Study Guide on Richard Hooker

STUDY GUIDE FOR RICHARD HOOKER

The thought of the Anglican divine Richard Hooker exhibits the complicated relation between the Declaration of Independence and the ancient and medieval natural law tradition. John Locke’s Second Treatise of Government first formulated the famous rights to “life, liberty, and property” that appeared in the Declaration as “life, liberty, and the pursuit of happiness.” In that same treatise Locke quoted Richard Hooker’s Laws of Ecclesiastical Polity many times in support of important points that Locke was making. Hooker influenced Locke, and Hooker in turn was strongly influenced by Aristotle and by medieval thinkers (like Thomas Aquinas). In his essay Professor Faulkner outlines Hooker’s writings on natural law and shows where they depart from his predecessors’ views but also where they retain key ancient and medieval elements. Hooker’s broad yet compact treatment of the natural law provides a helpful overview of the whole ancient and medieval natural law tradition presented on this website.

RICHARD HOOKER (b. circa March 1554-d. November 2, 1600)

Richard Hooker was a philosopher and a theologian of Anglicanism, the Christian denomination established as the state church of England by King Henry VIII during the Reformation. Hooker is credited with forging a distinctively Anglican theology against both Roman Catholicism and Puritanism as set forth in his magnum opus, Of the Laws of Ecclesiastical Polity.

He was born in or near the city of Exeter, England, at the start of the brief reign of Queen Mary I, who undertook a failed attempt to restore Catholicism as the national religion. Mary was succeeded by her half-sister Elizabeth I, a committed Protestant and adept monarch who solidified Protestantism’s dominance in England over the course of her many decades of rule. The years of Hooker’s life coincided very closely with those of Elizabeth’s reign.

Hooker’s family had a rather prominent history in the city of his birth, but his father was relatively poor. Hooker excelled in school and, under the sponsorship of a bishop, entered Corpus Christi College at Oxford in 1569, where he studied theology and a broad range of humanistic disciplines. Anglican Protestantism at the time was strongly influenced by John Calvin’s Institutes of the Christian Religion. Oxford University, however, was very loyal to the Anglican Book of Common Prayer, and Hooker himself was firmly committed to the established church. Hooker especially studied contemporary scriptural commentaries, the early Church Fathers, and contemporary Thomism (the intellectual tradition based on the thought of Thomas Aquinas). Hooker later said that these studies broadened his views on religion.

After obtaining bachelor’s and master’s degrees he became a Fellow of Corpus Christi and in 1579 became a Deputy Professor of Hebrew. That same year he was ordained a deacon in the Anglican Church. A year later he was expelled from Corpus Christi because of his opposition to replacing the sitting president. He then held positions at different parishes until 1585, when he was elected master of the Temple Church in London. There he preached beside the Calvinist Walter Travers, with whom he was strongly at odds. Travers criticized Hooker for being lenient toward people whose religious beliefs were weak or false. He also faulted Hooker’s approval and use of medieval Scholastic philosophy, such as that of Thomas Aquinas. Travers’s public attacks on Hooker became so vociferous that the local archbishop suspended him from preaching. Supporters of Travers complained enough that Hooker published a defense of himself. This formed the beginnings of his later Laws of Ecclesiastical Polity.

In 1588 the English repelled the attempt of King Philip II of Spain to invade England (with the so-called
Spanish Armada), take the throne (because of his earlier marriage to Queen Mary I), and restore Catholicism in the country. The failure of the seemingly invincible Spanish Armada was perceived to be the definitive, divinely ordained triumph of Protestantism in England. With the restoration of Roman Catholicism no longer a concern, Hooker confronted Calvinism, or “Reformed” theology, more intensely. Calvinism had been gaining in influence on English theology and worship, especially through the spread of small groups of Calvinist worshippers throughout the country. Anglican bishops put up only a weak resistance to it because of Calvinism’s popularity.

Also in 1588, Hooker married Joan Churchman, daughter of the friend with whom he was living at the time. With her had six children: two sons, who died in infancy, and four daughters, who survived him.

In 1591 Hooker left the Temple Church for Boscombe in Wiltshire and began to write *Of the Laws of Ecclesiastical Polity*. It was intended as a public reply to leading English Calvinists’ *Admonition to Parliament*, which had demanded reforms in England along the lines of those implemented in Geneva, Switzerland (under the direction of John Calvin). The *Laws* defended Elizabethan Anglicanism against both Roman Catholics and Puritans. It identified three sources of authority in Anglicanism: first the Bible, then the church’s tradition (when the Bible was unclear), then human reason (when the Bible and tradition were unclear, or when the church confronted unprecedented situations).

In the final book of the *Laws*, Book Eight (one of the last to be published, and probably in unfinished form), Hooker also insisted that the church and state are united because “care of religion” is a duty of political society as a whole. Therefore the head of political society—in England’s case, the monarch—is also the head of the society’s religion. A “church” is simply a political society that follows the true religion. Note that for Hooker it is society as such that is charged with the duty of religion, not necessarily a monarch. Furthermore, for Hooker the monarch is supreme head of society (and therefore of the church) only by consent of the community as expressed in the community’s laws; and laws are made with the participation of a representative parliament. Hooker’s notion of royal rights is therefore not a “divine right of kings” (the concept by which some argued that the monarch was above the law because his authority allegedly came immediately from God).

The *Laws* was published gradually, as Hooker completed its books. He published the fifth book in 1597, and three more books remained unfinished when he died in 1600. At his death at the age of forty-six Hooker left a substantial estate behind him and was buried in the parish of Bishopsbourne (near Canterbury),

There is some evidence to suggest that Hooker produced finished copies of the last three books of the *Laws*, but that his opponents destroyed these after his death. The unfinished books were all published by 1662, delayed perhaps because the theory of “the divine right of kings” (which Book Eight opposed) enjoyed royal favor in the early 1600s. The ideas in the first five books won praise from people of very opposite views, including moderate and rationalist Protestants, more authoritarian Anglicans (called Laudians), and converts to Roman Catholicism (one of whom even credited the *Laws* with leading her to Catholicism). Monarchists naturally balked at the claims of Book Eight, while supporters of parliament invoked it often. Later in the seventeenth century, John Locke quoted Hooker extensively to support his theory of government by consent; though he only quoted from the first five books, the authenticity of which were never questioned.

The *Laws* was the first major work of theology, philosophy, or political thought to be written in English. Many also consider it to be one of the best instances of English prose writing in general.

**Bibliography**

afterlife: a life after the death that ends each human being’s life on earth. The afterlife is of paramount importance in Christianity. Christians believe that those who remain faithful to God during their life on earth will have a blissful, eternal afterlife called “heaven” in which they will know and love God face-to-face, united to God and to all other spiritual creatures that are faithful to God. On the other hand, Christians believe that those who completely reject God and do not repent before they die will be eternally tormented by their decision and remain forever exiled from heaven in a state called “hell.” For Richard Hooker, as for Thomas Aquinas, the natural law is primarily concerned with directing man toward eternal union with God in heaven.

