

logical way. Lanfranc, Archbishop of Canterbury, who flourished in the eleventh century, and was the principal opponent of Berengarius, is more usually and more justly reckoned, in some sense, the founder of the scholastic theology, inasmuch as he brought, to a considerable extent, both the materials of metaphysical speculation and the forms of dialectic argumentation to bear—first, upon the discussion of those topics which were connected with the nature and mode of Christ's presence in the Eucharist, and afterwards upon some of the other recondite subjects in theology. The history of scholastic theology is usually divided, by those who have treated of it formally and at length, into three periods,—the first extending from the time of Lanfranc till that of Albertus Magnus, who flourished about the year 1220, a period which includes the production of the Four Books of the Sentences; the second extending from the time of Albertus till that of Durandus, who flourished about the year 1330, and including nearly all the most celebrated names among the schoolmen, except Lombard, such as Thomas Aquinas, Bonaventura, and John Duns Scotus; and the third and last extending for nearly two hundred years from the time of Durandus till the Reformation. It can scarcely be said that these divisions are marked out by any very palpable differences in the mode in which theological subjects were generally discussed in the different periods, though it may be said in general that the defects and mischiefs of the system were not fully developed till the second of these periods, and that no very material change took place during the third either for better or worse; while it produced no men to be compared, in point of ingenuity and acuteness, with some of those who flourished during the second period.

The general object of the schoolmen was to exhibit the substance of Christian truth in a systematic and connected order,—an object undoubtedly of the highest importance, and constituting indeed, when rightly accomplished, the crown and completion of the study of theology as a science; and the great defect of the method they ordinarily pursued was, that they did not adopt a right standard, by seeking to ascertain the meaning of scriptural statements, and then aiming at systematizing, expounding, and defending the truths which the word of God contains. They were almost wholly destitute of right views of what modern divines call the *principium theologiæ*,—meaning thereby the source from which theological

knowledge is to be derived, and the rule or standard by which theological doctrines are to be judged of. Before the scholastic theology arose, the word of God had come to be very much neglected and superseded, and the knowledge necessary for interpreting it aright was almost universally wanting in the Western Church. It is certain, for instance, that Thomas Aquinas, who was in many respects the most eminent, and perhaps, all things considered, the most influential of the schoolmen, knew nothing of Greek or Hebrew. Long before their time, it had become the almost universal practice to settle all theological disputes, not by studying the word of God, and ascertaining the meaning of its statements, but by an appeal to tradition, and the authority of the fathers, and to the decrees of popes and councils. The schoolmen certainly did nothing to introduce a sounder method of theological investigation, by appealing to Scripture, and labouring to ascertain the exact meaning of its statements; on the contrary, they may be said to have still further corrupted it, by introducing, in combination with tradition and mere authority, something resembling the rationalistic element of the supremacy of human reason,—not, indeed, that they formally and avowedly laid down this principle, but that their neglect of Scripture, and their unbounded indulgence in unwarranted and presumptuous speculations upon points in regard to which there could manifestly be no standard of appeal but just their own reasonings, had a tendency to encourage it.

This leads us to notice the other great defect of the scholastic theology, and that is, its consisting, to a large extent, of the discussion of useless and unprofitable questions, which cannot be determined, and which would be of no practical value if they could. A very considerable amount of mental activity was manifested in the twelfth, and still more in the two following centuries. There are some of the schoolmen who have never been surpassed in ingenuity, acuteness, and penetration. But being not in general possessed of much erudition, and having adopted erroneous principles of investigation, there was great want of materials on which they might exercise their mental powers; and this state of things tended strongly to produce what is one leading characteristic of their works,—viz., the formation of endless distinctions and differences upon every topic of inquiry, and the broaching and prosecution of all sorts of subtle questions, which, though not admitting of determinate answers, afforded abundant scope for

the exercise of the mental powers. Lombard's Four Books of Sentences contain discussions of many useless and intricate questions,—especially in regard to the Trinity, and in regard to angels,—questions with respect to which it may be doubted whether he himself, or any other man, ever fully understood their meaning, and, far more, whether they could bring any intelligible standard or principles to bear upon their solution. But he exhibited a large measure of reasonableness and moderation in this respect, as compared with his successors. A large proportion of the writings of the schoolmen are just commentaries upon Lombard's Four Books of Sentences, which most of them took as their text-book; and in these commentaries they started and prosecuted innumerable questions of the most intricate, and at the same time trifling, description, and, in the investigation of them, often manifested an acuteness and penetration which, if better directed, and under more judicious guidance, might have contributed to produce important and valuable results.

This feature of the scholastic theology is fitted to impress upon our minds the importance and necessity of our being careful to keep in view the object of ascertaining whether the various questions that may be started really admit of a definite and certain solution or not. Indeed, when any question is proposed to us, the first inquiry that should suggest itself is, whether there be, indeed, any standard by which it can be tried—any available materials by which it may be decided in one way or another. The schoolmen seem never to have entertained the question of settling the limits between what could be known and decided, and what could not; and in their ordinary practice it is certain that they entirely disregarded it. I am persuaded that the Scriptures contain materials for deciding many more of the questions, both of a doctrinal and practical kind, which have been discussed among theologians, than might at first sight appear, and that they are fitted to be much more extensively a light unto our feet and a lamp unto our path than many seem to suppose. Still there can be no reasonable doubt that many questions have been discussed among theologians which, though connected with scriptural topics, the word of God affords no materials for determining; and there has certainly been no period in the history of theological literature when so many questions of this sort were started, and were eagerly and zealously discussed, as during the prevalence of

the scholastic theology. In regard to the more obvious and important topics in theology, they rested mainly upon the authority of the fathers, developing much more fully the germs of errors and corruptions which are to be found in the writings of the ancients; but then they constructed upon these an almost endless series of distinctions and questions, of which no profitable use could be made, and which ran up into investigations that could never be brought to any certain or satisfactory result.

