Please Don't Wish Me a Merry Christmas

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CHAPTER 5

The English Reformation,
Civil War, and Revolution

During the sixteenth and seventeenth centuries, England underwent a remarkable transformation as it passed through the Henrician Reformation, the Elizabethan Settlement, the Civil War, the Restoration of the monarchy, and finally the Glorious Revolution. The causes of some of these events remain notoriously ambiguous. Different historians, for example, have attributed the Civil War of the 1640s either to religious, political, economic, or even geographical factors. Those who emphasize religion tend to refer to this period as the Puritan Revolution, while others insist that there was no revolution at all, Puritan or otherwise. Recent scholarship tends to emphasize a multitude of causal factors. Conrad Russell, for instance, argues that three long-term causes of instability simultaneously came to a head, thus sparking the Civil War. In Russell’s words, the factors were “the problem of multiple kingdoms, the problem of religious division, and the breakdown of a financial and political system in the face of inflation and the rising cost of war.” Nevertheless, because I am concerned with the development of church and state, I will discuss primarily the importance of religious and political factors in the English Civil War, as well as in the other major events of the sixteenth and seventeenth centuries. Indeed, the conjunction of political and religious strife in England during these two centuries, perhaps more so than any other single consideration, has shaped the current understanding of the separation of church and state in American constitutional thought. To many constitutional scholars, America needs the separation of church and state to avoid a recurrence of the English turmoil of this period.
THE ENGLISH REFORMATION

Despite the aforementioned ambiguities, most historians agree that the English Reformation began more as a political than a religious dispute. In particular, the Reformation began with Henry VIII, king of England from 1509 to 1547, who was far from being a religious revolutionary. To the contrary, Henry was theologically trained and even published in 1521 an Assertion of the Seven Sacraments, which defended the seven Roman Catholic sacraments against Luther’s attacks. Pope Leo X then declared Henry to be the “Defender of the Faith.” In any event, Henry had long been married to Catherine of Aragon. Because Catherine had been the widow of Henry’s older brother, a papal dispensation had to be granted to authorize Henry and Catherine’s marriage in the first place. In 1527, though, two factors prompted Henry to seek an end to his marriage with Catherine. First, he had fallen deeply in love with Anne Boleyn; second, he wished to have a male heir. Catherine was unlikely to have any more children, and to that point she had borne Henry only one surviving daughter, Mary. Since divorce as we currently know it did not then exist, Henry claimed that from a religious standpoint, the marriage had been invalid at the outset and that the pope should therefore officially annul it. At Henry’s behest, his lord chancellor, Cardinal Thomas Wolsey, negotiated for two years in seeking a declaration of annulment from Pope Clement VII. Unfortunately for Wolsey, political developments on the European continent had left the pope effectively under the control of the Holy Roman Emperor, Charles V, who happened to be Catherine’s nephew. Partly because of Charles’s influence, the pope was not inclined to satisfy Henry, who eventually became so frustrated that he stripped Wolsey of his power and had him executed.

Steadfast, Henry decided to act unilaterally. Starting in 1531, Henry took several actions designed to sever ties with the papacy. He initiated the first propaganda campaign designed to utilize the printing press to rapidly sway popular opinion, and with this popular support, he solicited parliamentary action. Henry’s primary intention, of course, was to end papal jurisdiction in England, thus freeing him from papal control. By 1533, Henry had divorced Catherine, married Anne Boleyn, and had another daughter, the princess Elizabeth (later to become queen). When Clement VII threatened excommunication, Henry solidified England’s break from Rome by procuring several additional key parliamentary enactments. Most important, the Act of Supremacy of 1534 declared that “the king’s majesty justly and rightfully is and ought to be the supreme head of the Church of England.”
In effect, then, the first stage of the English Reformation consolidated church and state under Henry. Henry readily used his new power as the undisputed head of the Church of England to aggrandize power and wealth. For example, he closed and liquidated England’s monasteries, raising significant sums of money and currying favor.\(^{10}\) And as Christopher Hill observes, when monastic lands passed into private ownership, “the Reformation created a vested interest in Protestantism”\(^{11}\); the new owners of real property formerly owned by the Roman Catholic Church would naturally oppose any return to Catholicism. Indeed, the Henrician Reformation initiated broad economic changes throughout England that would ultimately contribute to the English Civil War in the next century. Yet, under Henry, the Church of England remained in most respects largely Catholic. The Church retained its episcopal organization, being structured around bishops, and the Six Articles Act of 1539 expressly upheld many traditional Catholic beliefs and practices, including the Catholic understanding of the Eucharist, whereby the priest’s words (are supposed to) miraculously transform the bread and wine into the body and blood of Christ.\(^{12}\) At the same time, however, Henry had his son and heir, Prince Edward, educated by Protestant tutors.\(^{13}\) Thus, while Henry successfully freed himself and England from papal control, he seemed generally ambivalent about religious doctrine.

By the time Henry died in 1547, the Church of England had undergone a strange reformation. It was no longer part of the Roman Catholic Church, but it retained much of the tradition and doctrine of Catholicism. Yet partly because of the continuing religious ferment on the continent and partly because of the lack of papal domination, the Church of England continued to be transformed. Henry’s Protestant-educated son, King Edward VI, was only nine years old when he came to the throne, so England was effectively ruled by a council of regents whose chief, the duke of Somerset, was Protestant in persuasion. Hence, during Edward VI’s reign, the Church of England moved more in the direction of Protestantism. The Act of Uniformity, enacted in 1549, decreed the first Book of Common Prayer, which imposed a universal set of prayers to be used throughout England. Although this Prayer Book was a mixture of Catholicism and Protestantism, perhaps its greatest significance lay in its use of English-language prayers—a Protestant innovation—as opposed to the traditional Latin prayers of Catholicism. This Prayer Book displeased almost everyone, being too Protestant for conservatives and too Catholic for Protestants, who during this time shifted their attention from Luther to Calvin. A second Act of Uniformity, passed in 1552, revised the Prayer Book and gave it a stronger Protestant orientation.\(^{14}\)
Edward VI's brief reign ended with his death in 1553, when he was succeeded by Mary Tudor, the only surviving child of the marriage between Henry VIII and Catherine. Unlike Edward, Mary I was a devoted Catholic; thus, partly to remedy the unholy divorce of her parents, she sought to return England fully to the Catholic fold. Consequently, she persuaded Parliament to repeal most of the recent reform legislation and then instituted severe and unpopular persecutions, burning at the stake several Protestant-leaning bishops, including Thomas Cranmer, who had been instrumental in writing the first Book of Common Prayer. When Mary married King Philip II of Spain, the resultant fear in England of foreign influence joined with the distaste for religious violence, leading popular sentiment to turn more strongly against Roman Catholicism.15

