Rethinking church and state during the English Interregnum

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Abstract

This article offers a re-examination of the concept of Erastianism as an explanatory tool in discussions of church and state. It focuses in particular on three texts – by Pierre du Moulin, Thomas Cobbet and John Milton – that took up the question of the nature of civil power in the sphere of religion. Based on this, the article argues that the term 'Erastianism' obscures the complexity and nuance of arguments about religious politics in the civil war period. It concludes by suggesting that we should instead consider these debates as contributions to discourse on civil religion.

In early modern England, a key source of political tension lay in the relationship of church and state. Approached from the perspective of the history of political thought, the Reformation was an 'act of state' which redrew the boundaries of power between sovereigns and subjects, and blurred the line that apparently separated political authority and individual conscience. Religious dissent manifested itself as political opposition, and it is now a matter of broad agreement that religion shaped the political character of the English civil war. [1] This has, in turn, influenced how historians have come to understand larger questions concerning the development of the modern state, constitutionalism and religious toleration. The English revolution continues to be studied as a seminal chapter in this broader story, owing to the fact that the link between religion and politics permeates the abundant range of sources that illustrate the arguments of principle that emerged in the conflict, and define its legacies. [2]

One key development in recent historiography has been to characterize the religious dynamic of the civil war as 'Erastian' – a term used to describe a process and ethos that granted the state complete control over religion. [3] This article takes a contrasting approach, and argues that positions on the relationship of church and state were framed partly by the political circumstances of local context, and partly by an evolving discourse of sovereignty over religion. If we agree that the sixteen-forties saw the wholesale collapse of the supremacy of the regal and episcopal church order, then it is possible to approach the religious politics of the Interregnum period as part of an effort at constitutional reconstruction. [4] This search for foundations was driven by the need to calm divisions between various partisan factions, to establish the legitimacy of the various permutations of the Cromwellian regime, and finally to address the reality of its decline. [5] Whether or not the politics of religion – and the political theory that it generated – was dominated by an Erastian logic of state supremacy over religion is the question that this article seeks to explore. This is not to deny that some contemporaries expressed a genuine desire to bring religion under the control of the civil power, rather to suggest that the religious politics of the Interregnum did not fit neatly into a uniform theory.

The article begins with a brief historiographical discussion of the Erastian interpretation of the politics of religious conflict, and then proceeds to a consideration of the issues raised in key controversies over church and state in the sixteen-forties. Having established this context, it will turn first to a consideration of the English translation of Erastus's *Explicatio*, and then to an examination of texts – by Lewis du Moulin, Thomas Cobbet and John Milton – that are devoted to the question of the religious power of civil magistrates. The selection of these writers is determined by the fact that they made direct contributions to key issues in Interregnum political ecclesiology: Du Moulin addressed the issue of the religious authority of a de facto power, while Cobbet sought to defend the coercive tendencies of Massachusetts puritanism by cloaking it in the authority of the civil magistrate. Finally, Milton ended a nearly decade-long silence in English (that is, vernacular) political writing in a contribution to the debate over the re-establishment of a national church, or what he called a 'special conformation' of church and state.

Based on this material, the article offers two major arguments. First, it suggests that Erastus's own position was based on a view of ecclesiastical power that blurred rather than clarified the line between civil and ecclesiastical sovereignty. And second, it argues that writers who explored the question of civil power in the sphere of religion did not always embrace the logic of religion as subordinate to a strictly secular civil power, and arrived instead at a range of positions, some of which explicitly constrained the power of civil magistrates in the sphere

of religion. To describe the politics of religion as 'Erastian' runs the risk of replacing the complexity of these debates on civil power with an overly-schematized interpretation, which assumes that the religious politics of the English revolution reflects the same tensions over clericalism and sovereignty that furnish the core dynamic of the transition between medieval and modern constitutionalism. [6]

Analysing the relationship of church and state is a project common to a number of branches of historiography. A conspicuous feature of recent scholarship is that the relationship of religion and politics is presented in adversarial terms. In part, this perspective builds on studies of the medieval roots of modern constitutionalism, which lie in the contest over legal jurisdiction that took place between the Church of Rome and the kingdoms in which it was domiciled, as well as between advocates of papal and conciliarist views within the Roman church itself. [7] As Brian Tierney has argued, 'Language that was first used in connection with the church was later applied to the state'. [8] In a similar vein, John Sheehan has noted that a prominent feature of this language of the state was a concept of sovereignty that was employed, in part, to combat claims that the clergy constituted a separate estate, and gained from this status a measure of autonomy from the law. [9] One of the major statements against independent clerical jurisdiction was the *Defensor Pacis* (1324) of Marsilius of Padua; in particular, Marsilius rejected the idea that the clergy enjoyed a monopoly on coercive power. As he noted, 'Coercive power does not, then, belong to any priest or bishop whomsoever; rather, they as much as everyone else should be subject in this to secular judges'. [10] That the secular authority was the sole legitimate holder of coercive power is one of the marks of the state in its 'modern' posture, and hence a seminal account of the development of the state stems from the medieval debate between priests and kings, and follows a trajectory defined by the emergence of an entirely secular politics. [11]

While some scholars have turned to Marsilius as a guide to the conceptual aspects of the problem of church and state, a far more dominant name in this line of inquiry is that of Erastus. [12] Born Thomas Lüber (1524–83), 'Erastus' is the name we now associate with the Swiss theologian and physician, whose principal works figured in ecclesiastical disputes among Calvinists in Heidelberg. The term Erastian appears in a small number of controversial works published in England during the sixteen-forties, and enjoyed something of a revival in discussions of disestablishment among the clerical elites of the Victorian and Edwardian periods. Here, clergymen returned to the history of the English Reformation with the aim of constructing a coherent theory of state control over religion. [13] Perhaps the most notable figure in this generation is John Neville Figgis, whose work ensured that the term 'Erastianism' was fixed in the historiography to denote the supremacy of the civil power over the church. [14] As Figgis explained, Erastus did not seek to 'magnify the state', but rather to assert that it held 'all coercive authority' and that it 'must support one religion and tolerate no other'. [15] However, since the appearance of Figgis's essay, the term Erastianism has been used to refer to an eclectic range of concepts and powers, including: obedience to a magistrate with *jure divino* power; [16] the 'claim of secular power to control belief'; [17] a theory that defined the 'basis' rather than the 'form of church government'; [18] as a defence of purely 'civil control of the church'; [19] and as a justification for the 'scriptural basis of civil power'. [20] While some have argued that Erastianism implied that '*all* religious truth was at the mercy of the civil power', others have maintained that the term denotes the 'broad control of *most* aspects of religious affairs by the secular power'. [21]

A more consistent handling of concepts is evident in recent studies of the religious character of the English civil war. Here, Erastianism functions chiefly as a tool for understanding the

tension between regal and clerical authority. This analysis owes much to the seminal work of William Lamont, and in particular his vision of the godly magistrate charged with the ethical mission of checking clerical power. [22] For example, Alan Orr has argued that a major contributor to perceptions of misrule during the reign of Charles I was the Laudian attempt to seize control of the church. In so doing they trespassed upon the sovereignty of the crown, and violated a purely civil view of ecclesiastical supremacy, lodged with king and parliament. [23] Similarly, Jeffrey Collins has argued that the 'religious war waged by the Long Parliament was at heart a fight to preserve England's Erastian church settlement against the first overtly clericalist Protestant monarch since the Reformation'. [24] For Collins, the church settlement of the Reformation was 'Erastian' rather than 'Calvinist', and hence the events of the sixteen-forties were defined as a 'struggle to protect the ecclesiological legacy of the Reformation'. [25] Finally, Alan Cromartie has argued that the 'resurgent clericalism' of the Laudians amounted to 'anti-Erastianism'; the solution to this 'constitutional problem' was extensive church reform, which meant a return to the Erastian principles that guided the Reformation. [26] The defeat of Laud (and the king) represented the victory of 'legal values', and the restoration of a medieval interpretation of the constitution as a purely secular and legal entity. [27]

While these accounts represent a welcome departure from narrowly theological explanations of religious conflict, it is also the case that a neat division between law and clericalism tends to obscure the nuance of contemporary debate. Take, for example, discussions of church government that dominated the deliberations of the Westminster Assembly, the precise context in which the label 'Erastian' was applied to defenders of some form of established religion. [28] George Gillespie, one of the dominant Presbyterians in the assembly, emerged as one of its most prolific polemical voices. In his dialogue between a 'civilian' and a 'divine', he mapped out the contrasting positions of the main parties. The civilian argued, based on the evidence of the Hebrew commonwealth, that there was 'no such distinction as Church and State', whereas the divine maintained that civil and sacred powers were 'formally different'. [29] Similarly, the recorder of the assembly noted that civil and ecclesiastical power 'each act in their own sphere, and not one encroach upon the other'. [30] Thomas Coleman, a noted Hebraist, argued that power over church and state was a function of sovereignty, and that 'the governments Civil and Ecclesiastical, are in subject matter, clearly distinct'; when parliament was concerned with matters of war, it was a military court, while in respect of religion 'it is an Ecclesiastical Court'. [31] For Coleman, parliament had jurisdiction in both spheres, while Gillespie's reply to this passage marked out a separation of jurisdictions, whereby 'Discipline and Government are Ecclesiastical, and subjectively different from Civil Government'. [32] In speaking of spheres, the nature and purposes of government, and in weighing the difference between civil and ecclesiastical power, these writers were concerned not with a static concept of the state, but rather with a fluid notion of sovereignty.