As the schoolmen did not adopt a right rule or standard for deciding theological questions,—as they did not employ a right method of investigation,—and indulged in presumptuous speculations upon many useless questions, which admit of no clear or certain solution,—it is plain that they possess but little of that which constitutes the *highest* and *most direct* value of theological works,—viz., establishing scriptural truths upon a firm foundation, and exposing anti-scriptural errors by satisfactory arguments. It must not, however, be concluded that they are of no value now to the student of theology, or that they should be entirely neglected. They are fitted indirectly to teach and illustrate some important lessons, attention to which may tend to guard against some practical errors. The scholastic theology forms an important era in the history of theological science; and this of itself proves that some useful instruction may be derived from it. Very extraordinary mental powers, even though greatly perverted in their use and application, were then brought to bear upon the study of theological subjects; and it holds more or less true of all sciences, that, in whatever circumstances great intellectual power has been brought to bear upon them, some useful lessons may be learned from the results that have been produced. But besides these more vague and indefinite advantages of some knowledge of the scholastic theology, there are others of a more direct and extensive kind. The labours of the schoolmen, though they have done little or nothing to establish truth or to expose error in a satisfactory and conclusive way, have done much to affect the way and manner in which theological subjects have been ever since discussed. Many of their distinctions have been found to be of great use in explaining and defending some of the doctrines of theology, and have been extensively and successfully employed for that purpose by modern theologians. Just as, were there no other

reason why it is necessary that educated men should be acquainted with the classical writers of antiquity, this consideration of itself would be sufficient to enforce the necessity of studying them,—that they have exerted so powerful and extensive an influence upon the literature of almost all modern nations, that we cannot fully understand and appreciate the literature of our own country without some acquaintance with the authors of Greece and Rome ; so, in like manner, the writings of the schoolmen have exerted so much influence upon the way in which theological subjects have been since discussed, that some acquaintance with them is highly useful, if not necessary, to open the way to a full comprehension and appreciation of modern writers upon systematic theology.

Every one must feel that it is interesting and useful to have some knowledge of the general condition of the church just before the great era of the Reformation. Now, the works of the schoolmen exhibit the condition in which Christian doctrine,—at all times a most important feature in the aspect of the church,—was found at the time when the Reformers were raised up by God for improving it. The scholastic theology was the immediate antecedent, in historical progression, to the theology of the Reformation, and the former exerted no inconsiderable influence upon the latter. The writings of the Reformers not unfrequently exposed the errors and defects of the theology of the schoolmen, which they regarded as one of the bulwarks of the Popish system ; and this fact of itself renders it desirable to possess some knowledge of their works. The Reformers themselves do not make very much use of scholastic distinctions and phraseology, as they in general avoided intricate and perplexed discussions ; but when, in subsequent times, more subtle disputations upon difficult topics arose among Protestant theologians, it was found necessary, if these topics were to be discussed at all, to have recourse to a considerable extent to scholastic distinctions and phraseology ; and it was also found that the use and application of scholastic distinctions and phraseology were fitted to throw some light upon questions which otherwise would have been still darker and more perplexed than they are. In reading the writings of modern divines, who were familiar with the scholastic theology, we are not unfrequently struck with the light which their definitions and distinctions cast upon obscure and intricate topics ; while, at the same time, we are sometimes made to feel that an imperfect

acquaintance with scholastic literature throws some difficulty in the way of our fully and easily understanding more modern discussions in which scholastic materials are used and applied. Take, for example, Turretine's system, a book which is of inestimable value. In the perusal of this great work, occasionally some difficulty will be found, especially at first, in fully understanding its statements, from ignorance of, or imperfect acquaintance with, scholastic distinctions and phraseology ; but, as the reader becomes familiar with these, he will see more and more clearly how useful they are, in the hands of a man like Turretine, in bringing out the exact truth upon difficult and intricate questions, and especially in solving the objections of adversaries. These considerations may perhaps be sufficient to show that it is worth while to give some degree of attention to the study of scholastic theology, so far at least as to acquire some acquaintance with the distinctions and the language of the schoolmen.

These observations, however, regard chiefly the scholastic mode of discussing theological subjects,—the dress or garb which the schoolmen wear ; and it may now be proper to say a few words in regard to the substance of the doctrine which they generally taught. The schoolmen were generally faithful adherents of the Church of Rome, and flourished at a period when that church had very grossly departed from the faith once delivered to the saints. Their doctrine, consequently, upon most of the leading points of Christianity, is substantially Popish. Still there were some circumstances connected with them, which tended to some extent to preserve them from error, and which still render them in a certain measure useful witnesses against some of the corruptions of Popery. The first and most important of these is, that many of them relied greatly upon the authority of Augustine, and followed to a large extent the system of doctrine which he taught. This, of course, kept them right in some measure upon the doctrines of grace, though some of them grievously corrupted the simplicity of scriptural truth upon these subjects, by an infusion of the philosophy of Aristotle. We formerly had occasion to mention, that the writings of Augustine exerted a most salutary influence upon the doctrine of the church ; and that a large portion at once of the orthodoxy and of the piety that appeared in the Western Church for about a thousand years, was to be traced more or less directly to his labours and writings. He was almost

the only one of the fathers in whose writings the subtle dialectic minds of the schoolmen could find anything that was congenial, and many of them adopted and defended his leading views of divine truth. This was well for them, and well for the church; for there is reason to believe that, even in the age of the schoolmen, the doctrines of Augustine, which are the doctrines of the word of God, were sometimes made instrumental by God's Spirit in promoting the conversion of sinners. The Church of Rome has always professed to revere the authority of Augustine, while yet the general strain of the practical teaching of most of her writers has been commonly of a Pelagian cast; and in so far as it has been so, the authority of some of the leading schoolmen may be adduced against it, and in support of the leading truths which have been held by the great body of Protestants.

