The Source of Law

The stateliness of houses, the goodliness of trees, when we behold them delighteth the eye; but that foundation which beareth up the one, that root which ministreth unto the other nourishment and life, is in the bosome of the earth concealed: and if there be at any time occasion to search into it, such labour is then more necessary then pleasant both to them which undertake it, and for the lookers on. In like manner the use and benefit of good lawes, all that live under them may enjoy with delight and comfort, albeit the grounds and first originall causes from whence they have sprung be unknowne, as to the greatest part of men they are.1

Richard Hooker’s radical, foundational proposal at the outset of the first book of his treatise Of the Lawes of Ecclesiastical Politie is easily summarized: ‘God is Law’. From a metaphysical or theological point of view this claim taken by itself is neither original nor wholly remarkable. Indeed Hooker’s claim that God is law—the hidden ‘first originall cause’—can reasonably be interpreted as a restatement, or better a reformulation of classical ‘ logos’ theology’ such as one finds in the Hellenistic thought of Philo of Alexandria derived by him from pre-Socratic thought (Heracleitus) and the Stoics;2 or in such early-church fathers as Justin Martyr, Clement of Alexandria, Origen, Ambrose, Jerome, Eusebius of Caesarea, Gregory of Nyssa, Cyril of Alexandria or Augustine3 and which was reformulated in later Christian theology variously, for example, by Aquinas and Calvin.4 For all of these theologians, an

1 Lawes I.1.2; I:57.6–16.
uncreated divine principle, the Word (logos, or ratio, or paradeigma—reason, order, plan) constitutes the ‘idea of ideas’, the Platonic ‘archetypal idea’ and therefore the ‘first principle’ of all created order while the creation itself, both visible and invisible, proceeds from and is wholly dependent upon this original, un-derived and hidden divine principle as its first and primary cause.

For Hooker, however, the investigation of this hidden law or logos represents a great deal more in actuality than a purely metaphysical claim concerning the nature of the first principle. As the argument of his treatise unfolds, it becomes plain that Hooker is just as deeply invested in the full practical, political, even constitutional consequences of his claim that ‘God is law’ as he is committed to its underlying metaphysical necessity. Indeed the burden of his argument is to show that the Elizabehan constitutional and ecclesiastical order he seeks to explain and defend—the ‘stately house’ as it were of the established Church and the ‘goodly tree’ of the flourishing commonwealth—has its ultimate ground and justification in a first principle altogether hidden. Indeed it is of the utmost significance for Hooker that both his metaphysical ontology and his polemical apology of the Elizabethan religious settlement rest squarely upon this one simple proposition: God is Law. Hooker’s adaptation of classical logos theology is exceptional and indeed quite original for its extended application of the highest metaphysical principle to the most concrete institutional issues of a particular time and place. His sustained effort to explore the intimate connections of pressing political and constitutional concerns with the highest discourse of hidden divine realities—the knitting together of theology and politics—is the arguably the defining characteristic of Hooker’s thought. As C. S. Lewis points out, Hooker’s universe is ‘drenched with Deity’. Everything created ‘participates’ the divine first principle—by this participation, all things have God in them and, correspondingly, all things are in God. Hooker’s proposition that God is law is the substance of this idea.

Hooker defines law in general as ‘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…so that no certaine end could ever be attained, unlesse the actions whereby it is

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attained were regular, that is to say, made suitable for and correspondent unto their end, by some canon, rule or lawe. This definition places him in a scholastic teleological tradition derived ultimately from the metaphysics of Aristotle. Hooker’s adaptation of this definition, however, goes beyond any ordinary Aristotelian or Thomistic account of causality. Working from the definition, Hooker asserts that everything works according to law, including God himself: ‘the being of God is a kind of lawe to his working: for that perfection which God is, geveth perfection to that he doth.’ There are certain structural similarities between this argument in Book I of the Lawes and Thomas Aquinas’s short treatise on law in the second part of the Summa Theologiae. The principal resemblance is Hooker’s adoption of Aquinas’s neo-platonic metaphysical logic. Just as the neo-platonic cosmology accounts for the genesis of the world by means of a downward emanation or procession from the principle of original unity, so also Hooker derives a diverse hierarchy of laws from the eternal law as their ‘highest wellspring and fountaine.’ His emphasis upon the divine unity is marked: ‘our God is one, or rather verie Onenesse, and meere unitie, having nothing but it selfe in it selfe, and not consisting (as all things do besides God) of many things besides.’ All species of law participate in the undifferentiated unity of the eternal law and are derived from it by way of ‘procession.’ Hooker adheres to the Christian neo-platonic lex divinitatis whereby the originative principle of law remains simple in itself while proceeding out of itself in its generation of manifold derivative forms of law. He distinguishes between a first and a second eternal law on the ground that God is a law both to himself (in se) in his divine simplicity and to all creatures besides (ad extra). His discussion of the first eternal law is thus closely analogous to a traditional ‘logos’ theology.