Anglicanism: The branch of Protestantism that adheres to certain religious beliefs shared by Lutherans and Calvinists, but which acknowledges the reigning monarch of England as its governing head. Officially it is called the Church of England. Anglicanism came to be in the 16th century (almost twenty years after the Reformation began in Germany) when King Henry VIII of England declared himself, with the consent of most of the nobility and bishops of England, to be the supreme head of the Church in England. He thereby denied the Catholic position that the pope, the bishop of Rome, is the head of Christianity all over the world and effectively separated organized religion in England from the Catholic Church. Despite this separation, the Church of England retained many aspects of Catholicism, such as government by bishops and certain rituals and devotions of piety. Certain people in England who favored a more Calvinist understanding of Christianity thought that these practices and the king’s rule over the Church should be discarded because they were not commanded in the Bible. Richard Hooker wrote the Laws of Ecclesiastical Polity to refute these dissenters. See also CHRISTIANITY, LAWS OF ECCLESIASTICAL POLITY, and PROTESTANTISM.

appetite: an inclination toward or desire for some good. Hooker uses appetite to refer only to desire for sensible goods, whereas Aquinas called the will an appetite as well (“the rational appetite,” that is, the appetite of the intellect or of reason). For Hooker the appetite is lower than the will and therefore subject to it, but sometimes it drives behavior because the will permits it to do so. The appetite can even desire impossible things. See also WILL.

Aquinas, Thomas: A thirteenth-century Catholic Dominican priest, philosopher, and theologian, who used the ethical framework of Aristotle to explain the Catholic Church’s understanding of God’s law for mankind. See also ARISTOTLE and this site’s section on THOMAS AQUINAS.

Aristotelian: Of or related to the philosophy of Aristotle. See also ARISTOTLE.

Aristotle: The fourth-century-BC Greek philosopher famous for his extensive and cogent writings about many philosophical subjects. He is known among other things for his elaboration of a theory of ethical behavior that holds that happiness, rightly understood, is the goal of life. Aristotle understood happiness to be the perfect exercise of the powers of the human person according to an ordering indicated by the purpose (telos in Greek) written into the fabric of human nature. Aristotle’s general name for the various perfections of the soul is translated as “virtue” or perhaps more accurately “excellence.” See also this site’s section on ARISTOTLE.

Biblical: Of or related to the Bible, the sacred scripture of Christianity. See also SACRED SCRIPTURE.

bishop: From the Greek word episcopos, meaning “overseer.” For Roman Catholics and Anglicans, a leader of a Christian church that is a successor to (or claims to be a successor to) one of the twelve
Apostles, the men appointed by Jesus of Nazareth to govern Christianity in all matters of belief, practice, and worship. Bishops are usually made bishops in a ritual conducted by another bishop that passes on the authority of the Apostles. See also CHRISTIANITY, ROMAN CATHOLICS, and ANGLICANISM.

Calvinist: Of or related to the teachings of John Calvin, a sixteenth-century French Protestant who developed the teachings of Martin Luther into a distinct branch of the Reformation that came to be known as Calvinism. Calvinists believe, among other things, that congregations of Christian worshippers should be governed by elected “presbyters” or “elders,” not bishops, and certainly not by a monarch. They believe this on the more fundamental belief that only the words of the Bible may determine the Christians’ beliefs and practice. Calvinists in Richard Hooker’s time believed that the governing structure of the Church of England contradicted the words of the Bible. See also CHRISTIANITY, PROTESTANT.

Christianity: The group of all individuals, called Christians, who believe that there is one God in three persons. They also believe that one of those divine persons became a true human being as Jesus of Nazareth, a Jewish man who lived in the Roman province of Palestine in the first century A.D., and who was executed by crucifixion by order of the Roman governor Pontius Pilate. They believe that three days after he died, Jesus came back to life transformed, with power to forgive the sins of all who would submit themselves to his kingship and reject that of the lead fallen angel, Satan, to whom the human race had become enslaved after their rebellion (or “sin”) against God’s law. Christians believe that if they remain faithful to Jesus to the end of their lives they will grow in friendship with him and share his eternal, transformed life after death in a blissful union with God called heaven. Christians believe many other things in addition, but those beliefs vary by group. Catholics, Calvinists, and Anglicans represent some of the larger groups within Christianity. See also ROMAN CATHOLICS, CALVINISTS, and ANGLICANISM.

demonstration: in the philosophy of Aristotle (and Aquinas), the correct deduction of a conclusion by applying the rules of logic to true premises. Also known simply as a proof.

Elizabethan religious establishment: The system of religious belief, practice, and worship that existed in England under the reign of Queen Elizabeth I, during the second half of the sixteenth century. During Elizabeth’s reign the Church of England continued to be governed by a body of bishops who were under the authority of the monarch, as had been the case during the latter part of the reign of her father, King Henry VIII. See also ANGLICANISM, BISHOP.

Enlightenment, The: The philosophical movement that began with the writings of Francis Bacon, René Descartes, and Thomas Hobbes in the early seventeenth century and ended with the work of the German philosopher Immanuel Kant at the end of the eighteenth century. Descartes, for example, rejected the philosophical training he received from his teachers, who were heirs to late medieval philosophy; he took seriously the doubts of radical skeptics that he thought medieval philosophy could not answer. He tried to reconstruct knowledge based on what he thought could be proven and explained by human reason alone with an almost mathematical certainty. He concluded that the world was made up of minds and bodies but he could not prove how the two were connected. His work inspired a number of other philosophers who continued his project over the course of two centuries. They all more or less accepted that one must systematically doubt everything before investigating philosophical questions; and that only that which could be understood by human reason ought to be accepted as true. John Locke was one of the philosophers of the Enlightenment. See also LOCKE and RATIONALISM.

fall from innocence, the: in Christian belief, the original sin of the first human beings, Adam and Eve, who tasted of the fruit of the Tree of Knowledge, by which they and the whole human race (their children) fell from the innocence and friendship with God in which God had created them. Christians usually refer to this simply as “the Fall.” See also ORIGINAL SIN.

golden rule, the: The commandment of Jesus from the Sermon on the Mount that, he said, summed up the moral teaching of the Jewish scriptures: “Do unto others what you would have them do unto you”
hierarchy: an ordering of the parts of a whole in which some parts are subordinated to others, with one part standing supreme over all the other parts. Aristotelian ethical theory claims that there is a hierarchy among the various ends or goods of human nature: there are many parts of human life, but some are more important than others. For Hooker and other Christian Aristotelians, the highest end or good of man is the love of God, and all other aspects of human life should aim toward this end. Prof. Faulkner refers to this notion of ordered ends as a “teleological hierarchy.” See also ARISTOTLE.

kalokagathia: ancient Greek for “beauty-and-goodness” from kalòs και agathós meaning “beautiful (or noble) and good.” It refers to the highest kind of goodness or beauty, pointing to the fact that the highest goodness is also most beautiful and that the highest beauty is also that which is most good. Hooker commends this word because we ordinarily use the word “good” to refer to what is simply beneficial, whereas what is most truly good is, like beauty, desirable for its own sake.

Laws of Ecclesiastical Polity: The book in which Richard Hooker sets forth, among other things, his understanding of natural law. John Locke quoted this book sixteen times in his Second Treatise of Civil Government, which in turn strongly influenced the thinking of America’s Founding Fathers. Hooker began to write the Laws in 1593, but the final version was not published until 1662, long after his death in 1600.

Locke, John: A seventeenth-century English government official who wrote influential philosophical works about religious toleration, the nature of government, and the source and nature of individual political rights. His writings, most famously his Second Treatise of Civil Government, profoundly influenced the thought of America’s Founding Fathers. For instance, he is credited with formulating man’s three basic political rights as the rights to life, liberty, and property, which were translated into the Declaration of Independence as “life, liberty, and the pursuit of happiness.” Important aspects of Locke’s thought could seem influenced strongly by the thought of Richard Hooker, despite the primacy Hooker gives to law and duty. Locke quoted Hooker’s Laws of Ecclesiastical Polity sixteen times in the Treatise of Civil Government to justify his notions of rational government and natural rights. See also LAWS OF ECCLESIASTICAL POLITY, TREATISE OF CIVIL GOVERNMENT, and the section of this site on the thought of JOHN LOCKE.

