

Godly Kingship in Restoration England: The Politics of the Royal Supremacy, 1660-1688

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This book will give heart to anyone who has ever confronted the staggering number of works published between 1500 and 1800 devoted to ecclesiology and the nature and role of episcopacy in the English church. Often surpassing the page-counts of modern academic monographs, and displaying erudition about ecclesiastical history stretching from the ancient Hebrews, through the early church fathers, and then into the Middle Ages and early modern times, they are full of arcane distinctions that are not all that easy for modern readers to spot, let alone appreciate fully. Yet, as Jacqueline Rose demonstrates admirably in her book, these works, and the debates to which they contributed, are important, not least because they help to explain an uncomfortable paradox about 17th-century English society. It was wonderfully learned and deeply innovative in fields as disparate as divinity, law, political philosophy, history and science, but it also endured 50 years of acute political instability stained by quite a lot of bloodshed. Bishops, no less than Catholics and dissenters, were at one point or another willing to suffer persecution for their beliefs about the place of the Christian churches within the polity.

Despite its title, nearly one-third of *Godly Kingship in Restoration England*, is devoted to the period before 1660. Drawing on the work of scholars such as John Guy, as well as an impressive array of contemporary writers from the early 16th-century lawyer Christopher St German to clerics such as John Whitgift and William Laud, as well as the 'independent' authors of *An Apologeticall Narration* (1643), the exposition is at times telegraphic and can seem somewhat fragmented because there is so much that needs to be brought into the story. Nonetheless, Rose amply supports her contention that Henry VIII's break from Rome and the

establishment of the Church of England by statute in 1559 created an enormous number of problems for the English polity, problems that remained largely unresolved, though increasingly debated, through the Glorious Revolution and beyond. Was the supremacy of the church, apparently created by statute law, vested in the king, or the king in parliament? Wherever it was located, was that supremacy merely jurisdictional, and hence associated with temporal patronage and the church courts, or did it extend to sacerdotal issues such as doctrine and ordination? Was the authority of bishops merely customary and sanctioned by human, or temporal authority, or was it the product of divine law and hence, as Sir Thomas More might have argued, beyond the reach of either the royal prerogative or statute law? Why did the late medieval statutory offence of *praemunire*, which (according to the letter of the law) made it a serious crime to undermine the king's authority, and that of his common law, by taking cases that could be heard before the king's courts at Westminster to Rome, continue to play such an important role in the ecclesiastical polity even after the Tudor monarchs created a completely unambiguous jurisdictional break from Rome during the course of the 16th century? In fact, there is at least one further distinction that should be taken account of, but which gets relatively little attention here, namely the long-standing juridical conundrum about the relationship between the temporality and the spirituality, which began in the Middle Ages as a source of dispute between canonists and secular lawyers, and which regularly involved questions about the relationship between claims to divine authority and temporal law. Of considerable importance in shaping the attitudes of lawyers, this distinction also led contemporaries to ask themselves whether transactions such as getting married or making a will were essentially civil (secular) matters, or 'spiritual', largely because legal jurisdiction over them had been ceded from the Conquest onwards by English kings and the common law to the spiritual courts. At stake, ultimately, was the question of how far claims based on arguments from scripture and church history, or from divine and canon law, should be taken as authoritative when it came to wielding the sword of the civil magistrate in support of them.

