

## Lay Supremacy: Reform of the canon law of England from Henry VIII to Elizabeth I (1529–1571)

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### ABSTRACT

In 1529, Parliament passed the first in a series of statutes denouncing papal authority as a usurpation of the traditional jurisdiction of the English ecclesiastical courts, and reasserting the doctrine of the late-fourteenth century Statutes of Praemunire. In response, the clergy in Convocation initiated a pre-emptive attempt at a systematic overhaul of the canon law. The urgency to reform ecclesiastical law was further sharpened by Henry VIII's assumption of headship of the Church of England. Several abortive attempts were made during his reign to establish a committee to set about the task of legal reform. It was not until 1551, however, that Edward VI finally appointed a Royal Commission of 32 under the leadership of Archbishop Thomas Cranmer charged with drawing up a formal proposal for systematic reform of canon law and ecclesiastical discipline. Introduced into Parliament in April 1553, the revised canons were summarily rejected, largely at the instigation of the John Dudley, Duke of Northumberland. The Commission's draft was edited by John Foxe, published under the title *Reformatio legum ecclesiasticarum*, and presented to Parliament a second time in 1571. Although published with Archbishop Matthew Parker's approval, the *Reformatio legum* was fated to receive neither royal, nor parliamentary, nor synodical authorization. At the time certain members of Parliament contested the royal prerogative to determine matters of faith and discipline. Of what significance was this repeated failure to achieve systematic reform of the canon law and ecclesiastical discipline in defining religious identity in England in the period of the Reformation, as well as in later ecclesiastical historiography?

On 11 November 1551 and on the advice of his Privy Council, King Edward VI—the ‘young Josiah’<sup>1</sup> and ‘in earth supreme head of the Church of England and Ireland’—appointed a Royal Commission under the leadership of Archbishop Thomas Cranmer charged with drawing up a scheme for a thorough reform of the canon law and ecclesiastical discipline.<sup>2</sup> Constituted under the authority of a statute passed by Parliament the previous year,<sup>3</sup> the work of this Committee of 32 was to prove the most far-reaching and comprehensive attempt ever made to reform the ecclesiastical ordinances of England in accordance with the principles of Reformed theology. Introduced into Parliament by Cranmer less than two years later on 10 April 1553, the proposed revision of England’s fundamental ecclesiastical law was summarily rejected, largely at the instigation of John Dudley, Duke of Northumberland.<sup>4</sup> Less than three months later Edward died, and with his death and the subsequent accession of Queen Mary, hopes of canon law reform based on evangelical principles were dashed. With the accession of Elizabeth in November 1558, however, hopes of reform were kindled anew. Yet it was not until 1571 that Cranmer’s proposal came before Parliament again, albeit under fairly altered circumstances. Having recently been edited and introduced by John Foxe, the manuscript was published for the first time under the title by which it is now commonly known—*Reformatio legum ecclesiasticarum*.<sup>5</sup> Harleian MS 426 (dated 1552) in the British Library is the only extant evidence of the Commission’s actual work in drafting this revised code of canon law. According to Gerald Bray,

1. Graeme Murdock, ‘The importance of being Josiah: an Image of Calvinist Identity,’ *Sixteenth Century Journal* 29(4) (Winter, 1998): 1043–1059
2. For the Royal Proclamation appointing the Commission to reform the ecclesiastical laws of England, see Gerald Bray’s recent critical edition of the *Reformatio in Tudor Church Reform: the Henrician canons of 1535 and the Reformatio legum ecclesiasticarum* (Woodbridge, Suffolk, UK: Boydell Press [for the] Church of England Record Society, 2000), 167–169. Cited hereafter as *TCR*.
3. 3 & 4 Edward VI, cap. 11; *Statutes of the Realm* IV. 111–112, Cited hereafter *SR*.
4. A committed supporter of Protestantism, Dudley favoured reducing the powers of bishops and the confiscation of their estates. John Bale declared that he had always known Dudley as ‘a most mighty, zealous, and ardent supporter, maintainer, and defender of God’s lively word.’ See Diarmaid MacCulloch, *The boy king: Edward VI and the protestant reformation* (New York: Palgrave, 2001), 53. John Hooper, an advanced reformer, praised him as ‘a diligent promoter of the glory of God,’ *Original Letters relative to the English Reformation*, ed. Hastings Robinson (Cambridge: Parker Society, 1847), I.99. Cited hereafter *OL*.
5. John Foxe, ed., *Reformatio legum ecclesiasticarum: ex autoritate primum Regis Henrici. 8. inchoata: deinde per Regem Edouardum 6. prouecta, adauctaq[ue] in hunc modum, atq[ue] nunc ad pleniorē ipsarum reformationem in lucem ædita* (London: John Day, 1571). Cited hereafter *RLE*.

editor of the recent critical edition of the *Reformatio*, Foxe's text must have been based upon another (now lost) manuscript source since it contains eight more titles than the Harleian MS, although virtually all of the text shared by the 1552 manuscript and first printed edition of 1571 is identical.<sup>6</sup> Edward Cardwell, the mid-nineteenth-century editor of the *Reformatio*, maintained that Foxe's text was based upon a later, revised manuscript which had been in the possession of Archbishop Matthew Parker and which has not been traced beyond Foxe's use of it.<sup>7</sup> There is, however, no evidence of Parker's amending the manuscript of the *Reformatio* along lines analogous to his revisions of the *Book of Common Prayer* and the *Thirty-Nine Articles of Religion* as Cardwell asserted.<sup>8</sup> In addition to Cardwell's critical edition of 1850, John Foxe's text of the *Reformatio* went through three further editions in the seventeenth century,<sup>9</sup> and three in the twentieth including a facsimile reprint of Cardwell, James Spalding's English translation, and Gerald Bray's new standard critical edition of the Latin original with a parallel English text.<sup>10</sup>

6. According to Bray, *RLE* 'has eight more titles than [Harleian MS 426] and the ones they have in common are in a substantially different order. Furthermore, the eight additional ones are split into two blocks which are interpolated into the text ... At least ninety-nine percent of the shared text is identical, but compared with [Harleian MS 426] F[oxe edition, i.e. *RLE*] has some additions, alterations, and especially deletions in addition to those accounted for by the editorial corrections made by Archbishop Cranmer, Dr Walter Haddon, and Peter Martyr Vermigli.' *TCR*, lix-lx.
7. See *TCR*, lix. The *Reformatio* as edited by Foxe has eight more titles than Harleian MS 426, and at least 99% of the text shared by the 1552 manuscript and the 1571 first printed edition. E. Cardwell suggested that Parker had taken Harleian MS 426 (or a fair copy) and revised it early in Elizabeth's reign. Edward Cardwell, ed., *The reformation of the ecclesiastical laws as attempted in the reigns of King Henry VIII, King Edward VI, and Queen Elizabeth* (Oxford: University Press, 1850; facsimile reprint, Farnborough, Hants: Gregg, 1968).
8. *The reformation of the ecclesiastical laws as attempted in the reigns of King Henry VIII, King Edward VI, and Queen Elizabeth* (Oxford: Oxford University Press, 1850). See *TCR*, lix.
9. *Reformatio legum ecclesiasticarum ex autoritate primum Regis Henrici 8, inchoata; deinde per Regem Edouardum 6, provecta, adauctaque in hunc modum, atque nunc ad pleniorum ipsarum reformationem in lucem edita* (London: T. Harper and R. Hodgkinson, 1640; repr. Stationers' Company, 1641; repr. Thomas Garthwaite, 1661).
10. The standard critical edition gives equal authority to Harleian MS 426 and to Foxe's first printed edition. See Gerald Bray, ed., *Tudor church reform*. Bray provides an excellent and thorough critical introduction to the text. Another edition consisting of an English translation of Harleian MS 426 was made by James C. Spalding, *The Reformation of the ecclesiastical laws of England, 1552* (Kirksville, Missouri: Sixteenth Century Journal Publishing, 1992).

