliffe’s assertion that church and commonwealth are sometimes distinct “in persons and in reason” (personis et ratione) and sometimes “only in reason” (ratione tantum). In the former case there can be two diverse highest jurisdictions. In the latter case there ought to be one highest power, unless there is a different nature (ratio) for subjects and rulers. De presbyterio (1591), pp. 42–43.
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3:319.19–22 *a figure triangular . . . rest:* Compare this famous simile, in which the relation of body politic to church as one of genus to species is preserved, with the description of "church" and "commonwealth" at 3:325.1–4 as names importing "accidents" which "may" dwell together in one subject. On identity of members as implying identity of church and commonwealth in England, compare Stephen Gardiner, Intro. to Book VIII, p. 356, n. 30, above.

3:320.3–5 *Bishops may not meddle . . . Church,* See VII.15.

3:320.16–17 *Communion, with such* The comma should follow "such."

3:320.25–29 *Allen . . . Christians.* H (perhaps unfairly) condenses the Jesuit Cardinal William Allen's logic in the passage given here from *An apologie and true declaration of the institution of the two English colleges* (1581; STC 369), fol. 39"r, 40"r–41". To show the evident error of holding "that the soverainty or supremacie in causes Ecclesiastical is by nature or by Christian lawes implied in the right or title of a temporal King: or that it ever was due or can be due to any temporal governour, Heathen or Christian, in the world," Allen did indeed begin with the case of the early church: "Not to the crowne of a Heathen Prince can it belong . . . forasmuch as for some hundred yeres after, there were not many Princes converted to Christ, and yet al that while the Church had her several regiment. Not to Pagan Emperours then did it belong . . . neither was it challenged of them: for, the principal Apostles ruled the Church in Rome, when Nero reigned: likewise where the kingdoms are revolted againe (as in al the Turkes dominion) needes must the Church there have a spiritual regiment, without any dependance of the Heathen kings: whom yet in temporal matters they obey and serve" (fol. 39"r"). He did not thereupon immediately conclude (as H's paraphrase suggests) that it should be always so. Rather, he argued that for Christian kings or kingdoms to have ecclesiastical supremacy would involve the church's forsaking her own form of government, received immediately from Christ, and submitting to an earthly power: "By which means, when so ever a king or Countrie is converted, the Church should come and submit to them, and not they to Christ and his Church, which must needs be most absurd: Princes and peoples converted, alwaies submitting them selves to Christ and his lawes, not drawing the Governours of the Church or any person thereof to more subjection then they were before their Christianitie, yea often rather remitting some of that for Christes honour" (fol. 40"r). Only after such
explicit discussion of conversion from paganism to Christianity and its political effects does Allen conclude: "The Church then, live she among the Heathens, live she with the Christians, must have and hold that forme of regiment and Commonwealth which Christ immediately instituted, and was not chosen, made, or created by the peoples ordinance and consent ... " (fol. 40⁰—41). Allen is here attempting to exonerate English Catholics from the charge of disobedience to the laws of the land in matters of religion by showing that "the Parliament is a mere temporal Court" (fol. 38*) and therefore lacks power to makes laws about such matters. H addresses Allen on the issue of parliament's spiritual competence at 3:401.4—404.5.

3:321.8—13.b That the scope throughout ... in need of. The passage in italics fits most closely the statement of this first principle of Aristotelian political theory in the Politics (1280°.31—32), 3.6 in some edns. (for example, in Erasmus's 1550 edn. of Aristotle's Opera): εἰ δὲ μῆτε τοῦ ζήν μόνον ἔνεκεν, ἀλλὰ μᾶλλον τοῦ εὖ ζήν ... (2:129). From H's continuation, however, it seems clear that he was working primarily from Aristotle's criticism of Socrates for making up his first city (Plato, Republic, bk. 2, 369B—371E) out of a weaver, a farmer, a shoemaker, and a builder, as if all cities existed for the sake of necessities and not rather for the sake of the fine and noble (ὡς τῶν ἀναγκαίων τε χάριν πάσαν πόλιν συνεστηκύιαν, ἀλλὰ οὗ τοῦ καλοῦ μᾶλλον). Aristotle argues to the contrary that, just as one would count the soul as part of an animal, and more so than the body, so one should count as parts of a city, and more so than those concerned with necessities, those concerned with fighting, justice, and deliberation. This passage (1291°.10—28) is on p. 102 (the reference in MS D³; see textual note) of the 1577 and 1587 Frankfurt edns. of the Politics (the latter printed as part of F. Syllburg's 1584—1587 edn. of Aristotle's works): διόπερ ἐν τῇ πολιτείᾳ κοιμώς τοῦτο, οὐχ ἰκανῶς δὲ εἰρημένοι. φησὶ γὰρ ὁ Σωκράτης ἐκ τεττάρων τῶν ἀναγκαίοτατον πόλιν συγκείσει: λέγει δὲ τούτους, ύπάρκνη, καὶ γεωργόν, καὶ σκυτότομον καὶ οἰκοδόμον ... ὡς τῶν ἀναγκαίων γε χάριν πάσαν πόλιν συνεστηκύιαν, ἀλλὰ οὗ τοῦ καλοῦ μᾶλλον ... εἰπέρ οὖν καὶ ψυχήν ἀν τις θεὶς ζοῦν μόριον μᾶλλον, ἦ σῶμα, καὶ πόλεων τὰ τοιοῦτα μᾶλλον θετέον, τῶν εἰς τὴν ἀναγκαίαν χρήσιν συνετείνοντων, τὸ πολεμικόν καὶ τὸ μετέχων δικαιοσύνης δικαστικῆς πρὸ δὲ τοῦτοις, τὸ βουλευόμενον.

3:321.16—18.d And of things spiritual ... Spirituall. Aristotle, Politics, 7.8: πέμπτον δὲ καὶ πρῶτον, τὴν περὶ τὸ θεῖον ἐπιμέλειαν. (1587), p. 196 (again, the form of reference in MS D³ is to be followed); 1328b.11—12; "Fifth [in the enumeration of things or occupations indispensable for a city], but also first, that concerned with the divine."

3:321.19—20.e The Heathen themselves ... temporall. (1) Aristotle, Politics, 4.15: οἶον τοὺς ἱερεῖς πρῶτον τοῦτο γὰρ ἐτερόν τι παρὰ τὰς πολιτικὰς ἄρχας θετέον; (1587), p. 123.10—11; 1299b.17—19; "For example [of a class of persons needed in the political community and appointed by vote or by lot, yet
nevertheless not to be counted as officers or rulers (ἀρχοντας), the priests, in the first place—priesthood has to be regarded as something other than a political office”; trans. Richard Robinson (1962). (2) Politics, 6:8: αἱ μὲν οὖν πολιτικαὶ τῶν ἀρχῶν, σκεδάζον τοσοῦτοι τινές εἰσιν. ἄλλο δ᾿ εἰδός ἐπιμελείας ἢ περὶ τοὺς θεούς οίνον, ἵπερις τε καὶ ἐπιμεληταὶ τῶν περὶ τὰ ἱερὰ· τοῦ σώζεσθαι τα ὑπάρχοντα, καὶ ἀνορθοδοθαὶ τὰ πίπτοντα τῶν οἰκοδομήματον, καὶ τῶν ἄλλων δοσα τέτακται πρὸς τοὺς θεούς. (1587), pp. 181.27–182; 1322b.17–23; “These, more or less, are the political offices. But there is another kind of superintendence, that concerning the gods, as the priests and superintendents of temples, the preservation of existing buildings and restoration of damaged ones, and whatever else is connected with the gods.” (3) Livy, Romanae historiae libri, 1.1, describes the detailed appointment of priestly offices, including priests specially dedicated to Jupiter, Mars, and Quirinus, the college of Vestal Virgins and a high priest, by Numa, Romulus’s successor as king of Rome (ruled 715–672 BC); (1589), pp. 15–16; Loeb, 1:70–72, as 1.20.

3:323.24–26.f The difference . . . other. See Cartwright, 3:151–170. In his discussion “Of the authority of the civil magistrate in causes ecclesiastical” (replying to Tracts 12 and 20 of Whitgift’s Defense), Cartwright seeks to confirm “the distinction between the church and common wealth under a Christian Magistrate” previously affirmed by him and denied by Whitgift. The “difference . . . of affayres or offices Ecclesiastical from secular” is a recurrent theme in this section of Cartwright’s work, of which H here cites the first page. Cartwright argues from 2 Chron.19:8 and 11 on pp. 152–153 and from Heb. 5:1 on pp. 153–154. He had argued from 1 Thess. 5:12 in Replye (1:207 [166]; see Whitgift, Defense, p. 755; PS, 3:417).

3:324.1–10 Allen himself . . . doth. William Allen, A true sincere and modest defence of English Catholiques that suffer for their faith ([1584]; STC 373), chap. 5: “The power Political, hath her Princes, Lawes, Tribunals; and the Spiritual her Prelates, Canons, Counsels, Judgements, (and thes, when the Princes are Pagans) wholly separate: but in Christian Common-wealths joined, though not confounded; nor yet the Spiritual turned into the Temporal, or subject by perverse order (as it is now in England) to the same; but the Civil (which in deed is the inferior) subordinate, and in some cases subject to the Ecclesiastical: though so long as the temporal State is no hindrance to eternal felicite, and the glory of Christs kingdome, th’other intermedleth not with her actions; but alloweth, defendeth, honoreth, and in particular Common-wealths obeyeth the same” (p. 99).

3:324.14–23.g that . . . separate? Cartwright, 3:151: “the same difference [that is, between church and commonwealth], hath bene diligently observed, by the ecclesiastical writers. As when it is said, that the church and common wealth, not onely suffer but flourish together [marg., Socr. 5. li. in praefat. Soz. 3. libr. 26. cap.]: keping this distinction as well in the churchis prosperity, as in her adversity. Also [marg., Euse. 3. li. de vita Constan.], that the houses of prayer, being restored to the church: other
places were adjudged to the use of the common wealth. Likewise [marg., Aug. epist. 167, ad Apung.], that there is one cause of the Province: and another of the church."

3:324.17–18.h They suffer and flourish together? (1) In Ecldes. hist., bk. 5, pref., explaining his inclusion of wars and events of the times in his narrative, Socrates notes how disturbances and calamities in public affairs (τῶν δημοσίων) coincide with similar evils in the church, a sympathetic relationship too regular to be fortuitous, which Socrates interprets as chastisement for human iniquities; (1544), fol. 243; ed. Hussey (1853), 2:572; NPNF.2, 2:118. (2) The intended reference to Sozomen must be to Ecldes. hist., 8.25 (not 3.26, as in h). In the course of describing controversies around John Chrysostom, patriarch of Constantinople, Sozomen mentions devastations by Huns and others, remarking that dissensions in the church were here followed by disturbances in public affairs (τὰ κοινὰ); (1544), fol. 115; GCS, 50:383; NPNF.2, 2:415.

3:324.18–19.i one thing adjudged . . . Commonwealth? Eusebius, Life of Constantine, 3.65, records the emperor’s edict assigning houses of prayer belonging to Novatians, Valentinians, and other heretics to the Catholic church and confiscating for public use (τοῖς δημοσίοις) any other places which these groups might have to meet in; (1544), fol. 147; GCS, 7:112; NPNF.2, 1:539–540.

3:324.20–21.j putteith a difference . . . Church? Augustine, epist. 160 (not 167, as in j, which follows Cartwright), Ad Apringium: "Alia causa est provinciae, alia est ecclesiae"; Opera (1569), 2:722; CSEL, 44:86, and FOTC, 20:10, as epist. 134.

3:327.1–5.o Gallio . . . those things. See Acts 18:12–16. L. Annaeus Gallio was proconsul of the Roman province of Achaia, residing in Corinth, and the elder brother of the philosopher Seneca. The context of "a matter of wrong or an evil deed" is that of Roman law, "Causes of the Commonwealth or Province." Judging no such law was at issue in the Corinthian Jews’ attack on Paul’s mission, Gallio declined to intervene.

3:327.15–21.p For what . . . both? Cartwright, 3:151–152 (immediately following the passage quoted in 3:324.14–23.g.n, above): "Ye he can not conceive, how this [distinction between church and commonwealth] should be: he may be given to understand it, after this sort. that a man may, by excommunication, be sundred from the church: which forthwith leeseth not of necessity, his Burgeship or freedome in the city, or common wealth. Likewise, that the civil Magistrate may, by bannishment, cut of a man from being a member of the common wealth: whome the church can not by and by, cast owt by excommunication. Again, when one is for his misbehavior deprived of his privileges, boeth in the church and common wealth: albeit the church be, upon his repentance, bound to receiv him in again, as a member thereof: yet the common wealth, is at her liberty whether she wil restore him or no." Cartwright continues with points H does not directly answer: "Finally infidels under a Christian Prince, may, until such tyme as they refuse instruction, be members of the common wealth: yet are they not therefore,
members of the church. where, if the church and common wealth, were (as he saith) under a Christian Prince, al one: it should folow, that whosoever is a part of one, should needes be a part of the other: and contrawise, whosoever is cut of from one, must be cut of from the other.”

3:330.20–331.9 we are first to define ... unto. These topics correspond to the chapter heads that follow. First, the "generallities": "the power of Dominion" = chap. 2, and "by what right, ... it." = chap. 3. The particulars at issue follow: "the title of Headship" = chap. 4; "the prerogative ..." = chap. 5; "the right of assenting ..." = chap. 6; "the advancement ..." = chap. 7; "judiciall authoritie ..." = chap. 8; "exemption from being punishable ..." = chap. 9. The enumeration, "Secondly," etc., is of the particulars. Compare H's division of the Lawes into "an introduction," "the generall grounds and foundations," and "specialities of that cause which lyeth in controversie," Pref. 7.2, 5, and 6 (1:34.30, 35.18 and 28).

3:331.11–332.1 Without ... continue one. See 3:493.33–494.5 for H's transcription of sources. And compare Book I, esp. 2.3 and 3.2 (1:60.11–13 and 65.13–66.6).

3:331.21–332.1 Yea the very deitie ... one. An adaptation of the principle of hierarchy drawn from Pseudo-Dionysius the Areopagite. See 3:494.2–3 and n.

3:332.6–7 the power of ... spiritual. See chap. 4.5–10 for relevant distinctions of order, measure, and kind between the spiritual power of the English crown and that of Christ. On the power of the ordained ministry, see V.77. On the power of penitential jurisdiction attached to the preceding power of order, see Book VI, esp. chaps. 1, 4.1, and 6.

3:332.19–24 Besides, where ... Lege. H quotes from the classic exposition of English common law traditionally attributed to Henry de Bracton (d. 1268), De legibus et consuetudinibus Angliae, first printed in 1569 (STC 3475): "Let the king grant law what law grants him, power and dominion," and "The king ought not to be under man but under God and the law." This passage from 5.8 of De legibus includes another axiom quoted at 3:342.20: "Lex facit Regem"; "Law makes the king"; (1569), fol. 5; ed. Woodbine-Thorne (1968–1977), 2:33. H's constitutionalist reading of these principles goes well beyond the letter of his text, in which Bracton urges subordination to law upon the king as a commendable way of imitating the humility of Christ and Mary, whose obedience to law was voluntary, and explicitly denies that it is licit to dispute about, much less contravene, what the king in fact does. For the significance of H's use of Bracton, see 3:435.w.n, below. For Bracton and the rule of law, see F. Schulz, "Bracton on Kingship," English Historical Review, 60 (1945): 136–176, and B. Tierney, "Bracton on Government," Speculum, 38 (1963): 295–317. For other medieval sources, see Norman Kretzmann, Anthony Kenny, and Jan Pinborg, eds., The Cambridge History of Later Medieval Philosophy (1982), pp. 731–732, 745–756, 763–767; and J. H. Burns, ed., The Cambridge History of Medieval Political Thought (1988), p. 506.

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The function of law as a restraint on royal power was emphasized by the Edwardian bishop of Winchester, John Poyntet, who wrote as an exile under Mary, bitterly disillusioned with both crown and parliament. *A Shorte Treatise of Politike Power* (1556, STC 20178; rpr. in Winthrop S. Hudson, *John Ponet (1516?–1556): Advocate of Limited Monarchy*, Chicago: University of Chicago Press, 1942), sigs. C2–7*. Also see George Buchanan, *De jure regni apud Scotos* (1580; STC 3976), pp. 20–37. And see Intro. to Book VIII, p. 365 and n. 36, above.

The second of the passages quoted by H here ("The king ought not to be under man....") was cited by Bishop Horne to prove that the English crown had traditionally been regarded as not subject to the papacy. *An Answear made by Rob. bishoppe of Wyntecher* (1566; STC 13818), fols. 89*–90*. In reply, the RC Thomas Stapleton pointed out that Bracton clearly recognized a division between spiritual and temporal jurisdictions, assigning the former to ecclesiastical judges and the pope and only the latter to the king; *A Counterblast to M. Homes vayne blast against M. Fekenham* (1567; STC 23231), sigs. 3C4*–3D1*. See VIII.8.9, 3:435.w, and n for H’s attempt to accommodate this reply.

3:332.24–27 Thirdly whereas... them, For the medieval development of this principle, from its enunciation by the 12C Bolognese jurist Azo, commenting on Justinian’s *Codex*, 8.53.2 (*Lectura*, 1581, p. 671: “Non est majoris potestatis Imperator quâm totus populus, sed quâm quilibet de populo”), see Brian Tierney, *Religion, Law, and the Growth of Constitutional Thought* (Cambridge: The University Press, 1982), p. 26 and n. 39. For H’s interpretation of the principle, see VIII.3.2 and Auto. Notes, 3:512.5–8. Although H was an exceptionally strong advocate of communal authority among the theorists of his day, a sense of autonomy vis à vis the crown was occasionally evident in practice and in other writers; see Patrick Collinson, “The Monarchical Republic of Queen Elizabeth I,” *Bulletin of the John Rylands Library of Manchester*, 62.2 (Spring, 1987): 394–424.

3:333.23 said power... the Clergie See nn to 3:318.7–8, above, and 387.2, below.

3:334.3–13 First unto me it seemeth... subjection. Compare I.10.4.

3:335.s *Corona est... Bract.* “The crown is a power delegated by God.” The exact statement has not been found in Bracton, but very similar ones occur in the passage quoted by H at 3:342.21: “Nihil enim aliud potest rex in terris, cum sit dei minister et vicarius, nisi id solum quod de jure potest... Exercere igitur debet rex potestatem juris, sicut dei vicarius et minister in terra, quia illa potestas solius dei est, potestas autem injuriae diaboli”; *De legibus*, 3.1.9; (1569), fol. 107"*"; Woodbine-Thorne, 2:305. “For the king can do nothing other on earth, since he is God’s minister and vicar, than that only which he can do by right.... The king ought therefore to exercise the power of right [juris], as God’s vicar and minister on earth, because that power is from God alone, but the power of injury [injuriae, ‘unright’] is from the devil.” *Dan.* 2:21... *Rom.* 13 The OT biblical texts
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rehearse God's power over the rise and fall of secular rulers, even those who have not known Him; that from Rom. 13:1-2 directs that "... everie soule be subject unto the higher powers: for there is no power but of God: and the powers that be, are ordeined of God. Whosoever therefore resisteth the power, resisteth the ordinance of God. . . ."

3:335.1 Rex . . . patern. The passage quoted is not from Sthenidas of Locri, but from a Hellenistic treatise on kingship ascribed to another Pythagorean political thinker, Ephantus, which immediately follows the excerpt ascribed to Sthenidas in Stobæus, the sole source for either work; Florilegium (1559), p. 333; ed. Hense, 2:272; Taylor, ed., Political Fragments of Archytas, . . . preserved by Stobæus (1822), pp. 28-29. The support provided by these works for H's point in the text is ambiguous. A parallel contrast between divine and human aspects of royalty is drawn in the Sthenidas excerpt (p. 332; Hense, 2:270; Taylor, p. 26), where the human ruler's authority is said to be based on birth and imitation, rather than on nature: Ἐρῆ τὸν βασιλέα σοφόν ἦμεν, οὔτω γὰρ ἐσεῖται άντίτιμος, καὶ ζηλωτὰς τῷ πράτῳ θεῶ. οὔτος γὰρ καὶ φόσε ἐν τί καὶ πράτος βασιλεῖς τε, καὶ δυνάσας: ὅ δὲ γενέσει καὶ μιμάσει. In both passages, however, the likeness of human to divine kingship is also emphasized. On H's constitutionalist appropriation of this Pythagorean tradition, see nn at 3:340.a and 342.2-14.d, below.


3:336.19-25 Wherin that we . . . securitie. Perhaps an oblique evasion of theoretical engagement with contemporary French political thought. So J. H. M. Salmon, The French Religious Wars in English Political Thought (1959), pp. 32-33. The relations of H's ideas to those of the radical Huguenots he is about to discuss and to the increasingly influential treatment of sovereignty by Jean Bodin are complex; see 3:397.q and n for H's one explicit reference to Bodin.

3:336.22-23 the nature of this Kingdome, H evidently saw the "nature" of his country's political arrangements as the outcome of a gradual transition from a conqueror's laws (VIII.6.1; 3:385.25-386.1) to "regenie, willingly sustained" (3:340.22). The suggestion of a primordial constitutional convention in his reference at 342.15-16 to "their wisedome by whom the foundations of this Common-wealth have been layd" is thus mildly disingenuous. See VII.14.2 for his willingness to consider, at least as a possibility, a parallel transition from usurped to "natural" authority in the history of episcopacy.

3:336.28-337.1 The King is . . . minor. See 3:332.24-27.n, above. A standard tenet of French resistance theory; see Salmon, The French Religious Wars in English Political Thought, pp. 7-8. The principle is repeatedly enunciated (although not in
precisely these terms) by the author(s), Hubert Languet, Philippe du Plessis-Mornay, or possibly both, of the *Vindiciae contra tyrannos*, from whose doctrine of elective kingship H immediately distances himself. See, for example, edn. 1579, p. 48, concerning the magistrates or other notables representing the whole people: 

"Illi verò ut singuli Regis inferiores sunt, ita universi superiores." On the *Vindiciae* see 4:70.14–15 and n, above. First published in Latin in 1579, over the pseudonym of Junius Brutus, it appeared in French in 1581. The fourth question of the *Vindiciae*, on the legitimacy of aid from foreign rulers against religious persecution or tyranny, was published in English in 1588 to support English intervention in the Netherlands: *A short apologie for Christian souldiers*, transl. H. P. (1588; STC 24566). The cited n in vol. 4, above, is in error as to the putative English edns. prior to 1590: the rev. STC lists one (15211) in Latin whose title page claims it was published in 1579 in "Edimburgi," but which was apparently printed in Basel; the second (15212), printed abroad, is not an STC book. English translations did, however, appear in the 17C, beginning in 1648 (Wing L-414–416).

3:337.12–18. *u that in all ... power.* *Vindiciae:* "mansit tamen perpetuò in omnibus Regnis bene constitutis ea consuetudo, ut demortuis non prius suceederent liberi, quam à Populo, quasi de novo constituerentur, nec tamquam sui haeredes Patribus agnascerentur, sed tum demum Reges censerentur, cum ab is, qui Populi majestatem representarent, Regni investituram, quasi per sceptrum et diadema accepiessent"; (1579), pp. 82–83.

3:337.19–23. *v that where such power ... Kingdom.* *Vindiciae:* "Et qui hodie per successionem Regnum adire videntur, prius a Populo constituantur necesse est. Denique et si Populus ob egregia quaedam merita ex aliqua stirpe Reges sibi deligere, in quibusdam regionibus solet; stirpem ipsam, non surculum deligit; nec ita deligit, quin si degeneret, aliam eligere non possit. Qui verò ex ea stirpe etiam proximi sunt, non tam Reges nascuntur, quàm fiunt; non tam Reges, quàm Regum Candidati habentur"; (1579), p. 85; *Vindiciae contra tyrannos: A defence of liberty against tyrants* (1689): "... those which at this day seem to have their Crowns and Royal Authority by Inheritance, have or should have first and principally their Confirmation from the People. Briefly, although the People of some Countries have been accustomed to chuse their Kings of such a Lineage, which for some notable Merits have worthily deserved it; yet we must believe that they chuse the Stock it self, and not every Branch that proceeds from it; neither are they so tied to that Election, as if the Successor degenerate, they may not chuse another more worthy, neither those which come and are the next of that Stock, are born Kings, but created such, nor called Kings, but Princes of the Blood Royal" (p. 64).

3:337.23–25. *w Where regall dominion ... elective.* *Vindiciae:* "concludere licet, Regnum Israelis, si stirpem spectas, haereditarium certè fuisse: at sane si personas, omnino Electivum"; (1579), p. 81. This conclusion is propounded on the basis of the "heapes of scriptures" alleged on pp. 78–80.

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3:337.25–338.2x To this purpose . . . given. Vindiciae (1579), pp. 78–81.

3:338.1–2 solemnities . . . deed, Compare Saravia, De imperandi authoritate et Christiana obedientia (1593; STC 21747), 3.1–17 (against the view, propounded by some RC writers, that kings derive their authority from episcopal blessing and coronation) and 4.24–42 (against populism).

3:338.13 scism; The text should read "seisin"; that is, possession as of freehold (OED).

3:339.4–7.y Neither can . . . flow. In De officiis, 2.12, Cicero conjectures that, not only among the Medes but also among the Romans, kings were established (constituti) when the multitude (multitudo), oppressed by those with more means, fled for protection and justice to some one outstandingly virtuous man. "Mihi quidem non apud Medos solum, ut ait Herodotus, sed etiam apud majores nostros, servanda justitia [Loeb: justitiae fruenda] causa videntur olim bene morati reges constituti. Nam cum premeretur initio [Loeb: inops] multitudo ab ipsis, qui majores opes habebant: ad unum aliquem confugebant, virtute praestantem: qui cum prohiberet injuria tenuiores, aequitate constituentia summos cump infimis pari jure retinebat"; Opera (1588), 4:503; Loeb, pp. 208–211. See I.10.5 (1:100.e) for an earlier use of this passage.

3:339.10–13 A manifest . . . escheat In English feudal law, "All land is held of some lord. That lord or some one of his predecessors in title is supposed to have given the land to the tenant or some one of his predecessors in title. Therefore if the tenant die without heirs it is only right that the lord should have back again that which he gave to the tenant. This is escheat propter defectum sanguinis"; Holdsworth, A History of English Law, 3:67. H’s analogy was especially suggestive when he wrote. In terms of this analogy, the succession to Elizabeth, who had no direct descendents, would properly be settled by parliament as representative of "the bodie." In fact it was managed by the informal support of the Privy Council for the claims of James VI of Scotland. See John Guy, Tudor England (Oxford: The University Press, 1988), pp. 452–454; on the abortive earlier scheme for parliamentary choice of a successor in the event of the queen’s death, see pp. 332–333. The law of escheat also applied if the tenant committed a gross breach of the feudal bond (escheat propter delictum tenentis).

3:339.20–29 May then . . . consider. For a less resigned attitude towards abuses of legitimate power, see chap. 6.9 (3:399.22–400.4) and Auto. Notes, 3:501.25–30, 503.18–504.2 and n.

3:340.5–6 lawe of God and nature See I.5, 8, and 11.

3:340.11 not the articles only On H’s conception of communal consent to law and government as an ongoing historical process, see I.10.8, III.10–11, and VII.5.8. Besides communally determined and royally accepted laws in the strict sense (statutes), coronation oaths could also be cited as “articles of compact” entered into

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by successive rulers and subjects "in free and voluntarie manner." See 3:342.21–343.2.n, below.

3:340.22–23.z regencie, ... things. Aristotle, Politics, 3.10 (as in MSS Q+ and Erasmus’s edns.), is the intended reference (edn. 1550: 2:133; 1285.b.3–19). There Aristotle distinguishes and discusses various types of kingship, including the hereditary legal kingship over willing subjects of the Greek heroic period. Here the kings had supreme command in war and control over sacrifices not reserved to the priests, and they acted as judges.

3:340.a Ecphant. de regno,... it. This statement and the Greek phrase on the next page (line 17) are from a treatise on kingship ascribed by Stobaeus to the Pythagorean thinker Ecphantus (4C BC) but now dated from Hellenistic times to the 2C AD; Stobaeus, Florilegium (1559), p. 334; ed. Hense, 2:276; Taylor, Political Fragments, p. 32. H quotes from the same treatise at 3:335.f. His remark that such exalted descriptions of royal power were framed to suit absolute monarchies accurately characterizes the later Pythagorean tradition, which has been seen as an important source for the idea of the king as a law in himself. See 3:496.12–497.3 and n below for the significance of H’s position on the variable extent of royal power in relation to the interpretation of the English supremacy oath by Stapleton.

3:341.5 Which some not observing, Compare Bodin, who argued in De republica, 1.8, that the idea of a sovereign bound by law was incoherent and hence that a legally limited monarch was not genuinely a king; (1586), pp. 78–107. On the reception of Bodin’s conception of sovereignty in England, see Ulrike Krautheim, Die Souveränitätskonzeption in den englischen Verfassungskonflikten des 17. Jahrhunderts: Eine Studie zur Rezeption der Lehre Bodins in England von der Regierungszeit Elisabeths I. bis zur Restoration der Stuartherrschaft unter Karl II (Frankfurt am Main: Peter Lang, 1977). For revision of the standard view of Bodin as absolutist, see A. London Fell, Origins of Legislative Sovereignty and the Legislative State (Königstein/Ts., West Germany: Athenäum; Cambridge, Mass.: Oelgeschlager, Gunn and Hain, 1983–1987), vol. 3: Bodin’s Humanistic Legal System and Rejection of "Medieval Political Theology."

3:341.8–12.b But that ... power. Aristotle, Politics, 3.14 (1284.b.35–1285.b.33) includes the discussion of the various species of kingship referred to by H on the previous page. This discussion is the basis for Aristotle’s summary statement at the beginning of the next chapter that there are virtually two kinds of kingship, the absolute (unrestricted by law) and the Spartan, for with most of the others the king is sovereign over fewer things than under absolute but over more than under Spartan kingship: τῶν γὰρ ἀλλῶν αἱ πολλαί, μεταξύ τούτων εἰσὶν. ἐλαττώνων μὲν γὰρ κύριοι τῆς παμβασιλείας, πλειόνων δ’ εἰσὶ τῆς Δακωνικῆς. (1587), p. 88; 1285.b.35–37.

3:341.17.c αὑτῷ ... οὗδενός, αὑτῷ μὲν ἄρχειν (ἀφ’ ὤπερ καὶ ὁ αὐτάρκης καλέται), ἄρχεσθαι δ’ ὑπ’ οὗδενός. "It pertains to him [to king as well as to
3:342.2–14.4 Where the King ... wretched. H’s musical-scientific imagery fittingly introduces a passage attributed to the important Pythagorean philosopher and statesman, Archytas of Tarentum (early 4C BC) a friend of Plato. Archytas distinguished harmonic from arithmetical and geometric progressions and worked out the ratios underlying successive notes in enharmonic, chromatic, and diatonic scales. An explicit analogy between law and musical harmony is drawn preceding the passage quoted by H, but this is missing from the edns. of Stobaeus available to him. Similar comparisons are found, however, in other “Pythagorean” works cited below at 3:515.2–10 and 515.14–21. The treatise On Law and Justice quoted here is found only in Stobaeus, whose ascription of it to Archytas has been rejected by modern scholars. It is among the earliest of several in the Pythagorean tradition of political philosophy cited by H in Book VIII and in the Auto. Notes; see 335.f, 340.a, 341.17, and nn, above, and 391.c, 501.22, 507.2–4, 515.2–10, and 515.14–17.h, and nn, below.

In quoting Archytas to extol the king’s subordination to human positive law (“not only the law of nature and of God but very nationall or municipall law”) H ignores an idea presented immediately before the quoted passage that was to become a dominant theme in the Pythagorean tradition, namely that the king himself embodied law as “animate law” (νόμος ἐμνυχος). The ideal of a godlike savior-ruler that developed therefrom marks what has been called the official philosophy of kingship in the Hellenistic period; see Erwin R. Goodenough, “The Political Philosophy of Hellenistic Kingship,” Yale Classical Studies, 1 (1928): 55–102; also, Holger Thesleff, An Introduction to the Pythagorean Writings of the Hellenistic Period (Åbo: Åbo Akademi, 1961). H’s constitutionalist use of works in this tradition goes counter to their absolutist potentialities. For the rich medieval development of the idea of the king as animate law, see Ernst H. Kantorowicz, The King’s Two Bodies: A Study in Medieval Political Theology (Princeton: The University Press, 1957), passages indexed under “lex animata”; and J. H. Burns, ed., The Cambridge History of Medieval Political Thought (1988), pp. 26, 27, 64–65, 434, 484.

The passage from Archytas, including the musical analogy not included in 16C edns. as well as the description of lawlessness translated by H at 342.10–14, is as follows: Νόμος ποτ’ ἀνθρώπω ψυχάν τε καὶ βίον ὄπερ ἀρμονία ποτ’ ἀκόαν τε καὶ φωνάν· τε τὰ γὰρ νόμου παιδεύει μὲν τὰν ψυχάν, συνίστησι δὲ τὸν βίον, δ’ τὸ ἀρμονία ἐπιστάμονα μὲν ποιεῖ τὰν ἀκόαν, ὀμόδολον δὲ τὰν φωνάν. Φαμι δὴ ἐγὼ πάσαν κοινωνίαν ἕξ ἄρχοντος καὶ ἄρχομενον συνεπέτα· μεν, καὶ τρίτων νόμων. νόμον δὲ ὁ μὲν ἐμνυχος, βασιλεύς· τὸ δὲ ἐμνυχος, γράμμα, πράτον οὖν ὁ νόμος, τούτων γὰρ ὁ μὲν βασιλεύς, νόμιμος· τὸ δ’ ἄρχον, ἀκόλουθος· τὸ δ’ ἄρχομενος, ἐλεύθερος. δ’ δ’ ὅλα κοινωνία εὐδαιμ. καὶ τούτων παραβάσει μὲν βασιλεύς τόραννος. δ’ δ’ ἄρχον ἀνακλίνου—
3:342.19-21 **The axiomes ... potest.** (1) The first of these Bractonian axioms ("law makes the king") is from the passage quoted above at 3:332.19-24 from *De legibus*, 1.8: "Ipse autem rex, non debet esse sub homine, sed sub deo et sub lege, quia lex facit regem. Attribuat igitur rex legi quod lex attribuit ei, videlicet dominationem et potestatem, non est enim rex ubi dominatur voluntas et non lex"; (1569), fol. 5"; ed. Woodbine-Thorne, 2:33; "But the king himself ought not to be under man but under God and under law, because law makes the king. Let the king therefore grant law what law grants him, namely, dominion and power, for there is no king where will dominates and not law." (2) The second axiom ("the king can do nothing except what he can do by right [or "by law"]") is from the passage quoted in 3:335.5.n., above; 3.1.9 (1569), fol. 107; Woodbine-Thorne, 2:305.

3:342.21-343.2 **Our Kings ... power.** The anointing of English kings at their coronation began in the 8C, but the significance of the act has been quite variously interpreted. In holding that the oil which makes a king the Lord's anointed (a *Christus Domini*) is "a signe of ... religious or sacred power," H takes a position between advocates of theocratic kingship such as the 11–12C Norman Anonymous, who interpreted the anointing as a sacramental act conferring a priestly or higher-than-priestly indelible character on the king (as *rex-sacerdos*), and the majority of ecclesiastical authors, who took the anointing as a sign of the king's dependence on and inferiority to the priestly power. For H the original source of such administrative authority as a lay ruler may have in religious affairs is the whole body of the church. Hence he presumably thought of the religious or sacred power symbolized in the anointing as being originally derived from the whole body of English Christians. Another feature of the coronation rite of special significance for H was the oath to uphold law or justice. From the late middle ages, this had taken the form of a promise on the king's part to uphold the laws "which the people may choose" (*quas vulgus elegerit*), but Henry VIII revised this promise, limiting it to an undertaking to recognize only such statutes as were "lawful" or such customs as had been "granted." Similar qualifications were made in the oath (and in Archbishop Cranmer's sermon) at the coronation of Edward VI in 1547 and, apparently, at Mary's coronation a few year's later, though neither the text of Mary's

3:343.4–9.e **A Prince, ... selves.** Thomas Stapleton, *Principiorum fidei doctrinalium demonstratio methodica*, 5.17 (1579), p. 189. See 3:497.14–21 for H’s transcription of this passage from Stapleton’s chapter on Catholic and Protestant views concerning the secular ruler’s power in religious matters, where Stapleton presents “the new sect of lay-headers among the English” (“De Principium [1581 edn.: Principium] secularium judicio in causis fidei quid Catholici sentiant, quid hodie Protestantes: ubi nova apud Anglos Laicocephalorum secta manifestatur”). In his working notes H transcribed the greater part of this chapter and much of the following one, in which Stapleton confirmed the RC view with arguments based on texts from the patristic period and passages of Scripture (Auto. Notes, 3:496.12–18; 497.10–11; 498.8–10, 10–13, 23–30; 499.8–9, 15–21; 500.22–24, 27–28, 29–501.1; 501.6–13; 502.9–14; 515.22–516.3; and 516.7–14). On Stapleton see Marvin R. O’Connell, *Thomas Stapleton and the Counter Reformation* (New Haven: Yale University Press, 1964), who cites Anthony Wood’s judgment in the early 17C that Stapleton was “the most learned Roman Catholic of all his time” (p. 23); *Athenae Oxoniensis* (London, 1820), 1:669. Stapleton’s *Demonstratio* was first published in twelve books in 1578, rpr. 1579; an edn. augmented with a thirteenth book with William Fulke appeared in 1581 and was rpr. in 1582 (all of these at Paris). Stapleton’s *Principiorum fidei doctrinalium relectio scholastica et compendiaria* of 1596 (Antwerp: Joannes Keerbergius) is a distinct work, written against William Whitaker.

Stapleton remarks in the present chapter of the *Demonstratio* (5.17) that in England “the sect of Puritans” openly contradicts the other Calvinists on the question of lay headship of the church, as in many other things (“in ipsa Anglia, Puritanorum secta caeteris Calvinistis Laicocephalis, ut in aliis multis, ita hac in re apertè contradicit”; p. [190], misnumbered p. 170). This observation accords with H’s treatment of Cartwright as an opponent of the royal supremacy and his linking of Cartwright with Stapleton on the issue of the crown’s judicial power (432.6–8). The anti-papal English controversialist William Whitaker, sympathetic with Cartwright in many matters, was apparently also struck by the congruence of his arguments in *The Rest of the Second Replie* with RC objections to the supremacy. He is reported by Bancroft to have offered the following judgment, in a private letter: “He [Cartwright] doth not onely thinke perversely of the authoritie of Princes, in causes ecclesiastical, but also flyeth into the Papistes holds, from whome he would be thought to dissent with a mortall hatred. But in this point he is not to be endured: and in other partes also hee borroweth his argumentes from the Papistes”; Surva (1593), p. 379; quoted by Peter Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge: The University Press, 1982), p. 60.

3:343.9–14.f **Others ... discipline;** In the preface to his *De sacra politia forensi*, a
work dedicated to Henry III of France, the jurisconsult René Choppin (1537–1606) assembled examples of royal and imperial care of religion to support his central thesis, that the good condition of Christian society depends on the cooperation of sacred and royal power. He implored ecclesiastics not only to bear, but to be grateful for, the involvement of royal power in this joint responsibility: “Utrunque sit, Regia perinde ac Pontificia diplomata civilis disciplinae Sacrorum, quae his passim Libris inspersa sunt, evidenter demonstrant, Magistratum utrumque seu sacrum seu profanum in Ecclesiasticae tuitionem Politiae diligenter incumbere, ad communem hominum inter ipsos Societatem et concordiam Politico Religionis morumque civilium nexo retinendam.

“Huc ergo aequanimes adeste (Christiani Patres) ac ne sperato tanti Boni fructu careamus, Vos ad id cum sacrosancta vestra Potestate Regiam istic consipirare patiamini non modò, sed et gratulemini. Quo Christianae Politiæ Reiœque pub. Status, qui duobus his vinculis colligatus est, Sacerdotio ac Imperio, ab illo ordinatus, ab hoc tegatur et conservetur” (1577), Pref. 20–21, sig. 04'. On Choppin and H's use of the De sacra politia forensi, see 3:417.26–28.n, below.


3.344.15–22.i Another acknowledgeth ... honestie. Dudley Fenner, Defense of the Godlie Ministers (1587; STC 10771): “Wherefore to begin the first point of her Majesties authoritie in ecclesiasticall causes generallie considered, we say out of the afore said booke [marg. In the admonition to the book of concord, page 363], thus: There is no doubt but that God hath most severely enjoyned all Magistrates, that not onely they them selves should knowe and profess the true doctrine of God and his worhippe, but should also take care that this be set forth unto their subjectes, and that they forbidde and represse as much as they can, everie stubborn, contempt, and blasphemie in worde or deede, of or against the same. Therefore it is said: I have saide, you are Gods, that is, you carrie a divine office. Nowe the chiefest parte of this office is, to provide that God may be rightlie acknowledged and served of mankinde, and all dishonor of his Majestie bee inhibited. This is the chiefest ende and scope of the maintayning of peace and Discipline comprised in the seconde table. For they are Magistrates not of beasts but of men, and not onely of the bellies of their subjectes, but chieflie such as should provide for and minister unto their soules, what soever is necessarie. Wherefore they are placed of God in the toppe of government, nor for idleness, pleasures, pride, pilingles [plunder, pillage] and satisfysings of evill lustes: but that by their ministerie God may regne in the worlde, and men may be men, that is, the verie images of God .... Touchinge this point, there is not anie lawe or lawes in force which doe contrarie this, or allowe anie further authoritie in generall to belong unto her Majest. as may appeare most evidente by the wordes of the Statute touching this point, Anno primo Elizab. reg. where having enacted the
abolishing of all forraine power, it is added: And that also it may likewise please your Highness, that it may be established and enacted by the authoritie aforesaid, that such jurisdictions, privalidges, superiorities, and preheminences spirituall and ecclesiasticall, as by anie spirituall or ecclesiasticall power or authoritie, hath heretofore bin, or may lawfullie be exercised or used for the visitation of the ecclesiasticall state and persons, and for reformation, order, and correction of the same, and of all maner of errors, Heresies, scisms, abuses, offences, contempts, and enormities, shall for ever, by authoritie of this present Parliament, be unitied and annexed to the Imperiall Crowne of this Realme. Wherein we see most manifestlie, that they annexe no authoritie to the Crowne, spirituall and ecclesiasticall, that is, in spirituall and ecclesiasticall causes then that whiche hath bin heretofore lawfullie used for the visitation of ecclesiasticall State and persons, and for punishing all abuses that waye, to the pleasure (as the Statute, repeting the verie same worde addeth) of almightie God, the encrease of vertue, and the conservation of the peace and unitie of this Realme. By which it is manifest, that the meaning is not that they should (being civil persons) suspende, excommunicate, or in their persons exercise ecclesiasticall censures, but only that they should visite the ecclesiasticall estate, to see that therein al things were ordered according to the lawes of God, and of the lande, and what soever they found otherwise, they should punish with imprisonment, losse of goods, member, life, or other condigne punishment agreeable to the lawe of God, and of the lande, and the rule of justice .... the meaning is, onelie to give unto her Majestie the visiting and overseeing of all persons and causes ecclesiasticall, and by the civill sworde, the punishing of them according to the worde of God” (sig. D2'-3'). A qualification (an abatement, as H will say at 3:345.13–14, “out of the forealledged grand and flourishing summe,”) follows a few pages later: “The summe therefore hereof is, that it is the office, right and due of God alone, to prescribe men a rule howe to knowe and worship him: that it belongeth to the Ministers of the church, syncerelie to propounde that doctrine which is delivered them from God: that it is the Magistrates duetie, to see, that the Ministers doe faithfullie performe their charge which is committed unto them, without humane corruptions and additions” (sig. E2').

