

Hebraism and the problem of church and state in England, 1642–1660

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Abstract

This essay examines the use of Hebrew sources in debates on church and state in civil war England. It fits within a developing historiography that seeks to uncover the deeper texture of early modern political discourse, and also poses questions about the prevalence of statist and secular understandings of public power in the context of the English civil war. Its specific focus is on debates on church government in the 1640s, studies of the Hebrew commonwealth in the 1650s, and the use of Hebraism by Hobbes and Harrington as an antidote to clericalism.

Keywords

English civil war, church and state, anticlericalism, commonwealths, Thomas Hobbes, James Harrington

Between 1640 and 1642, England experienced a collapse of Church and state. In a flurry of legislation, the Long Parliament dismantled the major pillars of the Church of England, casting out its bishops, abolishing its church courts, and suspending the Thirty-Nine articles. Early in 1641, Charles I was forced to surrender his right to dissolve parliament, and to reluctantly sign the death warrant of Thomas Wentworth, the Earl of Strafford; by the late summer of 1642, parliament and king were at war. At the root of this civil war was a constitutional crisis, based – among other things – on disagreement over the proper nature and extent of ecclesiastical sovereignty.¹

The civil wars are some of the most heavily narrated and contested events in English history, with whole monographs devoted to untangling various threads of evidence and interpretation. Of late, historians have returned to an older view of the wars as being ‘revolutionary’, and recent interpretations have posited that the conflict represented a ‘victory’ of the law over the church, putting a decisive end to the influence of religion in questions of state. This ‘constitutionalist revolution’ has been described as a vital step in the development of the secular and rational state, and thus a chapter in the history of modernity.² Others have argued that the revolution spurred the development of political liberty and religious toleration, reflecting rational principles that were ultimately perfected during the Enlightenment.³

This article takes a different approach. The crisis of the 1640s complicated talk of the state, and the major political theorists of the 1650s were obliged to make room for religion in their work. Writers who took up the question of the politics of religion during this period sought to defend a form of religious worship and ecclesiastical organisation that not only embraced religious truth, but also complemented the political structure of the realm and the liberties of subjects.⁴ As a result, the link between constitutionalism and religious discourse was broadened and deepened; it was also vigorously contested. The collapse of the episcopal and ceremonial Church, and the concomitant relaxation of restrictions on the pulpits and press meant that the sacred elements of public discourse were rich and abundant.⁵ This essay examines how comment on and reference to Hebraic sources – in particular the Hebrew Bible – added a vital dimension to discussions of church and state. Not only did they feature prominently in debates on ecclesiology in the 1640s, but the engagement of leading republican theorists with these ideas reveals that English constitutionalism was obliged to contend with the problem of religion and the state bequeathed to it by Reformation.

The problem of church and state

In early modern England, political thought was not defined by a strict adherence to normative categories or a commitment to an exclusive secularism. In the first place, it did not deal with stable and discrete concepts that were regarded as being universally valid. For example, ‘liberty’ could be construed in various ways, depending upon the kinds of sources from which it was derived. Core concepts of English liberty were grounded in the common law, what the jurist Sir Edward Coke called the ‘inheritance’ of the realm. Yet it was also possible to speak of the liberties of ‘free men’ and ‘free states’, concepts derived from the political maxims of classical republican theorists. Finally, there was a vibrant debate on the nature and extent of ‘liberty of conscience’, which held that people were free (within the

law) to follow the course of their beliefs without undue interference from the state. These divergent meanings were the result of the fact that political thought was rooted in history, or rather histories, each of which was used as a source of authority and precept in political debate.⁶

As this brief example suggests, there were three routes into the history of past politics: the sacred, the classical, and the vernacular.⁷ To begin with the last, much English political discourse was carried on in the language of the common law, a body of ideas that was particular to the historical experience of the realm, and part of its culture and identity. Yet England was also exposed to the influence of humanism, and here the prudential maxims of Greek and Roman texts carried their own authority. Finally, England was a Christian commonwealth, in which kingship was imbued with sacred associations, and where – particularly after the Reformation – the Church of England was brought into close association with the realm.⁸ However, it is not the case that Christianity held a monopoly on the sacred roots of political precept. In a powerful interpretation, Eric Nelson has demonstrated that the Hebrew Bible and a corpus of rabbinic commentaries came to be seen as a source of political and legal teaching.⁹ However, where Nelson's aim was to establish how the early modern Hebrew revival influenced the development of three large themes, this essay focuses more narrowly on the problem of how political Hebraism featured in debates on church and state in the civil war period.¹⁰

Before doing this, it is necessary to spell out a second position that gives shape to my argument. In the history of political thought, there is a prevalent narrative that explains a broad pattern of change in the early modern period. Its hallmarks are the spread of secularism and the concomitant subtraction of religion from political discourse, coupled with the emergence of the 'state', governed by rational and philosophical principles.¹¹ To take an important example, Quentin Skinner closes his celebrated study of the *Foundations of Modern Political Thought* by observing that, toward the end of the sixteenth century, the concept of the state as an 'omnipotent yet impersonal power' was 'invoked by the most secular-minded and sophisticated political theorists'.¹² To speak of politics, he continues, was to practice a 'distinct form of practical philosophy' which was wholly concerned with the principles of government; this government, moreover, is defined as a '*regnum*' or '*civitas*' in which political society exists 'solely for political purposes'.¹³

There is a striking claim being made here, that is, that sophisticated political theorists are also those who embraced and promoted the logic of secularism.¹⁴ This perspective is broadened in a number of Skinner's later discussions of the 'genealogy' of the state. In these accounts, the relationship of religion and politics tends to be presented in adversarial terms, a tension which is diffused with the emergence of an Erastian theory of civil supremacy over the realm of the sacred.¹⁵ It should be stressed at this point that a very similar perspective is evident in discussions of the origins of modern constitutionalism, and its origins in medieval debates about the relative (and often adversarial) jurisdiction of spiritual and temporal powers.¹⁶ In Skinner's narrative, the Renaissance is the major progenitor of modern political thought: it was humanist, republican, and secular. However, a countervailing interpretation – which originates in work by John Guy and John Pocock – posits that the English Reformation produced a number of reorientations in political thought that continued to shape its character for the remainder of the early modern period.

¹⁷ As Ethan Shagan has observed, the Reformation led to the ‘fundamental restructuring of power within the realm’. ¹⁸ It follows, therefore, that if we want to understand the state, we must understand the relationship between church and state, and this is an association that state-centred and constitutionalist interpretations too readily dismiss.

It is now well established that the English Reformation was an act of state, accomplished by parliamentary statute and hence taking on a distinctly legalistic character. ¹⁹ The seminal document in this process was the Act in Restraint of Appeals (1533), which posited three things: that the realm of England was an empire, and recognised as such in ‘sundrie ancient histories and chronicles’; that the church *in* England was now the Church of England, that is, a national association; and that the realm itself was a ‘body politic’, wherein spiritual and temporal were united. ²⁰ The Act of Appeals was a constitutional document, in that it described the historical origins of a confluence of ecclesiastical and civil power, and associated this power with a defined territory and a national church. Subsequent statutes, notably the Elizabethan Act of Supremacy (1559), built upon these foundations, and with each reiteration the nature and scope of the royal ecclesiastical supremacy was refined, and expanded. ²¹

This reformation took place within a culture whose political language and self-understanding were shaped by the common law. As it is today, the common law in the early modern period was based on a respect for precedent and tradition, recorded in proceedings of parliament, and in ‘national’ documents like Magna Carta. This text was foundational in the sense that it dealt with the most important legal relationship in the realm: that which existed between the king and his subjects. The question that emerged in the context of the Reformation was how this relationship was altered (if at all), now that the King ruled over ‘bodies, soules, and estates’ of his subjects. The assumption of supremacy over religion put serious strains on the standard idea of kingship. While the rhetoric and symbolism attached to the office was rife with sacred associations, it was nevertheless true that kingship was a legal office whose powers and privileges were firmly rooted in the custom and tradition of the vernacular law. With Reformation, the king met his subjects on a wholly new plane. ²²