Machiavellianism: A philosophy of government that holds that government officials should be willing to commit moral evil if it seems necessary to defend the interests of the state that they serve. It derives its name from that of Niccolò Machiavelli, the author in the early sixteenth century of influential works that defended this thesis and were read extensively by European statesmen and philosophers thereafter. Machiavelli had a profound influence on the course of all European politics and international relations that came after him. See also the section of this site on MACHIABELLI, GUICCIARDINI, and REASON OF STATE.

original sin: according to Christianity, the first sin of mankind against God, committed by the first two human beings, Adam and Eve, who ate from the Tree of Knowledge contrary to God’s command. Original sin also refers to the subsequent state of enmity toward God in which all human beings are born, and which can only be removed by baptism in the name of God the Father, the Son, and the Holy Spirit. Christians like Hooker believe that the pain associated with work is one of the punishing effects of original sin.

politiques: Statesmen or politicians who are willing to break ethical or religious principles in order to achieve their political goals.

Protestant: Of or related to Protestantism, the group of all the Christian communities that trace their origin to the Reformation movement begun by Martin Luther in 16th-century Germany to reform the Catholic Church. The Reformation eventually separated from the Catholic Church and divided again into
distinct communities that varied according to their different religious beliefs. Among other matters on which they agree, they more or less agree that the words of the Bible alone are authoritative for determining religious belief and practice (and the teachings of the Catholic pope and bishops are not authoritative). The three major branches of Protestantism are Lutheranism, Calvinism, and Anglicanism. See also ANGLICANISM, CALVINIST.

rational: reasonable, according to reason, or having to do with reason.

rationalism: In general, the belief that one ought to accept as true only that which can be proven and understood by human reason. A strict rationalist refuses to accept anything on another’s word without understanding it for himself. The word may sometimes be used, as it is in Prof. Faulkner’s essay, to mean the position that human reason can know truth accurately, and that one ought to try to understand reality and act according to reason as much as possible. In this latter sense Hooker was a rationalist because he believed that reason should be used to apply truths of faith to life in the world. Hooker was not, however, a rationalist in the first sense, because he believed that it was permissible to accept religious truths on faith and to govern a society by those truths. Many thinkers of the Enlightenment subscribed to the first meaning of rationalism. See also ENLIGHTENMENT.

revelation: A direct communication of truth from God to human beings by means beyond humans’ natural capacity of reasoning. The contents of sacred scriptures (such as the Bible) are an example of revelation.

Roman Catholics: Members of the Roman Catholic Church (sometimes simply called the Catholic Church). Roman Catholics (sometimes simply called Catholics) are Christians who believe and profess, as being divinely and unerringly inspired, everything that the bishops that are in communion with the bishop of Rome, called the pope, teach concerning what individuals must believe and do in order to live in God’s friendship, escape eternal damnation, and attain eternal happiness with God after their lives end. Roman Catholics believe, unlike Anglicans, that the pope holds final authority throughout the world to judge all matters pertaining to Christians’ beliefs, internal government, and worship. See also ANGLICANISM, CHRISTIANITY.

sacred scripture: Writings that claim to have been divinely inspired. The sacred scripture of Christianity is called the Bible.

soul: as Richard Hooker uses the term in the quotation that Prof. Faulkner provides in this essay, “soul” means only the powers of sensation and movement that all animals (not just humans) possess. Here Hooker uses the term “soul” in a way that is more common in the Bible. This definition does not include the powers of reason (intellect) and will that today many people normally include when they speak of the “soul.” For the Bible and Hooker, reason and will are said to reside rather in the “spirit” of a human being, even though there remains just one human being unified by one principle of life. Aquinas, on the other hand, using more Aristotelian terms, referred to the powers of animals as “the animal soul” and the powers peculiar to human beings as “the rational soul.” See also SPIRIT OF OUR MIND.

spirit of our mind: the term used by Richard Hooker to refer to the powers of reason (intellect) and will that that are unique to human beings, in contrast to non-rational animals. Aquinas called these powers “the rational soul.” See also SOUL.

synderesis: According to Thomas Aquinas and other medieval philosophers, the habit of knowing the most basic principles of moral behavior, such as “pursue good and avoid evil” and “do not kill the innocent.” Aquinas said that every human being has this knowledge because it is written into the fabric of human nature and therefore can never be fully erased. However, because it is a habit, it can grow stronger if one repeatedly does what is right, or weaker if one repeatedly commits evil. See also AQUINAS.

teleological: having to do with “teleology,” that is, a theory of the purposes, goals, or ends of human
nature that indicate what is good or bad behavior. In a teleological theory of ethics, good behavior is that which fulfills human nature's built-in ends and bad behavior frustrates those ends. Aristotle formulated the most famous teleological theory of ethics. See also ARISTOTLE.

**theological:** related to theology, the study of God based on what unaided human reason can know of him and the study of any truths that God has revealed about himself, especially truths revealed in sacred scripture. See also SACRED SCRIPTURE.

**Thomas:** See AQUINAS, THOMAS.

**Thomist:** A person who largely accepts the principles and conclusions of the philosophy of Thomas Aquinas. See also AQUINAS.

**Treatise of Civil Government:** One of the most famous works of the seventeenth-century English philosopher John Locke. In the first part of the *Treatise* Locke attempted to refute the notion that the right of kings to rule derives directly from God. In the second part of the *Treatise*, called the Second *Treatise of Civil Government*, Locke put forth his own theory that governments originate from the consent of the individuals who are governed, because those individuals have inalienable rights from God and nature that the state does not create and cannot take away. Any government must serve and protect these rights; if it fails to do so, Locke says, it may be overthrown legitimately. Locke quotes Hooker's *Laws of Ecclesiastical Polity* sixteen times to support his theory, which grounded much of the argument behind America's Declaration of Independence. See also LAWS OF ECCLESIASTICAL POLITY, LOCKE, and the sections of this site on the thought of JOHN LOCKE and the DECLARATION OF INDEPENDENCE.

**via media:** Literally “the middle way” in Latin. Richard Hooker and others called Anglicanism the *via media* because, they said, it took a sensible “middle way” between the alleged excesses of Catholicism and continental European Protestantism while retaining the strengths of either side. On the one hand, Anglicanism retained the Catholic Church’s respect for tradition and authority by governing itself through a succession of bishops; but like continental Protestantism it rejected the pope’s claim to have authority over all Christians and accepted certain other Protestant beliefs. See also ANGLICANISM, PROTESTANT.

**virtue:** a good habit, that is, a habit of doing the right thing at the right time in the right way for the right reason. Specific virtues differ according to the particular aspect under which they look at human behavior. The virtue of fortitude, for instance, is the habit of doing good things that are difficult without hesitating out of cowardice or acting hastily out of foolhardiness. The ancient Greek and medieval philosophical tradition that Hooker inherited identified four major virtues: temperance (the regulation of desire), fortitude (the regulation of fear), justice (to give each his due), and prudence (to act in accord with right reason).

**will:** the capacity to choose. For Hooker the object of the will that is most proper to it is that which reason determines to be good. He distinguishes the will sharply from the “appetite,” whose proper object is the sensible good. Aquinas, on the other hand said that the will was itself an appetite whose proper object is the rational good. Hooker says that the will is free because it can accept or refuse a possible course of action that is presented to it; even if appetite overpowers the will, it can do so only because the will allows it. Because the will deals in higher, rational goods, it can force the appetite into submission. The will never chooses what reason tells it to be impossible. See also APPETITE.

