

Richard Hooker's Discourse On Natural Law In The Context Of The Magisterial Reformation¹

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Richard Hooker's theory of natural law has long been the subject of controversy. In his famous pulpit exchange with the eminent Puritan divine Walter Travers in the Temple Church at the Inns of Court,² and later in *A Christian Letter of certaine English Protestantes*,³ Hooker was accused of promoting "Romishe doctrine" and "the darknesse of schoole learning" in his attempt to maintain intellectual continuity with the natural law tradition (*FLE* 4:23.10-24.8; 4:65.1). His contemporary critics sought to impugn his theory as incompatible with the doctrine of the Thirty-Nine Articles of Religion⁴ of the

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² . See Egil Grislis, "Introduction to Commentary on Tractates and Sermons: § iv. *The Controversy with Travers*," in the *Folger Library Edition of the Works of Richard Hooker*, 6 vols., gen. ed. W. Speed Hill (Cambridge, Mass. and London: The Belknap Press of Harvard University Press, 1977-93), vol. 5 ed. Laetitia Yeandle and Egil Grislis (1990): pp. 641-48. All references to the text of Hooker in this edition (*FLE*) cite volume, page and line numbers. Travers's chief work is a defense of a scripturally based form of church polity published under the title *Ecclesiasticae Disciplinae et Anglicanae Ecclesiae ab illa Aberrationis plena e verbo Dei et dilucida Explicatio* and translated by Thomas Cartwright as *A Full and plaine declaration of ecclesiasticall discipline owt off the word off God and off the declininge off the churche of England from the same*; both (Heidelberg: M. Schirat, 1574) [*STC* 24184].

³ [Anonymous] *A Christian Letter of certaine English Protestantes, unfayned favourers of the present state of religion, authorized and professed in England: unto that Reverend and Learned man Mr. R. Hoo[ker] requiring resolution in certayne matters of doctrine (which seeme to overthrowe the foundation of Christian Religion, and of the Church among us) expreslie contayned in his five bookes of Ecclesiasticall Policie* [*ACL*] (Middelburg: R. Schilders, 1599) [*STC* 13721] was the only attack on the *Lawes* published in Hooker's lifetime. The complete text, together with Hooker's marginal annotations, is reprinted in *FLE* vol. 4, ed. John Booty (1982), pp. 1-79.

⁴ See the introduction to *ACL*, *FLE* 4:7.24-9.14: "Shew unto us and all English Protestantes, your owne true meaning, and how your wordes in divers thinges doe agree with the doctrine established among us. And that not onelie for avoyding of offence given to many godlie and religious Christians: but also that Atheistes, Papistes, and other hereticques, be not encouraged by your so harde and so harsh stile (beating as it were, as we verilie thinke, against the verie heart of all true christian doctrine, professed by her Majestie and the whole state of this Realme) to despise and set light by, her sacred Majestie, the reverend Fathers of our Church and the whole cause of our religion . . . And for the better ease herein, and our more readie satisfaction, we have compared your positions and assertions in your long discourses, unto the articles of religion sett forth Anno Domini 1562. and confirmed by Parliament the 13. of her Majesties most blessed and joyfull reigne . . ." On the theology of the Articles, see Oliver O'Donovan, *On the Thirty-Nine Articles*:

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE CONTEXT OF THE MAGISTERIAL REFORMATION

Church of England as well as with such standards of sixteenth-century Protestant orthodoxy as Calvin's *Institutes of the Christian Religion* and the confessions of "the best reformed churches" on the continent.⁵ Since the mid-nineteenth century, commentators on Hooker's thought have commonly allowed the truth of these accusations largely owing to their consistency with the prevailing hypothesis of the so-called Anglican *via media*.⁶ This interpretation of Hooker's thought rests on the assumption that the doctrine of the Church of England occupies a theological middle ground between Roman Catholicism and continental Protestantism.⁷ Hooker has been pointed to frequently as one of the originators and chief proponents of this Anglican way of theological compromise. In general, the interpretation of the doctrine and institutions of the Elizabethan and Jacobean Church in recent historiography has tended to dismiss the *via media* hypothesis as inappropriate and anachronistic.⁸ This widely accepted revision has yet to secure a foothold in contemporary Hooker scholarship. Indeed the *via media* hypothesis continues

A Conversation with Tudor Christianity (Exeter: Paternoster Press, 1986). For an account of the Convocation debate on their formulation, see William P. Haugaard, *Elizabeth and the English Reformation: The Struggle for a Stable Settlement of Religion* (Cambridge: The University Press, 1968).

⁵ *Puritan Manifestoes*, eds. W.H. Frere and C.E. Douglas (London, 1907), pp. 6, 19, 27, 28, 32 and 34. See Anthony Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought, 1600-1640* (Cambridge: University Press, 1995), ch. 9. The term "orthodoxy" is not employed in this essay in its more common historiographical sense as a category referring to the arid scholastic systematisation of Lutheran or Reformed doctrine in the late-sixteenth and seventeenth centuries. It is rather intended to denote the authoritative teaching of various representative theologians of the Protestant mainstream, the so-called magisterial reformers, over against the radical doctrines of the Anabaptists, antinomians and Libertines. See Olivier Fatio, "Orthodoxy," transl. by Robert Shillenn, *The Oxford Encyclopedia of the Reformation [OER]* gen. ed. Hans J. Hillerbrand (Oxford: The University Press, 1996), pp.180-183.

⁶ This view has been expressed by W. Speed Hill, "Doctrine and Polity in Hooker's *Laws*," *English Literary Renaissance*, 2 (1972), p. 175 and by H.C. Porter, "Hooker, the Tudor Constitution, and the *Via Media*," *Studies in Richard Hooker: Essays Preliminary to an Edition of his Works (SRH)*, ed. W. Speed Hill (Cleveland and London: Case Western Reserve University Press, 1972), p. 103. In general, the interpretation of Hooker on the hypothesis of the Anglican *via media* is characteristic of the recent Introductions to the *Laws* in the new *Folger Library Edition of the Works of Richard Hooker*, vol. 6 (1), gen. ed. W. Speed Hill with Egil Grislis (Binghamton, New York: Medieval and Renaissance Texts and Studies, 1993). See, for example, Lee W. Gibbs on Book I, iv. *Hooker and his Contemporaries*, pp. 122-124. According to Gibbs, Hooker is a neo-Thomist who "closed the breach opened by the magisterial Reformation and maintained by the disciplinarians between reason and revelation, nature and grace." See also Egil Grislis, *Hooker's Theological Heritage*, *FLE* 5:630-634, 640: "Hooker was imbued with the spirit of Erasmus." Robert K. Faulkner sees Hooker as the author of a counter-reformation in England; see *Richard Hooker and the Politics of a Christian England* (Berkeley: University of California Press, 1981), p. 51.

⁷ The classic formulation of this hypothesis is John Henry Newman's. For an historical interpretation see H.D. Weidner's Introduction to his recent edition with notes of J.H. Newman, *The Via Media of the Anglican Church* (Oxford: Clarendon Press, 1990), pp. xxxiii-xxxvii. For a recent application of this hypothesis to the interpretation of Hooker's theology see Aidan Nichols, *The Panther and the Hind: A Theological History of Anglicanism* (Edinburgh: T&T Clark, 1993), pp. 37-52.

⁸ According to Patrick Collinson the weight of scholarly opinion has begun to shift perceptibly away from "the damaging mistake of writing the history of that Church in the anachronistically dichotomous terms of an Anglicanism not yet conceived and an alien Puritanism not yet clearly disowned." *The Religion of Protestants: The Church in English Society, 1559-1625* (Oxford: Clarendon Press, 1988), p. ix. See also Nicholas Tyacke, *Anti-Calvinists: The Rise of English Arminianism c.1590-1640* (Oxford: Clarendon Press, 1987), p. viii and O. O'Donovan, *On the Thirty-Nine Articles*, pp. 13-14.

to hold widespread authority as a hermeneutical paradigm in the most recent studies of his theology.⁹ Thus a premise of our present inquiry is that the continued use of this paradigm presents an impediment to the critical interpretation of Hooker's thought.