As it happened, test cases were not long in coming, and they were the source of polemical debate from the 1580s onward. One important legal question concerned the jurisdiction of the High Commission, a church court to which was delegated the power to maintain conformity to the liturgy and ritual of the Church. ²³ Members of the clergy who fell afoul of these courts were frequently ejected from their posts; however, since ecclesiastical benefices were considered property, they fell within the exclusive purview of the common law. From the 1580s, the Commission was used in a campaign to stamp out non-conformity, through the use of oaths that obliged the accused to incriminate themselves. ²⁴ One writer noted that this power threatened the ‘Lawes, Customes, and Freedomes’ of the ancient constitution. ²⁵ When called to serve on High Commission by King James VI and I, Edward Coke, the chief justice of the Court of Common Pleas, refused on the grounds that the jurisdiction of the court violated the law. ²⁶

Secondly, in 1604 and again in 1640 the chief assembly of the clergy (the Convocation) implemented a series of ‘Canons’, which one cleric suggested were ‘in the nature of laws’. ²⁷ These went beyond matters of doctrine and discipline, and touched directly on the ‘regal

power'. For example, in 1604 the Canons stated that James VI and I had 'the same authority in causes Ecclesiasticall that the godly Kings had among the Iews, & Christian Emperors in the Primitive Church'.²⁸ This was a bold statement, for it suggested that the power of the king had its basis in traditions and sources that were foreign to the common law. The Canon continued by glossing the language of the Henrician Act of Appeals, noting that the King's ecclesiastical supremacy had been 'restored' by the 'Lawes of this Realm'; however, this did not mean that law was the *original* source of kingly power, merely the means by which an older power had been restored. The assumption that was present in the language of the Canon was that this older power had its source outside of the laws of the realm, and was thus independent of their jurisdiction.²⁹

The Canons of 1640 also contained a detailed statement 'Concerning the regal power', which declared that kingship was an 'ordinance' of God himself, founded in the prime laws of nature, and clearly established by express texts both of the Old and New Testaments.³⁰ The Canon continued by explaining that the power to censure heretics was also conveyed by sacred precedents, rather than the laws of the realm:

A supreme power is given to this most excellent order by God himself in the Scriptures, which is that kings should rule and command in their several dominions all persons of what rank or estate soever, whether ecclesiastical or civil, and that they should restrain and punish with the temporal sword all stubborn and wicked doers.³¹

For common lawyers, this language clearly contravened statutes such as the Elizabethan Act of Supremacy, which grounded all ecclesiastical power in the 'authority' of Parliament, and the 'imperial crown', that is, the historic office of English godly kingship that the Act of Appeals restored.³² In other words, the Canons shifted the origins of the king's power away from the vernacular law and history of the realm, and toward sacred texts, including the Hebrew Bible.

This raises an important question: why did Christians turn to Hebrew texts in the course of these debates? After all, Edward I had banished the Jews from England in 1290, and those that remained were mainly Spanish and Portuguese who passed themselves off as Roman Catholics.³³ The answer lies in the fact that contemporaries were able to disassociate Hebraic ideas from actual Hebrews: the laws laid down by God were for all time, and were firmly in place before the Jews committed 'deicide' by prevailing upon Pontius Pilate to send Jesus of Nazareth – a messiah whom they rejected – to his death on the cross.³⁴ However, Christ made no laws and instead revealed himself to be a reformer of the 'old' law, with little interest in the politics of kingship or the formal rituals of the Temple. The Old Testament, by contrast, was bursting with stories that were suitable precedents for the confessional monarchies of the post-Reformation period. Consider the example of Henry VIII: the lawyers and scholars seeking to establish evidence of his ecclesiastical supremacy drew upon the examples of Hezekiah, who set upon and destroyed symbols of idolatry, and Jehosaphat, who rescued his people from error and apostasy.³⁵

This use of sacred history to illustrate precedents of regal power over religion is central to the Act of Appeals and its 'sundrie ancient histories and chronicles'. The tendency to add Hebraism into the mix meant that very expansive ideas of kingly power were available to

religious controversialists. In the complex historical argument that followed the break from Rome, writers made ample use of Hebrew examples that offered – as Greek and Roman writers did not – precedents for religious kingship, temple worship, covenants, and laws of divine origin.³⁶ While this helped to flesh out the historical foundations of the sacred powers of Kings, it also elevated the status of the clergy. As William Laud noted in a speech before the court of Star Chamber in 1637, the elements of ‘Judaicall worship’ could be found throughout the history of the church: there were priests in the temple in Bethel, in Jerusalem, and in ‘the *Latine Church* all over’.³⁷ Defenders of bishops in the English church argued that they exercised powers granted by God to the Levitical priesthood.³⁸ Indeed, the link between Hebrew patterns of ritual and clerical power and the ceremonies and governance of the Church of England came to denominate polemical debates during the 1630s, and writers like William Prynne specifically rejected any notion that the Church was bound to follow Jewish antecedents.³⁹

Tensions over the proper bounds of sacred and civil law led to the wider debate that culminated in a constitutional impasse over the nature and location of religious sovereignty.⁴⁰ This was clear enough to contemporaries, such as Thomas Hobbes who remarked in a much quoted letter of 1641 that ‘the dispute for precedence between the spiritual and the civil power, has of late more than any other thing in the world, been the cause of civil wars in all places of Christendom’.⁴¹ Ten years later, in his *Leviathan*, Hobbes came down particularly hard on the clergy for asserting their ‘Supremacy against the Sovereignty; Canons against Lawes; and a Ghostly Authority against the Civill’.⁴² Central to Hobbes’s theory of sovereignty, therefore, was a clear understanding of the dispensation of spiritual power within an ecclesiastical commonwealth. This was the question that preoccupied Hobbes and a host of other writers following the collapse of the English church and state in 1642. As part of the attempt to fashion a solution to this collapse, Hebraic texts were prominent among the sources to which writers turned to address the relationship between church and state.

Hebraism and history

Christian interest in and engagement with Hebraic sources antedated the Reformation. Much attention was devoted to the scriptures themselves, but perhaps the most important text of the early period was the *Chronicle* compiled by Eusebius of Caesarea (260–339). This was a distillation and synthesis of the histories of the principal states of the ancient world, including the Egyptians, the Persians, the Romans and the Israelites; in fact, Jewish history formed the backbone of Eusebius’s entire project, which was organised around a chronology supplied by the Septuagint – the Greek translation of the Hebrew Bible.⁴³ During the middle ages, Christians read the Old Testament typologically, in search of evidence which presaged the advent of Christ. Yet knowledge of Hebrew was relatively rare: the ‘Venerable’ Bede (c. 673–735), an historian with a substantial reputation in his own times, appears to have had the most basic understanding of the language.⁴⁴ By the twelfth century, Rabbinic scholars like David Kimhi (1160–1235) were adding to the depth of the Hebraic tradition itself, with commentaries on the books of the Prophets, studies of grammar, and further refinements to the *niqqud*, or pronunciation of Biblical words.⁴⁵ This was a tradition that thrived on commentary and deep reading of the texts in order to recover often hidden and esoteric

levels of meaning, which explains its appeal to the sensibilities of Renaissance humanists.⁴⁶ Kimhi's works were thus taken up by Pico della Mirandola (1463–94) and Johann Reuchlin (1455–1522), who found disciples among the reform-minded community of Catholic scholars in England.⁴⁷

With the Reformation, the link between Hebraism and Biblical scholarship was enhanced, and the reformation culture of scriptural exegesis and arguments based on a wide range of scholarly commentaries, mirrored the complex exchanges between the rabbinic scholars of the middle ages.⁴⁸ When it came to liturgical scholarship, Protestants regarded Judaism (if not Jews) with great respect, for it represented the very essence of the relationship between God and his people before the corruptions of Rome. Luther, who was no friend of the Jews as a people, noted that, 'The Hebrews drink from the spring, the Greeks out of a small stream which flows from the spring, the Latins, however, drink out of the puddles'.⁴⁹ For Luther and many in the intellectual circles of Reformation Europe, the Jews were the guardians of the Old Testament. This view derived from the Augustinian tradition, which held that the Jews were living witnesses to the truth of scripture.⁵⁰ Yet they were also the recipients of the law, and the inhabitants of the only commonwealth established by God, and so it was that political writers turned to the Hebrew Bible for guidance on matters of state.⁵¹ For example, in 1584 Edmund Bunny published *The sceptre of Iudah*, which he dedicated to the students of Gray's Inn, advising them that:

It doth very wel accord, that such as one occupied in the laws of the Realm, & now in the way to be in place of government hereafter, have som recourse withal unto the righteous laws of God, & to the government that he of old to his people ordained.⁵²

Bunny began his career as a lawyer and eventually joined the clergy. It was as a member of the clerical establishment that he addressed students of the common law at one of the Inns of Court, advising them to seek out the legal precepts contained in the Hebrew commonwealth. He did not say that these precepts should form the entire basis of government, but merely that some knowledge of them was necessary. The important point is that Bunny did not regard Hebrew precept as being at odds with legal values.