This tendency is clearly illustrated in Gillespie's major contribution to the debate, which explored 'the differences between the nature' of civil and ecclesiastical power. [33] As he explained, in a passage that returned to his exchange with Coleman on the nature of sovereignty, 'The powers being distinct in their nature and causes, the effects must needs be distinct, which flow from the actuating and putting in execution of the powers'. [34] Concerning the precise relationship at issue in the debate, Gillespie noted that 'The Civil and Ecclesiastical power, if we speak properly, are not collateral. They have no footing upon the same ground'. [35] In short, civil and ecclesiastical power bore no relation to one another, both in terms of their nature and their use; this, in turn, explained why specific powers should

be confined to their own spheres. Civil power was concerned with 'matters of Peace, War, Justice, the Kings matters, and the Country matters', whereas ecclesiastical power included 'things pertaining to God … as they are distinct from Civil matters'. In his description of civil power, Gillespie lists some of the conventional 'marks' of sovereignty that formed part of the cluster of powers wielded by the supreme magistrate, and which reflected the standard theory of the nature of political authority in the seventeenth century. [36] Most importantly, while he was careful to delineate the powers of civil sovereignty, he was also clear that there were aspects of religion that did not fall within this remit.

Much the same distinction between the nature of civil and ecclesiastical power forms a central theme in the debate between adherents of Congregationalism (sometimes called Independents) and their various opponents. [37] It has been suggested that this group readily expressed 'deference' to the religious authority of the 'secular state', but this characterization is arguably more appropriate to Independents writing in the period after 1649. [38] In the sixteen-forties, writers in this group placed implicit constraints on civil authority by positing a separation of civil and religious spheres. For example, the authors of the *Apologeticall Narration* noted that 'ecclesiastical proceedings' could be 'put in execution … without the Magistrates interposing power of another nature'; elsewhere, they state that the magistrate 'doe but assist and back' the sentences of the church. [39] This was because the government of the church was dissolved, and so it was an open question as to the form of ecclesiastical power that would be enacted in the 'constitution and government that is yet to come'. [40] Here, the suggestion was that government was a form of transient custom, a sentiment echoed by Francis Rous, who argued that magistracy was an 'Ordinance of man', and as such confined to *politique* uses of religion. For example, it might perform a civil function through encouraging 'good morall conversation', yet this did not alter the fact that the power of the magistrate was 'but a civil thing', directed to the maintenance of the 'publique peace' without 'Cognizance of differences in religion'. [41]

A concentrated series of responses to these positions came from William Prynne. Like many critics, Prynne portrayed Independency as an affront to sovereignty; gathered in 'private conventicles' and 'corporations', its adherents spurned the binding jurisdiction of magistracy and the national church. If the Independents were permitted to frame their own ecclesiology, he argued, 'they must have a like liberty to … erect what civill forme of government they please; to set up a new Independent Republicke'. [42] Instead, church government had to complement the form of the state that surrounded it, and the authority to fashion 'Ecclesiastical constitutions' resided with the 'whole Nationall Parliament, Synod, Kingdom'. [43] It has been suggested that Prynne was less than precise about the 'location' of ecclesiastical sovereignty, and this three-fold division of power would seem to bear this out. [44] What does emerge, however, is that Prynne did not assert that the state had complete control over religion, for he noted that kings and parliaments exercised jurisdiction over *adiaphora*, or 'things indifferent', that is, 'over all ecclesiasticall matters, which are not positively of divine institution and injunction'. [45] In that sense, church government is a conflation of custom and specific cues taken from the scripture: a 'National Councell', following a process of 'serious debate', establishes a form of government 'as they conceive to be the most Consonant to Gods Word, to the Laws, Government under which they live, and manners of their people, and then settle them by a general law'. [46]

Prynne's vision of ecclesiastical power is informed by notions of contractualism and consent, embodied in the terms of the Solemn League and Covenant. This was a position he developed at some length in 1645, in the context of a discussion of the manner in which Independency

undermined 'Laws and common Rule' of obedience. [47] He argued that the stability and unity of political society depended on the principle that the 'major voyce binds the lesser number'. Adopting a conjectural approach to the development of public power, he noted that people 'stript of all their natural, civil or Ecclesiatical relations, are of equall authority'; however, as political society developed so too did a kind of corporatism, which contained a structure of power that erased this original and solitary equality. The same condition applied in the 'Nationall Church', where all were subject to 'just rules … even in point of conscience'. [48] The source of these rules was the union of 'the whole power and authority of both united Kingdoms', and while this might appear to be a 'new jurisdiction', it in fact replicated a pattern of sovereignty whose roots lay in the Saxon Heptarchy. Given this unified structure of power, Independent congregations were merely 'Privados' which violated the binding maxim of '*Salus populi*, being *Suprema lex*'. [49] To admit a Congregationalist pattern, therefore, was to deny the principle of 'common consent' and to give way to an arbitrary power. Here, Prynne turned to book III of Aristotle's *Politics* to illustrate the political wisdom whereby good laws served as a check on individual passions and interests. [50]

In spite of Prynne's prolific defences of the concept of Christian magistracy, the question of sovereignty over religion formed a central theme in the debates that took place during the three years of settlement, rebellion and negotiation which followed the parliamentary ordinance for the establishment of Presbyterian government in March 1646. [51] For their part, the Scots resented the apparent constraints which the ordinance placed on church courts, and opened negotiations with the king in the hope that authority over discipline could be lodged in the hands of elders. [52] This led some to argue that a Presbyterian settlement would enhance the 'bounds' between the church and 'civil power'. [53] Others suggested that the solution might lie in a 'mixt Government of Bishops and Presbyters', itself modelled on the Jewish Sanhedrin, which dealt with 'the chiefe causes of the Commonwealth as well as Religion'. [54] However, Independents continued to maintain that civil magistracy over the church 'confounded' jurisdictions that were 'plainly divided', while their opponents replied that ecclesiastical jurisdiction 'still remaineth in the imperiall Crown … as the ancient Law of this Land'. [55] For John Geree, the key to the whole problem was the fact that sovereignty was divided between 'two supremacies acting in the same Kingdome' which 'cannot be without clashing & confusion, & continual occasion of broils'. [56] What was true of the sixteen-forties would be true of the decade that followed.

The translation of Erastus's work – which first appeared in England in 1589 – was undertaken by Clement Barksdale, a clergyman who remained a supporter of the established church during the sixteen-forties and fifties, and who also published the translated works of Hugo Grotius and Peter Cunaeus. [57] These texts, in turn, formed part of a broader 'revival' of interest in the civil and religious customs of the ancient Hebrews, whose sacred texts were studied for the light they shed on how to regulate the relationship between religion and politics. [58] Reference to Hebraic sources permeated debates on church government in both the Jacobean and Caroline contexts, and figures as diverse in their political allegiances as William Laud and John Selden examined such precedents as the Jewish Sanhedrin, a body which combined civil and ecclesiastical jurisdiction. [59] It was this line of enquiry that led writers back to Erastus, whose text offered a historical discussion of the use of coercive power in the Jewish and early Christian contexts. Indeed, as Erastus admitted in the preface to the work, the original text (written sixteen years earlier) was intended as an intervention in a local controversy, sparked by an 'Excommunicatory feaver'. This prompted him to return to the scripture, in order to discover what was 'consonant or dissonant with received opinion',

and in particular Erastus found himself considering the 'Jewish Republick and Church'. [60] From this example, it was clear that there was no precedent for 'two divers Judicatories'; rather, the exercise of ecclesiastical discipline was committed to 'one Magistrate', and he argued that this magisterial power should be restored in the same posture as it was 'of old'. [61]

Like so many contributions to debates on church government, Erastus's text presented an argument that was rooted in a historical narrative. In particular, his work sought to establish the continuity between Hebraic and Christian practices, and is based on the premise that a solution to religious discord lay in a revival of Jewish patterns of church government. This led him to examine how the Jews dealt with 'unclean' members of the Temple, such as those who refused to observe the Passover rituals. He portrayed ecclesiastical discipline as essentially moderate and tolerant, where the 'Synedrium' consisting of 'Kings and Rulers' declared and applied law over the Temple. [62] These practices were continued by Christ, who 'came not into this world to destroy the Law, but to fulfil and perfit the same'. The early church, whose existence was threatened by persecution, survived because it preserved the character of the 'Jewish magistracy and Senate'. Reworking the language of Matthew XVIII:17 ('tell it to the church, but if he neglect to hear the church, let him be unto thee as an heathen man and a publican'), Erastus noted that Christ himself ordered that the form of Jewish magistracy should continue: 'Wherefore he commanded them to tell the Synedrium before they went to the Heathen Magistrate'. [63] Hence, while Christ was alive, the Sanhedrin still ruled, and Erastus noted that the Romans largely left the Jews 'to use their own laws in matters belonging to Religion'. This led to a separation of powers, whereby the Sanhedrin ruled over religion, but in 'politick matters' the Romans took 'all or most part'. [64]

From this point Erastus turned to consider the historical character of the apostolic church, in which the 'Ecclesiastick Senate' of the Jews continued to function. It emerges that this phase of the narrative is concerned with the gradual rise of clerical power: the apostles themselves dealt with 'binding and loosing', but over time these practices degenerated and became corrupted by traditions 'invented and feigned by men'. [65] That the once pure and legitimate rituals and practices of the church were gradually supplanted by human custom was a mainstay of Protestant ecclesiology, and so Erastus was following a well-worn path when he noted that excommunication was, like purgatory and the intercession of saints, a 'publick custom received by all: neither came it ever in their mind to inquire whether it was a thing agreeing to scriptures or no'. The attack on 'received wisdom' was also a central tenet of humanism, and hence the utility of the Hebraic example was that it offered a return, as Luther put it, to the pure spring of the one true faith. [66]