Jacqueline Rose discusses the different perspectives on the royal supremacy that remained in play as the reign of Elizabeth came to an end, as well as some of the practical manifestations of these, such as the disputes between the common law judges and Archbishop Bancroft over the relationship between the church courts and the common law. Her key conclusion is that in the 16th century, and for much of the 17th, divine right episcopacy and divine right monarchy were for the most part self supporting, largely because they had common enemies in presbyterianism and papalism. Rose goes on to assert, however, that even after 1603 kings, parliaments, bishops, nonconformists and lawyers continued to argue about the exact location of supremacy over the church, and what could and should be done with it. At this point, furthermore, she begins to develop an illuminating theme by tracing the emergence of a much more distinctive line of argument in favour of the power of bishops over the church in comparison with that of the crown. Summed up in its most extreme form by the future bishop, John Cosin, at Durham in the late 1620s with the memorable one-liner 'the king is not supreme head of the church of England next under Christ nor hath he any more power of excommunication than my man that rubs my horse's heels', this type of thinking came to be associated with the tenure of William Laud as advisor to the king and then Archbishop of Canterbury. Yet Rose's nuanced account of Laud's thought plausibly asserts that his position on the supremacy was driven by his defence of the dignity of the clerical estate and his programme for increasing respect for it. Moreover, for Rose, the critical point is that Laud's legacy in terms of arguments over the supremacy was actually limited. His close relationship with Charles I meant that he did not need to worry about the extent of royal power over the church. For him a clericalist outlook was compatible with obedience to his monarch, a position that led him to be tried by the Long Parliament both for asserting royal authority and for subverting it by committing the offence of *praemunire*. Even so, the focus on Laud inevitably makes the reader wish there had been more time and space to work out how he arrived at the position he did, especially in terms of the thought of other figures such as Richard Hooker (who gets largely ignored here), Bancroft, and John Williams, Bishop of Lincoln, who was no friend of Laud's but the chief defender of episcopacy in the Long Parliament. Nor does Rose offer much guidance on whether or how individual views either in this period or later on might have overlapped with, or differed from, those which separated Calvinists from anti-Calvinists on purely theological questions.

Turning to the civil wars and interregnum in order to conclude her opening chapter, Rose concentrates

primarily on clerical writing about the nature of the royal supremacy and this puts some limits on the treatment. For example, there is not much space given to the debates in the early years of the long parliament over the exclusion of bishops from the House of Lords. While the important subject of excommunication is touched upon, it might have been developed further, and there is no significant consideration given to the rejection of *iure divino* presbyterianism by the Long Parliament, a result that was argued for vehemently by lawyer MPs such as John Selden and John Glynn. Rose is, on the other hand, certainly aware of the activities and writings of Selden and of his lawyerly brand of 'Erastinism', which questioned the extent to which civil power should be invested in purely spiritual matters. Yet it seems odd that she does not deal with the works of the Archbishop of Armagh, James Ussher, who was engaged, like Selden, in the effort to find historical answers to questions about the nature and authority of episcopacy and who appears to have been popular with the lawyers who heard him preach at Lincoln's Inn in the 1650s.⁽¹⁾

The principal point Rose wants to make about the Interregnum is that new and in some ways more aggressive strains of clericalist thought were being developed by writers such as Henry Hammond, John Bramhall and Henry Ferne. Carefully distancing themselves from popery, these writers argued (at least at times) for the *iure divino* character of episcopacy, and were more diffident when it came to the nature of the royal supremacy over the church than Laud had been. This mattered because in the new political conditions that emerged after the Restoration, when unprecedented religious pluralism became a reality with unpredictable political implications, the stage was set for clashes between differing accounts of the nature and extent of the royal supremacy and between a growing number of opinions about the nature and sources of episcopal authority. It was already an unholy mix, and the remainder of *Godly Kingship* is devoted to explaining how the relevant ideas and positions continued to be hotly debated between 1660 and the 'Revolution'.