Elizabeth I succeeded Mary in 1558 and remained as queen until 1603. Elizabeth was Protestant largely due to the political context of her birth: she was Henry VIII and Anne Boleyn's daughter, and the Catholic Church insistently denied the legitimacy of her parents' marriage. Regardless, Elizabeth was unconcerned with strictly enforcing either Protestantism or Catholicism, although she cared intensely about the political unity and social order of England. For that reason, Elizabeth sought to structure something of a compromise between the more extreme Protestant and Catholic positions of her predecessors, Edward and Mary. Thus, she orchestrated the so-called Elizabethan Settlement, already in place firmly by 1563, establishing the mix of Protestantism and Catholicism that came to be called Anglicanism.16 The Act of Supremacy of 1559 recognized the Church's Catholic-like episcopal structure yet required all ecclesiastical and governmental officials to declare by oath that Elizabeth was "the only supreme governor" of England in both spiritual and temporal affairs.17 Persons refusing to take this oath were barred from all official positions in church and state. Elizabeth herself had insisted that Parliament refer to her as the supreme governor instead of the supreme head of the Church, as Henry VIII's Act of Supremacy had proclaimed. Elizabeth's political insight was astute, as Catholics found her word ("governor") less obnoxious, even though it did not diminish her power in any practical sense. Meanwhile, the Act of Uniformity of 1559 revised and imposed the second Edwardian Book of Common Prayer (of 1552). This liturgy maintained much of its Protestant orientation but removed some of the elements that had proven most offensive to Catholics.18 In the effort to maintain national unity, the revised Prayer Book "was a masterpiece of ambiguity where ambiguity seemed necessary."19 Finally, the Thirty-nine Articles of Religion, issued first
in 1563, established the basic faith and lasting character of the Anglican Church. A common observation is that "the Church of England has Calvinist Articles alongside a Catholic liturgy," and indeed, many of the Articles were (and are) calvinistic. For example, various Articles declared the following: that "Holy Scripture containeth all things necessary to salvation," that every person "deserveth God's wrath and damnation," that people can be "justified by Faith only," that good works without faith are sinful and cannot bring salvation, that God predestined some for salvation and others for damnation, and that the "visible Church of Christ is a congregation of faithful men." Finally, the dogmatic antisemitism of Reform Protestantism was (and is) evident. Of course, the Articles maintained that faith in Christ is the only means to salvation. Moreover, in typical Calvinist fashion, the Articles declared that the Old Testament remained the Word of God but only insofar as it foretold of the coming of Jesus Christ—that is, the Articles emphasized the (Christianized) Old Testament and not the Hebrew Bible:

The Old Testament is not contrary to the New: for both in the Old and New Testament everlasting life is offered to Mankind by Christ, who is the only Mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign that the old Fathers did look only for transitory promises.

Despite the strong Protestant flavor of the Articles, Elizabeth's conciliatory attitude again came into play, as ecclesiastics were not required to subscribe to the Articles until Parliament passed the Subscription Act in 1571—only after Elizabeth had been excommunicated.

From the earliest days of the Elizabethan Settlement, more radical English Protestants found the Anglican Church to be too Catholic. These Calvinist (or Reformed) Protestants fruitlessly continued to seek reforms to further purify the Church—hence, they were called Puritans—but despite their frustrations, they never strongly opposed Elizabeth. Indeed, these early Puritans were known to "tarry for the magistrate," and for her part, Elizabeth tended to abide more calvinistic practices in the country parishes. Nonetheless, tensions between Puritans and Anglicans continued during Elizabeth's long reign, and indeed, at around this period, the more radical Puritans pushed Calvin's theory of limited political resistance in a more populist direction. Whereas Calvin had reasoned that only an inferior magistrate or ephor can actively resist injustice, the radical Puritans argued that ordinary citizens have a right to resist.
The Civil War, Restoration, and Revolution

When James I ascended the throne in 1603, matters only worsened. James, who remained king until 1625, sought greater religious uniformity throughout England and thus was less accommodating to the Puritans. For example, he demanded that clergy wear surplices (white gowns). When his Book of Sports, passed in 1618, explicitly encouraged recreation on Sundays and thus, from the Puritan standpoint, amounted to "a royal command to disobey the will of God." Most important, James insisted that the Anglican Church retain its episcopal structure. Before becoming king of England, James had ruled Scotland, where Presbyterian Protestants had gained a foothold and thus were able to reject the organizational hierarchy of the episcopacy in favor of church governance by lay elders (or presbyters). From James's viewpoint, the lack of bishops in Scotland had severely weakened his power; in fact, he often asserted, "No bishop, no king." James's stubbornness on these religious issues caused many Puritans in England to lose their hope for continuing reform of the Anglican Church, and thus these Puritans became increasingly restive.

Beyond these religious issues, James attempted to impose a more absolutist monarchy on England. As discussed, absolutist monarchies had become firmly established on the European continent during the sixteenth century, but James failed to account adequately for the significant differences between England and the continent. James's pretensions to absolute power sparked Sir Edward Coke and others to articulate the theory of the ancient constitution, which asserted that Parliament and the common law had been entrenched in England from time immemorial. Most important, then, Parliament and the common law theoretically provided certain (constitutional) rights to the English that were beyond the reach of the king. Coke, therefore, implicitly began to develop a theme still needed for a theory of the modern sovereign state: the notion that sovereignty rests with the people—a theme to be elaborated more fully in English political theory later during the seventeenth century. Eventually, James's policies and miscalculations drove the Puritans into a political alliance with the parliamentarians, especially those in the House of Commons.

The simmering dispute with the Puritans and Parliament, on the one side, and the monarchy, on the other, finally boiled over during the reign of James's son, Charles I, king from 1625 to 1649. Charles almost immediately managed to deepen both the religious and political disputes with the Puritans and parliamentarians. Indeed, early in Charles's monarchy, some Puritans decided to flee England and settle in North America. Nonetheless,
most of Charles's opponents remained in England, and Charles quickly provoked their ire by seeking to impose taxes without parliamentary consent. Charles particularly needed funds for unpopular foreign military expeditions. Parliament responded in 1628 by enacting the Petition of Right, which declared that the English constitution mandated parliamentary action to authorize taxation. As might be expected, though, Charles ignored this Petition.\footnote{32}

Meanwhile, for religious and political support and guidance, Charles turned to William Laud, a leader of a small group within the Anglican Church strongly opposed to the Puritans. This group, soon called Laudians, rejected the Calvinist focus on Scripture alone and instead emphasized patristic writings, sacramental grace, and the episcopal organization. In actuality, Laud's personal theology was simple: he wanted the Anglican Church to be as Catholic as possible so long as the king remained its supreme head. The Puritans, for their part, accused Laud of being an Arminian heretic because he (supposedly) denied the central Calvinist doctrine of predestination. Politically, Laud could be ferocious. He thought that the Puritans were dangerously dogmatic and that the Church and government should therefore crush them by authoritatively imposing an uncompromising uniformity.\footnote{33} Thus, probably on Laud's advice, Charles issued a declaration in 1628 insisting that strict religious uniformity must be maintained, that the Church of England established the religious truth, and that the Church's episcopacy was entitled to resolve any religious disputes.\footnote{34} The House of Commons responded in kind with two actions in early 1629. A sub-committee of the House of Commons issued a set of resolutions declaring that the king's ministers had misled him on religious issues and that the spread of Roman Catholicism and Arminianism was dividing the English among themselves, as well as separating them from continental Reformed churches. Even further, the resolutions recommended "[e]xemplary punishments" of Catholics, "severe punishment" of Arminians, the burning of certain books, and the licensing of books to avoid heresy.\footnote{35} Less than a week later, the House of Commons passed a bill, dealing with both religion and taxes, that epitomized the extensive entanglement of the religious and political issues.