3:344.22–345.4.j A third ... explane. See Penry (?)'s An Humble Motion (1590): “Out of all which I gather, that the discipline hindreth not, but that by hir supreme authoritie she may compell all the people to keepe the commandement of God, and the ministers to be, and do, after the law of Christ his sonne. And by hir commission she may have as she hath already, rulers and officers in every shire and great towne, as commissioners in causes Ecclesiastical, to be as it were, hir eyes, eares, and hands, to hearken after the due and orderly proceedings of the ministers, Elderships, and Synods: to compell them to doe everye thing after Gods word, by civil authority: and if need be, to punish them which handle Gods holy things out of order, and to force the people to bee obedient unto the ordinance of Christ Jesus: so that she still shall remaine over all persons, in all things supreme governesse, (and hir self, under none, but God in his sonne Jesus Christ) in that full and royall authority, superiority, preeminence, supremacy and prerogative,
which the Lawes already established do nowe give unto hir, and hir Majesties
injunctions, and the articles of the Convocation house, and other writings Apolo-
geticall of hir royall authority and supreme dignitie, doe declare and explane”
(pp. 62–63).

3:345.4–9.k Posidonius ... action. Cicero, De natura deorum, end of bk. 1:
“Posidonius disseruit ... nullos esse deos Epicuro videri: quaeque is de diis im-
mortalibus dixerit, invidiae detestandae gratia dixisse ... nihil cuiquam tribuentem,
nihil gratificantem, omnino nihil curantem, nihil agentem ... idque videns Epici-
urus, re tollit, oratione reliequit deos”; Opera (1588), 4:196 (second numeration);
Loeb, pp. 118–120. On Posidonius’s impact on Roman philosophical and literary
culture, see OCD: “As Aristotle forms the epilogue of the culture of classical
Greece, so Posidonius collected the heritage of the Graeco-Roman civiliza-
tion, ... bequeathing to the Renaissance the legacy of the Hellenistic age.”

3:346.8–13 Secondly ... such like. Compare chap. 3.5 (3:352.24–28) and 4.9
(377.3–378.17 and n).

3:346.25–347.8 In these the King ... power. Cited by Holdsworth as “perhaps
the best short summary of the actual state of the law in the sixteenth century”; A
History of English Law, 4:208, n.1. For H’s conception of royal prerogative as
“given ... by the common law and parliament,” see Auto. Notes, 3:505.32–
506.12, and n. Restrictions on the crown’s power to change the nature of English
legal procedures are embodied in various provisions of Magna Carta, first issued
under King John in 1215 and revived in 1216, 1217, and 1225 under Henry III;
Magna charta, cum statutis, tum antiquis, tum recentibus (1587; STC 9282), fols. 1–7; S.R., 1:9–19, 22–25. For original context, see J. C. Holt, Magna Carta, 2nd edn.
(Cambridge: The University Press, 1992). For commentary on legal developments
stemming from these provisions, see W. S. McKechnie, Magna Carta, 2nd edn.
(1914; rpr. New York: Burt Franklin, 1958). restore bloud, That is, restore
the normal legal rights lost through the attainder (by parliament) of ancestors,
whose blood was said to have become corrupted thereby; see G. R. Elton, The
303–309. The queen’s own blood was restored by 1 Eliz. I, cap. 23.

3:347.13–14.l Ambrose ... Ecclesiam est. “A good emperor is within the church,
not over the church.” This famous statement is from a sermon against Auxentius,
whose order to turn over a basilica for use by the Arians Ambrose steadfastly
refused to obey; it is printed after epist. 32 in Opera (1569), col. 581; PL, 16:1018:
“Imperator enim bonus intra Ecclesiam, non supra Ecclesiam est; bonus enim
imperator quaerit auxilium Ecclesiae, non refusat.” For context, see 3:383.11–
384.18.n, below. For a slightly fuller quotation, derived from Stapleton, see Auto.
Notes, 3:497.10–11.

3:347.17–19 for the received lawes ... none. For the bearing of H’s planned
revision of Book VI on this statement, see Intro. to the Three Last Books, p. 245,
above. The absence of such "received lawes ... of the Church" as are alluded to here is assigned at chap. 8.8 as a cause of unnecessarily restrained or unduly extended action in religious affairs by 4C Christian emperors. In the first clause of Magna Carta, it is granted that the English church shall be free and shall have its rights or laws intact and its liberties unimpaired ("ecclesia Anglicana libera sit, et habeat omnia jura sua integra, et libertates suas illaesas"); Magna charta, cum statutis, tum antiquis, tum recentibus, 1587, fol. 1; S.R., 1:9, omitting "omnia"), and an undertaking to preserve the church's peace was a traditional part of English coronation oaths. In Henry VIII's revision of the coronation ordo, however, the promise is for the preservation of unity in church and people, and reference to the rights of the church is deleted at the accustomed place in the oath of Edward VI. See Schramm, A History of the English Coronation, pp. 212, 216–217. H clearly wishes to maintain continuity with the ecclesiastical legal structures of the past, even though, as he recognizes in the Auto. Notes, there is "no law in England but Gods and the Queenes," and hence, "so many of the Canon lawes as are currant and naturalized within this Realme deserve the name of the lawes of the realm and to be the princes lawes"; 3:507.19–24. For his defense of the system of dual ecclesiastical and secular jurisdictions under a single "Supreme Governour" of judgments, see chap. 8. For the situation in practice when H wrote, see R. H. Helmholtz, Roman Canon Law in Reformation England (1990).


3:348.9–18.m Wherefore not without ... Convocation. "Provided alwayes, and be it enacted by the authoritie aforesaid, that such person or persons to whom your highnesse, your heires or successors shall hereafter by letters patents, under the great seale of England, give authoritie to have or execute anie jurisdiction, power, or authoritie spirituall, or to visit, reforme, order, or correct anie errors, heresies, schisms, abuses, or enormities, by vertue of this act, shall not in anie wise have authoritie or power to order, determine, or adjudge anie matter or cause to be heresie, but onelie such as heretofore have beene determined, ordred, or adjudged to be heresie, by the authoritie of the canonicall scriptures, or by the first foure generall counsels, or anie of them, or by anie other generall counsell, where-in the same was declared heresie, by the expresse and plaine words of the said canonicall scriptures, or such as hereafter shall be ordered, judged, or determined to be heresie, by the high court of parlement of this realme, with the assent of the cleargie in their convocation: anie thing in this act conteined to the contrarie notwithstanding." An act restoring to the crowne the ancient jurisdiction over the state ecclesiastical and spirituall, and abolishing all forren power repugnant to the same, 1 Eliz. I, cap. 1.20; W.V.S. (1587), 2:360; S.R., 4:1:354. This provision replaces the anti-Lollard Act of 1400–1401 referred to in Auto. Notes, 3:484.10. See n.


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3:349.6–20 the dissipation ... it. Compare Aquinas, De regimine principum ad Cypri regem, 1.1: "Multis enim existentibus hominibus, et unoquoque id quod est sibi congruum providente, multitudo in diversa dispergeretur nisi etiam esset aliquid de eo quod ad bonum multitudinis pertinet, curam habens. ... Non enim idem est, quod proprium, et quod commune. Secundum propria quidem, differunt, se-cundum autem commune, uniuntur. ... Oportet igitur praeter id quod movet ad proprium bonum uniuscujusque esse aliquid quod movet ad bonum commune multorum. ... Oportet igitur esse in omni multitudine aliquod regitivum"; separately foliated in Aristotelis ... politicorum ... libri octo ... cum D. Thomae Aquinatis explanatione (1568), fol. 1E–F; ed. Joseph Mathis (Turin and Rome, 1948), p. 2. "For where there are many men together and each one is looking after his own interest, the multitude would be broken up and scattered unless there were also an agency to take care of what appertains to the commonweal .... For what is proper and what is common are not identical. Things differ by what is proper to each: they are united by what they have in common. ... Consequently, there must exist something which impels towards the common good of the many, over and above that which impels towards the particular good of each individual .... Therefore in every multitude there must be some governing power"; On Kingship to the King of Cyprus, trans. Gerald B. Phelan, rev. by Th. Eschmann (Toronto, 1949), pp. 5–6.

3:349.13–14 The good ... perfection. On the part–whole relation in H's political thought see 3:219.23–220.4.n, above. Compare Aristotle, Politics, 1.1 (1253a.19–30); Aquinas, S.T., 1a2ae.96.4 and 90.2 (B, 28:130–131, 10–11).

3:349.23–24.n Such as in ... one. Justinian, Digesta, 1.2.2.11: "Novissimè, sicut ad pauciores juris constituendi via transisse, ipsis rebus dictantibus, videbatur: per partes, evenit, ut necesse esset reipublicae per unum consuli. nam senatus non perinde omnes provincias probè gerere poterat. Igitur constituto principe, dàtum est ei jus: ut quod constituisset, ratum esset"; (1590), col. 5; ed. Mommsen-Krueger (1963), p. 30; Scott, 2:214. "Finally, as the mode of establishing law seemed to have passed little by little to fewer persons, as occasion demanded, it became necessary for the public welfare to be attended to by one person (for the Senate could not properly administer all the provinces equally): therefore, a chief ruler having been established, the right was given to him, that what he established would be valid." This passage concludes a brief constitutional history of Rome by the imperial jurist Pomponius. The transition from republic to principate has also been seen (by the plotters in Shakespeare's Julius Caesar, for example) as a revolutionary subversion of the existing order rather than as a deliberate change broadly agreed upon by all concerned, as Pomponius presents it.

3:349.27 ὅδε ἄγαθὸν πολυκοιρανίη: Aristotle, Meta., 12.10 (1076a.4); Opera (1550), 2:398, quoting Homer, Iliad, 2.204.

3:350.2–10 Surely two ... other two. Compare Marsilius of Padua, Defensor pacis, 1.17.3, ed. Gewirth, pp. 81–82 and n. 4.
Commentary

3:350.17–19 **Moses deriving ... supemacie.** On Jethro’s advice to his son-in-law, Moses, see Exod. 18:25–26; for H’s view of the divine authority accruing to this polity of Jethro’s devising, see VII.5.2 (3:161.5–18).


3:351.3–12. p **Secondly that ... writing.** “Rursum sacerdotium vetus habuit suas leges, sacrificia, ritus, et ceremonias omnes à Moyse prae scriptas atque conscriptas; quibus nefas erat, vel addere vel detrare, quae sunt praescriptos cultus et leges executioni mandare: in quo genere reges concurren commodissime possent. Nam ardua et sublimiora fidei mysteria quae sacerdotum judicia maximè desiderarent, nonum erat necessariò explicite ab omnibus credenda, sed tantùm à majoribus. ... At in Ecclesia Christi et quàm plurima accesserunt mysteria explicitè credenda, etiam à minoribus et vulgo fidelium ... et praeterea cultus divini externèque regimins ratio, ritus et ceremoniæ, scriptæ omnino non fuerunt”; ibid., p. 198. The conclusion at lines 12–14 (“for which cause ... regall power”) is H’s formulation.

3:351.14–21. q **Thirdly, that ... loose.** “Tertiò synagogae disciplina erat gladius, et poenae temporales. Qui superbierit, obedient nolens sacerdotis imperio, ex decreto judicis morte moritur [marg., Deut. 17]. Et ut totus ille status servorum erat, non filiorum; sic terrore et externis poenis, non amore et spiritualibus poenis duc ebantur. ... Hinc ergo factum est, ut propter disciplinam illam corporalem, et visibilis gladii qui in manu regum erat, Reges ipsi causis ecclesiasticis non solùm piè, sed etiam necessariò sese nonnulli immiscuerint. Nunc verò, cùm visibilis gladius non pertineat amplius ad disciplinam Ecclesiae ... datur intelligi non amplius ad Reges Ecclesiae disciplinam et regimen pertinere; sed ad illos tantùm quorum est ligare et solvere: et caetera”; Ibid., p. 198.

3:351.21–26. r **Fourthly that ... power.** “Quartò cùm Synagoga vetus in uno populo concluderetur ... non erat incommodum, ut uni quoque Regi, Synagogae cura magnæ ex parte committeretur. At non Ecclesia multarum gentium, ut idem fiant impossible est”; Ibid., p. 198.

3:352.4–19 **The service ... blameworthie?** H’s willingness to compare as well as contrast Christian and non-Christian religion in his discussion of political power here (and at 3:354.14–17 and 407.28–408.22) parallels his emphasis at V.1–3 on both the importance of truth in religion and the presence of “certaine sparkes of the light of truth” in all religion.

3:353.5 2. Cor. 3:7.8. At 3:284.4–14 H uses these verses to justify a level of material support for the Christian ministry greater than that of the OT priesthood in proportion to the greater glory of the ministry of the spirit compared with the ministry of the law.
3:354.26–29 **law as Macabeus made ... possessions?** Hector Boece (or Boethius, 1465?–1536), Scotorum historiae a prima origine gentis, bk. 12: “Qui pontificis authoritatem annum totum execratus contempersit, neque se interim reconciliari, hostis reipublicae habetor: qui vero duos annos in ea contumacia perseveravit, fortunis omnibus multator”; ([1527]), fol. 259'. Like much else in Boece’s history, the attribution of such a law to the 11C Scottish king Macbeth is doubtful.

3:355.23 **Nimrod** Gen. 10:8–12. Compare William Whitaker, *Ad rationes decem Edmundi Campiani Jesu*itae (1581; STC 25358): “Pontifex Romanus ille est Nemrod, robustus venator ecclesiae” (p. 218, marg.): a mild characterization in comparison with the identification of the pope as Antichrist common in the English church at the time; see Intro. to Book VIII, p. 348, n. 18. In *Just.* § 27 (5:146.29–147.3) H uses Calvin’s assertion of this identity as basis for discussion in a passage in which he himself argues that, even on this assumption, the C of R is a true church.

3:356.7–13.u **It was but ... Kings.** The exegesis of 1 Pet. 2:9 H cites here was adduced by Stapleton against the royal supremacy, *Demonstratio* (1579), p. 198. The commentary from which it is taken is no longer attributed to Aquinas: “Sed cum dicitur, Exod. 19. Vos eritis in regnum sacerdotale: quare dicitur hic regale sacerdotium? Respondeo. Ad innuendam praerogativam novi testamenti respectu veteris. in novo enim testamento sacerdotium praecedit regno, sicut spiritus praeceminit corpori. Regnum enim consistit in regimine corporali, sacerdotium vero in regimine spirituali. Ideo potentas sacerdaetatis ponitur in substantivo, regalis autem in adjectivo”; *D. Thomae Aquinatis ... in singulas apostolorum Jacobi, Petri, Joannis, et Judae Canonicas epistolae ... commentaria* (1543), fol. 76”. Keble notes that this commentary has often been ascribed to Thomas Anglicus (= Thomas Waleys, a 14C Oxford Dominican) and cites a similar passage from the *De regimine principum ad Cypri regem*, 1.14, a work begun by Thomas Aquinas but completed by Ptolemy of Lucca.

3:356.19 **their title of Headship** The present chapter is not included in the outline of Book VIII, Auto. Notes, 3:494.14–27, and it was originally placed eighth in the outline at 495.13–29. H need not have defended the title “head of the church,” since Elizabeth, to the evident relief of early apologists for the 1559 religious settlement (see above, p. 362, n. 34), had not assumed it. In the final form of the Supremacy Act she was styled “supreme governor” of the church. Cartwright had taken the inappropriateness of the former title for granted and had used this as an example to support his contention (see 3:266.22–23.n, above) that the title “archbishop” is proper to Christ and should not be taken by any man, even though Scripture does not say expressly that such a title belongs only to Christ: “And if any man will reply and say/ that it is not said that our savior Christ is only archbishop, I answer he is not only sayd the head/ and yet notwithstanding there is no more heads of the church but he”; 1:83 [61]; Whitgift, *Defense*, p. 301; PS, 2:84. Whitgift conceded that Christ was the only head of the church: “if by
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the heade you understande that which giveth the bodie lyfe, sense, and motion: For Christ onely by his spirite doth give life and nutriment to his bodie: He onely doth poure spirittuall blessings into it, and doth inwardly direct and governe it. Likewise he is onely the heade of the whole Church, for that title can not agree to any other." But he did not perceive why the magistrate might not as well be called head of the church as of the commonwealth: "if by the head you understande an externall ruler and governour of any particular nation or Church" (Defense, p. 301; PS, 2:85). It was in response to this that Cartwright mounted the theological attack discussed by H in the following pages. For a detailed analysis of the issues, with special reference to the consistency of H's underlying principles with those of the magisterial Reformation, see W. J. Torrance Kirby, Richard Hooker's Doctrine of the Royal Supremacy (Leiden: E. J. Brill, 1990). For H's own earlier assertion of Christ's unique headship, see Jude 1, § 15 (5:31.6–8).

3:357.11–28.w That howsoever ... Church. Cartwright, Second Replie: "Here remaineth onely to prove/ the title Head off the church/ to belonge onely to our Saviour Christe. I must threfore desyre the reader to tourne unto the 6 divis. pag. 181 [of Whitgift's Defense] where the D. confesseth as much as I/ that Christe is onely the head of the church. If Christe be onely head: then that I set downe/ that the cyvill magistrate is head of the commonwealth/ and not of the church/ standeth. But if the magistrate be head off the church then Christe is not onelie. Howbeit having for feare off the outcry of all/ made a little curtesie unto the tru:the: he forth with lifteth up his heele againste it/ and will have the cyvill magistrate head also off the church/ whereupon muste followe infynite absurdities. Firste the doctrine off the Apostle is by this means cleane overthrown/ which sheweth that this tytle Head of the church/ was gyven to our Sav. Christe to lffe him above all powres/ rules/ and domynions/ ether in heaven/ or earth [marg., Eph. 1.21. 1 Col. 18.]. Where if this title belonge also unto the cyvill magistrate: then it is manifeste/ that there is a powre in earth/ whereunto our Saviour Christe is not in this pointe superior. And by the same reason that he maie gyve the cyvill magistrate this title/ he maie gyve him also that he ys the fyrrste begotten of all creatures/ the fyrrste begotten off the dead/ yea the redeemer of his people which he governeth. For these all are a like gyven unto hym/ as dignities whereby he ys lyfted up above all creatures. And beside that the whole argument off the Apostle in both places/ lead to shewe that this tytle Head off the church/ can not be saide of any creature: yt ys confirmed by the demonstrative article/ wherewith the Hebrewes es[p]ecially, whom Saint Paul folowed/ use to tie that which is verified off one/ unto hym selfe alone. For he saith he is the head: as if he should saie/ he and none other is the heade of the church" (2:411–412).

3:359.3–5.a To ... termed. Defending the loyalty of Christians to the Roman emperor even though they deny him the title of "god," Tertullian points out that Augustus, who formed the empire, refused the title of "lord" ("dominus") because it was a title of God, yet he himself will call the emperor "lord," if only he is not

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forced to call him lord in place of God; Apologeticus adversus Gentes pro Christianis, chap. 34; Opera (1566), 2:681; CCSL, 1:144; ANF, 3:43.

3:360. b Capita . . . Liv. 1. 1. "Heads of poppies, chief men of the city," the key phrases from Livy's account of the 6 C BC tyrant Lucius Tarquinius the Proud's response to the messenger his son had sent to ask advice for consolidating his own power at Gabii. When the messenger returned, saying that Tarquinius had said nothing, but only struck off the highest poppy heads as he walked up and down his garden ("tacitus, summa papaverum capita dicitur baculo decussisse"), the son understood and rid himself of the leading men of the city ("primores civitatis . . . interemit"); Livy, Romanae historiae libri, 1.1; (1589), p. 33; Loeb, 1:188–189, as 1.54. This passage is not so apt for H's point as the next one, for it is the height of the flowers, not their heads, which signifies preeminence. Roma . . . Ant. 1. 2. "The head of all Italy." Dionysius of Halicarnassus (b. 62–55 BC), Ρωμαιικής ἀρχαιολογίας (Roman Antiquities), bk. 4 (not 2); Scripta quae exstant, omnia (1586), p. 258; Loeb, 2:462–463, as chap. 61. The phrase is from a soothsayer's interpretation of the discovery of a newly slain man's head by Lucius Tarquinius while excavating for a temple on what, as a result of this incident, came to be known as the Capitoline Hill. The meaning was that the place in which the head was found was to be the head of all Italy: οὗτοι κεφαλῆ φεύραται γενέσθαι συμπάσχος Ἰταλίας τὸν τέρμαν τούτον ἐν ὕ τῆν κεφαλῆν ε.Mustete. Pekah . . . Es. 7:9. Isa. 7:9, which refers to Pekah as "Remaliahs sonne"; Pekah was the leader of an unsuccessful anti-Assyrian coalition that ultimately led to Israel's defeat (733–732 BC). The point of H's reference seems to be that even the usurper Pekah may be legitimately called "Head of Samaria," hence that the term is not exclusive to Christ.

3:360.15–17. c Theodor Beza . . . belongeth Confessio Christianae fidei, 5.23 in Theodori Bezae Vezelii volumen primum [-i tertium] Tractationum theologiorum (1582), 1:42: "Hactenus à nobis dictum est de universi corporis Ecclesiae potestate. Superest ut de praecipuis ejusdem corporis membri disserramus, quae quidem mihi videntur commodissimè dividi posse in quatuor species. Nam eorum qui publico munere funguntur in Ecclesia, alií anuntiando Verbo, alií distribuendo Ecclesiasticis bonis, alií discipline et politiae Ecclesiasticae praesunt: alií denique partim administrant civilia negotia, partim Ecclesiae tranquillitatem in genere procurant ac tuentur, et quidem accepta in hos usus gladii potestate. Nam qui ab Ecclesiasticis Laicos, quos vocant, separarunt, quasi et isti non sint Ecclesiae membra, planè secreverunt quae Deus conjunxit, quam passim in Scripturis Reges vocentur Christi Domini, perinde ut Prophetae et fideles reliqui: et Petrus appellatione cleri, (quo nomine significatur haereditatis portio) totam Ecclesiam Dei, ut ipsius videlicet portionem ac peculium comprehendet; "Having finished the point of the authority of the body of the church, it resteth to see what is the duetty and authority of the principall members thereof, the which, I think may be very well devided into 4. kindes: the one hath charge to teach, the other to distribute the ecclesiastical
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goods, the other to govern the spirituall affayres, which is the ecclesiasticall ordinaunces and discipline, the other to have respect as well to the publique affayres of this life, as generally to maintain the tranquility of the whole Church, with the power of the sworde. But those which have seperated them selves (being called the Church or the clergy) from those which be called laye people, as though they were not members of the Church (yea from the most noble) have greatly erred, considering that kings in the scripture are called the annoynted of the Lord, (as are all the faithfull), and Saint Peter did understand by this word clergy, (which is as much as to say a portion or heritage) all the whole Church of God”; trans. R. F[illes], A Briefe and Pithy Summe of the Christian Fayth (1585; STC 2012), pp. 181–182. Beza’s Confession was published in French in 1559 and in Latin in 1560. Filles’s English trans. from the French appeared in 1563 and was rpr. in six later edns. by 1589 (STC 2007–2010, 2012–2013).

3:360.17–21.d that of them ... first table,) Beza, ibid., 1:46: “Tandum ad tertiam speciem munemer Ecclesiasticorum pervenimus, quae ad Spiritualem jurisdictionem pertinent. Committebatur autem illa Presbyteris. . . . Sed sciemund est hanc jurisdictionem non pertinent ad res terrenas et caducas, ac prorsus diversam esse à Civili, sicut Christus testatus est, et post Christum Paulus, quanvis utraque sigillatim universos fideles sine exceptione comprehendat. Nam et Civili Magistratui obnoxii sunt omnes, cuius etiam potestas est suo respectu ἀρχηγετική, quatenus pacem et εὐταξίαν procurare debet, præsertim in iis quae primam tabulam respiciunt, et vicissim nemo est qui verbo Dei ac proinde Ecclesiasticæ disciplinae non subjiciatur.” Beza’s assertion of the civil magistrate’s jurisdiction over all persons in keeping good order, especially in things concerning the first table of the law (“Civili Magistratui ... respiciunt”) is omitted in Filles’s translation: “The third estate of Ecclesiasticall offices, lyeth in the spirituall jurisdiction, the which was committed to those who were called ... Presbiter. . . . Now this jurisdiction lyeth not in worldly and Temporall things, but altogether in those thinges which concerneth the conscience. So that it is fullye distinct from the office of a Civill Magistrate, according as the Lorde Christe not onely sayd to his Apostles, but practised, and Saint Paule after him ...”; A Briefe and Pithy Summe, pp. 199–200. See also § 44, “De Christiani Magistratus Officio” (Tractat. theolog., 1:53): “Hujus itaque munus est publicam pacem ac tranquillitatem conservare. Id verò quam fieri satis rectè non possit, quin primo loco viget verus Dei cultus, à quo uno vera omnis felicitas promanat, consequitur nihil antiquius esse debere apud Christianos Magistratus quàm ut Ecclesiam habeat ad praescriptum verbi Dei constitutam, cujus auctoritatem adversus omnes praefractos ejus contemplatores ac perturbatores tueantur ac vindicent, Davidis, Salomonis, Ezechielis, Josiae, omnium denique piorum Regum ac Principum exemplum sequuti”; = § 42, “Of the civil and Christian magistrate, and to what ende his office tendeth,” in A Briefe and Pithy Summe: “the duty and office of the Magistrates, is not to regard simply the peace and concord of subjectes, but principally for this end, that the peace and concord may tend to the honour and glory of God, that all men maye live not
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onelye in a certayne civill honesty, but also with pietie and true worship of God, as witnesseth S. Paule. For this cause especially it appertayneth to the Magistrate, that the lawes which he useth and executeth, may be conformable to the will of God: and principally to give order that the religion be perfect and holye and that all the Church be ordered according to the worde of God, forbidding and punishing, as the case requyreth, all those which trouble the Church, or concerning the Discipline thereof" (pp. 224–226).

3:361.15–17f The ends . . . earth, Ps. 2:8. The tradition of interpreting the passage as prefiguring Christ is based on the preceding verse: "... the Lord hath said unto me, Thou art my Sonne: this day have I begotten thee."

3:362.5–9.g The Head . . . proceedeth. Plato, Timaeus; Opera (1578), 3:44D. Plato continues by explaining the length of the human body and the limbs shooting out from it as a vehicle and means of transport for the head. The sense of sight he explains as a coalescence of the pure fire within us, flowing through the eyes in a dense stream, with the similar fire of daylight.

3:363.9–22.h/ it is objected . . . doth. Cartwright, Second Replie: "The other faulte of this distinction/ is that yt confoundeth/ and shuffleth together the autoritie of our Saviour Christ/ as he is the sonne of God onely before all worldes/ coequall with his father: with that which he hath gyven off his father/ and which he exerciseth in respecte he is mediator betwene God and us. For in the governement off the church/ and superiorytie over the officers off it/ our Saviour Christ himselfe hath a superior/ [marg., 1 Cor. 15.23.] which is his father: but in the governement off kingdomes/ and other commen wealthes/ and in the superiority which he hath over kinges/ and judges/ he hath no superior/ but immediate autoritie with his father [marg., 1 Cor. 11.3.]. Therfore the mouldinge upp off the two estates/ and gouvernemenst together/ is to lay the foundations off many errors [marg., Cor. 1.15.27.28.]") (2:411). Compare: "D. [Whitgift] ... in confessing that the magistrate is ordeined off God immediately/ standeth with us that he ys not ordeined off our Saviour Chryste/ in respect that he is mediatour betwene God and us. heruppon followeth that the office of the cyvill magistrate is properly one off those means/ which serveth the Lordes providence in the preservation off man kind. Now yf the cyvill magistrate should be the head off the church: he must be an under/ and subordinate head off Christ. Consydering that the lorde hath committed the governement off the church/ unto our Saviour Chryste/ and that otherwise there should be two heads off yt/ wheroff one were not under a nother: which is absurd. But he is not an under/ and subordinate head off Chryste/ consydering that his autoritie cometh from God symly/ and immedi-ately/ even as our Saviour Chrystes: and therfore not the head off the church" (2:417–418).

3:366.5–8.\textsuperscript{r} \textbf{That Christ \ldots superior.} Part of the first passage quoted in 3:363.9–22.\textsuperscript{n}, above.

3:366.8–10.\textsuperscript{s} \textbf{The Civill Magistrates \ldots Christ.} Part of the second passage quoted in 3:363.9–22.\textsuperscript{n}, above.

3:366.19–20.\textsuperscript{t} \textbf{Christ as God and man \ldots Church,} Cartwright, Second Replie: "let yt be considerd fyrt that our Saviour Christ ys in one respecte creator/ and preserver of man kinde/ in another redeemer/ and upholders of his church. For he created once/ and preserveth daily as God coequal with his Father/ and holy spirite: but he both redeemed once/ and daily gathereth his church/ as mediatrix of god and man. in which respect even yet in his infinit glory he enjoyeth/ he is/ an shall be under his father/ and holy goste: untill having put downe all rule/ and power/ he shall render the kingdom to his Father. Secondly yt ys to be considered/ that as our Saviour Christe doth thses in dyvers respectes: so he doth them by divers means. To wyt that as God synply he hath ordened certein means/ to serve his providence in the p[re]servation of man kynde: so as God and man/ he hath ordained other certein/ for the gathering/ and kepynge off his church" (2:416–417).


3:368.2–4.\textsuperscript{u} \textbf{that Christ \ldots Church,} See the first passage quoted in 3:363.9–22.\textsuperscript{n}, above.

3:368.14–15 \textbf{nor doth any thing \ldots Christ.} This phrase is not part of the text cited in \textsuperscript{w} but is argued for by H in the rest of the paragraph.

3:368.15–18.\textsuperscript{x} \textbf{They deny it \ldots earth.} See Penry (?')s \textit{An Humble Motion} (1590), immediately following the passage quoted above, 3:344.22–345.4.\textsuperscript{n}: "Now I say, seeing hir highnes doth acknowledge Christ to be hir heade, and renounceth the Pope, is it not for hir safety, by hir authority to set up that which remaineth of Christs moste holy lawes, and to bannish all the Popes cannons? May not hir princely minde perceave it to bee so, if she remember that it is said of Christ: By me Kings raigne, and princes decree justice: by me princes rule, and the nobles and all the judges of the earth" (p. 63).

3:369.27–370.7.\textsuperscript{b} \textbf{that althoughte \ldots other.} Cartwright, Second Replie: "And yff yt be saied that the cyvill magistrat is a subordinate/ and minysteriaall head off the church/ as the magistrat beinge head off the commen wealth/ hath other which maye be called under heades beneath hym: he muste understand that those heades are appointed/ becausw the cheife magistrat can not be presente with the whole body off his people/ nor in his owne person performe the office of a head unto them all. But forasmuch as Christe is never severed from his body/ nor from any parte off yt/ and is able/ and doth performe that wherfore he is called head/ unto all his churche: yt owghte not to seme strange that there may be a subordinate head in the commen wealth/ where there can be none in the church" (2:413).

3:371.8–13,c,d If the Magistrate . . . Church. Cartwright, Second Replie: “Nay those which goe abowte to gratifie Princes/ with the spoile off our Saviour Christe/ are found dishonorers of them: as those which leave them no place in the church of Christe. for if the magistrate be head of the church of Christe/ which is within his domynion then he is none of yt. For all that church maketh the bodie of Christe/ and every one of the church fulfileth the place of one member of the body. So that he that is not of the body/ can have no place in the church” (2:419–420). Though H’s rewriting of the beginning of the last sentence (lines 12–13) has a basis in what Cartwright has been saying, H’s version more clearly supports the damning marginal reference (“Ut Hen. 8.6.9” in d) to the legislation conferring the title “Supreme Head” of the church on Henry VIII. The reference, suggesting that an act of the Reformation Parliament was blasphemous, is not in Cartwright. Neither, perhaps, is it due to H, for it is not in D³, our best MS for Book VIII (see Textual Introduction, 3:lviii–lxix). Whatever its source, the intended reference is apparently to the Act of 1534 “concerning the kings highnesse to be supreme head of the church of England . . .” (26 Hen. VIII, cap. 1), W.V.S. (1587), 1:671; S.R., 3:492.

3:372.16–24.e A Church which . . . monster. Cartwright, Second Replie: “Againe if the church be the bodie of Christe/ and of the cyvill magistrat/ yt shall have two heads: which being monsterous/ is to the great dishonor off Christe/ and his church. So also shoulde come to passe/ that the church having the magistrat for head/ is accomplished/ and made a perfecte man without Christe: so that the knittinge of our Saviour Christe/ should not be an accomplishmente off that which lacked/ but an addition off that which is much. And if the churche be planted in a popular estate: then forsomuch as all governe in commen/ and all have autori/ all shall be head there/ and no body at all: which is another monster” (2:412). H has reversed the order of Cartwright’s first two points, presumably to emphasize the colorful (and, as he thinks, absurd) language of monsters.

3:374.15–21 our Purveyers . . . others. Cartwright, Second Replie: “yt is first to be noted from whom this provision was browghte hym. For as Harding borowed yt off Pighius: so the D. pourveiers had it from Harding/ or from both. For to overthrew this doctrine that Christe alone is head of his church/ this distinction is browghte/ that according to the inward influence off grace/ Christe onely is head: but according to the owtward governement/ the being of head is commen with him to others” (2:414). Cartwright cites here Albertus Pighius’s Hierarchiae ecclesiasticae assertio, 3.4 (1538), and Thomas Harding’s Confutation of Jewel’s Apologie, the latter as quoted by Jewel in his Defence of the Apologie (1570), 2.2.1. See especially Pighius, fol. 111¹: “Caput vero [est Christus], unde vitalis ille influxus, spiritusque derivatur in membra relica . . . [A]lia ratione, et sub Christo Petrus sit caput ecclesiae . . . [Christi] ecclesiae, quae ex omnibus populis, nationibus, linguis, apostolorum suorum congreganda erat ministerio, requirebat necessario secum manens in terris caput congenium, quod gubernaret atque in unum contineret

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molem, compaginemque tam vasti illius immensique corporis.” Harding: “Men be called Heads, in as muche as they be in steede of Christe, and under Christe. . . . [A]ccordinge to inwarde influence of grace into every faithful member, Christe onely is Head of the Churche: accordinge to outwarde governing, the Pope under Christ and in steede of Christe is head of the same”; in Jewel, Defence (1570), p. 99; Works, PS, 3:266. In his quotation of this passage, Jewel omits Harding’s description of Christ’s inward influence as the source of “the vertue and power of moving and of sense” in the body; Confutation (1565; STC 12762), fol. 44v. That detail is taken up by both Whitgift (see 3:356.19n, above) and H (3:362.7). Cartwright, too, held that Christ “gyveth sense and moving unto all the bodye” (2:412). On Pighius, see 3:382.24–383.21n, below. Notwithstanding its RC provenance, the distinction between internal and external governance of the church is arguably in accord with the theology of the magisterial Reformation. See Kirby, Richard Hooker’s Doctrine of the Royal Supremacy, pp. 122–125.

3:375.5–10f they might remember . . . Turkes. Cartwright, The Rest of the Second Replie: “But in the cheef point, he is sure we agree with the papistes: even as the godly and learned writers, ould and of our age, doe agree with them, and none otherwise. . . . So that, so far as we consent here with the papistes, we doe it, as in the article of the holy Trinity, where we have with warrant of the word of god, the approbation also of the best. we hould with them, things in common: in which respect, we are not afraid to confes, that we consent in some point, with the Jues and Turkes, or they rather with us” (3:168). H misstates the order of Cartwright’s forgetting. Cartwright’s profession of willingness to “consent in some point, with the Jues and Turkes” came after, not before, his criticism of Whitgift for depending on Pighius and Harding.

3:376.9–13g If there be no head . . . goverment. Cartwright, Second Replie: “For answer wherunto/ I refferre my self in parte to that I have written before/ off the absurde distinction betwene the governement off the churche by the mynsterie off men/ instituted off our Sav. Christ/ and his spirituall governmente. For that if there be no head but Christe/ in respecte of the spiritual governement: there is no head but he in respecte of the worde/ sacramentes/ and discipline administred by those whom he hath appointed. forasmuch as that is also his spirituall governmente” (2:414–415).

3:377.3–378.17 To make things . . . all. Compare Pref. 7.6 (1:35.31–36.9), V.77, VI (esp. chaps. 1, 4.1, and 6), VII (esp. chaps. 4–6 and 14–15), VIII.8 (esp. sects. 3–4), and Auto. Notes, esp. 3:468.21–469.7 and 517.34–518.22.


3:379.9–11 The Psalmist . . . Godes: GB glosses Ps. 82:1: “The Prophet declaring God to be present among the Judges and Magistrates.”

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3:379.20–24.7 There is but one Head . . . body: Cartwright, Second Replie: “Cyprian saith there is but one head off the church. The bishop off Salisburie affirmeth the same [marg., Apol. 2. part 2. c. divis. 1.]. Augustine proveth that the minister which baptiseth/ can not be the head off him which is baptized/ because Christe is the head of the whole church. And in another place, that Paule could not be head of the churches which he planted, because Christe is head off the whole body. which reason should be nothing worthie/ if ether Saint Paule/ or any other minister mighte be a ministryall head off the church under Christe. And if the name of ministeriall head of the churches which Paule planted/ can not be gyven unto him which was a governour neste/ and immediatly under Christe in that same kind off government in the which our Saviour Christe is head/ that is to say spiritual . . . yt can not be that the magistrate may take unto him that title/ whose governmente doth not approche so nere unto our Saviour Christes/ as he is head off the church” (2:413–414). Compare Jewel, Apolgie (1564; STC 14591), sig. C1”” (PS, 3:59): “Wee beleewe that there is one Church of God . . . And that this Churche is the k Ingedome, the bodye and the spouse of Christe: and that Christ alone is the Prince of thyss kyngedome, that Christ alone is the heade of this bodye, and that Christ alone is the brydgrome of this spouse.” For the references to Cyprian and Augustine, see n following.

3:379.7 Cyprian de simpl. pr. The emphasis of Cyprian’s treatise De simplicitate praetorium (= De catholicae ecclesiae unitate) is on the unity of that church, glowing with the light of Christ, the head and source of life for Christians everywhere: “Sic et ecclesia domini luce perfusa per orbem totum radios suos porrigit, unum tamen lumen est, quod ubique diffunditur, nec unitas corporis separatur: ramos suos in universam terram copia ubertatis extendit: profluentes largiter rivos latius expandit, unum tamen caput est, et origo una, et una mater foecunditatis successibus copiosa”; Opera (1540), p. 164; De ecclesiae catholicae unitate, ed. and trans. Bevenot (1971), pp. 66–67; ACW, 25:48; FOTC, 36:100. Cyprian wrote against the separatists of his time, who in their conventicles had left this source and head of truth: “Et cum haereses et schismata postmodum nata sint, dum conventicula sibi diversa constituunt, veritatis caput atque originem reliquerunt”; (1540), p. 167; ed. Bevenot, pp. 76–77; ACW, 25:54–55; FOTC 36:107. “Hoc eó fit . . . dum ad veritatis originem non reditur, nec caput quaeritur, nec magistri coelestis doctrina servatur”; (1540), p. 163; ed. Bevenot, pp. 60–61; ACW, 25:45–46; FOTC, 36:98. Aug. . . . c. 42. Augustine, Contra litteras Petiliani, 1.5; Opera (1569), 7:77; CSEL, 52:6–7. As in the preceding passage from Cyprian, the point here is not to reject structures of authority in the church other than the authority of Christ but to emphasize that Christ works effectively in baptism, even when he who baptizes is wicked. It is always Christ who is the Christian’s source and root and head. In 3.42 of the same work (written later), Augustine repeats this passage and accuses the Donatist Petillian of having grossly misinterpreted it in his reply; (1569), 7:187; CSEL, 52:203–204.
3:380.6  the title or stile  See 3:356.19.n, above.

3:380.14–17.k  The greatest exception . . . Ecclesiastical.  The reference is to an account of the deaths of Thomas More and John Fisher, bishop of Rochester ("Ep. Roff."). included in a selection of More's works published at Basel: Epistola de morte D. Thomae Mori et episcopi Roffensis, in Thomae Mori, Angliae ornatlmi eximii, lucubrationes (1563), pp. 511–530. The statement quoted in k ("that a layman or, as they say, a secular person, either could or ought to be head of the spiritual or ecclesiastical estate") is from the beginning of the speech given by More immediately after his conviction: "Age, quando sum condemnatus, quo jure Deus novit, ad exonerandam conscientiam volo liberius eloqui quod sentio de vestra constitutione. Primum illud dico, me septem annis intendisse animum studiunque meum in istam causam, verum hactenus in nullo doctorum ab Ecclesia probatorum reperi scriptum, quod Laicus, aut ut vocant, secularis, possit aut debet esse caput status spiritualis aut ecclesiastici" (p. 517); "Very well—since I am condemned, by what right God knows, I wish to lighten my conscience by speaking out more freely what I think of what you have established. First I say this, that I have bent my mind to the study of this matter for seven years, and truly I have not yet found it written in any of the teachers approved by the church that a layman or, as they say, a secular person either could or ought to be head. . . ."
The putative author of this account, which was first published in 1535 or 1536 as Expositio fidelis de morte D. Thomae Mori et quorundam aliorum insignium virorum in Anglia ([Basel?], 1535), is Philip Montanus, a protégé of Erasmus, b. 1495 or 1496 at Armentières, d. 1576 at Douai, where he had been appointed rector of the Queen's College in 1562. Henry de Vocht argues convincingly for Erasmus himself as the author in Acta Thomae Mori: History of the Reports of His Trial and Death with an Unedited Contemporary Narrative, Humanistica Lovaniensia 7 (Louvain, 1947), pp. [61]–87. The unedited contemporary narrative published by de Vocht is also in Latin and is presumably based, like the account cited here, on an English narrative. It is fuller and more sharply critical of the supremacy than the version printed in the Lucubrations. The passage parallel to H's citation reads: "Nunc vero quoniam sum morti addictus, —quo jure, illi viderint, qui authores fuere, —res omnino postulat, ut priusquam discedam, sine ambage vobis expromam quid de decreto Concilii sentiam. Profiteor ingenuus, palam vobis omnibus, septem amplius annos esse, quibus in studio hujusmodi rerum diligentissime versatus sum. At in nullo loco literarum, neque divinarum neque humanarum nec in scriptis ullius probati authoris comperisse, fas esse, princeps prorsus phanopus, caput sit aliquus Ecclesiae aut Ecclesiasticorum"; de Vocht, pp. 155, 157. H's one other reference to More is in Just., § 33 (5:159.4–22 and n). Both passages are discussed by P. G. Stanwood and Laetitia Yeandle in Moreana, 35 (1972): 5–16.