The second eternal law comprises the divine order as ‘kept by all his creatures, according to the severall conditions wherewith he hath indued them.’ It has a variety of ‘names’ depending on the different orders of creatures subject to the one divine government. The two

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6 Lawes I.2.1; 1:58.26–29.
7 Lawes I.2.2; 1:59.6.
9 Lawes I.2.2; 1:59.14–19.
10 Lawes I.3.1; 1:63.9–10.
principal derivative genera of the second eternal law are the natural law and the revealed law of the scriptures, sometimes called the divine law. The entire system of the laws is thus expressed in the classically neoplatonic twofold motion of procession from (exitus) and return to (reditus) the original unity of the eternal law. The natural law, by a further procession, comprises in turn subordinate species of law which govern irrational natural agents as well as rational; the law governing the rational creatures is distinguished further into the ‘law celestial,’ which orders the angels, and the ‘law of reason,’ sometimes called the ‘natural law’ which orders humankind. All of these sub-species represent the outward and downward processio of the second eternal law. On the other side, the law of God’s special revelation, the revealed law of the scriptures presupposes the disorder introduced into the cosmos by the Fall, and is provided in order to secure the final restoration or ‘return’ of the creation to its original condition of unity under the eternal law. The distinction between the two summa genera of natural law and divine law which corresponds to the logical structure of procession and return is also reflected in the epistemological distinction of a twofold knowledge of God, namely by the light of supernatural revelation and by the natural light of reason. There are in addition composite species of law, such as human positive law and the law of nations, which are derived by a reflection upon the general principles contained in the natural law. These derivative species of law are a consequence of human sin and, like the divine law, are given as a corrective to the disorder introduced by the Fall (remedium peccati). In all of this the human creature as the imago dei is the focal point of the cosmic operation of procession from and return to the original order established in and by the divine simplicity.

The structure of this generic division of law shows that Hooker has read Aquinas very closely indeed. Hooker’s distinction between the first and second eternal laws proves, nonetheless, to be a highly significant departure from the scholastic model. The effect of the distinction between these two aspects of the eternal law is simultaneously to widen and to decrease the distance between the creator-lawgiver and the created cosmos. The gathering together of all the derivative species of law within the second eternal law reduces the sense of a mediated hierarchy between creator and creature and emphasizes rather the common participation of the manifold derivative species of law in their one source. At the same time the distinction between the first and second eternal laws entails a sharper distinction between the hidden original cause
Reason and Law

This treatment of the eternal law exhibits the marked Augustinian character of Hooker’s thought, a general theological bent which he shares with other magisterial Reformers.

‘All things,’ Hooker maintains, including God’s own self, ‘do worke after a sort according to lawe.’ Whereas all creatures work ‘according to a lawe, whereof some superiour, unto whome they are subject, is author; nonetheless ‘only the workes and operations of God have him both for their worker, and for the lawe whereby they are wrought. The being of God is a kinde of lawe to his working.’ As the very principle of law itself, God alone is causa sui and therefore gubernator sui, and by virtue of the inexplicable fullness of such being, is the cause and law-giver as well to all that is derivative of his creative will. Being the first, it can have no other then it selfe to be the author of that law which it willingly worketh by. God therefore is a law both to himselfe, and to all other things besides.’

All that is—both the first principle itself and all that derives from it—have their ground concealed within the simplicity of that same first principle or cause, hidden, as it were, like a foundation stone or treeroot ‘in the bosome of the earth.’ Hooker’s ontological claim concerning the divine ultimacy of law constitutes the decisive starting point—the ‘first originall cause’, archē, principium, or ‘beginning’—of the argument of his lengthy treatise, that is of the systematic exposition of the generic division of law itself in the first book, and of the entire subsequent unfolding of his argument in defense of the religious Settlement of 1559.

