CHAPTER 1

John Locke and Interregnum Hobbism

On 20 October 1659, John Locke, in a dark mood, wrote to a friend: 'Tis Phansye that rules us all under the title of reason . . . we are all Quakers here and there is not a man but thinks he alone hath this light within and all besids stumble in the darke. Tis our passions that bruiteish part that dispose of our thoughts and actions . . .' Right reason broke itself against the rocks of mere opinion. 'Men live upon trust', Locke continued, 'and their knowledg is noething but opinion moulded up betweene custome and Interest, the two great Luminarys of the world, the only lights they walke by.'[1] At age 27, Locke had known only a world shaped by civil war. The demolition of England's church and a splintering sectarianism had shaken the country's religious life. The Quakers, among the new sects to rise from this rubble, would be a lifelong interest of Locke: a sect of outlying radicalism against which he would measure his own shifting commitment to either confessional order or indulgence. Here they epitomized intractable disagreement, a loss of intellectual cohesion, and the unstable admixture of opinion and custom that could dominate conscience.

Locke spent the latter years of the Interregnum at Oxford, a cockpit of political and intellectual dispute. Particularly in the eventful two years running up to the Restoration of Charles II in 1660, Locke's letters were peppered with anxious rumours of political upheaval and prayers for preservation 'from oppression and bloud'.[2] This upheaval conditioned John Locke's intellectual maturation and his first political writings. His career during the 1650s has been neglected by historians, partly for a dearth of source material and partly because Locke failed to publish his early writings, which are thus easily dismissed as youthful false starts. Locke's initial career as a political writer has been studied only cursorily.[3] Young Locke is often

[1] Locke to Tom [Westrowe?], 20 October 1659, *CL*, 1:123.
[2] Locke to John Locke, sen., [6 April 1658?], *CL*, 1:61.
[3] Though see Rose, 'John Locke, "Matters Indifferent"', 601–21; Harris, *Mind of Locke*, 60–71.

cast as a 'wholehearted monarchist' and episcopal man or as an 'unselfconfident Oxford don ... prepared to go to great lengths to secure quiet'.[4] This perspective neglects the formative influence that Interregnum political thought, including that of Hobbes, likely exerted over Locke's initial political writings. These writings emerged from the intellectual context of Interregnum Oxford, where Hobbes found some of his most dedicated enthusiasts and critics.

John Locke's Politics in the Interregnum Milieu

Locke certainly was not raised a royalist. His father, John Locke, a Somerset attorney and estate steward, had fought for parliament under Alexander Popham, his employer and a prominent Protestant militant during the civil war.[5] The senior Locke, to judge from his memoranda book, shunned church Laudianism and entertained the radical suggestion that 'the voice of the people be requird' in the election of ministers.[6] As late as 1658–9, the younger Locke would, in reading notes, describe the divisive Grand Remonstrance of December 1641 as 'a very excellent remonstrance of the state of these kingdoms'.[7] Popham secured the younger Locke a place at the prestigious Westminster School.[8] The school's governance was divided during Locke's attendance. Its examiners included the trimming episcopalian Richard Busby, the Presbyterian Thomas Hill, and the pre-eminent Independent John Owen. It was Owen, however, who apparently patronized Locke. In November 1652, Locke matriculated at Christ Church, Oxford, where Owen had been appointed dean in 1651. Locke later recounted that his university studies were dominated by Calvinists. Among the colleges, Christ Church inclined towards Independency, and Locke was tutored by the Independent Thomas Cole (dubiously remembered by Anthony Wood as a 'fanatical tutor').[9] Locke was considered, according to his colleague James Tyrrell, one of the 'most learned and ingenious young men in the College'.[10]

John Owen was an eminence of Interregnum Independency. As Cromwell's vice chancellor at Oxford, he pursued university and church reform and agitated on behalf of the Congregational way. Fragmentary

[4] Cranston, *Locke*, 57–62; Marshall, *Resistance, Religion, and Responsibility*, 7–26; J. R. Milton, 'Locke's Life and Times', 7; *ODNB*; Abrams, Introduction to *TT*, 8–9; Laslett, Introduction to *TTG*, 20.
[5] *ODNB*; BL Add. MS 4222, ff. 224v, 226. [6] Harris, *Mind of Locke*, 50–1.
[7] MS Locke f. 14, p. 8. [8] Locke to Alexander Popham, May 1652 [?], *CL*, 1:11.
[9] Marshall, *Resistance, Religion, and Responsibility*, 5–6; *AO*, 4:638.
[10] Damaris Masham to Jean Le Clerc, 12 January 1704, in Woolhouse, 'Lady Masham's Account of Locke', 172.

evidence suggests Locke's favourable inclination towards the Independent patriarch. In September of 1655, with Owen at the height of his influence, Locke's colleague Samuel Tilly described Owen to him as 'your reverend Deane' and wished that his 'honour may be proportionate to his person, and merit'.[11] In 1658, Locke referred to the reinstitution of Oxford's academic dress dismissively, implying sympathy with Owen's effort to abolish it.[12] Locke's correspondent presumed his distaste for the academic traditionalists opposed by Owen.[13] Locke himself suggested as much by gleefully reporting the jeering of the poet Payne Fisher when, in the spring of 1658, he delivered a commemoration of the moderate Archbishop James Ussher.[14]

Locke's family identified with those 'well affected to the commonwealth'.[15] Cromwell's pre-eminence did not faze them. In May 1654, Locke glowingly referenced his reception at Hampton Court and the 'bounty' he received there. (That these references were later scratched out may indicate their political significance.[16]) In the same year, Locke – along with Owen and several of his other clients – published verses honouring the Lord Protector.[17] Locke may later have helped draft an obsequious letter to Cromwell on behalf of a friend, effusively thanking him for some morsel of patronage.[18]

Locke's patchy, early correspondence suggests sympathy with the army, the Oxford Independents, and the Protectorate. The only notes of estrangement are Locke's frequent and morbidly fascinated observations about the 'uncouth' Quakers.[19] But contempt for sectarian antinomianism was perfectly common among the mainstream Independents. Even in 1659–60, Locke betrayed no late flowering royalist or episcopal enthusiasm.[20] A letter from his friend John Strachey in May of 1659, after the fall of Richard Cromwell, dubbed Locke a 'man for the good old cause'.[21]

We know less than we would like to about Locke's early opinions; his letters offer mere hints and strands. In September of 1659, however, we are

[11] Samuel Tilly to Locke, 11 September 1655, *CL*, 1:30.
[12] Locke to William Carr, 23 January 1658, *CL*, 1:53–4.
[13] William Carr to Locke, 20 January 1658, *CL*, 1:56. An obscure letter in Locke's papers mentions Owen's politicking during elections to Richard Cromwell's parliament. ? to ?, 24 January 1659, *CL*, 1:66.
[14] Locke to Locke, sen., 6 April 1658, *CL*, 1:62.
[15] Locke, sen. to ? [summer 1656?], *CL*, 1:40.
[16] Locke to ?, 1 May 1654, *CL*, 1:19.
[17] *Musarum Oxoniensium elaiophoria sive ob Faedera, Auspiciis Serenissimi Oliveri*, 45, 94–5; *LHW*, 3–4, 191–2.
[18] Carr to My Lord P: Secretary [Lord Protector?], 1656/7, *CL*, 1:45.
[19] Locke to Locke, sen., 25 October 1656, *CL*, 1:41–2; Locke to Locke, sen., 15 November 1656, *CL*, 1:43; Locke to Locke, sen., 22 June 1659, *CL*, 1:83–4.
[20] Locke to Locke, sen., 6 April. 1658, *CL*, 1:61.
[21] John Strachey to Locke, 28 May 1659, *CL*, 1:79.

afforded our first full view of his mind on the sharply contested matter of religious toleration. It came in a letter to the physician and writer Henry Stubbe. Stubbe and Locke overlapped at both Westminster School and Christ Church. Stubbe eventually became deputy keeper of the Bodleian Library. His patrons included Henry Vane, on whose behalf he often wrote. He belonged to Owen's Oxford circle and composed attacks on Presbyterianism and defences of Independency.[22] In their sole surviving letter, Locke responded to one of Stubbe's more consequential tracts, his *Essay in Defence of the Good Old Cause, or, A Discourse concerning the Rise and Extent of the power of the Civil Magistrate in reference to Spiritual Affairs.*

Stubbe's *Essay* is often tagged as a defence of religious toleration, a characterization suggesting both too little and too much.[23] Produced during the chaotic late Interregnum debates over ecclesial and constitutional reform, the work promoted an 'unequal commonwealth', reserving full civil rights for defenders of the 'Good old cause'. Stubbe feared resurgent royalism and worried that in an 'equal commonwealth' landed elites might ally with the Presbyterian and episcopal clergy against 'sectarian-toleration'. A 'disaffected ministry' seeking 'religious sovereignty' threatened the army and the Independents. Clerical traditionalists, Stubbe warned, continued to lurk at the universities.[24]

Considering 'whether the Civil Magistrate hath any power in things of Spiritual concernment', Stubbe offered a qualified denial. He began with natural men, who, out of necessity, promise to obey their governor while securing 'each individuall in such rights as they respectively shall agree upon towards each other'.[25] The sovereign was required by this social contract to secure property and rights, including some measure of individual religious liberty; the Old Testament revealed that 'Magistrates were purely civill, and that though they might have a Nationall religion … yet did they not entermeddle with the particular religion of their subjects, or them that sojourned amongst them.' Religious persecution was a tool of illegitimate absolute monarchies. Mixed regimes, grounded on consent, permitted religious liberty, though they might also erect establishments to their 'particular Gods'.[26]

Stubbe's tolerationism presumed a church establishment of some kind. He avoided adjudicating how much authority sovereigns – justly concerned with restraining clerical power – might wield over these

[22] *ODNB*. The letter is not discussed in Jacob, *Henry Stubbe*.
[23] Abrams mischaracterizes this as an 'early letter in which Locke criticizes a defense of religion toleration'. Introduction, *TT*, 4.
[24] Stubbe, *Essay in Defence*, preface. [25] Ibid., 2. [26] Ibid., 13–16.

establishments. However, noting the 'particular sentiments arising from different illuminations and prejudices', Stubbe did not require individuals to delegate their own religious judgement to the arbitration of sovereignty. The 'undeniable defect of common evidence in the delivering of spirituall matters' made such deference unreasonable.

Stubbe's pamphlet ranged over the early history of Christianity, borrowing from post-Eusebian historians such as Sozomen and Socrates Scholasticus. This excursus into ecclesiastical history, somewhat unusually, foregrounded the history of Byzantine Christianity, using it (rather than Protestantism) to rebuke the growth of Western papalism. It read the early church as ecumenical and 'tolerationist', passive towards pagan rulers and indulgent of individual opinion. Coercion was rare and was done only 'upon a secular and politique account for preservation of the civil peace, when men began to opinionate it, and promote faction instead of religion'.[27]

When 'humane policy began to mould a Catholique church', this 'pragmaticalness' gave way to persecution. The Independent Stubbe, rejecting any corporate 'Church organical', cast the early church as a network of 'particular' associations espousing different opinions or 'heresies'.[28] Christian emperors generally permitted this salutary pluralism, using their prerogative authority to suspend religious laws. Resisting clerical pressures, they established toleration and even favoured pagans and heretics. 'Outward actions' might be 'commanded', but 'affection and mental acts' were necessarily 'free and uncontroll'd'. Only for 'political' purposes did emperors authorize persecutions.[29]

Stubbe sporadically deployed a language of 'humane equity and natural right to allowe each man to worship what he thinks fit',[30] but his tolerationism relied more on the notion of enlightened sovereignty deploying prerogative power. He cited Bodin, who had implicitly praised the *politique* Theodosius for overriding the objections of Bishop Ambrose. Even Justinian, the emperor most associated with spiritual coercion, acted for 'Reason of State' and was willing to overlook violations of orthodoxy when convenient.[31] Toleration 'policy' protected sovereignty from religious faction and clerical usurpation. Stubbe borrowed arguments from John Selden, who had established that the ancient Jewish blasphemy law did not apply to non-Jews and therefore did not bind later non-Jewish polities.[32] There were thus heavily Erastian overtones to the tolerationism of the *Essay*.

[27] Ibid., 59. [28] Ibid., 60–2, 130. [29] Ibid., 60–1, 73–4. [30] Here quoting Tertullian; ibid., 96.
[31] Ibid., 80, 91–2. [32] Ibid., 107–15.

Stubbe extended toleration in radical directions. He appeared indifferent to Trinitarian doctrine and indulgent of Socinianism. He was willing to tolerate some English Catholics and episcopalians. The latter might enjoy freer practice, he wrote, if they obeyed and prayed for their governors. 'In like manner', Stubbe wrote,

> I should plead for such Catholicks as adhere to the doctrine of Widdrington, or Preston, and Blackwel, etc., denying the Pope's power any way in Temporals, to depose Magistrates, to dispose of lands, or the civil obedience of subjects, such being ready to sacrifice their lives as well as fortunes for the defence of their Heretical Governours in secular lawful quarrels.[33]

Stubbe's tolerationist tract thus had a disparate profile. Contractarian, explicitly dependent on Selden and Grotius, it invoked the new natural law theory. It viewed conscience as a right and as properly Christian but was more concerned to marshal a *politique* defence of toleration. Anticlerical and hostile to the 'organic' Church, it nevertheless envisioned conditions under which loyalist Catholics and episcopalians might secure indulgence.

This was the work that Locke, in the autumn of 1659, read with 'satisfaction' and evaluated with suggestive praise. He commended Stubbe's 'strength and vigor' and his 'clearnesse of reason'. Specifically mentioning Poland, the Dutch Republic, and France ('nearest examples have the greatest influence'), he implied slight dissatisfaction with Stubbe's late imperial models. But Locke agreed that 'men of different professions may quietly unite (antiquity the testimony) under the same government and unanimously cary the same civill intrest and hand in hand to march to the same end of peace and mutuall society, though they take different way towards heaven'.[34] He only chided Stubbe for lowering his guard vis-à-vis Catholicism, a subject to which we will return.[35]

Locke foresaw the success of Stubbe's tract and requested a copy to circulate at Oxford.[36] In commending Stubbe's toleration but recommending stricter vigilance of clerical factions, Locke may have spoken for the 'magisterial Independency' of the Protectoral period. In his papers, bundled with this letter to Stubbe, survives an undated note recording provisions of the Cromwellian Instrument of Government (Article 37, as promulgated by

[33] Ibid., 132.

[34] Locke to S H [Henry Stubbe], [mid-September 1659?], TNA, PRO 30/24/7/493 (*CL,* 1:109–12); misread in Woolhouse, *Locke*, 32, 39.

[35] On this basis Marshall construes Locke as politely sceptical of Stubbe's case. Marshall, *Resistance, Religion*, 6–7. But the question of Catholic toleration was habitually separated from the broader question of toleration, not least in all of Locke's relevant works.

[36] Locke to Stubbe, mid-September 1659, TNA, PRO 30/24/7/493.