There are two other facts about the schoolmen which enable and authorize us to adduce some of them as witnesses and authorities against the Church of Rome:\* First, there are some points controverted between Protestants and Papists, in which modern Papists have shown much anxiety to explain away the true doctrine of their church, or to involve it in obscurity and perplexity, but with respect to which the schoolmen speak out in a clear and explicit way; thus affording at least a very strong presumption that the softenings and modifications of modern Papists are brought forward for merely controversial purposes. The schoolmen generally,—including Thomas Aquinas, and some others, who have been even canonized in the Church of Rome,—held that images were to be worshipped with exactly the same species of veneration and homage as the beings whom they represented; that, of course, the images of Christ are to be worshipped as He is, with *latria*, or the supreme worship due to God; the images of the Virgin Mary, as she is, with *hyperdulia*; and images of the saints, as they are, with *dulia*. This principle they openly and explicitly taught as the common doctrine of the church, without being censured by any ecclesiastical authority,—a fact which shows that it was then generally believed and embraced; though it is no doubt true, as Bellarmine says, that it is inconsistent with the decision of the second Œcumenical Council

\* *Vide Vāetius, de Theologia Scholastica, (Select. Disput., vol. i., Disp. ii., p. 27).*

of Nice, which the Church of Rome is bound by her principles to regard as infallible; and all this has proved very embarrassing to Bellarmine and other Popish controversialists.\*

The other fact to which we referred, is in some respects of an opposite description, but equally true in itself, and equally relevant to the object which we have mentioned;—it is this, that the writings of the schoolmen make it manifest that there are some of the doctrines of modern Popery established by the Council of Trent, and therefore binding upon the Church of Rome, which were not generally held during the twelfth, thirteenth, and fourteenth centuries. The evidence of this fact has been adduced in a variety of particulars by Protestant controversialists,—and it is peculiarly annoying to their Popish opponents,—but we cannot illustrate it in detail. Nothing can be more certain than that the Popish system was gradually formed, and was not fully completed till the Reformation, or rather till the Council of Trent; and this not by the fair development of what previously existed in germ or embryo, but by inventions and additions unsanctioned by the word of God, and in opposition at once to its particular statements and its general spirit. And the writings of the schoolmen have afforded to Protestants some valuable materials for establishing this important position.

The only persons among the schoolmen with whose writings men who have not special opportunities and most abundant leisure are likely to gain any acquaintance, are Peter Lombard and Thomas Aquinas,—the former of whom flourished in the twelfth, and the latter in the thirteenth century. Lombard's Four Books of Sentences form, as we have explained, the foundation and the text-book of the scholastic theology; and he himself is commonly known among the schoolmen as the Master of Sentences, or simply the Master. His general object in preparing his Four Books of Sentences, was to give a summary of Christian doctrine as then commonly held by the church, and to establish it from the writings of the fathers, especially Augustine; and in this he was considered to have succeeded so well, that most of the schoolmen just composed commentaries upon his Sentences. His opinions, however, were not universally adopted, though his work is to a considerable extent a compilation; and it is no very un-

\* Bellarm., tom. ii., pp. 828–30.

common thing among his numerous commentators to add, after quoting one of his Sentences,—*Hic magister non tenetur*. His work is of a manageable size. The order of the different topics is a good deal similar to what we find in modern works on systematic theology. The first book treats of God, His attributes, and especially the Trinity of persons in the Godhead; the second, of the works of creation, especially angels and man; the third, of the person and work of Christ (though on this latter point,—the work of Christ,—it is very brief and imperfect), and the standard and rules of moral duty; and the fourth and last, of the sacraments and the government of the church. This arrangement, in its leading features, is not very unlike that adopted in Calvin's Institutes; with these differences, that Lombard divides into two what Calvin embodies in one in his first book, under the title, "De cognitione Dei Creatoris," and that he passes over in the most perfunctory way, or treats as virtually included in the subject of the sacraments, many of the important topics discussed in Calvin's *third* book, under the title, "De modo percipiendæ Christi gratiæ." From what we have had occasion to mention in explaining the views of Augustine, it might be expected that Lombard did not clearly understand, and that he says very little about, the subject of justification, and its connection with the work of Christ as its ground, and with faith as its instrument. Luther, who was accustomed to rail with much severity against the scholastic theology, admits the merit and usefulness, and points out the chief defects, of Lombard's work in the following words:—"Lombardus in conciliatione patrum est diligentissimus, et se longe superior. Nemo ipsum in hoc genere superabit, nullis in conciliis, nullo in patre tantum reperies, quam in libro sententiarum. Nam patres et concilia quosdam tantum articulos tractant, Lombardus autem omnes. Sed in præcipuis illis articulis de fide et justificatione nimis est jejunus, quamquam Dei gratiam magnopere prædicet."\* Before leaving Lombard, it is proper to mention that his work contains what may be fairly regarded as a very strong testimony to the deep hold which Presbyterian principles had of the general mind of the church down even to a very late period. After giving an account of the seven orders or ranks of the clergy, according to the common notions of the Papists, he

\* *Buddæi Isagoge*, vol. i., p. 361. Lipsiæ, 1727.