### Lay Supremacy

From the very outset the reform of the canon law was driven first and foremost by the constitutional necessity inherent in Henry VIII's claim to the title of headship in relation to the Church of England. In the preface to his edition of the *Reformatio*, John Foxe briefly recounts the tortuous history of efforts to constitute the Royal Commission which eventually drafted the text of the revised code presented to Parliament by Thomas Cranmer in 1553. The earliest suggestion for such a committee originated with the clergy in Convocation more than twenty years earlier in the midst of political manoeuvres surrounding Henry's quest for a divorce from Queen Catherine—"the King's great matter." In 1529 the first in a series of statutes was passed by Parliament denouncing papal authority as a usurpation of the traditional jurisdiction of the English ecclesiastical courts, and reasserting the doctrine of the late-fourteenth century Statutes of Praemunire.<sup>11</sup> Clearly recognizing the anti-papal writing on the wall, the clergy in Convocation initiated a preemptive attempt at a systematic overhaul of the canon law four years before the break with Rome was formally sealed.<sup>12</sup> The canon law together with its complex apparatus of courts, procedures, and precedents was so closely bound up with papal authority that the flexing of royal claims to supreme ecclesiastical jurisdiction provided an irresistible impetus to constitutional and legal reform.

On 28 April 1532, in the 'Answer of the Ordinaries,' the English hierarchy defended for the last time their constitutional status to conduct their affairs independently of the civil power. A fortnight later on 16 May, the bishops voted a formal 'Act of Submission' which they presented to Henry. In their submission they promised not to make or promulgate any new ecclesiastical

11. 21 Henry VIII, cap. 13; *SR* III. 292–296. 'Praemunire' was an offence under statute law which received its name from the writ of summons to the defendant charged with appealing to a power outside of the realm for resolution of a situation within England that was under jurisdiction of the Crown.

12. See PRO State Papers 1/57, fols. 112–123, for Henry's comments on Convocation's proposed revision of the canon law. Cited by John F. Jackson, 'Law and Order: Vermigli and the reform of ecclesiastical laws in England,' in *Peter Martyr Vermigli and the European Reformations*, ed. Frank James III (Leiden: E.J. Brill, 2004), 269. See also Stanford Lehmborg, *The Reformation Parliament 1529–1536* (Cambridge: Cambridge University Press, 1970). In this summary of the early Henrician stages of the establishment of the Commission for reform of the Canon Law, I am indebted to the researches of Leslie R. Sachs, 'Thomas Cranmer's *Reformatio legum ecclesiasticarum* of 1553 in the context of English church law from the later Middle Ages to the canons of 1603,' (JCD thesis, Catholic University of America, 1982), 37–64.

laws without the license and assent of the Sovereign, thus effectively abjuring the papal supremacy. The bishops also offered the entire corpus of the canon law for royal evaluation by a committee of Parliament. The 'Act of Submission of the Clergy' contains the first reference to a Commission of thirty-two members charged with the reform of the canon law of England, although twenty years were to elapse before concrete action was taken to this end:

So that finally whichsoever of the said constitutions, ordinances or canons provincial or synodal shall be thought and determined by your grace, and by the most part of the said thirty-two persons, not to stand with God's laws, and the laws of the realm, the same to be abrogated and taken away by your grace, and the clergy. And such of them as shall be seen by your grace, and by the most part of the said thirty-two persons to stand with God's laws, and the laws of your realm, to stand in full strength and power, your grace's most royal assent and authority once obtained fully given to the same.<sup>13</sup>

In rapid succession Archbishop Warham died (August 1532); Cranmer was appointed his successor to the see of Canterbury; Henry married Anne Boleyn (25 January 1533); Henry's marriage to Catherine of Aragon was pronounced invalid (23 May 1533); Anne was crowned Queen (1 June 1533); and Henry was excommunicated by Clement VII on 11 July 1533.<sup>14</sup> The thread of hierarchy which linked England through the papacy to the sacramentally interconnected framework of Christendom was cut. Confirming the new constitutional reality of royal ecclesiastical supremacy, the 'Act in Restraint of Appeals' passed by Parliament in 1533 declares England to be an 'empire,' Henry's crown 'imperial,' and dissolves all juridical ties to the see of Rome on the ground that the English Church is 'sufficient and meet of itself, without the intermeddling of any exterior person or persons.'<sup>15</sup>

With the constitutional abolition of papal supremacy the entire edifice of the medieval canon law was now clearly and radically problematic. Gratian's *Decretum*, the very foundation of the canon law, declared unambiguously that the jurisdiction of the Bishop of Rome was supreme, and that 'those who preside over human affairs cannot judge those who are in charge of the

13. David Wilkins, ed., *Concilia Magnae Britanniae et Hiberniae*, 4 vols. (London: Gosling, Gyles, Woodward, and Davis, 1737) III. 754–755; H. Gee and W.J. Hardy, eds., *Document Illustrative of English Church History* (London: MacMillan and Co., 1896; repr. 1921), 176–178. Cited hereafter as *DI*.

14. The papal breve declared Henry's divorce of Katherine and his marriage with Anne Boleyn invalid, and pronounced his excommunication from the Church. On the same day Clement also excommunicated Thomas Cranmer, Edward Lee (Abp of York), Stephen Gardiner (Bp of Winchester), and John Longland (Bp of Lincoln).

15. 24 Henry VIII cap. 12, *SR* III. 427–429; *DI* 187–195, passed 7 April 1533.

divine.’<sup>16</sup> The difficulty faced—both constitutional and theological—could hardly be more acute. The two powers of Gelasius were in open conflict, and the future shape of the canon law was held in the balance.<sup>17</sup> By 1535 study of canon law in the universities had been prohibited, all canon law prejudicial to the law of England had been abrogated, and the clergy had completely surrendered any right to legislate independently of the crown.