'his Highness the Lord Protector's special commandment'). These protected Christians in their diverse religious 'exercises', excepting only those inclined to 'popery' or 'prelacy'.[37]

Sympathetic to Independency, Stubbe's tract endorsed a primitive ecclesiology of 'gathered' Christian congregations. If Locke did bring a copy to Oxford, he could not have expected either Presbyterian or episcopal appreciation. This likely did not trouble him. In June of 1659, indeed, Locke may have positively referenced another tract attributed to Stubbe, his *Sundry Things from Severall Hands concerning the University of Oxford*.[38] This blasted the university's increasingly conservative clerical leadership and called for the introduction of new learning.[39]

The most extensive airing of his political views surviving from the Interregnum, Locke's letter to Stubbe thwarts the common view that Locke was by this time a convinced 'conservative', 'authoritarian', or 'royalist'. However anxious about disorder, Locke seemingly remained fixed within the Independent circle at Oxford. He appreciated Stubbe's republicanism, his anticlericalism, his *politique* tolerationism, and his advocacy of a Congregationalism deferential to state authority.

The letter also suggests the broad Hobbesian influences that may have helped to shape Locke's early political opinions. It has not, to date, been read within a Hobbesian milieu. By contrast, Locke's 'Two Tracts', composed a few years later, often are. Philip Abrams, in his important edition of the tracts (1967), cast Locke as a 'conservative' and conceded the likelihood of some Hobbesian influence.[40] Jon Parkin also places the 'Two Tracts' in a 'Hobbesian vein'.[41] There are distinct Hobbesian overtones in the 'Two Tracts', as we shall see, and their anti-tolerationist position conforms to a conventional scheme in which a young 'conservative authoritarian' is contrasted with the later 'proto-liberal' Locke. The tracts are thus taken to represent a brief loss of balance.

This venerable narrative of Locke's intellectual development is undermined by a close reading of Stubbe's *Essay* and of Locke's praise for it. Locke's tolerationism of 1659, no less than his anti-tolerationism of 1660–1, was fed by the Hobbesian currents of the Interregnum. Between the letter to Stubbe and the 'Two Tracts', Locke no doubt reassessed the political

[37] MS Locke c. 27, f. 11.
[38] Locke to Locke, sen., 22 June 1659, *CL*, 1:83–4; seemingly attributed to Stubbe by Wood in *AO*, 3:1076.
[39] Stubbe, *Sundry Things from Several Hands*, 1–7. De Beer disputes that Locke was referencing this tract, but he did not know of Stubbe's probable authorship.
[40] Introduction to *TT*, 75–9. [41] Parkin, *Taming*, 209; Jolley, *Toleration and Understanding*, 14.

feasibility of toleration. But his underlying logic – of a contractual state serving temporal ends, of a monopolistic sovereignty trumping the liberty of the church and constantly watchful of clerical conspiracy – remained consistent. And that Hobbes might have influenced Locke as he moved from a *politique* tolerationism to a *politique* confessionalism should not surprise. Hobbes himself migrated between these two positions during these very years.

Furthermore, situated amidst the Oxford Independents around John Owen, Locke was well positioned to grasp the anticlerical, Independent, and tolerationist potential of *Leviathan*. Hobbes's masterwork had reflected his gradual estrangement from the ecclesial politics and political theology of the royalist cause. As early as 1641, Hobbes had tentatively justified the abolition of English episcopacy, on the grounds that the rivalry between spiritual and secular sovereignty was the root cause of civil war. In *De Cive*, Hobbes had reiterated this thesis and clarified – to clerical outrage – that the diagnosis directly incriminated the English episcopate.[42] By the time Hobbes composed *Leviathan*, the English bishops and prayer book had been outlawed and an attempted Presbyterian settlement (equally obnoxious to Hobbes) had failed. This result had been achieved by an alliance of Erastians and Independents, the latter of whom sought a national church of autonomous congregations supervised by Godly magistracy. The leading Independents rejected both radical separatism and clerical hierarchy and trumpeted the 'Congregational way' as the church form most subservient to sovereign power.[43] They rejected free-will theology and pursued university reform, in part to cull residual 'popery' and clericalism.

Hobbes's close friend Robert Payne had struggled fruitlessly to dissuade him from publicly abandoning the episcopal church.[44] We now know that much of the anti-Catholic rhetoric of *Leviathan* was framed to strike the English bishops as well, a fact that they immediately divined and resented.[45] Hobbes implicitly blamed them for the travails of Charles I and explicitly endorsed their abolition (along with Presbyterianism) as relics of 'praeterpolitical church government'. In an extended and rhetorically powerful appeal,

[42] The next two paragraphs distil Collins, *Allegiance*, chapters 2–4.

[43] J. P. Sommerville minimizes Hobbes's Independency by effacing these distinctions, creating a composite 'Independent' that is sectarian and separatist, holds radical political views, and rejects magisterial spiritual authority. Skinner follows Sommerville. Sommerville, 'Hobbes and Independency', 155–73; Skinner, *Republican Liberty*, 170n.

[44] Payne to Hobbes, 1649, in Collins, 'Christian Ecclesiology and the Composition of *Leviathan*', 229–31. In her fine study, Rose nevertheless neglects this letter in arguing that *Leviathan* targeted only Presbyterians and Catholics, not 'Anglicans'. Rose, *Godly Kingship*, 218–9.

[45] Raylor, 'Anglican Attack on Hobbes', entire.

Leviathan endorsed the establishment of Independency. It also offered a suggestive reading of the primitive church as a patchwork of independent congregations without differentiated officers. *Leviathan* granted the primitive power of excommunication to congregated assemblies (rather than to proto-episcopal, apostolic authorities). It interpreted ancient ordination as a function of individual congregations 'holding up' hands, rather than an apostolic-cum-episcopal officer 'laying on hands'.[46] These historical arguments militated in favour of Independency, as was recognized by friendly and hostile contemporaries.[47] James Harrington borrowed Hobbes's account of ordination in his own defence of an Erastian–Independent settlement.[48] Henry Hammond and his colleagues attacked Hobbes for precisely the same argument.

Hobbes warned that Independency should be 'without contention, and without measuring the Doctrine of Christ by our affection to the Person of his Ministers'. But even this oft-misunderstood proviso evidenced his new appreciation of Congregationalism. The proviso is often assumed by sceptical historians to have qualified, or perhaps even revealed as ironic, *Leviathan*'s Independency.[49] But in fact the qualifier was not of Hobbes's own devising. He almost certainly borrowed it from Independent *apologias*, where it served to interpret Paul's anger at the Corinthians as a rebuke of their lack of charity, *rather than* the autonomy of their congregations.[50] The latter interpretation was favoured by Presbyterian and episcopal commentators. Hobbes's proviso against contention did not undermine his endorsement of Independency but embedded within it a Congregationalist interpretation of schism.

Independency appealed to Hobbes partly because it stripped away dangerous clerical hierarchy. It also protected individual conscience on contested points of theology. *Leviathan* presented Christian orthodoxy as a system of obscurity designed to augment the power of churches. It advanced a minimal slate of theological fundamentals and recommended indulgence outside of these. Conscience liberty was not, for Hobbes, an enforceable individual right, and *Leviathan* certainly understood restless,

[46] *Lev.*, 796, 836, 1114–6.

[47] Malcolm minimizes these points by observing that Hobbes did not view primitive church practice as 'binding'. But Hobbes certainly commended primitive practice in ways that augmented his endorsement of Independency. Malcolm, Introduction, *Lev.*, 61–4.

[48] Harrington, *Pian Piano*, 4, 66–7.

[49] Including Jon Parkin, Alan Cromartie, Kinch Hoekstra, but at greatest length Bejan, 'Difference without Disagreement', 3–6.

[50] Including, in a work Hobbes later commended, Owen, *Of Schisme*, 26–8; for the more traditional view, see Baille, *Disssuasive from Errours*, 218–19.

conscientious actors as political threats. The book nevertheless insisted on the impossibility, and thus folly, of attempting to coerce consciences. While the realm of conscience was purely internal, Hobbes advised sovereigns, as a matter of prudence, to eschew intricate orthodoxies and heresy hunting. Independency also promised to subject individual consciences to less harassing surveillance. All of this rendered *Leviathan* a notable, if unexpected, service to the ecclesial agenda of the Interregnum Independents. It also aligned Hobbes, for the first time, with the tradition of *politique* toleration.

Hobbes's ecclesiology and views on conscience had thus undergone politically consequential transformations by 1651. Nowhere was this clearer than at Interregnum Oxford, among the members of the set that surrounded Locke. Henry Stubbe, indeed, campaigned to ally Hobbes with Owen's circle of Oxford Independents.[51]

Thomas Hobbes, by this time, lived primarily in London, enjoying the 'learned conversation' of the revolutionary capital.[52] With the old censorship regime in disrepair, radical and heretical works appeared unmolested – *Leviathan* prominent among them. Its political deference, theological heterodoxy, and ecclesial Independency incited episcopal and Presbyterian observers. Hobbes stood charged with advancing the religious project of the Cromwellian Independents: a 'dissolution of Ecclesiastical Power into the Secular', sheltering sectarian licence on the one hand and using religion to brace civil power in the manner of the 'Machiavellians' on the other.[53]

The association of Independency with Hobbesian Erastianism became particularly pronounced after the establishment of Cromwell's Protectorate late in 1653. Cromwell erected an Independent church establishment, replacing clerical authority with state-appointed, largely lay committees empowered to approve clerical appointments and purge the disaffected. This establishment of atomized congregations was designed to protect not only a measured liberty for some individual subjects but also the power of the state in ecclesiastical matters. *Leviathan* defended this mixture of sovereign ecclesial control and individual spiritual liberty. Richard Baxter denounced *Leviathan* before Cromwell's parliament as an affront to 'ministerial office'.[54] To the pre-eminent apologist for apostolic episcopacy, Henry Hammond, Hobbes had reduced the church to a mere 'engine of state, and saecular contrivance'.[55] By contrast, London's anticlerical propagandists read

[51] Collins, *Allegiance*, chapter 6; Jacob, *Stubbe*, 8–24; Jesseph, *Squaring the Circle*, 335–9; Tuck, *Philosophy and Government*, 336.
[52] *ABL*, 1:337–8.
[53] Thorndike, *Epilogue to the Tragedy*, 146; Thorndike, *Letter concerning Religion amongst Us*, 2–4, 7, 12–18.
[54] Baxter, *Humble Advice*, 2–6, 9. [55] Hammond, *Power of the Keyes*, preface.

Leviathan as the manifesto for a new age. Marchamont Nedham, William Petty, Francis Osborne, John Davies, and James Harrington feted Hobbes for exposing the 'Black-Coats', who were 'discontented that these Prerogatives of religion are taken away . . . and are invested in the Supream power of the Nation, be it of what perswasion it will'.[56] Hobbes was a master deconstructor of the 'power ecclesiastical'.[57] His hostility to clerical religion, and his *politique* tolerationism, spoke to the revolutionary moment. 'My Hobbs', reported one hostile contemporary, 'is at London much caressed, as one that hath by his Writings justified the Reasonableness and Righteousness of their Arms and Actions.'[58] *Leviathan*, Richard Baxter would later rue, had delighted the 'Pretorian Sectarian Bands'. Hobbes was befriended by the 'best wits' and enjoyed the 'vogue of those youths that pretend to anything of ingenuity'.[59]

Is it possible that John Locke numbered among these ingenious youths? His letter to Stubbe is suggestive. Stubbe was a key promoter of the Hobbesian vogue and tried to deploy *Leviathan* for the causes of Independency and toleration. Hobbes 'much esteemed' him.[60] With Hobbes's encouragement, Stubbe laboured on an eventually aborted Latin translation of *Leviathan*. The work strongly resonated with Stubbe's own anticlericalism and with his belief that free conscience reinforced the religious authority of sovereignty.[61] Stubbe enticed Hobbes into the polemical disputes roiling Interregnum Oxford. Hobbes and the Oxford Independents shared enemies, including the future Bishop, Seth Ward and the Presbyterian mathematician, John Wallis.[62] Both assailed *Leviathan* for 'furiously attacking and destroying our Universities . . . and especially ministers and the clergy'.[63] Hobbes, they charged, had pitched his university and church reform proposals as projects for Oliver Cromwell, John Owen, and the Independents around them.[64] In an acidic riposte, Hobbes skewered Wallis and Ward for propping up 'incomprehensible mysteries of religion' and the 'Power ecclesiasticall'.[65] He excoriated them

[56] Davies, 'Preface', to Hobbes, *Of Libertie and Necessitie*; *Mercurius Politicus* 84 (8–15 January 1652); Collins, *Allegiance*, chapter 5.
[57] William Rand to Benjamin Worsley, 11 August 1651, Hartlib Papers, 62/21/1b.
[58] Edward Nicholas to Lord Hatton, 12/22 February 1652, BL Add. MS 4180, f. 55.
[59] Ralph Balthurt to Hobbes, 27 May 1651; Samuel Sorbière to Hobbes, 13/23 December 1656; François du Verdus to Hobbes, 12/22 March 1657; Stubbe to Hobbes, 30 January 1657, *CH*, 180, 389, 454, 440.
[60] *ABL*, 1:371.
[61] Stubbe to Hobbes, 25 October 1656, 9 November 1656, and 30 January 1657, *CH*, 333–4, 339, 439–440.
[62] Stubbe was one of Aubreys's sources on these 'irreconcileable Contests'. Aubrey, *Brief Lives* . . ., ed. Bennett, 1:300.
[63] Wallis to Christian Huygens, 1659, quoted in Jacob, *Stubbe*, 14.
[64] Ward, *Vindiciae Academiarum*, 52–3, 59, 61. [65] Hobbes, *Six Lessons*, 61.

for resisting Cromwell's effort to resolve the 'competition between the Ecclesiasticall and the Civill power'.[66]

In October of 1656, Stubbe asked Hobbes to print something further defending Independency.[67] Hobbes responded with a letter, now lost, echoing Stubbe's own drafted defence of Owen and the Congregational way. Hobbes's praise, Stubbe wrote, would 'redound to Dr. Owen's honor', who was defending 'liberty of conscience' and 'other fundamentalls of this government'. Stubbe specifically reported that Owen's Oxford faction included 'any Westminster scholar, who are Dr. Owen's creatures now of late'. It was in this context that Stubbe assured Hobbes of his 'many favourers [at] this university'.[68]

Westminster and Christ Church had a close connection, with five or six students of the former elected to college 'studentships' (essentially fellowships) yearly. Studentships were for life but, on average, were held for approximately fifteen years.[69] This meant that the college was perpetually full of Westminsters. But Stubbe's comments suggest that Hobbes's potential favourers were those younger and often sectarian students connected to Owen, who became Dean of Christ Church in 1651. Westminster graduates who entered Christ Church between 1651 and late 1656 (the date of Stubbe's letter to Hobbes) numbered nearly three dozen. Many of these are now total obscurities, and others seem unlikely to have favoured Hobbes or the cause of free conscience. Stubbe himself and Edward Bagshaw are the only two Westminster students who have left evidence of direct correspondence with Hobbes. Locke knew them both. (Locke would maintain long ties with many of his Westminster School colleagues.[70]) Stubbe clearly considered Locke a supporter of conscience and recommended (or perhaps lent) to him political readings of relevance, including Jeremy Taylor's *Liberty of Prophesying* and a large number of works by John Milton.[71]

[66] Ibid., 56–7, 60–2. [67] Stubbe to Hobbes, 25 October 1656, *CH*, 337.