3:380.18–20  As though . . . belonged.  At 1 Sam. 9:15–17, God designates Saul to Samuel as the one he is to anoint as prince over His people Israel in response to the people's persistent demand for a king.
3:380.20–23.1 When ... not. Matthias Flacius (Illyricus), and others, *Epistola dedicatoria to Septima centuria of Ecclesiastica historia ... secundum singulas centurias* (1562–1574), 4:11: "Sint sanè et ipsi Magistratus membra et partes et cives Ecclesiae Dei.... Flagrent ipsi quoque zelo pietatis: sed non sint capita Ecclesiae, quia ipsis non competit iste primatus"; see 3:503.3–7 for H’s transcription (and a translation) of this among other Protestant statements on the religious authority of magistrates from the R.C controversialist Stapleton. The *Magdeburg Centuries* is a massive Lutheran, anti-R.C history of the church to 1400, divided into “centuries.”


3:381.21–23.ii The Consuls ... them. Polybius (d. after 118 BC), the Greek historian of the rise of Rome to world power, commenting on the mixed character of the Roman constitution in his *Histories*, bk. 6, remarks that if one looked to the power of the consuls it would seem wholly monarchical and royal (μοναρχικον ... και βασιλικον). It is their duty to summon assemblies (συνάγειν ... τὰς ἐκκλησιας), and in the conduct of war their power is almost uncontrolled (καὶ μὴν περὶ πολέμου κατασχευῆς, και καθέλου τῆς ἐν υπαίθριοις οἰκονομίας, σχεδὸν αὐτοκράτορα τῆν ἐξουσίαν ἐξουσίαν; (1549), p. 178; Loeb, 3:296. See 3:506.14–18 for an earlier summary of this passage.

3:382.3 prerogatives of Simons Dominon See 3:316.16–22.

3:382.s Vid. l. 1. ... illicitis Justinian, *Digesta*, 47.22.1. Although the passage
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referred to clearly takes for granted the emperor's authority to permit or forbid assemblies or associations of any kind, assembly for religious purposes is specifically not forbidden if no act is committed against the decree of the senate concerning unlawful societies. "Sed religionis causa coire non prohibentur: dum tamen per hoc non fiat contra senatusconsultum quo illicita collegia arcentur"; (1590), col. 1818; Mommsen-Krueger (1963), p. 840; Scott, 11:10–11. et l. Conventicula . . . Presb. Codex, 1.3.15: (a law of Arcadius and Honorius, AD 404): "Conventicala illicita etiam extra ecclesiam in privatis aedibus celebrii prohibemus: prorsus et in ea clericos nova ac tumultuosa conventicula extra ecclesiam celebrantes susceperit"; (1590), col. 26; Krueger (1963), p. 20; "We forbid persons to hold religious assemblies in private houses, even outside the Church, under the penalty of confiscation of the house, if the owner of the same permitted ecclesiastics to hold new and tumultuous meetings therein outside the church" (Scott, 12:34).

3:382.24–383.2.t Constantine . . . God. Pighius, Hierarchiae ecclesiasticae assertio, 6.1 (1538), fol. 210". Pighius did not merely grant but insisted that general councils had their first cause and origin in the pious zeal of Constantine ("Constantini principis pius religioususque zelus prima eorumdem causa et origo extitit"), for this distinguished their authority, merely natural in its basis, from the papal authority supernaturally and specially instituted by Christ. On Pighius, whom H cites in Just., § 21, see 5:131.o and n. The Hierarchiae . . . assertio, his principal work, is an elaborate defence of tradition as a source of Christian truth coordinate with Scripture.

3:383.t Constant. . . . Theod. l. 1. c. 9. "The [First] Council of Constantinople [381] was ordered by Theodosius Senior." The initiative of Theodosius I, the Great (eastern Roman emperor 379–395), in convening this Council is related by Theodoret in a passage not cited by H, Eccles. hist., 5.6: τοὺς τῆς οἰκείας ἡγεμονίας ἐπισκόπως εἰς τὴν κονσταντινουπόλιν δραμεῖν παραγγέλει. (1544), fol. 337"; GCS, 44 (19): 285; NPNF.2, 3:135. The first chapter in Theodoret cited by H, Eccles. hist., 1.9, records an epistle of Constantine to those bishops who had been unable to attend the Council of Nicaea. The emperor begins by explaining that since there could be no firmer or more effective measure for preserving all members of the Catholic church in one faith, in love, and in one form of worship, than by submitting everything to the examination of all or most of the bishops, "I convened as many of them as possible, and took my seat among them as one of yourselves [καὶ αὐτὸς ἐκ καθάπερ εἰς εξ ὑμῶν τυχάναν, συμμαρακνόν, for I would not deny that truth which is the source of my greatest joy, namely, that I am your fellow-servant [μάλιστα χαίρω, σοῦνθεράπων ὑμέτερος πεφυκέναι]; (1544), fol. 286"; GCS, 44 (19): 43, as chap. 10; NPNF.2, 3:47. Ephesinum . . . l. 1. c. 2. "The First [Council] of Ephesus [431] met at the order of Theodosius the Younger [Theodosius II, eastern Roman emperor, 408–450]"; Evagrius Scholasticus (b. 536?), Eccles. hist., 1.3 (not chap. 2): εἰκότος

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ἐδήσεις νεόμασι τοῦ νέου θεοδοσίου τὰ σκήπτρα τῆς ἐφας διέκοιντος, τῆν ἐν ἑφασφ πρῶτην σύνοδον ἄλλοθήναι (1544), fol. 124v; The Ecclesiastical History of Evagrius, ed. Bidez and Parmentier (1898; rpr. 1979), p. 8; English trans. (1896), p. 6. Sardicense ... Theod. 2.4. "Constantius [II, eastern Roman emperor, 337–361] orders the Sardican [Council (?343)]." Theodoret, Eccles. hist., 2.4: "ο κωνστάντιος, προσέβαζεν εἰς τὴν σαρδίκην ... καὶ τοῦς τῆς ἐφας καὶ τοὺς τῆς ἐσπέρας συνδραμεῖν ἐπισκόπους. (1544), fol. 297v; GCS, 44 (19): 98–99; NPNF.2, 3:66. Chalcedon ... Ep. 43. "Chalcedon [451] brought about by Marcian [eastern Roman emperor, 450–457]." At the urging of Leo I, the Great, Marcian had issued invitations to a council in 451 to deal with the doctrine of Eutyches. Leo then asked for a delay in convening the council, but he did not resist the emperor's refusal ("ego etiam vestris dispositionibus non renitor" [ed. Schwartz: "ne devoto obviare videret arbitrio"]) and sent two legates to represent him. Leo I, epist. 43, Martiano augusto; Opera (1561), fol. 121r; E. Schwartz, ed., Acta conciliorum oecumenicorum, tomos alter (1932), 4:47; FOTC, 34:162, as epist. 89.

3:383.3–6.v S. Jerom ... convocari. "Say what emperor ordered this synod to be convened." One of a series of rhetorical questions casting doubt on the validity (indeed, the existence) of a council of bishops alleged by Rufinus to have condemned Hilary of Poitiers on the basis of a falsified statement of his views. Jerome, Apologia adversus Rufinum, bk. 2; Opera (1516), 3:101B; PL, 23:443; NPNF.2, 3:512–513.

3:383.11–384.18.w Valentinian ... ensued. In his rendering of the answer of Valentinian I (western Roman emperor, 364–375) at 3:383.13–17, H paraphrases Sozomen, Eccles. hist., 6.7: προσεβάζοντος δὲ αὐτοῦ, καὶ τὰ περὶ τῶν ἐπισκόπων διδάκτων, ὑπολαβὼν οὐσιλεντινιανός, ἐμοὶ μὲν, ἐφη, μετὰ λαοῦ τεταγμένος οὐ θέμις τοιαύτα πολυπραγμονεῖν. (1544), fol. 76v (GCS, 50:245; NPNF.2, 2:350). H's account is close to Sozomen's in most details, but he supplies a plausible rationale at 383.23–26 for the bishops' approaching Valentinian and at 384.14–15 somewhat alters their rationale for approaching Valens (eastern Roman emperor, 364–378). In Sozomen their intent in the latter instance is not to avoid incurring "manifest contempt" of imperial authority but rather to forestall the persuasions of Eudoxius, the Arian bishop of Constantinople.

3:383.w Ambr. Ep. 32. Writing to the emperor Valentinian II (western Roman emperor, 375–392) in 385 or 386, about twenty years after this incident, Ambrose reminds him that his father had said, "Non est meum judicare inter episcopos" ("It is not for me to judge between bishops"), and urges him to adopt the same policy of non-interference concerning the possession of basilicas by Catholics or Arians; epist. 32, Opera (1569), col. 574; PL, 16:1004, as epist. 21; FOTC, 26:53, as epist. 9. See Claudio Morino, Church and State in the Teachings of St. Ambrose, trans. M. Joseph Costelloe (Washington, D.C.: Catholic University of America Press, 1969). Quaquam ... c. 12. The reference to Nicephorus Callistus (?1256–?1335) should be to 11.3 of the Eccles. hist., where an account like Sozomen's is
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given; Nicephori Callisti Xanthopuli ... Eclesiasticae historiae libri decem et octo (1573), cols. 621–622; PG, 146:589–593. The phrase "Quanquam longe alter" at the beginning of this reference is a miscopying of a phrase from Stapleton partially transcribed at 3:502.9–14. Although Puritan as well as RC opponents of the royal supremacy commonly appealed to texts from earlier periods asserting or acknowledging the church's independence from secular control, H is here responding in particular to Stapleton. See 3:502.9–14 and n, below, for the derivation of these references from his 1579 Demonstratio, cited above at 3:343.4–9.e.n.

3:384.27–30 The plot ... againe. Not found. H may be referring to the detailed presbyterian scheme for provincial and national church assemblies set forth in the Book of Discipline, which served as a major basis for discussion and organization among Puritans from the 1580s. The work, probably written by Walter Travers, was not published until 1644/1645 (as A Directory of Church-government. Anciently contended for, and as farre as the Times would suffer, practis'd by the first Non-conformists in the daies of Queen Elizabeth. Found in the study of ... Thomas Cartwright), but H would have known of it from the activities of Richard Bancroft against the nonconformists. "A fit way to call a provinciall councell may be this, The care thereof (except themselves [the present synod?] will determine of it) may be committed to the particular Eldership of some conference within the Province, which by advise of the same conference may appoint the place and time for the meeting of the Provinciall Synod"; A Directory, sig. C3'. This procedure is not precisely as H describes it, but the contrast he draws is essentially accurate: "There is not the slightest suggestion that these assemblies are dependent upon the queen's consent for bringing them into being, arranging the time and place of their meetings, or for the authority of their decisions"; Collinson, E.P.M., p. 302.

3:385.19–388.11 The naturall subject ... thereof. Compare 3:496.12–497.3.

3:385.25–386.1 William ... Conquerour. The erroneous belief that William styled himself a conqueror (rather than inheritor of the English throne from Edward the Confessor) and made sweeping changes in English law (rather than taking pains to observe it) was common in Hooker's day. See, for example, Richard Grafton, A chronicle at large ... of the affayres of Engelande from the creation of the worlde, unto the first yere of queene Elizabeth (1569; STC 12147), 2:7: "Nowe when as king William had possessed the imperiall Crowne and Diadem of this Realme of England as aforesayde: He then as a conquerour altered and chaunged the whole state and governement thereof. And first by displasing of such as before had borne rule ... . And after he caused a Proclamation to be made, that all former grauntes, liberties, and privileges geven or graunted by any Prince or king of this Realme aforetyme, should be from thence forth utterly voyde ... . That done, he chaunged the lawes of the Realme, and made such newe lawes as were profitable to himself, and grievous to the people."

3:386.25–387.1.x The reason wherfore ... Prelacie. In his own assertion of the
power of the keys—the church’s penitential jurisdiction—the Spanish Dominican, Domingo de Soto (1494–1560), attributes to Jean Gerson, Jacques Almain, and others favoring the superiority of council over pope the view that this superiority has as its foundation the proposition that the church’s power of jurisdiction resides in the whole “universitas” of the church, “that is, in the whole body”; “Arbitrati sumam opinionem ex hoc fundamento pendere, aiunt, potestatem ecclesiasticam jurisdictionis in utroque foro [that is, both in the forum of conscience and in external jurisdiction] residere in tota universitate ecclesiae, hoc est, in toto corpore”; Commentarium ... in quartum Sententiarum [Commentaries on the Fourth Book of Sentences of Peter Lombard (de sacramentis)], 20.1.4; (1579), 1:878. Soto goes on to argue for the opposite conclusion, stated by H at the beginning of x: “The power of Ecclesiastical Jurisdiction does not reside immediately in the whole body, but in [the church’s] prelates.” He begins by citing the other texts in H’s note. See n following. On conciliarism, see Quentin Skinner, The Foundations of Modern Political Thought (Cambridge: The University Press, 1978), 2:114–123, and J. H. Burns, ed., The Cambridge History of Medieval Political Thought, pp. 573–587.

3:386.x.2 Cajet. ... Concil. Cajetan (Thomas de Vio, 1469–1534), De comparatione autoritatis papae et concilii seu ecclesiae universalis. In this tract, occasioned by the schismatic Council of Pisa against Julius II (1511), Cajetan sought to refute the so-called Gallican theses already asserted in the 15C at the Council of Constance. He was answered in Almain’s De auctoritate ecclesiae, seu saecorum conciliorum eam repre- sentantium, contra Thomam de Vio (commissioned by Louis XII), to which Cajetan replied in an Apologia ... de comparata auctoritate papae et concilii. The editio princeps of Cajetan’s first tract is Rome, 1511, of the second, Venice, 1514 or 1515 (in a collection of his opuscula). Both tracts were included in collections of his opuscula published with the works of Aquinas. For relevant passages, see De comp. auth. papae et concilii, chap. 12 (“quod secluso Papa non est in ecclesia potestas legislativa”), and Apologia, chap. 5 (“quomodo ecclesia habet potestatem jurisdictionis quae in verbis domini continetur. An scilicet ratione suae totalitatis, an ratione partis”), in Opuscula omnia Thomae de Vio Cajetani (1570), fols. 8° and 18'; Scripta theologica, ed. Pollet (1936), 1:93 and 225. H cites Cajetan in V.60.6 and VI.4.5 (see 2:260. 10–11.g and n, 3:23.24–25 and n, above).

Turrec. ... c. 71. Juan de Torquemada (1388–1468), Summa de ecclesia, 2.71 (1561), fols. 195°–199°. See Karl Binder, Konzilsgedanken bei Kardinal Juan de Torquemada OP (1976). Torquemada, the uncle of the grand inquisitor, was a Spanish Dominican theologian and papal advisor; the Summa de ecclesia, published 1489, is a massive defense of the pope’s infallibility and his plenitude of spiritual power.

3:387.2 as ours also doe imagine. The disciplinarians were opposed to prelacy, holding that the Christian magistrate was obliged to intervene when church ministers were corrupt. Nevertheless, Cartwright’s last word on the authority of the civil magistrate in causes ecclesiastical was that, “as well in the decision of the
doctrine, as in the chois of the variable ceremonies of the church, the principal
autory belongeth unto the ministry” (3:170).

3:387.8 ordaine a power ... bestowe For the use of a similar distinction
(“Designation Theory”) in early Stuart political thought, see Johann Sommerville,
For the distinction in earlier discussions of authority in the church as instituted
by Christ, see the tract De potestate pape by the 14C scholastic Herveus Natalis in the
collection published by J. Barbier at Paris in 1506, Durandus . . . de origine jurisdic-
tionum, ejusdem tractatus de legisub, Petrus de palude de causa immediate ecclesiastice
potestatis . . ., sig. 2A1”: “Sciendum quod differunt quod instituere talen potesta-
tem. Et instituire personam in tali potestate. Sciendum quod differunt quod
instituire rem aliquam et rem institutam alteri conferre Nam instituere talem
potestatem est ordinare quod aliquia potestas tanta et talis sit in republica secundum
quam presidens reipublice regat ipsum populum videlicet quod sit in republica
aliqua potestas tali quae possit statuere et sententiaire et tali modo procedere et in
tot casibus et quod ad tantum populum et tot loca se extendat et sic de consimili-
bus. Instituere vero personam in tali potestate est talem potestatem conferre alciu
persone modo quo infra exponentur et ista differunt nam unum potest esse sine
altero potest enim talis potestas institutia antequam conferatur actu vel sic collecta
alciui qui communitati presideat. Rex etiam potest in aliqua civitate instituire
potestatem aliquam antequam conferatur alciui judici qui secundum predictam
potestatem presit communitati. Potestas autem talis potest alciu conferri dupliciter
uno modo quod conferatur determinate persone in singulari scilicet petro vel
guillermo sicut quando aliquis rex facit aliquam personam determinatam puta
guillernum vel galterum iudicem in tali civitate ad regendam eam secundum
potestatem institutam ab eo. Alio modo potest talis potestas conferri alciui non
quidem sic determinate persone sed persone determinate conditionis. Ut si rex
institueret aliquam potestatem jurisdictionis in aliqua civitate et ordinaret quod
semper electus a civibus illius civitatis haberet illum potestatem/ rex sic ordinando
conferret potestatem personae determinate conditionis scilicet personne electe a
communitate.” The passage was cited by Almain in his tract against Cajetan (see
3:386.x.2.n, above) and in an exposition of Ockham’s account of ecclesiastical
power, both printed in his Opuscula (1518), fols. 47r and 3v; rpr., Jean Gerson’s
Opera (1706), 2:980 and 1018.

3:387.25–26 which thing ... Israel. See, for example, 1 Sam. 9:15–17 (Saul); 1
Sam. 16:12–13 (David); 1 Kings 11:11, 29–32, and 12:20 (Jeroboam); 1 Kings
14:10 and 15:28–30 (Baasa).

3:387.26–27 Even so Christ ... speake, Matt. 28:19; Mark 16:15; Acts 20:28;
Matt. 18:17 and 16:19. The first two passages record Christ’s commissioning of the
apostles to evangelize all nations. At VI.2.1 (3:4.18–20), H interprets both passages
as referring to the power of order. Paul’s injunction to “take hede . . . to all the
flocke, whereof the holie Gost hathe made you Overseers,” which H takes to refer
to the power of jurisdiction (3:4.16–18) is delivered to the presbyters of the church of Ephesus (Acts 20:28). It appropriates the apparently congregationalist "tel it unto the Church" of Matt. 18:17 as warrant for ecclesiastical courts and consists of the power of "regiment in general" given to the apostles at Matt. 16:19 (VI.4.1; 14.8–23). H's conception of "the whole body" of the church as "the first original subject of all mandatorie and coercive power within it self" (388.4–5), a power which it is to bestow on particular persons "according to such lawes and Canons as Christ hath prescribed and the light of nature or scripture taught men to institute" (388.1–3), thus rests less on texts specifically empowering the Christian community as such than on the application of a general, "natural" ideal of communal authority to the Christian case. Compare 385.19–20: "The natural subject of power civil all men confesse to be the bodie of the Commonwealth."

3:388.17 sometimes very vehement Cartwright, Repyle: "In the tabernacle the church is yet more expressly shewed forth/ Moses ... was a wise and godly man/ the artificers that wroughte it ... most cunning workemen/ and yet observe/ howe the Lorde leaveth nothing to their will. ... Is it a like thyng that he whych did not only appoynt the temple and the tabernacle/ but the ornaments of them ... hath forgotten the pillers here? or he that there remembered the pinnes/ did hee're forget the master builders?"; 1:84 [63]; Whitgift, Defense, p. 305–[306]; PS, 2:93–96.

3:388.26–27 sometime bethinking themselves better See III.7.

3:389.8–21.z The law of nature ... therunto. In answering affirmatively the question, whether the new law of the gospel has given sufficient order for external actions ("Utrum lex nova sufficienter exteriores actus ordinaverit"; S.T., 1a2ae.– 108.2), Aquinas argued that the new law needed to enjoin or prohibit in externals only those things by which we are led to grace ("per quae in gratiam introducimur") or which pertain to necessity to the right use of grace. On the first head (H's "whatssoever God doth require by way of necessarie introduction unto the state of everlasting bliss"), because we cannot obtain grace of ourselves but only through Christ, the Lord himself instituted the sacraments by which we obtain grace. As to the right use or exercise of grace, which is in the works of love, so far as these are a necessary part of virtuous action, they fall under the moral precepts provided in the old law (that is, the Decalogue): "secundum quod [opera caritatis] sunt de necessitate virtutis, pertinent ad praecepta moralia, quae etiam in veteri lege tradebantur." These moral precepts, furthermore, are dictated by natural reason ("ad opera virtutum dirigimur per rationem naturalem ... et ideo in his non oportuit aliqua praecepta dari ultra moralia legis praecepta, quae sunt de dictamine rationis"). Thus far, H's "things that are of greatest necessitie" are accounted for as made manifest by the "law of nature and of scripture." But the "determinations" of the works of love with regard to the worship of God or in relation to our neighbor do not pertain to grace of necessity, and hence they are left to human judgment—to subjects for matters pertaining to the individual, to those in.
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positions of temporal or spiritual authority for matters pertaining to the common utility ("istae determinationes non sunt secundum se de necessitate interioris gratiae... sed relinquentur humano arbitrio[, quae] quaedam quidem quantum ad subditos, quae scilicet pertinent sigillatim ad unumquemque: quaedam verò ad praelatos temporales, vel spirituales, quae scilicet pertinent ad utilitatem communem"); (1581), 2:353; B, 30:46-49. On the way in which human laws are "deducted by way of discourse as conclusions" (line 20) from natural law, see S.T., 1a2ae.95.2. Aquinas speaks there of deduction of necessary conclusions (on the model of the sciences) as one of two modes in which human law is "derived" from natural law, the other mode being a concrete "determination" of a general form (on the model of the arts). H's distinction between "mixedly" and "merely" human laws at Lawes I.10.10 is based in part on this passage.

3:390.6.a Corde... confessio, Rom. 10:10: "For with the heart man believeth unto righteousness, and with the mouth man confesseth to salvation." Although the text, which H cites from the Vulgate, supports a distinction between inward belief and outward profession, it offers no basis for his claim that it falls to man's law to determine what opinions are fit or convenient to be publicly expressed. The passage as a whole emphasizes, rather, the positive connection between outward preaching and profession and the engendering and sustaining of faith.


3:393.i Cap... Praelator. Gregory IX, Decretales, 5.31.14; (1587), p. 703; Friedberg, 2:841. Pope Honorius III here prohibits the clergy of Jouars in the diocese of Meaux from making or using a common seal without the consent of their head and patron, the abbes of Jouars. The principle of consent enunciated is thus particularly relevant to H's discussion of the crown's right to a veto in ecclesiastical legislation: the consent of the head of a body is required for the body to act. L. per... praeed. Justinian, Digesta, 8.3.11; (1590), cols. 242-243; Mommsen-Krueger (1963), p. 147; Scott, 3:294. Although the right to pass through land owned by several persons can be granted to someone by each owner separately, it becomes a right, strictly speaking, only when all of them grant it ("si omnes cedant")—the earlier grants will be valid when the last one is made ("novissima demum cessione superiores omnes confirmabuntur"). et §§ religios... divis. Justinian, Institutiones, 2.1.9; (1590), col. 17; Krueger (1963), p. 10; Scott, 2:34. A
person may not bury a corpse on land held in common without the consent of the other owner ("invito socio").

3:393.20–21.j Quod omnes tangit... debet. "What touches all ought to be treated and approved by all." Glossa ordinaria to the word "pertinet" in Gratian, Decretum, 1.96.4; (Lyons, 1584), col. 465; Friedberg, 1:338. On this important medieval principle, see J. H. Burns, ed., The Cambridge History of Medieval Political Thought, passages indexed under quod omnes tangit.

3:393.25–29.k Ubinam legisit... Christianos? Gratian, Decretum, 1.96.4; (Lyons, 1584), cols. 465–466; Friedberg, 1:338. H here quotes the passage from a letter of the 9C pope Nicholas I to the Byzantine emperor Michael III to which the gloss cited in j applies. "Where do you read that your predecessors as emperor were present at synodal gatherings except perhaps at those where a matter of faith was treated, which is universal, which is common to all, which pertains indeed not only to clerics but also to laymen and to all Christians?"

3:394.3–7.l Sicut... sayeth Innocent. Probably a gloss on a famous statement of Pope Innocent III (1160–1216) to the prelates of France, included as the canon Novit in "Extra" (not "Extrav[agantes]."), the Decretales of Gregory IX, the first main compilation of canon law "outside" Gratian's Decretum. Decretales, 2.1.13; (1587), p. 526; Friedberg, 2:243: "Non putet aliquis, quod jurisdictionem [Friedberg adds: aut potestatem] illustris regis Francorum perturbare, aut minuere intendamus, cùm ipse jurisdictionem [Friedberg adds: et potestatem] nostram nec velit nec debet impedire." Compare Franciscus Zabarella (1360–1417), commenting on this paragraph in his Lectura on the Decretales: "Nota... quod judex ecclesiasticus non debet impedire jurisdictionem judicis secularis nec econverso"; (1517–1518), 2:4. For a formulation by Innocent himself closer to H's than that of Novit, see canon 42 of the (Fourth) Lateran Council of 1215: "Sicut volumus ut jura clericorum non usurpent laici, ità velle debemus, nè clericì jura sìbi vendicent laicorum"; Concilia (1585), 4:223; Schroeder, Disciplinary Decrees, pp. 274, 575. H transcribes a slightly later passage from Novit in his Auto. Notes, 3:486.3–7.

3:394.27–395.4.m Did not Philip... affayres? Boëthius Epo (professor of canon law at Douai, 1578), Heroicarum et ecclesiasticarum questionum libri vi, 1.283–285; (1588), pp. 168–169: "Sane Pontifex in erigendis novis per hasce regiones Episcopatibus, nominatim Regi Philippo, ejusque successoribus, in perpetuum concessit jus nominandi, tam in antiquis quàm novis Episcopatibus, dummodo vel Doctores vel etiam Licentiati, seu Theologiae seu juris pontificii, nominentur; serva sibi dumtaxat institutione; nec ulla prorsus electionis ulius facta mentione: teste locupletissimo vel ipsomet diplomate super ea re pontificio, cuius exemplum religiosè penes me servò; sicut et publicationis Concilii per hasce simul regiones Tridentini, factae, cum expressa clausula reservandorum eidem Regi et Vassalis ejusdem suorum privilegiorum prorsus illibatorum et illæsorum, sive quoad judicia

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beneficiorum possessoria sive quod nominationem privilegia, sive quod alia quaecumque jura. certè beneficia sui juris patronatus Rex absolutè confert; qualia plurima sunt per hasce regiones. nec ullis hominum privatorum diplomaticus pontificis beneficiatus datur hic locus, nisi prius placitum Principis accesserit." On the reception of the decree of the Council of Trent in Philip II's dominions, see Jedin, ed., History of the Church, 5:511-513, 719-720, 751.

3:395.28–396.8 **It is a loose ... Censures.** See Pref. 8.7–8, esp. 1:44.7–26 and 46.14–24 and nn.

3:396.15–18 **There are ... sinne doth;** Melanchthon’s discussion of the question, *Whether it be mortall sinne to transgresse civil laues, which be the commaundementes of civill Magistrates*, provided the title and first piece in a collection of statements by continental divines issued by the English ecclesiastical authorities around 1570 (STC 10391.5) to induce conformity to official regulations concerning vestments and ceremonies. The Lutheran reformer’s conclusion was that, “herein this rule must be observed, that in case of offence it is sinne to breake them, but no offence beying geven, they may be broken without mortall synne”; sig. A4“v”.

3:396.30–397.1 **St Augustine ... God.** Augustine, Contra Faustum, 22.27: “Peccatum est, factum vel dictum vel concupitum aliquid contra aeternam legem. Lex vero aeterna est, ratio divina vel voluntas Dei, ordinem naturalem conservari jubens, perturbari vetans”; Opera (1569), 6:406; CSEL, 25.1:621.

3:397.q **Verum ae proprium ... 1586.** Jean Bodin, De republica libri sex (1586), p. 61B. “The true and proper difference of citizen from stranger is, therefore, that one is obligated to the commanding authority and civil power [of the place], the other can reject [demands made upon him by local authorities as] the orders of an alien ruler. The ruler [conversely] is bound to protect the former from injuries by both enemies and citizens, but not the latter, unless he is asked and is moved by the duties of humanity.” His sole citation of a work principally renowned for its strong theory of sovereignty thus illustrates a limit to the authority of rulers over those within their domains and implicitly supports resistance to rulers exceeding their lawful authority. The point H draws from the passage is lost in Richard Knolles’s freer translation, *The Six Bookes of a Commonweale* (1606); ed. McRae (1962): “It is then the acknowledgement and obedience of the free subject towards his sovereign prince, and the tuition, justice, and defence of the prince towards the subject, which maketh the citizen: which is the essential difference of a citizen from a stranger ...” (p. 64).

3:398.6 **in pertinentibus ad cathedram,** “In things pertaining to their office.”

3:399.1 **Omni humanae creature.** The Vulgate for “all maner ordinance of man” (GB), 1 Pet. 2:13 (cited at 3:397,p).

3:399.2.t **Σκηπτούχος ... ἔδωκεν.** Homer, *Iliad*, 1.279; Opera (1583), p. 14; Loeb, 1:24.
3:400.12 *Nolumus hunc regnare* "We wil not have this man to regigne over us"—said, not of David, but of the absent king in the parable at Luke 19:14. On the stages in David's becoming ruler of all Israel, see 2 Sam. 2:4, 3:1, and 5:1–3.

3:400.21–23 *Israelites ... disobedience*. See, for example, Num. 11:1–6 and 33; 12:1–10; and 14:1–4 and 26–27.

3:401.4–21 *There are which ... him*. H here summarizes the line of argument by which William Cardinal Allen sought to exempt English Catholics from parliamentary jurisdiction in matters of religion (*Apologie, 1581*, fols. 38–41), first stating Allen's conclusion (fol. 42): "In truth the Prince or Court of Parliament hath no more lawful meanes to give order to the Church and clergie in these things, then they have to make laws for the hierarchies of Angels in heaven."

3:401.22–28 *The Parliament ... unto*. Compare Sir Thomas Smith (1513–1577), *De republica Anglorum. The Maner of Governemement or Policie of the Realme of England*, 2.1: "The most high and absolute power of the realme of Englande, consisteth in the Parliament. ... For everie Englishman is intended to be there present, either in person or by procuracion and attornies, of what preheminence, state, dignitie, or qualitie soever he be, from the Prince (be he King or Queene) to the lowest person of Englande. And the consent of the Parliament is taken to be everie mans consent"; (1584; STC 22857), pp. 34–35; ed. Dewar (1982), pp. 78–79. Smith mentions the presence of bishops in parliament "for the clergie" (p. 34; ed. Dewar, p. 78) but says nothing about convocation. In his survey in bk. 1 of the various classes of persons making up the realm, he does not mention the clergy. The representatives of the lower clergy ceased attending parliament in 1340, choosing to sit separately in convocation (see 3:235.32.n, above), but they could still be thought of as joined with the commons when H wrote. Compare Harrison, *Description of England*, 2.8: "This house [parliament] hath the most high and absolute power of the realme, for thereby kings and mightie princes have from time to time beene deposed from their thrones, lawes either enacted or abrogated, offendors of all sorts punished, and corrupted religion either dissannulled or reformed, which commonlie is divided into two houses or parts, the higher or upper house consisting of the nobilitie, including all even unto the baron and bishop: the lower called the nether house of knights, squires, gentlemen, and burgesses of the commons, with whome also the inferior members of the clergie are joined, albeit they sit in diverse places, and these have to deale onelie in matters of religion, till it come that they joine with the rest in confirmation of all such acts as are to passe in the same"; in Raphael Holinshed, *The First and Second volumes of Chronicles, The Third volume of Chronicles* (1587), 1:173; also, 2.9: "the commons ... (whereof the convocation of the clergie ... is a member)"; 1:179; *Description of England*, ed. Edelen (1968), pp. 149, 170–171.

3:402.9–403.4.w *What need ... Contrarie*. Before quoting from its conclusion, H makes use of two earlier sections of the Act cited in w: An Act repealing all
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statutes, articles, and provisions made against the see apostolike of Rome since the twentith yeere of king Henrie the eight, and also for the establishment of all spirituall and ecclesiasticall possessions and hereditaments conveyed to the laiete, 1 and 2 Philip and Mary, cap. 8 (1555); W. V. S. (1587), 2:248–258; S. R., 4.1:246–254. Section 1 refers to parliament's treating personally with the cardinal legate, Reginald Pole, "and upon our humble submission and promise made for a declaration of our repentance, to repeale and abrogat such acts and statutes as had beene made in parlement since the said twentith yeere of the said king Henrie the eight, against the supremacie of the see apostolike, as in our submission exhibited to the said most reverend father in God, by your majesties appeareth. . . . Whereupon we most humblie desire your majestie[s], as persons undefiled in [the] offense of [this] bodie towards the said see, which nevertheless God by his providence hath made subject to you, to set forth this our most humble sute, that we maie obteine from the see apostolike, by the said most reverend father, aswell particularie, as generallie, absolution release, and discharge from all danger of such censures, and sentences, as by the lawes of the church we be fallen into."

Section 9 specifies the actions taken before Mary's accession that are to have their legality confirmed: "And where we . . . have exhibited to your majesties one other supplication in forme following: We . . . make most humble sute unto your majesties to be likewise meanes and intercessors, that all occasions of contention, hatred, grudge, suspition, and trouble both outwardlie and inwardlie in mens consciences, which might arise amongst us, by reason of disobedience, maie by authoritie of the popes holinesse, and by [the] ministration of the same unto us, by the most reverend father in God the JORD cardinall Poole, by dispensation, tolleration, or permission respectivelie as the case shall require, be abolished and taken awaie, and by authoritie sufficient these articles following, and generallie all others, when occasion shall so require, maie be provided for, and confirmed.

"First that all [the] bishopricks, cathedrall churches, hospitals, colleges, schooles, and other such foundations now continuing, made by the authoritie of parlement, or otherwise established according to the order of the lawes of this realme since the schisme, maie be confirmed and continued for ever.

"Item that mariages made infra gradus prohibitos consanguinitatis, affinitatis, cognationis spiritualis, or which might be made void propter impedimentum publicae honestatis justitiae, or for anie other cause prohibited by the canons, onelie maie be confirmed, and children borne of those mariages declared legitimat, so as those mariages were made according to the lawes of the realme for the time being, and be not directlie against the lawes of God, nor in such case as the see apostolike hath not used to dispense withall.

"That institutions of benefices and other promotions ecclesiasticall, and dispensations made according to the forme of the act of parlement, maie be likewise confirmed.

"That all judicall processes made before anie ordinaries of this realme, or before anie delegats upon anie appeals according to the order of the lawes of the realme,
maie be likewise ratified and confirmed" (W.V.S., 2:251). There follows a provision for the validity of titles consequent on the expropriation of church property during the schism. In his letter of dispensation, incorporated as section 11 of the act, Cardinal Pole added the strength of apostolic solidity to these various existing states of affairs so that they might be reckoned as legally valid, not by the same authority as previously, but by that which he bestowed upon them ("illisque apostolicae firmitatis robur adjicimus, ita ut non ea authoritate, qua prius, sed ea, quam nunc eis tribuimus factae ab omnibus censeantur" (W.V.S., 2:253). At 3:402.25–403.4 H quotes the conclusion of § 12 verbatim except for a recapitulation of particulars after "Dispensation" at 402.27 and a clause at the end, "made or to bee made in that behalf."


3:403.10–404.5 The most naturall . . . authoritie. H’s division of functions within a single omnicompetent legislative process stands in contrast with the distinction of spheres of competence maintained by R.C writers, for whom conversion to Christianity entailed an acceptance of Christ’s laws and a willingness to be governed in spiritual matters by a structure of authority immediately ordained by Christ. Subsequently, then, obedience to the pastors and bishops of our souls is called for, not a law-making consent to their wholesome admonitions and instructions. Note, however, that Cardinal Allen, H’s antagonist in the present passage, objected to the acts for religion of Elizabeth’s first Parliament not only on the ground of its legal incompetence in such matters but also on the ground that in these acts, “al the Bishops of the Realme, most grave, learned, and honorable Prelates, present . . . dissenting, and dissuading with al their power possible: the inferior clergie then also gathered in Convocation, by most humble remonstrance opposing it self thereunto . . . . Thus yet did the sentence of the Laity consisting onely of Noblemen, Gentlemen, citizens, and some artificers, prevale (a monstrous case) and that in cause of religion, not onely against al the Bishops of the Universal Church besides . . . but even against their owne Prelates and Pastors: who (to say the least) must needs both by their great wisdom, learning, godly life, and by their vocation, be more like to know the truth and give true sentence in matters belonging to their owne profession, and were with more reason to be heard then those, who neither for age, learning, nor divinite, were comparable to them, and to whom al the said persons by Gods law and mans did owe (specially in these cases of religion) al subjection and obedience, as to the proper Pastors of their soules”; *Apologie* (1581), fols. 36rd. On H’s distinction in this passage between wholesome admonitions and binding laws, compare I.10.8 (1:102.18–103.27) and Marsilius of Padua, *Defensor Paix, 1.10.4–5 and 1.12.2–3; ed. Gewirth, pp. 36, 44–45.

3:404.7–8 principally . . . a negative voyce, A modest assessment: royal assent or veto was the last step in a legislative process which began with the introduction

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3:404.22–25.y by a lawe . . . concerne Justinian, Institutiones, 1.2.6: "What is approved by the sovereign has the force of law, since by the Lex Regia, from whence his authority to command (imperium) is derived, the people have conceded to him all their authority to command and power"; (1590), col. 3; Krueger (1963), p. 1; Scott, 2:7.

3:405.26–29.x Ecclesiastical . . . Church. Cartwright, Replye: "As for the making of the orders and cerimonyes of the church they doe (where there is a constituted and ordered church) pertaine unto the minysters of the church and to the ecclesiastical governours/ and that as they meddle not with the making of cvyill lawes and lawes for the common wealth: so the cvyll magistrate hath not to ordayne ceremonies pertaining to the churche"; 1:192 [153]. H's interpolation of "high or low" seems justified by the context (a discussion of the prince's authority in ecclesiastical matters). Quoted and discussed in Whitgift, Defense, pp. 694–696 (PS, 3:295–301).

3:406.1 kupieoey To be lord or master of people or of a country. On disciplinary objections to (episcopal) "lordship" among the clergy, see VII, esp. chaps. 3, 15, and 16.

3:406.5–7.a Tullie speaking . . . deliverer. Lactantius, Divinarum institutionum libri vii, 6.8, the only surviving source for the famous passage from Cicero's De republica asserting the existence of a true law, right reason, naturally fitting, present in all, constant and everlasting, a law of which God is the "discoverer, discusser, and proposer": "Est quidem vera lex, recta ratio, naturae congruens, diffusa in omnes, constans, sempiterna . . . ille [Deus] legis hujus inventor, discipator, lator"; (1570), pp. 332–333; CSEL, 19:508–509; ANF, 7:170–171.


3:407.28–408.22 Now the question . . . religion. See 3:352.4–19 and n, above.

3:409.1–7.b the . . . wicked. Cartwright, The Rest of the Second Replie: "For they boeth [Jewel and Nowel] doe flaty confes, that as long as the Ministers be godly and learned, yt is necessary, they should decide these matters, that the Prince is commanded to have recours unto them in dought full matters, that it belongeth to the Bishops office to decide of such causes: but that Christian Princes, have rather to doe with these matters, then ignorant and wicked Priestes, and that in case of necessity (meaning when the ministery is wicked) the Prince ought to provide for convenient remedy: the very self same thing, which we maynteyn, in saying, when there is no lawful ministery, that then the Prince
ought, to take order in these things” (3:159). Compare Replye, 1:193 [155]; Whitgift, Defense, p. 701; PS, 3:311.

3:409.20 the familie of Brown On the separatism of Robert Browne (1550–1633) and others, see Pref. 8.1, nn, and Intro. to The Preface, p. 26, above.

3:409.22–24 some Knipperdoling... the ende. Guy de Brès, La racine, source et fondement des Anabaptistes (1565), describes Knipperdoling as one of the principal Anabaptists, a “superlatif” of their faction, and one of the consuls set up, with a senate, when the citizens of Münster abandoned the town to the Anabaptists (pp. 22–23). On de Brès, see 1:42.26–49.30.d,n, above.

410.14–15 the Clergie... opposite. On failing to win support for their cause from fellow clerics in the Convocation of 1563, advocates of church reform along continental lines turned for support increasingly to lay authority, in the first instance to parliament. See Haugaard, Elizabeth and the English Church, and Intro. to The Preface, pp. 18–19, above.

3:410.25–411.2.e that which... office. See 3:344.11–15.h.

3:411.3–5.d unto the earthly power,... same. Allen, An Apologie: “Kings by receiving Christes religion are not become Christes Maisters, or Lordes over the Church as it is his spiritual and mystical Commonwealth, but are called by the Prophe te [Isa. 49.23] her foster fathers, as Queenes be also named her nources: because it belongeth to the earthly power that God hath given them, to defend the lawes of the Church, to cause them to be executed, and to punish rebelles and transgressors of the same”; (1581), fol. 40v.

3:411.12 it is... alleged By both Cartwright and Stapleton; see 3:431.13–432.6.

3:411.12–14.e Constantine termeth... Church; Eusebius, Life of Constantine, 4.24, relates that in his own hearing Constantine once remarked to a company of bishops he was entertaining that he too was a bishop (ἐιη και αυτὸς ἑπίσκοπος), that God had established that they be bishops of things within the churches and he of things without: ἀλλὰ ὑμεῖς μὲν τὸν εἰσω τῆς ἐκκλησίας, ἔγω δὲ τῶν ἐκτὸς ὑπὸ θεοῦ καθεστάμενος, ἑπίσκοπος ἂν εἶην. In Eccles. hist. (1544), fol. 150" (GCS, 7:126). For other references to this passage see 3:431.15–16, 433.3–5, and 500.29–501.1. On the significance of Constantine’s statement, see J. H. Burns, ed., The Cambridge History of Medieval Political Thought, pp. 70–71.

atque usurpent, et putent se causas cognoscere clericorum." See C. F. A. Bor-
chardt, *Hilary of Poitiers’ Role in the Arian Struggle* (The Hague: Martinus Nijhoff,
1966); NPNF.2, 9:xii–xiii.