adds the following remarkable statements:—"Cumque omnes spirituales sint et sacri, excellenter tamen canones duos tantum sacros ordines appellari censent. Diaconatus scilicet et presbyteratus, quia hos solos primitiva ecclesia legitur habuisse, et de his solos præceptum Apostoli habemus."\*

Thomas Aquinas may be regarded as having exerted, in some respects, a greater influence even than Lombard upon the state of theological science, as he was a man of higher talent, indulged to a much greater extent in discussions and speculations of his own, and has been much more implicitly followed by Popish writers. Even to this day St Thomas is quoted as an oracle by Popish writers on systematic theology, although his authority has greatest weight with them when he is furthest from the truth. His principal work is entitled "*Summa Theologiæ*;" and as many schoolmen wrote commentaries upon Lombard's Books of Sentences, and were thence called *Sententiarii*, so not a few of them wrote commentaries upon this work of Aquinas, and were hence called *Summistæ*. A dispute has been raised as to whether or not this work was really the production of Aquinas, but there does not seem to be any sufficient reason to doubt its genuineness. It is, like Lombard's, a system of theology, and it is divided into three parts. The first treats of the nature of theology, of God and His attributes, and of the Trinity. The second part treats wholly of what is usually called moral theology, and is divided into two portions, the one discussing general questions in Christian morality, and the other particular virtues and vices; and these are usually quoted under the titles of *prima secundæ*, and *secunda secundæ*. The third part treats of the means of attaining to true virtue; and under this general designation includes at once the person and work of Christ, the sacraments,—a topic which Aquinas has very fully and minutely elaborated,—and the government of the church. Aquinas was an Augustinian, and his works contain some sound and important matter in illustration and defence of the doctrines of grace, though he manifested to a much greater extent than Augustine did the corrupting influence of the sacramental principle, now much more fully developed, in perverting the doctrines of the gospel. Augustinianism was not likely to be universally acceptable in an age in which personal piety was at a

\* *Lombardus*, Lib. iv., Dist. 24.

very low ebb ; and, accordingly, John Duns Scotus opposed himself to Aquinas, leaning generally to the Pelagian or Arminian side, and was followed in this by a considerable number of the schoolmen. The disputes between the Thomists and the Scotists, as they were called, so far as they turned upon theological questions,—for there were some controversies upon mere metaphysical subjects mixed up with them,—were connected chiefly with the principles of the Augustinian system, and involved to a large extent a discussion of the points afterwards controverted in the Church of Rome between the Dominicans and the Franciscans, between the Jansenists and the Jesuits ; and among Protestants, between the Calvinists and the Arminians. And in this great controversy, which will last as long as the carnal mind is enmity against God,—for it is at bottom just a controversy between God and man,—the works of Aquinas afford some useful materials ; not so much, indeed, for establishing the truth from the word of God, but for answering the objections of opponents founded upon general considerations of a philosophical or metaphysical kind,—and thus may be said to contribute somewhat to the confirmation and defence of a system of doctrine which is at once clearly set forth in the plain statements of God's word, and is in entire accordance with the dictates of sound philosophy, though very likely to call forth the opposition and enmity of the proud heart of un-renewed men.\*

There is a work connected with this subject which a few years ago excited a good deal of interest in the theological world,—viz., Dr Hampden's Bampton Lectures, entitled, "The Scholastic Philosophy, considered in its relation to Christian Theology." This work is undoubtedly highly creditable to the talents and erudition of its author ; it is fitted to serve some useful and important purposes, and it certainly affords no sufficient grounds for the charges adduced against it by men who were chiefly influenced by indignation against Dr Hampden's zealous and well-known opposition to Tractarian heresy. The work, however, is one which ought to be read with care and caution, as it is, I think, fitted to exert a somewhat unwholesome and injurious influence upon the minds of young and inexperienced theologians, and to

\* For characters of Aquinas, by Erasmus and others, see *Buddæi Isagoge*, Tom. i., p. 364.

afford to the enemies of evangelical truth materials of which it is easy to make a plausible use. The great leading object of the work is to explain in what ways the philosophical and theological speculations of the schoolmen have influenced the theological opinions of more modern times, and the language and phraseology in which these opinions have been commonly expressed ; and in developing this interesting topic, Dr Hampden has brought forward a good deal that is ingenious, true, and useful. But, at the same time, the mode in which he has expounded some of the branches of the subject, has a certain tendency to lead men, who may know nothing more of these matters, to take up the impression, that not only the particular form into which the expositions of Christian doctrine have been thrown, and the language in which they have been embodied, but even the matter or substance of the doctrines themselves, are to be traced to no higher source than the speculations of the schoolmen of the middle ages. There is no ground for asserting that this was the intention of the author, but it is a use which may with some plausibility be made of the materials which he furnishes ; and this application of them is certainly not guarded against in the work with the care which might have been expected from one who was duly impressed with the importance of sound views in Christian theology,—a defect, however, which is to a large extent supplied by an elaborate introduction prefixed to the second edition. It is also a defect of this work, and tends rather to increase the danger above adverted to, that it contains nothing whatever in the way of pointing out the advantages that may be derived from the study of scholastic theology, in illustrating and defending the true doctrines of Scripture.