The exposition of this legal ontology, if it may so be identified, takes the form of a generic division of the various forms of Law, modelled formally, at least to some extent, upon a similar analysis by Thomas Aquinas in the Summa Theologica. Hooker’s approach to the definition of law is remarkable for its simultaneous appropriation of a systematically Neo-platonic structure of argument and an appeal to orthodox Protestant assumptions with respect to the relation of the orders of Nature and Grace.

Hooker offers a brief sketch of his argument in his first chapter which provides a useful starting-point for understanding

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11 Lacroce 1.2.2; 1:58.33–59.1.
12 Lacroce 1.2.2; 1:59.12–5.
13 Lacroce 1.2.3; 1:60.16–18.
14 See ST 1a Iae, qq. 90–96.
15 See Neelands’s essay ‘Scripture, Reason and “Tradition”,’ RHC, 77. For an important discussion of related questions see W. J. Hankey, Augustinian Immediacy and Dionysian Mediation in John Colet, Edmund Spenser, Richard Hooker and the Cardinal
the Neoplatonic structure of his elaborate system of laws, all derived from the original ‘Onenesse’ of law that is the very being of God. He begins with an allusion to the polemical occasion of the treatise in the ecclesiological controversies which arose in England as a consequence of the Elizabethan Settlement of 1559, and makes explicit the intimate connection intended between the metaphysical and the polemical arguments of the treatise:

Because the point about which wee strive is the qualitie of our Lawes, our first entrance hereinto cannot better be made, then with consideration of the nature of lawe in generall, and of that lawe which giveth life unto all the rest, which are commendable just and good, namely the lawe whereby the Eternall himselfe doth worke. Proceeding from hence to the lawe first of nature, then of scripture, we shall have the easier acresse unto those things which come after to be debated, concerning the particular cause and question which wee have in hand.16

By proceeding from ‘the One’ to the many—as he himself expresses his methodology, from ‘generall meditations’ to the ‘particular decisions’—Hooker establishes an order of argument which is itself presented as a form imitative of the divine creative processio. By this account, the idea of law presents itself as both a ‘monad’ and a ‘dyad’. First there is the law ‘which God hath eternallie purposed himself in all his works to observe.’17 This eternal law is the ‘highest welspring and fountaine’ of all other kinds of law, the ‘meere unitie, having nothing but it selfe in it selfe, and not consisting (as all things do besides God) of many things.’18 Of this original divine simplicity, of such ‘verie Onenesse’, says Hooker, ‘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 to reach. He is above, and we upon earth, and therefore it behoveth our wordes to be warie and fewe.’19 Nonetheless, since God works not only as law to himself, but also as ‘first cause, whereupon originallie the being of all things dependeth,’ and therefore also as law ‘to all other things

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16 Lawes I.1.3; 1:38.11–19.
17 Lawes I.3.1; 1:63.7.
18 Lawes I.2.2; 1:59.21–22.
19 Lawes I.2.2; 1:59.14–19.
besides, there is a concomitant outward showing of this first law. The showing forth of the divine power in God’s ‘externall working’—as distinct from those ‘internall operations of God’ as Trinity, namely ‘the generation of the Sonne, and the proceeding of the Spirit’—is for no other purpose than ‘the exercise of his most glorious and most abundant vertue. Which abundance doth shew it selfe in varietie, and for that cause this varietie is oftentimes in scripture exprest by the name of riches. The Lord hath made all things for his owne sake.21

The divine working which manifests itself in the riches and variety of the creation is presented by Hooker in a very singular and interesting fashion. At the beginning of the third chapter he observes as follows:

I am not ignorant that by law eternall the learned for the most part do understand the order, not which God hath eternallie purposed himselfe in all his works to observe, but rather that which with himselfe he hath set downe as expedient to be kept by all his creatures, according to the severall conditions herewith he hath indued them.22