[68] Stubbe to Hobbes, 9 November 1656, 29 November 1656, and 8 December 1656, *CH*, 338, 379, 384; John Potenger, fellow of Corpus Christi, recalled 'spending most of my time' reading books such as 'Milton's works, Hobbs his Leviathan'. Fowler, *History of Corpus Christi*, 335.

[69] J.R. Milton, 'Locke at Oxford', 30.

[70] See his letters from Percivall in which Lower, South, Vernon, and Bold are mentioned; George Percivall to Locke, 29 August 1660, 19 December 1660, 12 January 1662, and 12 July 1662, *CL*, 1:153–4, 161–2, and 192–3. Locke mentions Nourse in Locke to William Carr, 23 January 1658, *CL*, 1:53. Locke knew James Carkesse and South late into his life; Robert Pawling to Locke, 27 January 1694, *CL*, 4:795; Robert South to Locke, 25 March 1697, *CL* 6:62–3. Godolphin was a close associate into the middle 1660s.

[71] Marshall, *Resistance, Religion, and Responsibility*, 6.

Locke, indeed, kept abreast of the latest political writing and corresponded about it with Stubbe and others of the Westminster cohort at Christ Church.[72] Based on Locke's surviving reading notes, J. R. Milton has argued that Locke's political reading during his Oxford years was concentrated in the late 1650s.[73] It was around the year 1659 that Locke provided the first evidence of his interest in Thomas Hobbes. In one of his commonplace books he copied the following quotation from Robert Filmer:

> Hobs. With noe small content I read Mr Hobs booke De Cive & his Leviathan about the rights of Soveraignty which noe man that I know hath soe amply & Judiciously handled. Filmore. Obser: preface.[74]

This remark appeared at the start of Filmer's *Observations concerning the Originall of Government, Upon Mr Hobs Leviathan, Mr. Milton against Salmasius, H. Grotius De Juri Belli* (1652).[75] Like a large number of the titles recorded in Locke's notes, this excerpt from Filmer is accompanied by a notation reading 'C. Stub'. Notations beside other titles read 'C. Ward' and 'C. Barlo' (presumably Seth Ward and Thomas Barlow, both at Oxford during these years. The former was a vocal foe of Hobbes, the latter a perhaps wary but respectful correspondent of his.[76]) The meaning of the 'C' in these notes has eluded interpreters, but it seems overwhelmingly likely that they indicate the person who recommended or lent Locke a given title. Henry Stubbe is by far the name most frequently so noted in Locke's early notebook, indicative of a close intellectual association. It was Stubbe who recommended Filmer to him.

More intriguing still is Locke's further notation referencing 'his Chapter of power'. During this period both Filmer and Stubbe composed brief works, none of which (including Filmer's *Observations*) were organized into chapters. This raises the distinct possibility that Locke – either following Stubbe's advice or on his own accord – was here referencing a chapter of *Leviathan* itself. In that case there would be several candidates from Hobbes's masterwork. Given the connection to Filmer, the most likely might be Chapter 19, 'Of several Kinds of Common-wealth by Institution; and of Succession to the Soveraign Power'. Other candidates

[72] He and Godolphin, for instance, exchanged remarks on Harrington. William Godolphin to Locke, 2 July 1658, and Locke to Godolphin [August 1659?], *CL*, 1:85–6, 95–6.
[73] MS Locke f. 14, pp. 5–6, 8; Milton, 'Locke at Oxford', 40–1.
[74] MS Locke f. 14, p. 16; J. R. Milton 'Locke's Early Political Reading', 81–93.
[75] The title is recorded twice in Locke's notebook, on both occasions with a notation to Stubbe. The second mention contains this note. The first is at MS Locke f. 14, p. 10.
[76] Thomas Barlow to Hobbes, 23 December 1656, *CH*, 420–1.

include Chapter 42, 'Of Power Ecclesiastical' (a favourite of Stubbe's), and (less likely) Chapter 10, 'Of Power, Worth, Dignity, Honour, and Worthiness', or Chapter 23, 'Of the Publique Ministers of Soveraign Power'. In any case, Filmer does not explicitly mention any of Hobbes's chapter titles, and so Locke's note (if it indeed referenced Hobbes, as appears likely) must have been based on supplementary knowledge and quite possibly on his own familiarity with *Leviathan*.

Around this time Locke may also have read the Presbyterian Edward Gee's *The Divine Right and Original of the Civill Magistrate from God. Illustrated and Vindicated*.[77] Stubbe apparently recommended or lent it, and Locke recorded the title in his notebook. At the very least Gee represented the kind of advanced thinking about sovereignty that interested Locke's circle in these years. As demonstrated below, Gee's book attacked Filmer's paternalism and borrowed substantially from Hobbes. Stubbe also appears to have recommended to him Matthew Wren's *Monarchy Asserted*, where Hobbes was explicitly mentioned and was an obvious influence over Wren's account of sovereignty.[78]

That Locke was reading appropriations of and responses to Hobbes during the late Interregnum and around the time that he wrote his 'English Tract' is striking. Laslett misdated the relevant commonplace book to 1667, and so this evidence has not been accommodated by most interpreters of Locke's 'Two Tracts'.[79] The conventional ascription of Hobbesian features to those texts (where it is accepted) has relied on textual parallels, but the contextual indications are stronger than those parallels alone might suggest.

The passage from Filmer cannot resolve whether Locke was himself acquainted, at this early date, with Hobbes's writing, but it seems very likely. Further evidence suggesting that this was indeed the case has recently emerged. Felix Waldmann has brought to light a short memoir of Locke written down by the Huguenot Pierre Des Maizeaux, dating to around 1718. This manuscript purports to record the direct memories of a lifelong associate of Locke's, almost certainly the theorist and historian James Tyrrell.[80] Tyrrell entered Queen's College, Oxford, in January of

[77] MS Locke f. 14, p. 5; J. R. Milton 'Locke's Early Political Reading', 89.

[78] MS Locke f. 14, p. 5; in the cases of Gee and Wren, we have only Locke's record of these titles and no further notes. His knowledge of these books must remain conjectural, but the notes suggest his intellectual context, proximity to Henry Stubbe, and perhaps his sympathy with Stubbe's political and religious views. Wren, *Monarchy Asserted*, 16.

[79] Laslett, Introduction to *TTG*, 33, and appendix B, 131; J. R. Milton, 'Date and Significance of Two of Locke's Early Manuscripts', 47–89.

[80] Waldmann's convincing attribution of the source of this memoir is currently in manuscript under the title, 'John Locke as a Reader of Thomas Hobbes's *Leviathan*: a New Manuscript'. I am grateful

1657, taking his MA degree in 1663. During these years he came to know Locke and became a sympathetic intellectual associate. The two men later fell out somewhat, but at Oxford, and for decades thereafter, they were close colleagues and correspondents.[81] Most famously, the two would compose parallel responses to Sir Robert Filmer during the early 1680s, and Tyrrell acted as custodian of Locke's books and papers when the latter was in exile in the Netherlands. Of their early acquaintance, Tyrrell reported to Des Maizeaux:

> When [Locke] was at Oxford he did not study at all; he was lazy and nonchalant, and he amused himself with trifling works of wit. The English translation of Voiture's *Lettres* was all his delight, and occupied him the most. He despised Science and Erudition. Nonetheless, he almost always had the *Leviathan* by H. on his table, and he recommended the reading of it to his friends. [Tyrrell] bought it at his recommendation; however, [Locke] affected to deny, in the future, that he had ever read it. He prided himself on being original, and he mistrusted that which he was unable to pass off as his own.[82]

Tyrrell's suggestion that Locke would deny ever reading *Leviathan* quite possibly references Locke's published rejoinders to Richard Willis and Bishop Edward Stillingfleet in 1697 and 1699, where, as we will see, he denied writing any of his own theology under the influence of either Hobbes or Spinoza. If so, Tyrrell exaggerated his point. Locke did not offer Stillingfleet an exceedingly implausible denial of all knowledge of *Leviathan* (as he presumably would have, if in a position to).

The unfriendly tone of Tyrrell's account is notable. Before his death Locke had begun to tire of Tyrrell, irritated over trifles such as a small unpaid loan and more serious matters such as public speculation about his authorship of works that Locke had published anonymously.[83] Later passages in Tyrrell's reminiscences suggest that he resented Locke's refusal to acknowledge his own contributions to their collaborative projects. Their relations never ruptured entirely, but – years after Locke's death – Tyrrell clearly nursed resentments at how Locke had treated him. Nevertheless, the details recorded in Tyrrell's account are plausible and specific, and

to Dr. Waldmann for sharing his research with me. The memoir, which has been known but badly neglected, is among the manuscripts left to the British Museum by the eighteenth-century antiquarian, Thomas Birch. BL Add MS 4222, ff., 245–7.

[81] Nearly seventy of their letters survive. *ODNB*; Gough, 'James Tyrrell', 581–3.

[82] BL Add MS 4222, f, 245. Translation by Waldmann.

[83] Gough, 'James Tyrrell', 589–93. As we shall see below, Tyrrell also objected to aspects of Locke's account of natural law, to Locke's irritation.

fabricating them would have required brazen lies rather than merely uncharitable interpretation. This is particularly true as Tyrrell implicated himself in Locke's promotion of *Leviathan*, which would have been unnecessary if his account were entirely fabulous. In later years, as we shall see, Tyrrell seems to have suspected Locke of Hobbesian tendencies. This might be taken as a motive for him, late in life, to invent his report of Locke's reading *Leviathan*. But more likely, his suspicions of Locke's sympathies with Hobbes (to be voiced in the 1690s) were informed by his actual knowledge of that reading and by his long and close intellectual collaboration with Locke.

In short, the account in Des Maizeaux's hand seems likely to have reflected Tyrrell's memory, albeit after many decades.[84] It suggests much more than a passing acquaintance with Hobbes on Locke's part. It is possible that Tyrrell was recalling Locke's early Restoration career at Oxford. However, the assertion of a youthful insouciance about study might imply an earlier date, before Locke assumed serious teaching duties of his own at Oxford (duties he executed diligently). That the English translation of Voiture's *Letters of Affaires, Love, and Courtship* was published in 1657 is suggestive of timing, though not decisively so. That Locke owned this edition, however, may provide modest external confirmation of one detail of Tyrrell's account.[85] Finally, we have seen that Locke was reading explicitly anti-Hobbesian works in the later 1650s, which makes it unlikely that he was himself unacquainted with the famous target of these works. On the whole, the evidence suggests that Locke was a close reader of – and perhaps promoter of – *Leviathan* at Oxford during the later Interregnum.

It thus appears likely that Locke may have been among those in mind when Stubbe referenced the Oxford Westminsters devoted to free conscience and susceptible to Hobbes's influence. Certainly, given the surviving evidence, he is a stronger candidate than any others beyond his associates Stubbe and Bagshaw.[86] Locke was a young Westminster student attached to

[84] Sceptics of this source may observe a passage within De Maizeaux's copy of Tyrrell's report reading 'Tous les faits raportés dans cette Piece sont ou faux ou mal rapportés'. BL Add MS 4222, 245v. Dr. Waldmann, however, demonstrates that this remark is by Tyrrell himself and is followed by several points rebutting claims of Le Clerc's *Elogie* of Locke, which Tyrrell disliked and discounted. Des Maizeaux himself was born in the early 1670s, and was in no position to refute the factual claims of eyewitnesses to events before his own birth. Tyrrell's account cannot, to be sure, be treated as decisive. The other evidence gathered in the present chapter, however, lends it greater credibility.

[85] *LL*, 3102.

[86] Welch, *List of the Queen's Scholars*; dates of matriculation from *Alumni Oxonienses*. See also *The Record of Old Westminsters*. They include Robert South, William Godolphin, Henry Bold, Henry Bagshaw, Edward Campion, Robert Osbalston, James Carkesse, Arthur Salway, George Nurse,

Owen. He supported free conscience, discussed political writing with Stubbe, read polemical responses to Hobbes, and would shortly produce a manuscript that has long been considered argumentatively and rhetorically Hobbesian. Direct and credible, if retrospective, testimony survives as to his constant reading of *Leviathan* during these formative Oxford years.

For his part, Hobbes obliged Stubbe with additional printed jibes at Wallis. He spoke favourably of Oxford under the reforming regime of Owen and Cromwell and rebutted Wallis's attack on Independency. The sovereign must purge such 'undutiful and seditious principles' from the churches and surveil clergy who knew all too well 'how to trouble and sometimes undoe a slack Government'.[87] Delighted, Stubbe reported to Hobbes that both Owen and his ally Louis du Moulin had produced works defending Independency, which 'subjected the ministry to the Magistracy sufficiently, for which he and Owen are cryed out upon'. In February 1657, Stubbe wrote that Hobbes's 'reconcilement to the university pleaseth, and so I give out that du Moulin's booke and the Vicechancellor's [Owen's] are the pieces that have gained your good esteeme'.[88]

Hobbes understood Independency – combining a measured liberty for private conscience, hostility to corporate clerical authority, and deference to the state's religious power – to be fundamentally compatible with his project. Not all Independents were eager for his support. Both Owen and du Moulin would offer conflicted assessments of *Leviathan,* and they could not afford to let Independency be tainted with heresy. The Presbyterians pressed these difficulties home, and Owen forbade Stubbe from completing his translation of *Leviathan*.[89] The 'Presbyterians', Stubbe informed Hobbes in February of 1657, 'have so filled men's eares against you, that none would dare exhibite' their true 'respect'.[90]

But none of this diminishes the evidence that Hobbes's ecclesiological doctrines enjoyed a real influence in Oxford circles. Locke seems to have followed the polemics between Owen and the Wallis–Ward faction, which had dragged Hobbes into their swirl.[91] And in praising Stubbe's *Essay in Defence of the Good Old Cause*, Locke praised a work marked by decidedly

William White, Arthur Brett, John Salway, Richard Lucie, Thomas Martin, Francis Vernon, William Vutter, Charles Danvers, George Percival Ralph Fenwicke, Barnabas Poole.

[87] Hobbes, *Markes of an Absurd Geometry*, 16–19.

[88] Stubbe to Hobbes, 26 December 1656, and 14 February 1657, *CH*, 426, 449; Stubbe and Hobbes corresponded over the controversy with Wallis into the spring. Stubbe to Hobbes, 24 May 1657, *European Magazine* 35 (1799), 232–3. I thank Professor John Milton for calling this letter to my attention.

[89] Collins, *Allegiance*, 235–8. [90] Stubbe to Hobbes, 14 February 1657, *CH*, 449.

[91] This is indicated, if vaguely, in Locke to Locke, sen., 6 April 1658[?], *CL*, 1:60–2.

Hobbesian themes: defence of a strictly individualized free conscience; a pronounced anticlericalism; fear of the political implications of theological obscurantism; and deference to the sovereign's religious authority.