## CHAPTER XV.

## CANON LAW.

ABOUT the same time when Peter Lombard published his Four Books of Sentences, which were the foundation of the scholastic theology,—viz., about the middle of the twelfth century,—Gratian published his Decree (Decretum), called also “*Concordia Discordantium Canonum*.” This work was the foundation of the canon law, the ecclesiastical law of the Church of Rome, which for a long period was much studied, occupied a large share of men’s attention, and exerted no small influence upon the condition of the church and the general aspect of theological literature. There had been collections of canons on subjects of ecclesiastical jurisprudence published long before Gratian’s time. The most celebrated of these were the “*Codex Canonum Ecclesiæ Africanæ*,” and the “*Codex Canonum Ecclesiæ Universalis*,” both of which were compiled during the fifth century, and embodied most of the canons on matters of discipline which had been passed by any preceding councils. They were added to from time to time, as new canons were passed, and especially after the Quin-Sextine Council, or the council in Trullo, in the end of the seventh century, approved of former canons, and passed a good many more of its own. The progress of the Papal power materially changed both the principles and the practice of ecclesiastical law, and rendered necessary and produced many new canons, and other less formal ecclesiastical regulations. It was only towards the latter part of the eleventh century, during the pontificate of Gregory VII., that the true Papal principles were fully developed,—those principles on which it has been well said that the Church of Rome has ever since acted when she had the power to enforce them, and proclaimed when she had no reason for concealing them. The Pseudo-Isidorian decretals, as they are commonly called,—fabricated about the eighth century in the name of the early Popes,—had now, by the zealous exertions of the Bishops of Rome, and especially of Nicolas I., been generally received as genuine and authoritative, and had contributed greatly to extend and confirm

the usurpations of the Papal See. And many serious encroachments had now been made by the ecclesiastical authorities upon the civil province, though met occasionally, for a time and in particular countries, by as serious encroachments of the civil power upon the ecclesiastical jurisdiction. These circumstances naturally suggested the expediency of compiling a fuller system of ecclesiastical law, adapted to the existing condition of the church; and this, accordingly, was undertaken by Gratian, a monk and professor at Bologna, whose work was received with great applause.

Even after the publication of the Decree of Gratian, additions were made to the rites and ceremonies of the church; and the claims of the Popes to a right of interference in the regulation of all its internal affairs, so far as they thought it for their interest to interfere, were considerably extended. This rendered new canons and regulations necessary; and these, accordingly, were issued, in considerable abundance, by Popes, and by councils acting under their immediate control, during the latter part of the twelfth, the whole of the thirteenth, and the early part of the fourteenth centuries. These were collected, digested under different heads, and published at different periods, by Gregory IX., Clement V., Boniface VIII., and John XXII., chiefly under the name of Decretals, but partly also, in the later and less formal and complete portion of them, under the name of Extravagantes. The Decretals of Gregory IX., in five books; the Sextus, or Sixth, divided also into five books; the Clementine Constitutions, in five books, containing the canons and regulations sanctioned by the Council of Vienne, under Clement V.; the Extravagantes of John XXII.; and the Extravagantes Communes, also in five books, containing the famous bulls of Boniface VIII.,—form, with the Decree of Gratian prefixed to them as the first part of the work, the *Corpus Juris Canonici*, or the ecclesiastical law of the Church of Rome. The work was completed long before the Reformation, and the whole of this mass of matter was carefully revised and corrected by Gregory XIII., and published by his authority in 1582.

It is to be observed, with respect to what is contained in the *Corpus Juris Canonici*, that it is only the Decretals, Gregorian and Sextine, the Clementines and Extravagantes, as they are called, which have received the formal and explicit sanction of

the head of the Romish Church, that are to be regarded as being, strictly speaking, and as they stand, ecclesiastical law. The Decree of Gratian was sanctioned by the Popes as the authorized text-book for teaching canon or ecclesiastical law in schools and universities, and thus came practically to have much of the force and authority of law. But it has never been formally sanctioned by the Romish Church, or by the Pope as the head of it, in such a way as to authorize us to assert that everything contained in it may simply, because it is contained there, and irrespective of any authority it may receive from the original source from which it is taken, be held as strictly binding upon the Church of Rome or the Pope. There are perfectly sufficient reasons, as we shall afterwards notice, why the Popes have abstained from giving a formal authoritative sanction to the Decree of Gratian. The Decretals, Clementines, and Extravagantes, are, of course, received implicitly by all Papists who believe in the personal infallibility of the Pope, since all that they contain either emanated directly from Popes speaking *ex cathedra*, or received their explicit and formal sanction as the public and authoritative law of the church. But they are not received implicitly,—or irrespective of some other authority attaching to some portions besides that derived from their having emanated from Popes, or having been sanctioned by them,—by those who hold the principles on which the Gallican liberties are based. The canon law sanctions all the highest and most extravagant claims of the Popes, and their immediate adherents; and some of these the Gallican church maintains to be both unfounded in themselves, and destitute of any such sanction from the church, or from any authority entitled to represent it, as to be binding upon its members. The great body of the canon law, in both parts,—*i.e.*, in the Decree of Gratian, which forms the first part; and in the second part, which consists of the different materials above specified,—and indeed the whole of it, with the exception of the rubrics or titles attached to the different sections, consists of extracts from ecclesiastical authorities of various classes; and Papists, except those who believe in the personal infallibility of the Pope,—and even *these*, in so far as the Decree of Gratian is concerned,—are accustomed to estimate the weight due to its different statements by referring back to the original authority, whatever it might be, from which the particular portion was taken, and do not admit that their mouths are to be shut by the mere

fact of its being found in the “*Corpus Juris Canonici*.” While the Decree of Gratian, or the first part of the canon law, is, upon the grounds now explained, inferior in authority of a strictly legal or forensic kind to the second, it is of much more value and importance, with reference to the ordinary general objects of theological or ecclesiastical study, inasmuch as it exhibits the substance of the law and practice of the church, in so far as concerns government and discipline, from the time of the apostles till the twelfth century.