Hooker distinguishes two distinct ‘modes’ of the eternal law which he in fact goes on to identify simply as the ‘first eternall lawe’ and the ‘second law eternall.’23 The distinction between these two species of the eternal law marks a boundary of sorts between realms of apophatic and kataphatic theological discourse. The first eternal law is, as we have seen, the law as it is for the divine lawgiver, the law ‘whereof it selfe must needs be author unto it selfe.’ This is a unity concerning which, Hooker states, our safest eloquence is silence. The divine logos or wisdom whereby God works in creating is ‘that law eternall which God himself hath made to himselfe, and therby worketh all things wherof he is the cause and author.’ This first eternal law ‘has bene of God, and with God everlastingly: that law the author and observer whereof is one only God to be blessed for ever, how should either men or Angels be able perfectly to behold? The booke of this law we are neither able nor worthie to open and looke into.’24 By contrast, the second eternal law comprises the divine order as ‘kept by all his creatures, according to the severall conditions wherewith he hath indued them.’25 Here the

20 Lawes I.2.2; 1:59.7–8.
21 Lawes I.2.4; 1:7–10.
22 Lawes I.3.1; 1:63.6–10.
23 Lawes I.3.1; 1:63.27 and 29.
24 See Lawes I.2.5; 1:61.28–62.11.
25 Lawes I.3.1; 1:63.9–10.
eternal law continues to be one, yet is adapted or accommodated none-
thless to the finitude of mortal capacity. It is with the second eternal
law that the variety of the forms of law first comes into view, yet a
variety which is understood by Hooker throughout as ‘contained’ by
the original unity that is the eternal law. The first and second eternal
laws are one and the same law ‘laid up in the bosome of God’ viewed
either from the standpoint of the eternal present and self-identity of
the divine law-giver, or from the standpoint of its reception by all
creatures ‘according to the several conditions wherwith he hath indused
them.’ In this distinction between the two species of the eternal law,
Hooker presents a subtle theological account of the mediation of the
many from the One. This second eternal law has in turn a variety of
‘names’ depending on the diverse orders and kinds of creatures subject
to the single divine government.

There is indeed a considerable variety among the manifold forms
of law derived from the fount of the first eternal law and understood
by rational creatures under the aspect of the second eternal law (both
angelic and human):

Now that law which as it is laid up in the bosome of God, they call
aeternall, receveth according unto the different kinds of things which are
subject unto it different and sundry kinds of names. That part of it which
ordeth natural agents, we call usually natures law; that which Angels
doe clearely behold, and without any swarving observe is a law cœlestiail
and heavenly: the law of reason that which bindeth creatures reasonable
in this world, and with which by reason they may most plainly perceive
themselves bound; that which bindeth them, and is not knowen bu by
speciall revelation form God, Divine law; humane lawe that which out of
the law either of reason or of God, men propobable gathering to be
expedient, they make it a law. All things therfore, which are as they ought
to be, are conformed unto this second law eternall, and even those things
which to this eternall law are not conformable, are notwithstanding in
some sort ordered by the first eternall lawe. 26

Yet, in a manner to some extent analogous to the prior division of the
eternal law into the two species of the first and the second eternal laws,
here too at the level of the second eternal law the appearance of the
‘manifold’ riches of creation is itself ordered and limited within two
principal derivative species of law: ‘natural law’ and ‘revealed law’.
The former division embraces governance of the totality of creation—

understood in neo-platonic fashion as visible and invisible, material and formal, sensible and intelligible—by containing within itself a completely exhaustive categorisation or division of the creatures and their diverse modes of subjection to the second eternal law: 1) *natures* law of ‘natural and necessary agents’, or the material, non-thinking creation; 2) the *celestial* law of the purely intellectual and unfallen creation that comprises the angelic hierarchy (a law beheld by them ‘without any swerving’); and 3) the law of *reason* which governs intellectual creatures ‘in this world’ where they, unlike the angels, find themselves ‘bound’. The third category, which governs the rational but mortal creature, i.e. the human condition, is clearly understood by Hooker to be in some sense a mixed combination of the previous two categories. As intellectual natures mortals share the desire of the angels for an infinite good in which alone such a nature can be finally satisfied. ‘Then are we happier therefore when fully we enjoy God, as an object wherein the powers of our souls are satisfied with everlasting delight: so that although we be men, yet by being unto God united we live as it were the life of God.’