1. Whosoever shall bring in innovation of religion, or by favour or counten ance seek to extend or introduce Popery or Arminianism, or other opinion disagreeing from the true and orthodox Church, shall be reputed a capital enemy to this Kingdom and Commonwealth. 2. Whosoever shall counsel or advise the taking and levying of the subsidies of Tonnage and Poundage, not being granted by Parliament, or shall be an actor or instrument therein, shall
be likewise reputed an innovator in the Government, and a capital enemy to
the Kingdom and Commonwealth. 3. If any merchant or person whatsoever
shall voluntarily yield, or pay the said subsidies of Tonnage and Poundage,
not being granted by Parliament, he shall likewise be reputed a betrayer of
the liberties of England, and an enemy to the same.56

The king replied by almost immediately dissolving Parliament, and remark-
ably, he refused to recall it for over a decade. By long-established custom
in England, Parliaments had been held frequently, but the king ultimately
held the power to initiate and dissolve sessions. Thus, he seemingly could
rule by royal prerogative alone.37

In the end, though, Charles’s and Laud’s obstinate insistence on religious
uniformity forced the king to call a Parliament again in 1640.38 In the late
1630s, Charles tried to impose the Anglican liturgy in Scotland, thus leading
the Scots to rebel openly against England. Charles needed money to fight
the Scots, and when royal prerogative alone raised insufficient funds, he
summoned Parliament in April 1640 to help raise further revenue. But when
the old parliamentary grievances immediately resurfaced, Charles swiftly dis-
solved this so-called Short Parliament. The war expenses, though, continued
to mount, compelling Charles again to convoke Parliament. This Parliament,
which first met in November 1640, became the momentous Long Parlia-
ment,39 controlled largely by Presbyterian Puritans.40

Straightaway, the Puritan-led Parliament took revenge on Charles’s prin-
cipal ministers. Laud, for example, was thrown into prison and eventually
executed pursuant to a bill of attainder.41 More broadly, Parliament intro-
duced dramatic changes in religion and government. In a startling burst of
action, Parliament swiftly transformed the English constitutional system.42

The Triennial Act of 1640–1641 maintained that Parliament must meet at
least once every three years; therefore, the monarch no longer could rule
by royal prerogative alone.43 The Act of May 10, 1641, declared that the
king could not dissolve the Long Parliament without its consent.44 The
Tonnage and Poundage Act established that Parliament controlled all forms
of taxation, whether direct or indirect.45 Two separate acts of July 5, 1641,
declared the supremacy of law and abolished the courts of the Star
Chamber and the High Commission, which under Charles I had become
instruments of oppression.46

These parliamentary actions obviously diminished the king’s authority,
and matters finally came to a head with the Long Parliament’s passage on
December 1, 1641, of the Grand Remonstrance, which extensively detailed
the inequities suffered under Charles’s governance and asked for extraordin-
ary reforms. Specifically, the king would appoint only ministers that
Parliament could confide in, and Church reform would be referred to a synod of divines whose recommendations would be subject to parliamentary approval.\textsuperscript{47} Charles responded promptly and defiantly, asserting that he would do whatever he thought “fit in prudence and honour”\textsuperscript{48} and demanding “obedience to the laws and statutes ordained for the establishing of the true religion in this kingdom.”\textsuperscript{49} By this time, some parliamentary moderates had begun to shift their allegiance from the radicals back to the king; in short, a Royalist party had started to form. In light of this growing support, Charles crucially blundered in early January 1642, when he unilaterally attempted (and failed) to arrest five leading radical members of the House of Commons.\textsuperscript{50} Parliament replied rebelliously by passing the Nineteen Propositions of June 1, 1642. In effect, these Propositions proposed to set aside the king’s sovereignty in favor of an absolute sovereign power in Parliament.

With England on the brink of civil war, Charles’s advisers persuaded him to attempt a sudden last-ditch reconciliation with Parliament. Charles therefore issued the remarkable His Majesty’s Answer to the Nineteen Propositions of Both Houses of Parliament, which, in its echoing of certain Machiavellian themes, constituted an innovation in English political thought and subsequently grounded further developments in political theory.\textsuperscript{51} His Majesty’s Answer stated:

There being three kinds of government among men, absolute monarchy, aristocracy and democracy, and all these having their particular conveniences and inconveniences, the experience and wisdom of your ancestors hath so moulded this out of a mixture of these acts as to give to this kingdom (as far as humane prudence can contrive) the conveniences of all three, without the inconveniences of any one, as long as the balance hangs even between the three estates, and they run jointly on in their proper channel (begetting verdure and fertility in the meadows on both sides) and the overflowing of either on either side raise no deluge or inundation. The ill of absolute monarchy is tyranny, the ill of aristocracy is faction and division, the ills of democracy are tumults, violence and licentiousness. The good of monarchy is uniting a nation under one head to resist invasion from abroad and insurrection at home; the good of aristocracy is the conjunction of counsel in the ablest persons of a state for the public benefit; the good of democracy is liberty, and the courage and industry which liberty begets.\textsuperscript{52}

Thus, in the crush of political expediency, the king (or his advisers) drew upon Machiavellian political theory to justify the maintenance of public order and at least some monarchical power. In particular, His Majesty’s Answer depicted England as a republic struggling to preserve
itself under desperate circumstances. Moreover, England was presented as a mixed republic, a government of the one, the few, and the many. Machiavelli had suggested that this form of mixed or balanced government was best able to maintain itself because it could draw upon the diversity of all its citizens. And here, in His Majesty’s Answer, the king argued that for England to preserve itself, it must maintain the proper balance in its mixed government—of monarch, lords, and commons. Thus, the king, in effect, issued a warning to Parliament: either maintain the proper balance by recognizing an appropriate degree of power in the monarch or send England plunging into anarchy. J.G.A. Pocock observes: “The theory of the mixed constitution was imported into English political rhetoric in order to naturalize there the ... Machiavellian doctrine of the republic, in which the virtues of all may neutralize the vices from which none is free, but which is historically fragile and may be overthrown at the slightest departure from balance.”

In terms of the future of English political theory, perhaps the most important component of His Majesty’s Answer is its presentation of political power. Instead of insisting that governmental power and authority descend from the king (and ultimately from God), His Majesty’s Answer suggested that power lies equally in the three estates (monarch, lords, commons) and that this balanced arrangement amounted to no more than a contrivance of “humane prudence.” In so suggesting, His Majesty’s Answer implicitly conceded that the concept of a divine right of kings was yielding to the idea of the people as sovereign. Despite these theoretical concessions by the king, both Parliament and the king moved quickly to raise armies. By the end of the summer of 1642, Civil War had erupted.