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**OUTLINE OF ROBERT FAULKNER’S ARTICLE ON RICHARD HOOKER**

I. Introduction to the *Laws of Ecclesiastical Polity* (1593–1662)
a. Defended the beliefs and practices of the Church of England under Elizabeth I as a middle path between Catholicism and Calvinism.
   i. Calvinist reformers said:
      1. The only important law is the Bible.
      2. The church ought not to be governed by bishops and a monarch because that model is not in the Bible.
   ii. Hooker’s response to Calvinists:
      1. The structure of church government is of secondary importance.
      2. To deny the church reasonable discretion in secondary matters is dangerous.
   iii. Hooker’s motivating fears:
      1. That Christianity is growing weak from internal disagreement while external dangers threaten it.
      2. The Renaissance of philosophy and politics.
      3. The rise of Machiavellian thinkers and statesmen who sacrifice religious and ethical principle for political expediency.

b. Applied Aristotelian thinking to Protestantism, much as Aquinas had done for Catholicism in the 1200s.
   i. Gives prominence to the “Law of Reason”/“Law of Nature”

c. John Locke famously defended his own theory about rational government and natural right by quoting Hooker’s book sixteen times.
   i. Locke called him “the judicious Hooker”

d. But Hooker’s rationalism is Christian; Locke’s rationalism is of the Enlightenment.

II. The “Law of Reason”: An Overview

   a. Like Aquinas’s “law of nature,” it is derived from God’s eternal law that governs everything; though Hooker made the two laws more distinct than the followers of Aquinas did.
   i. The Eternal Law. Has two aspects:
1. The First Eternal Law: The order God sets for himself to follow.

2. The Second Eternal Law: The order God sets for his creatures to follow, guided by the First Eternal Law.

ii. Natural Law is the very regularity created beings follow, as appointed by the Eternal Law:

1. Created beings are in a sense independent and self-guided by the laws of their nature.

b. Law is not as the common definition holds, but rather “a directive rule unto goodness of operation.”

c. Reason can know the laws of nature without supernatural revelation from God.

III. How Reason Discovers the Natural Law

a. Man is moved by natural inclinations to perfection in three ways, which Hooker in turn laws out in two interpretations:

i. Interpretation 1 (Looks like Aquinas’s list):

1. To continue in being (offspring).

2. To act like God (orderliness).

3. To exercise virtue and know truths for their own sake.

ii. Interpretation 2:

1. Sensual inclinations.

2. Intellectual inclinations.


b. Although man has inclinations, these in themselves give him no knowledge of the law of his nature.

i. Before reason applies itself to the inclinations, the mind is of “utter vacuity” with respect to its moral knowledge.

ii. Hooker departs from Aquinas’s notion of synderesis, that is, the conscience as an
innate faculty that grasps right and wrong intuitively even before higher-level reflection.

iii. Hooker also departs from Aristotle, who said that one must practice virtue (especially in one’s upbringing) before one can understand its goodness perfectly.

c. Rather, for Hooker man knows the law of his reason/nature by weighing and clarifying his inclinations, especially through logical demonstration.

d. Although the lower sensible goods are easier to see than the higher, rational ones, it is never permissible to act against God’s law.

   i. The rational “Will” and the sensual “Appetite” are sharply distinguished.

   ii. Reason does not always discern the law, due to the pain of inquiry.

   1. That pain is a punishment for original sin.

   2. If a man wants to discover the law he must work at it.

e. But Hooker’s rationalism is Christian; Locke’s rationalism is of the Enlightenment.

IV. What the Law of Reason States

a. The evident premises of reason:

   i. Each man seeks his own happiness.

   ii. Certain actions are useful for happiness.

   iii. Man’s intuition and common opinion point to certain actions that appear fitting of noble.

      1. Goodness and beauty are linked, as the Greeks noted with a word that combines the words for goodness and beauty: *kalokagathia*.

b. The “main principles” of reason (derived from the above premises):

   i. The greater good is to be chosen before the lesser.

   ii. What is eternal should be chosen before what is temporal.
iii. God is to be worshipped.

iv. Parents are to be honored.

v. We should treat others as we would want them to treat us.

c. We derive the principles by reflecting on observations:
   i. Because better things produce better results . . .
      1. The soul must be better than the body and should govern the body.
      2. The spirit should govern the soul.
   ii. Because we have a desire for infinite good, there must be a God of power, force, and wisdom on whom we depend . . .
      1. Therefore we should worship God.
   iii. Because men are equal, because we wish for good from others, and because we cannot expect to receive all good if we do not satisfy others’ desire for good . . .
      1. Therefore we ought to treat others as we would want them to treat us (the Golden Rule).

d. Hooker’s derivation of the Golden Rule sounds like Locke’s, but it is different.
   i. Locke derives the Golden Rule from his fundamental law of nature: “the preservation of mankind.”
   ii. But Hooker proposes the Golden Rule as only the minimum of morality. Man’s primary goal is rather to seek perfection, virtue, and union with God (as Aristotle thought).

e. The Law of Reason primarily prescribes duties to benefit one’s neighbor and seek union with God; it only secondarily prescribes self-defense and coercive political government (these latter were Locke’s focus).
   i. The primary laws were in force before the fall of mankind; the secondary ones come only as a result of the fall.
   ii. For Hooker natural law is primarily concerned with our duties to God. For Locke, natural law concerns the rights of mankind. For Aristotle, natural right concerns one’s duties in political life.
iii. Side note: Hooker would reject Locke’s claim that any individual has the right to use coercion to enforce the laws of nature without the consent of others.

V. The Law of Reason and the Bible

a. Hooker points out that the Bible clarifies the Law of Reason and encourages us to obey it by speaking of the punishments and rewards that God attaches to it.

i. These incentives aid man’s rationality, which is darkened by:

1. General blindness
2. Man’s preference for his private good, especially the good of the senses.

b. But Hooker thinks that unaided reason can also know about the punishments and rewards:

i. The conscience rejoices or despairs at the thought of reward or punishment for our deeds . . .

ii. And a natural desire for reward could not be in vain . . .

iii. And only God could be the source of such a desire, because only he could supply the infinite happiness that we desire.

QUESTIONS FOR STUDY:

Basic Interpretation

1. Why did Richard Hooker write *The Laws of Ecclesiastical Polity*? Which ancient thinker did Hooker draw on for his purposes?

2. Which Enlightenment philosopher borrowed from and praised the ideas in *The Laws of Ecclesiastical Polity*?

3. How does Hooker define law, and how does his definition differ from the common definition? How does his definition of law affect his definition of “eternal law” as opposed to the definition that “the learned” use?
4. How does Hooker understand the relationship between the natural law and God’s eternal law?

5. What is the difference between the “first eternal law” and the “second eternal law” that Hooker discusses in Book 1, Chapter 3, Section 1 of his *Laws*?

6. How does Hooker think one can know the natural law without the help of supernatural revelation?

7. What two accounts does Hooker give of human beings’ inclinations to perfection?

8. According to Hooker, what roles do reason, the conscience, and our habits have in moral decision-making?

9. What does Hooker mean by “appetite” and “will,” and how does he describe the relationship between them?

10. How does Hooker explain the fact that some people seem to be unaware of what their duty is as written in the natural law?

11. Describe, as Hooker sees it, the process by which the mind reasons to the first principles and the particular laws of the natural law.

12. Hooker reasons that we ought to do good to others because otherwise we cannot expect them to do good to us. Professor Faulkner notes that this law sounds very much like Locke’s fundamental law of nature, that is, the law of preservation of mankind; however, he says, it is different. How do these two accounts differ?