Locke also knew another of Hobbes's Oxford admirers, Edward Bagshaw. Bagshaw and Locke had followed similar arcs through the civil war years. The former finished his education at Westminster School in 1646 and was elected to a studentship at Christ Church. He adopted Independency and attached himself to Owen.[92] At Christ Church he rose to the position of senior censor, responsible for supervising the academics and discipline of undergraduates. Known for 'Commonwealth principles', he was hostile to the vestigial 'popery' of university ceremony.[93] He certainly agitated against the use of caps and robes in convocation, though whether he forced university disputants to condemn monarchy and episcopacy (as witnesses later claimed) is harder to say. He reportedly participated in John Harrington's Rota Club.[94]

During Stubbe's campaign to promote Hobbes at Oxford, Bagshaw wrote to Hobbes, fulsomely apologizing as to 'how much injury they doe to the Commonwealth of Learning, who doe in the least manner, divert you from those great designes you are now upon'.[95] The subject of their one surviving letter was the 'Excellent Tract about Necessity' that Hobbes had composed against Bishop Bramhall. In a subsequent work attacking free-will theology, Bagshaw invoked Hobbes as a theological authority.[96]

With Hobbes, Bagshaw viewed the 'idol' of free will as both a foundation for clerical power and a chain on conscience. The notion that the will (on spiritual questions) was directed by intention served to cast nonconformity as 'obstinacy'.[97] Though Bagshaw surpassed Hobbes in constraining the magistrate's authority to enforce conformity, he agreed with Hobbes that the inner conscience could not be effectively coerced. In 1659, Bagshaw published an explicit denial that elect 'saintship' conferred a right to rule. This was sustained with scriptural exegesis emphasizing – as Hobbes had – the political quietism of the primitive Christians under pagan sovereigns. It was 'in the nature of Civil government in general' that sovereignty belongs to 'men not as they are Christians, but as they are men'. In a distinctly Hobbesian passage, Bagshaw wrote of contracted sovereignty: 'When once a man hath sworne, he cannot resume againe that naturall Liberty, which he was before possessed of, because by his

[92] *ODNB*. [93] Pope, *Life of Seth Ward*, 39–40. [94] *AO*, 3:944–6, 1120.
[95] Bagshaw to Hobbes, 1 March 1658, *CH*, 497–8. [96] Bagshaw, *Letter to Mr. Thomas Pierce*, 19.
[97] Bagshaw, *Doctrine of Free-Grace*, preface.

owne voluntary Act he hath divested himself of it, and thereby bound himselfe over to Divine vengeance, if he do not performe the Condition of his Covenant.' Further, 'no pretence of Sanctitie can absolve us now from such Ties of Obedience'.[98]

In later tracts Bagshaw echoed Hobbes in assailing Bellarmine's case for papal infallibility and by associating the Laudian faction of the Church of England (including Hobbes's critic Herbert Thorndike) with popery. His insistence that *ecclesia*, in scripture, denoted only 'particular Congregations' also recalled *Leviathan*.[99] And in a later dispute with Bishop George Morley, Bagshaw attacked high-flying bishops – in fundamentally Hobbesian terms – as enemies of 'Regal Dignity' and 'true and undoubted sovereignty'. The bishops 'mangled the King's authority' with an 'Absurd and Insignificant distinguishing between Civil and Ecclesiastical Causes'. They left 'nothing of Supremacy but the Name'.[100]

Bagshaw's Hobbesian credentials coloured – as they did with Stubbe – his dedication to free conscience. Bagshaw was more deferential to conscience than Hobbes, but this did not require wholesale repudiation of the principles of *Leviathan*. Recognizing this is important if we are to correctly interpret the first work of political thought produced by the young John Locke.

Locke's 'Two Tracts' and the Influence of Hobbes

On the 29th of May, 1660, eleven years after the beheading of Charles I, Charles II returned to Whitehall Palace, scene of his father's final moments. The fugitive monarch returned triumphantly as a symbol of order. Thousands cheered his progress from Dover to Canterbury and on to London. The capital glowed with celebratory bonfires. 'I stood in the Strand and beheld it and blessed God', wrote John Evelyn.[101] In dying, Charles I had adopted the persona of the suffering Christ, forgiving his enemies and embracing martyrdom for the Church. Through its own sufferings, the episcopal church cultivated the memory of the martyred King. The revised prayer book of 1662 would establish 30 January as a red-letter day of commemoration for 'K. Charles Martyr'.[102]

[98] Bagshaw, *Saintship no Ground of Soveraignty,* 24–6.
[99] Bagshaw, *Brief Enquiry into the Grounds and Reasons whereupon the Infallibility of the Pope and Church of Rome is said to be Founded*, preface, 13–4, 30.
[100] Bagshaw, *Letter . . . Containing some Animadversions on the Bishop of Worchester's Letter*, 2–3.
[101] Evelyn, *Diary*, 1:332. [102] Keeble, *Restoration*, 37.

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The motif of a Christ-like triumph through suffering had envisioned the resurrection of the monarchy, and so it came to pass. The Restoration, wrote Evelyn, was 'the Lord's doing, *et mirabile in oculis nobis*'. The sudden event, wrote Bishop Morley, was 'like the Resurrection from the Dead'.[103] But in truth, the return of the Stuarts was not a true second coming for the church. Charles II was not entirely his father's son. He had little moral uprightness, no domestic propriety, and his religious observance was decidedly casual. Worse, he betrayed *politique* impulses when it came to religious governance. In 1650, he had horrified loyal episcopalians by swearing to the Covenant in order to secure the Scottish crown. Later, positioning himself for restoration, he had promised to stabilize England's fractured religious scene with some measure of toleration. The Declaration of Breda – composed from exile in April of 1660 – promised 'a Liberty to Tender Consciences, and that no man shall be disquieted or called in question for differences of opinion in matters of Religion, which do not disturb the peace of the Kingdom'.[104]

The Declaration of Breda was a masterpiece of magnanimous evasion. It promised liberty of conscience but deferred to parliament. It acknowledged England's traumatic schisms but envisioned a restored 'unity'. Nevertheless, free conscience for individuals, hedged only by the political calculation necessary to ensure peace, threatened the Church of England. To its servants the church was 'one, true, holy and apostolic', not merely a favoured entrant in a religious marketplace. Nor were they inclined to succour those who had dismantled the church and persecuted its devotees. Sensing trouble, Edward Hyde, Charles's chief minister, had warned royalist clergy to 'temper' their 'unskillful passion' in the interest of conciliation. The surviving bishops were instructed not to attend the King's arrival at Dover.[105]

We now know what contemporaries would increasingly suspect, that Charles II's tolerationism was partly motivated by his personal Catholicism. The later Stuarts wielded the Royal Supremacy over an alien church. This contradiction would destroy the monarchy of James, but it also destabilized that of Charles. Charles's promises of toleration had broader aims as well. To sustain power, Charles would placate the nonconformists who had warred against his father. The inviolable religious principles of Charles I gave way to the *politique* logic of his son.

[103] Ibid., 32–3.
[104] *King Charles II. His Declaration . . . from his court at Breda in Holland* (London, 1660).
[105] Montano, *Courting the Moderates*, 56–7.

At Charles's return, the Church's prospects were thus unsettled. His subjects watched with varying degrees of expectation, hope, or dread. Thomas Hobbes had reason to worry. His flight from the exiled court, precipitated by *Leviathan*, had been on the worst of terms. Royalists had considered him a political and religious traitor, and he had done little in the intervening decade to disabuse them of this notion. Mere months before the Restoration, Hyde refused to 'absolve' Hobbes 'from the Mischief he hath done to the King, the Church, the Laws, and the Nation'.[106] Throughout 1659 and early 1660, Hobbes remained at Chatsworth, the Derbyshire estate of his lifelong patrons, the Cavendishes. Hobbes had scant expectation of royal favour and could be assured of the determined hostility of Hyde and the episcopal clergy.

John Locke, much more obscure, had less to fear. With the whole nation 'reeleing', he followed events with disquiet. 'There are few know what probably to hope or desire', he wrote, 'and the best and wisest are faine to wish for the generall thing settlement without seeing the way to it.' Locke was full of indecision. 'I have a long time thougt the safest condition to bee in armes could I be but resolvd from whome I ought to receive them and for whome to imploy them . . . I must confesse in this posture of affairs I know not what to thinke, what to say.'[107] His father died in December of 1660, cutting him off from family counsel.

After the Restoration, Locke may have feared the loss of his studentship. Ousted royalists resumed their places in the church and the universities. In the summer of 1660, a royal visitation to Oxford was launched, and this clearly worried Locke. The university, he wrote in August, was 'clouded and disturbd by noe ordinary feare'. His own 'composdnesse' was 'shaken with continuall earth quakes and is every minute tottering'.[108] The scrum to retain places surely partly explains the volume of celebratory verses, *Britannia Rediviva*, produced by Oxford fellows in 1660. Here we find more early verse by Locke, ripely celebrating Charles II as the champion of order against chaos, light against darkness.[109] The enthusiasm may have been sincere. It certainly followed the general mood. As one correspondent put it in May, not twenty 'Antimonarticks' could be found in London, once the capital of anti-Stuart sentiment.[110]

This constellation of factors framed Locke's first sustained political writing. The country had rallied to the Stuart dynasty, but with hopes of

[106] Hyde to Barwick, 25 July 1659, in Schuhmann, *Chronique*, 167.
[107] Locke to Locke, sen., c. 9 January 1660, *CL*, 1:136–7.
[108] Locke to J.O., early August 1660, *CL*, 1:150–1.
[109] *Britannia Rediviva*, unpaginated; *LHW*, 193–4.
[110] John Strachey to Locke, sen., 24 May 1660, *CL*, 1:147.

conciliation rather than retribution. The re-establishment of the episcopal church was expected but on terms that remained unknown and were likely to be moderate and to include some toleration. In these circumstances Locke composed two short treatises on the question of church governance. They were never published but are today known as the 'Two Tracts'. They offer us further possible evidence of Locke's contact with the Hobbesian milieu of the Interregnum.

The 'Two Tracts' are often characterized as defences of the restored Church of England. This is misleading. The 'English Tract', by far the more consequential of the two because it was intended for publication, was finished no later than December of 1660 when Locke sent it to his correspondent Gabriel Towerson.[111] (The later Latin version, composed as an academic oration, was probably intended for teaching and almost certainly not for publication.[112]) Late 1660 was a period of rising hopes for the episcopal party, but no more. The spontaneous return to prayer book worship, and enthusiastic burnings of the Solemn League and Covenant, augured well for the old church. But against this weighed the King's promises of toleration and his concern to soothe, rather than suppress, religious strife. Presbyterians had expected that the winds of religious conservatism might blow their way, and for a time in 1659 they had.[113] Now they hoped for a comprehensive church settlement with a moderated episcopacy 'assisted' by presbyters, rather than a relapse into full-blown Laudianism. Independents hoped for some toleration outside of the coming establishment.[114]

None of these hopes were decisively realized or dashed until after Locke's 'English Tract' was finished. When he landed at Dover, Charles had been greeted by a delegation of Presbyterians and none of the surviving bishops.[115] The conservative Cavalier Parliament, which would prove critical to the eventual church restoration, had not yet been elected. Over the summer of 1660, the Oxford visitation had removed fifty fellows to make way for ejected royalists, but many Interregnum fellows remained in place.[116] Late into 1660, observers remained uncertain as to whether the church settlement would satisfy the episcopal party.[117] The Privy Council included both episcopalians and Presbyterians, as did the new cohort of royal chaplains. Charles encouraged Presbyterian proposals for a revised liturgy and a moderated episcopacy. He offered bishoprics to several

[111] Locke to Gabriel Towerson, 11 December 1660, *CL,* 1:160.
[112] Von Leyden, Introduction to *ELN,* 24. [113] Hutton, *Restoration*, 102. [114] Ibid., 52.
[115] Sutch, *Sheldon*, 63. [116] Hutton, *Restoration*, 131.
[117] Samuel Bonnell to John Johnson, 13 September 1660, Cambridge Add. MS 7, letter 6.

Presbyterian clergymen. In October, the Worcester House Declaration announced an interim settlement requiring bishops to seek the assistance of presbyters and allowing clergy to omit parts of the prayer book. The plan provided no toleration for sectarians and thus exacerbated the split between Presbyterians seeking comprehension and Independents requiring toleration.[118] But as an effort at securing ecclesial peace it pleased the King.[119] The Convention Parliament narrowly rejected the Worcester House Declaration as the basis for a permanent settlement, but by that time, Locke was composing or had completed his 'English Tract'.[120] The Convention had also signalled moderation with an act confirming the living of any minister ordained in any manner since 1 January 1642, unless an ejected predecessor was still living. The act outraged those who considered episcopal ordination essential.[121] In the summer of 1660, rumours circulated that the King would demand 'that both Episcopall Divines and Presbyterians should mutualy condescend'.[122] In August, a royal letter into Scotland promised to protect the settled government of the Kirk, which had lacked bishops for two decades.[123]

Presbyterian hopes for a mild settlement only died lingeringly. In the elections of March 1661, outside of London at least, a wave swept episcopal loyalists into parliament. Still, at the opening of parliament in May, Chancellor Hyde urged the members to honour the Declaration of Breda. Charles issued an edict forbidding the imprisonment of Quakers for refusing oaths. He also worked to soften the penal laws against Roman Catholics. As late as December of 1661, the informed Presbyterian doyen Lady Frances Hobart held out hope for 'Liberty in the things of God' and for 'private religious exercises'.[124]

Gradually, the more unyielding nature of the emerging settlement revealed itself. London's Bishop Gilbert Sheldon, promoted by Hyde, gathered influence and launched a print campaign for episcopacy.[125] Hyde himself, capable of strategic flexibility, was nevertheless generally loyal to the traditional church constitution.[126] Recovery of the 'ancestral church' was the

[118] Lacey, *Dissent and Parliamentary Politics*, 13.
[119] Henry Hasting to the Countess of Huntingdon, 24 October 1660; Huntington, Hastings Correspondence, box 22, 5586.
[120] Hutton, *Restoration*, 145–6.
[121] Keeble, *Restoration*, 80–1.
[122] Thomas Smith to Daniel Fleming, 4 June 1660, *Flemings in Oxford*, 1:133.
[123] Raffe, 'Presbyterian Politics and the Restoration of Scottish Episcopacy', 145–7.
[124] Frances Hobart to her brother, 30 December 1661, Huntington, Ellesmere MS 8543.
[125] Sutch, *Sheldon*, 64–71.
[126] Seaward, 'Circumstantial Temporary Concessions: Clarendon, Comprehension, and Uniformity', 68–75.

work of a clerical–gentry alliance, obstructing the King's moderation.[127] Parliament ordered the burning of the Solemn League and Covenant. Bishops were readmitted to the Lords in June of 1661, strengthening the church's clout.[128] The Oath of Allegiance became mandatory for all religious sects, and their meetings were outlawed. The slowly stirring church courts began to prosecute recusancy, non-payment of tithes, and the failure to baptize children. In Scotland, the King executed a U-turn. The first Scottish bishops were consecrated in December of 1661.[129]

At the Savoy Conference, convened in April 1661 to reform the prayer book, the episcopal clergy impeded all significant revisions. In May, the Convocation issued a revised prayer book unacceptable to the Presbyterians.[130] Royal efforts to secure a partial waiver of some of its provisions were defeated. The central pillar of the church restoration, the Uniformity Act, advanced throughout the summer and autumn of 1661. Enacted in May of 1662, it ejected any minister who had not accepted the new prayer book and repudiated the Covenant by St. Bartholomew's Day.[131]

However, it was only in late 1661 that the Laudian restoration began to seem inevitable. Even then, as hopes for a moderate, comprehensive establishment faded, they were replaced by monarchical efforts to secure a toleration in the image of Breda. Clarendon proposed an explicit proviso to the Uniformity Act allowing the King – a 'most discerning, generous, and merciful prince' – to suspend its 'sharp' effect on 'tender consciences'.[132] The bishops impeded this effort, holding that 'it was not in the king's power to dispense with ecclesiastical laws'.[133] Archbishop Sheldon, writes one authority, 'called in public opinion to defend his concept of religion against the King himself. It was a manoeuvre he was to repeat with equal success during the next thirteen years.'[134] But Charles resisted. Sir Henry Bennet, Lord Ashley, and other counsellors urged him to strengthen his authority' and stave off 'discontented partyes' by tempering uniformity. Dissenters and Catholics lobbied for a merciful suspension of the penal laws.[135] Clarendon was nervous, but the King was determined to defuse the 'great spirit of malice abroad'.[136]

[127] Beddard, 'The Restoration Church', 158. [128] Swatland, *House of Lords*, 163.
[129] Raffe, 'Presbyterian Politics', 146–7. [130] Sutch, *Sheldon*, 82–3.
[131] Seaward, *Cavalier Parliament*, 173–9; Hutton, *Restoration*, 166–76.
[132] Beddard, 'The Restoration Church', 161, 167; Swatland, *House of Lords*, 167–70.
[133] Seaward, *Reconstruction*, 176–7; Patterson, *Long Parliament of Charles II*, 147.
[134] Hutton, *Restoration*, 176.
[135] Lister, *Life of Clarendon*, 3:198–9; Seaward, *Reconstruction*, 179; Abernathy, 'Clarendon and the Declaration of Indulgence', 58–60.
[136] Clarendon to Ormond, 31 January 1663, Lister, *Life*, 3:233.