It is within this context of interpretation that the question needs to be asked once again: where does Hooker's appeal to the authority of natural law in matters of religion place him with respect to the continental reformers? Does such an appeal distance his thinking from the norms of Protestant orthodoxy? Or, alternatively, can the tradition of natural law theory be reconciled with the central teachings of the magisterial Reformation? The initial premise of our approach to these questions involves the abandoning of the anachronistic hypothesis of the Anglican *via media*. An alternative interpretation is here offered and is based on the proposal that Hooker shares considerable theological ground in his account of natural law with four leading representatives of the continental magisterial Reformation: Martin Luther, Phillip Melancthon, John Calvin and Heinrich Bullinger.¹⁰ Central to our proposed revision to the received reading is the contention that far from initiating a theological compromise between Rome and continental Protestantism, Hooker is really a proponent of the principles of magisterial reform in England. This revised interpretation of Hooker's basic theological orientation is built upon a careful reading of the main apologetic purpose of his treatise *Of the Lawes of Ecclesiasticall Politie*.¹¹ Briefly stated, Hooker frames his discourse as an irenic appeal to the hearts and minds of the "moderate puritan" critics of the Elizabethan Settlement of 1559.¹² Hooker addresses his discourse directly to disciplinarian but non-separating puritans who seek reformation of the ecclesiastical law of England (*Lawes* I.1.3; 1: 57.33-58.19). He endeavours to persuade his audience by an

⁹ See William Haugeard's Introduction to Hooker's Preface to the *Lawes* in the new commentary *FLE* 6 (1) *Elizabeth's Reign: Crucible for an Emerging Anglicanism*, pp. 2-22. A recent and very important exception to this interpretation is proposed by Nigel Atkinson in *Richard Hooker and the Authority of Scripture, Tradition and Reason: Reformed Theologian of the Church of England?* (Carlisle: Paternoster Press, 1997). Atkinson directly challenges the traditional consensus of Hooker as a representative of *via media* Anglicanism.

¹⁰ There is, of course, no single theological current which can be called "the magisterial Reformation." In the course of the sixteenth century a variety of distinct confessions emerged. Four main branches of protestant reform are normally recognized: Lutheran, Genevan, Zurich and Radical Reform. The first three branches are commonly classified as the "magisterial" Reformation over against the fourth. The Preface to the *Lawes* makes clear Hooker's concern that the promoters of the *disciplina* have adopted certain features of the radical protestant agenda. This continental backdrop of confessionalisation is of crucial significance to the interpretation of Hooker's thought. For a clear discussion of these distinctions see Konrad Repgen, "Reform," in the *Oxford Encyclopedia of the Reformation*, gen. ed. Hans J. Hillerbrand (Oxford: Oxford University Press, 1996), vol. 3, pp. 392-95.

¹¹ This interpretation of Hooker's apologetics has been set forth already in my monograph study *Richard Hooker's Doctrine of the Royal Supremacy* (Leiden and New York: E.J. Brill, 1990), pp. 19-23; see also W. J. Torrance Kirby, "Richard Hooker as an Apologist of the Magisterial Reformation in England," in *Richard Hooker and the Construction of Christian Community, Medieval and Renaissance Texts and Studies*, vol. 165, ed. A.S. McGrade (Tucson, Arizona: 1997) [RHC], pp. 219-233. See also Nigel Atkinson, *Richard Hooker and the Authority of Scripture, Tradition and Reason*, pp. ix-xxii.

¹² This category is adopted from the important study by Peter Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge: The University Press, 1982); see especially pp. 1-15. On Hooker's irenicism see *Lawes* Pref. 9.3.4 (1:52.12-53.15) References to *Of the Lawes of Ecclesiasticall Politie* (*Lawes*) cite book, chapter and section followed by the volume, page and line numbers of *FLE* in brackets.

appeal to standards of doctrinal orthodoxy, acknowledged by them as authoritative, that a complete reformation has in fact already been achieved. By a concerted appeal to "theological reason"¹³ he hopes to secure *conscientious* acceptance of the Settlement by such disciplinarian-puritan critics as Walter Travers or Thomas Cartwright. In the course of the Admonition Controversy of the 1570s Travers and Cartwright articulated their support for a scripturally prescribed form of ecclesiastical polity or *disciplina*, and are the representative authorities for the *disciplina* cited by Hooker in the *Lawes*.¹⁴ The comparative stability enjoyed by the Jacobean Church and Cartwright's own eventual conformity to the established church in the late 1590s provide some evidence of success in this irenical purpose. Hooker's overriding apologetic aim as set out in the Preface to the *Lawes* is, at any rate, inconsistent with an attempt to construct an ecclesiological *tertium quid* somewhere between Geneva and Rome. In order to persuade his audience that a complete Reformation of the church had been achieved in and through the doctrine and institutions of the Elizabethan Settlement, one of Hooker's chief tasks is to justify the authority of natural law in handling matters of religion. The only possibility of success in this apologetic aim is to offer a demonstration proceeding from the ground of theological assumptions shared by those whom he intends to persuade.¹⁵ Thus it should come as no great surprise when, in his account of natural law, he relies upon arguments and authorities employed by Calvin, Luther and other magisterial reformers.

Interpretations Of The Role Of Natural Law In Hooker's Theology

John McNeill argued fifty years ago, perhaps too sanguinely, that there is "no real discontinuity between the teaching of the reformers and that of their predecessors with respect to natural law."¹⁶ It must nevertheless be acknowledged that there is a genuine dialectical difficulty in reconciling the authority of the natural law with the core assumptions of Reformation soteriology and scriptural hermeneutics. As we have already noted, Hooker's advocating of natural law to defend the constitution of the Elizabethan Church met with strong opposition from some of his contemporaries.¹⁷ To the anonymous authors of *A Christian Letter* he appeared to overthrow the very foundation of the doctrine of the reformed Church of England by setting a qualification on the perfect

¹³ *Master Hooker's Answer to the Supplication that Master Travers made to the Counsell*, FLE 5:255.4-15. Luther distinguishes between "theological reason" and mere "human reason" in his *Disputationen* (1535-45), WA 39,1.180; LW 34.144.

¹⁴ On the Admonition Controversy of the 1570s, see Peter Lake, *Anglicans and Puritans? Presbyterianism and English Confirmist Thought from Whitgift to Hooker* (London: Unwin Hyman, 1988).

¹⁵ See Pref. 1.3 (1:3.1-6): "Thinke not that ye reade the words of one, who bendeth him selfe as an adversarie against the truth which ye have already embraced; but the words of one, who desireth even to embrace together with you the selfe same truth, if it be the truth, and for that cause (for no other God he knoweth) hath undertaken the burthensome labour of this painefull kinde of conference." Cf. Hooker's marginal note on *ACL* in FLE 4:68.12-16.

¹⁶ "Natural Law in the Teaching of the Reformers," *Journal of Religion* 26 (1946), p. 168.

¹⁷ *Lawes* I.14.5 (1:129.10-14): "It sufficeth therefore that nature and scripture doe serve in such full sort, that they both joyntly and not severallye eyther of them be so complete, that unto everlasting felicitie wee neede not the knowledge of any thing more then these two [and] may easily furnish our mindes with on all sides . . ."

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

sufficiency of scriptural authority.¹⁸ In his debate with Archbishop John Whitgift earlier in the 1570s, Cartwright had argued that the dictum *sola scriptura* constituted a universal rule of human action and that whatever is not done in accord with God's revealed written word is sinful.¹⁹ In the *Lawes* Hooker responds to Cartwright's four scriptural proofs of this position with an invocation of wisdom theology:

Whatsoever either men on earth, or the Angels of heaven do know, it is as a drop of that unemptiable fountaine of wisdom, which wisdom hath diversly imparted her treasures unto the world. As her waies are of sundry kinds, so her maner of teaching is not meerey one and the same. Some things she openeth by the sacred bookes of Scripture; some things by the glorious works of nature: with some things she inspireth them from above by spirituall influence, in some thinges she leadeth and trayneth them onely by worldly experience and practise. We may not so in any one speciall kind admire her that we disgrace her in any other, but let all her wayes be according unto their place and degree adored (*Lawes* II.1.4; 1:147.23-148.6).²⁰

The authors of *A Christian Letter* interpret Hooker's theology openly to challenge to foundational teaching on the perfect sufficiency of the scripture (*sola scriptura*). His appeal to diversity of access to the divine wisdom is construed as an affirmation that the "light of nature" teaches a knowledge necessary to salvation and that scripture, therefore, is merely a supplement to the natural knowledge of God.²¹ The compatibility of natural law theory with such primary doctrines as justification by faith (*sola fides*) and salvation by Christ alone (*solus Christus*) is also called into question.²² Hooker's appeal to natural law tradition, the light of reason, the authority of philosophy in general and Aristotle in particular²³ is thought to pose such a serious breach with the *Articles of Religion* that, as the Letter puts it, "almost all the principall pointes of our English creed [are] greatlie shaken and contradicted."²⁴ In short, against Hooker's protestations to the contrary, the

¹⁸ *Lawes* I.14.5 (1:129.10-14); compare II.8.3 (1:188.4-7): "The unsufficiencie of the light of nature is by the light of scripture so fully and so perfectly herein supplied, that further light then this hath added there doth not neede unto that ende." - " "

¹⁹ Thomas Cartwright, *A Replye to an Answere made of M. doctor Whitgifte . . . Agaynste the Admonition* (Hemel Hempstead?: J. Stroud?, 1575), pp. 26-27, cited in *Lawes* II.1.3 (1:146.1), II.2.1 (1:148.7), II.3.1 (1:150.19) and II.4.1 (1:151.18).