13. What is the final goal of the natural law in Hooker’s opinion? By contrast, what do John Locke and Aristotle view as the final goal of natural law?

14. What part does God play in Hooker’s view of natural law? What role does sin play?

Connections to Other Thinkers

1. Professor Faulkner notes that John Locke seems to borrow aspects of his thought from Richard Hooker. Below is a list of all the places where Locke quotes Book 1 of Hooker’s *Laws of Ecclesiastical Polity* in the *Second Treatise of Government*. Consider each of the quotes from Hooker in their original context.

   • *Second Treatise*, Ch. 2, Section 5: Quotes Hooker’s *Laws*, Book 1, Ch. 8, Section 7 to support the claim that in the state of nature men exist in a state of equality.
- **Second Treatise**, Ch. 2, Section 15: Quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 1 to support the claim that at one time men did exist in the state of nature.

- **Second Treatise**, Ch. 6, Section 60: Quotes Hooker’s *Laws*, Book 1, Ch. 7, Section 4 to explain why, if all men are born free, children and the insane do not have the freedom that properly developed adults have in society.

- **Second Treatise**, Ch. 6, Section 61: Quotes Hooker’s *Laws*, Book 1, Ch. 6, Section 5 to say that the age at which a man attains full political freedom is discerned more by “sense” than by “skill and learning.”

- **Second Treatise**, Ch. 6, Section 74: In a footnote quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 4 in support of the claim that one can imagine how the authority of kings would have been derived (incorrectly) from the right of fathers to rule their children.

- **Second Treatise**, Ch. 7, Section 91: In a footnote quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 4 to support the argument that men leave the state of nature precisely when they subject themselves to commonly established laws and an impartial judge to decide disputes among themselves.

- **Second Treatise**, Ch. 7, Section 94, and Chapter 8, Section 111: In footnotes quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 5: first, to support the claim that civil society never truly formed until men began to govern themselves by laws and not a single person; second, to support claims about how societies devised ways to restrain the abuses to which monarchy led.

- **Second Treatise**, Ch. 7, Section 94: In a footnote quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 13 to argue that no member of society is above the law.

- **Second Treatise**, Ch. 11, Section 134: In a footnote quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 8 to support the claim that law derives its authority from the consent of society.

- **Second Treatise**, Ch. 11, Section 135: In a footnote quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 1 to support the claim that laws cannot be arbitrary but must always be framed for the common good in conformity with the laws of nature. The laws of nature remain in force and are in fact enforced by human laws.

- **Second Treatise**, Ch. 11, Section 136: In a footnote quotes Hooker’s *Laws*, Book 1, Ch. 10, Section 7 to support the claim that political authority must rule justly and not arbitrarily.

a. In which cases does Locke interpret his quotation of Hooker correctly and in which cases
is his interpretation mistaken? If Locke ever misinterprets Hooker, does his misinterpretation undermine the argument he is trying to make?

b. One of the foundations of Locke’s political theory is his notion of a “state of nature.” Locke defines “state of nature” in this way: “To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature; without asking leave, or depending upon the will of any other man. A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection: unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty,” (Second Treatise, Ch. 2, Section 5). Sometimes when he quotes Hooker, Locke interjects comments to argue that Hooker is in those places referring to precisely the “state of nature” that Locke is discussing. Would Hooker in fact agree with Locke’s notion of a state of nature as described above? Point to the elements in Locke’s definition that Hooker would accept or reject and explain why he would accept or reject them.

c. Is Hooker’s thought closer to that of John Locke, the late medieval natural law theorists like William of Ockham, or Thomas Aquinas? How?

2. Hooker states that what he calls the “eternal law,” properly speaking, is “that order which God before all ages has set down with himself, for himself to do all things by.” He also says, “[God’s] imposition of this law upon himself is his own free and voluntary act.” (Laws, Book 1, Chapter 2, Section 6). Contrast this position—that God imposes a law upon himself—with what Thomas Aquinas says about the eternal law in the Treatise on Law, Question 93, especially Articles 1 and 4.

3. Compare and contrast Hooker’s first list of man’s natural inclinations (Laws, Book 1, Chapter 5, Sections 2 and 3) with the list that Aquinas gives (Treatise on Law, Question 94, Article 2).

4. Hooker states that the mind is entirely empty (an “utter vacuity”) of moral knowledge before it begins to reason: “[M]en, if we view them [when they are newborns], are at the first without understanding or knowledge at all. . . . The soul of man [is] . . . at the first as a book, wherein nothing is and yet all things may be imprinted” (Laws, Book 1, Chapter 6, Section 1).

   a. Compare and contrast this statement with Aquinas’s opinion that the laws of nature are always embedded in the mind by the habit of “synderesis”: “[M]an’s act of reasoning,” Aquinas says, “since it is a kind of movement, proceeds from the understanding of certain things—namely, those which are naturally known without any investigation on the part of reason, as from an immovable principle—and ends also at the understanding, inasmuch as by means of those principles naturally known, we judge of those things which we have discovered by reasoning. Now it is clear that, as the speculative reason argues about speculative things, so that practical reason argues about practical things. . . . [T]he first practical principles, bestowed on us by nature, do not belong to a special power, but to a special natural habit, which we call ‘synderesis.’” (Summa Theologiae.
b. Compare and contrast the same statements from Hooker and Aquinas to Hooker’s later statement (Laws, Book 1, Chapter 8, Section 5) where he writes, “The main principles of Reason are in themselves apparent. For to make nothing evident of itself to man’s understanding would be to take away all possibility of knowing anything. And herein that of Theophrastus is true, ‘They that seek a reason of all things do utterly overthrow Reason.’ In every kind of knowledge some such grounds there are, as that being proposed the mind does presently embrace them as free from all possibility of error, clear and manifest without proof. In which kind more general axioms or principles are such as this, ‘that the greater good is to be chosen before the less.’” How does this statement fit with Hooker’s earlier statement that before man begins to reason his mind has no moral knowledge of any kind? Is he here agreeing with Aquinas?

c. Compare and contrast Hooker’s statement with John Locke’s argument in An Essay Concerning Human Understanding (Book I, chapters 2 and 3) that there are no innate notions or principles of any kind in the mind. Locke’s view is often referred to as the position that the mind is a “blank slate” or tabula rasa, in Latin.

5. Hooker states that, “Till we grow to some ripeness of years, the soul of man does only store itself with concepts [“conceits”] of things of inferior and more open quality, which afterwards do serve as instruments to that which is greater. . . . When once it comprehends anything above this, as the differences of time, affirmations, negations, and contradictions in speech, we then count it to have some use of natural reason. To which if afterwards there might be added the right helps of true art and learning (Aristotelian logical demonstration), . . . there would undoubtedly be almost as great difference in maturity of judgment between men inured with them, and that which now men are, as between men that are now and innocents. . . . Education and instruction are the means, the one by use, the other by precept, to make our natural faculty of reason both the better and the sooner able to judge rightly between truth and error, good and evil.” (Laws, Book 1, Chapter 6, Sections 3 and 5).