Chapter two turns the study towards discussions about the supremacy in parliament and the courts during the reigns of Charles II and James II, concentrating on key issues such as the three sets of declarations of indulgence in the 1660s, 1670s and 1680s. This is followed by chapters devoted to clerical writings about episcopacy and the royal supremacy; the use by dissenters of the supremacy to support toleration; the attitudes of 'anti-clericals', including Hobbes; and, finally, the profound impact of the religious policies of James II on attitudes to questions which already by 1685 had an extremely long history. In pursuing these themes, Rose's chief interest is in the details, and nuances, of the thought of the large number of writers with whom she engages. She is clear and concise on the immensely complex nature of religious politics between 1660 and 1689, but the book is most valuable in enabling us to understand better the positions various individuals and factions took up than in changing the relatively familiar contours of post-Restoration history. She finds, for example, that the apparently irresistible tide in favour of the established Church that accompanied the Restoration was matched by the ascendancy of clerical writings that tended to stress *iure divino* arguments for episcopal authority, but that the actions of the later Stuart kings, most notably their repeated efforts to grant some form of indulgence to Catholics and Dissenters, drove some thinkers even further and enabled them to envision a church that was governed by its bishops, largely independent of anything more than a titular royal supremacy. Indeed, some even went so far as to depict the Church of England as something approaching an independent part of the polity. Yet, even in the 1660s, there were others, most notably John Tillotson and Edward Stillingfleet, who were more sympathetic to dissenters, who were beginning to develop arguments for a moderate episcopacy whose justification lay largely in its long historic acceptance as the basis for church government in England, and who acknowledged that the constitutional position of the church must ultimately be determined by secular law.

Given the way in which arguments about the supremacy had developed since the Reformation, hostility to bishops and the ecclesiastical courts led the Quakers to support most fully (if at times reluctantly) a higher version of kingly supremacy over the ecclesiastical sphere. They did this because a convincing case in favour of royal supremacy over the church was a key to claims for the legality of the declarations of indulgence that Charles II and James II put forward, which of course offered Quakers relief from the penal legislation enshrined in the Clarendon Code. Furthermore, they were to some degree joined in this by unlikely fellow-travellers, the ultra 'erastians', such as Thomas Hobbes, who is depicted here as a kind of

John the Baptist for what would become the Enlightenment hostility to 'priestcraft'. Maintaining that the division between temporal and spiritual authority diluted civil power and permitted theological controversy to degenerate into political chaos, Hobbes argued for the conflation of both under the civil authority of the monarchy. According to Rose, Hobbes's positions were not incompatible with the royal indulgencies of toleration, and she thinks his view is probably best summed up by his remark that 'The best government in Religion is by Episcopacy, but in the King's Right, not in their own'. It might be added, moreover, that Hobbes's position was not all that different from that of many common lawyers, especially those influenced by Selden. The concept of '*praemunire*' had long led them to link defence of common law with a high view of the royal supremacy over the church, even though many of them had always differed from Hobbes on the question of whether the supremacy was in the king alone, or the king in parliament. As Rose suggests, the brief written at the request of Charles II for the first declaration of indulgence (1662) by the parliamentarian, and Cromwellian, common lawyer, Bulstrode Whitelocke is, it seems, the best surviving legal argument in favour of all of them.

In general, Rose is most interested in, and most interesting on, the remarkably wide range of printed tracts she considers, but the chapter that concentrates on parliament and the courts undertakes the herculean task of trying to unpick the range of views expressed by MPs and lawyers largely in the form of speeches of one kind or another. Here the need to cover so much in a confined space occasionally leads to compression and some loss of clarity. Perhaps this part of the work might have been more effectively conceived as a means of investigating more closely the way in which the theoretical positions found in the printed tracts were reflected in parliamentary and legal debates. For example, what (if any) connection was there between the high church writings of the 1650s and 1660s and the keenness of the Cavalier parliament to pass harsh penal legislation against non-conformists such as the Corporation Act, the Five Mile Act, and the Conventicle Act? Nevertheless, she certainly does do enough to show that there was amongst the parliament men and lawyers, no less than amongst the clerics, a wide variety of opinion about the nature of the royal supremacy and the role of bishops in the ecclesiastical polity, whilst also coming to the familiar conclusion that it was a steadfastly held belief amongst most sides in parliament that a king could not lawfully dispense with statutes, such as those associated with the Clarendon Code, in order to grant some form of toleration to Catholics and Dissenters because that would potentially undermine the authority of all English statute law. A law made by parliament could only be unmade by parliament.