It is this impulse that led Erastus, in the final three sections of the work, to consider the question of magistracy over the church in his own time. He argues that the religious powers of the Christian magistrate should be modelled on the Jewish commonwealth, to which God himself granted a form of constitution; given this, he asks, 'Do we thinke that we can constitute a better form of Church and Common-wealth?' To illustrate the point he offers a genealogy of the kings of Judah, and shows that at each point in their descent from Moses, they exercised supremacy as both priests and judges. This power, in turn, comes down to all those Christian magistrates who are prepared to acknowledge that the scripture and examples of the ancient church take precedence over local custom. From this it follows that magistrates 'received power to constitute religion according to the precept of the holy Scriptures, and to dispose of its Offices and Ministers'. [67] It emerges, then, that Erastus did not make a clear

case for the supremacy of the civil power over religion, simply because his preferred model of the Jewish church and commonwealth placed both powers in the hands of one magistracy. In other words, there was no purely civil power, but rather an elision or unity of church and state. [68]

As Eric Nelson has argued, during the seventeenth century the Hebrew commonwealth was a rich source of 'prudential maxims' of politics. [69] While this is certainly true, it is also the case that writers employed a range of scriptural, juridical, classical and vernacular authorities; often these references jostled together in the confines of a single margin, as is evident in many of the works of writers such as William Prynne. [70] By contrast, Hebraism offered one route into the past, and one historical narrative on which to ground a theory of ecclesiastical authority. And so while Erastus's interest in the traditions of the Hebrews was certainly part of a wider trend, it was also strikingly narrow, particularly given that the problem of church and state (especially in England) raised complex questions about sovereignty and law. Moreover, since one distinguishing feature of early modern political debate was that concepts of power and authority were grounded in history, and since there were multiple ways in which the past could be narrated and thus politicized, then it follows that discussion of the relationship of civil power to religion was something that was explored with great breadth and complexity. [71]

Given this, there were important ways in which Erastus's work was of little help in the discussion of religious politics in post-civil war England. For one thing, the political context of this period was framed by the disruption and eventual collapse of a constitutionally mandated supremacy of king over church; when, in January 1649, the Commons declared themselves the holders of 'supreme power in this nation', it remained to be seen how this power affected religion. [72] This meant that a plausible idea of sovereignty over religion would have to be agreed, and during the sixteen-fifties some writers approached the problem of sovereignty as a matter of reason of state, while others diluted civil power over religion by way of appeals for clerical independence, or for liberty of conscience. A further complicating factor is that the idea that the Jewish church and commonwealth offered a pattern worthy of imitation was not one which was universally endorsed; in fact, it was frequently rejected as a species of 'transient law'. [73] In short, the problem of church and state in the sixteen-fifties fed into wider debates about sovereignty, toleration and liberty, yet these did not result in a wholesale endorsement of a civil supremacy over religion.

By the time he published *The Power of the Christian Magistrate* in 1650, Louis du Moulin – a member of a noted family of exiled Huguenot controversialists – was already a seasoned writer, having produced texts on the need for a fully British church settlement, on sabbatarianism, and on 'reasonable religion'. [74] The text of 1650 was one of four that he devoted to the question of what he called 'Sovereign visible power', and it was from the point of view of sovereignty that he approached the problem of power over the church. [75] In England, the power to govern the church was construed as a mark of sovereignty, and this native theory was wedded to the notion that sovereignty was unitary and indivisible, a position that we commonly associate with Jean Bodin. [76] For example, Du Moulin argued that where 'two Supreame Magistrates' wielded separate jurisdictions over ecclesiastical and civil actions, 'such a State cannot be conceived without a great deal of confusion'. To admit rival sovereignties within a single state was to erect an 'imperium in imperio', a phrase that Du Moulin is certainly among the first to use to describe a problem that other writers, such as Henry Parker, styled as 'regnum in regno'. [77] Du Moulin continued by noting that magisterial power extends 'over all persons and causes', and that there were 'no persons

distinct in jurisdiction'. This led him to consider political forms: the commonwealth amounted to a 'Christian Visible Church', which replicated the 'Church and Kingdome of the Iews' where no separation of civil and ecclesiastical could be found. [78]

So while Du Moulin clearly sought to establish the supremacy of the magistrate over the clergy, he did not seek to model this arrangement exclusively on the commonwealth and church of the Hebrews. Instead, his position on the nature of civil power over religion was shaped very much by the circumstances in which he wrote, and chiefly the debate on the legitimacy of the Cromwellian regime as a de facto power. [79] One of the questions raised in this context was whether the constitutionally mandated regal supremacy over religion was translated to a regime that lacked a king. Du Moulin argued that: 'Allegiance should be given him to whom the Imperiall Crowne of these realms shall descend, by which Imperiall Crowne, the Person is not principally meant, but the Realme'. [80] The most obvious reference to an 'imperial crown' in English constitutionalism is contained in the Act of Appeals – the foundational text in the English theory of regal supremacy. [81] In short, the historical example of the commonwealth of the Hebrews was of limited value in a context where the regal supremacy was enshrined in vernacular law. Rather, the challenge was to explain how this supremacy could legitimately function in the absence of a king. As Du Moulin explained:

none will, I thinke, understand the lawfull Heirs and Successors of the Crowne, but him, or them that are actually in possession of the Gouerment; or which is all one, by the Crowne is meant the Supreame Judicature of the Kingdome for the time being, where the Crowne is placed, and to which the Jurisdiction belongeth, whatever Title the Supreame Power for the time being may have. [82]

Simply put, legitimate authority lies with whomever holds the supreme judicial power, and it is clear that the location of this power can shift from time to time, and be designated by various titles. Writing in the context of the Engagement controversy, Du Moulin argued that sovereignty resided in 'the realm', rather than in the person of the sovereign.

From this discussion of de factoism, Du Moulin turned to consider the problem of ecclesiastical supremacy more broadly. In what amounted to a definition of civil religion, he noted that the duty of the magistrate was to preserve the 'peace and weale' of the state; in order to preserve peace, it was necessary for the magistrate to ensure that the '*Jus sacrum* was comprised under the *Jus publicum*'. [83] The wisdom of ensuring that clerical power was subordinate to public right is illustrated by a number of historical examples: Theodosius II dismissed Nestorius as patriarch of Constantinople; Theodoric as viceroy of the Eastern Roman empire was active in preferring and banishing members of the high clergy; and even Pope Gregory I described himself as Theodoric's 'unworthy servant'. The moral of these stories of clerical obeisance to magistrates was that 'the Soveraigne power of the State' exercised 'the cognizance and ordering of Ecclesiastical causes and actions'. [84] Yet this was not a principle that was merely derived from a sample of historical anecdotes; instead, Du Moulin explains that the Code of Justinian demonstrated that magistrates held the 'right and power' to 'make Lawes and Constitutions, of the same nature as the causes be'. [85] Taken together, these examples reveal that Du Moulin situates his discussion of civil power over religion not only in the history of the Hebrews, but also in the authoritative texts of Roman and post-Roman imperial jurisprudence. The ecclesiastical supremacy therefore becomes part of an approach to political rule that proceeds from the premise that sovereign power is established to promote peace and virtue. However, it is clear that the fount of this

power is not human institutions and practices: Du Moulin refers to the 'Grand Legislator', and notes that sovereignty is itself 'constituted by God, to the end that men might live godly, justly, soberly and peaceably'. This political wisdom is something that is even endorsed by pagan governors, and here Du Moulin – following Grotius – quotes Cicero: 'religio est humanae societatis fundamentum'. [86]

Having established that the principle of unitary sovereignty is a political maxim espoused by both Christian and pagan lawgivers, Du Moulin turns to the relationship of church and state. He begins with the observation that the magistrate is not 'head of two things', because in Christian commonwealths the commonwealth 'is a Church, and every Church a commonwealth'; he adds that by 'church' he means those 'that have as large and spacious extent of place, as the Common-wealth itself'. [87] Yet sovereignty was exercised not simply over territory, but also over individuals. Though it was 'one in essence, [it] hath its several faculties and powers … tending to the ordering of the whole man … as well in things of the inward man, as the outward'. The sovereign is therefore the 'primum movens' and in a 'State bounded, as *England*, by certain limits, no doubt if it be one State or Comon-wealth, it hath one Soveraigne Power … over all persons, actions, and causes'. [88] Taken as a whole, these sentences replicate the language of the Act of Appeals, that combined the supremacy of a sovereign power ('imperium') with a bounded territory ('dominium') inhabited by a body politic of spiritual and temporal people. Indeed, Du Moulin clearly regarded ecclesiastical sovereignty as part of the 'imperium', and to prevent a 'confusion of empires', it was necessary to ensure that 'the Soveraigne Power in a State, hath an equall *Jus imperii* in Ecclesiasticall and civil matters'. [89] While Jeffrey Collins is correct to suggest that *The Power* did not represent the 'culmination' of Du Moulin's thinking on church and state, the text does reveal that the problem of sovereignty over religion could be understood as part of the historical experience of various political societies.