The Submission of the Clergy of 1532 was reaffirmed by Statute in 1534. This is a critical turning point in the history of English canon law because of its pivotal function in establishing a continuing constitutional and juridical framework for the Church of England. The Act also formally authorized comprehensive reform of the canon law which was to culminate in the *Reformatio legum ecclesiasticarum*, although not without several more twists and turns. The statute restates the terms of the original act of submission whereby the clergy have

promised with the word of a priest (*in verbo sacerdotii*), here unto Your Highness, submitting ourselves most humbly to the same, that we will never from henceforth presume to attempt, allege, claim or put in effect or enact, promulgate or execute any new canons or constitutions, provincial or synodal, in our convocation or synod in time coming, which convocation is, always has been, and must be assembled only by Your Highness’s commandment or writ, unless your highness by your royal assent shall license us to assemble our convocation and to make, promulge, and execute such constitutions and ordinances ... and thereto give your royal assent and authority.<sup>18</sup>

Section 2 of the Act constitutes the actual mandate for the reform of ecclesiastical ordinances: ‘Be it therefore enacted by authority aforesaid that the King’s Highness shall have power and authority to nominate and assign at his pleasure the said thirty-two persons of his subjects, whereof sixteen to be of the clergy and sixteen to be of the temporality of the upper and nether houses of Parliament.’ The third section requires that no ecclesiastical ordinances shall be enforced contrary to the royal prerogative. Subsequent

16. *Decretum*, D. 96, preceding c. 5, in *Corpus Iuris Canonici*, ed. Emil Friedberg, 2 vols. (Leipzig: B. Tauchnitz, 1879–1881; reprinted Graz: Akademische Druck-u. Verlagsanstalt, 1955; 1959), I.20. Cited hereafter as *CICan*.

17. See the celebrated ‘Letter of Pope to Gelasius to the Emperor Anastasius’ on the superiority of spiritual to temporal power: ‘Indeed, noble emperor, there are two powers by which this world is principally ruled: the sacred authority of pontiffs, and the royal power. Of these the responsibility of the priests is the more weighty insofar as they will answer for the kings of men themselves before the divine tribunal.’ *Decretum*, D. 96, c. 10; *CICan* I. 340.

18. 25 Henry VIII cap. 19; SR III. 460–461. See *TCR*, xv.

sections recapitulate the prohibition of appeals to Rome and make provision for final appeals from the archiepiscopal court to the King in Chancery.<sup>19</sup> Section 7 of the Act is of immense significance for the subsequent history of English canon law since it guarantees the continuity of existing ecclesiastical constitutions and ordinances 'which be not contrary nor repugnant to the laws, statutes, and customs of this realm nor to the damage or hurt of the King's prerogative royal.' These ecclesiastical laws are guaranteed 'until such time as they be viewed, searched, or otherwise ordered and determined by the said [commission of] thirty-two persons, or the more part of them, according to the tenor, form, and effect of this present Act.'<sup>20</sup> Owing to the fact that the *Reformatio* was never enacted into law (having failed to pass through Parliament both in 1553 and in 1571), and because subsequent ecclesiastical legislation<sup>21</sup> fell far short of the complete revision and codification of existing law envisaged, section 7 of the 'Act of Submission of the Clergy' was to serve as the effective statutory basis for the continued authority of medieval canon law as a significant element of actual law for the Church of England, and has done so from the Reformation to the present day.

Although the Commission of 32 envisioned in the 'Act of Submission' was never formally constituted at the time (that would have to wait almost two decades until 1551), nonetheless one tangible result of parliamentary resolve to reform the canon law was the drafting of the so-called *Henrician Canons of 1535*.<sup>22</sup> Composed in late 1535 and early 1536, these consist of 36 titles subdivided into 360 canons, and are mainly copied from existing collections of canon law, notably the six parts of the *Corpus iuris canonici*, the *Corpus iuris civilis*, and William Lyndwood's *Provinciale*, a digest of the canons of the Province of Canterbury first published in 1433.<sup>23</sup> Never officially approved,

19. Sections 3 and 4 of the above Act.

20. 25 Henry VIII cap. 19; SR III. 460–461.

21. E.g., the *Constitutions and Canons ecclesiastical: treated vpon by the Bishop of London, president of the conuocation for the prouince of Canterbury, and the rest of the bishops and clergie of the sayd prouince: and agreed vpon with the Kings Maiesties licence in their synode begun at London anno Dom. 1603* (London: Robert Barker, printer to the Kings most excellent Maiestie, 1604). For a critical text of the *Constitutions and Canons*, see *The Anglican canons, 1529–1947*, edited by Gerald Bray (Woodbridge, Suffolk and Rochester, NY: Boydell Press [for the] Church of England Record Society in association with the Ecclesiastical Law Society, 1998), 258–453.

22. BL Add. MS 48040, fols. 13–102v, formerly Yelverton MS 45. F. Donald Logan reports his discovery of these canons in 'Henrician Canons,' *Bulletin of the Institute of Historical Research* 47 (1975): 99–103. For the recently published critical edition of the *Henrician Canons*, see TCR, 3–143.

23. *Constitutiones provinciales ecclesiae Anglicanae* (London: Winkyn de Worde, 1529).



the *Henrician Canons* had no long-term constitutional significance nor do they represent any significant theological reform. Given the rapid pace of institutional and doctrinal transformation in the mid-1530s, it is fair to say that this first attempt at revision was obsolete before the ink was dry. For, not long after the drafting of the *Henrician Canons*, Parliament reiterated the mandate for a Royal Commission in 'An Act whereby the king's majesty shall have power to nominate 32 persons of his clergy and laity for making of ecclesiastical laws.'<sup>24</sup> While little of substance came to pass with the project of ecclesiastical law reform in the short term, the political, constitutional, and doctrinal see-saw moved both swiftly and treacherously throughout the late 1530s and early 1540s. Parliament reaffirmed traditional Catholic doctrine and strengthened existing heresy laws with passage of the 'Act of Six Articles' in 1539.<sup>25</sup> Reformation suffered a severe setback and the reform of canon law was placed on hold. In 1544, however, a third Act<sup>26</sup> calling for canon law reform was passed with some tone of urgency.<sup>27</sup> Yet again, the force of the legislation is directed towards ensuring the conformity of 'all manner of canons, constitutions, and ordinances provincial and synodal' with the Royal Supremacy. It would require a fourth Act of Parliament, passed after the death of Henry VIII, finally to set the wheels of the Commission of 32 in motion. The mere substitution of royal for papal supremacy by abolition of such ecclesiastical ordinances as infringed upon the royal prerogative was deemed by itself to be a negative and insufficient a ground for a truly Reformed Church of England. Early in the reign of Edward VI in the midst of the great civil disorders in the summer and autumn of 1549, the bishops complained bitterly about the lack of due canonical order in the Church. A bill was introduced in the House of Lords to constitute a committee of sixteen, and this was passed by the Commons with an amendment restoring the number to the original 32 proposed by Convocation back in 1529. Fearing a curtailment of episcopal control by a committee constituted with equal representation of clergy and laity, Thomas Cranmer and ten other bishops opposed the amendment in the Upper House but the legislation passed with the additional provision for a three-year time limit to complete the task.<sup>28</sup> The time to reform the

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24. 27 Henry VIII cap. 15; SR III. 348–349.