²⁰ See *The Wisdom of Solomon* 11:4. Compare Calvin, *Inst.* 1.1.1: "Those blessings which unceasingly distill to us from heaven, are like streams conducting us to the fountain."

²¹ See *ACL* §3. *The Holy Scripture contayneth all thinges necessarie to salvation.* *FLE* 4:11.1- 14.9. See especially 4:11.22.

²² *FLE* 4:14.4-7 and also *ACL* §6. *Of fayth and workes.* *FLE* 4:19.17-23.9.

²³ Hooker refers to Aristotle as "the Arch-Philosopher" and "the mirror of humaine wisdom." *Lawes* I.4.1 (1:70.20) and I.10.4 (1:99.28) For Luther Aristotle is synonymous with reason and philosophy and is often referred to as the "light of nature." *WA* 7.738.31; 7.739.23; 2.395.19; and 2.363.4. See B.A. Gerrish, *Grace and Reason: A Study in the Theology of Luther* (Oxford: Clarendon Press, 1962), pp. 32-42.

²⁴ *ACL* §20. *Schoolemen, Philosophie, and Poperie.* *FLE* 4:65.16 - 68.19: "yet in all your discourse, for the most parte, Aristotle the patriarch of Philosophers (with divers other human writers) and the ingenuous [sic!] schoolemen, almost in all pointes have some finger; Reason is highlie sett up against holie scripture, and reading against preaching; the church of Rome favourablie admitted to bee of the house of God; Calvin

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

authors of *A Christian Letter* regard the appeal to the authority of reason and natural law in theological discourse as simply irreconcilable with "all true christian doctrine."

Present-day scholarly evaluations of Hooker's thought are more inclined to agree with the assessment of these sixteenth-century critics than with Hooker's own avowed apologetic intent. William Speed Hill, for example, maintains that Hooker's defence of natural law leads away from Protestant orthodoxy in the direction of the Anglican *via media* and that it was precisely "the doctrinal implications of this position - specifically its apparent proximity to Rome - that the authors of *A Christian Letter* feared and opposed."²⁵ With respect to the specific charges made in *A Christian Letter* concerning Hooker's appeal to the authority of natural law, H.C. Porter argues that they were entirely justified. According to Porter, Hooker's critics perceived *correctly* that "the whole of Hooker's work . . . was a celebration of our natural faculty of reason," and that therefore he had indeed deviated from the path of Protestant orthodoxy.²⁶ By upholding the authority of reason and natural law Hooker had abandoned the magisterial reformers' insistence upon the principle *sola scriptura*, and had in fact embraced the Thomist dictum "grace comes not to destroy nature but to fulfill it, to perfect it."²⁷ In his recent Introduction to the first book of the *Lawes*, Lee Gibbs adopts much the same view when he observes that Hooker is closer to a Thomistic "conjunctive view" of the relation between grace and nature, scripture and reason than he is to "the more disjunctive perspective of his Calvinist antagonists (*FLE* 6(1): 97)." Gibbs points out that Hooker's emphasis on the rationality of law depends on a teleological perspective derived from Aristotle and Aquinas while the magisterial reformers adhere to a nominalist, voluntarist emphasis on the essence of law as command rather than reason.²⁸ By this account a rationalist, realist account of law like Hooker's is by definition incompatible with the assumptions of Reformation theology. According to Gibbs, Hooker's more optimistic view of human nature enabled him to close the breach between reason and revelation, nature and grace which had been opened by the magisterial reformers and maintained by

with the reformed churches full of faults; and most of all they which indevoured to be most removed from conformitie with the church of Rome; Almost all the principall pointes of our English creed, greatlie shaken and contradicted. . . Shall wee doe you wronge to suspect you as a privie and subtill enemie to the whole state of the Englishe Church, and that you would have men to deeme her Majestie to have done ill in abolishing the Romish religion, and banishing the Popes authoritie; and that you would bee glad to see the backesliding of all reformed churches to bee made conformable to that wicked synagogue of Rome . . . and that you esteeme . . . the bookes of holy scripture to bee at the least of no greater moment then Aristotle and the Schoolemen: Or else doe you meane to bring in a confusion of all thinges, to reconcile heaven and earth, and to make all religions equall: Will you bring us to Atheisme, or to Poperie?"

²⁵ Hill, "Doctrine and Polity", *SRC*, p.175.

²⁶ H.C. Porter, "Hooker, the Tudor Constitution, and the *Via Media*," in *SRH* p. 103.

²⁷ *Lawes* I.14.5 (1:129.6). See Porter, *SRH*, pp. 103-107. See also W. David Neelands, "Hooker on Scripture, Reason and 'Tradition'," *RHC*, pp. 76-82.

²⁸ Gibbs maintains that the controversy turns on "the difference between two natural law traditions. Hooker stands predominantly within the medieval rationalist and realist tradition represented by Aquinas, while the magisterial Protestant Reformers and their disciplinarian progeny stand squarely in the camp of the medieval voluntarists and nominalists." Lee Gibbs, Introduction to Book I, *FLE* 6 (1):103. Otto von Gierke lays out this distinction between the two natural law traditions in *Political Theories of the Middle Ages*, translated by F.W. Maitland (Cambridge: The University Press, 1922), pp. 172-73; see also Francis Oakley, "Medieval Theories of Natural Law: William of Ockham and the Significance of the Voluntarist Tradition," *Natural Law Forum* 6 (1961): pp. 65-83.

the more radical disciplinarian puritans (*FLE* 6 (1): 124). In this fashion, Hooker's theological position is identified as essentially neo-Thomist.²⁹ To regard natural law as a revelation of the divine nature is, on this view, to depart from the established bounds of Protestant orthodoxy into the territory of scholastic divinity or, as the authors of *A Christian Letter* put it, "the darknesse of schoole learning (*FLE* 4:65.1)." Hooker's contemporary critics and present-day scholarship are agreed at least on this point: the theology of disciplinarian puritanism with its rejection of natural law theory is more consistent than the theology of Hooker with the teaching of the magisterial reformers. In what remains of this discussion we shall argue that such a portrayal of the role of natural law in Hooker's theology is questionable; on the contrary, we shall seek to demonstrate that his embrace of the natural law tradition is in fact consistent with a well-established pattern in the practical theology of the magisterial reformers.³⁰

Natural Law In The Theology Of The Magisterial Reformers

Martin Luther

According to Martin Luther there is a paradox in the Scriptures with respect to the knowledge of God.³¹ On the one hand, Paul testifies to the Romans that man is able to know God *by nature* (Rom. 1:19, 20). On the other hand, John's Gospel plainly affirms that God can only be known as *revealed in Christ*: "if the Son, whom the Father embraces in His divinity, had not come to reveal God to us, no one would ever know him."³² Luther goes on to ask how these apparently contrary claims can be reconciled and notes with remarkable prescience that someday this question is going to cause trouble! The reconciliation rests on a distinction between two kinds of knowledge of God, one through the law and the other through the gospel. Reason knows God through what Luther calls a *cognitio legalis*, a legal knowing, while the saving knowledge of the gospel is by definition inaccessible to reason. This twofold knowledge of God according to the distinction between the law and the gospel in turn provides the basis for the crucial distinction of ethical doctrine, namely the twofold use of the law. For Luther the law and the gospel are two distinct species of word or preaching (*tzweyerley wort oder predigt*). Indeed the ability properly to distinguish between the two is the essential task of theology

²⁹ "For Hooker, as for Aquinas, law is grounded on reason (*aliquid rationis*)." *FLE* 6(1): 97. Gibbs emphasises Hooker's dependence on Aquinas throughout his Introduction.

³⁰ For a significant critique of this prevailing consensus, see Nigel Atkinson, *Richard Hooker and the Authority of Scripture, Tradition and Reason*, pp. 1-33.

³¹ In the following summary of Luther's teaching concerning the knowledge of God and the twofold use of the law I am indebted to the following sources: Karl-Heinz zur Mühlen, "Law: Theological Understanding of Law," *Oxford Encyclopedia of the Reformation* (Oxford: O.U.P., 1996), vol. 2, pp. 404-408; William H. Lazareth, "Luther's 'Two Kingdom' Ethic Reconsidered;" and B.A. Gerrish, *Grace and Reason: A Study in the Theology of Luther* (Oxford: Clarendon Press, 1962). See also Nigel Atkinson, *Richard Hooker and the Authority of Scripture*, pp. 18-22.