Where Du Moulin's text was a contribution to a debate on how the 'imperium' continued to function even in de facto regimes, Thomas Cobbet's discussion of the religious powers of civil magistrates was shaped by narrower, local circumstances. Though we possess little biographical information, we do know that Cobbet's text was prompted by a complaint from a sect of Baptists, led by John Clark. [90] As Clark explained in his *Ill newes from New England*, he and his companions, having travelled to Massachusetts from Rhode Island, gathered at the house of a friend where there was a Baptist conventicle. As the charge against him stated, he did this while already under caution from the local magistrate for 'professing against the institution of the church', by which was meant the Congregationalist ecclesiology of New England. Clark was fined £20, and was to be whipped in the event of a default. [91]

In the preface to *Ill newes from New England*, Clark addressed the Commons and likened his own persecution to that carried on during the sixteen-thirties by the Laudians. He continued with a discussion of the nature of civil power, which was confined to ensuring the 'peace, liberty, and prosperity of a civil State, Nation, or Kingdom'. By contrast, in Massachusetts this power was illegitimately used against Baptists to 'stop their mouthes'. [92] Employing an expansive concept of freedom of conscience, Clark argued that 'the hidden part of man, to wit, his spirit, mind, and conscience … is indeed the most natural Lord and commander of the outward'. Where many writers offered a distinction whereby magistrates had cognisance over the 'outward man' – that is, in the public realm of law and civil causes – Clark maintained that since conscience was the seat of all actions of the body, then to restrain the body was also to restrain the conscience, which 'cannot be lorded over, commanded, or forced'. [93] Yet this did not mean that Clark saw no role for what he called the 'civil sword', and so he

exhorted the Commons to exercise the power with which they were 'betrusted' to ensure 'the peace and settlement of these three Nations', as well as 'in any foreign part of the world'. By this he meant that the Commons should overrule the prosecutorial judgements of the local magistrates in Massachusetts, as part of their trust as 'nursing fathers' and servants of God. [94]

Cobbet's reply to Clark's pamphlet proposed a basic modification to this position, and argued that it was part of the magistrate's duty to root out error and heresy from the church. He began with an extended gloss on the account – narrated in each of the four gospels – of Christ entering the Temple to drive out the merchants and money changers. However, in John II:15 he is shown fashioning a whip; for Cobbet this action comes to symbolize the institution of a physical punishment, and the episode forms the basis of an argument for the necessity of discipline emanating from within the church but given force and reality by some external agent – the civil magistrate. As Cobbet explained: 'What Christ did here immediately, as an act appertaining to his Soveraignty, to purge out Church corruptions, he now doth by his Vicegerents hands, mediately'. [95] In other words, magistrates have no intrinsic authority over religion that forms part of their broader power. Indeed, like many Congregationalists, Cobbet was working with a particular view of magisterial authority. [96] This is based on a distinction being drawn between civil and ecclesiastical realms and spheres; for example, with reference to restraint and punishment, Cobbet noted that 'this is either Political, which is carried out in a civil way, and by political means; or Ecclesiasticall, which is carried out in a Church way, and by Ecclesiasticall means'. Here Cobbet seems to suggest that civil sovereignty does not extend over religion, simply because there is a difference in kind between civil and ecclesiastical punishments. This suggestion is confirmed in a passage where he posited a clearer distinction, arguing that 'No Civil Authority whatsoever, nor persons thereto called, may, as persons in Civill Authority, curb or punish abuses in Religion, in any Ecclesiastical manner'. Picking up the key message of his gloss on John II:15, Cobbet declared that the power of the keys was never granted to civil commonwealths or kingdoms, but only to the church 'as an Ecclesiastical Society'. [97]

The logic of this argument is that the power of the magistrate is limited and constrained to the public realm. And even here, this power is not exercised according to the volition of the magistrate, because 'it is the dutie … of the civil Rulers in a religious state, to restrain and punish corruptions and abuses in religion … breaking forth within their jurisdiction'. [98] What is to be noted here is the word 'duty' – the magistrate acts under an obligation to employ the civil sword to punish corruptions, yet the determination of what amounts to error and corruption is reserved to the church, and therefore the magistrate is merely a servant or enforcer. [99] As Cobbet remarked, there is a truth 'professed and practised by Religious Commonwealths' and 'by the purer Churches within them'. [100] The role of the magistrate is therefore to ensure that this truth receives expression, but this does not extend to any determination of doctrine or discipline. In sum, Cobbet proposed two levels of authority in the civil and religious spheres, arguing that:

we distinguish of Legislative power in matters of Religion. It is either Absolute, and merely Soveraign; and so onely God and Christ is law-giver unto his people … Or it is subordinate and subservient, and in a way of conformity and respect to the Laws of God already made by God, and so as men may be Kings and Judges. [101]

Magistrates merely enforce laws that are preordained and which, by consequence, are not part of the sovereignty of the laws of realm or state.

As we have seen, a basic tenet of the Erastian position was that the Hebrew commonwealth and church existed as a unity, with magistrates replicating the Mosaic power over both spheres. By contrast, Cobbet rejected any suggestion of mixed power, 'partly Ecclesiasticall, and partly Civill'. Following the logic if not the letter of Du Moulin's argument, he claimed that this threatened the 'confusion of the two powers', a case of affairs that would not be permitted by 'the God of order'. [102] Here again, Cobbet sought to draw a firm distinction between the spheres of divine and human law, and placed the latter in a position of subservience. The guiding assumptions of this position can be appreciated by quoting at some length:

Laws about Religion … they are such which are no other but humane Civill Sanctions, and Ratifications, and Promulgations of Divine Laws, commanding, or forbidding what the Law or Word or God, either expressly, or by just consequence commandeth, or forbiddeth, so far as openly acted by the outward man, with suitable humane rewards or punishment annexed, binding Conscience onely so far as the Word it self allowing the Authority, and the Laws likewise made by the Authority binding the same. [103]

Political sanctions over religion are therefore manifestations of divine law, and they do no more than declare and enforce what this law stipulates. There is no scope in this position for the customary or political laws of the state to be combined with divine law – this is the point underlying Cobbet's dismissal of the idea that civil and ecclesiastical power can be 'mixed' – for even in cases of conscience and the determination of punishments, the scripture constitutes the ultimate authority. Moreover, while there are officers to 'watch over, govern, and censure Church Members', the magistrate 'is not reckoned among them'. [104]

Cobbet's broader argument is therefore based on the premise that politics and religion are, as he expressed it, 'within their own spheres'. However, he was also quick to point out that this relationship was not adversarial, but rather that 'both polities may be reciprocally helpful to each other'. What is notable is that within this reciprocal relationship, the laws of the church apparently take precedence, with the state affirming divine law with civil discipline. As he explained: 'The Civill polity ratifying the Churches cases, by Civill Laws and punishments, the Ecclesiasticall polity lending help to State and Commonwealth cases, by declaring the Laws and Rules of God'. [105] Notice that in both cases, the 'laws and rules' of the scripture form the basis for the legitimization of civil and ecclesiastical proceedings. This apparent theocracy has been recently described as 'Godly republicanism', and it is a particular feature of the workings of colonial politics in Massachusetts that even the most quotidian aspects of political life were informed by scriptural precept, which frequently led (most notably in the case of Roger Williams) to open intolerance and sharp conflicts between the common law and the political directives that could be derived from scripture. [106]

This brings us back to Clark's case, which furnished an example of precisely the kind of reciprocal relationship that Cobbet described. As to Clark's argument that the expansive nature of conscience prohibited undue persecution, Cobbet replied that people were free to believe and to obey what was officially determined: 'to Conscience rightly guided by the Lord, and according to his word, Civill Authority must give all incouraging Liberty'. [107] Once again, the civil magistrate has no role in determining the nature of religious truth, and in taking this stance Cobbet's view of magisterial authority contrasts with that of figures like Hobbes, who placed much emphasis on the role of the sovereign as interpreter of scripture. [108] Toleration, Cobbet concluded, has to be strictly limited, given that religion is among 'the very ligaments of a Christian State' – to admit various religious practices is to threaten

'Confusion and Religion', which is 'hurtfull to Civill States'. [109] In short, Cobbet regarded the civil magistrate as being bound by a duty to defend a form of religion the theological and disciplinary elements of which were determined by ecclesiastical officers.

The final text to be considered here also approaches the broader question of church and state from the perspective of a particular political context. John Milton's *Treatise of Civil Power* appeared in February 1659, during the opening weeks of Richard Cromwell's parliament, and following the appearance of the Savoy Declaration – a modification of the Presbyterian Westminster Confession. [110] The *Treatise* reflects Milton's disaffection with the 'single rule' of the Cromwellian protectorate, and his evident concern that the parliament – which he addressed as a 'supream Councel' – might grant undue latitude to either clergy or the sects. [111] This was Milton's first public writing in English in a decade, and it is framed by a wider debate about the framework of religious and civil government, a national church, tithes and religious toleration. [112] For example, in his *Aphorisms*, James Harrington linked liberty of conscience with a national religion, and a national religion to 'an endowed clergy'. [113] Others were more sceptical: a 'Wellwisher' to England's peace noted that 'this State' would never be settled unless it was built upon civil and religious liberties. William Prynne attacked republicans and 'sectaries' as the usurpers of the commonwealth, while Henry Stubbe sought to return to first principles of government by examining a range of historic and sacred precedents for the peaceful distribution of civil and religious power. [114]

In the preface to the *Treatise*, Milton noted that his chief concern was with 'Christian liberty', and continued by asking parliament to 'defend still the Christian liberty which we enjoy [and] also to enlarge it'. [115] In contrast to the positions of advocates of civil religion – James Harrington chief among them – Milton argues against the use of civil coercion in the sphere of religion on the basis that this violates the principles of Christian liberty. [116] To compel people to adhere to a particular pattern of official religion, even for *politique* reasons of public peace, can never be justified, since it leads to violence and the suppression of conscience. In making his case, Milton returns to themes that defined his earliest contributions to debates on the politics of religion, namely in his anti-prelatical tracts of 1641 and 1642. The first is an attack on 'custom', whereby the form of religion was determined by political considerations, and dominated by an all-powerful clergy; the second emphasized the role of reason and the 'plain field' of scripture as the true grounds of religion. [117] Milton rejected the idea that there should be a 'special conformation' between the government of the state and that of the church, noting that: 'Tis not the common Law, nor the civil, but piety and justice, that are our foundresses; they stoop not, neither change colour for *Aristocracy*, *democraty*, or *Monarchy*'. [118]