Yet, ‘of such perfection capable we are not in this life. For while we are in the world, subject we are unto sundry imperfections, griefs of body, defects of mind, yea the best things we do are painful…’

The predicament of the mortal condition is to be of a mixed nature, both intellectual and physical. For Hooker—and here his commitment to Reformed soteriology shines through—there can be no overcoming of this hiatus between a ‘natural’ desire for divine perfection and a complete natural incapacity to achieve that end desired. The desire for *theosis* is a natural desire: ‘so that nature even in this life doth plainly claim and call for a more divine perfection.’ However, the light of nature is never able to find out any way of obtaining the reward of bliss, but by performing exactly the duties and works of righteousness. From salvation therefore and life all flesh being excluded this way, behold how the wisdom of God hath revealed a way mysticall and supernaturall, a way directing unto the same end of life by a course which groundeth it selfe upon the guiltines of sinne, and through sinne desert of condemnation and death.

29 *Lawes* I.11.4; 1:115.18–19.
30 *Lawes* I.11.5, 6; 1:118.11–18.
Thus, there is a second primary division within the second eternal law, what Hooker calls the ‘Divine law.’ Unlike the natural law, this other way of access to the divine wisdom is ‘revealed’—and therefore constitutes a mystical and ‘supernatural’ way rather than a ‘natural’ way. It is through such supernatural means that the natural desire for an infinite good overcomes the circumstance of the mortal condition of being ‘bound’.

Thus, for Hooker, the form of law ‘to be kept by all creatures according to their several conditions’ is comprised within three *summa genera*—the eternal law, the natural law and the divine law—where the latter two kinds are understood as comprehended within the first, and yet nonetheless radically distinct in their operation and in our knowledge of them. Together these *summa genera* constitute a comprehensive division of all the many and various ‘kinds’ of law which are discussed throughout the remainder of Hooker’s argument in the first book and indeed throughout the rest of the entire treatise. To understand their derivation is to gain critical insight into the underlying logical structure of Hooker’s argument in the *Lawes*, and moreover provides a vital instrument for interpreting the manner of Hooker’s reconciliation of a Neoplatonic ontology of participation with a Reformed soteriology. Viewed from the standpoint of their divine principle of origin—i.e. in the first eternal law—these three *summa genera* of law may be considered as simply one. Viewed from below, as it were, that is from the standpoint of creaturely, mortal finitude, the original unity takes on the aspect of articulated kinds which nonetheless all ‘participate’ and ‘proceed from’ the undivided unity that is their common source.31 This profound account of the simultaneous unity and multiplicity of law and its species lies at the very heart of Hooker’s metaphysical vision and provides in turn the necessary instrument for his sustained effort throughout the *Lawes* to demonstrate the consistency of the terms of the Elizabethan Settlement with the foundational principles of Reformed theology.

31 On the concept of the *procesion* of the forms of law see, for example, I.3.4; 1:68.6–8: ‘... the naturall generation and *processe* of all things receyveth order of *proceeding* from the setled stabilitie of divine understanding.’
Hooker refers to the angels as 'intellectual creatures' constituted in diverse ranks by the eternal law of God, as it were 'an Army, one in order and degree above another.' Moreover the 'law celestial' which governs the angelic beings provides a paradigm for order among mortals: 'Neither are the Angels themselves, so farre severed from us in their kind and manner of working, but that, betwenee the law of their heavenly operations and the actions of men in this our state of mortalitie, such correspondence there is, as maketh it expedient to know in some sort the one, for the others more perfect direction.' The obedience of the angels, with some rather notable exceptions, is more perfect and therefore, according to Hooker, they provide 'a paterne and a spurre' to the weaker human nature. Even with respect to the ceremonies of the liturgy we are told that 'some regard is to be had of Angels, who best like us, when wee are most like unto them in all partes of decent demeanor.' This concept is beautifully summarised in the Collect appointed for the feast of Saint Michael and All Angels: 'O Everlasting God, who hast ordered and constituted the services of Angels and men in a wonderful order: Mercifully grant that, as thy holy Angels alway do thee service in heaven, so by thy appointment they may succour and defend us on earth...'

It must be acknowledged that there is some degree of 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. To the anonymous authors of A Christian Letter Hooker's account of natural law appeared to overthrow the very foundation of the doctrine of the reformed Church of England by setting a qualification on the perfect sufficiency of scriptural authority.