³² Martin Luther, *Commentary on the Gospel of John, Luther's Works (LW)*, ed. Jaroslav Pelikan (St. Louis Mo.: Concordia, 1958-1986), vol. 22, p.150.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

(*summa totius Christianae doctrinae*).³³ The individual Christian lives simultaneously in the two orders of creation and redemption; the one is natural, temporal and earthly while the other is spiritual, eternal and heavenly. There is distinction between the two realms but not disjunctive separation. In the former man lives externally in relation to the world while in the latter life is internally directed towards God. Corresponding to the two kingdoms are two distinct modes of discourse and two corresponding uses of the law. In temporal matters (*coram hominibus*) the rational man is self-sufficient; in this realm the law rules externally and is directed principally by the natural light of reason. This is the *usus politicus* of law which is naturally accessible to all rational creatures. Here in the *forum politicum* the authority of Aristotle is altogether worthy of praise.³⁴ In spiritual matters which have to do with the soul's immediate, internal relation to God (*coram Deo*), on the other hand, reason is blind and man is incapable of acceptable ethical action. In matters of salvation the power of reason is simply "death and darkness."³⁵ In this realm of discourse and action the law functions to show up all human ethical striving as null, and drives the conscience to rely solely upon the divine grace. This so-called *usus theologicus seu spiritualis* of the law can be discerned only through the revealed light of the gospel. So far as the gospel is concerned, that is to say in the *forum theologicum*, all Aristotle is to theology as darkness to light.³⁶

According to Luther, God rules through the gospel as redeemer and through the law as creator. A twist enters into this dialectical construct when the political or external use of the law is shown to be necessary for those under the dispensation of the gospel.³⁷ Within this structure of divine governance, the Christian is viewed as both justified and sinful (*simul justus et peccator*) and therefore simultaneously no longer under the law and yet still in need of the law's correction. Thus, according to the *usus theologicus*, natural law demonstrates the futility of any human effort to live justly; at the same time, according to the *usus civilis*, the law demands full obedience. Thus the law imposes no soteriological necessity upon the believer justified by faith but does establish an ethical measure for the good works which proceed from the "indicative" of divine grace.³⁸ It is only with the emergence of the *tertius usus legis* that a divine legal "imperative" is asserted in Phillip Melancthon's theology of law and in later Lutheran formulations.³⁹

³³ See Luther's Introduction to his *Commentary on St. Paul's Epistle to the Galatians*, WA 40 (1).37-51.

³⁴ "Aristoteles est optimus in morali philosophia; in naturali nihil valet." *Tischreden* 1.226.10.

³⁵ WA 39 (1). 180; LW 34.144. See Paul Althaus, *The Theology of Martin Luther*, translated by Robert C. Schultz (Philadelphia: Fortress Press, 1966), pp. 64-71.

³⁶ "Totus Aristoteles ad Theologiam est tenebra ad lucem," from "Ad subscriptas conclusiones respondebit M. Franciscus Guntherus Northusensis, pro Biblia, Praesidente R.P.D. Martino Luthero Augustiniano S. Theologiae Wittembergae Decano, loco et tempore statuendis. M.D.XVII," Conclusion 50, in M. Luther, *Opera Omnia* (Wittenberg: Iohannem Lufft, 1558), vol. I: 56b; quoted in *ACL, FLE* 4:65.13-14.

³⁷ See William H. Lazareth, "Luther's 'Two Kingdom' Ethic Reconsidered," pp. 173-176.

³⁸ See Luther's explanation of the necessity of regeneration and the subduing of the flesh in *this life*, *Kirchenpostille* (1537) Epistle for the Nineteenth Sunday After Trinity, WA 45. 161-64.

³⁹ On Melancthon, see p. 17 below. I am grateful to Dr. Niels Gregerson for drawing my attention to the doctrine of the *tertius usus legis* in the Formula of Concord of 1577, the Solid Declaration, Article VI. "The Third Function of the Law" in *The Book of Concord: The Confession of the evangelical Lutheran Church*, translated and edited by Theodore G. Tappert (Philadelphia: Fortress Press, 1959), pp. 563-568. See especially p. 565: "But in this life Christians are not renewed perfectly and completely. For although their sins are covered up through the perfect obedience of Christ, so that they are not reckoned to believers for

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

For Luther the Decalogue and the golden rule of the New Testament are both expressions of the natural law commanded in the scriptures.⁴⁰ Thus the legal authority of nature and scripture coincide. The law inscribed on human hearts by the law of nature, but obscured by sin, is reestablished by revealed command.

Hooker's account of natural law appeals to Luther's distinction of the twofold use of the law, although his formulation of doctrine is potentially misleading on a terminological level:

The lawe of reason doth somewhat direct men how to honour God as their Creator, but how to glorifie God in such sort as is required, to the end he may be an everlasting Saviour, this we are taught by divine law, which law both ascertaineth the truth and supplyeth unto us the want of that other law. So that in morall actions, divine lawe helpeth exceedingly the law of reason to guide mans life, but in supernaturall it alone guideth.
(*Lawes* I.16.5; 1:139.3-10)

It is important to observe here that Hooker's "divine law" is a category which embraces both the gospel and the moral law revealed in scripture. Owing to the primacy of the gospel-law antinomy in his theology, Luther never applies the terminology of "law" to the teaching of the gospel. The antinomy is affirmed by Hooker, but within the broader categorical distinction between revealed law and natural law. Thus in "supernaturall actions," the revealed word alone is a guide. In the mystical realm of salvation, reason is incapacitated, and for Hooker "without belief all other things are as nothing (*Lawes* I.11.5,6; 1:118.11-30)." Within the order of creation, on the other hand, natural law rules. As a result of man's fallen condition, the law of nature requires some kind of coercive "public regiment (*Lawes* I.10.4; 1:100.11)." By means of this political use of law in the external realm, it is possible, says Hooker, to furnish ourselves with "a life fit for the dignitie of man (*Lawes* I.10.1; 1:96.10)." On this level, namely the order of creation, the discourse has every appearance of humanism. At the same time, however, the need for such external regiment is taken as evidence of God's remedy for human depravity (*remedium peccati*). The external order of political law and the revelation of a supernatural way of salvation both arise out of disruption of the natural order. In a manner similar to the Christian individual the Church also falls within the distinction of the two orders of creation and redemption. As the mystical body of Christ, the Church is altogether above natural knowing. Yet in so far as the Church falls within the external, political realm it too is subject to the directives of positive human law and thus ultimately to the authority of the Christian prince as the "uncommanded commander" in the

damnation, and although the Holy Spirit has begun the mortification of the Old Adam and their renewal in the spirit of their minds, nevertheless the Old Adam still clings to their nature and to all its internal and external powers. . . . Hence, because of the desires of the flesh the truly believing, elect, and reborn children of God require in this life not only the daily teaching and admonition, warning and threatening of the law, but frequently the punishment of the law as well, to egg them on so that they follow the Spirit of God." Robert Kolb, *Confessing the Faith: Reformers Define the Church, 1530-1580* (St. Louis: Concordia Publishing House, 1991).

⁴⁰ See *Commentary on Galatians* 5:14, *WA* 45(2).66,67; *LW* 27.53; *Commentary on the Gospel of John*, *LW* 22.150.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

external, political realm.⁴¹ Throughout his discussion of the authority of natural law in the government of the visible Church, Hooker depends upon the dialectical paradigm established by Luther in the doctrine of the two kingdoms.

Phillip Melanchthon

Phillip Melanchthon observes in his *Loci Communes* that the law of nature is a "divine light" implanted in human intellect and agreeable in content with the law of Moses.⁴² Reason would be incapable of marvelling at the glorious works of the creator if it lacked what Melanchthon calls a preconception or "proleptic" knowledge of God.⁴³ Indeed the divine image shines in man *as* the knowledge of God; this similitude of the divine mind shows itself in a capacity for moral discrimination which is, of course, dependent upon a knowledge of the natural law.⁴⁴ Thus the natural knowledge of God and practical wisdom are bound tightly together. Melanchthon extends Luther's doctrine of law to include a *tertius usus* whereby the law, natural or revealed, serves as a permanent instruction for holiness to those justified by faith.⁴⁵ Hooker adheres to this third use of the law in his insistence upon the necessity of the ethical regeneration of sanctifying righteousness while, at the same time, he continues to uphold the original distinction between the *usus civilis* and the *usus theologicus*.⁴⁶ It has been suggested that Melanchthon stresses the pedagogical function of the law in the ethical realm owing to the humanistic bent of his thought.⁴⁷ It is important to recognize that Melanchthon's humanism, like Hooker's, is erected on the foundation of the distinction between the two orders or kingdoms. In the context of the *tertius usus legis*, the study of Aristotle's *Ethics*

⁴¹ See chapter III below for a discussion of Hooker's doctrine of the Church in the context of patristic Christological discourse.