One of the most vital intellectual developments of the early modern period was the 'Hebrew revival', the sudden expansion on writings on the Hebrew republic that took place in Europe between the Reformation and the last quarter of the seventeenth century.⁵³ This movement counted among its members some of the greatest theorists of the state, including Jean Bodin, Hugo Grotius, Giovanni Botero, and Johannes Athusius, a list of names that reveals the outlines of a republic of letters, pan European in its scope.⁵⁴ As Bunny's text reveals, this movement was no less evident in England where, in 1540, Henry VIII established Professorships of Hebrew at Oxford and Cambridge.⁵⁵ In the early seventeenth century, the committee that produced the Authorised Version of the Bible included a number of Hebrew scholars, and the non-conformist minister Hugh Broughton petitioned James VI and I, requesting £1000 to help him produce a Hebrew version of the New Testament.⁵⁶ Framers of the early Massachusetts polity combined aspects of the Jewish republic with elements of the common law.⁵⁷ Yet the most prominent English Hebraist was undoubtedly the lawyer and scholar John Selden (1584–1654) who, from 1631, engaged in a detailed study of the laws and customs of the Jews, on which he published a number of

works. The most substantial of these was the three volumes of *De Synedriis* (1650–55), an examination of the 'Great Sanhedrin', the supreme legal and judicial body of the Hebrews.⁵⁸

Selden's scholarly approach to Hebrew texts was something of an exception. In the hands of many English Protestants, Hebraism became a weapon in polemical debate, rather than a subject to be studied in its own right. Broadly speaking, this reflected a division over the question of what texts and traditions provided the foundations of ecclesiology. Following the habits of common lawyers, many were willing to embrace historical precedents for aspects of ritual and governance; they scrutinised the history of the Apostolic church for evidence of continuity with Hebraic examples. Others held to the doctrine of *sola scriptura*; that is, the scriptures, and especially the New Testament, were the supreme guides in ordering the church.⁵⁹ A clear illustration of this divergence can be found in the debate, which took place in the 1630s, over whether the Church of England should have altars. On one side were those who pointed out that, at the Last Supper, Christ and His Apostles dined according to simple Roman customs, while their opponents noted that altars were present in the Temples of the ancient Hebrews, and thus formed part of a larger tradition that prescribed an association between ritual and worship.⁶⁰ As was the case with the Canons, the appeal to a Hebraic tradition implied that vernacular law – in this case the Elizabethan Injunctions that stipulated not an altar but a 'decent communion table' – was not fully sovereign over the Church.⁶¹ This tension between Hebrew precedents and the laws of the realm would shape much of the debate on the question of church and state for the next decade.

Church government in the 1640s

By 1642, therefore, Hebraic ideas had an established presence in English discussions of church and state, and this has been the subject of some scholarly comment.⁶² However, the perspective adopted by recent studies is that the key tension in the English church was defined by questions of doctrine, rather than ecclesiastical government and the role of the sovereign in dispensing religious law. In addition, Hebrew sources are approached as a genre that is, in turn, largely abstracted from contemporary debates. As a result, the use of Hebraic texts is not firmly anchored in the surrounding polemical context, and readings of them are limited as a result. The chief problem is that Hebraism is not placed into dialogue with other political languages, which is vital when assessing its place in the civil war period, which was itself defined by a great outpouring of political and religious argument, some of it rooted in law, some on the texts of the classical republics, some in the New Testament, and all of it in history.

In what remains of this article, I want to sketch out three instances where Hebraic sources featured in discussions of church and state. In the first instance, during the 1640s, debates cohered around key developments in the parliament's programme of establishing a pattern of religious worship and governance that satisfied a range of religious groupings. These discussions took place against the backdrop of civil war, and in attempts to forge alliances and to reach a settlement the question of church and state served as the impetus for the development of key political alliances.⁶³ In 1643, the English, Scottish, and Irish opponents of the King united under the Solemn League and Covenant, which pledged them to 'the

preservation and defence of the true Religion, and the Liberties of the Kingdomes'.⁶⁴ At the same time, the English parliament directed a group of churchmen and lay observers to assemble to 'consult for the Settling [of] the Church Government'.⁶⁵ The Westminster Assembly sat throughout the civil war, and produced a confession of faith, two catechisms, and a Directory of Public Worship.

The Assembly both reformed religious doctrine and wielded political power over the church. For example, it largely adopted the powers of the royal ecclesiastical supremacy, overseeing the religious affairs of the realm, and exercising control over the membership of the clerical establishment and the Universities.⁶⁶ The Assembly was also the product of the need to create and preserve an alliance with the Scots, and in this sense the often fractious debates that are recorded in the official minutes serve as evidence of a profound tension between governance and religion.⁶⁷ In other words, the problem of church and state was also a problem of multiple kingdoms, each with its own highly developed system of religion and law. For some, Hebraic precedents offered a 'third way', which transcended the problems of local custom and history.

Other writers regarded Hebraic precedents with a measure of scepticism. In one of his early anti-episcopal tracts, John Milton argued that to delve into the history of the Jews was mere antiquarianism, while the desire to revive their 'old cast rudiments' was to embrace custom over the simpler dictates of the New Testament.⁶⁸ Very much the same line of thinking appears in Milton's later writings, where he maintained that since Christianity was 'delivered without the help of magistrates' the elision of church and commonwealth that defined the Hebrew republic was not a binding pattern.⁶⁹ Leading Independents, such as Francis Rous, also argued against a unification of church and state, noting that 'the Argument will not hold from *Israel* to *England*'.⁷⁰ The radical separatist John Goodwin maintained that 'The Nationall Church of the Jewes cannot be a pattern for us now, because the covenant of the Gospel is not made with any particular nation'.⁷¹ Finally, royalists maintained a doctrine of regal supremacy based on the fact that the ancient Israelites demonstrated obedience even to heathen kings.⁷²

By contrast, the dominant presbyterians in the Assembly were fully prepared to embrace what one writer described 'a mixt government' based on the Jewish Sanhedrin which 'had the hearing of all sorts of causes'.⁷³ It was this apparent endorsement of clericalism that gave rise to what is conventionally called the Erastian controversy. Broadly speaking, scholars have employed the term Erastian to refer to the complete supremacy of the civil magistrate over religious affairs.⁷⁴ Yet contemporary opinion was far less assured, for in the context of the 1640s the question of the location of civil magistracy was very much open. Royalists argued it remained with the King.⁷⁵ For others it was exercised as a custodial power by the House of Commons, or shared jointly as part of the covenant between England and Scotland. Congregationalists of the 1640s placed explicit limits on the jurisdiction of civil magistrates in the realm of religion.⁷⁶ In this sense, debates on church government during the early years of the Westminster Assembly should be seen as attempts at settling the constitutional relationship of church and state.

