

A History of Political Theories From Luther to Montesquieu



This historic book may have numerous typos, missing text or index. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. 1905. Not illustrated. Excerpt: ... FORTESCUE AND COKE 205 out the consent of the owner; no taxes, subsidies or other burdens are imposed and no legislation enacted save by the assent of the whole realm in Parliament; no one is brought to trial save before the regular courts or tried save by the law of the land; and no one is put in peril of losing his life or liberty or property except in accordance with that same law. Fortescues theory as to the reign of law in England was, like so many similar theories, something of an anachronism. It was enunciated just when the reign of the Yorkist line was preparing the way for the Tudor despotism. Though it is hard to see in the time of Henry VIII and his children much relation between Fortescues theory and the actual system, the Lancastrian chancellors doctrine became under James I a strong and oftquoted authority for the Parliamentary opposition. Sir Edward Coke, in particular, found much edification in the theory of one who was, like himself, an incarnation of the Common law, and through Coke the spirit of Fortescue was transmitted to all the adversaries of the crown in the Puritan Revolution. 4. The Tudor Century: More; Hooker The Tudor regime in England, filling the sixteenth century, was as little favourable to political speculation as the age of Augustus at Rome. A single idea summed up the conscious creed of Englishmen, namely, that the interest and indeed the safety of the nation depended upon an unhampered and efficient monarch. As against the material prosperity which flowed from this source, spiritual, legal and political beliefs and traditions were counted for nothing and were ruthlessly crowded aside. The lecherous whim of a brutal king and the filial

fanaticism of a pious queen were of equal influence in transforming the whole ecclesiastica...

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