By contrast, the final substantive chapter, which deals with how questions about the supremacy came into play during the troubled reign of James II, enables Rose to probe more effectively the relationship between political thought and action. Once again, support for, and opposition to, the king's attempt to grant toleration, and favour Catholics, followed traditional contours that stretched back to the time of Henry VIII, and led to the rich variety of often confusing and contradictory positions on the supremacy. Rose stresses in particular that one plank in James II's policy, the creation of an ecclesiastical commission, led to a recapitulation of controversies about its predecessor, the court of High Commission, that had been in play since the 1559 Elizabethan settlement, and which included the arguments surrounding its abolition in 1641. Indeed, since there was so little that was novel in this policy, or in yet another attempt to grant toleration through the use of declarations of indulgence, Rose vigorously dissents from Steve Pincus's recent argument that James was trying to advance a novel form of royal absolutism modelled on French 'Gallicanism', whereby the monarch's effective rule over the church was accompanied by some recognition of the pope's spiritual supremacy and a thorough-going 'modernization' of English government.⁽²⁾ While the materials Rose considers do not in fact throw much light on James II's motivations or intentions, it would certainly appear that the idiom in which contemporaries debated his innovations was cast for the most part in very traditional terms, a point that could be illustrated even further by noting the extent to which propagandists were apparently keen to collect examples of the debates going back to Elizabethan and Jacobean times. Quakers were willing to support the royal supremacy in order to justify the 'toleration' provided by declarations of indulgence. But the Anglican hierarchy, and its allies, became deeply divided. Archbishop Sancroft consulted the Tory lawyer, Roger North, about the new ecclesiastical commission only to be told that it was deeply controversial and probably of dubious legality. Accusations of *praemunire*, which continued to feature in much of the post-Reformation legislation about the church, haunted the attempts by

the king to make rapprochements with Catholics and the pope. The trial of seven bishops for publicly refusing to read the Declaration of Indulgence, and their subsequent acquittal by a London jury, seemed to unite them with the long-standing parliamentary position that statute law could not be over-ridden by the royal prerogative, even though James was able to gain judicial support for his position by a radical policy of manipulating the bench of common law judges. As Rose notes, the revolution of 1689 apparently marked the triumph of moderate episcopalians such as Tillotson and Stillingfleet, but she also reminds us that five of the seven bishops who stood trial in 1687 became non-jurors because they could not accept the new ecclesiastical and political regime established under William III and Mary

Given its heroically long chronology, and complex subject matter, there are inevitably gaps in *Godly Kingship's* coverage, and there are points where the exposition of the ideas of individual thinkers would have been further illuminated by broader contextualisation. It would, for example, be good to know more about what connections, if any, there were between the thought of clerics such as Tillotson and Stillingfleet, and the tradition of common law thought that we see glimpses of in the works of Selden and Matthew Hale. The concentration on the supremacy and arguments about episcopacy does not seem to have allowed much scope for exploring the views of post-Restoration Presbyterians such as Richard Baxter. Rose's conclusion that consideration of the royal supremacy strikingly demonstrates the poverty of a secular paradigm, as opposed to one that takes account of religion, for understanding early modern political thought needs to be reconciled with her observations about the importance of incorporating legal thinking more thoroughly into our understanding of the ecclesiastical polity. As she indicates, it is an area that needs much more study, especially for the period after 1640 and into the later 17th century. But it is hard to see how any significant question about the nature of the English 'constitution' could be considered by contemporaries without taking account of views about it that were embedded in the common law. Indeed, Rose intriguingly concludes that the lawyers' language of *praemunire* seems to have lain at the basis for what became the Enlightenment hostility to 'priestcraft'. Yet none of this detracts from the fact that *Godly Kingship* is a major achievement. Thanks to its ambitious scope, and thoughtful dissection of the works of so many thinkers, it will become an indispensable guide to some of the most important questions about church and state in the 16th and 17th centuries.

Notes

1. Alan Ford, *James Ussher, Theology, History and Politics in Early-Modern Ireland and England* (Oxford, 2007), pp. 268–71.[Back to \(1\)](#)
2. S. Pincus, *1688: The First Modern Revolution* (New Haven, CT, 2009), esp. chs. 3–7.[Back to \(2\)](#)

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