⁴² "De lege naturae," *Loci Communes Theologici* (Erlangen: Carolus Heyder, 1828), p. 139: "Lumen divinum in mentibus non extinguendum est . . . ergo vera definitio legis naturae: legem naturae esse notitiam legis divinae naturae hominis insitam; ideo enim dicitur homo ad imaginem Dei conditus esse, quia in eo lucebat imago, hoc est, notitia Dei, et similitudo quaedam mentis divinae, id est discrimen honestorum et turpium. . ." For an interpretation of Melanchthon's view of natural law and its possible influence on Calvin see Clemens Bauer, "Melanchthons naturrechtslehre," *Archiv für Reformationsgeschichte* 42 (1951): 64-100.

⁴³ Phillip Melanchthon, *Römerbrief-Kommentar 1532*, ed. Rolf Schäfer, in *Melanchthons Werke in Auswahl* (Gütersloh: C. Bertelsmann, 1965), pp. 71-72: "Quamquam enim, ut postea dicit, mens ratiocinatur aliquid de Deo ex consideratione mirabilium eius operum in universa natura rerum, tamen hunc syllogismum ratio non haberet, nisi etiam Deus notitiam kai prolepsin indidisset mentibus nostris." Cp. *Loci Communes*, p. 138: "Philosophi hoc lumen vocant notitiam principiorum, vocant ; ac vulgaris divisio nota est, alia esse principia speculabilia . . ."

⁴⁴ Similarly for Hooker human rationality and volition are the highest expression of the divine likeness in creation: "man being made according to the likenes of his maker resembleth him also in the maner of working; so that whatsoever we worke as men, the same we doe wittingly worke and freely . . ." *Lawes* I.7.2 (1:77.20-23)

⁴⁵ *Melanchthon on Christian Doctrine: Loci Communes of 1555*, translated and edited by Clyde L. Manschreck (New York: Oxford University Press, 1965), p.127: "Although God now dwells in these [believers] and gives them light, and causes them to be conformed to him, nevertheless, all such happens through God's word, and the law in this life is necessary, that saints may know and have a testimony of the works which please God. Since all men in this mortal life carry in themselves much weakness and sin, daily penance before God ought to increase, and we ought even more to lament our false security and impurity."

⁴⁶ See my discussion of Hooker's soteriology in chapter III below.

⁴⁷ Karl-Heinz zur Mühlen, *OER*, p. 406.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

becomes an explicitly Christian undertaking; there is a communication of idioms (*comunicatio idiomatum*) as it were between the realms of Gospel and Law. The third use of the law emphasises the performance of good works as the fruit of faith and thus allows for a restoration or baptism, as it were, of pagan moral science. Hooker's frequent appeals to the authority of pagan practical wisdom, whether it be to Aristotle, Sophocles, Cicero or to later Christian neoplatonic sources, can be better understood in the light of Melancthon's *tertius usus legis*. There is no need whatever for Hooker to abandon the theological ground of the magisterial reformers in order to reconcile the practice of Christian virtue with natural law. Lee Gibbs has observed that Hooker follows Aquinas in defining law as "something pertaining to practical reason (*FLE* 6(1):495)." It can be said equally fairly that Melancthon and Luther follow Aquinas in their account of practical reason according to the doctrine of the *usus civilis*.

Heinrich Bullinger

Heinrich Bullinger, the reformed leader of Zurich, interprets natural law chiefly in terms of the conscience. In his exegesis of *Romans* 2:15 in the *Decades*,⁴⁸ Bullinger maintains that God has placed the law of nature in the mind in order to instruct it and direct it in its judgement between good and evil. This law also imprints general principles of religion and justice on the soul in such a fashion that they can be said to be born with us, and are therefore *naturally* in us. Like Luther and Melancthon, Bullinger insists on the virtual identity of content and purpose of the natural law and the moral law revealed in scripture.⁴⁹ The fault of the Gentiles lies not so much in ignorance of God's purposes but rather in a perverse turning away from the knowledge they possess. Thus the will rather than the intellect is at the root of their failure to observe the law.⁵⁰ For Bullinger the disobedience of the Gentiles to the law "engraven in our minds" is expressed typically in the worship of the "graven image." By virtue of its failure to recognise the true *imago dei* in the rational soul, idolatry is a violation of the natural law as well as the revealed law of scripture. Hooker regards idolatry in much the same way. As does Bullinger he sees it as exemplary of "the like kind of generall blindnes [which] hath prevailed against the manifest laws of reason." Prevalence of "the grosser kind of heathenish idolatrie" is

⁴⁸ These collected sermons were formally authorised by Archbishop Whitgift for the theological study of the clergy of England in 1586, not long after Hooker's appointment to the Mastership of the Temple. See W.P.M. Kennedy, *Elizabethan Episcopal Administration* (London: Alcuin Club, 1924), vol. 2, pp. 45-46.

⁴⁹ Heinrich Bullinger, *Decades*, ed. T. Harding, (Cambridge: Parker Society, 1849-51), 1.2:194,195: "The law of nature is an instruction of the conscience, and, as it were, a certain direction placed by God himself in the minds and hearts of men, to teach them what they have to do and what to echew. And the conscience, verily, is the knowledge, judgement, and reason of a man . . . and this reason proceedeth from God. . . Wherefore the law of nature [is so called] because God hath imprinted or engraven in our minds some knowledge, and certain general rinciples of religion, justice, and goodness, which, because they be grafted in us and born together with us, do therefore seem to be naturally in us. . . We understand that the law of nature, not the written law, but that which is graffed in man, hath the same office that the written law hath." See Edward A. Dowey, "Heinrich Bullinger's Theology: Thematic, Comprehensive, Schematic," in *Calvin Studies V*, ed. John Leith (Davidson, NC: Davidson College, 1990), pp. 41-60 and John T. McNeill, "Natural Law in the Teaching of the Reformers," pp. 178,179.

⁵⁰ See David C. Steinmetz, "Calvin and the Natural Knowledge of God," in *Calvin in Context* (Oxford: The University Press, 1995), pp. 26-28.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

evidence of the inherent weakness of human reason and the consequent need for perpetual divine aid (*Lawes* I.8.11; 1:91.25-93.16).

John Calvin and the duplex cognitio dei

In the 1559 edition of the *Institutes of the Christian Religion*, Calvin formulates a classic summary of the twofold knowledge of God:

It is one thing to perceive that God our Maker supports us by his power, rules us by his providence, fosters us by his goodness, and visits us with all kinds of blessings, and another thing to embrace the grace of reconciliation offered to us in Christ. Since, then, the Lord first appears, as well in the creation of the world as in the general doctrine of Scripture, simply as Creator, and afterwards as a Redeemer in Christ, a twofold knowledge of him arises.⁵¹

This distinction of the *duplex cognitio dei* proves to be most significant in the systematic ordering of Calvin's theology and is highly influential in later reformed doctrine as well.⁵² In another well known passage in the *Institutes*, he observes that the knowledge of God is naturally implanted in the human mind.⁵³ It is interesting to note that, unlike most discussions of this question by the magisterial reformers, Calvin does not appeal here to the *Epistle to the Romans*. He refers rather to two passages where Cicero argues that knowledge of the divine is engraved on the minds of men.⁵⁴ Employing language similar to Cicero's, although to a different purpose, Paul argues at the outset of his *Epistle to the Romans* that God reveals himself to the gentiles through the works of creation (Rom.

⁵¹ John Calvin, *The Institutes of the Christian Religion*, transl. Henry Beveridge (Grand Rapids, Mich.: Eerdmans, 1979). Cited thus: *Inst.* 1.2.1. For most of this century there has been considerable controversy over the right interpretation of Calvin's natural theology; whether Calvin had a natural theology at all has even been doubted. For a succinct account of this controversy and a summary of the extensive body of critical literature, see William Klempa, "Calvin and Natural Law," *Calvin Studies IV*, ed. John H. Leith and W. Stacy Johnson (Davidson, NC: Davidson College, 1988), pp. 1-23.

⁵² See Edward A. Dowey, *The Knowledge of God in Calvin's Theology* (New York: Columbia University Press, 1952). For an interesting discussion of the history of this motif in reformed theology, see Richard A. Muller, "'Duplex cognitio dei' in the Theology of Early Reformed Orthodoxy", *Sixteenth Century Journal X*, 2 (1979): 51-61.

⁵³ *Inst.* 1.3.1: "That there exists in the human mind, and indeed by natural instinct, some sense of Deity, we hold to be beyond dispute, since God himself, to prevent any man from pretending ignorance, has endued all men with some idea of his Godhead, the memory of which he constantly renews and occasionally enlarges, that all to a man, being aware that there is a God, and that he is their maker, may be condemned by their own conscience when they neither worship him nor consecrate their lives to his service. . . . But, as a heathen [Cicero] tells us, there is no nation so barbarous, no race so brutish, as not to be imbued with the conviction that there is a God." Compare *Lawes* V.1.3 (2:20.4-9) for the concept of the "*semen religionis*."