One of the key members of the Erastian party in the Assembly was John Lightfoot, who both recorded its deliberations and contributed his scriptural and historical erudition to

discussions of ecclesiology. In response to claims by the dominant presbyterians that the Sanhedrin furnished an historical precedent for a clerical supremacy within the church, he noted that the New Testament 'hath no where distinguished' a superior class of priests to correspond with the Levitical priesthood of the Hebrews. For Lightfoot, as for Selden, the members of the Sanhedrin were 'civil magistrates' whose contemporary manifestation was the 'Houses of Parliament'. This position was enlarged in a debate between Thomas Coleman and the presbyterian Edmund Calamy; as Lightfoot recalled:

That the two Sanhedrims and two consistories in every city are not owned by the Jewish authors: - and for that I alleged Maimonides at large, and proved three courts in Jerusalem, and yet no difference of one ecclesiastical and the other civil ... I granted, indeed, that there were elders in the Sanhedrim that were not priests or Levites, but withal they were civil magistrates, as our Parliament. ⁷⁷

This assertion of parliamentary supremacy over religion was in turn answered by the Covenanter Samuel Rutherford, who noted that if such a supremacy existed, 'they would not have convened this Assembly'. ⁷⁸ Therefore, in order to defend the ecclesiastical jurisdiction of parliament, it was necessary to counter arguments that sought to apply Hebraic patterns of church and state to the English case. One approach was to draw distinctions between the 'old' and 'new' law, and so Henry Hammond observed that Christianity 'differs from the Lawes both of *Moses* and Nature, so it constantly reforms and perfects those'. ⁷⁹ Lightfoot's journal records similar objections, for example in William Fiennes' suggestion that the Hebrew church and state 'cannot any way pattern evangelic churches', and in Selden's argument that the Elizabethan Act of Supremacy 'is neither against the law of God, nor nulled yet in our state'. ⁸⁰

This tension between church and state was explored in some detail in the pamphlet, *Alate dialogue between a civilian and a divine*, which appeared early in 1644. The author was George Gillespie (1613–48), who served as chaplain to a succession of Scottish noblemen and who emerged, in the 1630s, as a strident defender of the independence of the Scottish Kirk against attempts to align it with Anglican practice. Gillespie was one of four commissioners sent by the Scots to the Westminster Assembly, and he was also an active writer and controversialist. ⁸¹ The *Dialogue* presents a neat encapsulation of the question of whether the church and state were conjoined or separate. Argument over this question served as the occasion for the elaboration of two positions: that the church and its ministry were free from the interference of the civil authority, or that the civil authority exercised jurisdiction and control over the church. ⁸²

The 'civilian' in Gillespie's dialogue argues that religion is the 'surest foundation' of 'Peace, Liberties, and Laws', and the conversation proceeds to explore how to settle a pattern of religious government that does not disturb the peace of the state. This leads the interlocutors to the history of the Jews, and the civilian asks that, since the Hebrews recognised 'no such distinction as Church and State', why 'it may not be so among us'. ⁸³ In reply, the divine suggests that Hebrew precedents do not support the unity of church and state, because both altered over time: 'The government of the State and the constitution thereof was not the same under the Judges, under the Kings, and after the captivity: shall we therefore say that the Church was altered and new moulded, as oft as the Civill

government was changed'.⁸⁴ This meant that there was no historically-constant association of church and state, and the divine continued by noting the clear separation between the 'mystical' and the 'political', and concluded that 'The error of our Civilians is greater, who will have Magistrates so to rule us, that Christ shall not rule them'.⁸⁵

This question of the power of civil magistrates over the church lay at the heart of an exchange of pamphlets between Gillespie and Thomas Coleman. In a sermon preached before parliament in July 1645, Coleman portrayed the civil war as a biblical epic, driven by a conflict over contrasting patterns of ecclesiastical government, each claiming *iure divino* authority. The solution, he argued, was to attend to the pattern of commonwealth of which God and Moses were the authors, and which consisted of a unity of church and state.⁸⁶ Coleman suggested that the advantage of this unity lay in the fact that religious discord was kept in check by the basic need to maintain civil peace, guaranteed by the sovereignty of a Mosaic lawgiver. The following month, Gillespie mounted a sharp attack on Coleman's position, arguing that only the 'persons and estates of Church officers' were 'subject to civil Authoritie' – otherwise, the activities of the clergy were 'not subject to the pleasure of any man living'.⁸⁷ In due course, Coleman replied, insisting once again that in the 'Church of Israel' there was 'no distinction of Church Government and Civil Government', but that the 'punitive' power – that is excommunication and the punishment of heresy – nevertheless rested not with the clergy, but in the hands of 'civil and temporall' authority.⁸⁸

The debate continued, and other writers entered the fray; yet it was brought to an end by Gillespie's *magnum opus*.⁸⁹ *Aarons rod blossoming*, which appeared late in 1646, extended to 590 pages, densely packed with references to hundreds of passages from the Hebrew bible, midrashic commentaries on them, as well as quotes and glosses from the works of continental scholars such as Isaac Casaubon, Hugo Grotius and the younger Johannes Buxtorf (1599–1664).⁹⁰ Where in previous works references to Hebrew sources and history had been brief and fleeting, here large sections of the rabbinic corpus were treated at length, as Gillespie sought to dismantle the arguments of a host of contemporary writers, including Coleman, the lawyer and parliamentarian William Prynne, and Jasper Mayne, the author of a strident defence of civil supremacy in affairs of religion.⁹¹ By contrast, Gillespie defended the complete independence of the clergy over ecclesiastical affairs, while arguing that it was absurd to insist that parliament 'must sit as in the Temple of God'. As he argued at the conclusion of nearly 150 pages of discussion:

That in the Jewish Church, there was an Ecclesiasticall censure or punishment distinct from the civill I have proved ... both from Scripture and the Jewish antiquities. And if there were no more but the sequestration or separation from the Temple or from the passeover, for such legal uncleanness did not separat a man from his house, nor from all company of men, even that alone proves a kind of censure distinct from all civill punishment: neither did it belong to the Magistrate or civill Judge, but to the Priests, to examine, judge, and determine, concerning cleanness or uncleanness, and consequently concerning admission to or separation from the Temple, Passeover, and sacrifices.⁹²

To argue that the clergy exercised a punitive power that was 'distinct from all civil punishment' was to maintain that they were themselves outside of the civil law. Gillespie's encounter with Hebraic sources led him to suggest that England should become a theocracy,

in which the laws of the realm did not reach into the Temple.⁹³ As we will see, it was arguments of this type that led Hobbes and Harrington to extract a very different moral from the story of the Hebrew commonwealth.

The Hebrew commonwealth in history

The polemical debates which took place during the Westminster Assembly reveal that Hebraic sources were used as argumentative tools for exploring the historical character of church government. From about 1650, while remaining central to discussions of kingship and ecclesiastical governance, Hebrew texts were employed in a range of works that devoted attention to topics in Hebrew history, politics, and religion. That the whole concept of the Hebrew commonwealth was eventually taken up at such length by figures like Hobbes and Harrington depended on its integration into the wider corpus, derived from Greek and Roman sources, of the history of commonwealths and lawgivers. Readers of Machiavelli would have recognised that this synthesis was already in place in chapter 6 of *The Prince*, where Moses stands alongside the Greek and Roman progenitors Theseus and Romulus.⁹⁴ Other historians, namely Joseph Scaliger, Gerard Vossius, Hugo Grotius, and Isaac La Peyrère made major contributions to the integration of Hebraic history within what, by the 1650s, was emerging as the basis of a synthetic world history that integrated sacred and human time, and probed the question of the origins and diffusion of peoples, languages, and cultures.⁹⁵

In terms of the history of the Hebrew commonwealth, one of the most seminal texts was that of Petrus Cunaeus (1586–1639), who studied under Scaliger and Johannes Drusius, Professor of Oriental Languages at Oxford. Cunaeus published his *De Republica Hebraeorum* in 1617 and an English translation by Clement Barksdale appeared in London in 1652. The work portrayed the Hebrews as the forerunners of the great republics of the classical world, which were recognized for their martial virtue and public spirit. For example, here is Cunaeus's description of the people of Moses after the exodus:

they encountered with mighty and valiant Nations, expell'd them, and possessed their Country, where they built new Towns, and dedicated to God a magnificent Temple. In this most happy soil, where their valour had planted them, their mutual concord made them grow to admiration. The Counsels of all provided for the safety of all; and the Cities, which were many, did not every one aim at their own dominion, but all used their best endeavours to defend publick Liberty.⁹⁶

Cunaeus describes the Jews as possessing a set of strikingly classical virtues: the defeat of valiant (and thus worthy) opponents, the building of towns, and a constitution founded on a democratic association of all with all, in the pursuit of public liberty.