a. Compare and contrast Hooker’s position with what Aristotle says about how moral knowledge develops, particularly regarding the importance of the knower’s moral habits (vices and virtues): “[I]n order to be a competent student of the Right and Just,” Aristotle says, “and in short of the topics of Politics in general, the pupil is bound to have been well-trained in his habits. For the starting-point or first principle is the fact that a thing is so; if this be satisfactorily ascertained, there will be no need also to know the reason why it is so. And the man of good moral training knows first principles already, or can easily acquire them,” (Nicomachean Ethics, 1095b6-7). Later on he adds, “[T]hat eye of the soul of which we spoke cannot acquire the quality of prudence [good judgment about how to act] without possessing virtue. This we have said before, and it is manifestly true. For deductive inferences about matters of conduct always have a major premise of the form ‘Since the end or Supreme Good is so and so,’ . . . but the Supreme Good only appears good to the good man: vice perverts the mind and causes it to hold false views about the first principles of conduct. Hence it is clear that we cannot be prudent without being good.” (Nicomachean Ethics, 1144a10) He also says, “Virtue . . . is a settled disposition of the mind determining the choice of actions and emotions, consisting essentially in the observance of the mean relative to us, this being determined by principle, that is, as the prudent man would determine it.” (Nicomachean Ethics, 1106b14-15)

6. The Principle of Government by Consent of the Governed. Hooker says, “[B]y the natural law, to which [God] has made all subject, the lawful power of making laws to command whole
political societies of men belongs so properly to the same entire societies, that for any prince or potentate of whatever kind upon earth to exercise the same of himself, and not either by express commission immediately and personally received from God, or else by authority derived at the first from their consent upon whose persons they impose laws, it is no better than mere tyranny.” (*Laws*, Book 1, Chapter 10, Section 8)

a. Compare and contrast this with what Aquinas says in the Treatise on Law: “A law, properly speaking, regards first and foremost the order to the common good. Now to order anything to the common good, belongs either to the whole people, or to someone who is the vice-regent of the whole people. And therefore the making of a law belongs either to the whole people or to a public personage who has care of the whole people: since in all other matters the directing of anything to the end concerns him to whom the end belongs.” (*Summa Theologiae*, *Treatise on Law [Part I-II], Question 90, Article 3)

b. Compare and contrast Hooker’s statement to this statement from the late medieval natural law theorist William of Ockham: “[S]upposing that some prelate or prince or ruler is to be placed over some other people, it can be deduced by evident reason that, if it is not arranged by him or them to whom it pertains to do so, they have the right to elect the one who is to be placed over them. And therefore no one ought to be given to them against their will. This can be proved by many examples and reasons; I will adduce a few. The first is that no one ought to be placed over all mortals unless by their choice and consent. Furthermore, what affects everyone ought to be dealt with by everyone. Now it affects everyone that one should be set over others; therefore it ought to be dealt with by everyone. Again, those who have the right to make laws for themselves have the right, if they wish, to elect a chief. But every people and city can make its own law for itself, which is called civil law. Therefore both peoples and cities can make their own law for themselves and elect a chief.” (“Dialogue on the Power of the Pope and the Emperor”)

c. Compare and contrast Hooker’s statement to this one from John Locke: “Men being, as has been said, by nature, all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. The only way, whereby any one divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community, for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest.” (*Second Treatise of Government*, Chapter 8, Section 95)

d. Compare and contrast Hooker’s quote with what he says earlier in the same chapter (*Laws*, Book 1, Chapter 10, Section 4): “Men always knew that . . . strifes and troubles would be endless, unless they gave their common consent all to be ordered by some whom they should agree upon: without which consent there would be no reason that one man should take upon him to be lord or judge over another; because, although there be according to the opinion of some very great and judicious men a kind of natural right in the noble, wise, and virtuous, to govern them which are of servile disposition; nevertheless for manifestation of this their right, and men’s more peaceable contentment on both sides, the assent of them who are to be governed seems necessary.” A footnote of Hooker’s indicates that Aristotle (of whose thought Hooker
generally approves) is among the “very great judicious men” to whom he refers.

i. Is Hooker saying here that people should be governed by their own consent not because they have an absolute right to such government but only out of a pragmatic necessity—to “manifest” the right to govern of those who are more fit to govern, and to maintain “peaceable contentment”?

ii. Is this Locke’s understanding of why government ought to be by consent of the governed? Note that Locke quotes this section of Hooker’s Laws in his Second Treatise of Government (Chapter 7, Section 91) but ends the quote at “without which consent there would be no reason that one man should take upon him to be lord or judge over another.” Would Hooker’s words no longer support Locke’s argument if the rest of the passage were included?

iii. Compare what Aquinas says in the Summa Theologiae on whether some men are more fit to govern than others: “[If] one man surpassed another in knowledge and virtue, this would not have been fitting unless these gifts conduced to the benefit of others, according to 1 Peter 4:10, ‘As every man hath received grace, ministering the same one to another.’ Wherefore Augustine says (The City of God, Book 19, Section 14): ‘Just men command not by the love of domineering, but by the service of counsel’: and (The City of God, Book 19, Section 15): ‘The natural order of things requires this; and thus did God make man.’” (Part I, Question 96, Article 4, under “I answer that”).

7. Hooker says, “[T]here [is] no impossibility in nature considered by itself, but that men might have lived without any public government. Nevertheless, the corruption of our nature being presupposed, we may not deny that the Law of Nature does now require of necessity some kind of government, so that to bring things to the first course they were in, and utterly to take away all kind of public government in the world, would be apparently to overturn the whole world.” (Laws, Book 1, Chapter 10, Section 4)

a. Do you think there would be no need for government if human nature were not “corrupt” and people always did what was good?

b. Compare and contrast Hooker’s statement with what Aquinas says where he discusses the question “Whether in the state of innocence [before original sin and the corruption of nature] man would have been master over men?” (Summa Theologiae, Part I, Question 96, Article 4). Aquinas first distinguishes between two kinds of mastership: the specific kind of a master over a slave versus the general kind of any governor over any subject, including free subjects. Aquinas says that it is proper to man to desire what is good for himself and not to yield his good to another; but because a “slave” is by definition “ordered to another,” therefore slavery causes pain and could not have existed before sin. “But,” he continues, “a man is the master of a free subject,” that is, in the second kind of mastership, “by directing him either towards his proper welfare, or to the common good. Such a kind of mastership would have existed in the state of innocence between man and man, for two reasons. First, because man is naturally a social being, and so in the state of innocence he would have led a social life. Now a social life cannot exist among a number of people unless under the presidency of one to look after the common good; for many, as such, seek many things, whereas one attends only to one. Wherefore the Philosopher [Aristotle] says, in the beginning of the Politics, that wherever many things are directed to one, we shall always find one at the head directing them. Secondly, if one man surpassed another in knowledge and virtue, this would not have been fitting unless these gifts conduced to the benefit of others. . . .”
8. After stating that political authority is derived from the consent of the governed, Hooker says that “to be commanded we do consent, when that society of which we are part has at any time before consented, without revoking the same after by the like universal agreement. Wherefore as any man’s deed past is good as long as he himself continues; so the act of a public society of men done five hundred years since stands as theirs who presently are of the same societies, because corporations are immortal; we were then alive in our predecessors, and they in their successors do live still,” (Laws, Book 1, Chapter 10, Section 8). Would John Locke or other early modern natural law thinkers agree with this statement? Who would not agree with it and why?

9. In Chapter 5, Section 1, Hooker writes, “God alone excepted, who actually and everlastingly is whatever he may be, and which cannot hereafter be that which now he is not; all other things besides are somewhat in possibility, which as yet they are not in act. And for this cause there is in all things an appetite or desire, whereby they incline to something which they may be; and when they are it, they shall be more perfect than now they are. All which perfections are contained under the general name of Goodness.” Here Hooker argues the necessary connection between metaphysics and ethics. He shows how all beings in nature incline toward certain ends because their being is incomplete; that is, it is possible for them to “be” to a greater degree than they are now. To use the language of Aristotle and Aquinas, beings in nature have potencies to be in act, that is, to “be” more perfectly. Compare and contrast this position with that of the New Natural Law theorists.