In December of 1662, the 'Declaration to Tender Consciences' was issued. This was a statement of intent, rather than an actual mechanism instituting an indulgence, but it previewed a governing strategy that would roil politics for decades to come. It responded to dissenting and Catholic petitions asserting that the King 'had in himself the power to dispense in such cases, as he did with the Dutch and French churches'. Independents supposedly rallied to this argument, willing – according to Baxter – to use the Catholics as 'a means for their own ends'.[137] Defending the Declaration before parliament in February, Charles cleverly associated religious coercion (and thus its present episcopal advocates) with 'Popish times'. He disavowed any intention of favouring Catholicism and promised to keep the established church 'pure and uncorrupted'. But if 'Dissenters will demean themselves peacefully and modestly under government, I could heartily wish I had such a power of indulgence' to reward them.[138] The King asked parliament to confirm this royal power with a bill that afforded him wide latitude to suspend the Uniformity Act (and potentially the Corporation Act) and to license nonconformist worship. This 'conjured up a Hobbesian vision of a religion governed by royal decree'.[139] The Commons proved deeply hostile to this 'schism by law'. In the Lords, the bishops spoke against the design.[140] Sheldon was its most vigorous enemy, warning the Privy Council that indulgence would 'not only render the parliament cheap, and have influence over all other laws, but in truth let in a visible confusion upon Church and State'.[141] Indulgence, like comprehension, failed. The victorious bishops, however, now realized that the autonomy and authority of the church could only be cautiously advanced in alliance with the court. Charles's prerogative authority loomed as a double-edged sword.

John Locke's 'English Tract' must be located not within a context of triumphant, ecclesiastical traditionalism but within a complex, unstable period during which the court and church were often at odds. The tract sought to establish that the 'Civil Magistrate may lawfully impose and determine the use of indifferent things in reference to religious worship'. It is an error to associate affirmation of this sovereign power with the episcopal cause, or to presume that Locke's Independent associates would have objected to it. Locke's 'English Tract' was a strictly Erastian intervention, written when the episcopal party did not enjoy the unalloyed

[137] Kennett, *Register and Chronicles*, 851–2; Witcombe, *Charles II and the Cavalier House of Commons*, 8–11.
[138] *Letters, Speeches, and Declarations of Charles II*, 139–40. [139] Seaward, *Reconstruction*, 182.
[140] Lister, *Life*, 2:211–16; Rose, *Godly Kingship*, 95–6. [141] Seward, *Reconstruction*, 180.

support of sovereignty. With a few cosmetic changes, it might well have appeared during the Interregnum, as a Congregationalist apology for magisterial authority over spiritual causes.

From one perspective, Locke's 'English Tract' positioned itself within an intramural dispute between two variations on Hobbesian ecclesiology. The work answered Edward Bagshaw's *The Great Question concerning Things Indifferent in Religious Worship*. Bagshaw rejected the notion of an earthly Christian kingdom. He adopted a Hobbesian contractual account of sovereignty and spurned conceits about the sacred qualities of power.[142] At the Restoration, Bagshaw retired briefly to the country. The King reportedly attempted to employ him in December of 1662, at the moment when he was issuing his Declaration of Indulgence. The court perhaps envisioned Bagshaw as a hired pen, agitating for a toleration based on a high view of the King's spiritual authority. A Hobbesian sectarian would have been well suited to such purposes. But Bagshaw demurred.[143] A strong sympathy with the sects, and hostility to the restored church, derailed his career. He did seek episcopal ordination as early as 1659, and he managed to maintain his studentship at Christ Church until 1661.[144] But in 1663 he was imprisoned for seditious speech, and in 1671 for refusing the oaths of supremacy. Shortly thereafter, he died. John Owen would memorialize him for 'patience' amidst persecution.[145]

Bagshaw's published controversies with figures such as Bishop Morley and Richard Baxter could be acrimonious.[146] But his later reputation as a seditious malcontent should not colour his early controversy with Locke. His full radicalism had not yet emerged. As his episcopal ordination and brief service as chaplain to the Earl of Anglesey indicate, he was capable of trimming his sails (albeit in service to a broad-minded aristocrat who supported dissenters). In the *Great Question,* he presented himself as a loyal royalist and Church of England man.[147] This marriage of tolerationism and loyal monarchism perhaps appealed to the court.

Bagshaw's tract went through several editions, and in March of 1661 Locke's associate Gabriel Towerson complained that the work was 'well liked'.[148] As late as April of 1661, Bagshaw preached from no less a pulpit than that of Saint Mary's – the university church – where he apparently

[142] Bagshaw, *Saintship no Sovereignty*, 14, 24, 55.
[143] Kennett, *Register and Chronicle*, 854; Pope, *Life of Seth Ward*, 39. [144] *AO*, 3:945.
[145] Ibid., 362. [146] *ODNB*.
[147] [Bagshaw], *Great Question concerning Things Indifferent*, epistle to the reader.
[148] Towerson to Locke, 12 March 1661, *CL*, 1:167; Locke's tattered copy of the tract survives, bound in the vellum of an old will dated 1628. Bodl. Locke B 10.2.

prayed for the restored bishops but also swiped at the imposing of 'ceremonies'.[149]

Locke knew Bagshaw at Christ Church. He had followed the war over the re-imposition of caps and gowns that animated his colleague.[150] Both men belonged to the clientage of John Owen. Towerson would refer to Bagshaw as Locke's 'freind', and though by 1661 this was ironic in some measure, it suggested a growing estrangement rather than distance.[151] The gap between their ecclesiology and politics should not be exaggerated. Bagshaw was undoubtedly more sympathetic to sectarianism than Locke, and he would eventually become a determined resister of the restored establishment. But in 1660 his background was similar to Locke's, and he loudly proclaimed his allegiance to the King and bishops. Indeed, Locke never publicly avowed as clearly as Bagshaw did any allegiance to episcopacy and the liturgy.[152]

Bagshaw's *Great Question* often reads like an effort to flatter and cajole Charles II, urging him to deploy his prerogative to moderate the church's re-establishment. As to whether the sovereign might legitimately determine the use of indifferent things in religious worship, it offered a qualified negative, hoping to carve out space for diversity within a re-established church and indulgence for those who remained outside it. This programme was not a challenge to Charles II; it closely hewed to the court's preferred approach.

Bagshaw offered a Pauline reading of primitive Christianity and of that 'perfect law of Liberty' which bound us only to God and not to 'Humane Ordinances and Outside Rites'.[153] He conceded that some aspects of religious observance were 'indifferent' but argued that many potentially indifferent practices 'by Abuse have become occasions of Superstition' and idolatry. He exemplified this with a list of Laudian practices, such as bowing at Christ's name, surplices, and kneeling for the Eucharist. Thus did Bagshaw signal his distaste for formalism, even as he avowed devotion to bishops. Such ceremonies were not unlawful but could not be imposed by force.[154] In this Bagshaw was not commenting on the sovereign's right as such.[155] He viewed political power as a profane inheritance, unbound by the strictures of Christianity. The Christian magistrate was, however, more limited:

[149] Gabriel Towerson to Locke, 9 April 1661, *CL*, 1:170.
[150] Locke to William Carr, 23 January 1658, and William Carr to Locke, 30 January 1658, *CL*, 1:54, 56.
[151] Gabriel Towerson to Locke, 9 April 1661, *CL*, 1:170–1.
[152] A point made by Marshall, *Resistance, Religion, Responsibility*, 18.
[153] Bagshaw, *Great Question*, 3–4. [154] Ibid., 2.
[155] Woolhouse misreads Bagshaw on this point. Woolhouse, *Locke*, 40.

> Though as a Magistrate he hath a power in Civil things, yet as a Christian he ought to have a care that in things of spirituall concernement he grieve not the minds of any, who are upon that Relation, not his Subjects, so much as his brethren: and therefore since they have left their Naturall, and voluntarily parted with their Civill, they ought not to be entrenched upon in their Spirituall freedome: especially by such a Magistrate, who owning the same Principles of Religion with them, is thereby ingaged to use his Power, only to support and not to ensnare them: to Bound perhaps, but not to abridg their Liberty; to keep it from running into Licentiousness (which is a Morall Evill) but not to Shackle, Undermine, and Fetter it, under pretence of Decency and Order.[156]

Bagshaw's account of civil sovereignty – as a contracted surrender of natural liberty – did not subordinate it to scriptural revelation. King Charles was constrained as a Christian but not as a sovereign. In light of this, Bagshaw's tract offered supplementary, prudential arguments against religious coercion. Imposition itself, rather than liberty, he argued, 'begat all manner of Disorder and Confusion'. 'Variety' in Godliness was an 'excellent and most comely thing', and 'liberty is so far from weakening, that it is indeed the security of a Throne', as it earned princes both popularity and divine protection.[157] Bagshaw's *Great Question*, in short, was partly an effort to counsel Charles II on his Christian duty and partly an effort to reinforce the King's *politique* tolerationism. Bagshaw urged 'all Parties . . . to referre the whole cause of Ceremonies to his Majesties single Decision'. He was confident that the author of the Declaration of Breda would remove the 'Apples of Ecclesiastical Contention', but he promised 'that should his Majesty be prevailed upon for some Reason of State, to enjoyn Outward Conformity, this writer is resolved by the help of God, either to submit with Chearfullness, or else to suffer with silence . . . Whatever he cannot Conscientiously do, he thinks himself obliged to suffer for . . .'[158]

Bagshaw's *Great Question* did not disavow religious authority over indifferent matters as a note of sovereignty but merely as a violation of the religious duty of Christian princes. Bagshaw emphasized the sinfulness of imposition more thoroughly than Hobbes had, but his portrait of the primitive church was compatible with *Leviathan*, as was his suggestion that ceremonial imposition was an imprudent policy serving clerical, rather than secular, authority. Bagshaw recognized that the scope of religious liberty would be determined by sovereign power and that the sovereign's

[156] Bagshaw, *Great Question*, 4. [157] Ibid., 12, 16. [158] Ibid., epistle.

relative valuation of pious and worldly considerations would be his own. In many respects these arguments paralleled those advanced by Henry Stubbe a few years earlier. Both began with a contractual account of sovereignty that was likely informed by Hobbes, but they counselled some religious freedom as a matter of prudent statecraft and (particularly for Bagshaw) as a particular religious duty of Christian sovereigns.

John Locke had favoured this position in the latter years of the Interregnum. In 1660 he broke from it, but only in limited ways. Why Locke composed his 'English Tract', prepared to print it, and then abandoned it, is obscure. Speculation that he might have written it at the behest of John Fell, who became Dean of Christ Church in November 1660, is without evidence. Fell ascended to power only as Locke's tract was finished. In any case, the work was not well judged as a piece of advocacy for Fell's position, which was committed to Laudian ceremonialism and episcopal authority.[159]

Locke's associate Gabriel Towerson, an All-Soul's fellow, was certainly involved. Locke and Towerson began their collaboration considering the question of natural law.[160] Bagshaw's *Great Question* appeared in October, when Locke was often in Pensford with his dying father. By November he was back in Oxford. The original epistle to his 'English Tract', apparently written to Towerson and later replaced with a more formal preface, was dated 11 December 1660. It indicated that Locke and Towerson had discussed Bagshaw's tract and that Locke's response 'owed [its] original' to Towerson. He had been 'careful', Locke said, to otherwise 'sequester my thoughts both from books and the times, that they might only attend those arguments that were warranted by reason, without taking any upon trust from the vogue or fashion'.[161]

Locke's 'English Tract' should thus be read not as a party document but as a general commentary on magisterial authority. It has nevertheless been construed as an enthusiastic endorsement of the episcopal church and its forms of worship.[162] But neither the 'English Tract' nor its Latin version

[159] Abrams, Introduction to *TT*, 9–12; on Fell, see Beddard, 'Restoration Oxford and the Remaking of the Protestant Establishment', 803–8.

[160] Gabriel Towerson to Locke, 3 November 1660, *CL*, 1:158–9.

[161] Locke to [Towerson?], 11 December 1660, *Locke: Selected Correspondence*, ed. Goldie, 22–3.

[162] Marshall, *Resistance, Religion, Responsibility,* 9. Marshall sees both early tracts as part of an enthusiastic 'Anglican' resurgence, linking Locke, Towerson, James Tyrrell, Robert Boyle, Thomas Barlow, Samuel Tilly, and John Parry. But no cohesive religious identity other than conformism can be said to mark this group in 1660. Barlow was an Interregnum ally of Owen's, a dedicated Erastian, and a friendly correspondent with Hobbes. Tyrrell's 1661 edition of a tract by his grandfather James Ussher is weak evidence of any particular 'Anglican' piety.

offered a word supporting the restoration of the English episcopal hierarchy, nor the re-imposition of the prayer book. The preface to the 'English Tract' did celebrate the Protestant English establishment as the 'purest church of the later age', but this imprecise paean (written after the tract itself) did not clearly mark Locke's allegiances. With the exception of an openness to the use of surplices, neither of the tracts promoted the return of ceremonial formalism or sacramentalism. The 'English Tract' denied that crossing oneself, bowing at the name of Jesus, and other notes of formalism might particularly encourage 'superstition', but it did so by even-handedly equating them with less formal worship practices.