25. Formally titled 'An Act for abolishing diversity in opinions,' 31 Henry VIII cap. 14 SR III. 739–741.

26. 35 Henry VIII cap. 16; SR III. 958–959.

27. See Stanford E. Lehmberg, *The later Parliaments of Henry VIII, 1536–1547* (Cambridge: Cambridge University Press, 1977), 229–231.

28. 3 & 4 Edward VI cap. 11; SR IV. 111–112.



ecclesiastical laws of England had clearly arrived.

### Membership of the Royal Commission

The appointment of the members of the Royal Commission by Edward VI involved a certain amount of jockeying. Thirty-two names appear on a list bearing the same date as the King's Commission, 11 November 1551.<sup>29</sup> Equal representation of clergy and laity was stipulated, and of the clerical members four were to be bishops, and of the lay members four common lawyers.<sup>30</sup> In a letter to Heinrich Bullinger in January 1552, Ralph Skinner<sup>31</sup> refers to the appointment of the Commission:

they have lately assembled a Convocation, and appointed certain persons to purify our church from the filth of antichrist, and to abolish those impious laws of the Roman pontiff, by which the spouse of Christ has for so long a time been wretchedly and shamefully defiled; and to substitute new ones, better and more holy, in their place.<sup>32</sup>

It is a noteworthy list of some of the most prominent figures in the Edwardian and Elizabethan intellectual and political establishment: eight Privy Counsellors, five future Marian martyrs,<sup>33</sup> seven bishops including those elevated after the accession of Elizabeth, and two eminent Continental divines, namely Peter Martyr Vermigli and John à Lasco. Interestingly, the list includes many of the same names of those involved in the doctrinal reform which culminated in the *Forty-Two Articles of Religion* (which were later reduced to Thirty-Nine at the Convocation of 1563)<sup>34</sup> and in the liturgical revision of the Second

29. See R.H. Brodie *et al.*, eds., *Calendar of the patent rolls preserved in the Public Record Office: Edward VI* (London: HM's Stationery Office, 1924–1926), 4:114 (list of 11 Nov. 1551) and 4:354 (list of 12 Feb. 1552). For the Royal Proclamation appointing the Commission, see *TCR*, 167–168.

30. For the full list of names and the three different versions of the list, see *TCR*, xli–liv.

31. Warden of New College, Oxford, 1551–1553. See Christopher Dent, *Protestant Reformers in Elizabethan Oxford* (Oxford: Oxford University Press, 1983), 9.

32. *OL* I. 313–314.

33. Thomas Cranmer, Nicholas Ridley, Hugh Latimer, Rowland Taylor and John Hooper.

34. The *Articles of Religion* were calendared on 20 October 1552, close to the date Bray ascribes to Harleian MS 426. *TCR*, lviii. *Calendar of State Papers of the reign of Edward VI*, Domestic Series, ed. C.S. Knighton (London, 1992), 268, no. 739 (SP 10/15, no. 28). See also Torrance Kirby, 'The *Articles of Religion* of the Church of England (1563/71), commonly called the Thirty-Nine Articles,' in *Die Bekenntnisschriften der reformierten Kirchen*, vol. 2, *Die Epoche der klassischen nationalen Bekenntnisbildung 1559–1569*, ed. Karl H. Faulenbach (Neukirchen-Vluyn: Neukirchener Verlag, 2008 [in press]).

Edwardine *Book of Common Prayer* (1552). Eight members of the Commission were correspondents of Heinrich Bullinger in Zurich.<sup>35</sup>

The Privy Council provided also for a smaller drafting committee of eight.<sup>36</sup> This sub-committee included Cranmer, Thomas Goodrich (Bp of Ely), Richard Cox (the King's Almoner, Vice-Chancellor of Cambridge University, and Dean of Lincoln), Peter Martyr Vermigli (Regius Professor of Divinity, University of Oxford), Rowland Taylor (a civilian and member of Doctors' Commons), William May (Dean of St Paul's and Master of Requests), John Lucas (common lawyer and MP), and Thomas Goodrich's nephew, Richard Goodrich, MP. The latter and Lucas were the only lay members of the sub-committee. The lack of lay peers on the drafting committee is conspicuous and it has been suggested that this may well have contributed to the ultimate failure of the *Reformatio* to secure the approval of the temporal Lords when the legislation finally came before Parliament in March 1553.<sup>37</sup> Vermigli wrote to Bullinger in March with a certain degree of enthusiasm for the task before him as a member of the committee:

For the king's majesty has ordained, that, as the gospel is received in his kingdom, and the bishop of Rome is driven out, the Church of England shall be no longer ruled by pontifical decrees, and decretals, Sixtine, Clementine, and other popish ordinances of the same kind: for the administration of these laws has for the most part prevailed up to this time in the ecclesiastical court, under the tacit authority of the pope; though many other laws were enacted by which the external polity of the church might be regulated. To the intent, therefore, that so powerful a kingdom should not be deprived of this, as it appears, necessary advantage, the king has appointed two and thirty persons to frame ecclesiastical laws for this realm, namely, 8 bps, 8 divines, 8 civil lawyers, and 8 common lawyers; the majority of whom are equally distinguished by profound erudition and solid piety; and we also, I mean Hooper, à Lasco, and myself, are enroled among them. May God therefore grant that such laws may be enacted by us, as by their godliness and holy justice may banish the Tridentine canons from the churches of Christ! But as I am conscious we have need of the prayers of yourself and your colleagues in furtherance of so great an undertaking, I implore them with all the sincerity and earnestness in my power. For it is not only necessary to entreat God that pious and holy laws may be framed, but that they may obtain the sanction of Parliament, or else they will not possess any force or authority whatsoever.<sup>38</sup>

35. Carrie Euler, *Couriers of the Gospel: England and Zurich, 1531–1558* (Zurich: TVZ, 2006), 95.

36. See Edward VI's Proclamation appointing the commission. *TCR*, 167–168.

37. Gerald Bray, *TCR*, li–ii.

38. *OL* II. 503–504.