At the outset of the Long Parliament, before the war began, 15,000 Londoners signed a petition regarding religion and presented it to the House of Commons, which referred it to a committee. This Root and Branch Petition of December 1640 condemned the Roman Catholic and Anglican Churches and sought to abolish the episcopacy and the Common Prayer Book. Parliament never passed this specific petition, but once the Civil War began, Parliament did move in this general direction. In particular, Parliament needed to secure Scottish aid during the war, and the Scots, in return for their assistance, were thus able to demand that Parliament adopt a Presbyterian system. Hence, in 1643, Parliament passed the Solemn League and Covenant, one of the best illustrations of Presbyterian Puritan theology, both in its content and in its very use of the covenant as the (typically Calvinist) means for constituting a community. This legislation began by declaring an intention to advance “the kingdom of our Lord and Saviour Jesus Christ.” To overcome the religious conspiracies “against the true reli-
all English people over the age of eighteen would be required to enter a solemn league and covenant. The covenant sought the preservation and reformation of religion “in doctrine, worship, discipline, and government, according to the word of God and example of the best reformed Churches.” All churches throughout England would need to follow uniformly the recommended theology and organization, and the covenant left no doubt that Reformed Protestantism constituted the only true religion.

Finally, the covenant demanded that all English people subscribe to an archetypal Calvinist confession, emphasizing human sinfulness, a focus on the Christian Gospels, the need for faith in one’s heart, and the following of God’s plan in one’s calling:

Parliament then reasserted these basic Calvinist themes in the influential Westminster Confession of Faith, which harkened back to the New Testament antagonism between Jewish carnality and Christian spirituality.

Although Parliament passed the Presbyterian Solemn League and Covenant and then the Westminster Confession, not all Puritans were Presbyterians. Quite clearly, Parliament had passed the Covenant primarily because of political and military reasons—the need for Scottish aid—not because of a religious consensus. All Puritans shared certain overlapping
Reformed beliefs—and all Puritans undoubtedly opposed Laudianism—but even before the passage of the Covenant, Puritanism was somewhat divided within itself. The adoption of the Presbyterian system pursuant to the Covenant (and the later Confession) therefore tended to exacerbate these preexisting divisions among the Puritans within Parliament. In fact, Parliament split into four parties. The two major parties were the Presbyterians and the Independents, both of which originated early in the Civil War, with the more conservative Presbyterians favoring a defensive war and a negotiated peace and the Independents seeking to win the war at all costs. Thus, despite the importance of religion, the parties were not split purely along religious lines; some Independents were even Presbyterian elders. In any event, the Presbyterian party, which was in the majority, pushed Parliament to assert the authority to impose a rigid Presbyterian brand of Puritanism despite their belief in freedom of conscience. The Independents, who were mostly Congregationalists, tended to be more tolerant of different Puritan sects, and partly for that reason had the support of the parliamentary army, which consisted of Protestant enthusiasts of many persuasions. The two lesser parties were the sectaries (or the Parties of the Left) and the Erastians. The distinction between the sectaries and the Independents always remained fuzzy, with the sectaries tending to place even greater emphasis on freedom of conscience and toleration. The Erastians were the least concerned with how the religious differences were settled, so long as religious tyranny ended and civil peace was maintained.61

Despite the central division between the Presbyterians and Independents, Parliament’s alliance with the Scots proved successful, and by 1646 the parliamentary army, led by Oliver Cromwell, had defeated the royal army. Charles I surrendered to the Scots, who eventually passed him on to the English Parliament. Nonetheless, because the Independents clearly controlled the army, the Presbyterians gradually began to shift their allegiance to Charles. Indeed, the king and the Presbyterians entered into an agreement whereby Charles’s authority would be re-established in exchange for his promise to support English Presbyterianism for three years. Meanwhile, in an incredible turn of political intrigue, Charles managed to escape and to ally secretly with the Scots: in exchange for Charles’s promise to support Presbyterianism, the Scottish army invaded England in August 1648. Still under Cromwell’s command, however, the parliamentary army defeated the Scots, thus effectively leaving the army as the supreme power in England. In December 1648, an army detachment led by Colonel Thomas Pride expelled all Presbyterian members from Parliament. Pride’s Purge left
only the Independent members in Parliament, a small fraction of the original number; this remnant of the Long Parliament was known as the Rump. At the behest of the army, the Rump created a High Court of Justice for the purpose of trying Charles, who was then condemned and executed on January 30, 1649. The monarchy as well as the House of Lords soon were officially abolished. Of eventual significance, Charles died with unusual dignity, insisting that his execution amounted to unlawful violence that augured insecurity and disorder for all English people. Thus, even though Charles’s monarchy had been disastrous, his death propelled him to martyrdom in the eyes of some.

In any event, shortly before Charles’s execution, the Council of the Army issued the Agreement of the People, a proposed constitution for England based largely on Puritan principles. Although the Agreement was never adopted, it remains significant as the first Anglo-American attempt to constitute a nation under an organic legal instrument and as a precursor of American constitutions. Of particular importance for the separation of church and state, the Agreement declared Reformed Christianity to be the “public profession”; Catholicism and Anglicanism were not included in this public Christianity. Furthermore, the Agreement proposed to protect freedom of conscience: the people were to be instructed in Christianity without being compelled to have faith. In this respect, the Agreement followed standard Reform doctrine, which in turn arose from the New Testament mandate to not physically force Jews to convert. The protection for freedom of conscience was explicit:

That such as profess faith in God by Jesus Christ, however differing in judgment from the doctrine, worship or discipline publicly held forth, as aforesaid, shall not be restrained from, but shall be protected in, the profession of their faith and exercise of religion, according to their consciences, in any place except such as shall be set apart for the public worship.

With this very first proposal for a national organic document, a distinctive (and persistent) vision of the relation between church and state had emerged. This vision consisted of three related parts. First, governmental support or establishment of religion was not understood to be inconsistent with freedom of conscience. The Agreement simultaneously established Reform Protestantism as the public religion and protected freedom of conscience. To some extent, Church establishment merely continued a traditional way of life. Before the Reformation, in an English society with but a single Christian Church, establishment had seemed “appropriate.” After the Reformation and Civil War, though, English Christianity had splintered
into many sects, yet the traditional assumption—that establishment was appropriate—remained in force. Hence, the established religion itself might change, but the fact of establishment continued.