10. While he discusses what the general principles of the natural law are, Hooker states that “In every kind of knowledge some such grounds there are, as that being proposed the mind does presently embrace them as free from all possibility of error, clear and manifest without proof.” (Laws, Book 1, Chapter 8, Section 5) But Aristotle, at the beginning of his Nicomachean Ethics (Book 1, section 3) states, “The same exactness must not be expected in all departments of philosophy alike, any more than in all the products of the arts and crafts. The subjects studied by political science are Moral Nobility and Justice; but these conceptions involve much difference of opinion and uncertainty, so that they are sometimes believed to be mere conventions and to have no real existence in the nature of things. And a similar uncertainty surrounds the conception of the Good, because it frequently occurs that good things have harmful consequences: people have before now been ruined by wealth, and in other cases courage has cost men their lives. We must therefore be content if, in dealing with subjects and starting from premises thus uncertain, we succeed in presenting a broad outline of the truth: when our subjects and our premises are merely generalities, it is enough if we arrive at generally valid conclusions. Accordingly we may ask the student also to accept the various views we put forward in the same spirit; for it is the mark of an educated mind to expect that amount of exactness in each kind which the nature of the particular subject admits. It is equally unreasonable to accept merely probable conclusions from a mathematician and to demand strict demonstration from an orator.”

   a. Are Hooker and Aristotle contradicting each other? If not, how does one reconcile Hooker’s claim that every kind of knowledge (including ethics) has “clear and manifest” principles with Aristotle’s claim that some disciplines, especially ethics, admit of less certainty and exactness than others? If they are contradicting each other, who is correct?

   b. In that same section of Hooker’s Laws, before the quote provided, Hooker states that “to make nothing evident of itself to man’s understanding would be to take away all possibility of knowing anything.” Compare this to Aristotle’s claim in Book 1, Chapter 3 of his Posterior Analytics where he says that, if we were only able to know what can be proven from more fundamental principles, we would “be led back to infinity, since we could not scientifically know [episteme] posterior things from prior things of which there
are no first things, . . . for it is impossible to go through things that are infinite. . . . [N]ot all scientific knowledge is provable ['demonstrable'], but rather . . . the scientific knowledge of immediate things ['things without a middle'] is unprovable." Do you agree with Hooker and Aristotle? Why or why not?

11. Hooker argues that “[I]f everything were to be desired for some other without any stint, there could be no certain end proposed to our actions, we should go on we know not whither; yea, whatever we do would be in vain, or rather nothing at all would be possible to be done. For [just] as to take away the first efficient [cause] of our being would be to annihilate utterly our persons, so we cannot remove the last final cause of our working, but we shall cause whatever we work to cease. Therefore something there must be desired for itself simply and for no other,” (Laws, Book 1, Chapter 11, Section 1). Aquinas says something similar: “Absolutely speaking, it is not possible to proceed indefinitely in the matter of ends [(the purposes for which we act)], from any point of view. For in all things that have by essence (per se) an order to each other, if the first be removed, those that are ordained to the first, must of necessity be removed also. Wherefore [Aristotle] proves (Physics Book 8, chapter 5) that we cannot proceed to infinitude in causes of movement, because then there would be no first mover, without which neither can the others move, since they move only through being moved by the first mover. . . . [I]f there were no last end, nothing would be desired, nor would any action have its term, nor would the intention of the agent be at rest; while if there is no first thing among those that are ordained to the end, none would begin to work at anything, and counsel would have no term, but would continue indefinitely.” (Summa Theologiae Part I-II, Question 1, Article 5). Both Hooker and Aquinas argue that there must be one ultimate end of all human behavior. Is this claim correct? Can you explain it in your own words? Is it convincing?

12. Explain what Hooker means when he says, “[L]aws do not take their constraining force from the quality of such as devise them, but from that power which does give them the strength of laws.” (Laws, Book 1, Chapter 10, Section 8) Contrast what he says with the position of the legal positivists.

13. Why does Hooker say that the possession of God alone can make man happy (Laws, Book 1, Chapter 11, Sections 2 and 3)? Contrast his position with that of New Natural Law theorist German Grisez’s article on “The True Ultimate End of Human Beings.”

Critical Interpretation

1. Hooker argues that “such [nature’s] dexterity and skill appears, that no intellectual creature in the world could by [mental] capacity do that which nature does without [mental] capacity and knowledge; it cannot be that nature has not some director of infinite knowledge to guide her in all her ways. Who [is] the guide of nature, but only the God of nature?” (Laws, Book 1, Chapter 3, Section 4) How convincing is this argument? Can you think of examples in nature that prove or disprove it?

2. Hooker gives two different divisions of man’s natural inclinations, one in Book 1, Chapter 5, Sections 2 and 3 (to continue in being through offspring, to operate with constancy and excellence, and to know truth and grow in virtue) and the other in Chapter 11, Section 4 (perfection of the senses, perfection of the intellect, perfection in matters “spiritual and divine”). Do these lists express the same reality from different perspectives? Or do aspects of one not
overlap with the other? Why might Hooker have made two different divisions of human inclinations? Is one better than the other?

3. Hooker appears to identify the immediate cause of wrongdoing as ignorance, that is, lack of knowledge of what is good. This ignorance, he says, is the result of reluctance to work: “In doing evil, we prefer a less good before a greater, the greatness whereof is by reason investigable and may be known. The search of knowledge is a thing painful; and the painfulness of knowledge is that which makes the Will so hardly inclinable thereto. The root of this, divine malediction; by which the instruments being weakened with which the soul (especially in reasoning) does work, it prefers rest in ignorance before wearisome labour to know.” (*Laws*, Book 1, Chapter 7, Section 7).

a. Earlier Christian writers like Aquinas and the Protestant Reformers, and even certain non-Christians like Aristotle believed that the will could choose evil even if the agent had full knowledge of the wrongness of the deed. Aristotle believed that the will simply had an innate weakness to it (*akrasia*) by which it could succumb to base desires. Aquinas and the Reformers, adding to Aristotle, said that this weakness was in fact a consequence of the original sin, an aspect of the punishment or “divine malediction” attached to that sin, to which Hooker himself refers. Christians further added that the original sin was a deliberate choice of mankind to rebel against God in full knowledge that what they did was wrong. All subsequent wrongdoing retains some element of deliberate rebellion like that of that first sin. Both Aristotle and many of his Christian followers stressed the need for individuals to do good deeds repeatedly to strengthen the will (to practice *askesis*, or asceticism), and Christians added that help from God (grace) was also necessary to forgive the sin of wrongdoing and to order one’s actions toward God perfectly.

Plato and others, on the other hand, seemed to think that wrongdoing was only the result of ignorance, a defect in the mind, and not in the will (though Plato’s writings are admittedly often indirect and hard to interpret). Take for instance what Plato has his mentor Socrates say in his dialogue *Protagoras*: “I am fairly sure of this—that none of the wise men considers that anybody ever willingly errs or willingly does base and evil deeds.” (345d–e) . . . “[Y]ielding to one’s weakness is nothing but ignorance, and mastery of oneself is as certainly wisdom,” (358c). Plato and others stressed the need for education of the intellect above all, especially by talking through one’s confusions.