These arguments were originally developed in the context of the Long Parliament's bid to halt the religious reforms of the Caroline regime, and to restore the balance between religion and liberty that served as the chief justification of resistance to crown and bishops in the early sixteen-forties. [119] In the sixteen-fifties, Cromwell's support for an Independent pattern of ecclesiology went hand-in-hand with a pledge to preserve liberty of conscience, yet many churchmen argued – as did Thomas Cobbet – that the threat of heresy made it necessary for the state to impose firm constraints on belief and action. [120] For Milton, arguments of this type subjected religion to the ends of the state, whereas,

it is the general consent of all sound protestant writers, that neither traditions, councels nor canons of any visible church, much less edicts of any magistrate or civil session, but the

scripture only can be the final judge or rule in matters of religion, and that only in the conscience of every Christian himself. [121]

The claim of sovereignty over individual conscience was part of the tradition of 'civil papacie', where clerics and scholars based their power in the interpretation of scriptures. Moreover, to define religious truth was also to define departures from it, and Milton decried the use of terms such as 'blasphemy', 'heresy' and 'schism' as a means of stigmatizing religious dissent, while serving as a prop for clerical power. [122] For example, Romans XIII (one of the proof texts of royal and clerical supremacy) was employed to 'set up civil inquisition, and give power to the civil magistrate both of civil judgement and punishment in causes ecclesiastical'. Rulers who did this were not exercising any legitimate spiritual or political function, and were rather 'tyrants' and 'persecutors'. [123] In short, the precepts of scripture were employed to enhance the power of earthly rulers, who then employed this power to persecute those who deviated from an officially determined pattern of religion.

In his early writings on religion, Milton offered a number of sharp criticisms of the dominance of custom and history as the principal justifications for a particular pattern of ecclesiology. [124] For example, in *Of Reformation*, he condemned the reliance on the 'fraud of deceivable traditions' pedalled by 'antiquaries' who held bishops in the same esteem as 'old coins'; clerical power rested on a 'Jewish beggary, of old cast rudiments', rather than on any plausible interpretation of scripture. [125] In the *Treatise on Civil Power*, the attack on custom was aimed squarely at the central tenet of the Erastian understanding of church and state – the elision of the Jewish commonwealth and church:

they pleasd receive answer from God, and had a commonwealth by him deliverd them, incorporated with a national church exercis'd more in bodily than in spiritual worship, so as that the church might be calld a commonwealth and the whole commonwealth a church: nothing of which can be said of Christianitie, deliverd without the help of magistrates, yea in the midst of thir opposition. [126]

Here, Milton denies any continuity between the customs and practices of the Hebrews and those of the early Christians, themselves persecuted rather than aided by magistrates. At this point in the text he declares himself 'against *Erastus* and state-tyranie over the church', and argues that there was no 'reason of state' which justified the supremacy of the civil power over religion. [127] Where the Erastian position derived the confluence of church and state from the Hebraic model, Milton maintained that 'Christ hath a government of his own, sufficient of it self to all his ends and purposes in governing his church'; most importantly, these 'ends and purposes' were not the same as those of the civil magistrate. [128]

Milton refined this aspect of his argument in the course of a discussion of conscience. Like John Clark, he argued that religion was concerned with the 'inward man and his actions', which could not be coerced by an 'outward force'. True religion was therefore not carnal and rooted in the body, but rather in the 'will' and 'understanding', which were the 'faculties endu'd with freedom'. [129] The only legitimate influence upon these faculties comes from what Milton describes as 'evangelic religion', a term he illustrates by glossing 2 Corinthians X:3–5 ('though we walk in the flesh, we do not warre after the flesh') in order to establish the point that spiritual power within the church is sufficient to 'reach the conscience and the inward man with whom it chiefly deals'. [130] Milton contrasts the moderation of this evangelic religion with the 'boisterous tools' employed by churchmen, who call 'on the civil magistrate to interpose his fleshlie force' in cases of heresy and schism. This elevation of

magisterial power, in turn, gave rise to the conceit that the church had no being or legitimacy unless it 'be enacted or settled, as they call it, by the state, a statute or a state-religion'. In fact, the state is constrained in its oversight of religion, and can 'only recommend or propound it to our free and conscientious examination'. To do otherwise is to 'set the state higher than the church in religion'. [131] Rounding out the argument, Milton suggests that the pattern of ecclesiology that elevates magisterial power rests on a defunct scriptural pattern, and he observes that 'the state of religion under the gospel is far differing from what it was under the law' – by which he means the Old Testament. [132] This law was defined by 'bondage', while the gospel was characterized by 'freedom', and 'If church and state shall be made one flesh again as under the law, let it be withal considerd, that God who then joined them hath now severed them'. [133] In other words, Hebrew precepts were examples of 'transient' law and were not binding because they were supplanted by the new law. [134]

The final segment of Milton's text was devoted to the articulation and defence of a concept of Christian liberty. [135] Once again, he emphasized the distinction between the punitive law of the Old Testament and the innate freedom of the gospel, 'which sets us free not only from the bondage of those ceremonies but also the forcible imposition of those circumstances' which applied under the 'old law'. [136] The new 'evangelic' law includes specific injunctions in defence of liberty: 'you are called to libertie' (Galatians V:13); 'be not made the servants of men' (1 Corinthians VII: 23); 'do not be entangled in a yoke of bondage' (Galatians V:1). [137] Given that liberty is something that is codified by the new law, any attempt to impose discipline backed up by magisterial or clerical power 'brings back into religion that law of terror and satisfaction, belonging now only to civil crimes'. Milton even goes so far as to elide Christian liberty with concepts that were central to the kind of liberty conveyed by the English common law, arguing that magistrates should not 'meddle' with 'Christian liberty, the birthright and outward testimonie' of those 'who are freeborne of the spirit'. [138] The 'birthright' to which Milton refers is the status of membership in the Christian *societas*, and the 'sacred libertie' that comes with membership in the body of the church. This liberty, in turn, is the basis of religious freedom, whereby conformity is 'not to be driven in by edicts and force of arms'. Instead, the 'settlement of religion belongs only to each particular church by perswasive and spiritual means within it self', from which it follows that 'there can be no place then left for the magistrate or his force in the settlement of religion'. [139]

If we recall that Milton began his *Treatise* by calling on parliament both to 'defend' and 'enlarge' Christian liberty, we recognize that the text itself is less about the intrinsic nature of civil power than it is about the defence of a form of civil religion. [140] As he argued in 1642, 'piety and justice' were the foundations of political society, and they remained so regardless of what form of government that society possessed. Milton's rejection of the Erastian position is based on the view that the supremacy of the state over religion leads to the suppression of liberty, rather than its defence. And so the assumption that guides his exhortation to parliament is that the state defends and enlarges Christian liberty by not seeking to bring the church under the jurisdiction of the civil power. In short, the liberty of the church is an aggregate of the liberty and sovereignty of the individual conscience, and the freedom of one depends on the freedom of the other.

Taken together, these texts suggest that our use of the term 'Erastian' to characterize discussions of church and state does not reveal the whole picture. Each was intended as an intervention at a particular juncture where the question of civil power over religion came under intense scrutiny, and this point alerts us to the fact that the problem of religious politics

in England (and its colonies) cropped up in a range of debates on sovereignty, toleration and liberty of conscience. In each case, the writers examined here dealt with common themes, yet they arrived at very different conclusions. For example, Du Moulin argued that political logic demanded the supremacy of a sovereign civil power over the clergy, and even over the conscience of the 'inward man'. Cobbet argued that religion was a 'ligament' of the state, but employed this argument in a way that placed an obligation on civil magistrates to defend one particular Protestant denomination; in this formulation, rather than being 'neutral', the civil power served the 'purer churches' while constraining the bodies and consciences of heretics, and did so as part of a duty imposed by scripture. Finally, we find Milton rejecting reason of state on the grounds that kingship and clerisy were both manifestations of tradition and custom. Religion was immune from civil power because it was governed by the evangelic law, which also guaranteed the liberty of individual conscience.

While 'Erastianism' might be defended as a useful shorthand term, it is also the case that it has been asked to bear a very large interpretative burden – employed to characterize the political dynamic of the English revolution and its place in the larger story of the emergence of the 'modern' and religiously neutral state. This article has sought to sound a note of caution, arguing that we should avoid the uncritical assumption that there is a single explanation and terminological language that characterizes the nature of religious politics in seventeenth-century England. First, the texts that have been examined reveal that contemporaries approached the topic of civil power over religion by appealing to a range of texts and concepts; even in the case of the scriptures, we find contrasting views on the continuity between the Old and New Testaments, and the extent to which the scripture alone could be employed as a source of precept. The occasional rejection of the Hebraic example that was the bedrock of Erastus's own position is particularly striking. Second, while the article has focused somewhat narrowly on a selection of texts which appeared in the span of a single decade, it is also the case that each of these texts (written by and dedicated to prominent actors in the politics of the period) offers important insights into how contemporaries sought to come to grips with one major feature of the revolutionary period: re-fashioning the state. In this sense, religion remained central to the identity of politics, even in the case of Milton who explicitly rejected a 'conformation' between them. To describe this process as being dominated by Erastianism levels out a contemporary debate that was far more nuanced and complex.