Second, freedom of conscience was protected as a matter of Puritan theology. A central component of Reform Protestantism was that conscience stands as an internal experience or faculty beyond the realm of the external and temporal world; conscience and faith cannot be compelled. Hence, when the Agreement proposed to protect freedom of conscience, it sought to protect only what Puritanism demanded for a meaningful religious (Christian) experience. In fact, the Independents’ Savoy Declaration of Faith and Order, a Congregationalist religious confession that adopted a modified Westminster Confession, explicitly protected freedom of conscience. To be clear, freedom of conscience did not entail human choice or discretion. Instead, freedom of conscience allowed individuals to follow the dictates of their conscience to Jesus Christ; freedom of conscience was necessary to receive the truth of Christ. Thus, the Reformed commitment to freedom of conscience did not amount to a political commitment to respect or tolerate the religious liberty of others; rather, freedom of conscience reflected a Puritan theological conviction about the preeminence of conscience and faith. This second point—that freedom of conscience was protected as a matter of Puritan theology—intertwined with the first point—that religious establishment and freedom of conscience were consistent. Since freedom of conscience itself was an integral part of Reform theology, freedom of conscience would naturally be consistent with the official establishment of Reform Protestantism. Indeed, the establishment of Reform Protestantism would seem to necessitate the protection of freedom of conscience.

Third, in any particular historical context, actual toleration of different religious sects arose from political realities, not from a principled political commitment. Freedom of conscience connoted toleration for only some Christian sects, with the number and identity of those sects depending upon political machinations. In this instance, the army was composed of Puritans of many different sects, so the Agreement needed to extend protection to all those sects, but protection for the defeated Catholics and Anglicans was unnecessary. Protection for other religions was, of course, totally irrelevant. In short, religious toleration to a great extent amounted to no more than Christians begrudgingly accepting a disappointing political reality and attempting to put a good face on it.

With nothing but the Rump in Parliament and no new official governmental structure (since the Agreement of the People was never adopted), England operated under Cromwell as a military autocracy. In April 1653,
Cromwell finally expelled the Long Parliament by force. He then summoned a small Parliament, known as the Little or Barebones Parliament, which was dissolved on December 12. Then, on December 16, 1653, army leaders proffered a written constitution that Cromwell accepted. The Instrument of Government was the first written organic document for an entire nation, though it had no permanent constitutional significance in England. The Instrument established a government consisting of a Lord Protector, who was of course Cromwell, a single House, and a Council of State that would advise the Protector. With regard to religion, the Instrument was nearly identical to the Agreement of the People, the only difference being that the Instrument stated even more clearly than the Agreement that protection for freedom of conscience did not extend to Catholics and Prelates (Anglicans). The first House elected under the Instrument in 1654 sought to enact a different constitutional scheme that would allocate greater power to Parliament, so Cromwell dissolved the House in January 1655 and ruled by military force. The short-lived English republic thus degenerated into despotism.

When Cromwell died in September 1658, his son, Richard Cromwell, succeeded him as Protector. Richard, though, proved to be a weak and ineffective leader, and England thus "plunged into anarchy." To many English people, already weary from years of turmoil and now facing chaos, a strong king and a national church emerged as the best course for returning to "law, order, and stability." A somewhat skewed memory of Charles I reinforced this viewpoint: as mentioned, despite Charles I's many faults as king, his dignity in death led many English to view him as a martyr. Thus, in 1660, when elections produced a new Parliament, the Presbyterians combined with the Royalists (Episcopal Party) to vote for the restoration of Charles II, who had been living in exile since the execution of Charles I. Just before returning to England, Charles II issued his Declaration of Breda, which proposed certain principles for governance. In language anticipating John Locke's Two Treatises of Government, the Declaration promised to protect "lives, liberties [and] estates." With regard to religion, the Declaration provided that because of the plurality of religious opinions in England, there should be liberty of conscience. This provision, however, was merely precatory; it further suggested that Parliament act to fully grant "that indulgence."

Thus, the Declaration offered hope at least to the Presbyterians, the most conservative of the Puritans, that they would be comprehended by a national church, but this hope soon was dashed. The first Parliament after the restoration immediately acted to reestablish a Laudian type of Anglicanism and to
persecute Puritans. For example, in 1662, Parliament passed a Uniformity Act that imposed a revised Anglican Book of Common Prayer and demanded that all clergy take an oath to uphold the Anglican doctrine of the Prayer Book.78 Hundreds of Puritan ministers sacrificed their positions rather than take the prescribed oath. In the words of Sydney Ahlstrom, “[f]or Presbyterians, Congregationalists, Baptists, and Quakers—not to mention Roman Catholics and Unitarians—social inequality, imprisonment, and legal harassment became the order of the day.”79 All Puritans, in short, were forced so far outside the establishment that they became the Dissent, and eventually, many Dissenters succumbed to the pressure and abandoned their Puritan commitment.80

Meanwhile, a combination of factors prompted Charles II to oppose Parliament by seeking to enforce some degree of religious toleration. In particular, Charles wanted to aid Roman Catholics largely because Louis XIV of France (a Catholic) provided Charles II with secret financial assistance. Moreover, Charles always had personally leaned toward Catholicism, though he never revealed strong religious convictions. Thus, in order to curry Dissenting (Puritan) favor for his effort to aid Catholicism, Charles issued a Declaration of Indulgence in 1673. This Declaration stated that although the Anglican Church remained the official church that all English people must support, other Christian sects were allowed to meet so long as they first received governmental approval. Parliament responded harshly with the Test Act, which effectively required all civil and military officials to be members of the Church of England.81

When Charles II died in 1685, his brother, James II, became king. James was Roman Catholic, and he dedicated himself to reestablishing Catholicism in England. In 1687, he issued a Declaration of Indulgence that granted to his subjects “the free exercise of their religion.” The Declaration also withdrew the “oaths of supremacy and allegiance” that the Test Act had imposed, thus opening public offices to Catholics and Dissenters. Although these sections of the Declaration appeared merely to extend religious toleration, James’s ultimate goal was to impose Catholicism, as the Declaration itself eventually disclosed: “We cannot but heartily wish, as it will easily be believed, that all the people of our dominions were members of the Catholic Church.”82 James’s overbearing efforts to impose Catholicism galvanized English Protestants to band together: Anglicans joined Dissenters to oppose James and his Catholicism. William of Orange (from the Netherlands) was invited to invade England and depose James. William landed with a small army in November 1688, and James fled the country.
Parliament soon elected William and Mary (James’s daughter) as joint monarchs; the Glorious (or Bloodless) Revolution was complete. Most important, since at least William was not entitled to the throne by heredity, the Revolution established that sovereigns were to rule “by the will of the nation—and not by any prerogative higher than the law”; the divine right of kings had yielded to the sovereignty of the people. With regard to religion, Anglicanism became firmly established as the official Church of England, resting on the Thirty-nine Articles of Religion, first issued in 1563. But William and Mary, quite wisely from a political standpoint, reintroduced a degree of religious liberty. The Toleration Act of 1689 granted toleration to all Protestants (except Unitarians) who would swear an oath of allegiance to William and Mary and would reject the doctrine of transubstantiation, though Puritans remained subject to various inequities, such as paying tithes to the Anglican Church and needing governmental approval for public meetings. In fact, the Toleration Act did not stop the continuing decrease in the number of Puritans that had begun during the Restoration.