Is Hooker’s opinion more like that of Plato or of Aristotle, Aquinas, and the Reformers? Is Hooker effectively denying the Christian doctrine of original sin? Is his adherence to the belief in original sin fully salvaged by his statement that the Will does what is wrong because it will not make the effort to know the good, owing to “the painfulness of knowledge” that results from the “divine malediction”? Are there other parts in these excerpts of the *Laws* that agree more clearly with the Christian and Aristotelian view on this point?

b. If, as Hooker suggests, ignorance is only the result of lack of effort and reluctance to overcome pain, are people who lack understanding necessarily lazy and undisciplined? Are those who are most intelligent also most likely to be good and hardworking, and therefore to be fit and worthy to govern other people?

c. Later Hooker says that “The main principles of Reason are in themselves apparent.” Even the “less general” principles of the moral law—that one ought to worship God, honor one’s parents, and treat others as one would want to be treated—are “so manifest that they need no further proof. . . . Such things, as soon as they are alleged, all men acknowledge to be good; they require no proof or further discourse to be assured of their
goodness.” (Laws, Book 1, Chapter 8, Section 5) Can you reconcile these statements with Hooker’s statement that obtaining moral knowledge is a painful process requiring great labor? How?

4. Although Hooker thinks that the best way to know which actions are good is to know the cause of goodness itself, he does not explain this cause because, he laments, his readers will not be patient enough to make the effort to understand it. He therefore proposes to do what he thinks is the next best thing: to explain what markers incidentally accompany those laws that are good. He thinks that the best sign that certain actions are good is that all people at all times have thought that they are good: “The general and perpetual voice of men,” he says, “is as the sentence of God himself. For that which all men have at all times learned, Nature herself must necessarily have taught; and God being the author of Nature, her voice is but his instrument. By her from Him we receive whatever we learn in this way.” (Laws, Book 1, Chapter 8, Section 3)

   a. Is this a helpful way of discovering the universal moral law? Can you think of any moral law that all people at all times have believed to be true? Are there behaviors that at one time were accepted everywhere but now are not because they are clearly recognized to be wrong? If so, how would Hooker explain such an earlier, universal error?

   b. Later Hooker seems to qualify his earlier statement about the universality of the moral law: “It is not agreed upon by one, or two, or few, but by all. Which we may not so understand, as if every particular man in the whole world did know and confess whatever the Law of Reason does contain; but this Law is such that being proposed no man can reject it as unreasonable and unjust. Again, there is nothing in it that any man (having natural perfection of reason and ripeness of judgment) may [not] by labour and travail find out.” (Laws, Book 1, Chapter 8, Section 9) Does this qualification undo the usefulness of identifying the natural law as those moral laws that everyone acknowledges? Is not Hooker saying here that “that which is good is that which people with good judgment all agree or could agree to be good”? Are we not left asking “how do we know who has good judgment?” And how do we know who has good judgment unless we already know what is good, which is what we were trying to discover in the first place? Can you defend Hooker’s position?

5. In Book 1, Chapter 10, Section 1, Hooker writes, “Political laws, ordained for external order and government among men, are never framed as they should be, unless they presume the will of man to be inwardly obstinate, rebellious, and averse from all obedience to the sacred laws of his nature; in a word, unless they presume man to be in regard of his depraved mind little better than a wild beast [and] do accordingly provide notwithstanding so to shape his outward actions, that they be no hindrance to the common good for which societies are instituted.”

   a. Is the view of human nature put forth here more like that of John Calvin, Thomas Aquinas, John Locke, or Thomas Hobbes?

   b. If the will of man is “averse from all obedience to the sacred laws of his nature” could there be any justification for giving freedom to citizens of a state? Does Hooker’s view support totalitarianism? Why or why not?

6. Hooker says that the first kind of law that human society establishes comprises laws that command whatever is “in itself naturally good or evil,” that is, the dictates of natural law (Laws, Book 1, Chapter 10, Section 5). Why does Hooker think that this is necessary given that everyone should already know what the natural law says?
7. Why does Hooker say that “Nature even in this life does plainly claim and call for a more divine perfection than either [the perfection of the senses or of the intellect]”? (Laws, Book 1, Chapter 11, Section 4). Why does he think that such “divine perfection” is really obtainable? Are his arguments convincing, and why or why not?

   a. Why does Hooker think that God had to reveal the way to the highest level of man’s perfection if he believes that the desire for it is already present in nature? (Laws, Book 1, Chapter 11, Sections 5 and 6)

8. Why does Hooker think that in the Bible God revealed laws of nature that man should be able to know by his own natural powers? (Laws, Book 1, Chapter 12, Sections 1 and 2)

Connections to Contemporary Issues

1. Richard Hooker thinks that one can discern a law of nature in the fact that some moral norms have been acknowledged by all people at all times (though he seems to qualify this statement in certain ways). Today many moral relativists, responding to arguments just like Hooker’s, claim that throughout history different societies have followed contrary moral rules, and that there is no moral norm that everyone has held. Even if one grants that not all of the precepts of the natural law that Hooker outlines have been held at all times in all places, are there at least one or two precepts that are held by all people at all times? Which might they be? Are there some moral customs that, even if on the surface they appear immoral, nevertheless presume a moral law that all people agree with?

2. Hooker says, “We all make complaint of the iniquity of our times: not unjustly; for the days are evil. But compare them with those times in which there were no civil societies, with those times in which there was as yet no manner of public government established, with those times in which there were not above eight persons righteous living upon the face of the earth (2 Pet. 2:5); and we have surely good cause to think that God has blessed us exceedingly, and has made us behold most happy days,” (Laws, Book 1, Chapter 10, Section 3). Hooker wrote during a very tumultuous time in European history, and not long after great tumult in England itself; it is therefore remarkable for him to make this optimistic statement. Despite difficulties that beset our world today, can you think of aspects of contemporary life that are much better than they were even in Hooker’s day, around the year 1600? More generally, what benefits does civil society bring to human life? What aspects of life that we take for granted every day would cease to exist if civil order were to break down?

3. Hooker says that “[T]o constrain men to anything improper does seem unreasonable. Most requisite therefore it is that none but wise men be admitted to devise laws which all men shall be forced to obey. Laws are matters of principal consequence; men of common capacity and only ordinary judgment are not able (for how should they?) to discern what things are fittest for each kind and state of government,” (Laws, Book 1, Chapter 10, Section 7). Do present-day western governments allow only the wise to be legislators? If not, is that bad or good, and why? Could the selection of legislators change to insure that they are wiser? How could this be done in states that are committed to democracy? Some people point out that the U.S. Constitution originally arranged that the president and senators be elected indirectly, through an electoral college and the states’ legislatures. Would Hooker have approved of that system more than the present American system, where the president and the Senate are elected directly? Which way do you think is best, and why?
4. Hooker seems to agree with Gratian’s definition of “Natural Right” as “the right which exacts those general duties that concern men naturally even as they are men,” (Laws, Book 1, Chapter 12, Section 1). When we speak of rights today in any number of public discussions (the right to marry, the right to life, the right to free speech) do we frame rights primarily as duties or as something else? How ought we to understand the meaning of “rights”?

5. Prof. Faulkner points out that Hooker’s commitment to reason is much different from that of John Locke. For Locke and other Enlightenment thinkers, reason is generally taken to be the primary standard of human knowledge; all other kinds of knowledge, including religious beliefs taken from alleged revelations from God, are thought to be sub-rational or even irrational. Hooker, on the other hand, believes that reason is compatible with religious belief and revelation, and perhaps even dependent upon it because of the wound of sin in human nature. Many contemporary leaders in society tend to agree with the strand of the Enlightenment that sees religious belief as necessarily irrational. Some very prominent figures have even concluded that religion can have no place in public life, because, they allege, it is entirely subjective, with no orientation toward objective reality. How might Hooker respond to such a view of religion? Do you think that the extreme Enlightenment’s view of religion (usually called “secularism”) is correct, especially based on your reading of Hooker’s Laws? Why or why not?

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