3:411.18–412.1g Ambrose affirmeth ... not; Ambrose, epist. 33: “Ad impera-
torem palatia pertinent, ad sacerdotem ecclesiae. Publicorum tibi moenium jus
commissum est, non sacrorum”; *Opera* (1569), col. 584; PL, 16:999 as epist. 20;
FOTC, 26:371, as epist. 60. Ambrose here recounts to his sister Marcellina his
refusal to surrender a basilica to the imperial authorities for use by the Arians. His
refusal to appear before an imperial consistory in connection with this matter is the
subject of the letter to the emperor Valentinian II cited at 3:383.u; see n; and see
3:434.3–10.v.n, below.

3:412.1–6.6 Augustine witnesses ... theirs. In epist. 166, a letter to the Donat-
ists, Augustine supports his insistence that they submit to the imperial edicts
against their sect by reminding them that their own leaders had once appealed the
case of Caecilian, a Catholic bishop whom they sought to have deposed, to
Constantine. Because, according to Augustine, Constantine did not dare to judge
a bishop, he delegated it to bishops to be discussed and judged (“quia Constantinus
non est ausus de causa episcopii judicare, eam discutiendam atque finiendam
episcopis delegavit”). When the Roman bishop Melchiades and his colleagues
pronounced Caecilian innocent, the Donatists again appealed to the emperor, who
again turned the matter over to other, episcopal judges (“iterum ... alios judices
episcopos dedit”), from whom the Donatists again appealed, until the emperor
himself heard the case and pronounced Caecilian innocent and the Donatists guilty
of false witness (“ad ipsum imperatorem appellarunt, donec etiam ipse causam
cognosceret, et Caecilianum innocentem, illos calumniarios pronuntiaret”); *Opera*
(1569), 2:756–757; CSEL, 34:600–601, as epist. 105; FOTC, 18:201–202. Augustin-
ne gives a more detailed account of some of the same incidents in epist. 162;
(1569), 2:725–738; CSEL, 34:87–102 and FOTC, 12:185–200, as epist. 43. For
Constantine’s apology to the bishops for yielding to the Donatists and judging the
case after the bishops, see (1569), 2:734; CSEL, 34:102: “... ut eis ipse cessit, ut
de illa causa post episcopos judicaret, à sanctis antistitibus postea veniam petiturus.”

3:412.29–31.i that it was then ... Ministers, Cartwright, 1:193 [154], quoted

3:413.11–12 there are See Saravia, *De imperandi authoritate* (1593), 3.37: “Sacer-
dotii praecipua pars relictâ regibus”; pp. 169–170.

3:413.14 Anointed with oyle. See 3:342.21–343.2.n, above.

3:414.1–6.j At the first ... scandalum. Pseudo-Ambrose, *Commentarii in epistolam
beatī Pauli ad Ephesios*: “[P]rimi presbyteri episcopi appellabantur: ut recedente eo
sequens ei succederet”; in Ambrose, *Opera* (1569), col. 2003; CSEL, 81.3:100.
Between this sentence, which H gives in English, and the one he quotes in Latin

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there comes the statement about presbyters' officiating at the rite of confirmation in Egypt, when the bishop is not present; H cites it at 3:172.e (VII.6.4). The passage continues: "But because the following presbyters began to be found unworthy of holding the primacy, this course was changed and it was provided for by council that not order but merit should make a bishop, decided upon by the judgment of many priests, lest someone unworthy should chance to take office and there be scandal to many."


3:414.21–23. *In like sort Honorius,...chosen.* Honorius (western Roman emperor, 393–423) to Pope Boniface I in 420: "illum solum in sede apostolica permanurum, quem ex numero clericorum, nova ordinatione divinum judicium et universitatis consensus elegerit"; *Concilia* (1585), 1:813; Gratian, *Decretum*, 1.79:8; Friedberg, 1:278. This is part of the emperor's response to the papal request for an orderly electoral procedure cited in r on the next page (see n).

3:415.10–12. *Now whither...Crowne* By "this respect" H means the argument advanced in the immediately preceding sentence (the king's right to create temporal lords implies a similar prerogative in bestowing lordships spiritual). By "the former consideration" he means the argument put forth just previously and supported now by reference to the Statute of Provisors of Benefices of Edward III (1350–1351), 25 Edw. III, cap. 3; *W.V.S.* (1587), 1:118–119; *S.R.*, 1:316–318, as statute 4. He seems to have had especially in mind the recollection of similar legislation under Edward I near the beginning of the act (1:118): "where as the holie church of Englunde was founded in the estate of praelacie within the realme of England by the said grandfather and his progenitors, and the Earles, Barons, and other nobles of his saide realme and their auncestes, for them to enforme the people of the lawe of God, and for to make hospitalites, almes, and other worikes of charitie in the places where the churches were founded, for the soules of the founders, their heires, and of all christen, and certeine possessions as much in fees, landes, rents, as in advowsons, which doe extende to a great value, were assigned by the saide founders to the prelates and other people of the holie church of the saide realme, to susteine the same charge, and especially of the possessions which were assigned to archbishops, bishops, abbots, priors, religious and all other people of holie church, by the kings of the saide realme, Earles, Barons, and other great men of his realme, the same kings, Earles, Barons, and other nobles, as lords and advowees, have had and ought to have the custodie of such voidances and the presentments and the collations of the benefices being of such prelacies." The declared aim of the medieval statutes was to resist papal provision of foreigners to English benefices, not to vindicate the system of royal and aristocratic patronage against any sort of populism.
Commentary

3:415.14–17. The Statute of Provisors cited above refers to elections to ecclesiastical dignities as being “first granted by the king’s progenitours upon a certaine forme and condition, as to demand licence of the king to chuse, and after the election to have his royall assent, and not in other manner”; 25 Edw. III, cap. 3; W. V. S. (1587), 1:119; S. R., 1:318.

3:415.17–18. “Be it ordeine and established, by the authoritie aforesaid, that at everie avoidance of anie archbishoprike or bishoprike ... the king ... may grant to the prior and convent, or the deane and chapter of the cathedrall churches or monasteries, where the see of such archbishoprike or bishoprike shall happen to be void, a licence under the great seale ... with a letter missive, conteining the name of the person, which they shall elect and choose. By vertue of which licence, the said deane and chapter, or prior and convent, to whom anie suche licence and letters missives shall be directed, shall with all speed and celeritie, in due forme elect and choose the said person named in the said letters missives ... and none other.” An Act Restraining the Paiment of Anates, etc. (1532); 25 Hen. VIII, cap. 20.3; W. V. S. (1587), 1:659; S. R., 3:463. The Act continues by stipulating, as H indicates at 3:415.22–25, that if the electors defer or delay the election more than twelve days after delivery of the license to elect, the king may by letters patent nominate and present for consecration such person as he shall think able and convenient. The last section of the act prescribes the severe penalties of praemunire—imprisonment, outlawry, and forfeiture of land and goods—for failure to comply with these electoral procedures.

3:415.21–22. The canon referred to is the tenth of the First Lateran Council (1123); Gratian, Decretum, 1.62[not 63].3 (Lyons, 1584), col. 312; Friedberg, 1:234. It specifies that if someone is consecrated bishop without being canonically elected, both he and his consecrator shall be deposed without hope of restitution. As H acknowledges, English observance of this canon was “now but a matter of forme” (line 25).

3:415.30–32. Letter of Boniface I (pope 418–422) to the Emperor Honorius: “Ecclesiae meae, cui Deus noster meum sacerdotium, vobis res humanas regentibus deputavit, cura constringit, nē causis ejus, quamvis adhuc corporis incommode detinear, propter conventus, qui à sacerdotibus universis et clericis, et Christianae plebis perturbationibus agitantur, apud aures Christianissimi Principis desim. ... Habet refugium, pium tuae mansuetudinis animum, cum suae religionis veneratione conjunctum, cūm quicquid huic proficiat, vos agatis et conferatis fratribus et consacredotibus meis, probatissimis viris, à me et ab omnibus (qui Ecclesiam faciunt istiusmodi) legatis: quibus, precamur, sacrae causam religionis prosequentibus, in urbe vestrae mansuetudinis hoc animo, quo postulatis adnuitis, in perpetuum statui universalis Ecclesiae consultus”; Consilia (1585), 1:812, 813. This request and the emperor’s response were included by Gratian in the Decretum, 1.97.1–2 (Friedberg, 1:346–348) and 1.79.8 (Friedberg, 1:278) but with an interpretation of their significance different from H’s. Gratian
argued (*dictum on 1.97.1*) from the fact that Honorius acted in response to a papal request that his authority in this matter derived from the authority of the pope. Boniface owed his possession of the see to the emperor, however, for his own election in 418 had been disputed by the election and consecration of the archdeacon Eulalius on the same day. Honorius decided in Boniface’s favor in April 419.

3:416.3–9.5 **Onuphrius . . . day.** Onuphrius Panvinius (1529–1568), papal and ancient historian, continuator of Bartolomeo Platina’s *Lives of the Popes*, commenting on Platina’s life of Pelagius II: “Gothis Italia omni per Narsen patricium pulsis, ea que cum urbe Roma orientalis imperii parte facta: sub Justiniano imperatore, ex auctoritate Papae Vigilii novus quidam in comitiis Pontificis mos inolevit. Is fuit, ut mortuo Papa, nova quidem electio more majorum statim à clero S. P. Q. R. fieret, verùm electus Romanus Pontifex non ante consecrari, atque ab episcopis ordinari posset, quàm ejus electio ab imperatore Constantinopolitano confirmata esset, ipse que litteris suis patentibus licentiam electo Pontifici concederet, ut ordinari, et consecrari posset, atque ita iurisdictionem pontificatus tum obtineret. Pro qua licentia consequenda electo necesse erat certam pecuniae quantitatem imperatori transmittere. Qua venia obtenta, ipse postea consecrabitur, et Romanum administrabat Pontificatum. Antea enim idem dies comitiorum, et consecratis Pontificis renuntiati erant. Hoc autem ideo Justinianum imperatorem, vel ex ejus auctoritate Vigilium Papam instituisse credendum est, ut imperator certus esset de conditionibus novi Pontificis, cujus tum maxima esse auctoritas cooperat, imperatoribus praesertim Italia absentibus. . . . Perduravit haec consuetudo usque ad Benedictum II. cujus sanctitate permutus Constantinus imperator Heraclii pronepos, edicto suo jussit, ut deinceps quem clerus S. P. Q. R. Pontificem sumnum delegissent, is nulla amplius imperatoris confirmatione expectata, more vetustissimo, statim ab episcopis ordinaretur. Rursus Hadrianus primus hoc jus, et paulò amplius Carolo magno Francorum Regi, et ejus successoribus Regibus Francorum, primum, deinde Imperatoribus Romanorum concessit: quod successoribus ejus ab Hadriano III. eretpturn Othoni primo Germanorum Regi, et Romani Imperatori restituit Leo VIII. Id postremo Gregorius VII. He[n]rico IIII. ademptum Cardinallys et clero S. P. Q. R. primum, deinde ali Pontifices, qui secuti sunt, Cardinalibus tantum permisere, quod ad nostra usque secula perdurat”; *Historia Bap. Platinae de vitis Pontificum Romanorum . . . annotationum Onuphrii Panvini in accessione . . . illustrior reddita* [1573], p. 63. Onuphrius is ambiguous as to whose authority, the emperor’s or the pope’s, was responsible for the procedure by which a person canonically elected pope was required to obtain (with the payment of a certain sum of money) an imperial license before he could be consecrated. He gives as reason for this way of proceeding the emperor’s need to be certain of the qualifications of the new pontiff, for papal authority began to be very great at that time, especially with the emperors being absent from Italy. H’s otherwise close paraphrase of the rest of this passage from Onuphrius omits an intermediate stage between Gregory VII (Hildebrand), who settled the right of papal election on the cardinals and the clergy and people of Rome, and his successors, who restricted it

3:416.7 restored to Charles ... augmentation. The story of Pope Hadrian I’s concession to Charlemagne of extensive rights in papal, archiepiscopal, and episcopal elections is recounted in a passage of disputed authenticity from an early 12C chronicle incorporated in the canon law; Gratian, *Decretum*, 1.63.22; (Lyons, 1584), col. 322; Friedberg, 1:241.

3:416.12–22.t Pope Leo ... thankfull. Gratian, *Decretum*, 1.63.16; (Lyons, 1584), col. 320; Friedberg, 1:239.

3:416.23–24.u a plaine Discourse Walthramus, bishop of Naumburg, writing around 1109 in support of the imperial side in its conflicts with the papacy over lay investiture of bishops, *De investitura episcoporum per imperatores facienda*, in Simon Schardius, *De jurisdictione, autoritate, et praeminentia imperiali, ac potestate ecclesiastica* (1566), pp. 711–717.


3:417.3–4 forealleged right ... acknowledged Walthramus, *De investitura episcoporum*, p. 713, answering the thesis of Gregory VII that judgments of the Roman see are not to be retracted, argues that it seems neither canonical nor safe that, from Gregory’s own time, what previous popes have confirmed under anathema in favor of royal and imperial investiture of bishops should be voided: “Non videtur ... canonicum et salubre, ut ... ea solvantur quae sub anathemate confirmaverunt Sylvester, Leo [II? III?], Adrianus [I], primus Gregorius, Leo [IV?], Benedictus [III?], erga reges et Imperatore de investiendis episcopis per illos.”

3:417.7–10 First, ... disturbance. Ibid., p. 713: “Legitur etiam de episcopis Hispaniae, Scotiae, Angliae, Ungariae, quomodo ex antiqua institutione, usque ad modernam novitatem, per Reges introierint, cum pace temporalium purè et integrè.”

3:417.11–12 Secondly, founders ... wronges, Ibid., p. 712: “Qui à primo Constantino gesta et decreta revolvit, patenter inveniet, quòd per Reges et Imperatores, et devotos laicos Romana ecclesia, aliaeque in orbe terrarum ecclesiæ, in fundis et mobilibus ditatae et exaltatae sint: sibi que tutelas et defensiones contra tyrannos et raptores retinuerint.”
3:417.13–15 **not safe, ... under them.** Ibid., p. 715: “Postquam autem à Sylvestro per Christianos Reges et Imperatores dotatae, ditatae et exaltatae sunt Ecclesiae in fundis et alis mobilibus, et jura civitatum in teloneis, monetis, villicis et scabinis, comitatibus, advocatiis, synodalibus bannis per Reges delegata sunt episcopis: congruum fuit et consequens, ut rex qui unus est in populo, et caput populi, investiat et inthronizet episcopum: et contra irruptionem hostium sciat, cui civitatem suam credat, cum jus suum in domum illorum transtulerit.”

3:417.15–16 **And therefore ... homage.** Ibid., p. 714: “Sequitur autem consecratio, ut bannus episcopalis banno regali conveniens, in communem salutem operetur. Et si episcopis favendum est Regibus, homagium et sacramentum de Regibus apertius est ante consecrationem.”

3:417.17–21 **Thirdly, ... kept.** Ibid., p. 714: “Nihil enim refert, sive verbo, sive praecepto, sive baculo, sive alia re quam in manu tenuerit, investiat, aut inthronizet Rex et Imperator episcopum, quò die consecrationis veniens, annulum et baculum ponit super altare, et in curam pastoralem singula accipit à stola et authoritye S. Petri. Sed congruum magis est per baculum, qui est duplex: id est, temporalis et spiritualis.”

3:417.21–22 **Some base Canonists** For example, Juan de Torquemada, commenting on Gratian, *Decretum*, 1.63.1: “Nec valet aliqua consuetudo, ut laicus interesse cum clericis in electione prelati ... [nisi] de jurisdictione spirituali concessa ... ab eo, qui hoc concedere potuit. scilicet. à domino papa”; In Gratiani *Decretorum primam doctissimi commentarii* (1578), I:471.

3:417.26–28 **Duarenus ... Probus.** The authors cited here are 16C French jurists, all R.C. The incessant wars between Catholic and Reformed factions in France during the latter part of the century provided the English with a nearby (and potentially analogous) example of religious violence more terrifying than their own experiences of Protestant martyrdoms under Mary and the numerically roughly equivalent martyrdoms of Jesuit priests and other Catholics under Elizabeth. For the impact on English political thought, see J. H. M. Salmon, *Society in Crisis: France in the Sixteenth Century* (London: Ernest Benn, 1975; rpr., Methuen, 1979), and *The French Religious Wars in English Political Thought* (1959).

It is possible that H derived this list of legal authorities from a source other than his own reading—see 3:208.17.h.n above for the derivation of a similar list from his Oxford friend John Rainolds—but he made more than casual use of one of these authors, Choppin, elsewhere (chap. 3.3, 343.9–14; Auto. Notes, 492.31–33; intermittently from 507.11 to 511.6) and also cited such other continental jurists of the period as Barnabé Brisson (232.8–9), Boëthius Epo (394.27–395.4 and 507.16–18), and Jean Bodin (implicitly at 336.19–25 and 508.9–10, explicitly at 397.q). The current obscurity of the authors in the present note does not show that H listed them as a display of erudition. Several were eminent in their own day, and together they represented the legal aspect of a tradition of ecclesiastical

*DuarenuS*, François Douarenus (1509–1559) was one of the most learned students of Roman law in his time (second only to his teacher Andrea Alciato in de Thou’s opinion) and was greatly admired for his classical learning and literary style as well. Six editions of his works were published between 1550 and 1581. Although thought to have been sympathetic for a while to the movement for church reform emanating from Geneva, Douaren emerged as a staunch Gallican. In his systematic treatise *De sacris eclesiae ministeriis ac beneficiis* (1551), he observed that in ancient times the pope claimed no rights and no power of ordination outside his own diocese (‘‘sciendum est eum [Romanum pontificem] priscis temporibus nullum jus, nullámque potestatem ordinandorum sacerdotum, aut clericorum extra propriam dioecesin sibi vendicasse’’; pp. 127–128). Douaren based the French king’s rights of conferring benefices on a transfer of power from the people (pp. 143–150, after a discussion of Marsilius of Padua on pp. 142–143). With this work he published, under the title *Pro libertate eclesiae Gallicae adversus Romanam aulam*, a translation of the remonstrances of the parlement of Paris under Louis XI for maintenance of the Pragmatic Sanction of Bourges.

*Papon*, Jean Papon (1505–1590), a royal counsellor, compressed into some fifty pages of his massive manual for high officials, *Secrets du troisieme et dernier notaire* (1578), an intricate account of the French king’s uniquely extensive regalian rights as a result of historical developments in both papal and royal power (pp. 154–203). The preface to the *Secrets* begins with invocations of the absolutist idea of the king as animate law (νομός ξειράνος), an idea pointedly ignored by H in his use of the relevant sources (above, 3:342.2–14.d.n).

*Choppinus*, René Choppin (1537–1606) was perhaps the most erudite jurist of his time and certainly one of the most prolific. H avails himself elsewhere (see refs. to Auto. Notes above) of Choppin’s historical review of the religious authority of kings and emperors in the preface to his *De sacra politia forensi* of 1577. Although he was an advocate for the clergy in a number of important affairs and was violently anti-Protestant (calling forth François Hotman’s *Anti-Choppinus*), he eulogized Henry of Navarre in 1594 on his accession to the throne as Henry IV. *De sacra politia forensi*, 1.7, is on the subject, “De regalibus sacerdotiorum muneri-bus.” The concluding sections are on royal nomination “ad Praelaturas” (pp. 176–
188). Choppin does not in fact deny the pope's power to deprive kings of their traditional regalian rights, but the case he develops for these rights does not depend on papal permission.

Ægidius Magister, (The comma after "Ægidius" should be deleted.) Gilles Le Maître (?1499–1562) was the first president of the French parlement. His account of regalian rights is included in editions of his Decisions notables; (Lyons, 1595), pp. 86–182.

Arnulphus Ruzaeus, Arnoul Ruzé (b. ?1478) taught civil and canon law at Orléans. His Tractatus juris regaliorum was first published, without his permission, by his friend Philip Probus in 1534; 2nd edn., 1542. Recognizing that there are some who regard royal regalian rights, including rights to the income of vacant sees, as usurpations (1542, p. 2), Ruzé briefly justifies these rights by divine law, papal law, and holy councils, concluding with five affirmative opinions supporting them. He then goes on at length to vindicate more than fifty privileges pertaining to regalian rights.

Costlius, Petrus Costalius, commenting on the Digest of Justinian, defends the customary right of the French crown to the income of vacant episcopal sees (regale temporale), notwithstanding papal and conciliar decrees to the contrary: Adversarium ex pandectis Justiniani Imperatoris liber prior (1554).

Philippus Probus, Besides publishing Ruzé's treatise on regalian rights, Philipppus Probus issued Cosmas Guimier's commentary on the Pragmatic Sanction of Bourges (1438) with extensive additions of his own emphasizing the rights of the French church to administer itself: Pragmatica sanctorum, cum glossis ... Cosmae Guimier ... necnon glossae, ac additiones ... Opera aut labore D. Philippi Probi (1555; other edns. 1540 and 1561).

3:418.4–9.v that Gregorie ... prerogatives. Liber sextus Decretalium D. Bonifacii Papae VIII, 1.6.13; (1587), p. 739; Friedberg, 2:953: "qui, regalia ... de novo usurpare conantes, bona ecclesiariam, monasteriorum, aut locorum ipsorum vacantium occupare praesumunt ... eo ipso excommunicationis sententiae decernimus subjacere. ... Qui autem ab ipsarum ecclesiariarum caeterorumque locorum fundatione, vel ex antiqua consuetudine jura sibi hujusmodi vendicant: ab illorum abusu sic prudenter abstinent, et suos ministros in eis sollicitè faciant abstinere, quod ea, quae non pertinent ad fructus sive reditus, provenientes vacationis tempore, non usurpent: nec bona caetera, quorum se asserunt habere custodiam, dilabi permit- 
tant, sed in bono statu conservent."

3:418.15–19.w Of the people ... himself. Jerome, Adversus Joviniannum, bk. 1: "Nonnumquam errat plebis vulgique judicium; et in sacerdotibus comprobandis, unusquisque suis moribus favet; ut non tam bonum, quam sui similem quaerat praepositum"; Epistolae (1578), p. 155A; PL, 23:258. This is one of several alternatives offered by Jerome to explain why married men are often chosen for the priesthood instead of celibates.

3:418.25–31.x Sidonius speaking ... only. Sidonius Apollinaris (432?–480?),
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bishop of Clermont, Lucubrationes, bk. 7, epist. 5, to a bishop of Sens: “Bituricas decreto civium petitus adveni, causa fuit evocationis titubans ecclesiae status. Quae nuper summo viduata pontifice, utriusque professionis ordinibus ambiendi sacerdotii quoddam classicum cecinit, fremit populus per studia divisus, pauci alteros, multi sese non offerunt solum, sed inferunt. Si aliquid pro virili portione secundum deum consulas veritatemque omnia occurrunt, levia, varia, fucata. et quid dicam? Sola est illic simplex impudentia”; (1542), p. 218; PL, 58:568; Loeb, 2:308–309. On Sidonius, see 2:34.f.n, above.

3:419.1–4.7 In the Church ... himself; Theodoret, Ecles. hist., 5.27, and Sozomen, Ecles. hist., 8.2; (1544), fols. 346v and 105r–106v; GCS, 44 (19): 328–329 and 50:349–352; NPNF.2, 3:151 and 2:399–400. Sozomen’s is the fuller account. Nectarius was John Chrysostom’s predecessor as patriarch of Constantinople, not his rival. The chief “troubles” which might have grown in this case were due to John’s reluctance to be translated from the see of Antioch and his people’s unwillingness to lose him (both circumvented by the imperial general Asterius, who lured John out of his city with the pretense of needing him and dispatched him posthaste to Constantinople). Theophilus, bishop of Alexandria, favored a presbyter of his own church over John but eventually yielded to pressure from the chief of the emperor Arcadius’s household, Eutropius.

3:419.4–8.z even as at Rome ... shedd. There is some confusion in the references in z. The intended passage in Ammianus Marcellinus must be Rerum gestarum ... historia, bk. 27, as above at 3:292.20.u (another reference by H to the tumult surrounding Damasus’s election at Rome), not bk. 15. Only two of the remaining passages cited concern the violent conflict between Damasus’s supporters and the adherents of Ursicinus: Socrates, Ecles. hist., 4.29; (1544), fols. 239v–240v; ed. Hussey (1853), 2:551–552; NPNF.2, 2:113; and Sozomen, Ecles. hist., 6.23; (1544), fols. 81r–82r; GCS, 50:265; NPNF.2, 2:359–360. These accounts agree that peace was restored only by the action of the prefect of the city. The other passages in Socrates and Sozomen concern cases of intense conflict within the church, but in none of them is the exercise of lay authority presented as a remedy for dangers arising from popular election of bishops. Socrates, Ecles. hist., 2.27, condemns the Arian, Macedonius, who with the Emperor Constantius II’s support assumed the patriarchate of Constantinople and stirred up a war among Christians scarcely less violent than that previously waged against Christians by the worshipers of idols; (1544), fol. 203r; Hussey, 1:268–269; NPNF.2, 2:54. Sozomen, Ecles. hist., 4.11, describes the resistance to Constantius made by Damasus’s predecessor Liberius and relates approvingly the popular pressure on the heretical emperor for the pope’s return from exile; (1544), fol. 50v; GCS, 50:154; NPNF.2, 2:306–307. Theodoret, Ecles. hist., 2.15–17, gives an account in these chapters of the Council of Ariminum; (1544), fols. 302r–304v; GCS, 44(19):128–137; NPNF.2, 3:79–83.

3:419.12–15.a Pontius doth note it ... forgett. “Quidam illi restiterunt, etiam ut vinceret. Quibus tamen quanta lenitate, quam patienter, quam benivolenter
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indulcit, quàm clementer ignovit, amicissimos eos postmodum et inter necessarios computans, mirantibus multis? Cui enim posset non esse miraculo, tam memoriosae mentis oblivio?" Vita Cypriani, in Cyprian, Opera, (1593), fol. *4" (=π4'); CSEL, 3.3:xcvii; FOTC, 15:10; ANF, 5:269.

3:420.1–3.c A fault ... commende. Gratian, Decretum, 1.63.34; (Lyons, 1584), col. 331; Friedberg, 1:246. The canon provides that bishops be elected by clergy and people in accord with the canonical regulations of the diocese, without favoritism or bribery, “for merit of life and the gift of wisdom” (“ob vitae meritum, et sapientiae donum”). For H’s view of the qualifications of contemporary bishops, see VII.24.4–15. For his evident conviction that the fault of “undeserved preferments” to the episcopate was current in his own day, see VII.24.14 (3:298.25–29)

3:420.3–7.c a fault ... fault. Gratian, Decretum, 1.63.18; (Lyons, 1584), cols. 320–321; Friedberg, 1:239–240. Pope Stephen VI, writing around 886, requests an imperial letter confirming a recent episcopal election, so that he may proceed with the consecration. The matter is urgent, because a church of God ought not to remain long without its own pastor (“ecclesiam Dei sine proprio diu pastore non debere consistere”). To the same effect is the canon transcribed at Auto. Notes, 3:508.15–18. Under Elizabeth the fault of permitting long vacancies in episcopal sees (during which the crown enjoyed the income of the see) was unusually glaring in the case of the diocese of Ely, which remained unfilled for nineteen years until 1599. On the queen’s performance of the duty to “preserve the Church patrimonium as good to each successor as any predecessor did enjoy the same,” see Felicity Heal, Of Prelates and Princes (1980), pp. 208–219. Elizabeth’s inroads on the bishops’ estates fell far short of what was allowable under legislation passed at the beginning of the reign. Still, there was sufficient use of episcopal wealth for royal patronage to account for H’s concern.

3:421.26–422.8 it hath been taken ... judge. See Auto. Notes, 3:491.6–15.

3:424.1–2.f Imprimis ... est. Justinian, Institutiones, 4.17.Pref.: “In the first place, a judge ought to be careful not to judge in any other way than is prescribed by the laws, the constitutions, or the customs”; (1590), col. 86; Krueger (1963), p. 54; Scott, 2:173.

3:424.9 Our Judges in causes Ecclesiastical On the ecclesiastical Court of High Commission, see above, Intro. to Book VII, pp. 316–17, and n. 12. On ordinary ecclesiastical jurisdictions (in most cases exercised by subordinates skilled in canon law, rather than by the bishops themselves), see 3:483.21–22.n, below. See also VII.4.4 (158.23–159.3), VIII.8.7 (429.9–12, 430.18–23), and Auto. Notes, 468.21–469.7.

3:425.4–22.g In which case ... power. “An Act restoring to the crowne the ancient Jurisdiction over the state ecclesiastical and spiritual, and abolishing all

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forren power repugnant to the same" (1 Eliz. I, cap. 1.8): "And that also it maie likewise please your highnesse, that it maie be established and enacted by the authoritie aforesaid, that such jurisdictions, privileges, superiorities, and preheminences spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authoritie, hath heeretofore baene, or maie lawfullie be exercised or used, for the visitation of the ecclesiastical state and persons, and for reformation, order, and correccion of the same, and of all maner errors, heresies, schismes, abuses, offenses, contemptts, and enormities, shall for ever, by authoritie of this present parlament, be united and annexed to the imperiall crowne of this realme. And that your highnesse, your heires and successors, kings or queenes of this realme, shall have full power and authoritie by vertue of this act, by letters patents under the great seal of England, to assigne, name, and authorize, when and as often as your highnesse, your heires, or successors shall thinke meet and convenient, and for such and so long time as shall please your highnesse, your heires, or successors, such person or persons being naturall borne subjects to your highnesse, your heires, or successors, as your majestie, your heires or successors shall thinke meet, to exercise, use, occupy, and execute, under your highnesse, your heires and succesors, all manner of jurisdictions, privileges, and preheminences, in anie wise touching or concerning anie spiritual or ecclesiastical jurisdiction within these your realmes of England and Ireland, or anie other your highnesse dominions, or countries, and to visit, reforme, redresse, order, correct, and amend all such errors, heresies, schismes, abuses, offenses, contemptts, and enormities whatsoever, which by anie maner spiritual or ecclesiastical power, authoritie, or jurisdiction, can or maie lawfullie be reformed, ordered, redressed, corrected, restreined, or amended, to the pleasure of almighty God, the increase of vertue, and the conservation of the peace and unitie of this realme: and that such person or persons so to be named, assigned, authorized, and appointed by your highnesse, your heires or successors, after the said letters patents to him or them made and delivered, as is aforesaid, shall have full power and authoritie by vertue of this acte, and of the said letters patents, under your highnesse, your heires, or successors, to exercise, use, and execute all the premisses, according to the tenor and effect of the said letters patents: anie matter or cause to the contrarie in anie wise notwithstanding";


3:425.27–426.10. Pope Alexander... hand. Pope Alexander III’s advantage over Henry II of England arose from the English king’s need to make peace with the church after the murder of Thomas à Becket, for which he was widely blamed. In Machiavelli’s account (History of Florence, 1.19), the two cardinals sent to investigate the matter did not find the king clearly guilty (“non trovassero il Re in manifesta colpa”). Nevertheless, because of the ill repute of the deed and because he had not honored Becket as he deserved, the king was constrained by the pope to affirm his innocence under oath, immediately send two hundred soldiers to Jerusalem for a year and proceed there with an army himself within three years, allow his subjects to appeal to Rome, and annul whatever acts had been passed in his kingdom
unfavorable to ecclesiastical rule. The pope was at this time locked in conflict with
the Emperor Frederick Barbarossa and at odds with the Romans over the adminis-
tration of the city and its territories. H’s translation of the conclusion of the passage
extends to 3:426.10 (“... at hand”): “... e sottomessesi à quello iudizio uno tanto
Re, che oggi uno homo privato si vergognerebbe sottomettervisi, Non dimeno
mentre che il Papa haveva tanta hautorita ne Principi longinqui; non poteva farsi
ubbidire da Romani: da i quali non potette impetrare di potere stare à Roma
ancora che promettesse d’altro, che dello Ecclesiastico non si travagliare, tanto le
cose che paiano, sono piu discosto, che da presso temute”; Historie Fiorentine di
Niccolo Machiavelli Cittadino et Segret. Fiorentino (1551), fols. 20–21; Tutte le Opere,
edition of the work was published in London, with a Piacenza imprint, in 1587
(STC 17161).

3:426.14–18.i that kinde of Appeale ... made, “And for lacke of justice, at or
in anie the courts of the archbishops of this realme, or in anie the kings dominions:
itis shall be lawfull to the parties greeved, to appeale to the kings majestie, in the
kings court of chancerie. And that upon everie such appeale, a commission shall be
directed, under the great seale, to such persons as shall be named by the kings
highnesse, his heires or successors, like as in case of appeale from the admerall
court, to heare, and diffinitivelie determine such appeales, and the causes [S.R.
adds: and all circumstances] concerning the same ... and that such judgement and
sentence, as the said commissioners shall make and decree, in and upon anie such
appeale, shall be good and effectual, and also diffinitive: and no further appeales to
be had or made from the said commissioners for the same.” “An act concerning
the submission of the clergie to the kings majestie” (1533–1534); 25 Hen. VIII,

3:427.12–19.j For sith it is ... Magistrate? Cartwright, 3:154, citing 2 Chron.
19:8 and Heb. 5:1.

3:428.28–429.6 they forthwith ... themselves. See 3:173.28–29.n, above
(VII.7). The “regenie” of lay-elders is the topic of Book VI.

3:429.28–430.4 yet if it be ... judgment. Sir William Stanford (1509–1558), Les
Plees del Coron, 2.3; (1557; rpr. 1971), fol. 54": “Qui serra Juge in Treason ou
felony ... Le roy mesme in person ne peut estre judge ne seer in judgement, in
Treason ou felonie, eo que il est un des parties al judgement. Mes il peut committer
son authoritie a auter, qui doit estre judge inter luy et loffendour.... " On
Stanford, see 1:105.6–8.i and n, above.

3:431.14–432.6.m it is alleged ... not. H here compresses the chain of authori-
ties appealed to by Cartwright in his discussion of the civil magistrate’s authority
in ecclesiastical causes: “Constantyne calleth him self a Bishop, but puteth a
manifest difference, betwene his Bishoprirk and theirs: namely that the church
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officers were Bishops and overseers of things within the church, and he, Bishop or overseer of those that were without the church. Whereby he clearly also establisheth, the distinction of the church and the common wealth under a Christian prince. He ther also may be referred, that of Hillary: which exhorteth Constans, that he would provide, that the governours of his provinces under hym, should not prae sume to take upon them, the judgment of ecclesiastical causes: where also the same autor further affirmeth, that the common wealth matters onely belonged unto them. Likewise that Ambrose saith: That Palaces belong unto the Emperour, but the churches unto the Minister: and that he had auritory of the common wallas of the city, and not over holy things" (3:155—156); “To that allledged owt of Ambrose, who refused to have a church matter before the Emperor Valentinian . . . Ambrose denieth the Emperor the determination of the cause, not for that he was a wicked Emperour, but because it was not red in Scripture, nor heard of before, that any Emperour . . . was Judg over a Bishop, in a cause of faith . . ." (3:161—162); “Wherein, it is also to be observed, that Augustin in another place saith, that the Emperor, not daring to judg of the Bishops cause, committed yt unto the Bishops: and that he did not once but twise. Likewise, that he was driven by the Donalistes importunity, which made no end of appealing unto hym, to give sentence in that matter: for which the also, he was to crave pardon of the Bishops" (3:163).


3:431.16—21.o Augustine witnesseseth . . . theirs; See 3:412.1—6.h.n, above.


3:431.25—432.6.q Ambrose affirmeth . . . not. See 3:411.18—412.1.g.n, above.


3:433.3–5 The order which ... Commonwealth. See 3:411.12–14.e.n, above, and 431.15–16.n.

3:433.5–12.u Which very Constantine... done. Augustine, epist. 68: “et nunc quid aliud quam ipsius majoris Constantini judicium contra vestrum partem vivit, quòd majores vestri elegerunt, quòd assiduis interpellationibus extorserunt, quòd episcopali judicio praetulerunt. Si disiplicent Imperialia judicia, qui primitus Imperatores ad ea vobis excitanda coegerunt?”; “And now, what else but the judgment of the great Constantine himself stands against your party, a judgment which your predecessors chose, which they extorted by continued appeals, which they preferred to an episcopal judgment? If the imperial judgments displease you, who first drove the emperors to set them in motion against you?”; Opera (1569), 2:324–325; CSEL, 34:411; FOTC, 18:27, as epist. 88. The letter is addressed to the Donatist primate Januarius in the name of the clergy of the region of Hippo but is thought to have been composed by Augustine. the other... else where Not another, probably, but Constantine, in the more detailed account of this incident by Augustine referred to elsewhere by Cartwright; see nn to 3:412.1–6.h and 431.14–432.6.m. See 3:492.31–33.n, below, for evidence that H may have derived the present reference from the contemporary French jurist, René Choppin.

3:434.3–10.v S. Ambrose... so. A free paraphrase of Ambrose’s epist. 33, cited in 3:411.18–412.1g.n, above: “Mandatur denique: Trade basilicam. Respondoe: Nec mihi fæs est tradere, nec tibi accipere Imperator expedit, Domum privati nullo potes jure temerare, domum dei existimas auferendam? Allegatur, imperatori licere omnia, ipsius est universa. Respondoe: Nolite gravare imperator, ut putes te in ea quæ divina sunt, imperiale aliquod jus habere. Noli te extollere, sed si vis diutius imperare, esto deo subditus. scriptum est: Quæ dei deo, quæ Caesari Caesari. Ad imperatorem palatia pertinent, ad sacerdotem ecclesiae. Publicorum tibi moenium jus commissum est, non sacerorum”; “Then the command is given: ‘Turn over the basilica.’ I answer: ‘It is not right for me to turn it over, nor is it expedient for you, emperor, to take it. If you have no right to violate a private person’s house, do you think that God’s house is to be appropriated?’ It is alleged that all things are permitted to the emperor, that everything is his. I answer: ‘Do not burden yourself with thinking that you have any imperial power over things which are divine. Do not exalt yourself, but if you wish to rule as emperor for a long time, be subject to God. It is written: ‘What things are God’s to God, what are Caesar’s to Caesar.’ Palaces belong to the emperor, churches to the priest. You have been entrusted with a right over public precincts, not over sacred ones’ ”; Opera (1569), col. 584; PL, 16:999, as epist. 20; FOTC, 26:371, as epist. 60.

3:435.4–8 as Hilarie did... with Ambrose As at 3:431.21–432.6.

3:435.w See the stat... debeat. The statutes of Edward I and Edward II would include those touching on the ecclesiastical courts’ jurisdiction and the issuance of royal writs prohibiting ecclesiastical judges from hearing cases claimed for the
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Nat. Brev. Sir Anthony Fitzherbert (1470–1538), La nouvelle natura brevium (1st edn., 1534): “sont divers maners de prohibitions et inhibitions, et poientestre direct sibien al temporal court, come al court espiritual” (1581; STC 10962), fol. 39v; “There are diverse manners of Prohibitions and Inhibitions, and they may be directed as well unto the Temporal Court as unto the Spiritual Court”; The New Natura Brevium of the Most Reverend Judge, Mr. Anthony Fitz-Herbert (1652; Wing F–1096), p. 96. Despite the statement of apparently even-handed principle at the beginning of this section of Fitzherbert’s popular legal manual, all but a handful of the writs discussed are prohibitions against the spiritual courts’ treating temporal matters, and none of those directed at temporal courts are meant to protect the ecclesiastical courts’ jurisdiction in spiritual matters.

in Bracton these Sentences Bracton, De legibus, 5.5.2; (1569), fols. 400v–401v; ed. Woodbine–Thorne, 4:248, 250–251. H drew heavily on this chapter in his working notes for Book VI. See 3:469.8–9, 473.26–474.9, 487.26–488.4, and 488.21–489.3. For trans., see below, 473.26–474.9.n. In the portion of VI based on these notes and on other medieval legal sources, H evidently intended to set forth in detail the traditional system of ecclesiastical courts acknowledged by Bracton here as having autonomous jurisdiction over specifically spiritual causes. Such an exposition (unwritten or lost) must have given considerable body to H’s emphatic assertions in the text here and elsewhere in Book VIII of the supremacy of law in ecclesiastical matters; see esp. chap. 3.3 (2:16–17 in Keble), where H argues from the legal limitations on royal power effective in England in civil affairs to the principle of such limitation in ecclesiastical affairs, at the same time acknowledging (346.15–19) that a certain rule tying the crown in ecclesiastical proceedings “hath not hitherto been agreed upon with so uniforme consent and certaintie as might bee wish’t.” In citing Bracton on the dual system of secular and spiritual courts, H ignores the basis for that dualism in the medieval period, the fundamental division of regnum and sacerdotium, which allowed Bracton to describe the former as defended by “kings and princes” and the latter as ruled and defended by “ecclesiastical judges” (H quotes this passage at 473.8–16). The crown’s assumption of dominion over spiritual persons and causes in the 16C weakens the force of these citations. As if to compensate for this, H exaggerates in an opposite direction the other main principle he draws from Bracton, the rule of law (on this see nn at 3:332.19–24 and 342.19–21, above). For H’s notes on “The care which justice hath always had to uphold ecclesiastical jurisdictions and courts,” see 483.4–486.12. The same passage on the two jurisdictions was cited by Stapleton in reply to Bishop Horne’s attempt to confirm the royal supremacy from Bracton. See above, 3:332.19–24.n.
Book VIII, Chapter 8.9–9.3

3:436.11  fear and love: On the question of whether it is better for a ruler to be loved or feared, as famously discussed by Machiavelli in chap. 17 of The Prince, see Allan H. Gilbert, Machiavelli's Prince and Its Forerunners (Durham, N.C., 1938), pp. 103–115. H follows Cicero, De officiis, 2.23: "Rerum autem omnium nec aptius est quidquam ad opes tuendas ac tenendas, quàm diligi. nec alienius, quàm timeri"; (1588), 4:499; "But of all motives, none is better adapted to secure influence and hold it fast than love; nothing is more foreign to that end than fear" (Loeb, pp. 190–191).

3:436.27  a number of . . . men  Besides, presumably, Bodin and his growing readership (see 3:341.5.n, above), H may have in mind here Aeneas Sylvius Piccolomini as transcribed at 511.6–9 and 520.34–521.12 of the Auto. Notes. The passage from Aeneas Sylvius at 512.11–513.14 argues the other side of the issue.

3:436.28–437.26  Lett us . . . shew.  H's intention to provide a substantial discussion of the ultimate problem of constitutional theory, the correction of the person or persons having "supreme" power in a society, is plain from the beginning of this passage. See 3:503.18–504.2 and n for evidence that the single argument given here (437.8–26) was meant to be but one of seven arguments offered on the absolutist side of the question.

3:437.8–26  First, . . . shew.  See Auto. Notes, 3:479.6–8, 500.4–21, 503.18–19, _520.23–522.2, and 523.2–14.

3:437.15–16  the course of justice . . . a Circle,  See 3:511.6–9.n, below.