In his discussion of the founding of the Hebrew commonwealth, Cunaeus described it as being superior to that of the Greeks because of its laws, promulgated by Moses, who 'was the first writer and publisher of the Laws, teaching the people, what was right or wrong, just or unjust, and by what Decrees the Common-wealth was to be established'. In fact, before Moses there were no laws, as there were no 'publick records' in which to preserve them –

the scriptures changed all of this.⁹⁷ Moreover, the kind of government established by Moses resembled none of the forms known to the classical world – monarchy, oligarchy, democracy – but was a ‘theocracy ... whose ruler and president is God alone’.⁹⁸ Crucially, the commonwealth was distinguished by the ‘eternal stability of *Moses Laws*’; where other commonwealths were ‘founded and over-thrown by law making’, that of the Hebrews was guided by its own ancient and eternal constitution.⁹⁹

At the centre of this constitution lay the relationship of the key elements of spiritual and political power, ‘that is, the Priesthood and the Kingdom’. Cunaeus argued that religion was the ‘very soul and spirit’ of the Hebrew commonwealth, for it represented the lasting covenant between God and his people.¹⁰⁰ While God was the source of all law, the responsibility of interpreting, and expounding the law fell to the Sanhedrin, the assembly of ‘senators’ – as Cunaeus called them – that ‘judged of both divine and humane things’. This was because the Hebrews established a ‘Priestly Kingdom’, with a clear disposition of powers:

their Kings did not only govern in civill affairs, and military, but were Presidents of Religion and holy Ceremonies. For they were sacred persons, to whom Gods Commission and the voice of a Prophet gave Empire, honour and authority. Yet as the Over-sight of Sacred things, the Sovereign power and judgement pertained unto them, so the mystery and charge of the same things was of right claimed by the Levites, that is, the High Priest, the rest of the Priests, and their assistants. It was their office to slay the Sacrifices, to make expiations, to rehearse the divine Laws before the people, and to perform other Services in the Temple.¹⁰¹

Cunaeus took pains to emphasize that this division of power was not arbitrary, but instead rested on the qualities of the members of the Sanhedrin. These were to be of ‘noble, and honourable Parentage’, and recognized as ‘wise men’.¹⁰² In 1642, the English bishops were ejected from the House of Lords, partly on the grounds that they were not competent to conduct themselves in affairs of state, and partly owing to the fact that, unlike the peers of the realm, they did not sit in the Lords by virtue of nobility and continuance.¹⁰³ As described by Cunaeus, the Sanhedrin constituted a source of counsel that could be used to address questions of immediate political concern to the commonwealth: ‘The weightiest affaires were not too heavy for them, because they were chosen for their worth, and great abilities’.¹⁰⁴ In other words, the Sanhedrin embodied the Aristotelian precept of the benefits of collected wisdom, and fitted as well alongside an established humanist and Christian discourse that regarded wise counsel as a vital element of kingly rule.¹⁰⁵ If we combine Cunaeus's account of the founding of the Hebrew commonwealth with his strictures concerning the qualities required by its supreme legal and judicial figures, it becomes evident that his achievement was to anchor the history of Hebraic government more firmly within the realm of classical political theory.

In the 1650s, the complexity of the historical portrait of Hebrew culture was significantly enhanced by the publication of a number of works, by both Continental and English writers, that moved beyond the standard view of the Jews as deicides whose redemption lay in conversion. For example, in 1650 Edmund Chilmead published his translation of the Venetian rabbi Leon da Modena's *Historia de riti hebraici*.¹⁰⁶ This offered a detailed

discussion of the content and division of the books of the Tanakh, as well as customs, diet, clothing, language, education, rituals, law and burial customs of the Jews.¹⁰⁷ Another noted work in this genre was Johannes Buxtorf the Elder's *Synagoga Judaica*, published in 1641, and translated into English as *The Jewish Synagogue* in 1657. This edition, prepared by an anonymous scholar of The Queen's College, Oxford, presented a detailed explanation of the beliefs and religious customs of Jews from birth to death.¹⁰⁸ In 1655, the seventh edition of Thomas Godwin's *Moses and Aaron* appeared; the author himself had passed on in 1642, but his book, which traced the history of the Hebrew commonwealth and described rituals of worship, lasted through a further six editions.¹⁰⁹

Other works concentrated on the history of the Temple, especially that erected by King Solomon which, to Christians of the early modern period, was an object of fascination not unlike the *mirabilia* of the ruins of Rome, revered by renaissance humanists like Petrarch.¹¹⁰ Samuel Lee's *Orbis Miraculum* reconstructed the Temple via a painstaking scriptural exegesis, combined with evidence from seminal works such as Flavius Josephus's *Antiquities of the Jews*, itself first translated into English in 1602, and reprinted nine times over the course of the seventeenth century.¹¹¹ Lee's text also demonstrated an antiquarian flair, and was embellished by elevations and floor plans of the vanished Temple, along with sketches of its altars and furniture.¹¹²

It was therefore a short step to transform this history of a civilization into a civil history, taking its place among the history of classical empires and republics. Thus transformed, the history of the Jews could be employed not simply in polemical debates among divines of the Westminster Assembly, but more broadly by political theorists grappling with the problem of civil and ecclesiastical law. In his commentary on the Hebrew Bible, Edward Leigh noted that the Book of Proverbs magnified 'the sayings of sage heathens' such as Plato, and that the Book of Job was, on close inspection, a work of 'true history'.¹¹³ Perhaps the most powerful application of these ideas was James Ussher's *The Annals of the World*, a massive work of synthetic history that placed the Jewish commonwealth within the larger narrative structure of pre-Roman history.¹¹⁴ It explains the rise and fall of Temple and Commonwealth, and treats Jewish history as the starting point of what develops into a narrative history of principal commonwealths and republics. Displaying its author's fascination with chronology and the synthesis of sacred and civil histories, Ussher's text – like the *Chronicle* of Eusebius – integrates the history of the Jews with that of other peoples and empires, and hence forms part of a history from which prudential ideas of success and failure can be derived. In short, it is a history of the politics of states that integrated sacred and human time in a way that made it more difficult to disengage questions of religion from matters of the state.

Sovereignty and prudence

The recovery of Jewish history and its integration within the larger narrative of the rise and development of political society meant that historians of political thought were compelled to give some consideration to the Hebraic tradition. I want to consider very briefly the examples of Thomas Hobbes and James Harrington, who paid very close attention to the political and sacred history of the Hebrews, and read it in ways that contrasted sharply with

the writers who contributed to debates on church government in the 1640s. In fact, there is fairly clear evidence, particularly in the case of Harrington, that some of these writers were important foils for the development of his overall argument. Most importantly, both Hobbes and Harrington were broadly interested in the rise of the clergy to a position of power, and in this sense also their texts should be seen as responses to the crisis of church and state that gripped England between 1640 and 1660.¹¹⁵

Hobbes's great work *Leviathan* is a study of the nature of sovereignty and, as its title page tells us, 'the matter, forme & power, of a Commonwealth Ecclesiasticall and Civil'.¹¹⁶ As is well known, two of the four books of the work deal directly with religion, and the work as a whole remains central to our understanding of the religious politics of the Interregnum period.¹¹⁷ In chapter 12, Hobbes explains that God 'made to himself a peculiar Kingdome' in which the 'lawes civill' were 'part of Religion', but also tells us that he will defer discussion of that kingdom to another place in the text.¹¹⁸ The kingdom of which Hobbes speaks is the Hebrew commonwealth, and in Book III of *Leviathan* Hobbes presents Jewish history in terms of a narrative of the nature and progress of ecclesiastical sovereignty. Some historians have suggested that Hobbes's own engagement with Hebraic sources is somewhat narrow, and while he does admit that 'I have neglected the Ornament of quoting ancient Poets, Orators, and Philosophers', he does so with a purpose.¹¹⁹ For Hobbes, history does not furnish a complete set of institutions and practices to be carried into the present, and his verdict on custom, antiquity, and the vast stores of ancient learning is as glib as it is cryptic: 'For if we reverence the Age, the Present is the Oldest'.¹²⁰ In other words, history is a source of prudence, rather than precedent.

His narrative – derived entirely from the Old Testament – explicitly shows how the Hebrew commonwealth, after its foundation, passed through a sequence of rule by priests, judges, and then kings. Unlike George Gillespie, who saw each of these transitions as evidence of the fundamental changeability of the 'state', Hobbes is interested in the core concept of sovereignty, and how it is that it comes to be exercised by Kings, who are sovereign in their own dominions. The problematic that defines Part III of *Leviathan* is concerned with the tension that Hobbes mentions in his 1641 letter: that which exists between the civil and ecclesiastical power within one commonwealth, in which a struggle for sovereignty produces civil war. As he argued, there was no form of government but 'temporall', overseen by a 'Governor both of the State and of the Religion'. The vital point is that this conjoined sovereignty over state and religion must be singular and undivided. In *Leviathan* Hobbes explained that the 'Governor must be one; or else there must needs follow Faction, and civil war in the Common-wealth, between *Church* and *State*'.¹²¹ It is this bit of political prudence that the history of the Jewish commonwealth illustrates.