The work of drafting the *Reformatio* appears to have been expeditious. On the evidence of the marginal revisions to Harleian MS 426, it appears, moreover, that the bulk of the labour in drafting the *Reformatio legum* fell to Cranmer and Vermigli. The hand of Walter Haddon, Regius Professor of Civil Law at Cambridge and executor with Matthew Parker of his friend Martin Bucer, is also identifiable in the margins. Haddon and John Cheke, Lady Margaret Professor at Cambridge, are generally credited with editing the highly polished, elegant Latin of the *Reformatio*. Yet it is clear that Vermigli was Cranmer's closest collaborator on this as on various other projects of doctrinal, constitutional, and liturgical reform throughout this period. Vermigli had even composed a politically charged sermon preached by Cranmer at St Paul's at the height of the civil disturbances in the summer of 1549.<sup>39</sup> Of all the distinguished Continental scholars invited to England during this period, Cranmer came to know and esteem Vermigli best of all.<sup>40</sup>

### Theology of the *Reformatio*

The principles of Reformed theology are especially evident in the opening title on basic doctrine and in subsequent titles concerned with matters of liturgy, church order, and discipline.<sup>41</sup> In their formulation the doctrinal titles are closely linked to the *Forty-Two Articles* and affirm the liturgy of the *Book of Common Prayer* (1552).<sup>42</sup> At the same time, a substantial portion of the *Reformatio* is derived from the *Corpus iuris canonici*, especially as concerns matters of legal procedure, although the latter material is extensively rearranged and redrafted.<sup>43</sup> A critical theological influence on the *Reformatio*, especially as it touches upon the ecclesiastical jurisdiction of the Prince or civil magistrate, derives from the classical Reformed tradition of political theology represented by Vermigli,<sup>44</sup> and also by Martin Bucer, the Strasbourg reformer

39. For the text of this 'Sermon concernynge the tyme of rebellion' with a textual and historical introduction, see Torrance Kirby, *The Zurich Connection and Tudor Political Theology* (Leiden: Brill, 2007), 121–180.

40. See John Patrick Donnelly, *Calvinism and Scholasticism in Vermigli's doctrine of man and grace* (Leiden: Brill, 1976), 174.

41. *RLE* 1–7, 19–24, and 33.

42. See Torrance Kirby, "The *Articles of Religion*," 371–375.

43. *RLE* 11–18, 25–32, 34–55. Bray points out that the 'medieval inheritance accounts for at least 95% of material, and virtually all of the remainder can be ascribed to the work of fifteenth and sixteenth century canonists working in that tradition.' *TCR*, lxiv–vi

44. See Torrance Kirby, 'The Civil Magistrate: Peter Martyr Vermigli's Commentary on Romans 13,' in *The Peter Martyr Reader*, ed. J.P. Donnelly, Frank James III and Joseph

who, at Cranmer's invitation, had served as Regius Professor of Divinity at Cambridge until his death in February 1551, just a few months before the appointment of the royal commission. It is more than likely had he lived that Bucer would have been a key contributor to the work of drafting the new reformed code. Bucer's treatise, *De Regno Christi* (1551), dedicated to Edward VI and published posthumously, exercised significant influence on the proposals for ecclesiastical discipline and the reform of social mores.<sup>45</sup> Some have argued that *De Regno Christi* provides the underlying theological rationale for the entire project of the *Reformatio*.<sup>46</sup> Moreover, Bucer's struggle with the magistracy over questions of ecclesiastical discipline in Strasbourg prior to his arrival in England has important implications for the interpretation of the reception of the revised code. The general tenor of the *Reformatio* is unmistakably Erastian in its emphasis on the right of princes to the 'cura religionis,' the power to supervise and reform doctrine, discipline, and worship. As Bucer claims in *De Regno Christi*, 'Just as the kingdoms of the world are subordinated to the kingdom of Christ, so also is the Kingdom of Christ in its own way subordinated to the kingdoms of this world ... Pious princes must plant and propagate the Kingdom of Christ also by the power of the sword.'<sup>47</sup> This tenet of classically Reformed political theology is expressed in title 37 of the *Reformatio*, 'De officio et iurisdicione omnium iudicum,' article 2 'Iurisdicatio regis':

The king has and can exercise the most complete jurisdiction, both civil and ecclesiastical, within his kingdoms and dominions as much over archbishops, bishops, clerics and other ministers, as over lay people, since all jurisdiction, both ecclesiastical and secular, is derived from him as from one and the same source.<sup>48</sup>

Both Vermigli and Bucer saw the lay power as the principal agent of church reform. Both also held the view that ecclesiastical discipline, together with

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C. McLelland (Kirkville, MO: Truman State University Press, 1999), 221–237, and "The Charge of Religion belongeth unto Princes:" Peter Martyr Vermigli on the Unity of Civil and Ecclesiastical Jurisdiction,' *Archiv für Reformationsgeschichte* 94 (2003): 131–145.

45. Bucer died on 28 February 1551. *De regno Christi Iesu Servatoris Nostri, libri II: Ad Eduardum VI. Angliae, annis abhinc sex scripti* (Basle: J. Oporinum, 1557).

46. See for example, Sachs, 'Cranmer's *Reformatio*,' 78–80, 105–116. See also *TCR*, lxxi–lxxii.

47. See the modern edition by Wilhelm Pauck, *Melanchthon and Bucer* (London: SCM Press, 1969), 186, 272.

48. Harleian MS 426 fol. 232r. *RLE*, fol. 95b. *TCR*, 518–519. The formulation of the title recalls the 'Act of Supremacy' of 1534, 26 Henry VIII cap. 1, *SR III*. 492–493.

the preaching of the Word and the right administration of the sacraments, constitutes one of three essential marks of the true visible church—the *notae ecclesiae* as they were called.<sup>49</sup> It is precisely here—namely at the intersection of Erastian constitutional principles with a developed plan for the supervision of morals and discipline—that difficulties first began to emerge which were ultimately to derail the plan for a comprehensive reform of ecclesiastical law based on the principles of Reformed theology. Briefly put, the attempt to reform of the canon law in England comes to revolve around the issue of lay supremacy and whether this supremacy can be reconciled with the scheme of ecclesiastical discipline proposed by the *Reformatio*. The tension between the ecclesiology of the ‘three marks’ and the ecclesiology of the royal supremacy was about to become the leitmotiv of later sixteenth-century controversies within the Church of England and, moreover, a critically significant factor in the subsequent historiographical interpretation of the Edwardian and later Elizabethan attempts to reform the canon law.

In some respects the debate over the *Reformatio* was a replay in England of Bucer’s earlier struggle to reform ecclesiastical discipline in Strasbourg. In England, as in Strasbourg, the programme of comprehensive reform of ecclesiastical ordinances was perceived as tinged with a subtle but nonetheless deep-seated clericalism. There is a certain element of irony in this given the fact that anti-clericalism was among the chief motivations in the Reformers’ drive to dismantle the late-medieval institutions embodied in the *Decretales* and the papal supremacy. This was most certainly the case, as we have already seen, in the series of statutes enacted by the Reformation Parliament in the 1530s. In certain other respects the *Reformatio* is a relatively conservative document. It retains, for example, the ancient three-fold order of ecclesiastical ministers—bishops, presbyters, and deacons. In this respect it does not imitate the pattern of scripturally-based *disciplina* which replaces the medieval hierarchy of orders with a four-fold order of pastors, doctors, elders, and deacons. At the same time, the *Reformatio* seeks to establish a rigorous Bucerian regime of ecclesiastical control of morals at the level of the parishes through the supervision of congregational stewards or churchwardens. While the office of churchwarden was itself traditional and governed by medieval canons, the definition of the wardens’ functions in the *Reformatio* renders them a virtual eldership, with the proviso that power of coercive jurisdiction

49. See Robert M. Kingdon, ‘Peter Martyr Vermigli and the Marks of the True Church,’ in *Continuity and Discontinuity in Church History: Essays presented to George Huntston Williams on the occasion of his 65<sup>th</sup> birthday*, ed. E. Forrester Church and Timothy George (Leiden: Brill, 1979), 198–214.

was reserved to the bishop.<sup>50</sup> In this latter respect, the *Reformatio* proposes a radical departure from medieval jurisdictional practice.