3:437.27–438.9.x-c  His second . . . Censure?  This is not H. The whole paragraph is interpolated from Dudley Fenner's Counter-Poyson (1584), pp. 174–175: "His seconde poynte whereby hee woulde make us odious, is, that wee thinke the Prince maye bee Subject to Excommunication, that is, that hee is a Brother. Deutr. 17.15. Math. 18.15. that hee is not without but within the Churche. I. Corinth. 5.12.13. If this be daungerous, why is it printed and allowd in the famous writinges of Byhope Jewell: in that the Priest doth his office, when hee excommunicateth and cutteth off a deade member from the body: so farre foorte the Prince, bee hee never so mighty is inferiour to him: ye a, not onely to a Byshoppe, but to a simple Priest? [marg., Def. apol. part 6. page. 720.] Why is it suffereth which Master Nowell hath written [marg., Tom. 2. fol. 53.]: The Prince ought patiently to abyde Excommunication at the Byshoppes handes: Why are not the examples of worthy Emperours rased out of the Hystories [marg., Euseb. lib. 6. cap. 14. Theod. 5, 18.], seeing they have beene subject to this censure?"

3:438.2–5.z  In that . . . Priest?  John Jewel, Defence of the Apologie, 6.12.1: "In deede, in that the Prieste doothe his Office, in that he either openeth Gods Wil, or declareth his threatres, or rebuketh sinne, or Excommunicateth, and cutteth of a deade member from the Body, so farre foorte the Prince, be he never so mighty,
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is inferiour unto him. But in this respecte the Prince is inferioure, not onely to the Pope, or Bishop, but also to any other simple Prieste: And the Pope him selfe, in this respecte, is inferioure to his Confessoure, be he never so poore a Prieste"; (1570), p. 720; PS, 4:991–992.

3:438.6–7.a The Prince ... hands? “Calvine in deede taketh from Princes the office of preachyng, of excommunicating, or binding and loosing, and of ministering the Sacramentes, and geveth all this to the Ecclesiastical ministers: and so doo we also, and doo profess as doth Calvine, that the Prince him selfe ought to be obedient to the Ecclesiastical minister executinge these his offices according to Gods worde: yea though it be against the Prince him selfe, accordinge as Theodosius the Emperor was in this case obedient to S. Ambrose”; Alexander Nowell, The Reproufe of M. Dorman ... With a defense of the chiefe authoritie and government of Christian Princes as well in causes Ecclesiastical, as civill, within their owne dominions, by M. Dorman malitiously oppugned (1566; STC 18742), fol. 51” (not 53). The RC Thomas Dorman (d. 1577?) undertook to defend four of the articles challenged by Jewel in his Challenge Sermon. Nowell, dean of St. Paul’s, replied in A reproufe ... of a booke entitled, A Proufe of Certayne Articles in Religion denied by M. Juell (1564; STC 18740; 2nd edn., 18742). “Tom. 2.” in a refers to Nowell’s continuation of the original Reproufe, in which his criticism of Dorman is limited to the first article, on the headship of the church (Milward, p. 7).

3:438.8.b examples of Emperours See 3:441.5–442.31 for H’s account of these instances. (The reference to Eusebius here should be to Eccles. hist., 6.33, not 6.14.)


3:438.24–26 We read that ... rodd. H here condenses a passage in which God indicates to David his choice of Solomon as his heir (1 Chron. 28:6–7) and David, in the sight of all Israel, admonishes Solomon accordingly (v. 9): “And thou, Salomon my sonne, knowe thou the God of thy father, and serve him with a perfit hearte, and with a willing mind ... if thou seke him, he wil be founde of thee, but if thou forsake him, he will cast thee of for ever.”

3:438.28 very much alleaged See chap. 3.5 (3:351.14–21, 353.28–355.4).

3:439.20–21 Why was not ... executed? Manasseh’s return to the worship of nature-gods after the reformation of his father, Hezekiah, is recounted at 2 Kings 21:1–17 and 2 Chron. 33:1–17. In the version in 2 Chron. 33, “the Lord spake to Manassĕh and to his people, but they wolde not regarde” (v. 10), so the Lord brought it about that they were conquered by the Assyrians. In his captivity, Manasseh “prayed to the Lord his God, and humbled him selfe greatly before the God of his fathers” (v. 12; GB gives the prayer of Manasseh from the Greek of the Septuagint at the end of 2 Chron.). God heard his prayer and brought him again to Jerusalem into his kingdom. The version in 2 Kings is less supportive of H’s position. It has the Lord speak “by his servants the prophets,” and concludes with
their foretelling the Lord’s punishment of Jerusalem and Judah, referring the reader to Chronicles for “the rest of the acts of Manasseh, and all that he did, and his sinne that he sinned.” David’s adultery with Bathsheba, the wife of Uriah the Hittite, is recounted in 2 Sam. 11.

3:439.21–22 **Rex judicat non judicatur...one.** Not found. Perhaps a reference to the first part of Lodovico Ricci’s *Theoros Político*, the *Continuatione* of which was published at Bologna in 1603. Compare Auto. Notes, 3:495.2–3.

3:439.4 Ο βασιλεύς... 39. Harmenopoulos, *Promptuarium juris*, 1.1.48 and 39: ο βασιλεύς... κολάζεται = H’s “The King... Kings person” (lines 24–26); (1577), pp. 23; νόμιμ = H’s “the general... others,...” (lines 26–28); (1577), p. 21; ed. Heimbach (1851), pp. 32 and 30, as §§ 39 and 32. H limits his appeal to the principle that the prince is personally *legibus solutus* by juxtaposing it to an assertion of royal subordination to law in general. On the Byzantine imperial legal advisor Harmenopoulos and his *Promptuarium juris*, see 1:325.9–13.n, above.

3:440.4–9.g **In that... Priest.** See 3:438.2–5.z.n, above.


3:441.11–12 **(according...sufficiently)** A clear reference to VI.4, and hence evidence for the authenticity of “the sixth book” in its present form.

3:441.15–442.33 **Theodosius...downe.** The proper reference is not to Sozomen, whose brief account of this partly legendary incident is given at *Eccles. hist.*, 7.25, but to Theodoret, *Eccles. hist.*, 5.18; (1544), fol. 342* (as chap. 17); GCS, 44 (19): 307–310; NPNF.2, 3:143, as chap. 17 (as at 3:438.b). This passage provides the most extensive single example of H as translator. ἀφικόμενον εἰς μεδιόλανον τον βασιλέα, καὶ συνήθως εἰς τὸν θείων εἰσελθεῖν βουληθέντα νεών, ὑπανισκέως ἤξω τῶν προθύρων, ἐπιβην τῶν ἱερῶν προπολαίων τοιάδε λέγων ἐκώλυσεν. οὐκ οἴσθα ὡς ἐξοικε ὃ βασιλεῖ, τῆς εἰργασιμμοῦς μιαφωνίας τὸ μέγεθος, οὔδε μετὰ τὴν τοῦ θυμοῦ παύλαν ὁ λογισμὸς ἐκέχυν τὸ τολμηθῆν. οὐκ ἂν γὰρ ἓν αὐτῆς βασιλείας ἡ δύναμις, ἐπιγνώ- ναι τὴν ἀμαρτίαν, ἀλλ’ ἐπιπροσβῇ ἢ ἐξουσία τὸ λογισμῷ. χρὴ μέντοι εἰδέναι τὴν φύσιν, καὶ το ταύτης θυντόν τε καὶ διαρρέον καὶ τὸν

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pročonon χρ'ν ε'ε ου γεγναμεν, και εις δ'ν ἀποφρέομεν, και μη τ'δ'ν άνθει τ'ς αλουργίδος ἀπορουκολόμενον, ἄγνοειν τ'οι καλυπτομένοι σώματος τ'ήν ἀθένειαν. ὑμοφυων ἀρχείς δω βασιλεύ, και μεν δ'η καὶ ὄμοδούλων. εἶς γάρ ἀπάντων δεσπότης καὶ βασιλεύ, τ'οι δ'ῶν δημιουργύς. ποιος τοῖνυν ὀφθαλμοίς δωει τ'ν τοῦ κοινοῦ δεσπότου νεών, ποιος δ'ε ποιεὶ τ'δ' δάπεδον ἐκεῖνο πατήσεις τ'άγιον. πώς δ'ε τ'άς χειρας ἐκτενεῖσ ἀποσταζόοσας ἐτι τ'οῦ ἄδικου φόνον τ'άμα. πώς δ'ε τοιαύταις ὑποδέξη χερι, τ'δ'εςπότου τ'πανάγιον σώμα. πώς δ'ε τ'δ' στόματι προσώπεσις τ'άμα τ'τίμιον, τοσοῦτον δια τ'οῦ ὃτι δ'λόγον ἐκχέας παρανόμος αίμα. ἀπιθ' τοῖνυν, καὶ μη πειρω τ'οις δευτέροις τ'ήν προτέραν αὐξειν παρανομίαν, καὶ δέχου τοῖνυν δ'ν τ'εςπότων ὃ θεός, ὃ τ'ῶν δῶν δεσπότης ἀνουθεν γίγνεται σύμψηφος. ἱατρικὸς δ'ε οὕτος, καὶ πρόξενος ύγιειας. τοῦτος εἴξας ὃ βασιλεύς τοῖς λόγοις, τοῖς γάρ θεοίς λογίας ἐντεθραμμένοις, ἦδει σαφῶς τ'να μὲν τ'οι ἱερέως, τ'να δ'ε τ'οῖς βασιλέων ιδία, στένον καὶ δαχρώων ἐπανήλθεν εἰς τ'βασιλεία. χρόνου δ'ε συνχοῦ διελθόντος, οὕτω γάρ ἀναλώθησαν μήνες, κατέλαβεν ἢ τ'οῦ σωτήρος ἡμῶν γενέθλιος ἐρήτ. ὃ δ'ε βασιλεύς, ἐν τοῖς βασιλείοις ὀλοφυρόμενος καθήτο τ'ήν τῶν δαχρώων ἀναλίσκων λιβάδα. τοῦτο θεασάμενος οὐφίνος, μάγιστρος δ'ε τηνικαῦτα ἢν, καὶ πολλής μετείχε παρηγορίας, ἀτε δ'ε συνθέστερος δ'ν, προσελθῇ ἤρετο τῶν δαχρῶν τ'απίτων. ὃ δ'ε πικρῶς ἀνοιμᾶξε, καὶ σφοδρότερον προχας τ'δ'άκρυον, σο μὲν, ἔφη, ρουφίνε παίζεις τ'ῶν γάρ ἔμων οὐκ ἐπαίσθανα κακῶν. ἐγὼ δ'ε στένω καὶ ὀλοφυρομαι τ'ήν ἐμαυτῷ συμφοράν λογιζόμενος, ώς τοῖς μὲν οἰκέταις καὶ τοῖς προσαίταις, ἄνετος ὃ θεός νεώς, καὶ εἰσίαιν ἄδεως, καὶ τοῦ οἰκείον ἀντιβολοῦ- σιν δεσπότην, ἐμόι δ'ε καὶ οὕτος δρατός, καὶ πρὸς τοῦτο μοι ὁ οὐρανός ἀποκέκλεισται. μέμνημαι γάρ τ'ής δεσποτικῆς φωνῆς ἢ διαρρήδην φησίν, δ'ν ἄν δήσητε ἐπὶ τ'ής γῆς, ἐσται δεδεμένος ἐν τοῖς οὐρανοῖς. (1544) For context and further sources, see N. Q. King, The Emperor Theodosius and the Establishment of Christianity (Philadelphia: The Westminster Press, 1960), pp. 68-69, and Angelo Paredi, Saint Ambrose (Notre Dame: Notre Dame University Press, 1964), pp. 307-310. Ambrose induced Theodosius to do public penance for the massacre at Thessalonica by sending the emperor a private letter in which he narrated a dream he had had of refusing Theodosius communion (CSEL, 82.3:212-218, epist. 11 Extra collectionem). The dream became reality in later accounts. H may have consulted Christopherson’s Latin translation of the early church historians, which he used elsewhere (see nn to 3:156, 157, and 163.4-10), but at a few places he is closer to the Greek than to Christopherson; for example, 3:441.26: “reason” rather than the ablative “ratione” for λογισμός; 442.8-10: two questions, rather than one; 442.25: “Thou . . . dallest,” a statement, rather than a question (“Tu, inquit, Ruffine ludis?”).

3:443.35 Philip Emperour of Rome Philip the Arabian, emperor 244-249; according to Eusebius, Ecles. hist., 6.34, Babylas, bishop of Antioch, refused him access to church because of an unrepented crime.
Fragments from the Trinity College, Dublin, MS 120

3:446.2–7. a At the first . . . scandalum. Pseudo-Ambrose, not Ambrose. See VIII.7.2; 3:414.1–6. f and n.

3:446.8. b Apud nos . . . tenent. "With us bishops have the place of apostles." Jerome, epist. 54, to Marcella; Epistolae (1578), p. 193B; CSEL, 54:313, and NPNF.2, 6:56, as epist. 41.

3:446.10–11. c Absit ut de hiis . . . conficiunt. "Far be it from me to speak ill of these successors to the rank of apostle who with holy words make the body of Christ." Jerome, epist. 1, to Heliodorus; Epistolae (1578), p. 2B; CSEL, 54:55, NPNF.2, 6:16, and Loeb, pp. 42–43, as epist. 14.


3:447.8–10. e Prima . . . vexenter. "In the first place no injury shall be inflicted by usurpation, and no land dedicated to the uses of the secrets of heaven shall be soiled with the filth of base exaction" (Scott). Justinian, Codex, 1.2.5, also cited in VII.20.5, 3:270.d.


3:447.14–16. g The name of Head . . . 411. See VIII.4, where the passage beginning at p. 411 of Cartwright's Second Replie is the principal text to be refuted.

3:447.17 See . . . 173. Dudley Fenner, Counter-Poyson (1584). Just before the passage quoted by H at VIII.9.3 (3:437.27–438.9.x–c see n), Fenner seeks to rebut the charge that those pressing for further reform in the English church "agree with the Papistes to give Christian Princes power of fact, but not of Lawe and authori- tye to promote and set forwarde, not to intermeddle in causes Ecclesiasticall"; p. 173. "For if they have authority in our judgement by the Worde of GOD, to see to their Ministrye, and to cause them to make such Lawes, as they knowe agree- able to Gods Worde: to authorize such, and disanull the contrarye: cause them to make good, when they woulde make yll: or orderly to procure suche as can and will bee present in the action, and give their consent if it please them, (all which are given by T.C. [marg.: b. second (= The Rest of the Second Replie), p. 167] and by us all unto the Magistrate,) then doe we graunte them no more then power of fact? then to promote matters? And in speakinge agaynst us heerein, dothe hee not direct him selfe agaynst the verye Lawes, and orders of the Churche? Which is, that the Convocation-house doe make Ecclesiasticall Lawes: and if they bee good,
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the Queene giveth her royall assent, and then they must be obeyed; if not, then that they are no Lawe?"; p. 174. Compare VIII.3.3; 3:344.7–345.24.

3:447.17–448.2 The cause of this doubt ... State. Compare VIII.1, 2, and 4.

3:448.3–10 Their mindes ... death. Compare Pref. 8.1, nn, and Intro. to The Preface, p. 26, above.

3:448.11–12 The Church ... Prince. Compare VIII.1.2 (3:317.21 and n) and VIII.4.6.

3:448.13–18.h They whose Callings ... no. The reference is to a passage in the Martin Marprelate tract Hay any worke for Cooper (1589, rpr. 1970; STC 17456) in which the author applies this reasoning, not to the disciplinarian "tetrarchy" of pastors, doctors, elders, and deacons, but to bishops: "Here againe/ let the Magistrate once more consider/ what pestilent and daungerous beasts these wretches are unto the civill state. For either by their owne confession/ they are the Bishops of the Divell (and so by that means will be the undoing of the state/ if they be continued therein) or else their places ought to be in this commonwealth whether her Majestie and our state will or no; because they are not (as they say) the bishops of man/ that is/ they have not their superioritie/ and their Lordly callings over their brethren by humane constitution/ as my Lords Chancellor/ Treasurer/ and other honorable personages have/ but by divine ordinance. Yea/ and their callings/ they holde (as you have heard) not onely to be inclusively/ but also expresslie in the word. What shifte will they use to avoyde this point? Are they the Bishopps of men/ that is/ holde they their jurisdiction as from men. No saith Deane Bridges/ no sayth John of Canterburie and the rest of them/ (for all of them allowe this booke of John Bridges) for then we are the bishops of the devill/ we cannot avoid it: Are they then the bishops of God/ that is/ have they such a calling as the Apostles/ Evanglistes/ etc. had: that is/ such a calling as ought lawfully to be in a christian commonwealth (unlesse the magistrate woulde injurie the Church/ yea maime/ deforme/ and make a monster of the Church) whether the magistrate will or no. We have say they. For our callings are not onely inclusively/ but also expresslie in the worde"; pp. 28–29. On the Marprelate tracts see Intro. to The Preface, pp. 23–24, above.


3:448.21–22 Their taking away ... offendours. In his Sacra theologia, sive veritas quae est secundum pietaatem, first published in London about 1585 (STC 10773.5), Fenner held the death penalties prescribed in the OT for such offenses as incest, adultery, and murder to be a law "communem ... et immutabilem"; altera editio (1586), fol. 76'–77'. Matthew Sutcliffe held this to be an attack on the prince's authority; De presbyterio (1591), p. 150.

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Their claiming . . . Prince. H may take this to be implied in the claim that the king should be subject to ecclesiastical censure (discussed in Lawes VIII.9), but it does not strictly follow, since penalties for offenses against the church were traditionally primarily enforced by the secular arm, which a spiritually offending lay ruler might still control.
De Principium secularium iidicium in causa fidei quid Catholici sentiant, quid hodie Protestantantes : uti noua apud Anglos Laicocphalorum secta manifestatur.

CAPVT XVII.

RINCEPS secularis Christianus aut illa alia secularis poetelas, suae in vno, suae in pluribus posita, de causis fidei nolum iudicium ferre potest, magis quam versus quisque e plebe.

SUPPLEMENT I

The Causes of the Continuance of These Contentions Concerning Church Government

3:456.4–11 The Moscovian . . . disagreement. Compare the following passage from the frequently reprinted and translated Rerum Moscovitarum commentarii (1st edn., 1549) of Siegmund von Herberstein (1486–1566), which includes the elements in H’s own account (the emperor’s ordering translations, the substitution of readings from Scripture and the Fathers for sermons, and the condemnation of sermons as sources of conflicting opinions and heresies), although not in the same sequence, the translation project coming last: “Concionatoribus carent. Satis esse putant, interfuisse Sacris, ac Evangelii, Epistolariurn, aliorumque doctorum verba, quae vernacula lingua recitat Sacrificiis, audivisse: ad hoc quod varias opiniones ac haereses, quae ex concionibus plerunque orientur, sese effugere cedunt . . . Principem porro ipsum quicquid credere aut opinari vident, id rectum, omnibusque sequendum esse statuunt. Accepimus Moscoviae patriarcham Constantinopolitanum ad petitionem ipsius Mosci, missise quendam monachum Maximilianum nomine, ut omnes libros, Canones, et singula statuta ad fidem pertinentia, in ordinem recto judicio redigeret”; (1571), pp. 42–43; ed. and trans. R. H. Major (1851–1852; rpr. 1964), 1:83. The translations and other reforming activities of Maximus the Greek (Michael Trivolis, 1475–1556), who came to Moscow in 1518 at the request of Tsar Basil IV, were a cause of conflict in the Russian church as well as a response to it. See William K. Medlin and Christos G. Patrinelis, Renaissance Influences and Religious Reforms in Russia. Western and Post-Byzantine Impacts on Culture and Education (16th–17th Centuries) (Geneva: Librairie Droz, 1971), pp. 20–29, and Jack V. Haney, From Italy to Muscovy: The Life and Works of Maxim the Greek (München: Wilhelm Fink Verlag, 1973).


3:457.11–12 Arios . . . Alexander, After the incident recounted by H at Lawes VII.5.5 (3:163.4–10), Alexander, the bishop of Alexandria, wrote a substantial letter to the bishops of the region, insisting that they take his side against Arios. The effect was that the evil became worse, for his letter incited those who received it

3:457.14–19 **Sulpitius Severus . . . troublesome.** Sulpicius Severus, *Sacrae historiae* . . . libri ii, 2.11: “Is [Idatius] verò sine modo, et ultra quàm oportuit Instantium, sociosque ejus lacessens, facem quandam nascenti incendio subdidit: ut exasperaverit malos potius, quam compresserit”; [1556], p. 144. "He [Idacius], by harassing Instantius and his confederates without measure and beyond what the occasion called for, applied, as it were, a torch to the growing conflagration, so that he rather exasperated then suppressed these evil men"; NPNF.2, 11:119. Idacius and Instantius were late 4C Spanish bishops who respectively opposed and supported Priscillian.


3:458.3–5 **Nevertheles . . . servants:** In his life of Lycurgus (9C BC?), reputed founder of the Spartan constitution, Plutarch (d. 120 AD?) records the practice of forcing Helots to drink too much strong wine and then exhibiting them in the public mess halls, to show the young what drunkenness is, as one example among others of Spartan cruelty to their serfs. Πλουτάρχου Χαιρωνέως Παράλληλα ἐν Βίοις Ἐλληνώντε καὶ Ῥωμαίων: καὶ τ’ ἄλλα δὲ τραχέως προσεφέροντο καὶ σκληρῶς αὐτοῖς. ὅστε καὶ πίνειν ἄναγκάζοντες πολλὰν ἀκρατόν εἰς τὰ συσσίτια παρεισεῖγον, ἑπιδεικνύμενοι τὸ μεθύειν οἶνον ἐστὶ τοῖς νέοις. (1533), fol. 19*"; Loeb, *Plutarch’s Lives*, 1:290–291.

3:458.8–9 **Demaudes, . . . Defences,** H refers here to RC polemics, such as those identified in the headnote to this Supplement, 3:453–454.

3:458.21–22 **Invectives . . . Libells,** Polemics for further reform in the English church, such as those identified at 3:454.8–15. "Invectives" and "Epigrammes" are not found in titles, though the terms, especially the first, correctly describe much of this literature.
SUPPLEMENT II

Hooker’s Autograph Notes from Trinity College, Dublin, MS 364, fol. 69–84

The general import of these notes for an understanding of the three last books of the Lawes has been treated above (pp. 237–46). The notes are of various kinds, and the order in which they were found among Archbishop Ussher’s papers seems largely accidental. Somewhat arbitrarily, the stylistic notes on fol. 84 have been printed first in the present edition. The remaining notes, consisting predominantly of transcriptions of passages from a wide range of legal sources, are given in the order of the drafts and published books of the Lawes to which they seem most relevant. The following outline and enumeration of sources may be of use in navigating this fascinating but initially unnerving sea of references. For further discussion, see the individual nn for the sections indicated in the outline.

Folios 83 and 84 (3:463.1–466.14). A collection of phrases rhetorically relevant to the debate about episcopacy. Sources: An explicit reference to Ecclus. 20, a reference to the Israelites’ “disdain” for the prelacy of Moses and Aaron (Num. 16:3), two general references to scriptural texts warranting (episcopal?) claims to authority, and a reference to “the holy father Cyril” (presumably Cyril of Alexandria) for the same purpose.

Folio 70 (3:466.16–469.13 and 469.14–471.30). Statements on jurisdiction and on the personal qualifications of judges. These notes bear on the topics of Books VI–VIII in general. Sources: eight references to Roman law (five to the Digesta, three to the Codex) and fourteen to ecclesiastical law (one to a constitution promulgated by the 13C papal legate to England, Otho; the rest to the Decretales of Gregory IX, the ordinary gloss to the Decretales, and other commentaries thereon by Hostiensis, Innocent IV, and Joannes Andreae), two references to Bracton, and one to the 1559 English Supremacy Act.

Folios 77, 79, 78, and 81–82 (3:471.31–490.6). This large group of notes, evidently collected in response to comments by Edwin Sandys on the lost draft of Book VI, provides the basis for a discussion of the church courts in a later draft of the book. Whether this draft was completed, we do not know. The notes are organized in terms of the list of four topics given at 472.14–18, beginning with (1) “What causes particularly are spirituall” (471.31–477.14, fol. 77v). Notes on this topic are worked and reworked by H into draft paragraphs at 486.13–489.25 (fol. 78), 489.26–35 (fol. 81v), and 490.2–6 (fol. 82v). Notes on the other three topics on the list at 472.14–18 are gathered at: (2) 477.18–481.23 (fol. 77v): “The forme and maner of proceeding in ecclesiastical causes”; (3) 481.24–483.2 (fol. 79v): “The punishments necessary in spirituall processes”; and (4) 483.4–486.12 (fol. 79v): “The care which justice hath
alwaies had to uphold ecclesiasticall jurisdictions and courts." Sources: the Bible (five OT references—to the Mosaic law, Joshua, Job, David, and Achan—a reference to Luke, and a further, unspecific reference to the NT), Cicero (one reference, introduced into a discussion of the traditional jurisdiction of English church courts), Roman law (one reference to the Digesta, seven to the Codex), ecclesiastical law (ten references to the Decretales or commentaries by Guido de Baysio and Joannes Andraeæ, four references to William Lyndwood’s collection of medieval English synodal legislation, and one to a constitution of the papal legate Othobono), English law (eight references to statutes—four from the 14C, two each from the 15C and 16C—and five to an early 14C set of clerical complaints and royal responses known as the Articuli cleric), and English jurists (three references to the De legibus et consuetudinibus Angliae attributed to Bracton (referred to in the following as by him) and one each to the 16C authors Christopher St. German, Sir Robert Brooke, and Richard Cosin).

Folio 76 (3:490.8–494.13). Notes relevant to Book VIII in general. Sources: five scriptural references (two to Ezekiel, one to Luke, and two to 1 Corinthians), two references to Justinian’s Digesta, three patristic references (two to Augustine, one to a letter of the Council of Nicaea found in Theodoret), four canon law references (two to the Decretales, three to Gratian’s Decretum), and one reference each to Aristotle, Pseudo-Dionysius the Areopagite, Aquinas, the critical examination of the Council of Trent published by Innocent Gentillet in 1586, and an untraced “apothegm of one to a prince: si judex es cognosce, si rex jube” (3:491.14–15).

Folios 69v, 75, and 71–74r (3:494.14–523.26). Three successive outlines of Book VIII with source notes grouped in accordance with the chapter headings indicated in the outlines.

Folio 69v (3:494.14–495.10). A first list of topics, with notes on the king’s supremacy in judging. Source: an untraced quotation from “Riccius”: “Rex non judicat et minime judicatur” (495.2–3, mistranscribed either here or at 439.21–22, where the reading is “Rex judicat non judicatur”).

Folio 75 (3:495.13–504.2). A second list of chapters, with a corresponding collection of notes. Sources: with but five exceptions (a reference to Joshua, another to a Hellenistic political treatise ascribed by Stobaeus to the Pythagorean Charondas of Catania, two citations of English statutes, and a passing allusion to the opening of the daily office), all the references in this section are to Thomas Stapleton’s Principiorum doctrinalium fidei demonstratio (first published 1578) or to patristic or Protestant statements on lay authority in religious matters clearly derived from Stapleton: three direct references to Stapleton; five references to Augustine and one each to Eusebius, Gregory Nazianzen, Rufinus of Aquileia, Sozomen, Ambrose, the Historia tripartita, Paul the Deacon’s additions to Eutropius, and the Byzantine historian Nicephorus Callistus, for a total of thirteen references from or about the patristic period derived from Stapleton; and two references each to Melanchthon and Johann Brentz and one each to Calvin, Wolfgang Musculus, and the Magdeburg Centuries, for seven passages in Stapleton from Lutheran and Reformed sources.
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Folios 71–75, with a change of format on folio 73 (3:504.3–523.26; 515.1). A third list of chapters and collection of notes. Sources: fourteen biblical references (one each to Genesis, Deuteronomy, 1 Kings, 2 Kings, Ecclesiastes in the Old Testament and to Matthew, John, 1 Corinthians, Ephesians, and Revelation in the New Testament, and two references each to Romans and Hebrews), eight classical references (two to Aristotle, one each to Xenophon, Polybius, Tacitus, and to three of the "Pythagoreans" in Stobaeus: Archytas, Hippodamus, and Diotogenes), two references to Roman law (one to the Theodosian Code, one to Justinian’s Novellae), seven patristic references (three each to Augustine and Theodoret and one to Pope Leo I), thirteen references to ecclesiastical legal sources (eleven to the Decretum, one to the Decretales, one to the councils of the Frankish church), six references to other medieval sources (Eadmer and Henry of Huntington, both writing about Anselm of Canterbury, Bernard of Clairvaux, the English historian William of Newburgh, and the Byzantine historians Nicephorus Callistus and Nicephorus Gregoras), and twelve references to later sources: three to Aeneas Sylvius Piccolomini (later Pius II), one to an edict of Charles the Wise of France, and eight to 16C continental jurists (one to Boethius Epo and seven to René Choppin, who is also clearly the source for Hooker’s references in this section to Roman law, Leo I, the Frankish councils, Nicephorus Gregoras, and Charles the Wise, and for two of his references here to Theodoret and two to Augustine, as well as for the reference to Augustine at 492.31–33).

3:463.1–466.14 _Without derogation ... wouordes._ The phrases collected here illustrate H’s close attention to the rhetorical style of his defense of episcopacy. Although several of these phrases bear directly on particular disputed points, his chief aim has been to set down forceful expressions generally applicable to the degrees and attitudes of disobedience, indignation, and honorable authority of his opponents on one side and the established order on the other. With this stylistically oriented portion of the notes, compare 3:494.14–523.25, where H begins by setting down the main _topics_ of Book VIII and gradually collects authoritative statements on each topic, and 469.14–490.6, where he first gathers authorities and then works them into coherent statements of his own views.

3:464.1 _The disdain of Moses ... people._ See VI.1.4 and VII.17.1, where H compares the contemporary opposition to episcopacy with the complaint against Aaron’s authority voiced at Numbers 16:3.

3:464.23–27 _That both ... disprove._ This passage would serve as a statement of H’s apologetic intent in Book VII or perhaps in Books VI and VII. The “dutifull subject” is presumably the layman, “the commoners of that heavenly power” are the lower clergy, and “that excellent function” is the power of bishops. The tone here is more conciliatory than that of the published Book VII.

3:465.14 _What dignity ... plain?_ The term “dignity,” traditionally used for the episcopal office, suggests that H framed this rhetorical question for use with a

3:465.30 **Preteritions.** A rhetorical figure in which summary mention is made of a thing in professing to omit it.

3:466.1–14 **Allegations... wourdes.** These phrases would have been meant for use with allegations (that is, citations or quotations) of authorities on a disputed issue, presumably episcopacy.

3:466.6–8 **This is the place... successours.** Probably John 20:21–23.

3:466.9–11 **These wourdes... roome.** The highly authoritative and detailed words referred to here (unlocated) were presumably a scripturally grounded patristic account of episcopal authority.

3:466.12 **the holy father Cyril** Presumably Cyril, patriarch of Alexandria.

3:466.16–469.13 **Of jurisdiction... kinge.** This section of H’s notes, consisting for the most part of brief statements about jurisdiction, may mark a very early stage in the composition of Books VI–VIII, all three of which are concerned with one or another form of spiritual jurisdiction or ecclesiastical power. The emphasis on *imperium* (supreme power of command) and the need for coercion to make jurisdiction effective, as well as the extended paragraph by H himself at 3:468.21–469.7, are especially pertinent to the subject of Book VIII, the “ecclesiastical dominion” of the English crown.

3:466.17–467.2 **Jurisdiction... juridiciale.** Not found.

3:467.4 **Jurisdictio... potestas** Azo of Bologna (12C), *Lectura* (1581), commenting on Codex, 3.4: “Est enim jurisdictio potestas de publico introducta cum necessitate juris dicendi, et aequitatis statuendae” (p. 176).

3:467.7–16 **Parum est jus... complectatur.** Not found.

3:467.22–23 **Qui mandatam... utitur.** Justinian, *Digesta*, 1.21.1; (1590), col. 33; Mommsen-Krueger (1963), p. 45. The following observation (“Secus... ordinaria”) is not in edns. cited; Scott, 2:262.

3:467.28–29 **Mandatam... est.** Justinian, *Digesta*, 1.21.5, prol.; (1590), col. 34; Mommsen-Krueger, p. 46; Scott, 2:263.

3:467.31 **Jurisdictio... vi.** Justinian, *Digesta*, 1.21.5.1; (1590), col. 34; Mommsen-Krueger, p. 46; Scott, 2:263.

3:467.33–34 **Cui... jurisd.** Justinian, *Digesta*, 2.1.2 (1590), col. 35; Mommsen-Krueger, p. 46; Scott, 2:265. No explanation has been found for the discrepancy in this and the following four references between H’s numbering of the laws in *Digesta* 2.1 and the numbering of editions consulted. In each case H gives a number one lower than that of the editions.
3:468.3—4 More majorum . . . juris. Justinian, Digesta, 2.1.5; (1590), col. 35; Mommsen-Krueger, p. 46; Scott 2:265.


3:468.12—13 Si per errorem . . . jurisdi. Justinian, Digesta, 2.1.15; (1590), col. 36; Mommsen-Krueger, p. 47; Scott 2:267. This law goes on to specify that the person appearing in error before the wrong official cannot be said to have consented, for nothing is so contrary to consent as error: "nec enim ferendus est qui dicat consensisse eos in praesidem, cum . . . non consentiant qui errent: quid enim tam contrarium consensui est quam error, qui imperitam detegit?"

3:468.15—16 Extra territorium . . . ult. Justinian, Digesta, 2.1.20; (1590), col. 37; Mommsen-Krueger, p. 47; Scott 2:268.

3:468.19—20 All jurisdiction ecclesiastical . . . Eliz. 2. 1 Eliz. I, cap. 1 (not 2), "An act restoring to the crowne the ancient jurisdiction over the state ecclesiastical and spiritual and abolishing all forren power repugnant to the same" (§ 8), W. V. S. (1587), 2:357—358; S. R., 4:2:352: "And that also it maie likewise please your highnesse, that it maie be established and enacted by the authoritie aforesaid, that such jurisdictions, privileges, superiorities, and preheminences spirituall and ecclesiastical, as by any spirituall or ecclesiastical power or authoritie, hath heretofore baene, or maie lawfullie be exercised or used, for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all maner errors, heresies, schisms, abuses, offenses, contempts, and enormities, shall for ever by authoritie of this present parlement, be united and annexed to the imperially crowne of this realme."

3:468.21—469.7 By force . . . committed. Directly inspired by the decisive statement from the Elizabethan Act of Supremacy just quoted, this paragraph may be H's earliest draft of the position on the crown's judicial supremacy taken in VIII.8. Read in the light of the preceding legal quotations concerning mandated or delegated jurisdiction and the passages on the personal qualifications of judges in the following pages (3:469.14—471.30), the present paragraph manifests H's desire to construe the single authority of the crown as the effective source of all coercive jurisdiction in England while avoiding personal domination of spiritual affairs by laymen. See 491.6—28.

3:469.8—9 Judex secularis . . . c. 2. Bracton, De legibus, 5.5.2; (1569), fol. 401v; ed. Woodbine-Thorne, 4:250. Bracton is here concerned with whether a cleric is bound to answer a plea against him before a secular judge. With all due respect to those who say that he is never so bound, Bracton argues that he is bound to answer in all civil and criminal pleas except with respect to the execution of judgment in a criminal case where a layman would be condemned to the loss of life or members. In that case, although the secular judge has cognizance, so that he
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may deal with the crime, he does not have the power to execute his judgment, as he has in civil cases, "for he can no more degrade a cleric than he can promote him to orders." H has fastened on the one pro-clerical concession in a passage mainly asserting secular jurisdictional competence; see 3:435.12, 471.13–14, and 473.8–16 for more persuasive citations of Bracton to support the church's jurisdic-

3:469.14–471.30 De personis judicantibus ... nullity. While the question of the personal qualifications required in a judge is relevant to H's treatment of the royal supremacy (as, for example, at 3:468.21–469.7), the thicket of legal texts on this folio is clearly meant to defend against the proposal of congregational lay elders as ecclesiastical judges. The two qualifications for a judge mentioned in the first citation—power and knowledge—are both taken up in subsequent texts. The folio concludes with a draft paragraph in which H alleges the second of these requirements against his opponents.


3:470.1–3 Duo in judice ... § fi. The assertion of power and knowledge as requisites in a judge appears to be based on the preceding passage from Lyndwood. The references following are to the second main part of the Corpus juris canonici, the systematic collection of decreets and canons promulgated by Pope Gregory IX in 1234 to supplement those included in Gratian's Decretum (the first part of the canon law). The five books of Gregory's Decretales have traditionally been referred to together as the Liber Extra (that is, additional to the Decretum) or Extra (as by H)
or simply X. The reference is then completed with an indication of *titulus* (for example, *de judiciis*, as in the first reference here) and the first words, or some other indication, of a chapter (*at si decri*). The first passage referred to here concerns the status of a cleric convicted of a crime before a secular judge—he is not because of that to be condemned by his bishop; Gregory IX, *Decretales*, 2.1.4; (1587), p. 525; Friedberg, 2:240. The second passage concerns a criminous abbot whose removal from office did not follow regular legal order; *Decretales*, 5.1.22; (1587), p. 673; Friedberg, 2:742–744.

3:470.8–10 **Decanus ruralis ... ult.** Gregory IX, *Decretales*, 1.4.11; (1587), p. 470; Friedberg, 2:41. This canon restricts the force of custom as against natural and even positive law, but it does not specifically concern the examination of matrimonial cases by rural deans. The puzzling clause at line 10, "et si consuetudinem praescribere non posset," may be based on the concluding clause of the canon, which allows some force to custom against positive law if it is reasonable and legitimately alleged ("rationabilis, et legitimè ... praescripta"), a condition H may mean to rule out in the present case.

3:470.11–12 **Extra. de offic. ... §. fi.** Gregory IX, *Decretales*, 1.23.7; (1587), p. 501; Friedberg, 2:151–152. Invoking the principle that what touches all should be approved by all, this canon asserts that since a rural dean exercises office in common on behalf of bishop and archdeacon he should be chosen or removed by them in common. This and the preceding passage limit the authority of a rural dean (a clerical office of long standing with which H apparently means to compare the reformers' proposed office of lay elder) from different directions. The first suggests that such persons would simply not be qualified to decide serious cases (for example, matrimonial causes). The second suggests that whatever authority such officials might have would properly be subordinate to higher officials of the regular hierarchy.

3:470.13–15 **C. de praecr. ... male.** Justinian, *Codex*, 7.39.2; (1590), cols. 608–609; Krueger, p. 311; Scott 14:173–174. In the law *male agitur* the principle that longstanding possession establishes no claim to ownership if the possession is as someone else's tenant or agent is laid down in connection with land. H applies it here to the rural dean's longstanding "possession" (that is, customary exercise) of jurisdiction in matrimonial cases.

3:470.15–17 **imo nec superiori ... super.** Gregory IX, *Decretales*, 1.29.23; (1587), p. 505; Friedberg, 2:166–169.

3:470.17 **C. si quis ... interest.** Justinian, *Codex*, 4.50.6; (1590), col. 320; Krueger, pp. 182–183; Scott, 13:110. Again the civil law of property is referred to for a principal applicable to questions of jurisdiction. The case here concerns the right to take legal action of a husband making a purchase for his wife, which depends on exactly how he acted for her in the transaction.
Archidiaconus ... accedentibus. This series of citations of major authorities on canon law suggests even more clearly than the preceding group that H had the assistance of a legal scholar, for this is not an easily gathered string of comments on a single text but a set of authorities on opposing sides of an issue treated in several texts, with one authority cited even against himself. The first three references are to comments on the canon Litas, a rescript of Innocent III on a complex matrimonial case; Gregory IX, Decretales, 2.13.13; (1587), pp. 538–539; Friedberg, 2:286.

ut notat glo. Bernardus Parmensis (d. 1266), ed., Glossa ordinaria to the Decretales, here glossing the phrase “In tua” near the beginning of the chapter: “Arg. Archidiaconum habere jurisdictionem causarum matrimonialium ... in his enim consuetudo servatur, quae dat jurisdictionem ... et ita potius cognoscunt ex consuetudine quam ex jure”; margin of Gregory IX, Decretales (1588), col. 714.

et Inno. Innocent IV (pope 1243–1254), writing as a private person, Apparatus Decretalium (1481), commenting on the words “matrimonialis” and “in remotis” in the same canon: “matrimonialis. Nota quod archidiaconus cognoscit de causa matrimoniali. et hoc propter consuetudinem. in remotis, consuetudinem narrat quia in re non est cautum quod episcopo absente archidiaconos agnoscat”; sig. P1⁷.

quibus adhaeret ibi Johan. Andr. Joannes Andreae (1270?–1348, prolific and very renowned, the fons et tuba of canon law), In secundum Decretalium librum novella commentaria (1581; rpr. 1963): “Idem hic Innocentius sed Hostiensis contra, dicens, quod cum consuetudo non det jurisdictionem in majoribus, et ista sunt de majoribus, in his consuetudo non valet. Sed pro glossa contra Hostiensem est, quod istud non est ordinis, sed dignitatis episcopalis ... vel dic, quod archidiaconus cognovit de hoc ex speciali, vel generali commissione archiepiscopi, vel ex speciali privilegio”; fol. 84⁷.

Licet Hostiensis ibi Hostiensis (Henricus de Segusio, d. 1271, a distinguished canonist, studied at Bologna, lectured in Paris, served Henry III of England for a time, and was chaplain to Innocent IV, Cardinal-Bishop of Ostia from 1262) disagreed with the gloss and with Innocent IV: “Consuetudinem narrat sive recitat, quia non est jure cautum, quod episcopo absente archidiaconus cognoscat. Sed cum in majoribus consuetudo jurisdictionem non det ... et haec causa sit de majoribus ... non placet ista soluto”; In secundum Decretalium librum novella commentaria (1581), §§ 1–2 on Decretales, 2.13.13, fol. 53⁶b.

et Extra. de Offic. Arch. Commenting on the last chapter of title 23 (De officio archidiaconi) of bk. 1 of the Decretales, 1.23.10 (1587, p. 501; Friedberg, 2:153), Hostiensis cautioned bishops against letting archdeacons exercise authority on their behalf in important matters for too long a time, lest the warrant of custom become complete: “Caveat ergo episcopus, ne hac vicaria permissat uti archidaiconum tanto tempore quod consuetudinis praescriptio sit completa”; ibid. (1581), § 25, fol. 128⁷b.

regulam quam dicit ipse Hostiensis The canon Accedentibus, Gregory IX, Decretales, 5.31.12 (1587, pp. 702–703; Friedberg, 2:840–841), a decretal of
Innocent III in the Fourth Lateran Council, 1215, prohibits abbots from taking over matters pertaining to the episcopal office or dignity, such as hearing matrimonial cases, imposing public penances, granting letters of indulgence, and the like. The decree allows for exceptions, however. The rule stated by Hostiensis was meant to determine when exception might be made. It distinguishes between matters pertaining to episcopal rank or dignity and matters pertaining to episcopal order. The latter cannot fall to anyone less than a bishop either by prescription or by custom, nor are they easily granted by special privilege. Competence in matters of jurisdiction, which pertain to episcopal dignity or authority, can, however, be acquired through custom, except for certain solemnities which do not fall to one less than a bishop (at least not to a simple priest): "quaedam sunt episcopalis dignitatis, ut hic, quaedam vero episcopalis ordinis, sicut consecrare virgines altaria et ecclesias dedicare, sacros ordines conferre, et similia . . . Et est differentia inter haec. scilicet. quia ea, quae sunt episcopalis ordinis, alci minori episcopo nec ex praescriptione nec ex consuetudine competere possunt, sed nec per speciale privilegium de facili conceduntur. Secus in his quae episcopalis dignitatis sunt. de quibus hic sequitur . . . Tu tamen scias, quod illa, quae episcopalis ordinis sunt, nulla praescriptione, nulla consuetudine acquiri, vel potius usurpari possunt . . . sed nec de facili per speciale privilegium conceduntur . . . Ea vero, quae episcopalis jurisdictionis sunt, per consuetudinem acquiruntur. Quinimmo et quae dignitatis, sive authoritas episcopalis sunt, exceptis quibusdam solennibus, quae non cadunt in minori episcopo vel saltam sacerdote"; In quintum Decretalium librum novella commentaria (1581), §§ 2–3, 7, on Decretales, 5.31.12, fols. 74r–75v.