In chapter 40, Hobbes explores 'The rights of the Kingdom of God'. Moses is the central figure in this narrative, because he spoke to God on behalf of the Israelites, and was thus the conduit for the transmission of the law. As the text of Exodus recorded, they told him: 'speak thou with us, and we will hear'.¹²² After the death of Aaron and Moses, the power within the Covenant descended through the line of priests, 'for the book of the law was in their keeping'.¹²³ From there, power was transferred to the Judges, and then (as told in I Samuel 8:5) they ceased to be a peculiar people of God by asking for a King, in the manner

of other nations. Yet the vital point for Hobbes is that this moment represents the birth of sovereignty:

They say they will be like all the Nations; that their King shall be their Judge, and goe before them, and fight their battells; that is, he shall have the whole authority, both in Peace and War. In which is contained also the ordering of Religion: for there was no other Word of God in that time, by which to regulate Religion, but the law of Moses, which was their Civill Law.
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A little further along, he concluded that from the foundation of 'God's kingdome' to the Babylonian captivity, 'the Supremacy of Religion, was in the same hand with that of the Civill Sovereignty'. As for priests, their power was 'Ministeriall' rather than 'Magisteriall', by which Hobbes meant that they had no power to impose punishments over members of the commonwealth.¹²⁵ In other words, with the advent of Kings, the power of priests was diminished, and the reason for this is explained by Hobbes's earlier statement that to avoid faction and civil war, there must be a single governor in the commonwealth.

This argument is further developed in chapter 42, 'Of power ecclesiasticall', which happens to be the longest in the entire work, and which is polemical in its aim. The specific target is the Catholic theologian Robert Bellarmine, whose *De Summo Pontifice* (1590) is subjected to sustained scrutiny.¹²⁶ Yet it appears that Hobbes's intention was not simply to challenge Bellarmine's account of Papal Supremacy, but rather to consider the problem of conflicting jurisdictions, and chiefly the tension between religious obligation and the laws of the commonwealth. This was a question that had more resonance in Hobbes's own time, the English obsession with 'popish plots' notwithstanding.¹²⁷ For, he asked,

How then can wee be obliged to obey any Minister of Christ, if he should command us to do any thing contrary to the Command of the King, or other Sovereign Representant of the Common-wealth, whereof we are members, and by whom we look to be protected? It is therefore manifest, that Christ hath not left to his Ministers in this world, unlesse they be also endued with Civill Authority, any authority to Command other men.¹²⁸

Here, Hobbes is addressing a question that loomed large in English debates on ecclesiology. Defenders of the disciplinary power of English bishops had predicated this power on the history of the Apostolic church, which rested in turn on a description of the powers of the Levitical priesthood. For example, in 1606 Lancelot Andrews preached a sermon in which he argued that, from the time of Moses, the clergy had a 'power regal' over the church.¹²⁹ Responding to arguments of this type, Henry Parker, writing in 1645, noted that if the clergy became either 'absolute or Independent ... the King parts with a reall Authority'.¹³⁰ This was the question with which Hobbes was directly concerned, and his discussion of the migration of the 'civil power' in the Hebrew commonwealth is intended to demonstrate that the condition by which the High Priests were the 'civil sovereigns' was not permanent, but temporary. The Christian era, he argues, represented the renewal of the covenant of Moses, and the 'consolidation of the Right Politique, and Ecclesiastique in Christian Sovereigns ... both in Policy and Religion'.¹³¹

Like Thomas Hobbes, James Harrington also maintained that religion was a vital ingredient of civil peace. In his 'maxims' on the state of England, he remarked that 'Where there is no national religion. There can be neither any government nor any liberty of conscience'.¹³² This interest led him, again like Hobbes, to range widely through the Hebrew Bible, but Harrington's work goes far beyond scriptural exegesis. His *Commonwealth of Oceana*, published in 1656, contained hundreds of references to examples of Hebraic governance. Even the most cursory glance at his political writings indicates that he was very familiar with aspects of midrashic literature, as well as the writings of Christian Hebraists; in fact, it has been suggested that Harrington's work should be described as a synthesis of the classical and Hebraic paradigms, producing a 'Hebraic civic humanism'.¹³³

Where *Oceana* took the form of a magisterial treatise, much of Harrington's corpus resembled the output of a political pamphleteer, and it was in this context that his use of Hebraic sources was most sustained. One of these texts, *Pian Piano* (1656), was based on a formal written disputation between Harrington and Henry Ferne (1602–1662), Bishop of Chester, who had queried some of the arguments about the Sanhedrin presented in *Oceana*. In particular, he questioned Harrington's suggestion that Moses 'sat in the midst of it as prince or archon'. Ferne replied that the Sanhedrin received 'laws from the hand of Moses, without any debate or contradiction'. Not so, countered Harrington, for Moses, 'having instituted the Sanhedrin, stood from that time forward ... no more alone', and was the 'prince of the senate'.¹³⁴ In other words, the gathering of the priests and judges was not supreme over Moses, nor he over them.

Like Hobbes, Harrington employed Hebraic sources to challenge arguments that supported a powerful and hierarchical clergy.¹³⁵ In a number of texts, he approached this topic from the point of view of ordination. The question he pondered concerned the source of clerical power, which had a direct bearing on its nature and scope. Two alternatives were considered: was it conveyed by the laying on of hands (*chirothesia*), or by election, via the 'raising of hands' (*chirotonia*)? Harrington was clearly aware of arguments put forward by writers like George Gillespie, who maintained that the order of presbyterian government was *iure divino*, that is, ordained by God and handed down through the clerical hierarchy, from the High Priests of the Sanhedrin. Harrington argued that, in fact, the priests took it upon themselves to undermine the popular government that characterised the Mosaic 'senate':

the Sanhedrim got a whim of their own, without any precept of God, to ordain their successors by the *chirothesia* or imposition of hands, and the parties being so ordained, called presbyters, became capable of being elected into the judicatories; whereby, cheating the people of the right of electing their magistrates, the Sanhedrim instituted the first presbyterian government.¹³⁶

What happened next was the erection of a whole clerical hierarchy, on a particular (mis) interpretation of the power of the Sanhedrin, 'For this track was exactly trodden over again by the Christians: first, to the presbytery, from thence to the bishop ... and out of this bishop stepped up the Pope and his seventy cardinals'.¹³⁷

In 1658, Harrington published *The Prerogative of Popular Government*. Book I took the form of a sustained reply to a critique of *Oceana* by Matthew Wren, whose father (also Matthew) was one of the bishops impeached by the Long Parliament, and imprisoned in the Tower of London, where he remained until March 1660.¹³⁸ Book II selected its own targets: a pamphlet defending ordination, written by one of the most prominent English presbyterians in the Westminster Assembly, and a treatise by Henry Hammond, former chaplain to Charles I and staunch defender of Anglican orthodoxy during the 1650s, that traced the practice of ordination by the laying on of hands back to the Jewish church.¹³⁹ In short, Harrington was singling out spokesmen for two of the three dominant ecclesiastical factions that contested the question of church and state during the civil war period. On the matter of ordination, Harrington once again offered an interpretation of the Sanhedrin that portrayed it as a quasi-democratic body that represented the consent of the people:

All ordination of magistrates, as of the senators, or elders of the Sanhedrim, of the judges, or elders of the inferior courts, of the judge or *suffes* of Israel, of the king, of the priests, of the Levites, whether with the ballot or *viva voce*, was performed by the *chirotonia* or suffrage of the people.¹⁴⁰

Some have suggested that this argument about the democratic nature of the Hebrew commonwealth originated with Harrington, but this is to overlook earlier texts. For example, the lawyer and parliamentarian William Prynne, writing in 1643, argued that the Sanhedrin was a 'congregation' in which even kings were elected by 'common consent'.¹⁴¹ Both Prynne and Harrington cited a battery of 'Talmudists', and midrashic texts such as the *Midbar Rabba*, the writings of Solomon ben Isaac (1040–1105), known as Rashi, and the Christian Hebraists John Selden and Hugo Grotius.¹⁴² It is interesting to note that while Prynne was writing in the early stages of civil war, and that Harrington's arguments were shaped in the dying days of the Cromwellian republic, both turned to Jewish sources in an attempt to establish some of the basic precepts that governed the constitutional relationship of church and state.