The Decree of Gratian consists of three parts,—the first being divided into a hundred Distinctions; the second being divided into thirty-six Causes, and the Causes again being subdivided into Questions, and containing under the thirty-sixth Cause a full treatise upon penitence, or the penitential discipline of the church; and the third, treating of consecration (including under this name the administration of the sacraments), and divided into five Distinctions. The materials of which it consists are threefold,—*viz.*, the canons of councils, the dicta of the fathers, and the decrees and decisions of Popes from the earliest times, upon all the leading topics comprehended under the heads of government, worship, and discipline. It thus, independently of its direct and proper character as an exhibition of the system of ecclesiastical jurisprudence which has actually obtained in the church, contains much interesting and valuable matter, bearing upon the subject of ecclesiastical antiquities and ecclesiastical history; though it is right to mention that it is not always safe to trust to the accuracy of Gratian's quotations and historical references, or to the perfect correctness of the rubrics or titles which he prefixes to them, and which are sometimes not fully warranted by the extracts themselves, the substance of which they profess to contain. The contents of the Decree possess intrinsically just the degree of weight or authority that is due to the fathers, popes, and councils, from whom they are taken; but however humble may be the view we may entertain of their weight as authorities in matters of ecclesiastical jurisprudence, this does not affect the value of the materials they contain, as throwing light upon the actual administration and history of the church at different periods.

All who attempt to expound and illustrate the principles of ecclesiastical jurisprudence, profess to lay its foundations upon the word of God; but long before Gratian compiled his Decree, a



huge and elaborate system of ecclesiastical law had been invented, a large portion of which could not be traced even remotely to Scripture, and which seemed as if suited and intended for a society of a different kind from the church of Christ, as represented to us in His own word. In considering the subject of ecclesiastical jurisprudence, it should never be forgotten that the constitution of the church of Christ, its laws and government, were settled by Christ Himself in His word, and cannot be changed or modified by any other or subsequent authority. The first point, therefore, is to ascertain from the study of the Scriptures, what Christ Himself has enacted or sanctioned in regard to the constitution and government of His church, and the way in which its affairs ought to be regulated; and then to discover what general principles He has laid down as to the way in which any power or authority He may have vested in His church, or any portion of it, for the administration of its affairs, is to be exercised. The views which are sanctioned by Scripture upon these points should constitute the basis, and regulate the whole superstructure, of ecclesiastical jurisprudence; and men, in studying this subject, are bound to take care that, in the first place, they understand what the word of God declares or indicates as to the character, objects, and constitution of the kingdom of Christ, the mode in which its affairs ought to be conducted, the office-bearers He has appointed, and the way and manner in which their functions ought to be discharged. There is important information upon all these points given us in Scripture, not indeed drawn out in detail, but embodied in great principles and general rules, which ought never to be disregarded or violated. It is only what is contained in, or may be fairly deduced from, Scripture, that is possessed of anything like authority in the regulation of ecclesiastical affairs; and though ecclesiastical office-bearers are warranted to lay down rules or regulations for securing that those things which Christ has required and appointed to be done, be done decently and in order, it should not be forgotten that the tendency which has been constantly exhibited by the ecclesiastical authorities, and which reached its full development in the canon law, so well adapted to what the National Covenant of Scotland calls the Pope's temporal monarchy and wicked hierarchy, has been to convert their ministerial into a lordly authority,—to assume the place of legislators for Christ's church, as if it were their kingdom and not *His*, as if

they were lords over *His* heritage, entitled to administer its affairs according to their own pleasure, or at least according to their own views of what was best fitted to promote its interests, and to bring its most solemn censures to bear upon men merely for disregarding their despotic commands. Ecclesiastical jurisprudence, as exhibited in its full growth in the canon law, presents a huge mass of unnecessary and lordly legislation, not only unsanctioned by Scripture, but coming altogether in its general character, and independently of specific enactments and provisions, to contradict the whole spirit and scope of scriptural principles, by which the subject ought to be regulated, and to frustrate the object that ought to have been aimed at.

It was to overturn this huge system of unnecessary and lordly legislation in the church of Christ, and to reduce the laws of men to their proper level, that Calvin\* and the other Reformers were at so much pains to establish the principle that mere human laws, whether civil or ecclesiastical, do not *per se* bind the conscience. But while this danger ought to be carefully guarded against, this does not affect the lawfulness of a certain ministerial authority competent to ecclesiastical office-bearers, or the importance of the study of ecclesiastical jurisprudence, or the desirableness of knowing what enactments and regulations have been laid down and followed out for the administration of ecclesiastical affairs since the establishment of the church,—the causes that produced them, the grounds on which they were defended, and the influence which they exerted. Everything bearing upon these topics, is not only interesting and valuable historically, but is fitted to afford useful lessons as to the principles and rules by which the affairs of the church ought to be conducted, especially when events of an unusual character and magnitude arise. The Decree of Gratian, exhibiting as it does the substance of the whole legislation of the ecclesiastical authorities from the foundation of the church, presents, of course, a great mass of unnecessary, erroneous, and injurious provisions, while it contains also many traces of its earlier and purer discipline. The Church of Rome has been often subjected to much inconvenience, from its professing to adhere to the original and ancient doctrines, canons, and practices of the church. It was from the necessity of appearing to follow

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\* Instit., Lib. iv., c. 10.

out this profession that Gratian admitted into his Decree so much of the earlier and purer discipline of the church, though it plainly enough indicated a state of things in regard to church government, and the general regulation of ecclesiastical affairs, very different from that which obtained after the Bishops of Rome had succeeded in erecting their marvellous despotism; and it was for this reason again that the Popes avoided giving to it the formal and explicit sanction of law. There are a considerable number of passages to be found in the first part of the canon law, taken from the earlier fathers and councils, and even from some of the earlier Popes, which afford testimonies and authorities against the laws and practices of the modern Church of Rome, and which have been collected by Protestant writers, and applied in that way. Traces are to be found in the canon law of the ancient comparative soundness of doctrines, in the more limited sense of the word, but it is chiefly on the subject of government and discipline that it treats; and on these points we have embodied in the canon law some important testimonies from early authorities in favour not only of Protestant, but of Presbyterian, principles. It may be worth while to advert to one or two of these.