It has been argued by some that the *Reformatio* represents overall a radical break with the actual practice of the English church in the sixteenth century. Leslie Sachs, for example, advances this interpretation when he depicts the ecclesiastical ordinances of Cranmer's proposed code as 'the church that never was.'<sup>51</sup> Over against this view Gerald Bray has argued that in fact the *Reformatio* portrays quite accurately the constitutional reality of the Elizabethan church. It is arguable that both points of view have validity. On the one hand, the document does indeed affirm the continuation of the ancient hierarchical status, jurisdiction, and privileges of archbishops, bishops, deans, canons, and archdeacons, although all are subordinated to the supreme jurisdiction of the Crown. This acceptance of certain trappings of medieval church government—'relics of the Amorites' as some of the controversialists referred to them—perhaps lies behind the claim frequently put forward by apologists of the so-called 'via media' of Anglicanism that the English Reformation may be compared to a 'theological cuckoo in the nest.'<sup>52</sup> The simile suggests that the 'egg' of Protestant doctrinal reform is laid in a 'Romish' nest of inherited medieval institutional structures perpetuated by the failure of comprehensive reform of the canon law. Doctrine may have been reformed through the 42 (later 39) *Articles of Religion* while the ecclesiastical laws and discipline remained stubbornly unregenerate.

Gerald Bray is certainly correct in maintaining that even the *Reformatio* itself does not represent a radical departure from inherited medieval structures of government, and that the structure of church government described in the document corresponds quite closely to actual Edwardian and Elizabethan practice.<sup>53</sup> On the other side, however, Sachs is surely accurate in viewing the disciplinary provisions of the *Reformatio* as bordering on the revolutionary, especially with regard to the supervision of morals, heresy, and the exercise of the power of the keys.<sup>54</sup> Following the cue of Martin Bucer, the *Reformatio* re-

50. Harleian Ms 426 90r–92r; 100r–102v. See *RLE*, Title 20 'De ecclesia et ministris eius, illorumque officiis,' art. 2, 'De oeconomis sive gardianis ecclesiarum et sacellorum' and Title 21 'De ecclesiarum gardianis.' *TCR*, 348–349, 370–371.

51. L. Sachs, 'Cranmer's *Reformatio*,' chapter 4, 136–177.

52. Diarmaid MacCulloch, *The Later Reformation in England, 1547–1603*, 2nd ed. (New York: Palgrave Press, 2000), 29. See Torrance Kirby, "'Relics of the Amorites' or *adiaphora*? The authority of Peter Martyr Vermigli in the Elizabethan Vestiarian Controversy of the 1560s,' *Reformation and Renaissance Review* 6(3) (Dec. 2004): 313–326.

53. *TCR*, cxv.

54. Sachs, 'Cranmer's *Reformatio*.' 121–123.

defines the role of the diaconate along scriptural lines with a view to promoting a radical reform of social welfare and the care of the poor.<sup>55</sup> Moreover, the *Reformatio* proposes a considerable expansion of the moral supervision of the laity by the clergy and reasserts medieval practices in the exercise of the power of excommunication based upon various papal decretals.<sup>56</sup> In particular the *Reformatio* enjoins strict observance of social exclusion as a part of the penalty of excommunication, and envisages absolution from this penalty as a liturgical event involving the participation of the entire parish.<sup>57</sup> In this and in other respects—for example, the aggressive provisions concerning heresy<sup>58</sup>—the *Reformatio* tends to promote a measure of clericalism reminiscent more of medieval ordinances than of the actual tolerant practices which emerged in the reign of Edward VI and were further entrenched under Elizabeth. Under Protector Somerset the heresy laws of Henry VIII were repealed, and during the reign of Elizabeth the handful of heretics prosecuted were arraigned according to provisions of the common law. External conformity of behaviour was of much greater concern to the state than religious opinions per se.

Thus the proposed ordinances of the *Reformatio* were simultaneously at variance *and* in agreement with the actual practice of the sixteenth century Church of England. In its variance with existing church order, the *Reformatio* embodies both a transformative Bucerian ideal of discipline and, at the same time, asserts a degree of clericalism at odds with the lay supremacy, and therefore ironically harking back to the medieval Gelasian division of spiritual and temporal powers. This implicit challenge to lay authority is especially ironic in the case of the chief author of the code, Thomas Cranmer, whose embrace of the Royal Supremacy has been described as verging on idolatry.<sup>59</sup> The perceived threat to the Erastian presuppositions of the con-

55. *TCR*, 348–349. See also the *Ordinal* of 1550, ‘The Fourme and Maner of Ordering of Deacons,’ where the Bishop inquires of the candidate to be ordained: ‘It perteyneth to the office of a Deacon ... to searche for the sicke, poore, and impotent people of the parishe, and to intimate theyr estates, names, and places where thei dwel to the Curate, that by his exhortacion they maye bee relieved by the parishe or other convenient almose [alms]: wil you do this gladly and wyllingly?’ On Bucer’s view of the diaconate, see W.P. Stephens, *The Holy Spirit in the theology of Martin Bucer* (Cambridge: Cambridge University Press, 1970), 190–191.

56. *RLE* 80a–84b. Title 32, ‘De Excommunicatione.’ See *TCR*, 462–475.

57. Harleian MS 426 83r–89r. *RLE* 84b–90a. Title 33 ‘Formula reconciliationis excommunicatorum.’ *TCR*, 476–491.

58. Harleian MS 426 6r–21r. *RLE* 4b–14a. Title 2 ‘De haeresibus’ and Title 3 ‘De iudiciis contra haereses.’

59. J. J. Scarisbrick, *Henry VIII* (London: Eyre and Spottiswoode, 1968), 384–423.



stitution probably contributed as much as anything else to the failure of the proposal in the last months of Edward's reign. Prior to the Reformation Parliament of the 1530s and the series of statutes which promulgated the Royal Supremacy, it was customary to think of canon law as distinguished from civil or secular law, with which it sustained a certain amount of tension. There were, after all, two headships—one spiritual and one temporal—although the latter was to be understood, according to Gelasian principles, to be subordinate to the former. The *Reformatio* thus represented to its opponents in the establishment—to Northumberland in 1553 and to Queen Elizabeth in 1571—a model of the relation between church and commonwealth which became characteristic of Concordat countries (that is, those holding official treaties with the Roman Church). On this model, the canon law functions as a distinct legal entity whose purposes are assumed to be different from those of the 'secular' sovereign, thus tending to 'hypostasize' the church in relation to the commonwealth. In deciding whether or not to embrace a codified body of ecclesiastical ordinances, the common lawyers and the civilians both bridled at the implied independence of the church from the oversight of both Parliament and the royal courts.