One final example reveals the bent of Harrington's view of the problem of religion and polity. In *The Art of Lawgiving* (1659) he returned to the history of the Hebrew commonwealth, and in Book II retraced much of the same narrative that Hobbes presented in *Leviathan*. Where Hobbes argued that 'power ecclesiastical' was grounded on 'such texts, as are both evident in themselves, and consonant to the scope of the whole Scripture', Harrington concluded that the foundation of all government was 'prudence'.¹⁴³ If one read the history of the Jews with sufficient attention, 'then it is a clear and undeniable result of the whole that not God, nor Christ, nor the Apostles, ever instituted any government ecclesiastical or civil upon other principles than those only of human prudence'.¹⁴⁴ Hence the Hebrew example demonstrated not a pattern of institutions to be imitated, but an approach to lawgiving in general.

In Book III, Harrington sought to develop his position on the idea of a 'national religion' that appeared in his maxims of state. As part of a wide ranging series of proposals for a new model of government, Harrington called for all decisions on worship to be placed in the hands of the parliament, for the clergy to be barred from 'public office', and for the toleration and protection of all religions, provided they were not 'contrary unto or

destructive of Christianity'.¹⁴⁵ When these propositions were combined, Harrington argued, they produced a relationship of church and state that preserved both morality and liberty:

Upon the whole of these propositions touching church discipline: thus neither would the party that is for gifted men through ignorance (which in all probability they must) lose religion, nor the clergy to corrupt it through interest. But decency and order, with the liberty of conscience, would still flourish together, while the minister hath a preferment he sought, the parish a minister they chose, the nation a religion according to the public conscience, and every man his Christian liberty.¹⁴⁶

Where Hobbes had employed the example of the Hebrew commonwealth to trace the emergence of a unified theory of civil and ecclesiastical sovereignty, placed in the hands of a single governor, Harrington's analysis of the Sanhedrin and the practice of ordination revealed that the Hebrew commonwealth had been undermined by the rise of a priesthood which, in turn, served as the foundation for the oligarchy of the Roman Catholic church. In both cases, the religious and political history of the Jews was incorporated within the history of the Christian commonwealth, and contained valuable clues as to how the relationship of church and state could both flourish and decline.¹⁴⁷ In fact, Hobbes and Harrington not only used Hebraic history, they narrated it: chapter 42 of *Leviathan* and Book II of the *Art of Lawgiving* transit much the same historical chronology, and reveal the centrality of sacred history to the arguments of both books. This suggests that republican theory was shaped not by the wholesale rejection of sacred sources, but in dialogue with them.¹⁴⁸

Conclusion

I have argued that Hebraic sources were prominent in discussions of church and state in the period of the English civil war. While a full treatment of this topic is beyond the scope of this article, it is nevertheless possible to suggest some conclusions. First, the texts and debates I have surveyed reveal that the 'English revolution' can not properly be described as being defined by the emergence of a state governed by rational, secular, and philosophic principles. Instead, the issue that did so much to produce the conflict remained at its centre, and obliged a range of writers, from the obscure to the august, to attempt to reconcile the spiritual and temporal confusion of tongues set in motion by the Henrician Act of Appeals. Second, the sheer range and complexity of engagement with Hebraic sources reveals a vital dimension in English political thought, whose historical and sacred character was enhanced, rather than diminished. Like the English themselves, the ancient Hebrews had Kings and Temples, and a priesthood which occupied places in the great assemblies of the state – the same was not true of the Greeks and Romans. Thirdly, the study of the use of Hebraic sources reveals their contestability: as Reformation scholars glossed and interpreted scriptures, so the Hebrew commonwealth and priesthood was subjected to much scrutiny and debate. To the extent that writers like Hobbes and Harrington came to recognise the limits of custom and history as determinants of political theory and practice, political thought as a whole moved a step toward the use of foundational, yet trans-historical, concepts. However, so long as England remained constitutionally committed to a confluence of church and state, the politics of history would continue to thrive.

Notes

1. Prior, *Confusion of Tongues*.
2. Cromartie, *Constitutionalist Revolution*, ch. 8.
3. Zagorin, *Religious Toleration*, ch. 6.
4. This widens the definition of orthodoxy that has been proposed by John Pocock: "that the church in England was the church by law established, subject to the jurisdiction of the crown ... and that the church was not thereby separated from the church that had been Christ's presence". See "Within the Margins", 37.
5. For an important reassessment of press control, see Como, "Print, Censorship", 820–57.
6. Kelley, "Elizabethan Political Thought", 72; Pocock, *Political Thought*, ch. 10.
7. Each corresponds to a system of law: canonical and Hebraic law; Roman & civil law; and the English common law.
8. See Burgess, *Ancient Constitution*, Nelson, *Greek Tradition*, Prior, *Defining the Jacobean Church*.
9. Nelson, *Hebrew Republic*.
10. Smith, "Uses of Hebrew", 51–71.
11. Sheehan, "Problem of Sovereignty": 1–15; Lilla, *Stillborn God*.
12. Skinner, *Age of Reformation*, 358.
13. *Ibid.*, 349–52.
14. For a critique of this tendency in Skinner's work, see Coffey, "Quentin Skinner", 46–74.
15. Skinner, "Genealogy": 331; Skinner, "State of Princes", 368–413.
16. Tierney, *Religion, Growth of Constitutional Thought*; Watt, "Spiritual and Temporal Powers", 367–423; Nederman, "Constitutionalism" 179–94.
17. Guy, "Imperial Crown", 65–87; Pocock, "Discourse of Sovereignty", 377–428. For Pocock, "it is in the consequences of Henry VIII's reformation that we find the enduring problems of English political thought for the next three centuries", 381. See also Walsham, "The Reformation", 497–528.

18. Shagan, *Popular Politics*, 29.
19. Powicke, *Reformation in England*, 1; Shagan, *Popular Politics*, ch. 1.
20. Elton, *Tudor Constitution*, doc. 177, 353–58.
21. In short, Reformation led to the development of theories of kingship and sovereignty of unprecedented scope; the problem was how these could be reconciled with ideas of prerogative and supremacy derived from the common law.
22. For an in-depth consideration, see Rose, *Godly Kingship*.
23. Hampson, “Richard Cosin”.
24. Shagan, “The English Inquisition”, 541–65.
25. Morice, *Briefe treatise*, 35.
26. Tanner, *Constitutional Documents*, 162.
27. Mason, *Authority of the church*, 16.
28. *Constitutions and Canons*, sig. C^v.
29. Russell, “Whose Supremacy?”, 53–64.
30. Bray, *Anglican Canons*, 558.
31. *Ibid.*, 558.
32. Elton, *Tudor Constitution*, doc. 184; Prior, “Cannons and Constitutions”, 101–23.
33. Katz, *Philo-Semitism*, 1–3.
34. In the New Testament account, it is clear that the Jews denied that their courts had the authority to pass judgement in the case, and thus it was left to the Romans.
35. Nicholson, “Act of Appeals”, 22. There was also the exegetical battle that attended the divorce proceedings, but here the solution lay in transcending Jewish custom, rather than embracing it. See Chibi, “Turpitudinem”, 387–97.
36. Panke, *Eclogarivs*.
37. Laud, *A speech*, 44. Opponents of the bishops pointed out that Bethel was the site of Jeroboam's temple of the Golden Calf. See Anon, *A very lively portraiture*.
38. “The Forme of the Government”, 7–25. Cf. Prynne, *Bishops*.