A possible way forward may lie in a concept that has appeared at points in this article – civil religion. [141] In work by Hobbes and Harrington, this goes beyond mere anti-clericalism and takes the form of a reasoned exploration of how the ends of politics are (or are not) compatible with the ends of religion, and the institutional framework within which this compatibility might be achieved. [142] Indeed, this was a durable theme in English ecclesiology and its rich polemical literature. [143] For example, Richard Hooker wrote that religion was the 'stay' of all 'wel-ordered commonwealths', and a necessary element of political and social stability. [144] Others noted that the fortunes of the commonwealth and church were intimately bound together, like 'Hippocrates twins'. [145] That assumption continued to shape the process of reconciling the relation between church and state in a polity where the constitutional order included a form of established religion, howsoever its theological details might be disputed.

Footnotes

1

This is a theme that is explored in two recent collections: England's Wars of Religion, Revisited, ed. C. W. A. Prior and G. Burgess (Farnham, 2011); and The Experience of Revolution in Stuart Britain and Ireland: Essays for John Morrill, ed. M. J. Braddick and D. L. Smith (Cambridge, 2011). More broadly, see J. Rose, Godly Kingship in Restoration England: the Politics of the Royal Supremacy, 1660–88 (Cambridge, 2011); and E. H. Shagan, The Rule of Moderation: Violence, Religion and the Politics of Restraint in Early Modern England (Cambridge, 2011).

2

C. W. A. Prior, 'Religion, political thought and the English civil war', History Compass, xi (Jan. 2013), 24–42.

3

J. R. Collins, The Allegiance of Thomas Hobbes (Oxford, 2005);
A. D. T. Cromartie, The Constitutionalist Revolution: an Essay on the History of England, 1450–1642 (Cambridge, 2006), p. 246.

4

G. Burgess, 'Repacifying the polity: the responses of Hobbes and Harrington to the "crisis of the common law"', in Soldiers, Writers and Statesmen of the English Revolution, ed. I. Gentles, J. S. Morrill and B. Worden (Cambridge, 1998), pp. 202–228.

5

J. Scott, 'James Harrington's prescription for healing and settling', in Braddick and Smith, pp. 190–209.

6

C. J. Nederman, 'Constitutionalism – medieval and modern: against neo-Figgisite orthodoxy (again)', History of Political Thought, xvii (1996), 179–194; for the influence of Figgis on the study of constitutional history at Cambridge in particular, see M. Goldie, 'J. N. Figgis and the history of political thought in Cambridge', in Cambridge Minds, ed. R. Mason (Cambridge, 1994), pp. 177–192.

7

J. A. Watt, 'Spiritual and temporal powers', in The Cambridge History of Medieval Political Thought c.350–1450, ed. J. H. Burns (Cambridge, 1988), pp. 367–423; J. H. Burns, 'Scholasticism: survival and revival', in The Cambridge History of Political Thought 1450–1700, ed. J. H. Burns and M. Goldie (Cambridge, 1991), pp. 132–156.

8

B. Tierney, Religion, Law, and the Growth of Constitutional Thought 1150–1650 (Cambridge, 1982), pp. ix–x.

9

J. J. Sheehan, 'The problem of sovereignty in European history', Amer. Hist. Rev., cxi (2006), 1–15, at pp. 4–5;
F. H. Hinsley, Sovereignty (1966), esp. ch. 3.

10

Marsilius of Padua, The Defender of the Peace, ed. and trans. A. Brett (Cambridge, 2005), p. 187; B. Koch, 'Priestly despotism: the problem of unruly clerics in Marsilius of Padua's Defensor Pacis', Jour. Religious Hist., xxxvi (2012), 165–183.

11

Q. Skinner, The Foundations of Modern Political Thought, ii: the Age of Reformation (Cambridge, 1978), pp. 349–352;

Harding, 'The origins of the concept of the state', History of Political Thought, xv (1994), 57–72; M. Lilla, The Stillborn God: Religion, Politics, and the Modern West (New York, 2007).

12

H. S. Stout, 'Marsilius of Padua and the Henrician Reformation', Church Hist., xliii (1974), 308–318;

S. Lockwood, 'Marsilius of Padua and the case for the royal ecclesiastical supremacy', Trans. Royal Hist. Soc., 6th ser., i (1991), 89–119.

13

R. I. Wilberforce, A Sketch of the History of Erastianism (1851), ch. 2; H. H. Henson, The National Church: Essays on its History and Constitution and Criticisms of its Present Administration (1908), pp. xvi–xvii; W. Hobhouse, The Church and the World in Idea and in History (1910).

14

For a discussion of Figgis's work, see E. Evans, Erastianism: the Hulsean Prize Essay, 1931, in the University of Cambridge (1933), pp. 51–74.

15

J. N. Figgis, 'Erastus and Erastianism', in The Divine Right of Kings (2nd edn., Cambridge, 1922), 293−342, at pp. 322, 338.See also J. N. Figgis, Churches in the Modern State (1914), p. 131. Figgis's argument parallels those of William Stubbs and A. F. Pollard, who regarded the clergy as the historical defenders of English liberty against unrestricted royal power. For them, the annexation of church by state was destructive of liberty, whereas modern historians arrange this narrative the other way around, by portraying clerics as enemies of freedom (see M. Bentley, Modernizing England's Past: English Historiography in the Age of Modernism, 1870–1970 (Cambridge, 2005), pp. 47, 49, 51; D. Runciman, Pluralism and the Personality of the State (Cambridge, 1997), ch. 6).

16

E. A. Whitney, 'Erastianism and divine right', Huntington Libr. Quarterly, ii (1939), 373–398, at p. 385.

17

W. Lamont, Godly Rule: Politics and Religion, 1603–60 (1969), p. 113.

18

W. S. Crowley, 'Erastianism in the Westminster Assembly', Jour. Church and State, xv (1973), 49–64, at pp. 53–4, 58.

19

W. S. Crowley, 'Erastianism in the Long Parliament, 1640–6', Jour. Church and State, xxi (1979), 451–467, at pp. 451 n. 1, 467.

20

W. S. Crowley, 'Erastianism in England to 1640', Jour. Church and State, xxxii (1990), 549–556, at p. 557.

21

P. B. Nockles, The Oxford Movement in Context: Anglican High Churchmanship, 1760–1857 (Cambridge, 1994), p. 53;

L. F. Solt, Church and State in Early Modern England, 1509–1640 (Oxford, 1990), p. 92 (author's emphasis). For further contrasting uses of the term within a single collection, see Burns and Goldie, pp. 173, 198, 372, 612.

22

W. Lamont, Marginal Prynne, 1660–9 (London and Toronto, 1963), ch. 7; Lamont, Godly Rule, ch. 5.

23

D. A. Orr, 'Sovereignty, supremacy and the origins of the English civil war', History, lxxxvii (2002), 474–490, at p. 480.

See also D. A. Orr, Treason and the State: Law, Politics and Ideology in the English Civil War (Cambridge, 2002), pp. 41–42.

24

Collins, Allegiance, p. 75; J. S. Morrill, 'The attack on the Church of England in the Long Parliament', in History, Society and the Churches: Essays in Honour of Owen Chadwick, ed. D. E. D. Beales and G. F. A. Best (Cambridge, 1985), pp. 105–124; J. Van Duinen, 'The ironies of English Erastianism: puritanism and the outbreak of the English civil wars', in Church and State in Old and New Worlds, ed. H. M. Carey and J. Gascoigne (Leiden, 2011), pp. 31–53.

25

Collins, Allegiance, p. 7. See also J. P. Sommerville, 'Hobbes, Selden, Erastianism, and the history of the Jews', in Hobbes and History, ed. G. A. J. Rogers and T. Sorell (2000), pp. 160–188, at p. 163. For the Erastian character of the Protestant reformation, see P. Zagorin, How the Idea of Religious Toleration Came to the West (Princeton, N.J., 2003), p. 188; A. Walsham, Charitable Hatred: Tolerance and Intolerance in England, 1500–1700 (Manchester, 2006), p. 51; Shagan, p. 327.

26

Cromartie, p. 246.

27

Cromartie, pp. 254, 261.

28

C. B. van Dixhoorn, 'Unity and disunity at the Westminster Assembly (1643–9): a commemorative essay', Jour. Presbyterian Hist., lxxix (2001), 103–117; M. J. Braddick, 'History, liberty, reformation and the cause: parliamentary military and ideological escalation in 1643', in Braddick and Smith, pp. 117–134. For the 'literal' and 'pejorative' uses of the term, see Lamont, Marginal Prynne, pp. 160–166. As Jacqueline Rose has rightly observed, the use of 'Erastian' to denote civil supremacy over the church reflects the basic premises of debate on ecclesiology in the 1640s, rather than Erastus's own position (see Rose, Godly Kingship, p. 75).

29

George Gillespie, A late dialogue betwixt a civilian and a divine, concerning the present condition of the Church of England (1644), pp. 18, 19.

30

[Adoniram Byfield], A brief view of Mr Coleman his new-modell of church government (1645), p. 4.

31

Thomas Coleman, Male dicis Maledicis. Or a brief reply to Nihil Respondens (1646), p. 23.

32

George Gillespie, Male audis: or an answer to Mr. Coleman his Malè dicis (1646), p. 22.

33

George Gillespie, Aarons rod blossoming; or the divine ordinance of church-government vindicated (1646), p. 189.

34

Gillespie, Aarons rod, p. 189.Cf. Gillespie, Male audis, p. 23.

35

Gillespie, Aarons rod, p. 258.Cf. Samuel Rutherford, The divine right of church-government and excommunication (1646), pp. 560, 568–9.

36

Orr, Treason and the State, pp. 35–36; H. A. Lloyd, 'Constitutionalism', in Burns and Goldie, pp. 254–297.