3:471.25–30 The same men . . . nullity. For H’s response to the reformist demand for a learned ministry, see V.81.

3:471.31–490.6 Causæ . . . Courts. This portion of H’s Notes is organized according to the four headings at 3:472.14–18: (1) Texts and statements on the first topic—what sorts of legal cases are spiritual (and would thus pertain to a specifically ecclesiastical jurisdiction)—occupy fol. 77r (471.31–477.14). (2) Folio 77r (477.19–481.23) has citations on the form and manner of proceeding in such cases and some draft material by H on the same topic. (3) Citations concerning the punishments necessary in spiritual legal proceedings are given on fol. 79v (481.24–483.2). (4) Notes on the crucial fourth topic—"the care which justice hath alwayes had to uphold ecclesiastical jurisdictions and courts"—take up fol. 79r (483.4–486.9). On fols. 78 and 81–82 (486.13–490.6) H reworks the material from fol. 77r on the first of the four topics. Folio 78 (486.13–489.25) shows H transforming an assortment of somewhat dry materials into a coherent element of his own brief for the traditional system of church courts.

H evidently collected this material in response to a comment by his associate Edwin Sandys in notes on a lost early draft of Book VI. This portion of the Dublin
Notes thus demonstrates the existence of a previously unsuspected stage in the composition of Book VI, subsequent to the lost draft on which Sandys and George Cranmer commented, but prior to the treatment of penance in the surviving portion of the book (prior to the latter, if not in time, then at least in its direct logical relationship to the lost early version). See pp. 237–242, above. On the relations between the two swords of spiritual and secular power in England in the medieval period, from which most of the following material is drawn, see J. H. Burns, ed., The Cambridge History of Medieval Political Thought, pp. 387–397. On the jurisdiction of the ecclesiastical courts when H wrote, see R. H. Helmholz, Roman Canon Law in Reformation England (1990).

3:471.31–472.13 **Cause . . . c. Cum sepe** The constitution from which H draws this list of purely spiritual causes is a strong statement of ecclesiastical independence from secular courts promulgated at a synod held at Merton in 1258 under Boniface, archbishop of Canterbury under Henry III. H works from the first paragraph (italics indicate words or phrases he uses): “Cum sepe contingat archiepiscopos episcopos et alios prelatos inferiores per litteras domini regis ad seculare judicium evocari ut ibi respondeant super his que mere ad ipsorum officia et forum ecclesiasticum pertinere noscuntur ut si forte clericos ad ecclesias et capellas vacantes seu non vacantes admiserint vel non admiserint rectores instituerint vel non instituerint in eisdem suos subditos excommunicaverint: excommunicatos denunciaverint interdixerint: ecclesias dedicaverint: ordines celebraverint: de causis mere spiritualibus cognoverint: utputa de decimis et oblationibus limitibus parrochiarum et similibus que non possunt ad seculare forum aliquatenus pertinere sive etiam cognoverint de peccatis subditorum et eorum excessibus sicut de perjurio fidei: transgressione: sacrilegio: violatione aut perturbatione ecclesiasticae libertatis: presertim cum ipsius violatores necnon libertatum perturbatores per cartas domini regis anglic ecclesie concessas in sententiam excommunicationis incidant ipso facto”; Lyndwood, Provinciale (1506), fols. 168°–169°; (1679), pp. 314–315; Powicke and Cheney, Councils and Synods, pp. 573–574.


3:472.25–473.2 **Causes ecclesiastical . . . Idolatrie.** The Act for the due execution of the writ De excommunicato capiendo of 1562–1563 (5 Eliz. 1, cap. 23) tightened the procedures for bringing excommunicate persons before the ecclesiastical courts by making county sheriffs responsible to the Court of King’s Bench for executing warrants for their apprehension instead of leaving the execution of such writs to the sheriff’s discretion. The allowable causes for excommuni-
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cation are specified in the final paragraph of the Act and are as H lists them; W.V.S. (1587), 2:454–455; S.R., 4.1:453.

3:473.3–7 Preaching of heresies . . . c. 5. For a fuller quotation from this act of 1382 against unauthorized (Lollard) preachers, see 3:483.23–484.10.

3:473.8–16 Non habet Ordinarius . . . c. 8. Bracton, De legibus, 3.1.8; (1569), fol. 107; ed. Woodbine-Thorne, 2:2304. In this and the following note H strengthens his brief for the continued competence of ecclesiastical courts by taking evidence from the greatest medieval exposition of English secular law. The passage cited here continues by asserting that there is a great difference between the priestly and royal legal domains: “est enim magna differentia inter sacerdotium et regnum.” On H’s appropriation of Bracton see 3:435.w.n, above.

3:473.26–474.9 Est jurisdictio . . . 2. These excerpts from Bracton overlap the quotations in VIII.8.9 (3:435.w) from the same chap., De legibus, 5.5.2; (1569), fols. 400–401; ed. Woodbine-Thorne, 4:248–251. H works this material into an argumentative paragraph of his own at 487.26–488.4, with revision at 488.21–489.3. In the following transcription of material from the chapter used by H at one or another of these places, passages used at 435.w are in regular (square) brackets, passages used here at 473.26–474.9 are in pointed brackets (< >) and those used at 487.26–488.4 or 488.21–489.3 are in braces ({}). The phrase quoted above at 469.8–9, somewhat out of context (“non enim possit [judex secularis] degradare clericum, magis quæm ad ordinis promovere”) appears slightly before the last of the following excerpts. “[<Est etiam jurisdictio quaedam ordinaria, quaedam delegata quae pertinet ad sacerdotium et forum ecclesiasticum, sicut in causis spiritualibus et spiritualitati annexis.> Est etiam alia jurisdictio ordinaria vel delegata quae pertinet ad coronam et dignitatem regis et ad regnum in causis et placitis rerum temporaliurn in foro seculari], et unde videndum cujus juditium et forum actum adire debet. . . . Et licet generaliter verum sit quod actor forum rei sequi debat, fallit tamen in casibus propter diversitatem jurisdictionum et causarum de rebus spiritualibus et temporalibus et earum sequela <sic in causa matrimoniali, et {rebus praemissis ob causam matrimonii, quae in foro ecclesiastico terminari debent, quia cujus juris id est jurisdictionis est principale, ejusdem juris erit accessorium}>. Et eodem modo sicut <si in foro seculari agatur de aliquo placito quod pertineat ad coronam et dignitatem regis, et fides fuerit apposita in contractu, non propter hoc pertinebit cognitio super principali ad judicem ecclesiasticum>. Item fallit <in causa testamentaria, et alius pluribus causis ecclesiasticis>. . . . Item ratione rei petitae, ut si clericus petat versus clericum vel laicum {<debitum quod non sit de testamento vel de matrimonio, sequi debet forum laicale}>. . . . [Et unde cum diversae sint hinc inde jurisdictiones et diversi judices et diversae causae, debet quilibet ipsorum inprimis estum an sua sit jurisdictionis, ne falcem videatur ponere in messem alienam.] Quia clericus in nullo conveniendus est coram judice seculari quod pertineat ad forum ecclesiasticum, sicut in causis spiritualibus vel spiritualitati annexis, ut <si pro peccato vel transgressione fuerit poenitentia injungenda, et quo casu judex ecclesiasticus habet cognitionem, [quia non pertinet ad Regem injunge-
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re poenitentias, {nec ad judicem secularem, nec etiam ad eos pertinet cognoscere de iis quae sunt spiritualibus annexa, sicut de decimis et alii ecclesiae preventionibus}. Item nec de catallis quae sunt de testamento vel matrimonio. Item nec de pecunia promissa ob causam matrimonii, quae est quasi sequela matrimonii> {ut superius dictum est, et hujusmodi, quia judex ecclesiasticus in iis omnibus habet jus revocandi donum. . . . [Vice versa non est laicus conveniendus coram judice ecclesiastico de aliquo quod pertineat ad coronam et Regiam dignitatem et ad regnum, quod in foro seculari terminari potest et debat.]” “[<There is one jurisdiction, ordinary or delegated, which pertains to the priesthood and the ecclesiastical forum, as in spiritual causes and those annexed to a spirituality,> and another, ordinary or delegated, which pertains to the crown and dignity of the king and to the realm, in causes and pleas touching temporal things in the secular forum.] Thus we must see to whose court and forum the actor ought to go. . . . But though it is generally true that the actor ought to follow the forum of the reus, that rule fails in these cases, because of the difference between jurisdictions and causes, of spiritual and temporal things and their accessories, <as in matrimonial causes and {things promised because of marriage, which must be determined in the ecclesiastical forum because he who has jurisdiction in the principal matter will have jurisdiction in matters accessory,}> and in the same way <if a plea is sued in the secular forum which belongs to the crown and dignity of the king and faith has been pledged in the contract, cognizance of the principal matter will not on that account belong to the ecclesiastical judge.> The rule also fails <in a testamentary cause and in many other ecclesiastical causes.>. . . Also by reason of the thing sought, as where a clerk claims against a clerk or a layman {<a debt unconnected with a testament or marriage; he ought to sue in the secular forum.}>. [Since there are different jurisdictions and different judges and different actions, every judge ought first to decide whether the jurisdiction is his, lest he seem to put his sickle into another’s harvest.] For a clerk is not to be brought before a secular judge in any matter which belongs to the ecclesiastical forum, as in spiritual causes or those annexed to a spirituality, as <where penance is to be enjoined for a sin or trespass. As to such the ecclesiastical judge has cognizance, [because it is not for the king or the secular judge to enjoin penances; {nor do they have cognizance of things annexed to spiritualities, as tithes and other profits of the church,} nor of chattels testamentary or matrimonial, nor of money promised because of marriage, which is, so to speak, an accessory to the marriage,}> as was said above, and the like, because in all these the ecclesiastical judge has the jus revocandi donum . . . [Conversely, a layman is not to be brought before an ecclesiastical judge with respect to anything which belongs to the crown, the royal dignity and the realm, which can and ought to be determined in the secular forum>].” trans. Thorne, except donum, following edn. 1569, for the correct donum in the reference to Justinian, Digesta, 5.1.2, near the end.

3:474.24–25 <Quæ> Nihil prohibet . . . ca. 6. H offers a conclusion supported by the source cited rather than a statement contained in it. “Quando eadem causa diversis rationibus coram judicibus ecclesiasticis, et secularibus ventilatur ut supra

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patet de injectione violenter manuum in clericum, dicunt quod (non obstante ecclesiastic0 judicio) curia regis ipsum tractat negotium, ut sibi expedire videtur”; Magna charta, cum statutis, tum antiquis, tum recentibus (1587; STC 9282), fol. 103”; S.R., 1:172. “When the same case is debated before judges spiritual or temporal, as above appeareth upon the case of laying violent hands on a clerk, they [the king and his council] say that notwithstanding the spiritual judgement, the king’s court shall discuss the matter, as may seem expedient to it.” “Artic[uli] cle[ri]” appears as the title to a series of complaints by prelates and clergy and answers by King Edward II made at the Parliament held at Lincoln in 1315–1316.

3:474.25–29 Cujus . . . c. 3. H here quotes from the article cited; Magna charta (1587), fol. 103”; S.R., 1:171.


3:475.1–2 Item . . . prudentia. Gregory IX, Decretales, 4.20.3; (1587), p. 668; Friedberg, 2:725–726. Writing about a claim for return of dowry in a divorce case, Pope Clement III enunciates the principle that matters incidental and accessory to matrimony rightly pertain to the cognizance of the ecclesiastic deciding the marriage case itself: “vos, qui de matrimonio principaliter cognovistis, et de dote (quae est causa incidentis) accessorìe cognoscere valuistis, et sentientialiter diffinire.”

3:475.5–476.6 Insinuatio, . . . cum similibus. These notes build an argument for the English church courts’ jurisdiction over the probate as well as the execution of wills, an issue broached at 3:472.19–21. Reference is first made to a legatine constitution supporting such jurisdiction (475.5–7). But especially with regard to probate, English practice is not in accord with the jus commune, the body of canon and Roman civil law serving as the core of western jurisprudence from the later middle ages well into the 16C, for there are civil laws opposing clerical involvement with testamentary matters (475.7–9), and the canons supporting ecclesiastical jurisdiction concern, not probate, but execution (475.9), for which, in some circumstances, civil law, too, can be cited (475.12). Yet, although the civil law does not provide much direct support for the church’s authority in this area, it can nevertheless be used to prove that custom is sufficient for granting such power to ecclesiastical judges (475.19–21). Accordingly, while civil law could be alleged against it (475.23–25), one can well argue for the church courts’ probate jurisdiction on the basis of longstanding custom founded on the consent of king and nobles (475.25–29). The church’s liberty to punish those impeding the fulfillment of testaments also has a basis in such lay concessions, as well as in civil and canon law (476.1–6). H writes up the argument at 486.13–487.16.

3:475.5–7 Insinuatio, . . . c. Libertatem. The chapter from the papal legate Othobono’s constitution of 1268 referred to here is chiefly concerned with strengthening the church courts’ control over the executors of testaments; Athon,
3:475.7–9 **Secus tamen est ... repetita.** Justinian, *Codex*, 6.23.23; (1590), col. 487; Krueger, p. 254; Scott, 13:336. *Codex*, 6.23.18; (1590), col. 483; Krueger (1963), p. 254; Scott, 13:332. *Codex*, 1.3.41; (1590), col. 36; Krueger, p. 25, as 1.3.40; Scott, 12:49–50 as lex 36. The first two laws assign probate of wills to the superintendent of the censuses. The first particularly excludes ecclesiastics from meddling in such matters. For them to want to be thought skilled in legal affairs is said to be especially reprehensible. The law *repetita* is a strong prohibition of clerical interference in the making of wills. This properly pertains to the official having charge of the censuses.

3:475.8, 25 **Dinalia.** The text should read “Divalia.”

3:475.9 **Nec obstat ... tua.** As H indicates (3:475.10–12), the canons cited here from the *Decretales* of Gregory IX concern, not the probate or publication of a will, but its implementation. With this, according to the canon *nos quidem*, it is appropriate for a bishop to be seriously concerned: “Sic enim, et secundum piisimas leges dilatas defunctorum pias voluntates episcopali decens est studio adimpleri.” Gregory IX, *Decretales*, 3.26.3; (1587), p. 609; Friedberg, 2:539. The canon *si hæredes*, from a German council, states that if the heirs do not fulfill the orders of a testator, the local bishop may legally deprive them of everything left to them: “Ab episcopo loci illius omnis res, quae eis relictæ est, canonicé interdicatur cum fructibus et caeteris emolumentis: Ut vota defuncti adimpleantur.” *Decretales*, 3.26.6; (1587), p. 609; Friedberg, 2:540. The canon *tua*, like *nos quidem* a rescript of Gregory IX, is a brief but strong statement of the local bishop's power to compel clergy and laity alike to see that pious bequests are executed in accord with the will of the deceased. *Decretales*, 3.26.17; (1587), p. 611; Friedberg, 2:545.

3:475.12 **nulli. C. de episc. et cler.** Justinian, *Codex*, 1.3.28; (1590), cols. 30–31; Krueger, pp. 21–22; Scott, 12:40–41. The law *nulli* seeks to insure that pious bequests (specifically, bequests made for the redemption of captives) shall be faithfully executed. The law gives local bishops power to collect the money which was left and to carry out the pious intentions of the deceased, if no specific person is designated to do so by will. (The law also calls upon the bishop to inform the provincial governor of his receipt of such monies, to render an account at the end of a year, and to do all this gratuitously and without any expense.)

3:475.19–21 **Quod autem ... quibus. C. de emancipatio.** li[berorum].

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Justinian, Codex, 8.49.6; (1590), col. 712; Krueger, pp. 359–360 as 8.48(49).6; Scott, 14:325–326. In an attempt to simplify the legal formalities surrounding the emancipation of children, this law provides that magistrates be recognized as having jurisdiction over emancipation if they have been invested with such jurisdiction either expressly by the laws or by long established custom (“quibus hoc facere vel legibus vel ex longa consuetudine permissum est”). C. quae sit longa consuetudo Justinian, Codex, 8.53; (1590), col. 717; Krueger, p. 362, as 8.52; Scott, 14:333–334, as 8.53. While the first and last of the three laws under this title exalt the authority of custom—the former instructing provincial governors to take into consideration the reason establishing it and to be careful not to render judgments contrary to established usage, the latter decreeing that long-standing custom shall hold the place of perpetual law—the second law of the title stipulates that custom should not prevail to the extent of overcoming either reason or law.

3:475.23–25 Videri ... e. A partial reprise of the objection stated at 3:475.7–9.

3:475.25–28 Tu autem ... etiam. H here advises himself to allege the consent of king and nobles as a basis for the testamentary jurisdiction of the church in England. It is in accord with such consent that the synodal decree of 1342 referred to here provides for excommunicating those who would impede ecclesiastical control over the goods of those dying intestate. “Quidam etiam domini temporales et eorum ballivi bona decedentium ab intestato in suis districtibus ad ipsos dominos pretendentes fore quamvis erronee devoluta ne per ordinarios bona hujusmodi pro debitorum solutione sic decedentium ac in alios pios usus pro ipsorum animarum salute convertantur utiliter prout consensu regio et magnum regni anglie tanquam pro jure ecclesiasticuque libertate ab olim extitit ordinatum impedient in derogationem ecclesiastici libertatis juris et jurisdictionis ecclesiasticorum impedimentum et lesionem enormem”; Lyndwood, Provinciale (1506), fol. 1433; (1679), p. 263; D. Wilkins, ed., Concilia Magnae Britaniae et Hiberniae (1737), 2:708. Commenting on the phrase “consensu regio” in this passage, Lyndwood asserts that such a regulation would not be valid if promulgated purely on the motion of the king and temporal lords and without the church’s formally requiring it, even if it were in the church’s favor.

3:476.1–6 Libertas ecclesiae ... similibus. For the law nulli, see 3:475.12.n, above. The law si quis ad declinandam, also from the title De episcopis et deris, gives bishops authority to administer certain sorts of charitable bequests; it does not explicitly give them liberty to punish those who impede them in this activity; Justinian, Codex, 1.3.49; (1590), cols. 43–44; Krueger, p. 34, as 1.3.48 (49); Scott, 12:50–51, as lex 37. The law hereditas states at the end that although heirs are not legally bound to erect a monument to the deceased, they may be compelled to do so by princely or pontifical authority to comply with the testator’s will: “quamvis enim stricto jure nulla teneantur actione heredes ad monumentum faciendum: tamen principali, vel pontificali auctoritate compelluntur ad obsequium supremae voluntatis.” Justinian, Digesta, 5.3.50; (1590), col. 178;
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Mommsen-Krueger (1963), pp. 117–118; Scott, 3:194. For the canon tua and other canons from the title de testa[mentis], see 3:475.9.n above.

3:477.19–481.23 2 The forme . . . advantage. Folio 77" is devoted to the second of the four topics listed at 3:472.14–18. In the midst of material from medieval English legal sources are passages in which H seems to express his own sense of the proper ends and actual shortcomings of ecclesiastical courts (477.20–21, 478.27–34, 480.15–18, 481.20–23). Much of the folio (480.21–481.19) is a draft defense of ex officio oaths in ecclesiastical proceedings, in accordance with which those interrogated were not exempted from testifying against themselves. This oath was much objected to in the High Commission investigations of 1593.

3:477.22–478.25  Judicium . . . defensione. This account of what a judicial proceeding is and how the persons involved in it ought to proceed is drawn from Bracton (De legibus, 3.1.8), who drew on the Roman law tradition through the Summa codicis of the 12C glossator, Azo. H's reflections at 3:478.27–34 on judicial corruption and avarice could have been prompted by Bracton's remarks on the same topics in the course of this passage. "Et scendium, quod judicium est in qualibet actione trinus actus trium personarum: Judicis vz, actoris, et rei, secundum quod largè accipi possunt hujusmodi personae.s.quòd duae sint personae ad minus, inter quas vertatur contentio, et tertia persona, ad minus, qui judicet, aliquoquin non erit judicium, cùm istae personae sint partes principales in judicio, sine quibus judicium consistere non potest. Judex verò sive justitiarius, uti debet veritate, et veritas juditii in tribus consistit.s.in indifferenti et aequali personarum susceptione, ut legitur in Deuteronomio, audite illos, et quod justum fuerit, judicete: sive civis sit iste, sive peregrinus, nulla erit distantia personarum, itá parvum audietis ut magnum, nec accipieths cujusquàm personam, quià dei judicium est. Item in eodem libro capitulus .16. non accipies personam, nec munera, quia munera excaexact et c. ut infrá de justic. Item consistit in diligenti examinatione, quia oportet judicem cuncta rimari. Hoc intelligens Job, ait .29 Causam quam ignorabam diligentissimè investigabam, non enim dicit diligentem vel diligentissim, immo diligentissimè. Debet enim judex, per examinationem de dubiiis facere certum, et de credulitate vertatem, de ignorantia notitiam, et notorium sive notitiam de ignoto. Item consistit veritas juditii, in justa sententiae prolatione, et justa et diligenti executione, ut in Deuteronomio xvi. Justè quod justum est persequeris, ut vivas et possideas terram quam dominus deus daturus est tibi. Et secundo libro paralepominon. 19. ubi dicitur. Videte quid faciatis, non enim hominis exercetis judicium sed dei, et illud idem quod judicaveritis, in vos redundabit, sit timor domini vobiscum, et cum diligentia cuncta facite. Non enim est apud dominum deum vestrum iniquitas, nec personarum acceptio, nec cupido munerum, quae excaexact oculos sapientum, et pervertunt verba justorum, ut legitur in ecclesiastico. ca. 20. Xenia et dona excaexact oculos judicium, et qui dona et munera dixit, omne genus muneris intellect. . . . Ab omni tamen munere non est abstinendum, quì licet ab omnibus et passim avarissimum sit accipere et villissimum: a nemine tamen erit inhumanum, ut

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si amicus accipiat ab amico solo intuitu amicitiae et amoris. Actor vero, sive sit petens sive querenus, uti debet intentione. Docere enim debet, et rationem praeterdere, quod ad ipsum pertineat actio, et quod pars esse possit in judicio, ponere enim debet coram eo qui jus dicturus est, intentionem suam et illam fundare et probare. Reus vero uti debet exceptione et defensione, secundum quod inferius dicetur pleniüs; (1569), fol. 106'ed. Woodbine-Thorne, 2:302–304. “It is clear that no matter what the action it is the threefold act of three persons, the judge, the actor and the reus. It is clear that though the word ‘persons’ may be taken in a larger sense, [unless] there are at least two parties between whom the dispute arises and at least a third who acts as judge, there will be no judicial proceeding, for they are the principal parties to such a proceeding and without them it cannot exist. The judge must employ the truth, and truth in judgment consists in three things, in the indifferent and impartial acceptance of the parties, as it is written in Deuteronomy, ‘Hear them and judge righteously between them, whether he be one of your country or a stranger. Ye shall not respect persons in judgment, but shall hear the small as well as the great; neither shall ye respect any man’s person, for the judgement is God’s.’ And in the same book, chapter 16, ‘Thou shalt not respect persons nor take gifts, for gifts blind [the eyes of the wise],’ as below on justices. [Secondly], it consists in diligent investigation, for it behoves a judge to seek out everything. Perceiving this Job says, in twenty-nine, ‘The cause which I knew not, I searched out most diligently.’ He does not say ‘diligently’ or ‘more diligently,’ but ‘most diligently.’ For a judge by investigation must draw certainty from doubt, truth from credulity, knowledge from ignorance and information or what is known from what is unknown. [Thirdly], truth in judgment consists in the just pronouncement of judgment and its just and diligent execution, as in Deuteronomy sixteen, ‘That which is just thou shalt follow justly, that thou mayest live and possess the land, which the Lord thy God giveth to thee.’ And in the second book of Chronicles nineteen, ‘Take heed what ye do, for ye judge not for man but for the Lord, and whatsoever you judge, it shall redound to you. Let the fear of the Lord be upon you and do all things with diligence for there is no iniquity with the Lord our God, nor respect of persons, nor taking of gifts,’ which blind the eyes of the wise and pervert the words of the just, as is written in Ecclesiasticus, the twentieth chapter, ‘Presents and gifts blind the eyes of judges.’ And he who said ‘gifts’ or ‘presents’ understood every kind of present. . . . But one need not reject every gift, for although to accept presents from all indiscriminately is most contemptible and avaricious, to accept them from no one is almost inhuman, as where a friend accepts from friend, moved solely by friendship and affection. The actor, whether he is demandant or plaintiff, must employ an intentio, [which] he must put forward in court before him who is to decide upon it, support it, show and give the reason why the action is his and that he is entitled to be party to the proceedings, and prove it. The reus must employ exception and defense, as will be explained more fully below”; trans. Thorne.

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3:479.6–8 **When wee come ... infinit.** See VIII.9.2 (3:437.8–25) and relevant Auto. Notes, 3:500.4–21, 520.23–522.2, 523.2–14.

3:479.21–28 **Si prælatus ... cle. 2.3.** H quotes the second half of Art. 2 of the *Articuli deri verbatim;* he somewhat abridges Art. 3; *Magna charta* (1587), fol. 103'; S.R., 1:171.

3:480.21–23 **proceeding ex officio ... oath** The oath required defendants to swear in advance to answer truthfully any questions to be put to them. Its use, especially by the branches of the Court of High Commission (see 1:50.31–51.7.n, above) was strenuously objected to by common lawyers in Elizabeth’s reign, but the case against compelling self-incrimination could also be argued on the basis of the canon law itself. See Helmholz, *Roman Canon Law in Reformation England,* pp. 156–157.

3:480.27 **David say ... mea?** Ps. 32[31]:5: “Confitebor adversus me injustitiam meam Domino” (Vulgate).

3:481.3 **Canonical purgations** The process of clearing oneself of an offense by one’s own oath and the supporting oaths of a number of compurgators. See Houlbrooke, *Church Courts and the People,* pp. 45–46.

3:481.18 **See D. Cos. first booke p. 52.** Richard Cosin, *An Apologie: of, and for sundrie proceedings by jurisdiction ecclesiastical,* Part 1 (1593; STC 5821), p. 52: “To the same purpose also *Mordant* said in the time of K. Henrie the seventh, that if a man be sued in a Court ecclesiastical by a party pro laesione fidei, in not paying a summe of money promised, there shall be a prohibition; but if the Judge ecclesiastical shall do it ex officio, then no prohibition shall lie. which no man gainsaid or impugned ... because it was presumed; that a party would not prosecute, to have the sinne alone punished; but rather for satisfaction of the thing promised to him”; on Cosin’s *Apologie,* see 1:50.31–51.7.n, above.

3:481.24–483.2 **3. The punishments ... execution.** At the head of this small collection of notes on the third topic listed at 3:472.14–18 is a statement of the need for judges to be provided with a measure of coercive power; on this theme see 466.20–21 and 467.31.

3:481.30–33 **Ecclesiastical censures ... b.>** The statute of 1562–1563 referred to here and at 3:472.25–473.2, 5 Eliz. I, cap. 23, concerns only the last step described in this note, the circumstances in which an episcopal certification of someone as excommunicate, the *significavit,* could be used as a basis for issuing a writ for his apprehension; *W.V.S.* (1587), 2:454–455; S.R., 4:1:453. The relevant passage occurs at fol. 61' of some printings of the acts of this Parliament, *Anno quinto reginae Elizabethe at the Parliament holden at Westminster ... in the fifth yere of the raigne of our Soveraigne Lady Elizabeth ... were enacted as followeth* (1563 [1565? STC 9465?]). On the limited use of this procedure, see Houlbrooke, *The Church Courts and the People,* p. 50.
3:482.1–9 **An. 2. H. 4. ca. 15. . . . exchequer.** The anti-Lollard act of 1400–1401 referred to here and at 3:484.10 allows a bishop to assess a fine payable to the king against persons convicted under the act in his diocese. The act was included in legislation repealed in 25 Henry VIII, cap. 14; it was revived under Philip and Mary and repealed again in the first year of Elizabeth. H's note on the significance of this provision has the style of a professional jurist. "And if anie person in anie case above expressed, be before the dyocesan of the place or his commissaries canonically convict: then the same dyocesan may doe to be kept in his prison the said person so convict for the maner of his default, and after the quality of the offence according and as long as to his discretion shall seeme expedient, and moreover to put the same person to the secular court (except in cases where he according to the canonicall decree ought to be left) to paye to our soveraigne lorde the king his pecuniar fine, according as the same fine shall seeme competent to the dyocesan, for the manner and qualitie of the offence, in which case the same dyocesan shall be bounde to certifie the king of the same fine in his eschequer by his letters patentes sealed with his sealse to the effect that such fine by the kings authoritie may be required and levied to his use of the goods of the same person so convict"; *W. V. S* (1587), 1:218; *S. R.*, 2:127.

3:482.17 **oathes of obedience** An excommunicate seized by the sheriff on the basis of a writ de excommunicato capiendo (see 3:472.25–473.2.n, above) could make satisfaction to the church either by actual compliance with its requirements or by a promise (fortified with a pledge, oath, or set of sureties) of future compliance. Robert E. Rodes, Jr., *Lay Authority and Reformation in the English Church* (Notre Dame: University of Notre Dame Press, 1982), p. 58.

3:482.20–21 **Archidiaconus dicit . . . est.** The statement that anathema means nothing other than separation from God is to be found in the cited canon in Gratian, which dates from the 6C; *Decretum*, 2.24.3.9; Friedberg, 1:992–993. For relevant commentary and references by Guido de Baysio (Baysio, d. 1313), archdeacon of Bologna from 1296, see his *Rosarium Decretorum* (1577), fols. 323n (on the cited canon) and 176th–vs (on *Decretum*, 2.5.2.2; Friedberg, 1:546). On the degrees of excommunication, see Intro, to Book VI, pp. 299–300, above.

3:482.21–26 **Et est . . . homine.** In commenting on the canon *Cum non ab homine* in the title *De judiciis* (Gregory IX, *Decretales*, 2.1.10; Friedberg, 2:242), Joannes Andreae derives the term "anathema" from the custom once obtaining of signing the foreheads of the condemned with a figure in the shape of the letter E. It thus has the sense of a *superna maledictio*. This is the second of three degrees of *poena*. The first, the lesser excommunication, is done without solemnity. *In secundum Decretalium librum novella commentaria* (1581), fol. 7n.

3:483.4–486.12 **4. The care . . . anyone.** The fourth and last topic listed at 3:472.14–18 was crucial in two respects. Showing the value of the traditional system of ecclesiastical courts would have been part of H's case against the proposed new
system of spiritual jurisdiction by congregational lay-elders. The church courts also needed defense, however, against the encroachments of the lay courts. As H’s citations of medieval sources suggest (484.14–27), this was a problem of long standing. It had become especially acute in the course of the Reformation. H puts a fair face on the situation at VIII.8.9 (3:435.7–16 and u).

3:483.18 **Gladius debet juvare gladium.** That is, the spiritual and temporal jurisdictions should assist one another. See the passage from Bracton transcribed at 3:473.8–16 and nn. in Woodbine-Thorne.

3:483.20 **The statute of præmunire.** 14C *Præmunire* legislation, culminating in 16 Richard II, cap. 5 (1393), provided severe penalties for offenses against the rights of the king (*W.V.S*, 1587, 1:197–198; *S.R.*, 2:84–86). Originally used to preclude such actions as appeals to Rome or the excommunication of royal officials, *Præmunire* actions were frequently resorted to from the late 15C to restrict other proceedings in the ecclesiastical courts. Helmholtz, *Roman Canon Law in Reformation England*, pp. 25–27; Robert E. Rodes, Jr., *Lay Authority and Reformation in the English Church* (1982), pp. 27–29. **Prohibitions.** A royal writ of prohibition was available to a party cited by an ecclesiastical court in a case which “touched the crown and the royal dignity.” The writ prohibited the spiritual court from proceeding further in a case which appeared (to the common law judge issuing the writ) to lie outside its jurisdiction. Helmholtz, pp. 21–22 and (on the importance of prohibition law under Elizabeth and James I) 172–188. **Consultations** A writ of consultation, issued by the royal court after further arguments, permitted a case to go forward in the ecclesiastical court despite earlier issuance of a writ of prohibition. Helmholtz, p. 181; Rodes, pp. 24–25.


3:483.23–484.10 **Whereas in the time . . . c. 5.** H here picks out relevant material from an anti-Lollard statute of 1382 (used in another connection at
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3:473.3–7). The statute, 5 Richard II, statute 2, cap. 5, was repealed under Edward VI, revived by Philip and Mary, and repealed again at the beginning of Elizabeth's reign. "For as much as it is openly knowne, that there be divers evil persons within the realtime, going from countie to countie, and from towne to towne in certeine habits under dissimulation of great holines, and without the licence of the ordinaries of the places or other sufficient authoritie, preaching dailie, not onlie in churches and churchyards, but also in markets, feires, and other open places, where a great congregation of people is, diverse sermons containing heresies and notorious erors, to the great embleamishing of the christian faith, and destruction of the lawes, and of the estate of holie church, to the great perill of the soules of the people, and of all the realtime of Englande, as more plaine is founde and sufficiently proved before the reverende father in God, the archbishop of Canterburie, and the bishops and other prelates masters of divinitie, and doctors of Canon and Civile [law], and a great part of the clergie of the saide realtime speciallie assembled for this cause: which persons doe also preach diverse matters of slaundry, to engender discorde and dissention betwixt diverse estates of the said realtime as well spirituall as temporall, in exciting of the people, to the great perill of all the realtime: which preachers cited or summoned before the ordinaries of the places, there to answere of that, whereof they be impeached, will not obey to their summons and commandementes, nor care not for their monitions nor sentures of the holie church, but expreslie dispise them: And moreover by their subtil and ingenious wordes doe drave the people to heare their sermons, and do mainteine them in their erors by strong hande and by great routes: It is ordeigned and assented in this present parliament, that the kings commissions be made and directed to the shirifes and other ministers of our sovereigne lord the king, or other sufficient persons lerned, and according to the certifications of the prelates thereof to be made in the Chauncerie from time to time, to arrest all such preachers, and also their faiteurs [favorers], mainteinours, and abbetors, and to holde them in arrest and strong prison, till they will justifie them according to the lawe and reason of holie church. And the king will and commandeth, that the chauncellour make such commissions at all times, that he by the prelates or anie of them shall be certified and thereof required, as is aforesaide"; W.V.S (1587), 1:169; S.R. 2:25–26; material directly used by H in italics.

3:484.10 See the like aid ... 15. 2 Henry IV, cap. 15. This very strong anti-Lollard statute of 1400–1401, after detailing measures ranging from imprisonment and fines to burning at the stake, concludes by directing that "the shirifes, maiors and bailiefes, of the saide counties, cities, boroughs, and townes, shall be attending, aiding and supporting, to the said diocesans and their commissaries"; W.V.S. (1587), 1:219; S.R. 2:128. The statute, referred to above at 3:482.1–9, was repealed, revived, and repealed again in the course of the 16C. Nevertheless, heresy, now more narrowly defined (see VIII.3.3; 3:348.9–18.m and n), could still be prosecuted as a capital offense when H wrote. Two Anabaptists were burned in 1575 and another in 1577. The writ De hereticò comburendo was not formally abolished for another century (29 Charles II, cap. 9; 1677). See Felix Makower, The Constitutional History and Constitution of the Church of England (London, 1895),
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3:484.14–15 An usuall thing . . . c. 7. The reference is to chap. 7 of the Articles for the Clergy (*Articuli den* of 1315–1316, which acknowledges interference by royal letter in the process of excommunication and promises that no such letters shall go forth in future unless the king’s liberty is prejudiced by the excommunication; *Magna charta* (1587) fol. 104f; S. R., 1:172.

3:484.15–27 Laici impetrant . . . catalla /. H here quotes in full the first chapter of the Articles for the Clergy just cited; *Magna charta* (1587), fol. 102r–103r.

3:484.27 The like grevance The reference is probably to § 8 of 25 Edward III, cap. 6, of 1351–1352: “Where as the said prelates have shewed and praided remedie, upon that that the said seculer Justices do usurpe and accroche to them conyанс of voidance of benefices of right, which conyans and the discussing thereof attaineth [pertaineth] to the Judges of holly church, and not to the laye Judge; the king will and graunteth, that the saide Justices shall from henceforth receive such challenges made or to be made by anie prelate of holly church in this behalfe, and moreover thereof shall do right and reason”; *W. V. S.* (1587), 1:113; S.R., 1:326. Sections 4, 5, and 9 of this statute express similar grievances.


3:485.22–27 Fraud and malice . . . etc H quotes at line 27 the beginning of the last paragraph of the statute cited, 34 Edward I (1306), *De conjunctim feoffatis*, The Statute of Joint-Tenants, which institutes a new procedure for issuance of royal writs “Indicavit” in order to avoid undue delays in cases in the spiritual courts; *Magna charta* (1587), fol. 100f; S.R., 1:147.


3:486.13–489.25 For althoughe . . . spirituall. On this folio (78) H reworks the legal material gathered earlier (3:471.31–477.14) on the kinds of cases properly belonging to the jurisdiction of spiritual courts.

3:486.13–487.16 For althoughe . . . reasonable. A reworking, with additions, of material from 3:475.5–476.6. See nn, above.

3:486.17–18. *b and be confest* . . . *Church*, While conceding that the church’s probate jurisdiction does not rest on her own ancient laws and canons, H seeks to ground it firmly in English custom. In the passage referred to at lines 17–18, however, parliament’s power to regulate the whole matter by statute is asserted in terms so strong as to render all argument from custom questionable. The work cited, Christopher St. German’s much reprinted *Dialogue . . . betweene a Doctor of Divinitie, and a Student in the Lawes of England* (first published in Latin in 1523 in an edn. of which no surviving copies are known; 2nd edn., 1528, *Dialogus de fundamentis legum Anglie et de conscientia*), asserts the supremacy of secular law throughout whenever possible. St. German (1460?–1540) was correctly perceived as a menace to the traditional dualism of spiritual and lay jurisdictions by Thomas More, who attacked him in several works. H here refers to chap. 28 of St. German’s second dialogue:

“[Doctor]. I put case it were ordained by a decree of the Church, that if any man by his will bequeatheth goods to another, and willeth that they shalbe deliv-ered to him at his ful age, and that in that case xxv. yere shalbe taken for the full age, shal not that decree be observed and stand good after the law of England?

[Student]. I suppose it shall not, for though it belong to the church to have the probate and the executions of Testamentes made of goods and chattels . . . yet the church may not as it seemeth determin what shalbe the lawfull age for any person to have the goods, for that belongeth to the king and his laws to determine . . . and I suppose farther that as the king by aucthoritie of his Parliament may ordaine that al Wils shalbe void, and that the goods of everie man shalbe disposed in such maner as by statute should be assigned, that more stronger he may appoint at what age such Wils as [b]ee made shalbe performed.

[Doctor]. Thinkest thou then that the king may take away the power of the Ordinary, that he shal not cal executors to accompt?

[Student]. I am somewhat in doubt therein, but it semeth that if it might be enacted by statute, that al Wils should be voide, as is aforesaid, that then it might be enacted that no man should have auctoritie to call none to accompt upon such Wils, but such as the statute shal therein appoint, for he that may do the more, may doe the lesse”; (1593; STC 21575) fols. 113–114; ed. Plucknett and Barton (1974), pp. 241–242.

3:486.c. *Linwood, . . . 26*. The constitutions collected in Lyndwood’s chapter *De testamentis* presuppose or assert the church’s testamentary jurisdiction; *Provinciale* (1506), fols. 84–93; (1679), pp. 166–183. The supposition that this jurisdiction was of recent origin is expressed in the passage from Sir Robert Brooke quoted at 3:472.19–21, which H evidently has in mind here.

3:486.d.1–3 *Linwood, . . . etc.* Another general reference to the sources for the church’s testamentary jurisdiction in Lyndwood cited in the preceding note and a phrase from the legatine *Constitutio Othoboni* quoted in 3:475.5–7.n, above.
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3:486.e  c. nos. . . . . cler. See nn to 3:475.9 and 12.

3:486.f  Linwood, de testament.  See the constitution promulgated by Archbishop Stratford in 1342 charging those who impede ecclesiastical administration of testaments with opposition to the laws and approved customs of the church, in manifest offense to the divine majesty and evident wounding of ecclesiastical law (they act "tam contra jura quam consuetudines ecclesie hactenus approbatas in divine majestatis offensam et lesionem juris ecclesiastici"). Lyndwood, Provinciale (1506), fol. 88r; (1679), p. 173. D. Wilkins, ed., Concilia Magnae Britanniae et Hiberniae (1737), 2:705.

3:487.g  C. de episc. . . . similibus. See 3:476.1–6 and n.


3:487.26–488.4  <Wee find therefore . . . 2. H’s reworking of material from Bracton transcribed at 3:473.26–474.9. De legibus, 5.5.2; (1569), fol. 401v; ed. Woodbine-Thorne, 4:249–250.

3:488.18–489.25  And in like . . . spirituall. This passage is a second reworking of the sources used in the preceding paragraph, to which H has added a discussion of Cicero’s Pro domo sua ad pontifices in order to show how so temporal a thing as a man’s house may be regarded as a matter for religious judicial determination.


3:488.21–489.3  We find . . . court. A revised treatment of the points from Bracton covered at 3:487.26–488.4 and excerpted at 473.26–474.9.

3:489.13–24.k  Tullie whose house . . . determine. Cicero, Pro domo sua ad pontifices; Opera (1588), 2:567–602; Loeb, 11:132–311. The unlawfulness of Clodius’s consecration of Cicero’s house is argued in the latter part of the speech.

3:489.26–35  Some causes . . . c. 6. A reworking of the material from Articuli cleri transcribed at 3:474.24–29. H appears to have in mind chap. 3 as well as chap. 6.

3:490.2–6  Some causes . . . Courts. A draft sentence on another set of cases pertaining to the jurisdiction of an ecclesiastical court. For sources see 3:472.1–2, 472.34–473.1, and 476.27–477.9.