By this time, nearly two centuries had passed since Henry VIII had initiated the English Reformation, and England had undergone a profound transformation. Nonetheless, once the Elizabethan Settlement had established the basic nature of the Anglican Church—as a mixture of Protestantism and Catholicism—all further religious turmoil ultimately ended with the Church of England reaffirming its Elizabethan Anglicanism. As Christopher Hill tersely declares: “The Puritan Revolution’ failed.” Yet, while the religious revolution may have failed, seventeenth-century England nonetheless had undergone a political and economic revolution. Christopher Hill briefly summarizes the enormous changes:

The end of prerogative courts and of arbitrary taxation threatening security of property; sovereignty of Parliament and common law; the habit of continuous parliamentary government; effective rule of J.Ps [justices of the peace] and town corporations uncontrolled by Star Chamber or major-generals; end of monopolies; abolition of feudal tenures, but no security for copyholders; conquest of Ireland; the Navigation Act and use of sea power for an imperialist policy—these were the lasting achievements of the years 1640–60, though some were not finally confirmed until 1688.

Indeed, the Puritan-generated work ethic combined with the political changes of the Civil War to help propel England into the modern capitalist world. As the lands of the Crown, the Royalists, and the Anglican Church were distributed among the people, English capital was mobilized for
production where previously it had lain static, “withheld from investment.” In this transformed England, a good citizen sought to accumulate wealth while remaining frugal: after 1660, “it became a social duty to get rich.”

Furthermore, although the Puritan Revolution may have failed, these many decades of turmoil did result in an increase in religious toleration as a political necessity. The treatment of Jews further illuminates this political development, although for several centuries, hardly any Jews lived in England. In 1290, King Edward I had expelled all Jews, and the question of officially readmitting them was not seriously discussed until the seventeenth century.

During the English Civil War, the Calvinist emphasis on Scripture—both the Old and New Testaments—led many Puritans to focus on Judaism and the conceptual Jew even though real Jews were not present in meaningful numbers. For example, as already mentioned, the Westminster Confession of Faith built upon the New Testament opposition of Jewish carnality to Christian spirituality. Specifically, the Confession emphasized that God “abrogated” the earlier Jewish “covenant of works,” replacing it with the Christian “covenant of grace.” Because people were “utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil,” they were “incapable of life” in accordance with the Jewish covenant or testament. Yet the Jewish (or Old) testament was “all fore-signifying Christ to come”; hence, the Christian covenant of grace provided the universal means of salvation “to all nations, both Jews and Gentiles.” Under the Christian or new testament, one’s conscience became the bridge to God’s spiritual heaven; good works could not earn salvation because of “the infinite distance between us and God,” though “our duty” was to do “all we can” to fulfill our callings. The Confession even underscored the importance of honoring the Christian Sabbath of Sunday as opposed to the Jewish Sabbath of Saturday.

The original Westminster Confession was largely Presbyterian, and as noted, during the Long Parliament, the Independents tended to be more tolerant than the Presbyterians of religious diversity. In fact, though, the Independents disagreed among themselves about the proper meaning and application of freedom of conscience. For this reason, together with their Calvinist respect for the Old Testament as the Word of God, the Independents expressly and extensively debated in Parliament the significance of the Old Testament and Jewish laws for determining the authority of civil magistrates over religion and conscience. An anonymous essay, The Ancient Bounds, or Liberty of Conscience, Tenderly Stated, Modestly Asserted, and Mildly Vindicated, presented a typical Independent conclusion:
Whatsoever [Jewish kings and magistrates] did rightly ... yet cannot be drawn into precedent by us.... First, those were the times of the Old Testament, these of the New; therefore 'tis not a sound way of arguing from them to us in everything.... Secondly, their worship was carnal, bodily, outward, consisting much in the conformity of the outward man and practice to certain worldly ordinances.... But the worship of the New Testament is chiefly in the heart and hidden man, in spirit and in truth, which is at the beck of no human force or power. Therefore it is no good argument from that worship to this. [Consequently] kings or magistrates may not now as then compel men to religion; but that which those kings did in a typical way, Christ, the King of his Church, doth in a spiritual, antitypical way of accomplishment....

Thus, ironically, even as the Independents argued for freedom of conscience, they echoed traditional New Testament antisemitic doctrine; indeed, the conception of Christian spirituality in opposition to Jewish carnality grounds the argument for freedom of conscience. According to this familiar argument, Judaism is carnal and temporal, while Christianity is spiritual. Civil authorities operate solely in the temporal sphere and therefore cannot compel true Christian faith, though Jesus will nonetheless persuade individuals to embrace Christian spirituality.

During the Civil War period, the Puritans did begin to consider the possibility of readmitting Jews to England. The primary reason that the issue arose at this time was Puritan theology, but it was not the Puritan theological commitment to freedom of conscience that prompted their support for Jewish readmission to England. Rather, some Puritans emphasized an eschatological belief in a future millennium, a period of latter-day glory on earth. To prepare for this coming millennium, most or all Jews would need to convert to Christianity. These Puritans believed that if Jews were readmitted to England, they would meet godly people who would prompt mass Jewish conversion and thus hasten the coming millennium. One Puritan millenarian wrote, for instance, that Jesus Christ shall come and reign "here gloriously for a thousand years. [At that time,] there shall be a wonderful confluence of people to this church: both Jew and Gentile shall join together to flow to the beautifulness of the Lord." Consequently, in 1649 and again in 1651, Parliament was petitioned to lift the ban on Jews, and in 1655, Cromwell was likewise petitioned. In each instance, no official action was taken. The 1655 petition, in particular, sparked an outburst of popular opinion against Jewish readmission, with printing presses spewing forth antisemitic propaganda, suggesting, for example, that Jews had offered half a million pounds to buy St. Paul's Cathedral in London so that
they could change it into a synagogue. Even Cromwell, despite his Independent orientation, suggested that toleration should not be “stretched so far as to countenance those who deny the divinity of our Saviour.”

In fact, though, a small number of financially successful Marranos had begun filtering into England during the 1630s and 1640s (Marranos were Spanish Jews who at least formally had converted to Christianity). Since as a matter of practical politics Cromwell sought to promote English commerce, he was inclined to allow these Marranos to remain. The issue finally came to a head in 1656. In late 1655, England had gone to war against Spain. The Spanish Marranos thus were faced with a dilemma: either stand accused of being enemy aliens (as Spaniards) or admit to being Jews. They chose the latter, and in March 1656 they once again petitioned Cromwell. At this point, the government refused to lift the ban against Jews but nonetheless officially allowed the Marranos to remain in England as Jews. This small community of Jews continued to expand throughout the Restoration and even more so after the Glorious Revolution, as William and Mary reestablished Anglicanism but with a degree of politically inspired religious toleration. Even so, English Jews most often were treated contemptuously and were subject to legal persecution. To a great extent, then, the fate of Jews in England mirrored that of Jews in other European countries. As the various Christian sects found themselves unable to crush their opponents, a limited amount of religious toleration for different Christian groups became politically necessary. Then, when other political circumstances proved propitious, Jews managed to share in this toleration, becoming incidental beneficiaries of these Christian stalemates.