37

For discussions, see A. Zakai, 'Religious toleration and its enemies: the Independent divines and the issue of toleration during the English civil war', Albion, xxi (1989), 1–33;
J. Coffey, 'Puritanism and liberty revisited: the case for toleration in the English revolution', Historical Jour., xli (1998), 961–985;

J. Coffey, John Goodwin and the Puritan Revolution: Religion and Intellectual Change in 17th-Century England (Woodbridge, 2006), chs. 4–5; D. Walker, 'Thomas Goodwin and the debate on church government', Jour. Eccles. Hist., xxxiv (1983), 85–99.

38

Collins, Allegiance, pp. 101, 102; Rose, Godly Kingship, pp. 79–80.

39

Thomas Goodwin and others, The Apologeticall Narration, humbly submitted to the honourable Houses of Parliament (1643), pp. 17, 19.

40

Goodwin, p. 23.

41

[Francis Rous], The ancient Bounds, or Liberty of Conscience, tenderly stated, modestly asserted, and mildly vindicated (1645), pp. 55, 15. For an attribution of Rous's authorship and a discussion of the context, see J. S. McGee, 'Francis Rous and "scabby or itchy children": the problem of toleration in 1645', Huntington Libr. Quarterly, lxvii (2004), 401–422. Jeffrey Collins has argued that the Ancient bounds delineates the magistrate's 'extensive authority over spiritual matters', a view which is difficult to reconcile with Rous's statement on 'differences' (

Collins, Allegiance, p. 103).

42

William Prynne, Independency Examined, Vnmasked, Refuted (1644), pp. 4, 6.Cf. Richard Bancroft, A Suruay of the pretended holy discipline (1593), p. 57; Adam Steuart, Some observations and annotations upon the Apologeticall Narration (1643), p. 48; Alexander Forbes, An anatomy of Independency (1644), pp. 14, 18, 38.

43

Prynne, Independency, p. 4.

44

Rose, Godly Kingship, p. 78.

45

Prynne, Independency, p. 6.

46

William Prynne, Twelve considerable serious questions touching church government (1644), p. 2.

47

William Prynne, Truth triumphing over Falsehood, Antiquity over Novelty (1645), p. 139.

48

Prynne, Truth triumphing, pp. 140, 141.

49

Prynne, Truth triumphing, p. 143. Prynne noted that Independency 'subverts the very pillars, foundations of all Government, Order, Peace, Vnity, both in Church and State' (p. 144).

50

Prynne, Truth triumphing, pp. 146, 147.

51

The Scots Declaration, against the Toleration of Sects and Sectaries, and the Liberty of Conscience (1647); The Independents Declaration and Remonstrance to the Parliament of England (1648).

52

[Anon.], Papers of some passages betweene the King, and the Commissioners of both Kingdoms, about the propositions for peace, delivered to his Majesty (1646);[Anon.], The Kings Majesties propositions to the states of Scotland, at Nevvcastle. Concerning his taking the Covenant, and signing the propositions (1647).

53

[Anon.], The Trojan Horse of the Presbyteriall Government Unbowelled (1646), pp. 2, 6.

54

T.N., Palaemon, or the grand reconciler: composing the great difference and disputes about church-government (1646), pp. 9, 10.

55

Thomas Bakewell, An answer to those questions propounded by the parliament to the Assembly of Divines, touching Jus divinum in matter of church-government (1646), p. 12; Robert Derham, A brief discourse proving independency, in Church-government, destructive to the positive lawes of this kingdome, and inconsistent therewith (1646), p. 2.
56
John Geree, Touching the subject of supremacy in causes ecclesiastical (1647), p. 7.
57
For Barksdale's career, see M. Barducci, 'Clement Barksdale, translator of Grotius: Erastianism and episcopacy in the English church, 1651–8', Seventeenth Century, xxv (2010), 265–280.
58
E. Nelson, The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought (Cambridge, Mass., 2010), pp. 7–22; A. Guibbory, Christian Identity, Jews, and Israel in 17th-Century England (Oxford, 2010), chs. 2–4.
59
C. W. A. Prior, A Confusion of Tongues: Britain's Wars of Reformation, 1625–42 (Oxford, 2012), pp. 37–40, ch. 3; William Laud, A sermon preached on Munday, the sixt of February, at Westminster, at the opening of parliament (1625), p. 33; R. Tuck, Philosophy and Government, 1572–1651 (Cambridge, 1993), pp. 218–221; Nelson, pp. 113–117.
60
[Thomas Erastus], The nullity of church-censures, trans. C. Barksdale (1659), sig. Br. Grotius scholars agree that Barksdale's translations are generally sound, and this author follows Eric Nelson in quoting from this version but does not (as he does) include corresponding passages from the Latin edition of 1589 (see Nelson, pp. 92–97).
61
Nullity of church-censures, sig. B2r–B3r.
62
Nullity of church-censures, pp. 8–15 (unclean members), 16–22 (Passover), 25.
63
Nullity of church-censures, pp. 26, 36–46, 49, 52.
64
Nullity of church-censures, pp. 53–54, 55, 56.
65
Nullity of church-censures, pp. 59, 61–80, 81.
66
G. L. Jones, The Discovery of Hebrew in Tudor England: a Third Language (Manchester, 1983), p. 58.See also H. Najman, Past Renewals: Interpretative Authority, Renewed Revelation, and the Quest for Perfection in Jewish Antiquity (Leiden, 2010).

67
Nullity of church-censures, pp. 87, 89.
68
Scholars who have situated Erastianism within its Hebraic contexts have recognized this fact (see Nelson, p. 4, ch. 3; E. Glaser, Judaism without Jews: Philosemitism and Christian Polemic in Early Modern England (Basingstoke, 2007), pp. 53, 83).
69
Nelson, pp. 2–7.
70
D. R. Kelley, 'Elizabethan political thought', in The Varieties of British Political Thought, 1500–1800, ed. J. G. A. Pocock (Cambridge, 1993), pp. 47–79, at p. 72; J. Coffey, 'Quentin Skinner and the religious dimension of early modern political thought', in Seeing Things their Way: Intellectual History and the Return of Religion, ed. A. Chapman, J. Coffey and B. S. Gregory (Notre Dame, Ind., 2009), p. 67.For Prynne, see A catalogue of such testimonies in all ages as plainly evidence bishops and presbyters to be both one, equall and the same in jurisdiction, office, dignity, order, and degree (1637).
71

For a sustained methodological discussion of the politics of history, see J. G. A. Pocock, Political Thought and History: Essays on Theory and Method (Cambridge, 2009), ch. 13.
72
The Stuart Constitution, 1603–88: Documents and Commentary, ed. J. P. Kenyon (2nd edn., Cambridge, 1986), p. 292.
73
R. J. Ross, 'Distinguishing eternal from transient law: natural law and the judicial laws of Moses', Past & Present, ccxvii (2012), 79–115.
74
V. Larminie, 'Du Moulin, Lewis (1605?–1680)', Oxford Dictionary of National Biography (Oxford, 2004; online edn., Sept. 2010) <http://www.oxforddnb.com/view/article/19428> [accessed 1 Aug. 2012]; The History of the University of Oxford, iv: 17th-Century Oxford, ed. N. Tyacke (Oxford, 1997), pp. 348–349. For a discussion of Du Moulin's contribution to discourse on sovereignty, see Collins, Allegiance, pp. 224–227.
75
Louis Du Moulin, The power of the Christian magistrate in sacred things (1650), p. 2. The other texts were: Paraenesis ad aedificatores imperii in imperio (1656); Of the Right of Churches (1658); and Proposals and Reasons ... towards the settling of a religious and Godly government in the commonwealth (1659).
76
Prior, Confusion of Tongues, pp. 20–29; Orr, Treason and the State, pp. 32–45.
77
Du Moulin, Power of the Christian magistrate, p. 11; C. W. A. Prior, Defining the Jacobean Church: the Politics of Religious Controversy, 1603–25 (Cambridge, 2005), pp. 37, 83, 209, 225, 241;

Henry Parker, The true grounds of ecclesiasticall regiment (1641), p. 8.
78
Du Moulin, Power of the Christian magistrate, pp. 6, 8, 10.
79
For a discussion, see G. Burgess, British Political Thought, 1500–1660: the Politics of the Post-Reformation (Basingstoke, 2009), pp. 329–340.
80
Du Moulin, Power of the Christian magistrate, p. 28.
81
The Tudor Constitution: Documents and Commentary, ed. G. R. Elton (2nd edn., Cambridge, 1982), p. 364; Rose, Godly Kingship, pp. 27–39; C. S. R. Russell, 'Whose supremacy? King, parliament and the church, 1530–1640', Lambeth Palace Annual Libr. Rev. (1995), pp. 53–64.
82
Du Moulin, Power of the Christian magistrate, pp. 28–29.
83
Du Moulin, Power of the Christian magistrate, p. 48.
84
Du Moulin, Power of the Christian magistrate, pp. 50–54, 55. It is worth noting that Du Moulin did not see the clergy as adversaries to the sovereign power, for he noted that they could persuade and offer 'counsell'. The reason for this was again rooted in sovereignty: should clerical power be formalized in the manner of 'Civilian' laws and courts, then the two powers would be left to 'justle and clash' (pp. 104, 107–11). J. Rose, 'Kingship and counsel in early modern England', Historical Jour., liv (2011), 47–71.
85
Du Moulin, Power of the Christian magistrate, p. 57. This is true even of heretical magistrates, such as Julian the Apostate who 'loseth no part of his supreme power, he hath over all causes and persons' (p. 71).
86

'Religion is the foundation of society' (Du Moulin, Power of the Christian magistrate, pp. 58, 59; Hugo Grotius, De Imperio Summarum Potestatum Circa Sacra, ed. H.-J. Van Dam (Leiden, 2001), p. 176). For the pagan roots of civil religion, see Collins, Allegiance, pp. 37–38.