3:490.8–494.13  Non qui propter . . . all.] On folio 76 H has collected scriptural, philosophical, and patristic, as well as legal sources concerning both the whole contention with the Puritans and specific topics and themes for his own work. The paragraph at 3:491.6–28 and the sequence of texts at 493.6–494.5 may show us some of his earliest thinking about the royal supremacy as he was to defend it in Book VIII.

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3:490.8–18. a  Non qui propter . . . 50.  Augustine, epist. 50; Opera (1569), 2:211–212; CSEL, 57:8–10, and FOTC, 30:149–151, as epist. 185. H omits material before and after the third sentence quoted ("Et . . . separabat") further emphasizing the need to consider the cause for which a person suffers persecution as well as the persecution itself and replying to the Donatists’ denial that a true church can ever persecute by recalling the Donatists’ relentless attacks on the Catholic bishop, Caecilian (on which see 3:412.1–6.h.n, above). Augustine alludes here to Gen. 16:6, Luke 23:33, and Gal. 4:22–31. H gives this passage in English in Pref. 3.15 (1:20.10–25).


3:491.6–15  Princes not supreme judges . . . jube.  See VIII.8.1.


3:491.17–18  paris in parem . . . est.  A variant of the axiom “par in parem non habet imperium” formulated by 13C Bolognese commentators on Roman law and included in the chapter of Bracton cited by H in VIII.2.3; 3:332.19–24. See pp. 138 and 149 of the article by Schulz cited in n, and 493.1–3.

3:491.29–492.14. d  Hoc moris erat . . . 129.  The entire passage is from the source cited at the end: Innocent Gentilietto, Examen Concilii Tridentini (1586), p. 129. Gentilietto’s work was expressly intended to demonstrate that the Council of Trent was in many articles contrary to the ancient councils and canons and to royal authority. For H’s “Episcopos” at 3:491.29, the text reads “Pastores.”

3:491.29–30. d ·  Hoc moris erat . . . 12.  The reference is to a synodal epistle of the Council of Nicæa to the church of Alexandria and the Christians of Egypt, Libya, and the Pentapolis concerning the resolution of the Arian controversy and certain disciplinary measures to be taken against Meletius, bishop of Lycopolis, and his followers. If anyone (holding office) in the church should die, those recently admitted shall be advanced to the honor of the deceased, provided only that they seem worthy and the people choose them, with the concurrence of the bishop of the great city of Alexandria (“solummodo si videantur digni, et populus eos elegerit, condecenter simul et designante [CSEL: consignante] maximeæ Alexandriæ civitatis episcopo”). The letter as given by Theodorot (Ecles. hist., 1.8) is included in the Historia tripartita, a 6C compilation from Theodorot, Socrates, and Sozomen made by Cassiodorus and his protégé Epiphanius Scholasticus (edn. 1523, p. 324; CSEL, 71:104–105).
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3:492.3  c. Quanto. c. Plebi. c. Nosse dist. 63. Gratian, *Decretum*, 1.63.10-12; (Lyons, 1584), col. 318; Friedberg, 1:237-238. (Canon 11 begins "Plebs" rather than "Plebi.")

3:492.13  c. Nobis dist. 63. Gratian, *Decretum*, 1.63.17; directed by imperial letters to do so, a 9C pope makes one Colonus a bishop. "Nobis dominus Imperator et imperatrix per suas epistolae direxerunt, ut Colonum in Reatina ecclesia, quae pastoris officio per longa jam tempora destituta videbatur, episcopum facere deberemus, sicut et fecimus"; (Lyons, 1584), col. 320; Friedberg, 1:239.

3:492.31-33  Ne mirum . . . cognitionem. For the passage from Augustine, see 3:433.5-8.u. That H derived the reference, at least in the present instance, from the contemporary French jurist René Choppin, seems clear from comparison with Choppin's *De sacra politia forensi*, Pref. 4 (1577), sig. E3*: "Ac ne mirum cuiquam hoc [the emperor's role in episcopal elections] videretur, efficit D. Augustini Epistola 68. dicentis, quod Constantino Caesari attributam fuisset Ecclesiasticarum litium cognitionem." See also 509.25-26.

3:493.1-3  Non modo . . . elect. Justinian, *Digesta*, 4.8.4; (1590), col. 135; Mommsen-Krueger, p. 97: "Nam magistratus superiorem, aut pari imperio, nullo modo possunt cogi." Scott, 3:117: "For magistrates cannot be subject to coercion where they possess higher or equal authority." *it. de elect.* Not found.

3:493.6-7  Entia nolunt mali disponi . . . 12.  See 3:349.27 and n.

3:493.11-12  Proin de . . . jur.  H refers here to the Roman jurist Pomponius's account of the final stages of Roman constitutional history, included in the civil law of Justinian, *Digesta*, 1.2.2.11; (1590), col. 5; Mommsen-Krueger, p. 30; Scott, 2:214; See 3:349.23-24.n, above, for the full passage.

3:493.16-18  Hoc praeceptum . . . art. 10. Thomas Aquinas, *S.T.*, 2a2ae.1.10, responding to the question whether it pertains to the supreme pontiff to prescribe a creed or statement of the faith, argues that, since there must be one faith for the entire church, which cannot be achieved unless every question about the faith that is a matter of faith is determined by him who is over the whole church, then the issuing of a new statement of the creed and all other matters pertaining to the whole church pertain to the sole authority of the supreme pontiff ("una fides debet esse totius Ecclesiae. . . . Quod servari non posset nisi, quae fidei ad fidei exorta determinetur per eum, qui toti Ecclesiae praest . . . et ideo ad solam autoritatem summi pontificis pertinet nova editio symboli: sicut et omnia alia quae pertinent ad totam Ecclesiam"); (1581), 3:10-11; B, 31:52-55.

3:493.33-494.5  Si ordinem . . . universos.  H uses these sources to begin his exposition of the English royal supremacy at 3:331.11-332.1. The reference in line 34 to Luke 22 should be to Luke 11 (H's error).

3:494.2-3  Lex itaque . . . Dionysius. This formulation of the principle of
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3:494.14–523.26 Assertio ... princes.] The material in H's Notes concerned with the specific topics of Book VIII falls into three parts. (1) Folio 69v (3:494.14–495.10; fol. 69v is blank) consists of notes for the title and major divisions of the whole book, followed by a few sentences on the topic treated in the final chapter, the king's exemption from judicial censure. (2) Folio 75 (495.13–504.2) begins with a list of numbered topics corresponding in content though not in numbering with the nine chapters of Book VIII. This is followed by quotations from a wide variety of sources, along with some observations by H himself, all distributed in accordance with the list at the beginning of the folio. (3) Folio 71 (504.3–509.5) begins with another list of chapter headings, which, with a change of numbering made by H himself, corresponds with the order of the book in surviving MSS. This is again followed by quotations and observations arranged by numbered topic in a sequence which continues through fol. 72 (509.6–514.36). Folios 73 (515.1–523.1) and 74 (523.2–26) contain some further material corresponding with the enumeration of subjects on fol. 71 (504.4–19).

3:494.14–33 Assertio ... degree. The eventual title of Book VIII, which refers only to “such power of Ecclesiastical Dominion as by the Lawes of this Land belongeth unto the Supreme Regent thereof,” is less specific than that suggested in the present material. The numbered “positions” or “assertions” used by H in the titles of Books II–VIII to identify his opponents' views do not correspond with any known Puritan statement. His revision of the assertion to be refuted in Book VIII thus reflects change in his own conception of his subject. Except for “Of chieffy in commandung,” the topics listed here correspond with chapters in the book as published. If we allow “De potestate Dominii” to cover chaps. 2 and 3, only chaps. 1 and 4 are not represented.


3:495.6–7 the same supremacy ... Emperour See 3:404.22–25 and n.
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3:495.13–504.2 Of kings ... is. The list of topics at 3:495.13–29 approximates the eventual table of contents of Book VIII more closely than that at 494.19–27 but less closely than that at 504.3–19. The distinction between the discussion of kings and their power in general in chaps. 1–3 and the treatment of particular points of the English royal supremacy in the remaining chapters first appears here. The deleted title for the first chapter—"of the distinction of the church and the commonwealth in a christian kingdome"—suggests the issues treated in chap. 1 more clearly than the title H adopts here, which is substantially the same as the eventual title. The order of treatment for the topics concerning the kings of England particularly was progressively revised by H. It is clear that at one time he intended to treat the crown's power in making ecclesiastical laws along with its power to call synods or church assemblies, and that these matters, along with the king's title of headship, were to be treated at the end of the book. In the published book, the title of head is discussed in chap. 4, the power to call assemblies in chap. 5, and the crown's power in ecclesiastical legislation in chap. 6. H numbered and renumbered the notes on fol. 75 (495.30–504.2) to correspond with the chapter headings at 495.13–29, except that the change from "4" to "7" for the notes at 498.5–21 brings these notes into line with the later set of headings at 504.3–19.

3:495.31–33 The state ... both. See 3:316.12–15, 319.15–27, 350.11–356.18.


3:496.7–10 For the kings supremacy ... at home. See Intro. to Book VIII, p. 351, n. 24, above.

3:496.12–18 It ... ca. 17 Stapleton, Demonstratio, 5.17 (1579), p. [190] misnumbered 170. "Hoc enim ad jus Regale Principis Christiani, et Potestatem principali-ter et necessariō, planēque essentialiter pertinere. Hinc factum est, ut Calvinistae Angli, etiam juramentum hac de re ab omnibus exigant, quotquot vel in facultate aliqua scholastica promoverunt, vel beneficium aliquod Ecclesiasticum suscipiunt, vel denique Magistratum aliquem in republica gerunt. Jurare enim conceptis verbis cognuntur Principem in causis omnibus etiam Ecclesiasticum unicum esse et supre- mum caput suer gubernatorum. Nec minus habetur laesa Majestatis reus hoc juramentum qui detrectat, quām qui etiam in temporalibus supremum caput Regem esse negaret. Quanquam tamen et in ipso Anglia, Puritanorum secta caeteris Calvinistis Laicocephalis, ut in aliis multis, ita hac in re apertè contradicit; nec unquam se praedicto juramento obstringere voluit." Stapleton goes on to cite Grindal and his suspension as (pseudo-)archbishop of Canterbury as an example of English Protestant resistance to the royal supremacy in religion and the conse- quences of such resistance. H's elliptical reference to "the English protestant which is no puritan" reflects Stapleton's distinction among English Calvinists between Laicocephali ("lay-Headers"); that is, supporters of the royal supremacy) and the sect of the Puritans. As will be clear from succeeding nn, H made remarkably full use
of this and the following chapter of Stapleton’s work, gleaning from it more than a dozen citations of patristic and, surprisingly, Protestant sources, as well as statements of R.C positions. The passage quoted here immediately follows Stapleton’s account of Brentius as the “prince of the Laicocephali” quoted by H at 3:499.15—21.

H’s rejection here, as a “calumnious untruth,” of Stapleton’s interpretation of the English supremacy oath is an early expression of an important theme in Book VIII. For H ecclesiastical authority does not belong to Christian princes as such. All royal power ordinarily derives from the whole body of the community over which it is exercised, and it may vary greatly in extent; see esp. chap. 3.3 (3:340.1—341.18), 6.10—11 (401.3—405.25), and 6.1 (385.19—388.11). Two passages in the Notes suggest a different view (499.12—14, 505.21—23).

3:497.10—11.a Quid honorificentius ... est. Ambrose, Sermon against Auxenti us, printed after epist. 32, omitting the sentence, “Quod cùm dicitur, sine peccato dicitur, cum gratia dicitur” (“which, when it is said, is said without sin, since it is said by grace”), between the two sentences quoted; Opera (1569), col. 581; PL, 16:1018. See 3:347.13—14 for H’s use of the passage. H seems clearly to have been reminded of this statement by Stapleton, who quotes it both directly from Ambrose and as part of the passage from Calvin here referred to by H; Demonstratio, 5.18 (1579), p. 191. In the section cited in a (Inst., 4.11.4) Calvin defends the spiritual jurisdiction of the church, arguing that “when Emperors and magistrates began to professe Christ, the spirituall jurisdiction was not by and by abolished: but onely so ordred, that it should diminish nothing of the civil jurisdiction, or be confounded with it. And rightfully. For the magistrat, if he be godly, will not exempt himselfe from the common subjction of the children of God, whereof is not the last part to submit himselfe to the Church, judging by the word of God”; trans. Norton (1578), fol. 506; CR, 30:895; trans. Battles (1960), 2:1216. He then quotes the classic statement of Ambrose given by H.

3:497.14—21 Non negatur ... c. 17. Stapleton, Demonstratio, 5.17 (1579), p. 189. H quotes verbatim but puts his “non-negations” concerning the power of secular authorities in religious matters in outline form, presumably to facilitate the project next set forth of drawing arguments for his own position from these “graunts.” See 3:343.4—9.e for H’s use of this material in chap. 3.3.

3:497.29—498.3 Whether a societie ... came. See 3:339.10—29.

3:498.5—7 Look the statute ... moneths. In discussing the English crown’s dominant role in episcopal elections at VIII.7.3 (3:415.10—25), H refers to the statutes 25 Ed. III, cap. 4, and 25 Hen. VIII, cap. 20.3, which do not fit the present reference exactly but seem close enough to be what H had in mind here.

3:498.8—10.b Docet ... haesitet. H derives this reference to Wolfgang Musculus (1497–1563) verbatim from Stapleton’s Demonstratio, 5.17 (1579), p. 189 (Stapleton adds “ac fluctuet” at the end, after “haesitet”). The marginal reference in Stapleton
to Musculus's *De locis communis de ministris ecclesiæ* occurs just above a reference to Melanchthon's "*De locis com. cap. de Magi. de civilî"; hence the cancellation in b. H quotes Stapleton's account of Melanchthon at 3:498.23–30. The present passage is from the section *De ministris verbi Dei* in Musculus's *Loci communes in usus theologiae candidatorum parati* (1573), p. 183: "Propter hasce temporum circumstantias, ut non potest in omnibus statim Ecclesiis Apostolica electionis et ordinationis forma restitui: ita non est, quor minister Christi à pio Magistratu vel Principe ad praedica-ndum Evangelium vocatus, de vocatione sua, sit'ne recta et Christiana vocatus, haesitet ac fluctuet: sed cogitandum est, ubi corruptus est Ecclesiæ ac religionis status, aliun esse quuerendum modum rebus corruptis consulendi, quàm eum qui usitatus fuit in Ecclesiis, quum omnia essent salva et integra"; "Consideryng these circumstances of the tymes, lyke as there can not be restored by and by in all Churches the Apostolyke fashion of election and ordinunce, so there is no cause why the minyster of Christ, called by the godly Magistrate or Prynce, to preache the gospel, should stagger or stande in doubt of hys vocation, whether it be righte or no: but wee muste thinke, that when the estate of the churche and religion is corrupt, there muste be sought an other way to redresse the things corruppte, than the same whiche was accustomed in the Churches, when all things were safe and sounde"; *Common Places of the Christian Religion* (1578; STC 18309), pp. 403–404.

Stapleton is also H's source for the reference in b to Johann Brentz (German reformer, 1499–1570), *De officio principum securiarii in ecclesia Christi filii Dei in In apologiam confessionis ... Προλεγόμενα, Opera* (1576–1590), 8:175–199.

3:498.10–13 **Advresus istos ... e. 17.** Stapleton, *Demonstratio*, 5.17 (1579), p. 189. At the beginning of his chapter on Protestant "Laicocephalism" Stapleton briefly sets forth what he takes to be the true position: that no secular ruler or magistrate or political community, however Christian and faithful it is, can by its own authority propound doctrine, pass ecclesiastical laws, judge disputed dogma, prescribe forms of prayer and worship and administration of sacraments, or give the authority of teaching to others: "Sensus est, Principem secularem, aut alium quemcunque magistratum vel etiam communitatem politicaum quatenus tali prin- ceps magistriatus, aut communistas est, utcunque Christiana et fidelis, non posse sua aliqua Authoritate, aut doctrinam fidei tradere, aut leges Ecclesiasticas condere, aut de dogmate controverso judicare, aut formam invocationis et cultus divini, vel administrandi Sacramenta praescirebile, aut aliis denique Authoritatem docendi dare." There immediately follows the concessive statement quoted by H at 3:497.14–21 ("Non negature ... vindicandi."). "Pontificii" ("papists") is H's term, not Stapleton's.


3:499.12-14 The same which . . . Lord. Josh. 24:15. The implication in H’s comment that authority in religion pertains to the royal office as such is in contrast with his usual position, that kings ordinarily derive whatever authority they may have from the community over which they rule. The comment here may, however, be intended as a reflection on the passages from Brentz which H is in the midst of transcribing from Stapleton. See 3:496.12–18 for H’s indignant rejection of Stapleton’s imputation of such a position to the English establishment.

3:499.15–21f Isti Laicocephali . . . statu. This passage immediately precedes the passage H refers to so indignantly at 3:496.12–18; see n, above.


3:500.14–15 That of Cartwright . . . excommunication. H misremembers. Cartwright’s charge is that, in defending the king’s exemption from excommunication, Whitgift makes himself, not God, a bawd: “and for that allowing sometyme of excommunication as of the institution of god, at other some tymes he [Whitgift] insinuateth that yt should not be exercised, especially against the Prince, and nobility. . . . And to speak in a word of yt, yt is nothing but a meer mockery of the lord, and to offer hym self, as Baud to al maner of synnes in Princes” (3:29; first numeration).

3:500.16–21 The k. may be . . . offending? It was recognized in the 13C that the king, like any other lord, could not be sued in his own courts. Yet, as the fountain of justice and equity, he could not refuse to redress wrongs when petitioned to do so by his subjects. The procedure to be followed in such cases—the petition of right—was fixed in outline in the reign of Edward I. On the evolution of this procedure through the 16C, see Holdsworth, A History of English Law, 9:7–22. With regard to ordinary civil actions, the situation is quite different now in Britain, where “so far as it can practicably be done, the State has been put into the position of an ordinary litigant.” Accordingly, “It is a source of wonder to an English lawyer that American law should cling so tenaciously to the doctrine of sovereign immunity, battered though it is by statutory inroads, by judicial hostility, and by almost universal disapproval”; Bernard Schwartz and H. W. R. Wade, Legal Control of Government (Oxford: Clarendon Press, 1972), p. 185.
3:500.22–24 Constantinus ... Eccles. The first of a series of references to sources in the patristic period derived from Stapleton, this one from Demonstratio, 5.18 (1579), pp. 191–192. In the account given by the late 4C church historian Rufinus of Aquileia, Constantine’s statement appears as part of a tactful maneuver to disengage himself from petty quarrels, not as an acknowledgement of the general superiority of sacerdotal to secular power. When nearly all the bishops had assembled for the Council of Nicaea, many of them offered written briefs detailing quarrels they had with one another. Seeing that the bishops were more concerned with these disputes than with the matter for which they had come together, Constantine set a certain day on which each of the bishops who had a complaint might state it. He then took the briefs, put them away without opening them, and delivered a lecture on the bishops’ judicial superiority to himself (“Deus vos constituit sacerdotes, et potestatem vobis dedit de nobis quoque judicandi”), on his (or any man’s) inability to judge them (“ideo nos à vobis recte judicamur. Vos autem non potestis ab hominibus judicari”), and on the consequent need to await the judgment of God alone and reserve their quarrels, whatever they might be, for divine scrutiny (“propter quod dei solius inter vos expectate judicium, et vestra jurgia quaecunque sunt, ad illud divinum reserventur examen”). He concluded by terming them gods given by God, whom it was not appropriate for man to judge (“Vos etenim nobis a deo dati estis dii, et conveniens non est ut homo judicet deos”) and cited Ps. 81:1 to show that God alone, who stands in the midst of gods, should judge them. Hist. eccles., 1.2 (1523), p. 218; GCS, 9.2:961.


3:500.28–501.1 Nomen tribunalis ... c. 14. The famous statement attributed to Constantine by Eusebius in his Vita is quoted by Stapleton, but without the interpretation offered by H; ibid., p. 192. H discusses it at 3:411.12–14, 431.15–16, and 433.3–5.

3:501.6–13.b Augustinus ... fili. Except for the remark at lines 7–8 that a father has the power to command and coerce his sons, all of this material, both quotations and (imperfect) references, comes from Stapleton, p. 191.

3:501.6–8.b Augustinus ... coercendi, (1) The reference to “Epist. 16.,” which H takes over from Stapleton, is presumably an error for Augustine, epist. 61, “To the distinguished lord and honorable son (“Domino eximio, et honorabili filio”), Dulcitius”; Opera (1569), 2:308; CSEL, 57:317, and FOTC, 32:3, as epist. 204. (2) The reference to “169.,” also from Stapleton, may be a mistranscription for Augustine, epist. 159, “To the distinguished lord and deservedly eminent and most dear son (“Domino eximio et meritò insigni atque carissimo filio”), Marcellinus”;
Opera (1569), 2:720; CSEL, 44:80, and FOTC, 20:6, as epist. 133. (3) Epist. 182 in Augustine, Opera (1569), 2:805, considered spurious since the Louvain edition of 1576, is addressed "To the exalted lord [and] always magnificent son ("Domino sublimi, semper magnifico filio"), Boniface." The genuine epist. 50, to Count Boniface, begins with praise for Boniface, "most beloved son" ("fili dilectissime"), and for his desire to know the things of God even amidst the cares of war; Opera (1569), 2:207; CSEL, 57:1, and FOTC, 30:141, as epist. 185. Other letters to Boniface, addressed to him as son, along with the usual expressions of respect, are epists. 70 and 205, Opera (1569), 2:329 and 836; CSEL, 57:431 and 131, and FOTC, 32:102 and 30:266, as epists. 220 and 189. (4) Epist. 160 is addressed "To the eminent lord and deservedly exalted and most excellent son ("Domino insigni et meritò sublimi ac praestantissimo filio"), Apringius"; Opera (1569), 2:722; CSEL, 44:84, and FOTC, 20:9, as epist. 134.

3:501.8–13. c Ad Marcellinum . . . fili. Augustine, epist. 159, to the tribune Marcellinus, asking him not to make martyrs of certain Donatists (who have confessed to violence against Catholics) by visiting severe, retaliatory punishment on them. The passage (as correctly transcribed by Stapleton) begins "Si non audis amicum petentem" ("If you do not hear a friend entreating"), not "Si non audis . . . omnium potentem"; Opera (1569), 2:721; CSEL, 44:83, and FOTC, 20:8, as epist. 133.

3:501.22–30 οὐδενῶς . . . kings. Perhaps material for arguments on the affirmative side of the question, whether kings are "punishable . . . by men" (3:436.29–437.1).

3:501.22 οὐδενῶς . . . Catanaeus. Charondas of Catania probably lived in the 6C BC and prepared a detailed set of laws. The preface to the laws ascribed to him by Stobaeus is dated from the 4C to 2C BC In this passage, those active in civic affairs are urged to abstain from all foul practices in order to be in concord with God, who "has no communion with the unjust"; Florilegium (1581), p. 467; ed. Hense, 2:150; Taylor, Political Fragments, p. 39.

3:501.25 Deus . . . festina? Ps. 70[69]:1, a traditional versicle for beginning an office of prayer, on the model given by St. Benedict.

3:502.1–4 That which is not . . . place. See VIII.6.7 and 11 (3:394.13–16 and 404.6–10) for passages on the crown's role in the legislative process comparable to the position here.


3:502.9–14 Valentinianus . . . c. 12. The passage and references are from Stapleton, p. 192. The book and chapter numbers H gives for Sozomen and, at first, for the Historia tripartita are in the margin in Stapleton. H mistakenly attaches the second set of numbers to Nicephorus here and in his use of these references in VIII.5.2 (3:383.w). The references in Stapleton read: "Haec ille [Valentinian], apud
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Sozomenum et in Tripartita historia, et apud Paulum Diaconum in additionibus ad Eutropium, et apud Ambrosium epi. 32 utcunque Nicephorus multo illis posterior, et propter eam minus fide dignus, paulo alter hoc responsum referat”; see 3:383.11–384.18 for H’s account of this incident.

3:502.19–21 Sine rectore ... pendet. Compare Ecclus. 10:2,4 (Vulgate): “Et qualis rector est civitatis tales et inhabitantes ... et utilem rectorem in tempus suscitabit.”

3:502.23–30 Bishops assembled ... peopple. See VIII.6.6–8.

3:503.1 The k. of spaines ... Trent. See VIII.6.8 (3:394.27–395.4 and n).

3:503.3–4.d Sint ... primatus” This quotation from the Magdeburg Centuries matches the transcription in Stapleton, p. [190] misnumbered 170, H’s source for other statements of Protestant views of the religious authority of lay rulers (see 3:498.8–10 and 23–30, 499.8–9 and 15–21); see 380.20–23 for H’s use of the passage.

3:503.8–15 That which ... capable. See VIII.4.1 (3:357.1–10).

3:503.18–504.2 1 Naturall reason ... universally is. This material, written sidewise at the bottom of fol. 75v, is important evidence of the seriousness of H’s intention, professed at VIII.9.2 (3:436.28–437.4), to set down both what may induce men to think that no one may have coercive power over kings, “how greevous disorders soever they fall into,” as well as “their severall inventions or wayes, who judg it a thing necessarie even for Kings themselves to be punishable and that by men.” In what survives of Book VIII, he gets no further in this project than a single argument on the absolutist or incorrigiblist side of the question (437.8–25), based on the need for a first unmoved source for the motion of natural bodies, which nicely fits the first item in the present list (503.18: “1 Naturall reason to prove it”). The otherwise perplexing next sentence at 437.25–26 (“Which thing likewise the very originall of kingdomes doth shew.”) now falls into place as the beginning of a second argument from the present list (503.19: “2 By the very originall of kingdomes it doth appear.”). The various Notes on papal power on pp. 511–514 and 520–522, including excerpts on both sides of the church-constitutional question by Aeneas Silvius Piccolomini (himself first a conciliarist and later pope), are given explicit relevance to the question of royal corrigibility by item 7 on the list (503.26–504.2). See 501.22–30 for the suggestion of an argument that kings are subject to correction by those from whom they receive power and 512.5–8 for a reference to “the force of the whole state or parliaments power above the crown.”

3:504.3–523.26 Of kings ... princes.] The set of chapter headings at 504.3–19 governs the series of Notes on fol. 71–72 (504.20–514.36) and also fits the numbered but unarranged Notes on fol. 73v–74r (515.1–523.26).
3:504.21 That of Corn. Tacit. . . obnoxios. Explaining the dearth of able historians since the battle of Actium, Tacitus refers to the passionate desire of some writers to flatter and the hatred of their masters by others, so that between the hostility of the latter and the servility of the former there is no care for posterity: "Ita neutris cura posteritatis, inter insensos vel obnoxios"; Historiae, bk. 1; Opera (1589), p. 185; Loeb, 1:2.

3:504.21–22 Ἀρχοντας . . . Xenoph. Xenophon (429?-after 357 BC), Κύρος παιδεία, 8.1; Opera (1572), p. 158; Loeb, Cyropædia, 2:304. The passage continues with an exhortation to obedience to superiors as essential to victory in war or preservation of what has been won. This and the preceding passage from Tacitus seem to have provoked H to reflections at 3:504.24–505.1 on the dangers of flattering rulers or of extending to rulers or parents generally the reverence merited by good rulers or parents. H undoubtedly regarded Elizabeth as a good ruler-parent, but the adulation of the queen towards the end of her reign and the paternal absolutism in the following two reigns leading to the Civil War give point to his caution.

3:505.3–6 Power of Dominion . . . had. See VIII.2.3 (3:333.1–9).

3:505.7–8 τὸ κύριον . . . finem. Aristotle, Politics, 4.1; the phrase is from a discussion of law and constitution (more precisely, polity—πολιτεία); (1587), p. 97; 1289°.17. Polity is an arrangement of the city with respect to distribution of offices, what is dominant in the polity (τὸ κύριον τὴς πολιτείας), and what the end of each community is. The laws of a polity, on the other hand, ought to be made to suit the polity, not polities to suit laws.


3:505.16–21 The authors . . . synods. See VIII.3.1 (3:333.22–24).


3:505.25–26 Νόμοι . . . fin. Aristotle, Politics, 4.1; the passage immediately follows the one referred to above at 3:505.7–8 and completes it by specifying the function of law; (1587), p. 97; 1289°.18–19.


3:506.14–18 Senatum populumque . . . disciplina. See 3:381.21–23.n.n, above, for H’s use of this passage from Polybius at the beginning of VIII.5.

3:506.22–24 Synodos provinciales . . . ca. 47. H here ("Synodus . . . volunta-
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transcribes almost verbatim Joannes Langus's note to the indicated chapter (14.47) of his Latin translation of Nicephorus Callistus's *Eccles. hist*, first published at Basel in 1553. The chapter concerns the condemnation of Eutyches by a provincial synod called by the patriarch of Constantinople and the reversal of this act at an imperially convened council at Ephesus (the so-called Robber Council of 449, which was in turn annulled by the Council of Chalcedon). "Synodos provinciales patriarchae et Archiepiscopi olim, quem hoc sic usus ferret, cogere potuerunt: concilia oecumenica et universalia, sine voluntate Imperatoris, minimè"; (1573), col. 931; FG, 146:1223.

3:506.25–28 Etiam concilio . . . ca. 30. The bishops assembled at the Council of Tyre were commanded by the emperor to proceed to Aelia (the name given Jerusalem on its restoration by Hadrian: Aelius Hadrianus) to consecrate the churches he had erected there. Theodoret, *Eccles. hist.*, 1.31: Αὐτῷ δὲ εἰς τὴν αἰλίαν παρεξένοντο. τὴν γάρ δὴ σύνοδον ἀπασαν ἀπὸ τῆς τοῦρου καταλαβεῖν τὴν αἰλίαν ὁ βασιλεὺς παρηγγύησε. σύνελθεν δὲ καὶ τοῦς ἄλλους ἄπαντας πανταχῶθεν ἐκέλευσε, καὶ τοὺς ὑπ’ αὐτοῦ δομηθέντας καθιερώσαι νεώς. (1544), fol. 295⁵; GCS, 44 (19):87–88; NPNF.2, 3.63, as chap. 29.

3:507.2–4.4 Δεῖ τὸν νόμον . . . κοτῆμα. See 3:391.c.n, above.


3:507.16–18 The bookes of Gratian . . . §. 38. Boëthius Epo, *De jure sacro vel principiorum juris pontificii libri iii*, 1.38; (1588), p. 25. Citing a text from Gratian to support the notion that the "legislator ecclesiasticus" has the salvation or safety of souls as his end, Epo writes, "sic ait Gratianus, non quidem legislator ipsemet, sed ab Ecclesiae legumlatoribus in Ecclesia Christi probatus." 3:507.20–24 As the lawes . . . lawes. See above, nn to 3:347.18 and 422.11–14.


3:507.27–28 Innumera . . . ep. 48. In epist. 48, Augustine twice refers to imperial laws against paganism, but in neither passage are these laws described as innumerable: (1) "Quis enim nostrūm, quis vestrūm [he is writing one Vincentius,
a follower of the Donatist Rogatus, who has withstood the imperial sanctions against Donatism; much of this long letter is Augustine’s attempt to justify the use of coercive civil sanctions against the Donatists in support of Catholic truth, a use of fear which he originally opposed] non laudat leges ab imperatoribus datas adversus sacrificia paganorum?” “For who of us, who of you, does not praise the laws passed by the emperors against the pagans’ sacrifices?” (2) “Pagani verò magis nos blaspemare possunt de legibus, quas contra idolorum cultores Christiani imperatores tulerunt, et tamen ex eis multi correcti, et ad Deum vivum verumque conversi sunt et quotidian convientur.” “But the pagans can curse us more because of the laws which Christian emperors have passed against the worshipers of idols [than they could if you are forced to unity by imperial laws], yet many of them have been corrected and converted to the living and true God, and are daily being converted”; Opera (1569), 2:170–171 and 179; CSEL, 34:454 and 471, and FOTC, 18:65 and 82, as epist. 93.

3:508.3–6 The Roman Empeor ... had. Not found, but see Pliny the Younger, Epistles, 10.49–50, 68–69 (Loeb, 2:226–229, 252–255), where cases of religion traditionally decided by the Roman college of pontiffs when arising in Italy are declared by the emperor Trajan to be subject to local needs or the decision of local governors when arising elsewhere.

3:508.6–9 Carolus 5. edicto ... 1369. This note is taken from Choppin, De sacra politia forensi, Pref. 10 (1577) sig. 12', who cites this edict of Charles V, the Wise (ruled 1364–1380), as one example among many of French royal action in the cause of ecclesiastical liberty: “Infinitum erit, si latius exempla conquiram, quibus appareat Francos reges vere pios semper Gallicorum Templorum tutores se ac vindices praebuisse, libertatisque Ecclesiasticae propugnatores strenuissimos. Porro sapienter a Carolo Sapiente vetitum Edicto, ne Gallici ... universitatem.”

3:508.9–10 Lex est ... jussum. Bodin, De republica, 1.8: “Est enim lex nihil aliud, quam summæ potestatis jussum”; (1586), p. 102.


3:509.3–5 Look the statute ... moneths. See 3:498.5–7.n, above.

3:509.7 Judicia ... oportet. Compare 3:505.23–25.

3:509.7–10 Discriment ... 2.q.7. H quotes here and at 3:511.31–34 from the dictum of Gratian following Decretum, 2.2.7.41, a classic statement of the medieval
dualism of royal and priestly rulers. The world is ruled by two persons, a royal and a priestly. Just as kings preside over secular causes, so do priests over God's causes. Hence the duties of kings and priests to apply their different sanctions. David, therefore, being an anointed king, was over the priests and prophets in secular causes, yet under them in God's causes. Whence kings are anointed by prophets and priests, and by their prayers the sins of kings are expiated: "Sed notandum est, quòd duae sunt personae, quibus mundus iste regitur: regalis videlicet, et sacerdotalis. Sicut reges prae sunt in causis saeculi, ita sacerdotes in causis Dei: Regem est corporalem irrogare paenam, sacerdotum spiritualem inferre vindictam. David ergo etsi ex regali unctione sacerdotibus, et prophetis praeerat in causis saeculi, tamen suberat eis in causis Dei. Unde reges à prophetis, et à sacerdotibus ungebantur: et eorum oblatione peccata regum expiabantur"; (Lyons, 1584), col. 703; Friedberg, 1:497. H's central problem in Book VIII was to accommodate this balanced scheme to the need for unity of supreme jurisdiction; see esp. VIII.8–9.

3:509.10–13 Habuerant ... § 8. Choppin, De sacra politia forensi, 1.2.9 (1577), p. 36.

3:509.13–20 Scio equidem ... polit. Ibid., epistola [dedicatoria, to Henry III of France], sig. A2v. Choppin here justifies the aim of his whole work, which is to restore the major role of royal power in caring for the church's "externa seu civilis ... Politia." The letter begins: "Quod precatus sum a Deo Opt. Max. (Principe Sacratiss.) ut Ecclesiasticam Politeiam priscorum Regum virtute stabilitam, sed difficillimis hisce collapsam temporibus, restituui Orbi Christiano patetur, id beneficio divino immortalique tuo laetor identidem promoveri. Externa enim Civilisque Ecclesiae disciplina, cujus vindices se Majores tui assertoresque praebe-ruunt acerrimos, eversa erat propemodum hujus effræni licentia seculi corruptione-que degeneris posteritatis. Ast tuae nunc et privatae in Superos Pietati, et publicae hujus Imperii Curae quantum tribui par est"; "What I have prayed for from God the best and greatest (most revered prince)—that the church's polity, made stable by the virtue of former kings but falling to ruins in these difficult times, might be restored to the Christian world—I rejoice for the same to be accomplished by your divine and immortal beneficence. For the external and civil discipline of the church, of which your predecessors showed themselves the most zealous defenders and advocates, has been overthrown in this age by the unbridled license and corruption of a degenerate posterity. But now, as I have shown, your responsibility for private piety towards heaven and for the public [piety] of this empire is equal." On Leonius see 3:432.12–16. t.n, above.


3:509.25–26 Docet ... ep. 68. This reference to Augustine, like the more general statements before and after it, is taken from Choppin. On the passage referred to and H's use of it in VIII, see 3:433.5–12. u.n, above. For its derivation
from Choppin, see 492.31-33.n. H’s “tamen” may express his recognition of the tension between the Augustine reference, which he derives from the section of Choppin cited just above, and the drift of Choppin’s own marginal note. H appears to be collecting passages favoring a royal jurisdiction supporting judgments actually made by ecclesiastics. The previous passages from Choppin go in this direction, but the Augustine passage concerns the emperor’s own cognizance of ecclesiastical disputes.

3:509.26-28 **Civilis ... § 5.** The marginal matter in Choppin transcribed by H at lines 23-25 continues, opposite §§ 4 and 5 of the Preface (1577), sig. E4: “Civilis et Ecclesiastica Potestas sunt quodammodo ἀντιστροφαὶ varisque modis circa eadem versantur ac sese mutuo juvant. Sicuti ἀντιστροφαῖς artes Rhetoricam et Dialecticam nuncupat Aristoteles in Lib. ad Theodecten, quod utraque in isdem versetur alio atque alio modo.”


3:509.30-32 **Theodosius ... epist. 33.** Leo I, epist. 33, to the Emperor Theodosius II: “Omnibus quidem vestrae pietatis epistolis, inter eas sollicitudines, quas pro fide patimur, spem nobis securitatis maximam praestititis, Nicenum commendando Concilium, adeò ut ab illo, sicut saepe jam scribitis, non patiamini sacerdotes Domini deviare”; *Opera* (1561), fol. 116'; *Acta conciliorum oecumenicorum*, ed. Schwartz, tomus alter, vol. 4 (1932), p. 30; FOTC, 34:137, as epist. 69. H derives this reference from Choppin, Pref. 6 (1577), sig. E4'.

3:510.26-28 **Religionis navatones ... Emerit.** From Choppin, Pref. 6 (1577), sig. E4'. The reference may be to Augustine, epist. 164, to the Donatist bishop Emeritus, where the suppression of schisms by the earthly power of the Roman authorities is justified by appeal to Romans 13:1-2 (“... the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God”): “Nam et terrenae potestates cum schismaticos persequeuntur, ea regula se defendunt, qua dicit Apostolus, Qui potestati resistit, Dei ordinationi resistit”; *Opera* (1569), 2:748; CSEL, 34:402, and FOTC, 18:18, as epist. 87. The *De gestis cum Emerito*, a report of a meeting between Augustine and Emeritus submitted to the emperors Honorius and Theodosius by the Catholic bishops, has no passage so directly relevant.

3:510.28-31 **Gratianus ausplicatis ... ca. 2.** Theodoret, *Ecles. hist.*, 5.2: συνεξεπέμψε δὲ τῷ νόμῳ καὶ σάπιωρα τῶν στρατηγῶν, ὄνομαστότατον τηνικάδε δντα. καὶ τῆς μὲν ἁρείου βλασφημίας τοις κήρυκας οἰδὲν τινας θήρας τῶν ἑρώων σηκὼς ἐξελάσαι τοῖς δὲ ἀρίστοις ποιμενίας τοῖς

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3:511.6–9 Appellationis . . . p. 1084. "Cum tamen appellationis remedium ut canones aiant, non ad defensem iniquitatis, sed ad praesidium innocentiae sit institutum." Aeneas Silvius Piccolomini (1405–1464; Pius II from 1458), De ritu, situ, moribus, et condizione Germaniae, descriptio, in Opera (1571; rpr. 1967), pp. 1084–1085. The argument is directed against appeals from pope to council (or from pope to council and back again), but H evidently intended to use the passage in his defense of the English crown's judicial supremacy in VIII.8. He quotes an earlier part of the same page at 3:520.34–521.12, where the applicability of arguments defending papal supremacy to the defense of royal supremacy is explicitly noted. The present passage continues with the argument that, "If the pope is to be subject to appeals, all manner of injustices will follow. We shall be making the Roman bishop—him whom we call God's vicar on earth, among mortals the first teacher of the faithful, the judge of all things—less, not merely than kings, but than the least of county courts, in which the magistrates are immune from all appeal. 'But if I am punished when innocent, will it not be licit to appeal? What if the supreme pontiff keeps punishing me when I am innocent?' What if a council condemns you when you are innocent? To whom will you appeal? 'To the pope,' you will say. And if you find the pope unjust again, you will go back to the
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council, and so in a circle you will make a mockery of judgment." "Quod si Papa subjectus appellationibus erit, implebimus omnia iniquitabus, et Romanum Praeulem quem Dei vicarium in terris et primum inter mortales magistrumque fidelium, et judicem cunctorum dicimus, minorem non dicam regibus, sed minimis comitatiinus efficieimus, in quibus magistratus sunt ab omni provocacione immunes. At si punior innocens nunquid licebit provocare: Quid si me Pontifex maximus innocentem punire pergit: Quid si Concilium te innocentem damnat ad quem provocabis, ad Papam dices. Et si rursus Papam invenies iniquum, ad Concilium redibis, atque ita per circulum deludes judicium."

3:511.31–513.14 David etsi ... ille. On the use intended for these passages in VIII.9, see 3:503.18–504.2 n, above.

3:511.31–34 David etsi ... 2.q.7. For this passage, see the dictum Gratiani quoted in 3:509.7–10 n, above.

3:511.34–512.1 Regum ... dist. 96. H quotes here the conclusion of one of the most powerful assertions of sacerdotal as against secular authority contained in the canon law, a letter of Gregory VII (pope 1073–1085), identified in the Decretum as a letter from Gelasius I (pope 492–496) to the emperor Anastasius (Gelasius is quoted for several lines at the beginning): Gratian, Decretum, 1.96.10; (Lyons, 1584), col. 469; Friedberg, 1:341.

3:512.1–5 Si catholicus ... dist. 96. Gratian, Decretum, 1.96.11; (Lyons, 1584), col. 469; Friedberg, 1:341; another classic statement of hierocratic principles, stemming from Gelasius I; it immediately follows the passage just quoted by H.

3:512.5–8 The crown of England ... crown. The only passage in H suggesting that parliament may have power above the crown. On the inferiority of kings to "all the states of those societies conjoined" or "that whole enter body" over which they rule, see VIII.2.3 and 3.2 (3:332.24–333.12 and 336.25–337.1).

3:512.8–10 Innocentius ... dist. 96. Gratian, Decretum, 1.96.10; (Lyons, 1584), col. 468; Friedberg, 1:340. Gelasius I cites the example of Innocent I (pope 402–417), and also the example of Ambrose's supposed excommunication of the emperor Theodosius the Great (on which see VIII.9.5; 3:441.15–442.33 and n, above), for the benefit of the emperor Anastasius at Constantinople. Flavius Arcadius, elder son of Theodosius I, was eastern Roman emperor, 383–408.

3:512.10–11 c. Quoniam quidam ... d.18. Gratian, Decretum, 1.18.7; (Lyons, 1584), col. 75; Friedberg, 1:55–56. This canon of the Second Council of Nicaea (787) requires that metropolitans hold provincial episcopal councils once a year and threatens with excommunication any ruler who prohibits such assemblies ("si quisquam princeps inventus fuerit hoc prohibere; communione privatur"); the latter is presumably what H has in mind.