**English Political Theory**

In terms of the future development of the separation of church and state, one of the most significant consequences of the English political metamorphosis was the emergence of modern political theory, particularly the writings of Thomas Hobbes, James Harrington, and John Locke. Hobbes wrote most of his works during the Civil War period of the interregnum, with his most famous book, Leviathan, being published in 1651. The political and religious chaos of this period largely determined Hobbes’s objectives. Leviathan—which, in Hobbes’s words, was “occasioned by the disorders of the present time”—appeared only two years after the regicide and before the adoption of any new official governmental structure. Thus, to Hobbes (and many of his contemporaries), the overriding concern was how to reestablish civil peace, order, and security. To some extent, then,
Hobbes followed Machiavelli as a political realist and rejected classical political philosophers, such as Aristotle, as hopeless idealists. Contrary to Machiavelli, though, Hobbes’s conclusion was that only an absolute sovereign could establish and maintain civil peace. Bodin had argued likewise in the previous century, but whereas Bodin had maintained that the absolute sovereign must be a monarch, Hobbes conceived of the absolute sovereign as a commonwealth or state. Ultimately, Leviathan pleased neither the royalists nor the parliamentarians in the English dispute, and in fact, Hobbes himself seemed ambivalent about whom he preferred as a final victor. He favored the king in 1642 and Cromwell in the 1650s for the same reason: to Hobbes, civil peace and well-being depended upon obedience to the secular ruler.

Although many political philosophers focus solely on the first half of Leviathan, a fuller understanding of Hobbes’s argument requires attention to both halves. In the first half, Hobbes argued from reason—he presented a science of politics—while in the second half, he argued from Scripture. Briefly, in the first half of Leviathan, Hobbes attempted to present political theory as Euclid had presented geometry, as a matter of axiomatic principles and demonstrable reasoning. Hobbes posited humans as being in a state of nature where all are roughly equal physically and mentally. Furthermore, in this state of nature, a “perpetual and restless desire of Power after power, that ceaseth only in Death,” places each person in constant competition with and fear of all others. The state of nature thus is equivalent to constant war, “such a warre, as is of every man, against every man.” No one stands above the fray: there is no personal security, no societal advancement, and no cultural development. “[T]he life of man [is] solitary, poore, nasty, brutish, and short.”

According to Hobbes, humans would prefer to protect themselves from the dangers inherent in the state of nature, and hence their “[r]eason suggesteth” a means to achieve security. Each person must enter a covenant with all others that places all right and power in one absolute sovereign.

This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner. This done, the Multitude so united in one Person, is called a Common-Wealth, in latine Civitas. This is the Generation of that great Leviathan, or rather (to speake more reverently) of that Mortall God, to which wee owe under the Immortall God, our peace and defence.
Hence, the Leviathan maintains civil peace and order by wielding an absolute police power: each person knows that any breach of the peace or criminal action can bring swift and legitimate punishment. Finally, the sovereign itself is above the law because the sovereign’s subjects covenanted only with each other; they did not covenant directly with the sovereign itself. The sovereign, Hobbes reasons, cannot break the covenant, and subjects have relinquished all right to resist even an unjust and tyrannical sovereign, though the sovereign is obligated to protect the subjects from violence.107

Hobbes thus claimed to have proven that political society originated in human reason and that the state existed in order to maintain civil peace and security. Perhaps most important, then, Hobbes helped turn political theory toward modernism by arguing (in the first half of Leviathan) that sovereign power sprang from human minds and actions and did not descend directly from God;108 here, Hobbes followed the suggestion made by Charles I in His Majesty’s Answer to the Nineteen Propositions of Both Houses of Parliament, issued in 1642 just before the start of the Civil War. In fact, one might conclude that, with Hobbes, the concept of the sovereign state nearly crystallized in its full modernist form.109 Yet, Hobbes did not conclude his book on this seemingly propitious point. For to Hobbes, his argument still stood incomplete. Because the power of the sovereign is grounded on the subjects’ fear of punishment and ultimately death, the human fear of eternal damnation could potentially undermine the sovereign’s absolute power. In Hobbes’s words: “It is impossible a Common-wealth should stand, where any other than the Soveraign, hath a power of giving greater rewards than Life; and of inflicting greater punishments, than Death.”110 Thus, although Hobbes had demonstrated in the first half of Leviathan that reason and power could establish the commonwealth, in the second half he acknowledged that fear of any secular power pales in comparison to fear of eternal damnation. In the second half of Leviathan, then, Hobbes necessarily turned to a reading of Scripture; he insisted that Scripture must be understood to reinforce and complement his rational argument (articulated in the first half).111 In short, the effectiveness of secular power depends upon a proper understanding of Scripture. Significantly, in the political circumstances in which Hobbes wrote, his viewpoint appears eminently sensible. Even if religious dispute was not the paramount cause of the English Civil War, religion plainly contributed heavily to the political chaos. At that time, no realistic theory of political society could possibly suggest a route to civil peace and security without accounting for religion. To attempt to do so would be to blink reality. (And this necessity may remain just as true today,
despite the many political and constitutional theorists who consider religion as separate from political concerns.)

While Hobbes was not a radical Puritan, the second half of Leviathan clearly was based on a Calvinist Reformed theology, reflecting the views of many parliamentary Independents.\textsuperscript{112} According to Hobbes, “the Kingdom of God is a Civil Common-wealth, where God himself is Soveraign”; this Kingdom, though, does not currently exist on earth.\textsuperscript{113} Instead, Hobbes described an eschatological progression. Following in the Reformed tradition, Hobbes respected the Old Testament as the Word of God. Consequently, he emphasized the fall of Adam—the original sin that both deprived humans of eternal life and cursed them with pride. Nonetheless, according to Hobbes, “it pleased God” to covenant with the “People of Israel” (that is, Jews) through Abraham and then Moses. Then, mouthing standard New Testament and Calvinist antisemitism, Hobbes explained that the Jews were faithless and resorted to idolatry until Jesus came as the Messiah: “[t]he End of Christ’s coming was to renew the Covenant of the Kingdom of God, and to perswade the Elect to imbrace it.”\textsuperscript{114} For Christians, then, the coming of Christ solved one problem emanating from original sin: the loss of eternal life. Eternal spiritual salvation became possible through faith in the truth of Christ.\textsuperscript{115} Yet, Hobbes followed a millenialist vision: even with the coming of Christ, the Kingdom of God as a sovereign entity did not arise on this earth. Rather, life on this earth merely prepares for the future second coming of Christ, the reign of God during a latter-day glory on earth, when the Jews finally will convert. Hobbes noted that in England, Christianity had progressed from Catholicism to episcopacy to presbyteries to congregations of the faithful.\textsuperscript{116} But more important, Hobbes understood the commonwealth or state as an intermediate point on the eschatological path to the eventual Kingdom of God. In J.G.A. Pocock’s terms: “Hobbes had presented Leviathan’s kingdom as occupying the present interval between the direct rule of God exercised in the Mosaic theocracy and the direct rule of God that would be exercised by the risen Christ.”\textsuperscript{117}