⁵⁴ *Inst.* 1.3.1. The two passages cited from Cicero's *De Natura Deorum* are as follows: "Intelligi necesse est deos, quoniam insitas eorum vel potius innatas cognitiones habemus.--Quae hobs natura informationem deorum ipsorum dedit, eadem *insculpsit in mentibus* ut eos aeternos et beatos haberemus." (I.17) The second reference is from Bk. II.4: "Itaque inter omnes omnium gentium summa constat; omnibus enim innatum est, et in animo quasi *insculptum* esse deos." [my italics] Calvin also cites the "Christian Cicero" Lactantius, *Divinarum Institutionum*, liber III.10, *Opera* (Antwerp: Christopher Plantin, 1570).

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

1:20) and that his law is inscribed upon their hearts (*scriptum in cordibus suis*).⁵⁵ In his commentary on this passage Calvin interprets the created world as a mirror (*speculum*) of the invisible deity and man himself is the principal image in which the divine majesty shines forth.⁵⁶ Calvin asserts furthermore that human reason is naturally able to discern eternal power and divinity through a contemplation of the splendour of the natural order with the rational creature as its principal glory.⁵⁷ The proper image of the divine glory is displayed in the rational human soul. Calvin quotes Ovid's *Metamorphoses*: While the mute creation downward bend

Their sight, and to their earthly mother tend,
Man looks aloft, and with erected eyes,
Beholds his own hereditary skies.⁵⁸

In yet another passage in the second book of the *Institutes*, Calvin weighs the power of human reason with respect to actual knowledge of the kingdom of God. He concludes that pagan spiritual discernment is limited and "men otherwise most ingenious are blinder than moles (*Inst.* 2.2.19)." While they can have no knowledge of God's paternal favour, and hence of salvation, nevertheless they are able to attain to a certain limited knowledge of God. To know God as Father requires the revelation of the divine law whereas the divine existence, eternity and power are accessible to the unaided power of human reason. There is a natural knowledge of God as Maker of all things but *not* as Redeemer.⁵⁹ Thus the Christian is simultaneously subject to the conditions of blindness and sight. There are also two ethical concepts of nature at work here. On the one side, human nature is endowed with a sense of natural justice and equity which is not completely obliterated by sin, although it is severely impaired (*Inst.* 2.2.13). As a consequence of the *usus civilis legis* fallen man is able to discern the natural law and is thereby able to construct an ethical-political order even though this external observance of the law can accomplish nothing whatever in the economy of salvation.⁶⁰ On the other side, from the viewpoint of the *usus theologicus*, man as fallen is utterly blind to the knowledge of God's kingdom and his fatherly grace. The mysteries of redemption can be apprehended solely by the illumination of divine grace (*Inst.* 2.2.20). Calvin's account of the twofold knowledge of

⁵⁵ Compare Hooker, *Lawes* I.8.3 (1:84.7-16) and III.9.3 (1: 238.25-239.4).

⁵⁶ See Calvin, *Commentaries on the Epistle to the Romans*, translated and edited by John Owen, (Grand Rapids, Mich.: Eerdmans, 1948), pp. 67 ff. See especially the comment on Rom. 1:20: "God is in himself invisible; but as his majesty shines forth in his works and in his creatures everywhere, men ought in these to acknowledge him, for they clearly set forth their Maker: and for this reason the Apostle in his Epistle to the Hebrews says, that this world is a mirror, or representation of invisible things. He [Paul] does not mention all the particulars which may be thought to belong to God; but he states, that we can arrive at the knowledge of his eternal power and divinity; for he who is the framer of all things, must necessarily be without beginning and from himself..."

⁵⁷ On Calvin's appeal to nature and natural law see John I. Hesselink, Jr. *Calvin's Concept of Law*, Princeton Theological Monograph Series, vol. 30 (Allison Park, PA, 1992), pp.56-67 and Susan E. Schreiner, *Theatre of His Glory: Nature and the Natural order in the Thought of John Calvin*, Studies in Historical Theology 3 (Durham, NC: Labyrinth Press, 1991), pp. 73-95.

⁵⁸ *Inst.* 1.15.2. The translation is John Dryden's.

⁵⁹ *Inst.* 2.2.18. See also 2.2.22: "If the Gentiles have the righteousness of the law naturally engraven on their minds, we certainly cannot say that they are altogether blind as to the rule of life."

⁶⁰ Edward Dowey, *The Knowledge of God*, p. 63.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

God adheres closely to Luther's distinction between the orders of creation and redemption.

In his exposition of the moral law Calvin maintains that the revealed law of the Decalogue is naturally inscribed on every heart (*Inst.* 2.8.1) such that the law of scripture and the natural law are united in content (*Inst.* 4.20.14,15). Calvin goes even further than Melancthon in upholding the third use of the law. For Calvin it is the principal use and is most closely connected with law's proper end (*Inst.* 2.7.12). The Pauline abrogation of the law by no means abolishes law simply; rather the law loses its power of constraining the conscience.⁶¹ In the regeneration of the will the law becomes a teacher and commander. This restoration or "baptism" of law in the third use has significant consequences for the role of natural law. Thus growth in ethical virtue, or sanctification as it is called, is achieved in large part through the study of the moral law revealed by both nature and scripture.⁶²

Hooker And The Authority Of Magisterial Doctrine

In *A Learned Sermon on the Nature of Pride*,⁶³ Hooker defines law in general as follows:

. . . an exact rule wherby humane actions are measured.⁶⁴ The rule to measure and judge them by is the law of god . . . Under the name of law we must comprehend not only that which god hath written in tables and leaves but that which nature hath *ingraven in the hartes of men*. Els how should those heathen which never had bookes but heaven and earth to look upon be convicted of perversnes? *But the Gentils which had not the law in books had saith the apostle theeffect of the law written in their hartes. Rom. 2 (FLE 5:312).*

⁶¹ *Inst.* 2.7.14: "Christ came not to destroy the law but to fulfill it, that until heaven and earth pass away, not one jot or tittle shall remain unfulfilled."

⁶² See Harro Höpfl, *The Christian Polity of John Calvin* (Cambridge: The University Press, 1982), pp. 179-184 and John Leith, "Creation and Redemption; Law and Gospel in the Theology of John Calvin," in *Marburg Revisited: A reexamination of Luther and Reformed Traditions*, eds. Paul C. Empie and James I. McCord (Minneapolis: Augsburg Press, 1966), pp. 150,151

⁶³ The *Sermon on Pride* is one of seven tractates by Hooker first published postumously in 1612. It has recently been reedited and published in *FLE*, volume 5, ed. Laetitia Yeandle with commentary by Egil Grisliis (1990), pp. 309-361. For a textual introduction see *FLE* 5: 299-308.

⁶⁴ Compare with the definition of law in general at *Lawes* 1.2.1 (1:58.26-29): "That which doth assigne unto each thing the kinde, that which doth moderate the force and power, that which doth appoint the forme and measure of working, the same we tearme a *Lawe*." See Aquinas, *Summa Theologiae*, Ia lae, q. 90, art. 1, reply 1 in *The Treatise on Law*, ed. R.J. Henle (Notre Dame and London: University of Notre Dame Press, 1993), p.119: "lex sit regula quaedam et mensura, dicitur dupliciter esse in aliquo. Uno modo sicut in mensurante et regulante; et quia hoc est proprium rationis idea per hunc modum lex est in ratione sola. Alio modo sicut in regulato et mensurato; et sic lex est in omnibus quae inclinantur in aliquid ex aliqua lege. . . ." The same formulation of law as "measure" is adopted by Heinrich Bullinger, *Decades*, ed. T. Harding, (Cambridge: Parker Society, 1849-51), 1.2:209.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