We have seen that Peter Lombard, in his Four Books of Sentences, bears explicit testimony to this, that the apostolic and primitive church had but two orders of office-bearers,—presbyters and deacons; and we find in the Decree of Gratian an assertion of the identity of bishops and presbyters. In the first part of the Decree\* we find inserted two very important passages of Jerome on this point, which are quite sufficient of themselves to overturn the whole argument in favour of Prelacy, in so far as ecclesiastical antiquity is concerned; and we find, moreover, that to one of them (Distinct. 95, c. 5) Gratian himself has attached the following rubric, which, beyond all question, correctly describes the mind of Jerome in the passage quoted: “Presbyter idem est qui Episcopus, ac sola consuetudine præsumunt Episcopi Presbyteris.” It is also beyond all question certain, that the canon law teaches, as part of the discipline and practice of the early church, the principle of non-intrusion in the only honest sense of it,—in the sense in which we hold it. We have the following explicit statements upon this point. The first is from a letter of Pope

\* Distinct. 93 and 95.

Cœlestine, addressed to the bishops of Gaul in 428: “Nullus invitis detur episcopus; Cleri, plebis et ordinis consensus et desiderium requirantur,”—where the clergy and the people are put upon the same footing in the election of a bishop, and where not only the “consensus,” but the “desiderium” of both is made equally imperative. Where this was law, of course, the opposition of *either* the clergy or the people was in itself a conclusive bar to the appointment of a bishop. Another is taken from a letter addressed by Pope Leo the Great to the bishops of Macedonia, in the year 445. It contains these words: “Si forte vota elegendium in duas se diviserint partes, metropolitani iudicio is alteri preferatur qui majoribus et studiis juvatur et meritis, *tantum ut nullus invitis et non petentibus ordinetur*, ne civitas episcopum non optatum aut contemnat aut oderet.” When a division arose in the election of a bishop, the metropolitan was to use his influence to effect, if possible, the election of the one who was at once most acceptable and best qualified; but whatever he might do in the matter, there was one thing that was in no case to be tolerated, and that was, that any one should be appointed a bishop unless the people wished and desired him; and the reason assigned for this at once establishes, beyond the reach of question or cavil, the meaning and the reasonableness of the enactment,—viz., lest the people having got a bishop whom they did not like,—“non optatum,” whom they never wished for,—should despise him or hate him. These were the views of the Popes of the fifth century, and this of itself warrants us to conclude *a fortiori* that they were the views of the whole church of that period, though the Popes were not then acknowledged as its sovereigns, and also of the preceding ages; and it does give them some additional weight or authority,—*i.e.*, it affords additional evidence that they had been always reckoned fundamental principles of ecclesiastical jurisprudence,—that even in the twelfth century they were inserted in the canon law, and have ever since occupied a place there.

But while the decree of Gratian contains not a little from the earlier councils and fathers that savours of the purer doctrine and discipline of the ancient church, and affords testimonies and authorities against the modern Church of Rome, it also contains a great deal more that is thoroughly imbued with the genuine Popish policy of Gregory VII. and his successors. Gratian constantly quotes as genuine the spurious decretal epistles of the

early Popes. Their insertion in the canon law contributed, on the one hand, to confirm and perpetuate their authority and influence, and, on the other, to secure the patronage of the Popes to Gratian's work. Indeed, Gratian has made it sufficiently evident, that one leading object he aimed at in preparing his Decree,—and, we cannot doubt, that one leading object the Popes had in view in patronizing it,—was to exalt the power and authority of the Papal See, to raise it to supreme and universal dominion. And when to all the matter tending to this object which Gratian in the twelfth century collected, were added the decretals and bulls of a similar tendency of Innocent and Boniface, and the other Popes of the thirteenth, and early part of the fourteenth, century, we need not wonder that the canon law was generally regarded by the Reformers as one of the great engines devised for the promotion of Papal despotism, and well adapted for that purpose; or that Luther, in revenge for the burning of some of his books by the Papal authorities, should have publicly consigned the canon law to the flames, along with the bull which Pope Leo had published against him. He afterwards wrote a treatise to explain the reasons of his conduct in taking this step, and among other things, produced thirty passages from the canon law containing sentiments quite sufficient to justify its being burned. In this work he thus states what he considered to be the sum and substance of the canon law: "Papa est Deus in terris, superior omnibus cœlestibus, terrenis, spiritualibus et secularibus. Et omnia papæ sunt propria, cui nemo audeat dicere: quid facis?" He admits that there are some good things in the canon law, especially in the first part of it, the Decree of Gratian: "Quod si in illis etiam aliquid boni inesset, ut de decretis fateri cogor, totum tamen eo detortum est, ut noceat, et papam in suâ antichristianâ et impia tyrannide confirmet;" and then he adds the following observation, which is important in connection with some of the extracts we have given from it: "Omitto, quod nihil eorum præ nimia diligentia observatur, nisi quod malum et noxium est, servasse."\* Still the canon law, and especially the canons of the ancient councils which are embodied in the first part of it, has formed the basis of the ecclesiastical law, even of Protestant churches, pointing out what were the topics on which it was

\* Buddæi Isagoge, p. 781.