In truth, Locke's 'Two Tracts' scarcely consider the church at all. The 'English Tract' says nothing about the autonomy of the church, its episcopacy order, or its traditional sacraments and ceremonies. Its structuring query, the power of magistrates over 'indifferent things in reference to religious worship', did not neatly divide episcopal churchmen from dissenters. Locke's clearest foils were the radical sects.[163] The tract would not have bothered more Erastian Independents. In fact, its subordination of external worship to sovereignty may have given the neo-Laudians pause. In 1660, the King's spiritual power was by no means consistently at their service.

The 'English Tract' is, moreover, peppered with Hobbesian arguments, closely paralleling doctrines of *Leviathan.*[164] The conventional reading of the 'English Tract' as Hobbesian focusses on Locke's account of the state of nature, but the textual parallels between the tract and Hobbes are more extensive than that. Locke based his case for sovereign power over spiritual *adiaphora* on a contractual theory of sovereignty. Natural and revealed law might constrain sovereignty in the spiritual realm. All religious matters not so restricted might enjoy natural liberty, but natural liberty could be surrendered to another. God's law, after such a surrender, obliges submission. Indeed,

> every particular man must unavoidably part with this right to his liberty and intrust the magistrate with as full a power over all his actions as he himself hath, it being otherwise impossible that any one should be subject to the commands of another who retaines the free disposure of himself and is master of an equal liberty. Nor do men as some fondly conceive enjoy any greater share of this freedome in a pure commonwealth, if anywhere to be

[163] MS Locke e.7, f. 1; *TT*, 124.
[164] Cranston, *Locke*, 47; Jolley, *Toleration and Understanding*, 15–18.

> found, than in an absolute monarchy, the same arbitrary power being there in an Assembly (which acts like one Person) as in a Monarch.[165]

This understanding of sovereignty strikingly resembled the *jus naturalist* contractualism of *Leviathan* (and of Stubbe and Bagshaw).[166] The passage evokes *Leviathan*'s theory of sovereign representation, as well as its claim that civil liberty was no greater in republican Lucca than in despotic Constantinople.[167] In marginal notes Locke, with Hobbes, expressed a preference for monarchy, but he defined sovereignty as the 'supreme legislative power not considering the form'. If supreme power was grounded on popular consent, 'then it is evident that they have resigned up the liberty of their actions into his disposure, and so all his commands are but their own votes and his edicts their owne injunctions made by proxy which by mutual contract they are bound to obey'. Like Hobbes, Locke construed this political covenant not as an agreement between sovereign and people but as a foundational act of consent among subjects, creating a 'supreme power' that would thereafter represent their collective will.[168]

Locke cannot have written this description of attributed action in ignorance of Hobbes's revolutionary account. We now have reason to think that he was studying *Leviathan* diligently, and his reading of Filmer (and perhaps of Gee and Wren) from around this time dealt precisely with these dimensions of Hobbesian theory. Ideally, we would possess Locke's reading notes from *Leviathan*. In the absence of such notes, his choice of anti-Hobbesian reading offers suggestive evidence.

Locke's quotation from Filmer is oddly truncated and implies appreciation for Hobbes, but in the remainder of the sentence, Filmer rejected Hobbes's account of the creation of sovereignty. Criticism of Hobbes, rather than praise, filled the short but discerning eleven pages that begin Filmer's *Observations*, pages that Locke very likely read. Defending his own paternalist monarchism, Filmer rebuffed Hobbes's depiction of the sovereign as an 'artificial man'. He rejected the constitutional indeterminacy that typified the 'person of a Commonwealth' in *Leviathan*. He derided the

[165] MS Locke e.7, f. 1; *TT,* 124. The word 'native' appears before the word 'right' in the manuscript but is deleted.

[166] See also the Latin 'tract'. MS Locke c. 28, f. 1–2; *TT*, 211–14. (Locke's page or folio 1 appears on the Bodleian's folio 3. I have followed Locke's numbering.) That Locke construed sovereign power as a 'divine commission' is perhaps less significant than is suggested by many commentators. (For discussion, see Stanton, 'Authority and Freedom in the Interpretation of Locke's Political Theory', 14–16.) Hobbes used similar language (*Lev.,* 900–1), as did Edward Gee. That Locke was truly undecided on whether the 'divine' authority of magistrates was mediated or direct seems difficult to credit, thought it was an affectation he preserved as late as the 'Essay concerning Toleration' (1667).

[167] *Lev.*, 332. [168] MS Locke e.7, ff. 1–3; *TT*, 125–7.

notion of a social contract to which the sovereign himself was not a party.[169] He denied that natural individual right had ever existed in a 'horrid condition of pure nature', understood as a war of all against all. Filmer accused Hobbes of preserving popular judgement by permitting subjects an abiding right of self-defence. He even implicitly rejected Hobbes's Erastianism, by preserving the distinction (effaced by Hobbes) of Joshua's 'magisterial' power from the 'ministerial' power of Eleazar, the high priest.[170]

On virtually all of these points, Locke's 'English Tract', and indeed his lifelong views, accorded with Hobbes's account and rejected Filmer's. (In this sense, Locke's later *Two Treatises* could not have viewed Filmer and Hobbes as alternative possible foils, as is often suggested. Attacking Filmer entailed a defence of Hobbes's fundamental principles.) In the 'English Tract' Locke adopted a version of the state of nature and the social contract that he clearly would have understood as Hobbesian. Locke's 'English Tract', for instance, espoused the equation of civil liberty under republics and monarchies that Filmer expressly rejected as a Hobbesian paradox.[171]

Likely more congenial to Locke was the quasi-Hobbesian theory of sovereignty found in Edward Gee's *The Divine Right and Original of the Civill Magistrate from God. Illustrated and Vindicated*.[172] Misleadingly titled, this book followed Hobbes in construing 'divine right' as an honorific for all warranted sovereigns. Gee's reformed scholastic terminology would not have appealed to Hobbes, but *De Cive* numbered among Gee's favoured authorities. He did reject Hobbes's undiluted theory of political obligation according to which mere possession of power conferred sovereign right. Only legitimate authority enjoyed the deference counselled by Romans chapter 13. But Gee was no divine right monarchist, and much of his book assailed Filmer's paternalism. 'Justifiable' sovereignty, whatever its constitutional form, relied on an original act of consent. Alongside copious scriptural interpretation, Gee invoked Bodin, Grotius, Selden, and Hobbes to argue from 'State-maxime' that 'Political power is originally in the people, and in the Magistrate only derivatively'.[173] Hobbes provided

[169] Locke also seems to have encountered Filmer's arguments against Philip Hunton's claim that 'the sole mean or root of all Soveraignty is the consent and fundamentall contract of a Nation of men'. See his early notes on Filmer's 1648 *Anarchy of a Limited or Mixed Monarchy*. MS Locke d. 10, p. 185. I thank John Milton for calling this to my attention.

[170] Filmer, *Observations concerning the Originall of Government, Upon Mr Hob Leviathan*, 1–11; Hobbes presented Eleazar as a sovereign priest. *Lev.*, 748.

[171] See above; Filmer, *Observations concerning the Original of Government, Upon Mr Hobs Leviathan*, 5.

[172] And also in Wren's *Monarchy Asserted*, 22–3, 48–9, 76–80.

[173] Gee, *Divine Right and Original of the Civill Magistrate*, 294. On Filmer, see 182–6.

Gee with crucial aspects of this hybrid theory of a sovereignty that was legitimate and *de jure* on the one hand and artificial and contractual on the other. From *De Cive* he borrowed notions of natural human equality, a theory of consent in conditions of conquest, and an account of the link between protection and obligation.[174] But chiefly he took from Hobbes what Locke surely did: an account of sovereignty as the artificial construction of men naturally 'equal and free' and bound not by any divine constitution but by natural law alone. A 'common power' required the union 'of the wils of many in the will of one man, or of one council'.[175] Locke also characterized the absence of sovereignty in ways that strongly recalled Hobbes's state of nature: 'in its absence no peace, no security, no enjoyments, enmity with all men and safe possession of no thing, and those stinging swarms of miseries that attend anarchy and rebellion'. It is difficult to imagine that Locke wrote this with *Leviathan* out of mind, particularly given his reading of Filmer, perhaps Gee, and most likely *Leviathan* itself, as well as his engagement with known Hobbists such as Stubbe and Bagshaw.

This account of contracted sovereignty, Locke wrote, was a thing 'which I thinke my author [Bagshaw] will not deny'.[176] As he wrote to Towerson:

> I have chosen to draw a great part of my discourse from the supposition of the magistrate's power, derived from, or conveyed to him by, the consent of the people, as a way best suited to those patrons of liberty, and most likely to obviate their objections, the foundation of their plea being usually an opinion of their natural freedom, which they are apt to think too much intrenched upon by impositions in indifferent things.

He would not 'meddle' with divine right defences of monarchy.[177] The claim that the 'magistrate's power derived from the people' was a 'hypothesis' dear to tolerationists. (Gee had also declared this 'of late the Chief Maxime in Politicks'.[178]) Locke accepted the theory but sought to demonstrate that it would 'afford but a very weak foundation' to any denial of magisterial authority over spiritual *adiaphora*. We must jettison outdated notions of Hobbes's standing among the 'patrons of liberty', which wrongly presume that *Leviathan* could only have rebuked rather than informed them. Locke cast his 'English Tract' as a rejoinder to Bagshaw based upon Hobbesian theoretical precepts that Bagshaw and Locke, and indeed Stubbe, all accepted.

[174] Ibid., 22, 82–3. [175] Ibid., 128, 141. [176] MS Locke e.7, f. 2; *TT*, 125.
[177] Locke to [Towerson] 11 December 1660, Locke, *Selected Correspondence,* 23.
[178] Gee, *Divine Right and Originall of the Civill Magistrate*, 295.

Locke then defended magisterial authority over indifferent things with a series of claims further recalling *Leviathan*. Importantly, the 'English Tract' did not distance itself from the cause of free conscience. Hobbes had asserted that inward conscience and belief could not be forced by the power of law.[179] Locke agreed: 'Understanding and Assent' were in God's gift alone. Magistrates 'would in vain assault that part of man which owes no homage to his Authority, or endeavour to Establish his religion by those ways which would only increase an aversion and make enemys rather than proselytes'.[180] Free conscience was thereby preserved, if only in Hobbes's narrow, internal sense.[181] This deflationary understanding of conscience proved the primary point of contention between Bagshaw and Locke. At issue was whether 'the Magistrate hath an absolute command over all the actions of men whereof they themselves are free and undetermined agents'.[182]

Older scholarship generally failed to recognize that Locke and Hobbes offered similar accounts of conscience. In his edition of the 'Two Tracts', Abrams's influential scepticism of Locke's Hobbism hung on a misreading of Hobbes on this point. Abrams believed that Hobbes espoused a complete 'alienation of judgement' to the sovereign. In truth, *Leviathan* preserved conscience freedom, albeit strictly in the internal realm. Abrams was wrong to distance Locke from Hobbes by saying that the latter 'eliminates the freedom of conscience as well as that of action'.[183] More recent scholarship on Hobbes's theory of conscience reveals the compatibility of the young Locke and Hobbes on this crucial point.

Locke adopted the Hobbesian strategy of hedging free conscience into an internal realm and, as regarded outward behaviour, effacing the distinction between temporal and spiritual actions. Conscience could not command action, 'conscience being nothing but an opinion of the truth of any practical position, which may concern any action as well moral as religious, civil as ecclesiastical'. *Leviathan* had similarly defined conscience as 'private opinions' or individual 'secret facts and secret thoughts'.[184] 'Indifferent things', wrote Locke, 'of civil as well as religious concernment being of the same nature, and will always be so, till our author [Bagshaw] can show where God hath put a distinction between them.'[185] Though

[179] *Lev.*, 1096, 1116. [180] MS Locke e.7, 3–4; *TT*, 127.
[181] See also the Latin 'tract'. MS Locke c. 28, f. 3; *TT*, 214. [182] MS Locke e.7, f. 5; *TT*, 129.
[183] Introduction to *TT*, 77.
[184] *Lev.*, 502, 100. The use of 'opinion' here may push against Stanton's claim that conscience was defined traditionally in the 'English Tract'. Stanton, 'Natural Law, Nonconformity, and Toleration', 44.
[185] MS Locke e.7, f. 18; *TT*, 153.

Bagshaw had limited conscience's specifically *political* claims, as Locke admitted, yet 'if he thinks others would not soe far improve his principles, let him look some years back he will find that a liberty for tender consciences was the first inlett to all those confusions and unheard of and destructive opinions that overspread this nation'. Locke continued:

> Indeed having observed that allmost all those Tragicall revolutions which have exercised Christendom these many years have turned upon this hinge, That there hath been no designe soe wicked which hath not worne the Vizor of religion, nor Rebellion which hath not beene soe kinde to itself as to assume the specious name of Reformation, proclaiming a designe either to supply the defects or correct the Errors of Religion. That none ever went about to ruine the State but with pretence to build the temple ... men finding noe cause that can soe rationally draw them to hazard his life, or compound for the dangers of a warr as that which promises them a better, all other arguments of Liberty, Country, Relations, Glory being to be enjoyed only in this life can give but small encouragements to a man to endanger that and to improve their present enjoyments a little, run themselves into a danger of an irreparable loss of all.[186]

This important passage contained several Hobbesian themes. *Leviathan* had denounced as seditious the doctrine that 'whatsoever a man does against his Conscience is Sinne'. If not, 'in such diversity, as there is of private Consciences, which are but private opinions, the Common-wealth must needs be distracted, and no man dare to obey the Soveraign Power, farther than it shall seem good in his own eyes'.[187] Locke's concern about 'tender consciences' mobilizing resistance paralleled this closely. 'Order and decency' could not 'depend wholly on the opinions and fancies of men'. As for Locke's argument that revolutions and war turned on religious factions, Hobbes asserted the same thesis on many occasions. And Locke's claim that the promise of a better afterlife trumped all earthly, political interests strikingly recalled Hobbes's admonition that 'terrour' of eternal damnation and hope of eternal salvation would always overtake the sovereign's temporal punishments and rewards.[188]

Locke and Bagshaw contested the boundaries of the domain of conscience. Locke followed Hobbes in presenting it as internalized and private. But the dispute was also framed around the related notion of *adiaphora*.[189] Bagshaw conceded that indifferent things existed but sought to limit sovereign power over them by arguing that ceremonies of this kind had

[186] MS Locke e. 7, f. 24; *TT*, 160. [187] *Lev.*, 502 [188] *Lev.*, 512.
[189] On the vellum back cover of his copy of Bagshaw's *Two Questions*, Locke at some point wrote the single word 'Indifferent'. Bodl. Locke B 10.2.