39. Prynne, *Quench-Coale*, 107–8.
40. I have explored this topic in depth elsewhere: Prior, *Confusion of Tongues*, ch. 6–8.
41. Hobbes to Devonshire, 23 July 1641, cited in Collins, “Quentin Skinner's Hobbes”, 360–1
42. Hobbes, *Leviathan*, 226.
43. Grafton and Williams, *Transformation of the Book*, 135, 137, 167.
44. Mihelic, “The Study of Hebrew”, 94.
45. Talmage, *David Kimhi*.
46. Signer, “Polemic and Exegesis”, 21–32; Najman, *Past Renewals*.
47. Ruderman, “The Italian Renaissance”, 382–433; Jones, *Discovery of Hebrew*, 87–97.
48. Friedman, “Sixteenth-Century Christian-Hebraica”, 67–85.
49. Jones, *Discovery of Hebrew*, 58. Luther condemned the Jews as blasphemers for their rejection of Christ, and in 1543 put these ideas to paper in *The Jews and their Lies*.
50. Sutcliffe, *Judaism and Enlightenment*, 23.
51. Neuman, “Political Hebraism”, 57–70; Schochet et al, *Political Hebraism*; Laplanche, “Christian Erudition”, 5–18.
52. Bunny, *Scepter of Iudah*, sig. A^{3v}.
53. Nelson, *Hebrew Republic*, 7–22.
54. Bodian, “Biblical Hebrews”, 199–221; Boralevi, “Classical Foundation Myths”, 247–61.
55. Jones, *Discovery of Hebrew*, 192, 215, 226.
56. Broughton, *A petition to the king*; Jones, *Discovery of Hebrew*, 167.
57. Winship, *Godly Republicanism*, ch. 8; Pool, “Hebrew Learning”, 31–83.
58. Toomer, *John Selden*, ch. 13, 18. Here was an important distinction: where some writers treated the Sanhedrin as a council of priests with jurisdiction over civil and ecclesiastical causes, for Selden the body was comprised entirely of civil advisors. For the clerical interpretation, see Jackson, *Annotations*, 715, and for the civil see Brinsley, *Stand still*, 20.
59. Prior, *Defining the Jacobean Church*, ch. 4–5.

60. Prior, *Confusion of Tongues*, ch. 3.
61. Fincham and Tyacke, *Altars Restored*, 47.
62. Glaser, *Judaism without Jews*, ch. 2–3; Guibbory, *Christian Identity*, ch. 2–5.
63. Braddick, “History, Liberty, Reformation”, 117–34.
64. *Solemn League and Covenant*, 6.
65. “House of Commons Journal: 6 January 1643”, *Journal*, 916–917.
66. Rose, *Godly Kingship*, 73–5.
67. This paper was in final form when the landmark edition of the Assembly's proceedings appeared: Van Dixhoorn, *Minutes and Papers*, vol. 1.
68. Wolfe, *Prose Works*, 520.
69. Milton, *Treatise of civil power*, 28.
70. Rous, *Ancient bounds*, 60.
71. Goodwin, *Certain briefe observations*, 7.
72. Williams, *Jura magestatis*, ch. 4. Cf. Rous, *Ancient bounds*, 46–7.
73. T. N., *Palaemon*, 9.
74. Figgis, “Erastus and Erastianism”, 293–342; Orr, “Sovereignty, Supremacy”, 474–90.
75. Derham, *A briefe discourse*, 2.
76. A clear example appears in Thomas Goodwin and Philip Nye's preface “To the Reader” in their edition of John Cotton's *The Keys to the Kingdom of Heaven* (1644).
77. Lightfoot, “Journal of the Proceedings”, 70, 76, 78.
78. *Ibid.*, 78. Coffey, *Politics, Religion*, 52–4.
79. Hammond, *Of resisting*, 30.
80. Lightfoot, “Journal”, 83, 121.
81. McKay, *The Ecclesiastical Republic*.

82. The Henrician Act of Appeals could be interpreted to support either proposition: it referred to the commonwealth a unity of spiritual and temporal people, but also placed ecclesiastical sovereignty in the hands of the Crown.

83. Gillespie, *A late dialogue*, 18.

84. *Ibid.*, 19.

85. *Ibid.*, 41.

86. Coleman, *Hopes deferred*, 1, 24.

87. Gillespie, *A sermon*, 29, 32.

88. Coleman, *A brotherly examination*, 11, 16.

89. See Gillespie, *Nihil respondes*; Byfield *Briefe view*; Coleman, *Male dicis*; Gillespie, *Male audis*; Hussey, *A plea*.

90. Grafton and Weinberg, *Isaac Casaubon*; Burnett, *From Christian Hebraism*.

91. Mayne, *The difference*.

92. Gillespie, *Aarons rod*, 3, 145.

93. This argument was seized upon by an anonymous response to Gillespie's text. *Nil probas*,

94. Geerken, "Machiavelli's Moses", 579–95.

95. Kidd, *Forging of Races*, ch. 2–3; Grafton, *New Worlds*.

96. Cunaeus, *Commonwealth of the Hebrewes*, sig. A5v-r. For Barksdale as translator, see Barducci, "Clement Barksdale", 265–80.

97. Cunaeus, *Commonwealth*, 4.

98. *Ibid.*, 6.

99. *Ibid.*, 8.

100. *Ibid.*, 62, 65.

101. *Ibid.*, 122–3.

102. *Ibid.*, 99, 101, 106.

103. Prior, *Confusion of Tongues*, ch. 6.
104. Cunaeus, *Commonwealth*, 107.
105. Rose, "Kingship and Counsel", 47–71.
106. Published originally in Venice in 1638.
107. Modena, *The history of the rites*.
108. Buxtorf, *The Jewish Synagogue*.
109. Godwin, *Moses and Aaron*.
110. Mommsen, "Petrarch's Conception", 226–42.
111. Josephus, *Workes*.
112. Lee, *Orbis Miraculum*.
113. Leigh, *Annotations*, "Prolegomena".
114. Ussher, *Annals of the World*.
115. Part of that response was conditioned by the "crisis" of the common law. Burgess, "Repacifying the Polity", 202–28; Fukuda, *Sovereignty and the Sword*.
116. Hobbes, *Leviathan*, 1. Hereafter cited as *Lev.* followed by page number.
117. Pocock, "Time, History and Eschatology", 148–201; Springborg, "*Leviathan*", 289–303; Springborg, "Hobbes' Biblical Beasts", 353–75. The standard analysis is Collins, *Allegiance of Thomas Hobbes*.
118. *Lev.*, 83.
119. *Lev.*, 490; Sommerville, "Hobbes, Selden, Erastianism", 179.
120. *Lev.*, 490.
121. *Ibid.*, 322.
122. *Ibid.*, 324. Exodus 20:18.
123. *Ibid.*, 327.
124. *Ibid.*, 329.

125. *Ibid.*, 329.
126. Collins, *Allegiance*, p. 122; *Lev*, 341, 378–402.
127. Scott, *England's Troubles*, ch. 5.
128. *Lev*, 343. The quote implies that any civil authority held by the clergy is granted by the sovereign. This is precisely the circularity of sovereignty which the Acts of Supremacy created.
129. Andrewes, *A sermon*, 19, 31.
130. Parker, *Jus regum*, 27.
131. *Lev*, 377.
132. Pocock, *Works of Harrington*, 752. Hereafter *WH*, followed by page number.
133. Goldie, “Civil Religion”, 211. See also Nelson, *Hebrew Republic*, ch. 2.
134. *WH*, 176, 373, 376.
135. For an analysis of other aspects of Harrington's Hebraism, see Nelson, “Talmudical Commonwealths”, 809–35.
136. *WH*, 384.
137. *Ibid.*, 384–5.
138. Wren, *Considerations*.
139. Seaman, *The Diatribe*; Hammond, *A Letter of Resolution*.
140. *WH*, 519.
141. Prynne, *Soveraigne Power*, 149.
142. *WH*, 520.
143. *Lev*, 489.
144. *WH*, 652.
145. This was an attack on clericalism of both kinds: the high episcopacy of the Laudian church, and the *jure divino* presbyterianism of the Westminster Assembly.
146. *WH*, 681.

147. This interpretation complements John Pocock's succinct comparison of Hobbes and Harrington. See *Machiavellian Moment*, 397.

148. As has been shown by Jonathan Scott, *Commonwealth Principles*, ch. 2. Eric Nelson has argued that the encounter with Hebraic sources fundamentally transformed European political thought, including republicanism. Yet his treatment of the dialogue between Hebraism and other languages of politics is not developed to the extent that is required to sustain the assertion. See Nelson, *Hebrew Republic*, *passim*.

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