John Foxe maintained in his preface to the 1571 edition of the *Reformatio* that the reformed ecclesiastical ordinances would certainly have been ratified 'if only the king had lived a little longer,' and while this was certainly a matter for regret, all could 'now be put right in the happier times of our most serene Queen Elizabeth, accompanied by the public authority of this present Parliament.'<sup>60</sup> Yet once again, as in 1553, the attempt to gain parliamentary sanction for the revised canons failed, although it is not altogether clear whether this event was owing to active opposition on the part of the Privy Council.<sup>61</sup> That Foxe had Puritan sympathies is evidenced by his criticism of the orthodoxy of the liturgy of the *Book of Common Prayer* in his Preface.<sup>62</sup> In taking exception to uniformity of worship it appears that he overplayed his hand. By invoking the authority of scripture against the keystone of the Eliza-

60. See Foxe, 'Ad doctem et candidem lectorem Præfatio,' *RLE*, sig. Bj; repr. *TCR*, 165.

61. See *TCR*, lxxvi–xcix.

62. 'There is at least one matter which I cannot overlook or leave to the learned judgements of others, which is that this law forbids anything at all to be done [in worship] apart from those things which are prescribed in the rubrics of that book, written in our common language, which has been declared to be the proper and perfect guide to all divine worship, etc. But we recognize only the word of God to be the perfect guide to all divine worship, whereas it appears that there are some things in that book which appear not to square exactly with the need of ecclesiastical reformation, and which probably ought rather to be changed.' *RLE*, sig. Bj; repr. *TCR*, 165.

bethan Settlement, he lifts the curtain, and reveals the ecclesiological fissure that was to manifest itself shortly in the publication of *An Admonition to the Parliament*.<sup>63</sup> The consequence of this second parliamentary failure was that the only attempt at a comprehensive reformation of the ecclesiastical laws of England explicitly grounded on Reformed doctrine was never promulgated. Royal assent was eventually given by King James I to a collection of Canons which were to remain the basic law of the Church of England until 1969, but even these failed to achieve the full canonical status accorded by parliamentary statute.<sup>64</sup> Far from being a systematic reform of ecclesiastical ordinances and comparatively limited in content, the Canons of 1603 essentially comprised a hodge-podge consisting of various Henrician, Edwardian, and Elizabethan statutes, assorted Royal Injunctions and Proclamations, canons of Convocation, and Archbishop Matthew Parker's 'Advertisements'.<sup>65</sup> Notwithstanding the abolition of papal jurisdiction in the series of statutes enacted by the Reformation Parliament between 1533 and 1536,<sup>66</sup> and despite Henry VIII's prohibition of the study of canon law in the universities, it is owing principally to the failure of the *Reformatio legum* and the falling short

63. [Thomas Wilcox and John Field], *An Admonition to the Parliament* ([Hemel Hempstead?: J. Stroud?], 1572).
64. *Constitutions and canons ecclesiasticall: treated vpon by the Bishop of London, president of the conuocation for the prouince of Canterbury, and the rest of the bishops and clergie of the sayd prouince: and agreed vpon with the Kings Maiesties licence in their synode begun at London anno Dom. 1603* (London: Robert Barker, 1604).
65. Authorized by the Convocation of Canterbury in 1603, by James I in 1604, and by the Convocation of York in 1606, of these 141 canons 97 were adapted from Elizabethan laws, 12 from Edward's Injunctions of 1547, 25 from Elizabeth's Injunctions of 1559, 12 from Matthew Parker's Advertisements of 1564, 25 from canons of 1571, and 12 canons of 1597. The legal force of the Canons of 1603 derives from Submission of Clergy Act of 1534 (25 Henry VIII cap. 19; SR III. 460–461). See *Anglican canons, 1529–1947*, ed. Bray, 258–453. See Richard Helmholz, 'The Canons of 1603: The Contemporary Understanding,' in *English canon law: essays in honour of Bishop Eric Kemp*, ed. Norman Doe, Mark Hill, and Robert Ombres (Cardiff: University of Wales Press, 1998), 23–35.
66. The parliamentary sessions of 1533–1534 made decisive moves against the papacy with the formal enactment of the Royal Supremacy. In strictly constitutional terms, a series of statutes beginning with the Act in Restraint of Appeals to Rome (1533), followed by the Act of Supremacy (1534), and culminating with an Act Extinguishing the Authority of the Bishop of Rome (1536) accomplish the revolution which established Henry VIII's headship of the Church. The preamble of the Act of Supremacy famously declares that England is an 'empire,' governed by one Supreme Head, namely the King, and that under his rule the Church was wholly self-sufficient 'without the intermeddling of any exterior person or persons.' 24 Henry VIII, c. 12; 26 Henry VIII, cap. 1; 28 Henry VIII, c. 10.

of all subsequent legislation to realize its central goal of a comprehensive reform of ecclesiastical ordinances, that the medieval procedural apparatus of the Church of England would remain in place throughout the sixteenth century (and indeed up to late in the twentieth), subject of course to the substitution of supreme papal jurisdiction by the Crown.

The failure of these two attempts to legislate the *Reformatio legum ecclesiasticarum*—under Edward in 1553 and under Elizabeth in 1571—poses important critical questions which, to some extent, have governed the historiographical treatment of the English Reformation ever since. Given the failure of the *Reformatio*, could the Church of England lay claim to be truly reformed? Or was the course of the Reformation in England frustrated by the lack of a comprehensive, codified revision of ecclesiastical ordinances consciously and explicitly framed according to Reformed theological principles? The doctrine of the *Thirty-Nine Articles of Religion* and the liturgy of the *Book of Common Prayer* were framed by Cranmer with significant contributions by both Martin Bucer and Peter Martyr Vermigli, whose classically Reformed credentials were unimpeachable. Was the failure to achieve Cranmer's third great project of reform, namely that of ecclesiastical discipline, such that the Church of England fell short of a reasonable claim to be truly reformed? From 1571 onward, the lines were drawn for an extended struggle over this very question. In the 1570s, following the failure of the *Reformatio*, Walter Travers and Thomas Cartwright took up the cause of 'further Reformation' announced by *An Admonition to the Parliament*.<sup>67</sup> In 1574 Travers expounded the case for an ecclesiastical discipline on the explicit ground that this would bring the 'reformation' of the Church of England to completion. Without a truly reformed discipline the Church of England was no 'true visible church,' nor could she claim to be reformed at all. This, of course, was an ecclesiological position grounded in the Bucerian claim concerning the *notae ecclesiae*. If discipline were one of the three essential 'marks' of the true visible church, then the failure of the *Reformatio* was tantamount to failure of Reformation. In his exchanges with Archbishop Whitgift between 1572 and 1577 in the course of the Admonition Controversy, Thomas Cartwright elaborated this ecclesiology further.<sup>68</sup>

67. Walter Travers, *A briefe and plaine declaration, concerning the desires of all those faithfull ministers, that haue and do seeke for the discipline and reformation of the Church of Englande: which may serue for a iust apologie, against the false accusations and slaunders of their aduersaries* (London: Robert Waldegrae, 1584).