'by abuse become occasions of superstition'.[190] Against Bagshaw's wide-ranging understanding of superstition, Locke offered a narrow Hobbesian one. 'Superstition if I understand it aright', he wrote, 'is a false apprehension of god, or of a false god, attended with a slavish feare of severity and cruelty in him, which they hope to mittigate by a worship of their own invention . . . But that superstition in this sence cannot by applyd to the limitation of Indifferent things is cleare.'[191] This recalled both Hobbes's projection theory of religion (as belief in an anthropomorphized abstraction born of fear) and his definition of superstition: 'Feare of power invisible, feigned by the mind, or imagined from tales' that were not 'publiquely allowed'.[192] Locke's 'false god' closely resembled Hobbes's 'feigned' gods.[193]

Hobbes also anticipated Locke's expansive definition of *adiaphora*. Hobbes, contrasting 'natural and arbitrary worship', designated some 'signes of Honour (both in Attributes and Actions)' as 'natural'. Prayers, thanks, and obedience were some of these. 'Others are so by Institution, or Custome of men; and in some times and places are Honourable; in others Dishounourble; in others Indifferent: such as are the Gestures in Salutation, Prayer, and Thanksgiving, in different times and places, differently used.' These customary matters constituted 'Arbitrary Worship', and Hobbes concluded that they might sometimes be 'Commanded' by sovereignty and sometimes left 'Voluntary'. Hobbes, notably, did consider some actions 'naturally' honourable or dishonourable and conceded that the latter 'cannot be made by humane power a part of Divine worship'.[194] Locke agreed that some worship practices would be forbidden by natural law. But he also categorized, with Hobbes, virtually any ceremonial or linguistic act of worship as *adiaphora*.[195] Both men argued that even the heathens – though they worshipped 'false Gods' – exercised 'reasonable' discretion in ordering their ceremonies and sacrifices as they did.[196] Bagshaw viewed these practices themselves as superstitious, while Locke and Hobbes limited pagan superstition to the falsity of their gods.

Locke's 'English Tract' was primarily an argument about the extent of sovereignty. The 'light of reason and nature of government itself', he wrote, made it 'evident that in all Societys it is unavoidably necessary that the supreme power (whether seated in one or more), must be still supreme, i.e. have a full and unlimitted power over all indifferent things and actions

[190] Bagshaw, *Great Question*, 2. [191] MS Locke e. 7, f. 16; *TT,* 147. [192] *Lev.*, 86.
[193] Ibid., 162. [194] Ibid., 562 572. [195] MS Locke e. 7, ff. 4–5; *TT,* 127–9; *Lev.*, 570.
[196] MS Locke e. 7, f. 5; *TT,* 130; *Lev.*, 570; see also MS Locke c. 28, f. 5; *TT*, 218.

within the bounds of that society'.[197] Bagshaw's tract, however, did not argue a general limitation on sovereignty but particularly limits on Christian sovereigns as Christians. (Locke pressed on this paradox: 'Tis strange that doctrine that enjoins submission to a Nero, should be thought to free us from subjection to a Constantine.'[198]) Locke was thus required to respond to Bagshaw's scriptural interpretations, and here again we find Hobbesian parallels. Locke, like Hobbes, spurned any theory that would 'strengthen a heathen' but 'weaken a Christian' magistrate.[199] Interpreting the twenty-third chapter of Matthew, Bagshaw had taken Christ's rebuke of the Pharisees as a general prohibition on rules concerning indifferent things. Locke followed Hobbes, reading this as a rebuke to the hypocrisy and rigour of the Pharisees but not a denial of their sovereign right (they sit in 'Moses' Chaire').[200] Bagshaw interpreted John, chapter 8 (where Christ confronts the Pharisees: 'If the Son therefore shall make you free, ye shall be free indeed') as a radical Christian freedom from imposition. Hobbes and Locke read this as a characterization of the primitive church's freedom from Jewish ceremonial law, rather than a limitation on the 'Civill Laws of the State'.[201]

Bagshaw thus differed with both Hobbes and Locke over the limitations that Christianity imposed on sovereignty. On behalf of sovereignty per se, Bagshaw accepted very broad power claims and could only urge toleration as a matter of prudent statecraft. This accorded with the tolerationist counsel of *Leviathan*, and we find similar advice intimated in Locke's 'English Tract'. Locke wrote that 'the magistrate's concernments will always teach him to use no more rigour than the temper of the people and the necessity of the age shall call for'.[202] Magisterial impositions were necessary acts of border maintenance in contentious times. 'If men would suffer one another to go to heaven everyone his own way', Locke wrote, echoing his letter to Stubbe, 'our author's doctrine of toleration might promote a quiet in the world.'[203] But as 'pity and persuasion' had not typified recent generations, a firmer hand was required. Locke and Bagshaw engaged in an internal dispute over toleration between two men committed to a similar Hobbesian understanding of sovereignty.

Locke certainly offered no defence of restored Laudianism. He did not view the episcopal church as a divine institution, with autonomous powers or hallowed liturgical practices beyond the reach of sovereignty. He did not

[197] MS Locke e.7, ff. 32v–33; *TT*, 172. [198] MS Locke e. 7, f. 5; *TT*, 130.
[199] MS Locke e. 7, f. 6; *TT*, 131. [200] *Lev.*, 886; MS Locke e.7, f. 6; *TT*, 132.
[201] *Lev.*, 826; MS Locke e.7, ff. 7–8; *TT*, 134–5. [202] MS Locke, e.7, 172, f. 22; *TT*, 158.
[203] MS Locke e. 7, f. 25; *TT*, 161.

present Charles II as beholden to the old church. For a church long sustained by the pious deference of Charles I, Locke's generic defence of an Erastian uniformity might have seemed ambiguous. Perhaps this explains why the 'English Tract' was never published. Locke had finished it by December of 1660. In the following March, Towerson complained to him of the troubling popularity of Bagshaw's tract. 'You may perhaps doe God and the church a peice of seasonable service', he wrote, 'if you would be pleas'd to print your answer to it.'[204] In a preface drafted later, Locke conceded reluctance. He did not wish to fuel contention or disturb 'the beginnings of our happy settlement'.[205] This may sufficiently explain Locke's hesitation. Towerson and Samuel Tilly worked to dissipate it. In April, the former reported a sermon by Bagshaw which blasted church ceremonies: 'there may be some necessity that your papers should see the light'.[206] In December, Tilly – speaking for unnamed 'others' who had read Locke's manuscript – also urged publication.[207]

But by early 1662 the church settlement – defying the King – had assumed a more hard-line form. The 'English Tract' was not well suited as a defence of this emerging dispensation. Locke's preface emphasized the tract's Erastian and *politique* elements; he had 'drawn his sword in the same side with the magistrate, with a design to suppress not begin a quarrel'. He sought to allay 'suspicions and disquiets', to encourage 'a ready and entire obedience'.[208] Locke characterized ceremonial and liturgical traditions inviolable to the churchmen as 'occasion of hatred and quarrels amongst us as leeks and onions and other trifles described' in Juvenal's Satire 15. Juvenal's 'Leeks and Onyons' had, infamously and vividly, served a similar function in *Leviathan*.[209]

Given Locke's religious background, it is probable that he either did not wish to write in support of the emerging Restoration church or did not feel that his Erastian defence of uniformity would be welcomed by those who increasingly dominated it. What in 1660 was a defence of the sovereign's religious prerogative useful to the designs of Charles II, by 1662 may have seemed poorly suited to the more uncompromising episcopal piety emerging in parliament and the country.[210]

[204] Gabriel Towerson to Locke, 12 March 1661, *CL*, 1:167.
[205] Locke, 'preface', in *TT*, 118.
[206] Gabriel Towerson to Locke, 9 April 1661, *CL*, 1:170.
[207] Samuel Tilly to Locke, 5 December 1661 and 7 March 1662, *CL*, 1:182–3, 185.
[208] Locke preface, *TT*, 118.
[209] *Lev.*, 968; on these polemics, see Raylor, *Philosophy, Rhetoric, and Thomas Hobbes*, 266–71.
[210] Abrams and Woolhouse speculate that the tract was no longer 'necessary'. This seems dubious, given the concerns of Towerson and Tilly. Abrams, Introduction to *TT* 14; Woolhouse, *Locke,* 46.

While the likely Hobbism of Locke's 'Two Tracts' has at times been conceded, more recent contextual work has tended to present these early Lockean works as deriving from the century-long English Protestant debate over the status of *adiaphora*. In this reading, Locke arrayed himself with episcopal conformists such as Henry Hammond, Jeremy Taylor, and Robert Sanderson, all of whom wrote in the shadow of the preeminent Hooker. The best case for this interpretation is made by John Marshall and Jacqueline Rose, and some influence is certainly likely.[211] Sanderson is the clearest case. But it is important to note that the later and less politically significant 'Latin Tract' is the primary source of evidence for textual parallels between Sanderson and Locke. Even there, Abrams makes a compelling case that Locke's borrowings from Sanderson's *De Obligatione Conscientiae* (1660) are more 'formal' than substantial and that Locke far outstrips Sanderson's account of sovereignty, moving in a Hobbesian direction.[212] As for the 'English Tract' – more consequential in the present context – Locke referred to Hooker and Sanderson only in response to Bagshaw. He claimed to have read Hooker's preface but no more, and Sanderson only with 'haste and inadvertancy'.[213] *Leviathan*, by contrast, appears to have been a constant object of his diligent study.

The Anglican debate over *adiaphora*, measured against Locke, tended to be far more scriptural in flavour, foregrounded questions of natural law and God's moral pre-eminence, and did not attach itself to the era's new notions of sovereignty. Particularly in the 'English Tract', Locke diverged from these patterns. Though the concept of *adiaphora* remained important to him, he drew from it more strictly Erastian conclusions. Where Anglicans had found it difficult to cordon Christian conscience into an inner realm, or to fully subordinate it to a voluntarist sovereign, Locke does so. Furthermore, Locke shared none of the concern over ecclesiology and church tradition that marked the work of Taylor, Hammond, and Sanderson. As Marshall notes, where Sanderson understood 'church governors' as synodical and canonical, Locke wrote 'as if church governors meant simply the civil magistrate'.[214] Rose, while emphasizing the traditional, Anglican understanding of *adiaphora* in her discussion of the 'Two Tracts', acknowledges that Locke shared none of its concern for proper ecclesiastical form.[215]

[211] Sommerville, 'Conscience, Law, and Things Indifferent: Arguments on Toleration from the Vestiarian Controversy to Hobbes and Locke', 166–79.
[212] Abrams, Introduction to *TT*, 72. [213] MS Locke e. 7, f. 32; *TT*, 170–1.
[214] Acknowledged by the scrupulous Marshall. *Resistance, Religion, and Responsibility*, 13–15.
[215] Rose, 'John Locke, "Matters Indifferent"', 617–9. Sommerville, 'Conscience, Law, and Things Indifferent', 177.

Locke and the churchmen also diverged over the nature of conscience. Locke's 'English Tract' parallels Hobbes, defining conscience as 'nothing but an opinion of the truth of any practical position'.[216] This conflation of conscience with subjective opinion, which would later rile Locke's orthodox critics, does not resemble Sanderson's definition of conscience as a 'faculty' or 'light' implanted in the mind and allowing the 'discourse of reason' to be applied to 'particular moral acts'.[217] For Sanderson, Hammond, or Taylor, the conscience could 'know'; for Hobbes and Locke, it could merely believe.[218]

Locke's 'Two Tracts', while they contained ecclesiological implications, did not offer a positive account of the church. Locke mediated religious obedience between atomized individuals and their sovereigns, within the theoretical horizons provided by the new natural rights theory. On innumerable points – especially regarding the nature of sovereignty and the extent of conscience – Locke echoed the language of *Leviathan*, which was reportedly constantly at his fingertips. He did so within an intellectual milieu steeped in Hobbesian controversy and in dialogue with figures whom we can identify as enthusiastic Hobbesians. Were a historian seeking to identify the Oxford Hobbists of the Interregnum to have encountered the 'English Tract' as the composition of a more obscure university associate of Stubbe, he or she would not hesitate to locate its author within that cohort.

Locke and his opponents took the Hobbesian definition of sovereignty for granted. They disputed whether, given this understanding of politics, the bounds of free conscience should be narrow or broad. In this, they reflected the ambiguities of *Leviathan* itself. The requirements of stability might suggest, alternatively, the need for an ordered uniformity in worship or for a prudential toleration of nonconformity. Consistently unacceptable was either an enforceable natural right of free exercise or an autonomous church power policing the borders of orthodoxy and proper worship for sovereign and subject alike. Locke's neglected early writings help us to locate him within the sovereignist revolution launched by the new *jus naturalism* and particularly crystalized by *Leviathan*. Locke, in every

[216] MS Locke e. 7, f. 10; *TT,* 138.
[217] Sanderson, *De Obligatione Conscientiae Praelectiones Decem*, 3, 15–6, 31; Hammond, *Of Conscience*, 2–3.
[218] That Locke's conformism has been overstated is argued by Ashcraft, 'Latitudinarianism and toleration: historical myth versus political history', 176n. Marshall acknowledges the limitations of the affinity in the same volume. Marshall, 'Locke and Latitudinarianism', 253–274.

meaningful sense, had adopted the fundamental doctrines of this new political thinking.

Civil Religion and the Turn to Sovereignty

It is not uncommon to read Locke out of the seventeenth century 'turn to sovereignty'.[219] Though the terms 'sovereign' or 'sovereignty' occur more than one hundred times in the *Two Treatises*, Locke would not offer a clear or consistent, abstract definition. He tended to use these terms to characterize an unlimited power allowable only to God or to pejoratively characterize Filmer's illegitimate monarchs. However, the claim that Locke rejected 'all forms of sovereignty except the sovereignty of God' is an overstatement.[220] The phrase 'civil sovereign' denotes something other than Filmerian tyrants in the four *Letters* on toleration, and Locke seems to have intended the terms 'civil' or 'political society' to signify the ultimate authority of natural individuals acting as one body. But it is Locke's earliest text, the 'English Tract', that offers the clearest evidence of his adoption of a fundamentally Hobbesian understanding of sovereignty, as when he defined a 'magistrate' as 'the supreme legislative power of any society not considering the form of government or the number of persons wherein it is placed'.[221] Locke's earliest writings also shared the Erastian hostility to independent religious authority that was pronounced within the theories of sovereignty devised by Bodin, Grotius, and Hobbes.[222]

The logic of abstract, contractual sovereignty did not sit well with the Restoration churchmen. Such theory eschewed the divine right that they preferred as a foundation for both monarchy and episcopacy. Most of all, they suspected any failure to construe the Royal Supremacy as a feature of the true church, constituted by providence at the Reformation. The new theories of sovereignty did not understand the Supremacy as a note of the universal church enjoyed only by worthy royal patrons but as a generalized sovereign power over 'religion'. When *Leviathan* spoke of the 'Christian Commonwealth', it presumed that Christianity did not alter the fundamental

[219] Tuck, *Sleeping Sovereign*, 117–20; Davis, 'Locke's Political Society: Some Problems of Terminology in the *Two Treatises of Government*', 209–31; Scott, 'The Sovereignless State and Locke's Language of Obligation', 547–61.

[220] Davis, 'Locke's Political Society', 226. [221] MS Locke e. 7, ff. 1–2; *TT*, 125.

[222] Grotius and Bodin appear listed in Locke's early notes from 1658 to 1660, the latter described as 'the great politician'. MS Locke f. 14, pp. 7, 13–14. Other texts in his notes, such as Wren's *Monarchy Asserted*, deployed the language of sovereignty. Locke apparently encountered an appreciative precis of Bodin's theory of sovereignty in Filmer's *Anarchy of a Limited or Mixed Monarchy*, 30–1; MS Locke d. 10, p. 185.

requirements of well-maintained sovereignty. Locke's response to Bagshaw took this as its main challenge: demonstrating, to an advocate of the new contractual theories of sovereignty, that Christianity did not fundamentally alter sovereign powers.