87
Du Moulin, Power of the Christian magistrate, pp. 112–113.

88
Du Moulin, Power of the Christian magistrate, pp. 114, 115.

89
Du Moulin, Power of the Christian magistrate, pp. 121, 122.

90
C. G. Pestana, The English Atlantic in an Age of Revolution, 1640–61 (Cambridge, Mass., 2007), p. 133; A. C. Weimer, Martyr's Mirror: Persecution and Holiness in Early New England (Oxford, 2011), pp. 94–95.

91
John Clarke, Ill newes from New England: or, a narrative of New England's persecution (1652), pp. 2–5; M. P. Winship, Godly Republicanism: Puritans, Pilgrims, and a City on a Hill (Cambridge, Mass., 2012), ch. 7.

92
Clarke, 'Epistle dedicatory', sig. A3r, A2v.

93
Clarke, sig. A3v. Further along he clarified this position: 'This spirituall administration of Christs power in and over the spirits and consciences of men, as it extends to all the inward and hidden motions and actings of the mind, so to all the outward manifestations of its powerful commands' (sig. A3v).

94
Clarke, sig. A4r, A4v. In contrast to Du Moulin, Clark's position suggests that the sovereignty of the Commons extends beyond the geographical borders of England itself, which is a view that would do much to shape subsequent ideas of constitutionalism in the Atlantic world.

95
Thomas Cobbet, The civil magistrates power in matters of religion (1653), pp. 2–6, 10.

96
Collins, Allegiance, p. 106.

97
Cobbet, pp. 12–13, 14.

98
Cobbet, p. 17.

99
This is an idea that appears at a number of points in Cobbet's text: 'the Kings and Judges of the earth are required to serve the Lord, the Son, Gods Anointed' (p. 22); 'the use of the temporal sword, is by command of God required of Civil Rulers' (p. 23); civil rulers should 'looke to matters pertaining to Godliness', and promote 'honestie' so people may lead a 'quiet and peaceable life' (pp. 27–8); kings and judges 'Are nursing Fathers to the Church' (p. 48); the 'Civill Rulers dignity and duty' lies in 'Nomothetique' power (p. 55).

100
Cobbet, p. 17.

101
Cobbet, p. 49.

102
Cobbet, p. 50.

103
Cobbet, p. 51.

104
Cobbet, pp. 62, 65; cf. pp. 72, 73, 77.

105

Cobbet, p. 67. Cobbet further qualifies this position, noting that 'the Church cannot Iudge Civilly'. Yet according to the logic of the argument he presents, it does not need to do this since the function is performed on its behalf by the magistrate (pp. 76, 79).
106
Winship, Godly Republicanism, ch. 8; J. Coffey, 'Puritanism and liberty revisited: the case for toleration in the English revolution', Historical Jour., xli (1998), 961–985;
N. Goodman, 'Banishment, jurisdiction, and identity in 17th-century New England: the case of Roger Williams', Early American Stud., vii (2009), 109–139; T. M. Bejan, '"The bond of civility": Roger Williams on toleration and its limits', Hist. European Ideas, xxxvii (2011), 409–420.
107
Cobbet, p. 85.
108
Thomas Hobbes, Leviathan, ed. R. Tuck (Cambridge, 1996), p. 324.
109
Cobbet, pp. 93, 101, 103.
110
A Declaration of the Faith and Order Owned and Practised in the Congregational Churches in England (1659). Cf. Du Moulin, Proposals and reasons, p. 5. P. Toon, 'The Westminster and Savoy confessions: a brief comparison', Jour. Evangelical Theological Society, xv (1972), 153–160.
111
B. Worden, Literature and Politics in Cromwellian England: John Milton, Andrew Marvell, Marchamont Nedham (Oxford, 2007), pp. 336–343; B. Worden, God's Instruments: Political Conduct in the England of Oliver Cromwell (Oxford, 2012), p. 343; M. Dzelzainis, 'Milton and the Protectorate in 1658', in Milton and Republicanism, ed. D. Armitage, A. Himy and Q. Skinner (Cambridge, 1995), pp. 181–205.

112
E. Sauer, 'Disestablishment, toleration, the New Testament nation: Milton's late religious tracts', in The Oxford Handbook of John Milton, ed. N. McDowell and N. Smith (Oxford, 2009), pp. 325–341; A. Woolrych, 'Historical introduction', in Complete Prose Works of John Milton, vii: 1659–60, ed. R. W. Ayers (New Haven, Conn., 1980), pp. 1–228, esp. pp. 34–57.
113
The Political Works of James Harrington, ed. J. G. A. Pocock (Cambridge, 1977), p. 767.
114
[Anon.], Englands settlement, upon the two solid foundations of the peoples civil and religious liberties (1659), p. 4; William Prynne, The re-publicans and others spurious good old cause (1659); Henry Stubbe, An essay in defence of the good old cause (1659).
115
John Milton, A Treatise of Civil Power in Ecclesiastical Causes (1659), sig. A5v, pp. 2–3.
116
M. Goldie, 'The civil religion of James Harrington', in The Languages of Political Theory in Early Modern Europe, ed. A. Pagden (Cambridge, 1987), pp. 197–222.

117
Complete Prose Works of John Milton, i: 1624–42, ed. D. M. Wolfe (New Haven, Conn., 1953), pp. 522, 542, 550–1, 566.
118
Complete Prose Works, i. 576, 605–6.
119
Prior, Confusion of Tongues, chs. 5–6.
120
J. R. Collins, 'The church settlement of Oliver Cromwell', History, lxxxvii (2002), 18–40;

Collins, Allegiance, ch. 5; Worden, pp. 368–370.
121

Milton, Treatise of Civil Power, pp. 7–8.
122
Milton, Treatise of Civil Power, pp. 10, 12, 16–23.
123
Milton, Treatise of Civil Power, p. 24.
124
Worden, God's Instruments, p. 361; D. W. Baker, '"Dealt with at his owne weapon": anti-antiquarianism in Milton's prelacy tracts', Studies in Philology, cvi (2009), 207–234.

125
Complete Prose Works, i. 519–520, 542.
126
Milton, Treatise of Civil Power, p. 28.
127
Milton, Treatise of Civil Power, pp. 31, 36.
128
Milton, Treatise of Civil Power, p. 37.
129
Milton, Treatise of Civil Power, pp. 37, 38.Cf. Complete Prose Works, i. 522.
130
Milton, Treatise of Civil Power, p. 43. A similar position is developed by Marsilius, who argues that the 'evangelic law' provides a check against the disciplinary zeal of clerics (see Defender of the Peace, discourse II, ch. 4).
131
Milton, Treatise of Civil Power, pp. 44, 45.
132
For an earlier statement, see Complete Prose Works, i. 575.
133
Milton, Treatise of Civil Power, pp. 48, 49.
134
Ross, pp. 104–112.
135
For discussions of the link between liberty and religion, see Worden, God's Instruments, ch. 8; J. C. Davis, 'Religion and the struggle for freedom in the English revolution', Historical Jour., xxxv (1992), 507–530;

J. Scott, Commonwealth Principles: Republican Writing of the English Revolution (Cambridge, 2004), ch. 7.

136
Milton, Treatise of Civil Power, p. 56. Like Cobbet, Milton looked to the example of Christ driving the merchants out of the Temple, and notes that he was obliged to do so under the 'Jewish law', whereas the Gospel stipulates that 'each person is left voluntarie' (p. 72).
137
Milton, Treatise of Civil Power, p. 59; cf. pp. 60–2. References to bondage and slavery were central to the language of republicanism, and in Milton's text they are sacralized (see J. Coffey, 'England's exodus: the civil war as a war of deliverance', in Prior and Burgess, pp. 253–280; Worden, God's Instruments, p. 343).
138
Milton, Treatise of Civil Power, pp. 63, 64. For analyses of earlier conflations of Christian and common law freedom, see M. P. Winship, 'Freeborn (puritan) Englishmen and slavish subjection: popish tyranny and puritan constitutionalism, c.1570–1606', Eng. Hist. Rev., cxxiv (2009), 1050–1074;
N. Tyacke, 'The puritan paradigm of English politics, 1558–1642', Historical Jour., liii (2010), 527–550;

C. W. A. Prior, 'Cannons and constitutions', in Prior and Burgess, pp. 101–124.
139
Milton, Treatise of Civil Power, pp. 64, 72, 79–80.
140
Goldie, 'Civil religion', p. 200; S. Zurbuchen, 'Republicanism and toleration', in Republicanism: a Shared European Heritage, ed. M. van Gelderen and Q. Skinner (2 vols., Cambridge, 2002), ii. 47–71, at p. 47.

141
R. Beiner, Civil Religion: a Dialogue in the History of Political Philosophy (Cambridge, 2011); Collins, Allegiance, pp. 37–42, 49–51, 175–6, 191–2.
142
R. Tuck, 'The civil religion of Thomas Hobbes', in Political Discourse in Early Modern Britain, ed. N. T. Phillipson and Q. Skinner (Cambridge, 1993), pp. 120–138.

143
Rose, Godly Kingship, ch. 1; Prior, Confusion of Tongues, ch. 2.
144
Richard Hooker, Of the lawes of ecclesiastical politie. The fift booke (1597), p. 1.
145
[Henry Burton], A plea to an appeale: trauersed dialogue wise (1626), 'Epistle to the reader'.