68. Thomas Cartwright, *A replie to an ansuere made of M. Doctor VVhitgifte: Agaynst the admonition to the Parliament* ([Hemel Hempstead?]: [John Stroud?], 1573). *The second replie of Thomas Cartwright: agaynst Maister Doctor Whitgiftes second answer,*

The question of the Admonition Controversy boils down to something like this: What 'exactly' is it to be reformed? Elizabeth's bench of bishops, many of whom had been exiles in Zurich during the reign of Queen Mary, closed ranks in the 1570s in defence of the ecclesiological precept that the reformed credentials of the Elizabethan church were in no way compromised by the failure of the *Reformatio* or the lack of a formally constituted *disciplina*. In the final analysis, their defence of the ecclesiastical constitution came down to an Erastian preference for a lay supremacy and the incorporation of the governance of the Church under the purview of the royal prerogative rather than for a highly clericalized code of discipline. In his defence of the royal headship of the church in the 1570s against the attacks of the disciplinarian puritans Thomas Cartwright and Walter Travers, John Whitgift, then Master of Trinity College, Cambridge, relied heavily on the political writings of Vermigli, Bullinger, Zwingli, Rudolph Gwalther and Wolfgang Musculus—all representatives of the so-called 'other Reformed tradition.'<sup>69</sup> Whitgift's robust 'Erastian' defence of the conception of society as a unified '*corpus christianum*' where civil and religious authority were understood to be co-extensive, takes its name from another Zurich-trained theologian Thomas Lüber, alias 'Erastus' of Heidelberg.<sup>70</sup> The controversy between Whitgift and promoters of the Genevan model of reform in England is in many respects a replay of the dispute on the Continent between Erastus and Theodore Beza, Calvin's successor, and thus between the competing ecclesiological paradigms represented by Zurich and Geneva.<sup>71</sup> At the end of the sixteenth-century, Richard Hooker's defence of the ecclesiology of the Elizabethan Settlement continues Whitgift's elaboration of this same Zurich political theology.<sup>72</sup>

*touching the Church discipline* ([Heidelberg]: [Michael Schirat], 1575).

69. *Works of John Whitgift, DD, Archbishop of Canterbury*, ed. John Ayre for the Parker Society, 3 vols. (Cambridge: Cambridge University Press, 1851), vol. 3, 295–325. J. Wayne Baker, *Heinrich Bullinger and the covenant: the other reformed tradition* (Athens, Ohio: Ohio University Press, 1980).
70. J. Wayne Baker, 'Erastianism,' in *Oxford Encyclopedia of the Reformation*, ed. Hans Hillerbrand (Oxford: Oxford University Press, 1996), vol. 2, 59–61. Baker argues that Zurich provides Erastus with his model for the relation of civil and ecclesiastical authority. Erastus Evans, *Erastianism: the Hulsean prize essay, 1931, in the University of Cambridge* (London: The Epworth Press, 1933), 11–45.
71. Ruth Wesel-Roth, *Thomas Erastus: ein Beitrag zur Geschichte der reformierten Kirche und zur Lehre von der Staatssouveränität* (Lahr/Baden: M. Schauenburg, 1954).
72. See Joan Lockwood O'Donovan, *Theology of Law and Authority*, Emory University Studies in Law and Religion, vol. 1 (Atlanta: Scholars Press for Emory University, 1991), 151–153. See also Torrance Kirby, *Richard Hooker's doctrine of the Royal Supremacy* (Leiden and New York: E.J. Brill, 1990), chap. 4.

What then is the significance for historiography of the English Reformation of this long narrative of the attempt to codify the ecclesiastical ordinances in the *Reformatio legum ecclesiasticarum*? Interpreters have tended in various directions. Some have taken up the view first put forward by the *Admonition to the Parliament* and its disciplinarian proponents, namely that England's failure to achieve a comprehensive revision of ecclesiastical ordinances was to fall short of true Reformation.<sup>73</sup> Some, notably supporters of the *via media* or 'cuckoo' hermeneutic of the English Reformation, have celebrated this failure. By this means, it has been argued, England managed to avoid the extremes of both Rome and Geneva. William Haugaard, for example, portrays the Church of England in the late sixteenth century as the 'crucible for an emerging Anglicanism.'<sup>74</sup> In this account Haugaard refers to 'a recognition among some contemporaries that the English church represented a kind of Protestant *tertium quid* among established European churches, whose character suggested the possibility of rapprochement with Roman Catholic as well as fellow Protestant churches.'<sup>75</sup> Thus pursuit of the Anglican middle way, perhaps one of the most influential of all motifs in English Reformation historiography, has been understood *ipso facto* as a rejection of the doctrinal norms of classical Reformed orthodoxy. Other scholars have taken to questioning this received orthodoxy of historiographical opinion, and have put forward the counter argument that lack of a formal *disciplina* need not be taken as a failure to achieve the orthodox requirements of a true visible church. It has been important in making the revisionist case to recognize that Geneva need not be taken as the sole standard of measurement on this question of 'what it is to be Reformed,' either in the sixteenth century or in contemporary historiographical approaches to the Reformation(s). Rather, the other Reformed tradition exemplified by Zurich provides a most useful paradigm or touchstone for interpreting the reluctance of both the Edwardian and Elizabethan establishments to embrace a systematic reform of ecclesiastical discipline. The civic leadership of Zurich were viewed by Zwingli, Bullinger and their adherents as the rightful agents of ecclesiastical reform. The Zurich model reposed vast amounts of trust in the judgement of Christian magistrates to govern the

73. See for example, Peter Lake, *Anglicans and Puritans? Presbyterian and English Conformist Thought from Whitgift to Hooker* (London and Boston: Unwin Hyman, 1988).

74. See William P. Haugaard, 'Introduction and Commentary,' in W. Speed Hill, gen. ed., *The Folger Library Edition of the Works of Richard Hooker* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1993) [*FLE*] 6(1): 2. See also Lee Gibbs, 'Richard Hooker: Prophet of Anglicanism or English Magisterial Reformer.' *Anglican Theological Review* 84(4) (Fall 2002): 943–960.

75. *FLE* 6(1): 6–7.

church, and this 'led [Zwingli] to spiritualize the church and to identify the visible church with the outward structure of the community.'<sup>76</sup> Such an identification of civil and ecclesiastical jurisdiction is as much applicable to the Edwardian and Elizabethan version of institutional reform as it is to Zurich. This 'third way' of interpreting the narrative of the failure of the *Reformatio* by way of both affirmation of lay supremacy and suspicion of a revived disciplinary clericalism has much to recommend it.<sup>77</sup>

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76. Robert C. Walton, *Zwingli's theocracy* (Toronto: University of Toronto Press, 1967), 226.

77. See Torrance Kirby, *The Zurich Connection*, 1–24.

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