The passage quoted from Paul's *Epistle to the Romans* is the crucial scriptural text cited by Hooker in support of the authority of natural law.⁶⁵ This is hardly surprising since *Romans* 2:15, as we have seen, is the *locus classicus* for virtually all discussion of natural law throughout the history of Christian thought.⁶⁶ It is important here to note the derivation of the natural law. In this definition Hooker represents the idea of law as fundamentally threefold. First there is the law of God as simply given. Elsewhere Hooker identifies this undifferentiated principle of law as the rule "which God hath eternallie purposed himself in all his works to observe (*Lawes* I.3.1; 1:163.7)." This "eternal law," as he calls it, is the "highest welspring and fountaine" out of which all other kinds of law proceed.⁶⁷ Strictly interpreted, the eternal law itself is "laid up in the bosom of God" altogether above human understanding and our safest eloquence concerning it is silence.⁶⁸ With marked *apophatic* emphasis Hooker avers that "*we confesse without confession* that his glory is inexplicable (*Lawes* I.2.2;1:59.17)." At the same time, however, there is a *kataphatic* need to draw attention to the fact that the eternal law "reads itself" to the world. Thus there is the paradox of keeping this invisible, unknowable law "alwayes before our eyes (*Lawes* I.16.2; 1:136.4-15)." The eternal law, though unknowable *in itself*, is the highest source of all other kinds of law and is made known *to us* under two primary aspects: on the one hand, it is revealed by God's word written in the scriptures and, on the other, it is manifest in creation and known by the law inscribed on human hearts *by nature*. These two primary modes or *summa genera* whereby the one eternal law is made accessible to human understanding are termed respectively by Hooker the divine law and the law of nature.⁶⁹ Although we are "neither able nor worthy to open and looke into" the book of the eternal law, the books of scripture and nature reveal its contents in a manner adapted to our finite capacity.⁷⁰

Hooker is certainly not alone among Reformation theologians in holding that the knowledge of God, and thus also of the eternal law, is attainable by means of *both* scripture and reason. It is furthermore a commonplace of the exegesis of the reformers

⁶⁵ Rom. 2:14,15: "For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: which shew the work of the law *written in their hearts*, their conscience also bearing witness, and their thoughts the means while accusing or else excusing one another." Hooker's refers to this passage frequently. See *Lawes* I.8.3 (1:84.7-16), I.16.5 (1:138.27-139.8), II.8.6 (1:190.11-16), III.2.1 (1:207.14-21), III.7.2 (1:217.30-218.3) where he refers to the "edicts of nature," III.9.3 (1:238.31-239.4) and V.1.3 (2:20.4-9) for the concept of the "*semen religionis*."

⁶⁶ On this see J. Bohatec, *Calvin und das Recht* (Feuding: Buchdruckerei u. Verlagsanstalt, 1934), p. 5.

⁶⁷ I.e. the "fountaine of wisdom," *Lawes* II.1.4 (1:147.24) and "the author fountain and cause of our justice" in *A Learned Sermon on the Nature of Pride*, *FLE* 5:341.3-9.

⁶⁸ *Lawes* I.3.1 (1:63.15) and I.2.5 (1:62.10) Hooker adopts the approach of neoplatonic apophatic theology in his insistence upon the unknowability of the divine simplicity: "Dangerous it were for the feeble braine of man to wade farre into the doings of the most High, whome although to knowe be life, and joy to make mention of his name: yet our soundest knowledge is to know that we know him not as in deed he is, neither can know him: and our safest eloquence concerning him is our silence, when we confesse without confession that his glory is inexplicable, his greatnes above our capacitie and reach." *Lawes* I.2.2 (1:59.12-19)

⁶⁹ See *Lawes* I.1.3 (1:58.11-19). See I.8.3 (1:84.9) and I.8. *passim* for the identification of Natural Law with the law or light of reason. Compare III.11.8 (1:253.15-20).

⁷⁰ See *Lawes* I.2.5 (1:62.10); I.2.2 (1:59.12-20); and V.56.5 (2:237.18-25). "Now amongst the Heathens which had noe bookes whereby to know God besides the volumes of heaven and earth . . ." *Grace and Free Will*, § 12, *FLE* 4:111.21-23.

that the twofold obligation to honour God and deal justly with one's neighbour is taught by both natural and divine law. The interplay between the natural and the revealed knowledge of God gives shape to the magisterial reformers' complex, dialectical approach to the authority of natural law; and the theory of natural law in turn constitutes a critical link between theology and ethics in their thought as well. Hooker's account of the twofold manifestation of the eternal law through the *summa genera* of natural law and divine law, the *duplex gubernatio dei*,⁷¹ gives practical expression as it were to Calvin's epistemological motif of the *duplex cognitio dei*. Just as for Calvin the Lord reveals himself both through the creation of the world and by the revelation of the redeeming Grace of Christ, so also Hooker's eternal law manifests itself in the realm of creation as natural law and in the realm of redemption as divine law. While the eternal law in itself "cannot be compassed with that wit and those senses which are our owne," it is nevertheless manifest in the "glorious workes of nature (*Lawes* I.11.5; 1:116.21)." In Hooker's claim that the pagan philosophers were able to attain to a knowledge of the nature of God and of his Law, there is a distinct echo of Calvin's natural theology:

the wise and learned among the verie Heathens themselves, have all acknowledged some first cause, whereupon originallie the being of all things dependeth. Neither have they otherwise spoken of that cause, then as an Agent, which knowing *what* and *why* it worketh, observeth in working a most exact *order* or *lawe*. . . . all confesse in the working of that first cause, that *counsell* is used, *reason* followed, a *way* observed, that is to say, constant *order* and *law* is kept, wherof it selfe must needs be author unto itselfe (*Lawes* I.2.3; 1:59.33-60.14).

Quite remarkably, Hooker seems to suggest in this passage that a *Logos* theology can be discerned in the pagan understanding of Law as the divine first principle and perhaps also, by implication, an adumbration of the Christian doctrine of the Trinity. Homer, Plato, the Stoics, and no less an authority than Thrice-great Hermes are all enlisted in support of the proposition implicit in these expressions of *Logos* theology, namely that God *is* Law.⁷²

For Hooker, as for Luther, Melanchthon, Bullinger and Calvin, the foundation of a theological reflection on ethics is the twofold knowledge of God. Knowledge of the creator is not to be confused with knowledge of the redeemer, yet a complete account of

⁷¹ Hooker employs this expression in his treatment of the divine operations *ad extra* in *Notes toward a Fragment on Predestination*, Trinity College Dublin, MS 364, folio 80, printed in *FLE* 4: 83-97; see esp. pp. 86, 87.

⁷² *Lawes* I.2.3 (1:60.4-11): "Thus much is signified by that which *Homer* mentioneth, (*Jupiter's Counsell* was accomplished). Thus much acknowledged by *Mercurius Trismegistus*. μ μ (*The creator made the whole world not with hands, but by Reason*). Thus much confest by *Anaxagoras* and *Plato*, terming the maker of the world an Intellectual worker. Finallie the Stoikes, although imagining the first cause of all things to be fire, held neverthelesse that the same fire having arte, did μ (*Proceed by a certaine and a set Waie in the making of the world*). " All translations are Hooker's own. In the *FLE* Commentary on Book I, it is observed that Hooker derives his references to Anaxagoras, Plato and the Stoics from the fifth-century Stobaeus's *Eclogues*. See P.G. Stanwood, "Stobaeus and Classical Borrowing in the Renaissance," *Neophilologus*, 59 (1975): 141-146.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

Christian virtue demands both species of knowing. Hooker's credentials as a reformer stand forth when he maintains that only through the supernatural revelation of the scriptures is it possible to hope for a participation of the divine nature. Scripture alone can reveal the supernatural way of salvation:

The light of nature is never able to finde out any way of obtayning the reward of blisse, but by performing exactly the duties and workes of righteousnes. From salvation therefore and life all flesh being excluded this way, behold how the wisdom of God hath revealed a way mysticall and supernaturall . . . concerning that faith hope and charitie without which there can be no salvation; was there ever any mention made saving only in that lawe which God him selfe hath from heaven revealed? (*Lawes* I.11.5,6; 1:118.11-15,119.12-15).

Only by divine grace can the soul attain to a saving knowledge whereby it might participate in the divine nature and "live as it were the life of God (*Lawes* I.11.2; 1:112.20)." Owing to man's wilfull rejection of the order of creation, the natural law by itself is insufficient to secure the unity of the cosmos under God. With a marked Augustinian emphasis Hooker notes that fallen humanity continues to possess a *natural* desire to be happy (*Lawes* I.11.4; 1:114.8-10), and thus to be reunited with the eternal source of order; yet, on account of original sin, man is "inwardly obstinate, rebellious and averse from all obedience unto the sacred lawes of his nature . . . in regard of his depraved mind little better then a wild beast (*Lawes* I.10.1; 1:96.26-29)." Thus observance of the natural law is no longer effectual in preserving the divinely constituted order of creation. According to Aristotle "it is an axiome of nature that naturall desire cannot utterly be frustrate."⁷³ Reason cannot escape the predicament of desiring both a participation of the divine nature while, at the same time, being constitutionally incapable of finding its way to the consummation of its own deepest longing.⁷⁴ While nature demands a "more divine perfection,"⁷⁵ the means whereby this perfection is attained cannot themselves be natural. Thus the redemption or mystical "return" to God of all creation can only be by supernatural means. In *Notes toward a fragment on Predestination*, Hooker distinguishes between the two species of the divine governance:

Government is that work of God whereby he *sustains created things* and disposes all things *to the end which he naturally* chooses, that is *the greatest good* which, *given the law of creation*, can be elicited. For, given the law of creation <is the rule of all> it was not fitting that creation be violated through those things which follow from creation. So God does nothing by his government which offends against that which he has

⁷³ *Lawes* I.11.4; 1:114.15. Hooker cites the Proemium of Aquinas's commentary on Aristotle's *Metaphysics*. See Thomas Aquinas, *Metaphysicorum Aristotelis expositio in duodecim libros* (Turin: Marietti, 1950), p. 6. That nature does nothing in vain is a central doctrine of Aristotle's *Physics*. See *De Caelo*, 271a34. See Comm., *FLE* 6 (I), 513.