found that enactments and regulations were needed in the administration of the affairs of the church, and affording some assistance in deciding what these regulations should be, and how they ought to be modified and applied,—as well as throwing much light upon the condition and history of the church at the periods to which its different portions relate. On all these grounds, the study of it is deserving of *some* time and attention from those who desire to be thoroughly acquainted with the history of the church, and with the different leading departments of ecclesiastical literature. If ecclesiastical jurisprudence is to be studied, then the canon law, which is the basis of it, and which contains a full collection of all the principal materials out of which this department of theological science has been constructed, must receive some degree of attention. The reasons for giving some degree of attention to the study of the canon law, are thus put by Buddæus with his usual judgment and good sense: "De jure canonico aliter protestantes, romanæ ecclesiæ addictos aliter sentire, res ipsa itidem docet. Nulla autem, aut exigua ejus apud protestantes cum sit auctoritas, non omni tamen ideo apud eos destituitur usu. Præterquam enim, quod in foris adhuc quodammodo obtineat; et ad indolem papæ eo rectius introspectendam plurimum confert, et antiquitatis ecclesiasticæ studio inservit, cum primis varia, eaque interdum egregia veritatis testimonia, contra ecclesiæ romanæ errores nobis suppeditat."\*

There is a class of writers† who have given much attention to the study of ecclesiastical jurisprudence and the canon law, who have been in the habit of alleging and labouring to prove that it is only from the canon law that the idea of a distinct and independent ecclesiastical jurisdiction, not subject to civil control, has been derived; and that it was through this channel that it found its way into the Protestant churches. This, of course, is just one mode of putting the charge which we formerly examined and exposed,—viz., that the scriptural Presbyterian principle of a distinct government and jurisdiction in the church, independent of civil control, is a Popish doctrine; and with the truth or falsehood of that general charge must this particular allegation stand or fall. The canon law and the practice of the Church of Rome certainly present ecclesiastical jurisdiction in a very odious and offensive

\* Buddæi Isagoge, p. 848.

† Thomasius and Boehmer.

aspect; but there is no great difficulty in drawing a clear line of demarcation between Presbyterian and Popish principles upon this subject, and preserving in theory at least,—though experience seems to indicate that the practice is not quite so easy,—both to the civil and the ecclesiastical authorities, their own proper province, and their own separate jurisdiction. The civil magistrate,—meaning thereby, the supreme civil power, in whomsoever vested,—has assuredly all that he is entitled to, when he has absolute control, under God, and without the intervention of any human authority claiming jurisdiction in the matter, over the persons and the property of all men, ecclesiastics equally with the rest of his subjects. The consciences of men and the church of Christ are not subject to his jurisdiction; over them he not only is not entitled, but is not at liberty, to claim or to exercise any authoritative control. “God alone,” says our Confession of Faith, “is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in anything contrary to His word or beside it, in matters of faith or worship.” The conscience,—that is, the convictions which men entertain as to what they ought to believe and do in all matters of religion and morality,—is subject to God alone, and to be guided only by His word. The church of Christ, the other great province excluded from the jurisdiction of the civil power, is to a large extent comprehended under the general head of conscience, where there is no room for the authoritative interference of any human power, civil or ecclesiastical, inasmuch as men’s duties as office-bearers and members of the church should be regulated only by the word of God, and their own conscientious convictions as to what His mind and will is. But the church of Christ is also a visible society, which has outward and visible business to administer, and in which certain visible and outward processes must be continually going on; such, for instance, as the admission of men to office and to membership, and the retaining them in, or removing them from, the outward privileges attaching to these positions. Where such processes are going on, there must be some provision for determining the questions which are certain to arise; and from the very nature of the case, the decision of them must necessarily assume something more or less of a judicial or forensic character. And the whole controversy virtually comes to this: Are these questions, and questions such as these,—which must arise wherever a church of Christ exists

and is in full operation, and the decision of which is necessary in the transaction of its ordinary business as a visible society,—to be determined by the word of God, or by the law of the land? Are they to be ultimately decided, so far as human power can decide them, by ecclesiastical office-bearers or by civil functionaries? No particular doctrine as to the spiritual effects of ordination and admission to ordinances, on the one hand; or of deposition and excommunication, upon the other, at all affects this question. They are viewed here and in this connection simply as an act of outward jurisdiction *in foro exteriori*; and the question is, By what standard and by what parties are these points to be ultimately decided? And here there is really no medium between, on the one hand, assigning to the church as a distinct independent society,—or, upon Presbyterian principles, to ecclesiastical office-bearers,—a right of regulating its own affairs, managing all its own necessary business according to the word of God; and, on the other, depriving it of all judicial or forensic authority even in these matters, except what is derived from the State, and subject to civil control,—thus reducing it to the level of a corporation, which ordinarily indeed, and when no dispute arises, may be allowed to manage its own affairs according to its own rules, but from whose decisions there is always open an appeal to the ordinary civil tribunals as to a higher authority.

While these principles, when fully acted on, secure to the civil and ecclesiastical authorities their own separate provinces, and their own independent jurisdiction according to the word of God, the rights of conscience are secured within the church itself by an honest and faithful adherence to the great scriptural principle which, in the Church of Rome and in the canon law, is trampled under foot,—viz., that church power is not lordly, but only ministerial; that ecclesiastical office-bearers, even within their own province, have no right to be making laws or pronouncing decisions, merely according to their own judgment and discretion, but that they should do nothing in these matters except what the word of God requires them to do in the discharge of the necessary duties of their place, and are bound to do it all according to the standard which Christ has prescribed, their decisions being entitled to respect and obedience only if consonant to the word of God; and all men, civil rulers and private individuals, being not only entitled, but bound, to judge for themselves, with a view to the