32 Lawes I.4.2; 1:71.10, 11.
33 Lawes I.16.4; 1:137.13–18.
34 Lawes I.16.4; 1:137.28–30.
35 The Collect appointed in the Book of Common Prayer to be read on 29 September.
36 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 severalle yther of them be so complete, that unto everlasting felicifie wee neede not the knowledge of any thing more then these two [and] may easily furnish our mindes with on all sides.' Compare II.8.3; 1:188.4–7: 'the unsufficiencie of the light of nature is by the light of scripture...
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. In the *Laws* 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 fountain 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 meerely 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 things she leadeth and traineth 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.

The authors of *A Christian Letter* interpret Hooker’s affirmation of the natural law and his concomitant appeal to the authority of reason as an open challenge to Reformed 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 knowledge necessary to salvation and that scripture, therefore, is merely a supplement to the natural knowledge of God. The compatibility of natural law with such primary doctrines as justification by faith (*sola fides*) and salvation by Christ alone (*solus Christus*) is also called into question. Hooker’s appeal to natural law tradition, the light of reason, the authority of philosophy in general and Aristotle in particular 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 so fully and so perfectly herein supplied, that further light then this hath added there doth not neede unto that ende.’


40 *FLE* 4:14.4–7 and also *ACL* §6, Of faith and works, *FLE* 4:19.17–23.9.

41 Hooker refers to Aristotle as ‘the Arch-Philosopher’ and ‘the mirror of humane wisdom’; *Lawses* I.4.1; 1:70.20 and I.10.4; 1:99.28.
In short, against Hooker’s protestations to the contrary, the 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.’ 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. 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.’ 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

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42 ACL §20. *Schoedemen, 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 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 hookes of holy scripture to bee at the least of no greater moment then Aristotle and the Schooledemen: Or else doe you meane to bring in a confusion of all things, to reconcile heaven and earth, and to make all religions equall: Will you bring us to Atheisme, or to Poperie?’

43 H. C. Porter, ‘Hooker, the Tudor Constitution, and the *via media*,’ in *SRH*, 103

‘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.46 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 the more radical disciplinarian puritans.47 In this fashion, Hooker’s theological position is identified as essentially neo-Thomist.48 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.’49 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.50

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

46 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.
47 FLE 6(1):124.
48 ‘For Hooker, as for Aquinas, law is grounded on reason (aliquid rationis).’ See FLE 6(1):97. Gibbs emphasizes Hooker’s dependence on Aquinas throughout his Introduction.
49 FLE 4:65.1.
50 For a significant critique of this prevailing consensus, see Nigel Atkinson, Richard Hooker and the Authority of Scripture, Tradition and Reason, 1–33.
...an exact rule wherby humane actions are measured. 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 theffect of the law written in their hartes. Rom. 2.\textsuperscript{51}

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.\textsuperscript{52} 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. It is important here to note the derivation of the natural law. Since the eternal law ‘reads itself’ to the world, there is the paradox of keeping an invisible, unknowable law ‘alwayes before our eyes’.\textsuperscript{23} 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.\textsuperscript{54} Although we are ‘neither able nor worthy to open and looke into’ the book of the eternal law, the

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\textsuperscript{51} Romans 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 Laws I.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’. I.8.9.31 Lawes I.16.2; 1:136.4–15. I.3.9.31 Lawes I.1.3; 1:58.11–19. Compare III.11.8; 1:253.15–20.
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 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,\textsuperscript{56} gives practical expression as it were to Calvin’s epistemological motif of the duplex cognitio dei. Hooker’s eternal law as the divine ‘processio’ manifests itself in the works of creation as natural law and as divine ‘redditus’ in the economy of redemption as divine law. While the eternal law in itself ‘cannot be compassed with that wit and those senses which are our own,’ it is nevertheless manifest in the ‘glorious workes of nature.’\textsuperscript{57} Hooker claims that the pagan philosophers were able to attain to a knowledge of the nature of God and of his Law:

> 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, whereof it selfe must needs be author unto itselfe.\textsuperscript{58}

Quite remarkably, Hooker seems to suggest in this passage that a Logos theology can be discerned in the pagan understanding of Law as the

\textsuperscript{55} See 	extit{Lawes} I.2.5; I:62.10; I.2.2; I:59.12–20; and V.56.5; 2:237.18–25. ‘Now amongst the Heathens which had noe bookees whereby to know God besides the volumes of heaven and earth...’ 	extit{Grace and Free Will}, §12, 	extit{FLE} 4:111.21–23.