⁷⁴ The classic discussion of this predicament is Augustine's *Confessions*. See the account of the "natural weight" of the soul in *Conf.* XIII.ix.10,11 (Oxford: The University Press, 1991).

⁷⁵ See W. David Neelands, "Scripture, Reason and 'Tradition'," *RHC*, pp. 83-85.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

framed and ratified by the very act of creation. The government of God is :
general over all; special over rational creatures. There are two forms of
government: that which would have been, had free creation not lost its
way; that which is now when it has lost its way.⁷⁶

Throughout his discourse on the *duplex gubernatio dei* Hooker adheres strictly to the magisterial reformers' dialectical exposition of the two realms of creation and redemption and their respective uses of the law.

In Hooker's view strife within the Elizabethan Church over constitutional forms ultimately stems from disagreement over the interpretation of the proper relation between the two *summa genera* of law, especially with respect to the precise delineation of their proper spheres of authority. Epistemologically the struggle turns on the precise manner of interpreting the proper functions of natural and revealed theology. Hooker sees the debate over the ecclesiastical constitution in terms logically linked to the *duplex cognitio dei*, and thus to one of the crucial distinctions of reformed theology. In this approach to the question of law he follows a pattern of discourse already well established by other magisterial reformers. In *A Learned Sermon on the Nature of Pride* he acknowledges the difficulty of making the distinction between the "waie of nature" and the "waie of grace (*Pride*, 5:313.7)." For Hooker, this is *the* great question of sixteenth-century theological discourse: "the want of exact distinguishing between these two waies [viz. of Nature and Grace] and observing what they have common what peculiar hath bene the cause of the greatest part of that confusion whereof christianity at this daie laboureth (*Pride*, 5:313.19-23)."⁷⁷ The question whether Hooker's theology exemplifies a conjunctive rather than a disjunctive view of the relation between Grace and Nature is a great deal more complicated than twentieth-century criticism has frequently allowed. As with the thought of the Reformation theologians we have considered, Hooker's position is dialectically complex. In his theology, as in theirs, there is simultaneously disjunction and conjunction in the relation between the two kingdoms, the two kinds of discourse and the two ways of righteousness. The knowledge of God as creator must be kept distinct from the knowledge of God as redeemer; yet these two forms, although distinct, are by no means separable, and thus they cannot be denoted as simply "disjunctive." By analogy, the natural law and the revealed law of scripture are distinct modes or aspects of the eternal law, yet they are nonetheless inseparable in origin. Both are expressions of the one eternal law. The orders of nature and grace are very clearly distinguished by the magisterial reformers, Hooker included. Yet these distinct orders or realms of law are understood to be united in the simplicity of their common divine source as well as in our knowledge of them. For all of the magisterial reformers whose theology we have

⁷⁶ John Booty's translation of Hooker's original Latin notes in *FLE* 4: 86.28-87.12: "Gubernatio est ea Dei operatio qua res *creatas sustentat* disponitque omnia *in finem ab ipso naturaliter* expetitur id est *maximum bonum* quod *posita creationis* lege potest elici. Etenim *posita creationis* lex <est regula omnium> per ea quae *secuta sunt creationem* violare non decuit. Nihil itaque operatur Deos [*sic*] gubernando contra id quod *creando fixum ratumque* habuit. Gubernatio Dei: Generale super omnia; Speciale super creaturas rationales. Gubernationis duplex modus: Qui fuisset si creatura libera non exorbitasset; Qui nunc est cum exorbitavit."

⁷⁷ For further discussion by Hooker of the relation of Nature and Grace, see the Dublin Fragment on *Grace and Free Will*, *FLE* 4: 101-113.

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

considered, knowledge of God is granted through a contemplation of both the splendour of creation and the written word of the scriptures. For Hooker just as for Luther, Calvin and the others, there is necessarily a conjunction of the orders of Grace and Nature, both in their divine author and in the souls of rational creatures. To uphold the doctrine of *sola scriptura* is not to denigrate the authority of the light of reason. Hooker can be taken as speaking for the principles of these reformers collectively when he states:

Injurious we are unto God, the Author and giver of humane capacity, judgement and wit, when because of some things wherein he precisely forbiddeth men to use their own inventions, we take occasion to disauthorize and disgrace the works which he doth produce by the hand, either of nature or of grace in them. We offer contumely, even unto him, when we scornfully reject what we list without any other exception then this, the brain of man hath devised it.⁷⁸

In the marginal notes penned on his own copy of *A Christian Letter*⁷⁹ and in the incomplete theological tractates which comprise the beginning of a formal response,⁸⁰ we see clearly that the most pressing theological question Hooker faced was the need to justify continuity with the natural law tradition within the limits of Protestant orthodoxy. In one of his comments scrawled on his copy of *A Christian Letter*, Hooker invokes "Calvins judgment of philosophie" in a letter to Martin Bucer:

As truth is most precious, so all men confess it to be so. And yet, since God alone is the source of all good, you must not doubt, that whatever truth you anywhere meet with, proceeds from Him, unless you would be doubly ungrateful to Him; it is in this way you have received the word descended from heaven. For it is sinful to treat God's gifts with contempt; and to ascribe to man what is peculiarly God's is a still greater impiety. Philosophy is, consequently, the noble gift of God, and those learned men who have striven hard after it in all ages have been incited thereto by God himself, that they might enlighten the world in the knowledge of the truth.⁸¹

⁷⁸ *Lawes* VII.11.10; 1:210.27-211.6. Compare Calvin, *Inst.* 2.2.15 where he argues that to despise the admirable light of truth displayed in the profane authors is to insult their divine Creator and Giver.

⁷⁹ See John Booty's Introduction to "Hooker's Marginal Notes", *FLE* 4: xxviii-xxxiii. The autograph notes on *ACL* are transcribed from Corpus Christi College, Oxford, MS 215b.

⁸⁰ Hooker spent the short remainder of his life writing a response to the criticisms contained in *ACL*. He did not live to see his answer published. The Dublin Fragments on *Grace and Free Will*, *Grace and the Sacraments*, and *The tenth Article touching on Predestination* (*FLE* 4:81-167) constitute a portion of his intended though unfinished reply to *ACL*. See especially *FLE* 4:103.9-24, 104.2-9, 105.18-106.4. The copy texts for the Dublin Fragments, Trinity College, Dublin, MSS 121 and 364, folio 80, were first published in *The Works of . . . Mr. Richard Hooker*, ed. John Keble, 3 vols. (Oxford: Clarendon Press, 1836), and reprinted in 7th ed. revised, vol. 2, pp. 537-597.

⁸¹ Calvin, *Letters*, edited by Jules Bonnet and translated by David Constable, 2 volumes (Edinburgh: Thomas Constable, 1855-57), 2:198,199; *Epistolarum et responsorum* (Lausanne: Excudebat Franciscus le Preux, 1576), pp. 179,180; *CR*, 48:530. The attribution to Calvin is not entirely certain. This passage from

KIRBY: RICHARD HOOKER'S DISCOURSE ON NATURAL LAW IN THE
CONTEXT OF THE MAGISTERIAL REFORMATION

Hooker's appeal to Calvin is intended as a vindication of continuity with the tradition of natural law theory by an authority acceptable to his disciplinarian-puritan critics. In this he seeks to identify his own theology with the magisterial reformers' repudiation of the biblical literalism and exclusivism of the Radical Reformation. Consistently with his wider apologetic aim, Hooker demonstrates to the disciplinarian opponents of the Elizabethan Settlement that vilification of the practical reason upon which the ecclesiastical constitution rests is in fact at odds with Protestant orthodoxy as interpreted by these magisterial reformers. Here I have argued that, together with Luther, Melancthon, Bullinger and Calvin, Hooker maintains an orthodox, dialectical balance between the claims of natural law and the doctrine of *sola scriptura*, each within its proper sphere. Indeed the law of nature is to be upheld as an indispensable instrument in theological discourse for reasons which Hooker demonstrates on the basis of a sound interpretation of the scriptures.

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the letter is quoted by John Booty in his commentary on *ACL*, *FLE* 4:65.11-12. Compare *Lawes* VII.11.10 (1:210.27-211.6).