Such thinking threatened the established order of Christendom, not chiefly by advancing Erastianism, or even by advocating toleration, but by amplifying an important discourse of civil religion. Early modern civil religion remains an ill-defined concept. If we take it to denote religion rendered into a political ideology, or religion consciously framed to legitimate power, the term 'civil religion' can be redundant to scholars who understand the history of ideas to be a history of ideologies.[223] The historicist and sociological tendency to translate all religion into 'other factors (economic, ideological, political, and so on)' can render the specific phenomenon of civil religion all but invisible.[224] Critically examining, rather than just adopting, the proto-sociological understanding of ideology that we have inherited from the Enlightenment opens up the possibility of seeing 'instrumentalized' religion as a specific and distinct tradition. It also exposes to view a rival tradition of autonomous or 'prophetic religion', which often understood itself in explicit opposition to civil religion. Accurate historical reconstruction requires that the viewpoint on religion shared by the Enlightenment's proto-sociological thinkers be vectored with lines of argument emitting from Christian theology and ecclesiology itself. These were, after all, the two sides of an important early modern debate. Perceptive analysis is offered in Oliver O'Donovan's *The Desire of the Nations: Rediscovering the Roots of Political Theology*. Civil religion, he writes,

> is a corruption to which the church is liable when it enjoys a close cooperation with the state. It is not a matter of servicing the interests of *government* solely – civil religion can flourish in opposition too – but the interests of the state at large, bolstering its legitimacy, supporting its political philosophy, inculcating virtues, both active and passive, which are useful to the political constitution of society.

Civil religion, O'Donovan concludes (from within the Christian tradition, to be sure), produces an 'inculturated' church 'liable to lose its critical distance on society'.[225] The discourse of civil religion can be understood as

[223] Skinner, Introduction, *Visions of Politics, Volume One: Regarding Method,* 6–7.
[224] Sheehan, 'Thomas Hobbes, D.D.: Theology, Orthodoxy, and History', 250; Chappel, 'Beyond Tocqueville: A Plea to Stop "Taking Religion Seriously" ', 689–9.
[225] O'Donovan, *Desire of the Nations*, 224–6; Taylor, *Secular Age*, 160, 175.

the conscious effort to buttress and thus benefit from political and social power.[226] If such a function is presumed to be an imperative of all religious forms, the category of civil religion is rendered meaningless and a great many religious and political debates of early modernity are obscured.

It is particularly important not to limit the civil religious impulse to the ancient Roman, Machiavellian, or Rousseauian republican traditions that often frame it in historical memory.[227] Mark Goldie has perceptively observed that the civil religious tradition has been neglected in part because it seems alien to a 'liberal' tradition often defined in anti-republican or anti-totalitarian terms.[228] The notion that liberalism privatized or 'separated' religion from political power has tended to keep presumed liberal forefathers like Hobbes and Locke distant from the civil religious tradition. But long before Rousseau influentially deployed the term 'civil religion', Hobbes wrote of 'Civill Worship' in *Leviathan*, and broad debates over the status of 'state religion' proliferated in early modern Europe.[229] Whether the project of sanctifying the new 'manners and institutions' of the sovereign age could be pursued within a recognizable Christianity was a vital question of the period.[230]

Civil religion could operate from within a church establishment or from outside it. It could pursue strategies of exclusion or inclusion, of coercion or tolerance. What was required was solely that the purposes of political order, rather than autonomous religious or ecclesial purposes, be prioritized in a conscious way. Equally, thinkers hostile to the notion of civil religion could be found on both sides of the establishment question. The debate over establishment, though it has dominated historical attention, was important but contingent. More basic was the struggle over whether the church should primarily seek autonomy and distance from political power, or whether it should adapt itself in order to legitimate that power. This axis, running between the autonomous and the acculturated church, cut across any axis running between establishment and disestablishment, or between tolerationists and anti-tolerationists. The alternative to civil religion was not necessarily disestablishment or toleration but (to use O'Donovan's terminology) 'prophetic religion'.

Arraying the factions of early modernity along an axis dividing 'prophetic religion' from 'civil religion' can prove a clarifying exercise. It captures the

[226] For a similar definition, see Beiner, *Civil Religion: a Dialogue in the History of Political Philosophy*, 1–2.
[227] Beiner, 'Machiavelli, Hobbes, and Rousseau on Civil Religion', 617–38; Lilla, *Stillborn God*, entire.
[228] Goldie, 'Civil Religion of James Harrington', 197. [229] *Lev.*, 1028.
[230] Goldie, 'Civil Religion and the English Enlightenment', 34–5; Kidd, 'Civil Theology and Church Establishments in Revolutionary America', 1010.

anxieties of a transforming Christendom better than traditional interpretations foregrounding the divide between tolerationists and anti-tolerationists. Civil religion often split apart factions that are assumed to have been united. The logic of civil religion, for instance, could tempt defenders of established episcopacy, but many high churchmen defended their establishment with a highly prophetic notion of the autonomous church. This was a divide that Hobbes exploited in his Restoration polemics.

Most consequentially for the present book, civil religion divided the cause of toleration. Across the later seventeenth century, the presses churned out tolerationist works deploying the logic of sovereignty, prosperity, and stable order. In Sir Charles Wolseley's *Liberty of Conscience the Magistrate's Interest* (1668), for example, any prince interested in his own 'quiet and repose' was urged to offer a 'prudent liberty' to Protestants. The tract conceded the necessity for a 'publick Profession' or 'State-Religion', but it was not this state religion that served as the locus for Wolseley's civil religion. Civil religion – favourable to order and prosperity – thrived in conditions of pluralism and 'Indulgence'. Indulgence cultivated an 'equal Tendency in all to love that Prince or State wherein they find favour and protection'. Geo-political power and trading wealth would also follow from toleration and the advance of wisdom that free conscience encouraged. Coerced uniformity merely brought faction and enabled the 'sinister influence' of the clergy.[231] The anonymous *Second Thoughts, or the Case of a Limited Toleration* counselled toleration as 'policy' because tolerated sects would 'naturally and necessarily fall in sunder, and remain as divided in point of Faction and party as they are in tenets and principles'. Men tended to follow their 'Interest; how much that over-rules Conscience in all Religions is but too visible in the world'. Dissenters would be pacified with 'ease and prosperity', the securing of which was the 'great art and secret of Government'.[232] The sometime Hobbesian Peter Pett, in a 1661 tract that Locke read, also urged toleration as policy. 'Nor shall I at all in these papers', he wrote, 'consider what Liberty to the Consciences of others Religion, but purely what politicall interest prompts us to give.'[233]

However, as the author of the *Second Thoughts* acknowledged, toleration might be defended not just according to 'Humane prudence' but also 'Christian piety' and the 'interest of the Church'.[234] Some contemporaries

[231] *Liberty of Conscience, the Magistrate's Interest*, 3–8, 16–18.
[232] *Second Thoughts, or the Case of a Limited Toleration*, 2–5, 6–7.
[233] Pett, *Discourse concerning Liberty of Conscience*, 3–4; J. R. Milton, 'Locke's Early Political Reading', 92; *LL,* 2820. (References to Laslett and Harrison's *Library of Locke* refer to entry numbers.)
[234] *Second Thoughts*, 8–9.

were uneasy about subordinating religion to political prudence. The broad-minded jurist Matthew Hale warned that prophetic, scriptural Christianity should never become mere 'Politick Contrivances, for attaining or upholding Power, Wealth or Interest'. 'Politicians' would 'easily conform religion to State-Policy, and make it indeed a more excellent and incomparable Engine for it, and nothing else'.[235]

A fuller case against civil religious logic was offered by Jeremy Taylor, the Laudian prelate and chaplain to Charles I.[236] His most significant work was the 1647 *Discourse of the Liberty of Prophesying*. This tolerationist work is often presented (by historians and contemporaries[237]) as an anomalous effort to flatter parliament, based upon the assumption that it cannot be reconciled with Taylor's otherwise staunch support for bishops and the established church. These charges of inconstancy, in fact, speak to the interpretive confusions generated by the presumption that toleration, or the freedom of 'prophecy' and exercise, was the exclusive possession of dissenters. In both his *Discourse* and his defences of the episcopal establishment, Taylor wrote as a critic of civil religion and the allures of *politique* statecraft. His tolerationism offered an expansive view of the prophetic purposes of religion, and it constrained the ambit of the state. Politics was a cockpit of turbulent wills, interests, and violence – all antithetical to religious truth. Taylor's ecclesiology offered an anti-politics: the integrity of theology, church mission, and salvation attainable only through revealed truths, insulated from political violence and carnal ends. This liberated the church and its 'spiritual authority' from the 'corporall institutions' of sovereigns. Evangelism could not be served by 'politick consideration'. The 'ends of a Temporall Prince' and the 'honour of Christ's kingdom' were too often confused in the manner of the 'Mahumetan Religion'. Defending both individual conscience and church liberty, Taylor warned Christian princes to resist the 'whispers [of] some Politiques', who would subordinate Christianity to temporal interest.[238] Taylor's defences of episcopacy sounded similar themes. 'Human prudence' and 'conveniences' could not be allowed to corrupt ecclesial governance. Bishops were to 'instruct the King in righteousness, by their sanctity to be a rule to the Court'. The 'liberties of the church' should never be sacrificed to 'secular interests'.[239]

[235] Hale, *Several Tracts*, 9, 27–8. [236] *ODNB*; Spurr, *Restoration Church*, 305.
[237] Lloyd, *Memoirs of the Lives, Actions, Sufferings, and Deaths*, 702–3.
[238] Taylor, *Discourse of the Liberty of Prophesying*, 1–3, 13, 162, 166–7, 184–7, 206–9.
[239] Taylor, *Sacred Order and Offices of Episcopacy*, 8–9, 360–1, 365–8; Taylor, *Sermon Preached at the Opening of the Parliament of Ireland*, 36.

It is indication of the cross-cutting nature of the causes of civil and prophetic religion that Taylor's *Discourse* became an unlikely authority among more radical dissenting tolerationists. The 1661 *Plea for Toleration*, by the Baptist preacher John Sturgion, invoked Taylor in asking King Charles to establish toleration not as a matter of prudence but according to the 'Rule which God himself hath been pleased to lay before you'. Christ was the only 'Law-giver' in the church, and 'Kings sitting in the throne of Government' were not 'exempted' from his laws.[240] Similarly, an anonymous tolerationist author of 1687 wrote that Taylor was 'so far from saying that the Prince may Tolerate, that he saith he must, and leaves it not in his choice'. Toleration was no mere 'measure', and it was 'out of the [sovereign's] power to be concern'd with Men's Consciences'.[241] This uncompromising, prophetic quality of Taylor (a 'new way of soul freedom') appealed to Roger Williams, himself a scourge of 'Erastian' state religions.[242] So too did William Penn appeal to both Taylor and Henry Hammond in asserting free conscience as a 'divine prerogative'. Mere 'prudential' toleration reduced religion to 'State-policy'. Christianity was threatened where 'Religion is suited to the Government, and Conscience to its Conveniency.'[243]

For many tolerationists, the logic of civil religion proved an irresistible strategy for alluring sovereigns with the promise of augmented power. But a significant body of opinion, ranging from high church to low, rallied against such instrumentalism. For them, material concerns must be hedged and inhibited by revealed truth. There was a palpable sense among such figures that the reduction of religion to the calculus of political logic was a waxing threat. Oliver Cromwell had personified the temptation to govern religion with 'Politick Aphorisms of Machiavells', but Charles II had also shown himself willing to 'prevail as a serpent' rather than 'suffer as a dove'.[244]

Richard Baxter characterized the ecumenical nature of the resistance to civil religion in his *Catholic Unity* of 1660: 'Talk no more childishly about our petty differences in ceremonies and forms of Worship. . . . There's a difference between you that is a hundred times greater than these; some of you are for Heaven and some for Earth; some of you live to the Spirit, and

[240] Sturgion, *Plea for Tolleration of Opinions and Perswasions*, 4, 10, 13–5, 19.
[241] *Toleration Tolerated: or a Late Learned Bishops Opinion concerning Toleration*, 3.
[242] Jordan, *Development of Religious Toleration in England*, 3:305.
[243] Penn, *Great Case of Liberty of Conscience*, 24–6, 42.
[244] *The English Devil: Or Oliver Cromwell and his Monstrous Witch Discovered*, 7; Nicholas to Ormond, 19 February/1 March 1651, BL Add. MS 4180, f. 30v.

some to the Flesh. . .' Division was caused by those who allowed the 'rulers of the world' to be 'masters of their religion, more than God'.[245] Likewise, Andrew Marvell regretted of his times that 'men instead of squaring their Governments by the Rule of Christianity, have shaped Christianity by the Measures of their Government'.[246] Again, this rhetoric could appeal within the established church as well. John Gauden blamed civil war and religious schism on the 'great Statists' and 'grave polititians', who turned 'piety into Policy, and Religion into reason of State'.[247]

Civil religion allured different strands of sovereignist thinking and could justify divergent strategies of religious governance. It was adaptable, pressing – according to circumstance – either with or against establishment, either with or against toleration. Alternatively, the tradition of prophetic religion could unite high-church clericalists and nonconformists in opposition to the moral domination of the state. According to this understanding, Christianity did not merely serve as an instrument of hierarchy and order but as a potential sphere of autonomous moral thinking and communal action that might justly hamper sovereignty. The antithetical causes of civil or prophetic religion could produce strange alliances. Bishop Taylor could inspire dissenters, but so too could Thomas Hobbes. During the Interregnum, Hobbes had held out his theology and ecclesiology – perhaps the purest theorization of civil religion yet devised – to the attention of the Independents. In the later 1660s, he would use it as an instrument to split the restored episcopal church. The initial theoretical forays of the young John Locke can likewise be understood in these terms. Bagshaw's considerable sympathy with Hobbesian thinking gave way, ultimately, to a prophetic understanding of Christianity and the requirements it made of Christian magistrates. The young Locke hewed more closely to the logic of the new sovereignty and the Hobbesian *politique*.

The following chapters will examine the Restoration careers of Hobbes and Locke and will read their writings on religious coercion and freedom against the unfolding of political events. The great issue of 'toleration' which so often transfixes us moderns will be of central concern, but that topic must itself be positioned within a broader reading of the period and the new notions of sovereignty that it spawned.

Locke approached the issue of religious governance within an environment saturated with polemical constructions of 'Hobbism'. Most relevantly,

[245] Baxter, *Catholic Unity*, 8, 21, 152, 169, 260, 341.
[246] Marvell, *Account of the Growth of Popery*, 34.
[247] Gauden, *Kakourgoi, sive Medicastri: Slight Healers of Publique Hurts,* 10, 34–6, 61, 79–80.

Hobbism denoted a theory of instrumentalized, civil religion. And while ecclesial Hobbism could be construed to defend a priestly hierarchy subordinated to the King, more commonly contingent factors encouraged the equation of Hobbism and *politique* toleration. These contextual factors included the religious profile of the King and his court, the implications of prerogative indulgence as a governing strategy, and – as we shall now see – the implications of Hobbes's own late writings.

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