\textsuperscript{56} Hooker employs this expression in his treatment of the divine operations 	extit{ad extra} in 	extit{Notes toward a Fragment on Predestination}, Trinity College Dublin, MS 364, folio 80, printed in 	extit{FLE} 4:83–97; see esp. 86, 87.

\textsuperscript{57} 	extit{Lawes} I.11.5; 1:116.21.

\textsuperscript{58} 	extit{Lawes} I.2.3; 1:59.33–60.14.
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 enlisted in support of the proposition implicit in these expressions of Logos theology, namely that God is Law.59

For Hooker 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 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 wisedome 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.60

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’:61 Owing to man’s willfull 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,62 and thus to be reunited with the eternal source of order; yet, on account

59 Lawes I.2.3; 1:60.4–11): ‘Thus much is signified by that which Homer mentioneth Διός δ᾽ ἐτελείτο βουλή (Jupiter’s Counsell was accomplished). Thus much acknowledged by Mercurius Trismegistus τὸν πάντα κόσμου ἐποίησιν ὁ δημιουργὸς οὐ χερσὶν ἀλλὰ λόγῳ (The creator made the whole world not with hands, but by Reason). Thus much was 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 nevertheless that the same fire having arte, did ὅδη βιοίζειν ἐπὶ γενέσει κόσμου (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.
60 Lawes I.11.5,6; 1:118.11–15,119.12–15.
61 Lawes I.11.2; 1:112.20.
62 Lawes I.11.4; 1:114.8–10.
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.’63 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.’64 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.65 While nature demands a ‘more divine perfection,’66 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 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.67

63 Lawes I.10.1; 1:96.26–29.
65 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).
67 John Booty’s translation of Hooker’s original Latin notes in FLE 4:86.28–87.12: ‘Gubernatio est ea Dei operatio qua res creatus sustentat disponitque omnia in fnem ab ipso natura tolerat expetitum id est maximum bonum quod posita creationis lege potest elic. 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 exorbitatur.’
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’.

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.’ 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

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68 Pride 5:313.7.
69 Pride 5:313.19–23. 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.
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 considered, knowledge of God is granted through a contemplation of both the splendour of creation and the written word of the scriptures. For Hooker 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.  

In the marginal notes penned on his own copy of *A Christian Letter* and in the incomplete theological tractates which comprise the beginning of a formal response, 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.

Hooker’s generic division of laws rests on a carefully defined tension between natural and revealed theology. His affirmation of the authority of human reason consequent upon the revelation of the divine wisdom to the observer of “the glorious workes of Nature” is a

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70 *Laws* 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.

71 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.

72 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* 4:161–167) 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, 537–597.
crucial presupposition of his theologico-political system. A significant number of Hooker’s seventeenth-century readers shared this view and some sought to extend the boundaries of his natural theology a great deal further. His influence ranged over classical ‘anglo-calvinists’ James Ussher, Robert Sanderson and Thomas Barlow; Arminians or ‘anti-calvinists’ William Laud, Jeremy Taylor and Henry Hammond; Cambridge Platonists Benjamin Whichcote, Ralph Cudworth and Nathanael Culverwell; Latitudinarians Edward Stillingfleet, Joseph Glanvil and John Wilkins; and Deists like John Locke and Charles Blount. As the speculative theological discourse of the seventeenth-century Church of England unfolds, natural theology assumes increasing influence. Hooker was often cited as an ‘orthodox’ authority by representatives of radical theological rationalism. In virtually every generation since Hooker’s death theologians have returned to the Lawes as to a mirror of first principles of the doctrine and method of the Church of England. Quite often his readers have found distorted and mutually contradictory images there. Throughout the seventeenth century and later attempts were frequently made to claim Hooker in support of a wide variety of divergent theological positions. The diversity of these appeals reflects the complex and elusive character of his thought, and very possibly also its claim to comprehensiveness.