3:512.11–513.14 Optime ... ille. Aeneas Silvius Piccolomini here reports the
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reasoning (based on an argument presented by the bishop of Burgos) offered at the Council of Basel (1431–1449) to show that the pope is subject to a general council of the church. De gestis Concilii Basiliensis commentariorum libri duo, in Opera ([1571]; rpr. 1967), p. 8; ed. Denys Hay and W. K. Smith, pp. 32–35. The passage in Cicero cited at 3:512.31–36 (“Certum ... conjungeret”) is from De officiis, 2.12 (for “conjungeret” in H, “pertingerent” in Aeneas Silvius and “retinebunt” in Cicero). The conciliarism of this early work should be compared with the positions taken in the De ritu ... descriptio (quoted by H at 511.6–9 and 520.34–521.12), a later work, closer in time and spirit to Aeneas Silvius’s elevation to the papacy as Pius II. For “curet” (513.8) and “pavere” (513.13), [1571] has “jurare” and “parere.”

3:515.2–10.a ὅδε [γὰρ] ... honour. In this passage of a treatise on the government of cities, ascribed by Stobaeus to the early Pythagorean philosopher Hippodamus but now dated in the 3C BC, the author is concerned with things that corrupt the doctrine or thought (λόγος) which, with law and custom, principally upholds a community; Florilegium (1559), p. 249; ed. Hense, 2:34; Taylor, Political Fragments, p. 8.

3:515.14–17.b Καὶ ... ξυναρμόζεονται. From a treatise on kingship now dated in the 3C BC, ascribed by Stobaeus to the otherwise unknown “Diotogenes the Pythagorean”; Florilegium (1559), p. 330; ed. Hense, 2:264; Taylor, Political Fragments, pp. 19–20. This difficult passage is translated by Goodenough: “In judging and in distributing justice, whether as a whole in Public Law, or to individuals in Private Life, it is right for the king to act as does God in his leadership and command of the universe. On the one hand, in public matters the king is to bring the whole kingdom into harmony with his single rule and leadership, while private matters of detail must be brought into accord with the same harmony and leadership”; Yale Classical Studies, 1 (1928): 67.

3:515.22–516.3 Melancthon ... prolegom. A recopying, with underlining added, of the material from Stapleton at 3:498.23–30 and 499.8–9; see nn, above.

3:516.3–6 The same ... Lord. See 3:499.12–14.n, above.

3:516.6–7 Ratione ... invitum. See 3:499.30–31 and n, above

3:516.7–14 Isti Laicocephali ... ca. 17. A recopying, with underlining added, of the material from Stapleton at 3:499.15–21; see n, above.

3:516.14–15 Si judex ... jube. Not found; transcribed as an “apophthegm of one to a prince” at 3:491.14–15.

3:517.1–3 Gubernandae ... regit. Perhaps a reminder of Aristotle’s classification of wholesome constitutional forms, as in Politics, 3.5; 1279a.23–31. The distinction between these and the corresponding deviant forms depends on whether those holding supreme power (whether one, few, or many) exercise it in the common interest or for their own private interest.
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3:518.24—519.4 Dispensatio . . . ad Eugenium. Bernard of Clairvaux (1090—1153), De consideratione ad Eugenium Papam, 3.1; Opera (1549—1550), 2:138; ed. J. LeClerc and H. M. Rochais (1963), 3:431—432; trans. George Lewis, On Consideration (1908), pp. 70—71. Eugenius III, elected pope 1145, was a pupil of Bernard's. In this treatise he is urged to consider things which will maintain him in a spiritual and spiritually humble conception of his authority.

3:518.c 1. Cor . . . Joh. 20. 1 Cor. 4:1, Heb. 5:4, 1 Tim. 4:14, John 20:20—23 (see also John 21:15—17).


3:519.27—29 Nam ut legitur . . . Lugdunensi 17. Gratian, Decretum, 1.16.11; (Lyons, 1584), cols. 65—66; Friedberg, 1:47—49. The "sexta synodus" in H's reference refers to chap. 9 of distinction 16 (not 18), which begins an enumeration of councils, the number of bishops present, and the canons passed at them that runs through chap. 11, from which H's figures are taken.

3:520.4—5 Hoc posterius . . . parliamento. The Act for the Submission of the Clergy to the King's Majesty of 1533—34 (25 Henry VIII, cap. 19) provided that no new legislation should be promulgated by the clergy without the king's license, that all previously enacted provincial or synodal constitutions, ordinances, and canons should be examined by a commission of thirty-two persons (sixteen clerics and sixteen members of the upper and lower houses of Parliament), and that only such measures as they found "to stand with the laws of God, and consonant to the laws of this realme, shall stand in their full strength and power, the kings most roiall assent first had and obtainted to the same"; W. V. S. (1587), 1:656—657; S. R., 3:460—461.

3:520.12—16 Est judicium . . . generale. Compare 1.10.8, 14, and VIII.6.11, and Marsilius of Padua, Defensor padis, 1.10.4—5, 1.12.2—3, and 2.2.8.

3:520.23—521.12 A quo non licet . . . Germaniæ. On the use intended for these passages in VIII.9 see 3:503.18—504.2.n, above.

3:520.23—24 A quo non licet . . . placuit. Apparently a reference to one of the canons beginning with the word "Placuit" in Causa 2, question 6, of Gratian's Decretum (canon 9 or 35, more likely the latter; Friedberg, 1:468 or 479), but the statement "A quo . . . appellare" is in neither canon.


3:520.28—30 Neque ab Augusto . . . nemo. Gratian, Decretum, 2.9.3.13; as H implies, the claim to immunity from any higher judgment which he refers to here (ascribed in the Decretum to Pope Innocent I) is indeed put forward on behalf of the Roman see. "Nemo judicabit primam sedem justitiam temperare desiderantem.
Neque enim ab Augusto, neque ab omni clero, neque à regibus, neque à populo judex judicabitur”; (Lyons, 1584), col. 877; Friedberg, 1:610.

3:520.30–32 Aliorum . . . loco. Gratian, Decretum, 2.9.3.14; (Lyons, 1584), col. 877; Friedberg, 1:610. Symmachus was pope 498–514.

3:520.32–34 Facta . . . Antherus. Gratian, Decretum, 2.9.3.15; (Lyons, 1584), col. 878; Friedberg, 1:610–611. Antherus was pope 235–236.

3:520.34–521.12 Id quod respondet . . . Germaniae. Aeneas Silvius Piccolomini, De ritu . . . descriptio, in Opera ([1571]; rpr. 1967), p. 1084. H omits material at two points: (1) After “ferendum” at 3:521.4: “Ridiculum profecto, nemo est tam parve urbis dominus, qui à se appellari ferat. Et nos Papam appellantione subjectam dicemus. In civitatibus magistratus sunt, à quibus non appellatur, et nos Pontifice maximo appellandum dicemus.” (‘‘Truly ridiculous—there is no lord of even a small city who will bear being appealed from, and we shall say the pope is subject to appeal. In states there are magistrates from whom appeals are not made, and we shall say that appeal is to be made from the supreme pontiff.’’) (2) After “feras” at 521.8: “At hoc impium est ais, nam Papa in aedificatione, non in destructione, potestatem accepit, et hoc in aedificatione es[s]e putamus: Nam quid si tu appellas frivoliter ut aiunt, ut judicium subterfugias et majoris imperium[,] Iterum dicis. Quid si me Papa injuste premitt. Iterum dico? quid si tu juste pateris, et cavillasse appellas. Tu dicis male agit in me Papa, et ille te male agere ait. Cui credamus, privato an principi, majori an minori, quis non putet apud majorem esse veritatem.” (‘‘But you say this [allowing no appeal from the pope] is impious, for the pope has power for edification, not destruction—but we think this is for edification: for what if you appeal frivolously, as they say, to evade judgment and the order of a superior? You say again: ‘What if the pope unjustly oppresses me?’ Do I not say again, ‘What if you suffer justly and appeal captiously?’ You say, ‘The pope treats me badly,’ and he says that you act badly. Whom are we to believe, a private person or a ruler, the superior or the inferior? Who does not think truth is with the superior?’”) For “roget” at 521.6, [1571] has “urget.”


3:522.6–9 Certum . . . certum. Gratian, Decretum, 1.10.3; (Lyons, 1584), col. 32; Friedberg, 1:20. Pope Felix III, writing in 484 to the emperor Zeno.


3:522.30–32 Gulielmus . . . Nubrig. William of Newburgh, Rerum Anglicarum libri quinque, 1.1, in Rerum Britannicarum . . . scriptores (1587), p. 357. In this account, after the archbishop of Canterbury refused to consecrate the invader, the archbishop of York, Aldred, a good and prudent man, performed the office, understanding the need to yield to the time and that the divine ordering of things was in no way to be resisted. (The evidence is that William refused to be consecrated by Stigand of Canterbury because of the latter’s dubious ecclesiastical
standing and close association with his enemies.) H cited Aldred's consecration of William, as described here, at the beginning of his own defense of English episcopacy (3:148.e).

3:523.2–3 *Ab illo ... c. anteriorum.* Apparently a reference to the canon *Anteriorum* in *Causa* 2, question 6, of Gratian's *Decretum* (Friedberg, 1:473–475) but the statement "Ab illo ... licet" is not in it.

3:523.3–4 *Omnis ... teneamus.* Gregory IX, *Decretales*, 2.28.17; (1587), p. 572; Friedberg, 2:415. H's general statement goes beyond the text he cites, in which Pope Alexander III writes to an archbishop of Canterbury that he may indeed legally act to protect the possession of things enjoyed by someone who is in process of pursuing an appeal to Rome itself.

3:523.5–8 *Ab illo ... judicem.* Not found; "remediam" (line 6) should be "remedium".


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Wee fools thought ... madness.

Agar also suffered ... burden.

with theives ... disjoyned.

neither staffe ... scrip,

As well how to want ... abound,

at the hands ... Apostles:

oscula sancta.

feastes of charitie,

for that as dead flies ... wisedome.

Thou only art holy ... just)

scripture, ... have all taught

The way of peace ... knowne.

his Spirit it was ... later.

If there arise ... Israel.

Whether the Gentils ... bound;

After great dissension ... Jerusalem:

no not though Angels ... teacheth;

by intuitive revelation,

God be not the author ... peace,

definitive sentence,

That man ... let him dye.

the waightier matters ... fidelitie.

Happier are they ... things,

God being ... not of confusion

sincere, ... of Gods worde,

companions, guides and familiars,

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They say and do not.

worldes preservation ... wise;

when ... men of understanding

so pretious a jewel

as the students ... arts

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- St John ... saith, words of the Prophet Micheas
- Evangelist translate these wordes
- theire offer to let goe the people, the gospel declareth ... the Pharisees.
- neither becomes, nor fleshhookes, the readinge onlie of scriptures;
- appointed oyle ... dailie uses.
- the anointinge of Aaron ... for ever; Moses ... not to sanctifie)
- tabernacle, ... appertaininge thereunto,
- readinge the law was restored, as touchinge the prophets
- some things not canonical which are.
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- his spirit inwardlie concouringe
- St Paul to require, ... readinge. rules whereby to judge ... doctrines
- The Scripture witnesseth ... confessed,
- Great is the wrath ... in this booke.
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- St John ... through faith salvation.
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- meditatinge daie and night on the law 'foolishnes of preachinge'
- How shall they call ... they be sent? as call upon ... Christ.
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- It pleaseth God ... true believers;
- Thapostle ... κηρυκείμενος
- 'Search the scriptures, ... life'.
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By Prayer wee lift up our soules

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If any sinne . . . for his trespass.

Butt (saith Moses) . . . for the Priests use.

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Whose sinnes yee remit, . . . remitted.

Some thy sinnes are forgiven thee,

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Whose sinnes yee remitt . . . remitted,

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the best works . . . continue longest:
they contrariwise did with Salomon
according . . . by the Prophet Malachi
they by their . . . found true:
If God will . . . unto thee.

Verily, I say unto you, . . . of her.
the best works . . . continue longest:
they contrariwise did with Salomon
according . . . by the Prophet Malachi
they by their . . . found true:
If God will . . . unto thee.
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.16-17 the Apostle ... Rom. 4. 
.25 that to Naaman: ... wash and be cleane. 
4:43.8-10 The children ... pure and holy. 
.15, ν,ω Father, ... and thy childes, 
.21-22 by telling Abraham ... to his seede, 
4:44.28-29 Father hath saide: ... and thy childes, 
4:45.24 A monstrous and blasphemous doctrine: 
.24-25 bringing in doubt ... body. 

.25-26 Contrarie ... Joh. 16.7. 
.26-46.16 and to that of Peter: ... Act. 3.21. 
4:48.21 this is my bodie, ... mee, 
4:51.7-9.r all Angells be ... heyses of salvation 
.16-18.s Angells which kept not ... the great day? 
.19 the Angell ... is Abbaddon? 
4:58.13 that great and mightie Goliah, 
4:61.2 Achitophel, 
4:70.14 M. Calv. Lectures upon Amos, 
4:75.24.k S. Peters prescript, 
4:77.14-15.m Only by pride ... wisedome. 
.15-16.n when pride commeth, ... wisedome. 
.16-17.o Vengeaunce is mine, etc. 
.17-18.p Touch not ... no harme. 
.18-19.q The Lord ... the wicked shall perish. 
.25-26.r contende ... given to the saints; 
4:78.12 that of Salomon Pro. 26.18 
.24 Christian Deborah, 

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4:85.11-12 Petrum electum ... salvandus est. 
.16-17 Ex hoc ... quam naseretur. 
.26, 86.4-5 Esurivi et cibastis etc 
4:87.23-25 Ps. 126.1 ... Esa. 38.21. 
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.4-5 Non servavit... Jud. vers. 6.  
.22 Diabolus pater... Joh. 8.44.  
.23 quoniam... ad peccandum  
.23-24 Ille efficax in impiis: Eph. 2.2.  
.24-25 Serpens hominem... 1. Tim. 2.14.  
.25-26 Adhuc ad omne... 1. Paral. 21.1.  
.27-29 Num igitur... Jac. 1.14.14  
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.31-32 My Grace... is sufficient for thee.  
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   .28.b to cast them a sleepe ... not vigilant:
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4:134.24 yet in amiable manner.
   .26.d without violence to their owne,
4:135.4-5 cloathe the lilies ... birds of the aire,
   .22-23.e in the hands of their owne will;
4:137.19-20.g They kept ... had from God,
   .21.h they stood not in the truth,
   .26-27.k the like was broached.
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4:146.5—6 Christ ... stone to stumble att,
        .6—7 created ... foreordained to condemnation.

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Glossary
(Volumes 1–5)

Georges Edelen

This glossary includes archaic and obsolete English words and meanings used either by Hooker himself, or in passages he quotes, or in other contemporary texts, such as A Christian Letter or Travers's Supplication, printed as a part of the present edition. Words drawn from the latter two categories are so indicated in parentheses after the citation.

References are given to the volume, page, and line numbers in this edition, although the volume number is not repeated for a succession of references to the same one. Normally citations are given for only the first three (or at least three early) appearances of the word; a plus sign indicates further occurrences. A reference to n indicates a relevant gloss in the commentary to the individual book.

Words are spelled according to the main entries in the Oxford English Dictionary, except that I have preferred American orthography for such words as "color" and "inflection." Hooker's own spellings and those of his scribes and compositors have been included only when the possibilities for error seemed serious (e.g., happily for haply, course for coarse, parson for person).

Not included is a large category of current words in unusual compounds, whose meaning is unlikely to give a reader pause, such as appliable, displeasant, impardonable, unpartially, unresistable, unsatiable, and the like.

As with most older texts, readers of Hooker are likely to be misled less by obsolete and unusual terms than by common words whose meanings have changed subtly (sometimes drastically) over the centuries. One highly useful signal for spotting semantic changes is Hooker's fondness for such synonymous doublets and triplets as "prophane, impious, and irreligious" (1:235.27). A clue is thus provided to obsolete meanings in "drift, scope, and purpose" (1:190.7), "merely and wholly" (2:434.20), "weakness and imbecility" (1:324.2), "counsels,

In preparing this glossary, my indispensable source has been the OED. Of great value were the detailed and knowledgeable glossaries to their editions of Book I by R. W. Church (1866) and Book V by Ronald Bayne (1902). Less useful was the erratic word list in Keble’s edition of the Works. I have also been much aided by the work of my fellow editors in their commentaries. If I have occasionally been led to disagree with all of this previous lexicography, far more often I have been spared errors and omissions I would otherwise have committed.

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scholy n. scholium, explanatory comment 1:220.28, 2:147.3, 438.19; as v. to annotate, comment on 1:233.30, 2:93.27, 3:36.14 +
school-divine Scholastic philosopher 1:117.19, 236.24, 2:260.11; cf. schoolman, school-author, school-learning 4:64.25&26, 65:1&18 (all A.C.L.)+
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<td>science</td>
<td>knowledge, esp. of secular fields 5:69.24</td>
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<td>scopious</td>
<td>spacious 5:340.18</td>
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<td>score n.</td>
<td>list, enumeration 5:115.15</td>
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<td>scrip</td>
<td>small bag, pouch 1:23.1</td>
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<td>scripulous</td>
<td>= scrupulous 5:70.13</td>
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<td>scrupulous</td>
<td>distrustful, caviling 2:119.17, 125.29, 3:464.17+</td>
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<td>secret adj.</td>
<td>abstruse, hidden 1:56.10, 101.4; private, inward 1:43.16, 225.7, 233.5+; secretly with hidden intent (?) 1:43.1</td>
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<td>secrecy</td>
<td>secrecy 2:113.30</td>
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<td>secure adj.</td>
<td>careless 2:18.16; securely 3:9.4; security casualness 2:439.4</td>
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<td>sedition</td>
<td>violent party strife 1:14.7</td>
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<td>seedsman</td>
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<td>well seen in</td>
<td>well versed in 4:64.28, 72.5–6 (both A.C.L.)</td>
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<td>seisin</td>
<td>legal possession 3:338.13 (see errata and n)</td>
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<td>self-weening adj.</td>
<td>opinionated 4:60.6 (A.C.L.)</td>
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<td>seminary-man</td>
<td>priest trained in a Roman Catholic seminary abroad, for clandestine service in England 5:290.34 (L. Tomson)</td>
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<td>senator</td>
<td>elder, leader, generally 2:420.21, 3:63.1</td>
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<td>sense n.</td>
<td>ordinary, immediate mental perception, as distinguished from deep study (cf. commonsense) 1:256.2</td>
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<td>sentence</td>
<td>aphorism 2:39.19</td>
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<td>septimane</td>
<td>week, group of seven 5:402.24</td>
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<td>session</td>
<td>sitting of Christ at the right hand of God 2:232.22, 233.12</td>
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<td>sever</td>
<td>distinguish 2:446.22, 448.2; set apart for a special purpose 3:287.17, 5:79.7</td>
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<td>distinctive 2:123.7 (TC), 125.18&amp;19+; as n. separate or different one(s) 2:56.11–14, 71.a+; several from different from 1:328.11 (TC); in several or severally separately 2:470.21, 3:156.18, 5:237.17</td>
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<td>= sue 5:79.1</td>
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<td>shadow n.</td>
<td>shelter, protection 4:68.29–69.1 (A.C.L.)</td>
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<td>evade, refute 2:192.20, 3:57.24</td>
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<td>shift out</td>
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<td>sicle</td>
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<td>side n.</td>
<td>page 5:15.13</td>
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<td>side-respect</td>
<td>partiality 1:102.17</td>
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<td>silly</td>
<td>poor, rustic, unsophisticated 1:227.16, 252.20, 3:295.1; insignificant, trifling 2:2.21, 5:229.12</td>
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<td>simple n.</td>
<td>ingredient 4:7.21 (A.C.L.)</td>
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<td>simplicity</td>
<td>sincerity, plainness, directness 5:77.15 (GB), 16–30+</td>
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<td>simply</td>
<td>naively 2:452.21</td>
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<td>uncorrupted, pure, true 1:14.11&amp;14, 34.22+; sincerely 2:279.18&amp;x (TC)</td>
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<td><strong>sine</strong></td>
<td>see soon</td>
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<td><strong>singular</strong></td>
<td>individual, personal 2:93.5; of remedies efficacious 2:489.10; singularity holding an eccentric opinion, unorthodoxy 2:46.29, 263.11</td>
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<td><strong>sinister</strong></td>
<td>devious, underhanded 3:424.27, 456.22, 481.19+</td>
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<td><strong>sith</strong></td>
<td>seeing that 1:33.9, 46.3, 50.8+</td>
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<td><strong>sithence</strong></td>
<td>since (the time that) 1:21.31, 45.23, 76.8+</td>
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<td><strong>skill</strong></td>
<td>belief in one’s cause, conviction 1:272.31; cleverness 2:488.6; as impers. v. it skills not it does not matter, it is irrelevant 1:218.11, 2:19.22–23, 203.28+</td>
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<td><strong>sleight/slight</strong></td>
<td>knack, skill 1:21.3; clever trick 1:47.21, 224.7, 2:25.23+; as adj. tricky, cunning 1:214.10</td>
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<td><strong>slip</strong></td>
<td>= slipe</td>
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<td><strong>slipe</strong></td>
<td>strip, segment, division of responsibility 2:442.4, 3:240.6</td>
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<td><strong>slought</strong></td>
<td>= sloth 4:105.22</td>
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<td><strong>somewhat n.</strong></td>
<td>something 1:52.25, 114.30, 2:176.28+</td>
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<td><strong>somewhiles</strong></td>
<td>sometimes 2:48.30–31</td>
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<td><strong>soon</strong></td>
<td>a master’s student (?) 2:436.25</td>
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<td><strong>son</strong></td>
<td>sooner or later 5:344.3</td>
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<td><strong>soonest</strong></td>
<td>early, at a young age 3:214.24</td>
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<td><strong>soothly</strong></td>
<td>truly 4:69.28 (A.C.L.)</td>
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<td>Sophist 2:100.13, 314.12; debater 5:162.20</td>
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<td><strong>sophisticate v.</strong></td>
<td>corrupt, mislead 2:3.31, 434.9; sophistication 2:474.4</td>
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<td><strong>sound v.</strong></td>
<td>convey an idea 2:153.2, 5:252.28; examine, test 2:257.14; sound towards tend to support 1:16.11, 2:24.3, 83.9+</td>
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<td><strong>specialty</strong></td>
<td>particular or specific feature, detail 1:15.12, 88.27, 144.29+</td>
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<td>observation, vision 2:90.2, 140.24, 385.23+</td>
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<td><strong>spill</strong></td>
<td>make useless, spoil 2:455.9</td>
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<td><strong>spoil</strong></td>
<td>= despoil, rob 2:457.17&amp;18 (GB), 461.2+</td>
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<td><strong>spoon</strong></td>
<td>= spun 2:360.11</td>
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<td><strong>out of square</strong></td>
<td>out of the proper state 1:201.26, 2:311.19–20, 472.24+</td>
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<td><strong>squire</strong></td>
<td>= square, pattern 2:143.19 (TC)</td>
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<td><strong>stand in stead</strong></td>
<td>be useful 1:235.25, 2:384.21, 420.24+</td>
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<td><strong>stand upon</strong></td>
<td>treat as important 1:151.19, 5:236.10; as impers. v. it stands upon it is necessary for, is required of 1:211.4, 215.17, 262.14–15+</td>
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<td><strong>stand with</strong></td>
<td>is consistent with, accords with 1:2.30, 238.3, 265.25+; oppose 4:63.6 (A.C.L.), 116.11</td>
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<td><strong>state n.</strong></td>
<td>social and economic position, profession 1:22.27, 39.7, 65.15+</td>
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<td><strong>stave</strong></td>
<td>rung of a ladder 5:44.12</td>
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<td>stepdame</td>
<td>stepmother 1:248.22</td>
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<td>stew</td>
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<td>stiff</td>
<td>obstinate 2:50.4, 3:42.10, 83.19+; stiffly 2:125.16, 3:200.7</td>
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<td>still adv.</td>
<td>always 1:83.27, 86.30, 118.6+</td>
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<td>stopping 1:111.18, 3:310.4; extent, amount 1:338.30, 2:71.10, 3:29.15+; limit 2:228.3, 234.17, 417.15+; share 3:286.16, 287.27; as v. limit 3:187.27, 4:154.28</td>
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<td>contract, undertaking 2:297.12, 18&amp;22+</td>
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<td>stock n.</td>
<td>block of wood, idol 1:93.4</td>
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<td>anger, spite, pride 1:9.28, 41.25, 164.11+; courage, spirit 3:297.12; as v. stomach (at) resent 1:102.12, 5:317.24</td>
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<td>strait</td>
<td>(sp. straight, straight) strictly defined, definite 1:7.27, 2:261.13; straitly 3:188.14</td>
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<td>strangely</td>
<td>extraordinarily 1:344.27</td>
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<td>straight</td>
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<td>stripes</td>
<td>whipping 3:21.10&amp;j, 97.27+</td>
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<td>control or influence 3:188.28, 408.4; strike the stroke prevail 3:189.9</td>
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<td>study v.</td>
<td>in limited sense of studying for B.A. (?) 1:40.6; as n. interest, pursuit 2:401.6</td>
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<td>lack of feeling, apathy 2:332.9, 3:77.25</td>
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<td>sturdy</td>
<td>intractable, rebellious 3:64.17</td>
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<td>lofty office 1:72.7, 5:352.1</td>
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<td>appoint to a minor office 3:240.6</td>
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<td>kind, type 1:44.29, 210.3, 2:79.20+</td>
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<td>sup up</td>
<td>swallow, retract 2:279.20</td>
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<td>supplant</td>
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<td>supple v.</td>
<td>make supple, soften, relieve 2:358.6</td>
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<td>discontinuation of legal proceedings 1:41.28; rest, intermission 2:379.24; as v. cease 1:127.31, 2:381.11, 3:16.27+</td>
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<td>suspense adj.</td>
<td>tentative, cautious 1:5.2</td>
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<td>sute</td>
<td>see suit</td>
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<td>syne</td>
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<td>table</td>
<td>writing-tablet 1:239.4, 5:82.15; stone tablet 5:312.14; first or second table first division of the decalogue, referring to religious duties, or second, referring to moral duties 3:360.21, 5:140.24, 290.27 (L. Tomson)</td>
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take place  see place

tale  tally, count  1:25.8

teeth and all  vigorously, fiercely (cf. "tooth and nail," for which the phrase may be an error) 3:386.27-28

temperature  that which tempers or moderates  3:263.26

tenant parvail  in feudal terms, one who holds under another  5:148.25

tend  intend, have as a purpose  1:189.11, 190.20, 242.15+

tender v.  be solicitous about  1:2.27, 311.31, 2:495.21

tenor  (sp. tenure) steady course, way of proceeding  1:64.13, 65.9, 83.33+; gist, general pattern  1:277.17

tentation  temptation  5:81.20

tenure  see tenor

terms  condition, circumstances  2:7.9, 5:319.23

terrene  terrestrial, earthly  2:141.16, 5:317.18, 347.29

testification  sign, proof, acknowledgement  2:148.17, 155.18, 187.14+

beyond one's tether  exceeding one's due portion  3:286.22

the  = thee frequently, esp. in scriptural quotations; = they  5:240.20, 247.11

then  frequently for than

tissue  rich cloth  5:19.13

title  = tittle  5:18.28

tolerance  license, dispensation  2:487.14; allowing  4:143.12

torn  split, rent  5:256.5

toy n.  foolishness, triviality  2:252.22, 422.10; as v. trifle, act idly  2:292.20 (TC); toyish  2:294.2, 297.9

touch v.  censure, accuse  2:30.2, 3:37.5

touch of  feeling for  2:211.23

hold the touch  stand up to examination  3:38.27

towardly  promising  4:8.6 (A.C.L.)

tract of time  passage of time  1:336.27, 338.29, 344.26+

Traditor  Christian traitor during the persecution of Diocletian  2:274.7, 275.11 (see note, Textual Commentary, 2:508)

train v.  draw, entice  2:4.4

transfuse  transmit  1:107.4

travail v.  for travel  1:82.17, 2:446.29, 5:311.18+

travel v.  for travel  1:257.22, 348.8 (J. Spenser), 3:232.17+

treatable  gentle, not sudden  2:184.7; treatably  2:461.4

trencher-mate  one addicted to eating or sensuous pleasure  2:24.17

triumph  card game  5:11.13 (Parsons); = trump  5:11.2&7 (J. Foxe)

trow you  do you suppose  1:297.16, 3:201.8

tutor n.  guardian  1:79.17, 2:403.22, 466.16+

unacceptable  unwelcome, saddening  5:367.28

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unapproved: unproved 2:282.21
unapt: inappropriate 5:237.17
unaptness: inaptitude, unfitness 2:284.d (TC)
unavailable: unavailing 2:101.5, 280.a (TC), 3:204.22
unbuilted: unfounded, without support 1:180.11
uncapable: unable to understand 2:295.25; ineligible 3:63.22, 305.25–26
unconsonant: inconsonant, not agreeing or consistent 2:210.18
unction: supernatural gifts, spiritual influence on a person 2:220.29, 224.19, 230.17+
undispensable: indispensable: of laws, not to be remitted or set aside 3:220.12
undividable: inseparable 3:305.7
unforcible: useless 2:310.4
unframable: unable to adjust or conform 1:140.10
unlade: disburden, lay down 3:75.2
unlap: unfold 5:208.17 (WT)
unperfect: incomplete 2:44.28
unsensible: tear down a building 5:112.8
unsensible: imperceptible 3:219.7
unseparable: (applied to the Law of Nature) undividable temporarily, hence unchanging (?); not to be ignored or forgotten (?) 3:274.17–18
unskilfulness: ignorance 2:269.16
untoward: imperfect, inept 5:168.7
unvaluable: = invaluable 5:349.23
upshot: in archery, final shot 2:311.24, 3:68.14
put in ure: put in use 1:4.11, 340.7–8, 2:406.9+; out of ure 3:219.19
validity: validation, confirmation 2:278.20
verdit(e): = verdict
verity: exact wording of the original Hebrew or Greek texts of the Bible 2:70.17
vexation: suffering 5:355.27, 360.4, 373.31
vice-agent: agent, deputy 2:162.31
vital: of this life, as distinguished from the hereafter 1:115.7
volubility: turning, rotation 1:65.27
voluntary: spontaneous, unconstrained 2:100.13, 116.22, 117.20+
vulgar: generally known 1:304.22; commonly used 2:311.7, 3:82.15, 393.20
wade: proceed, go, esp. in difficult matters 1:59.13, 64.15, 76.14+
wain v.: = wean 2:380.12, 5:29.1
walk n.: administrative territory (?) 3:187.6
warning: summoning 2:114.23

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Glossary

warrant v. permit 2:462.1; warrantable permissible 2:403.23
wash v. extract gold and silver from coins with acids 2:457.12
way manner of thought (?) 3:436.30
wean train to good habits 2:380.12
weed n. distinctive garment 1:331.9, 2:124.27, 125.3+
well-willer well-wisher 2:397.6, 414.30, 3:376.24
whether = whither 1:111.20, 181.12, 249.23+
whither = whether 2:177.10, 472.20, 3:311.33+
what = hot
wind out extricate 2:353.11-12, 3:64.23-24
wit n. individual, mind 1:77.14, 2:466.1; witty clever, subtle 1:117.19, 2:253.1, 3:95.7+
do to wit make know, inform 3:422.10
withall with, therewith 1:68.18, 85.32, 119.23+; at the same time 2:93.19
have without have in externals, such as clothing 5:19.10
woe worth exlam. may evil befall, a curse upon 3:293.14-15, 5:19.4, 344.4+
wonderful adv. extraordinarily 1:272.27; as adj. 5:251.4
worry tr. v. swallow greedily 2:461.7
take in good worth take in good part, look favorably on 2:1.13
wot know 1:299.26, 5:133.8
wreath strand of a cable 3:262.1
wrest n. distortion, straining 1:335.18
writhe twist or distort meaning 1:330.27

yawn for long for 1:22.26-27
yer = ere 5:16.1
Errata and Corrigenda

(Volumes 1–5)

In addition to the usual “faults escaped” and the occasional editorial second-thought, the list below contains principally corrections to Hooker’s citations arising from additional work on his sources by the commentary editors. Such corrections were listed separately in volumes 1 and 2. The corrected reading appears to the right of the bracket. A caret on line [.] draws attention to the absence of punctuation; n is a Commentary note.

1:xxxiii.18 George] Richard
1:25.13 read Church of
1:117.20–118.4 if we speake . . . retribution.] should be in italic; see n
1:157.w Ep. 18.] see n
1:159.z.1 p. 81.] p. 80.
1:163.h.1 read wearing of (broken type)
1:167.6–7 as in . . . 17.16.] should be in roman; see n
1:168.12 read argument. | The (Keble’s 12th section begins here)
1:196.e.2 q.7.] q.8.
1:206.16 apostates] apostataes (see textual note, 1:356)
1:212.w cap. 8.] cap. 7.
lib. 3.] lib. 4.
1:222:16–17 of of ] of
1:313.v see n for corrections in Hebrew.
1:351.19 Brés] Brè\]
.20 liure] livre
2:i.x.20 comon] common
2:xx.21 1953] 1593
2:xxxv.n28.12 495.12] 496.12
2:lv.i.7 Basil] Basel
.\] Luc. 1:23.] Luc. 9:23.
2:42.19 read kingdoms

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Errata & Corrigenda

2:112.5 
   .r  one] any one 62 (emendation)
   Joh. 4:11.] Jon. 4:11. (delete textual note, 2:516, and insert new
   note, keyed to 112', on 2:547; see below)

2:122.1.r 
The reference to note r should precede “It” (line 3).

2:146.8.n 
The reference to note n should precede “they request” (line 15).

2:163.17 
Mamercus] Mamertus (see n)

2:166.q 
The quotation in note q should appear beneath the title to
   chapter 42, at 2:165.23.

2:173.20–26.d 
Ps. 1:4.] Ps. 1:3.

2:180.14–18 
whereby . . . prayers.] should be in italics (see n)

2:193.h 
Ps. 1:4.] Ps. 1:3.
   .i  Ps. 32:11.] Ps. 32:10.
   .j  Ps. 32:7] Ps. 32:6.

2:222.w.1 
fol.42.] fol.41.
   .d  ser.8.] ser.7.

2:239.7 
The reference for note s should precede “he” (line 7).

2:252.c 
tit. 2.] tit. 3.

2:259.f.4 
   sors] furs

2:273.n 
c.8.] c.9.
   .o.  ca.9.] ca.8.

2:292.p 
c.24.] c.25.

2:330.s 
6:52.] 6:53.

2:345.g 
ca.83.] see n

2:363.f.5 
lib.12.] lib.3.
   l.1.] l.9.

2:380.n 
2:40.] 2:41.

2:385.y. 
mæroris] mæroris

2:395.2.z 
The reference for note z should precede “These” (line 10).

2:418.21–25 
cap.9.] cap.11.

2:421.33–422.25 
the chiefest happines . . . personages,] should be italic; see n

2:451.e 
The references to Exodus in note e should appear in note d.

2:457.e 
The note should appear at the bottom of the next page
   (2:458).

2:504.26 
l. 6.] l. 8,

2:510.24 
delete III . . . Church) insert I, Eastern Roman emperor, 457–
   474,

2:516 
delete note at 112.r

2:547.14 
insert note: 112.r | Jon. | John. | 53.mar.17 | F3^f |
   misreading

3:[xi].23 
c. 295,] 295,

3:xxx.8 
canonical] canon

3:19.17–20.4 
If men . . . sinne.] should be italic; see n
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hom. 30.] hom. 31.
3:23.9.n The reference for note n should precede “Lay” (line 9).
     .25.r The reference for note r should precede “that wee” (line 27).
     .q c. 8.] c. 7.
3:28.24 'and] should be roman
3:43.3 forehearsed] fore-rehearsed 48 (emendation)
3:45.5 Papacie;] Papacie,
3:51.k.10 incorrupt.] incompreh.
3:54.29.mar read [5.4; 5.3]
     .q q. 9.] q. 1.
3:56.5.mar read [5.5; 5.4]
3:59.19.mar add [5.5]
     .i Ep. 53.] Ep. 52.
3:79.7 retell] refell
3:82.b 7:27.] 7:29.
3:88.o Luc. 18.] Luc. 8.
3:96.g.2 li. 1.] li. 4.
3:97.9.mar read [6.15; 6.14]
3:98.25.mar read [6.16; 6.15]
3:99.i The reference to Matt. 12:31 should have been keyed in a separate note to “blasphemie” (line 4); that to casting out “uncleane . . . Spirits” (line 11), to Matt. 12:24, not 12:31.
3:127.l The superscript should be l (alphabetic) not 1 (numeric).
3:128.9 Cy]>] Cy>
3:130.14–17 In Mr . . . unmarked.] should be in italic
3:131.caption c. 295.] 295,
3:139.19–21 Praesidentes] Praesidentes
3:152.10 signified, in] signified. In
3:156.n. Lib. 3.] Lib. 4.
3:167.textual note 22] 23
3:176.p Ep. 39] see n
3:178.v hom. 10.] hom. 11.
3:179.6–8 As for . . . bishops] should be in roman; see n
3:180.z Ep. 54.] Ep. 53. (see n)
3:182.f.1 ep. 28.] ep. 58. (see n)
     .2 ep. 27.] ep. 66. (see n)
3:183.g ep. 93.] ep. 6. (see n)
     .h ep. 38.] ep. 65. (see n)
3:186.m Ep. 25.] Ep. 40. (see n)
3:190.v habebis] see n
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3:193.9 second council[ see n
.b l. 3.] l. 5.
3:196.h p. 92.] p. 93.
3:199.19–27 His speech . . . use[,] should be in italic
.w Aug. . . . discerni.] see n
3:208.10 not] see n
.h.1 Nicl.] Wicl.
.2 c. 1.] t. 1.
.i Joh. 1:25.] Joh. 1:23. (see n)
3:211.o Epist. 190.] Pag. 140. (see n)
3:229.4.f The reference for f should be placed before “This” (line 4).
.f l. 3 . . . 14.] l. 3 . . . 16.
.l. 1.] ep. 8.
3:276.9 inheritances[,] inheritances,
3:279.9–13 So that . . . proportion[,] should be in italics.
3:280.m Num. 12.] Vers. 12.
3:284.g q. 77.] q. 87.
3:292.7–8.t Sinite[ see n
3:298.y c. 12.] c. 13.
3:302.9 purpose[ propose (see Glossary)
3:310.r c. 13.] c. 23. (see n)
3:320.16–17 Communion, with such[ Communion, with such,
3:321.b pag. 102.] see n
.d p. 196.] see n
3:324.h l. 3. c. 26.] l. 8. c. 25.
3:331.7 which[ with (emendation)
3:335.4, 336.4 Livetentes] Livetentes
3:338.13 scism] seisin (see n)
3:340.z l. 1.] l. 3. (see n)
3:348.21 hath] have (emendation)
3:352.18 thereof. Shall] thereof, shall (emendation)
.24 mash] mast
3:360.b.2 l. 2.] l. 4.
3:366.11 Christ\r Christ as (emendation)
3:368.22 him. We\r him, we (emendation)
3:371.d delete note d (see n)
3:383.a.2 c. 2.] c. 3.
.24 l. 7. c. 12.] see n
3:391.c.2 τα γάρ μείξοσιν] τα γάρ μήνα
3:393.14 withall] with all

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3:394.l Extrav.] Extra,
3:415.q dist. 63.] dist. 62.
3:417.27 \( \beta \)Egidius,\( \beta \)Egidius,
Costilius] Costalius
3:419.x l. 15.] l. 27.
3:425.21 promises] premises (see Glossary)
3:426.9–10 So much ... hand.] should be in italic
3:430.l Stamf.] Staunf.
3:436.21 lawe. In] lawe, in (emendation)
3:437.27–438.9.x subjection, that] subjection, that (emendation)
3:438.a His second ... Censure?] not H; see n
3:441.i c. 14.] c. 33.
3:475.8,25 Sozo.] Theod.
3:492.13 Dinalia.] Divalia.
3:493.34 Constans.] Constat.
3:496.28 Luc. 22.] Luc. 11. (see n)
3:500.a libertie>s] libertie>
3:501.b impietatem] irascentem
3:513.8 169] see n
3:513.13 curet] iuret
4:xv.19 pavere] parere
4:xxxvi.30 roget] urget
4:xl.8 de] De
4:xl.v.25 contra] Contra
4:xvi.1 read Sacraments (turned letter)
4:xl.25 1581] 1584 (see Chronology)
4:xxxvii.25 IV] VI
4:33.m 12:8.] 12:10.
4:65.23 if ] it
4:78.2 feend] frind
4:79.17 Pappienum.] Puppienum.
4:87.1 operatur] operatur
4:88.32 read Under this
4:123.4 read predestination
4:125.24 now here] no where
4:131.31 antimonies] antinomies
4:157.29 a like] alike
4:212.2 Nicea] Nicaea
4:222.18 Aunswere] Apologie
VIII.24.19,] VII.24.19,
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4:238.32  phantestique] phantastique
4:254.14  Hæreses,) Hæreses,
4:269.21  read Cardinal
4:270.32  4707] 13721
4:273.12  add [STC 18733.5]
           .13  read institutio
4:274.35  reign] the reign
           .36  50–52.] 37–38.
5:x.14    add  By permission.
5:xi.2–3  delete the end . . . 1612. insert Hooker's corrections.
5:xxxiii.32  hand, and which] hand, and
5:xxxix.26  read majuscule
5:46.28   Apostles] Apostle (emendation)
5:215.10  read (253.18)
5:278.20  dooth it, not,] dooth, it not, (emendation)
5:281.1    read “Doctrin
5:298.3    line 14.] line 15.
5:299.5    delete 4
5:330     wrong portion of photograph in some copies
5:360.21  or] of
5:380.5   28, above] 30, below, and 29, above
5:396.23  17:46] 27:46
5:479.18  357.21] 357.1
5:621.26  year] year before
5:638.4    read heretic
5:645.13  as well] as well as
5:665.32  read sermons on Habakkuk
5:688.21  Disputationem] Disputationum
5:693.12  read was dated 25 February 1570 and
5:763.9–12 delete note; see “John Stiles” in Glossary
5:779.1    read embarrassing
5:821.8    delete note
5:834.19  read significant
5:911.11  read Arnobius,
5:925.32  read Pietro

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Addenda


5:145.e *Bucerus . . . servanda.* In the “Additions and Corrections to the Seventh Edition” of Keble (1:[ix]), E. Marshall noted that the passage H is translating is in a work by Bucer entitled *Epistola M. Buceri in Evangelistarum enarrationes ad praedaram Acad. Marpurg. MDXXX* with the running title: “De Servanda Ecclesiae Unitate M. Buceri Epistola Nuncupat.” He cited a copy in the Bodleian Library; not verified.

5:339.15 *Nullum crimen . . . non potest?* The *Digesta* of Justinian is the source for this rule; *Digestam novum, seu pandectarum juris civilis* (Antwerp: Phillip Nutius, 1576), 3:1899; *Corpus Juris Civilis*, ed. Krueger and Mommsen (Berlin: Weidmanns, 1922), 1:923.

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