In sum, original sin had created two related problems: the loss of eternal life and human pride. For Christians, the coming of Jesus offered eternal salvation—solving the first problem—but until the second coming of Christ and the Kingdom of God, the problem of human pride remained. The political Leviathan, then, can be understood as solving this second problem by compelling peace and order.\textsuperscript{118} Yet, because of the still-present fear of eternal damnation, Hobbes reasoned, if the Leviathan were to be effective—to maintain civil security—the sovereign should establish the state as a
Christian commonwealth. In short, in this world, there can be but one sovereign, ruling both secular and spiritual affairs. Hobbes wrote:

[A] Church, such a one as is capable to Command, to Judge, Absolve, Condemn, or do any other act, is the same thing with a Civil Common-wealth, consisting of Christian men; and is called a Civill State, for that the subjects of it are Men; and a Church, for that the subjects thereof are Christians. Temporall and Spirituall Government, are but two words brought into the world, to make men see double, and mistake their Lawfull Soveraign. It is true, that the bodies of the faithful, after the Resurrection, shall be not onely Spirituall, but Eternall: but in this life they are grosse, and corruptible. There is therefore no other Government in this life, neither of State, not Religion, but Temporall; nor teaching of any doctrine, lawfull to any Subject, which the Governour both of the State, and of the Religion, forbiddeth to be taught: And that Governour must be one; or else there must needs follow Faction, and Civil war in the Common-wealth, between the Church and State; between Spiritualists, and Temporalists; between the Sword of Justice, and the Shield of Faith; and (which is more) in every Christian mans own brest, between the Christian, and the Man.

Hence, in Christendom, church and state cannot be distinguished because the citizens are Christians. Eternal salvation is so unrelated to this carnal and corruptible world that the notion of separate governors over the spiritual and secular does not make sense; in attacking the Roman Catholic Church, Hobbes stressed that clergy should not exercise any independent authority over spiritual affairs. At the present time, humans live only in the temporal (and not the spiritual) world, and therefore only one governor or sovereign can exist. The first half of Leviathan proved the need for an absolute sovereign in the secular commonwealth, and the second half proved a similar need from the perspective of Christian Scripture. And most important, the two halves merged together to arrive at the same conclusion: there must be but one absolute sovereign ruling over secular and spiritual affairs. This single sovereign, moreover, should allow only one form of public worship.

Even so, Hobbes maintained a semblance of the Calvinist freedom of conscience. To Hobbes, “faith is a gift of God,” and only through God’s grace is eternal life granted to the faithful. The sovereign, as head of church and state, can regulate conduct or behavior, but true religious conscience cannot be compelled. Indeed, because civil laws and commands contrary to Christ supposedly cannot affect one’s salvation, Hobbes argued that one might as well obey all civil commands. Just as Hobbes had concluded in the first half of Leviathan that subjects have relinquished all right to resist even an unjust and tyrannical sovereign, he likewise concluded the second half
by stressing civil obedience. In fact, as Eldon Eisenach notes, for Hobbes, "obedience to civil law is righteousness." Hobbes wrote:

[T]o teach ... that Jesus was Christ, (that is to say, King,) and risen from the dead, is not to say, that men are bound after they believe it, to obey those that tell them so, against the laws, and commands of their Sovereigns; but that they shall doe wisely, to expect the coming of Christ hereafter, in Patience, and Faith, with Obedience to their present Magistrates.

For one who is so often labeled an atheist, Hobbes displayed (often albeit implicitly) a striking commitment to Calvinist Reformed theology in his political theory. To Hobbes, the anarchy of the English Civil War and the interregnum opened a rare opportunity to break the shackles of tradition and to remake society. Christians could return to a pure or Reformed Christianity, and simultaneously, individuals could reconstitute the political society, establishing an "order based on reason and justice." Moreover, even Hobbes' vision of a reconstituted political society—his rationalistic argument in the first half of Leviathan—rested implicitly on a Calvinist Reformed foundation. Quite clearly, Hobbes's conception of human nature as selfish, degraded, violent, and corrupt corresponded with the Reformed emphasis on human sinfulness and depravity. Furthermore, Hobbes's entire notion of the social contract—a covenant establishing political society—reflected the Calvinist concept of the covenanting community, as manifested previously, for instance, in the Long Parliament's Solemn League and Covenant. And the individualism inherent in both of these points—the selfish individual greedily pursuing his or her self-interest until choosing to agree to the covenant—mirrored the latent individualism of Calvinism, whereby each person stands alone before God, predestined for eternal salvation or damnation, with only the dictates of his or her conscience leading to the truth of Jesus. Furthermore, as already mentioned, Hobbes echoed standard New Testament and Calvinist antisemitism: the Old Testament and Jewish history prepared for the coming of Jesus; the Jews refused to accept Jesus even though he was their expected savior and Messiah; the Jews questioned Jesus because they did not know of eternal salvation; Christianity renewed and thus surpassed the Jewish covenant with God; and of course, the Jews were responsible for Jesus' death.

At a deeper level, Hobbes fully accepted the New Testament opposition between Christian spirituality and Jewish carnality, and used it as the implicit foundation for his theology and political theory. Indeed, Hobbes took Calvin's radical disjunction between the spiritual and secular—which flowed from the New Testament opposition—even more seriously than
Calvin himself had done. For Calvin, ultimately, the final end or purpose of secular affairs was the glory of God. For Hobbes, the glory of God might provide the eschatological end of Christian society, but neither God nor spirituality could provide any guidance or purpose for political society in this carnal and depraved world. As Perez Zagorin observes, to Hobbes, humanity is “now left solitary in a universe that is literally God-for-saken.” How, then, can humanity proceed in a secular world so bereft of spiritual substance and direction? The first half of Leviathan, at least, can be understood as Hobbes’s effort to apply the burgeoning modern scientific techniques of his era to this theological conundrum.

James Harrington published his most important work, The Commonwealth of Oceana, in 1656, only five years after Leviathan appeared. Harrington, like Hobbes, addressed the political problems of the Civil War and interregnum period, though because of the five-year interval between their respective books, Harrington wrote during the fall of the short-lived republic and the establishment of Cromwell’s despotic protectorate. Broadly, in a vein similar to that of Hobbes, Harrington addressed the relationship between state and subject: why might a subject owe obedience to a state, and why might a state demand obedience from its subjects? More specifically, Harrington sought to explain the collapse of the English monarchy and to recommend a form of government to replace it. Oceana itself was a thinly disguised fictional representation of England. Like Hobbes, Harrington believed that he lived at a time of rare opportunity: with the confidence typical of an early modernist, he thought that the collapse of traditional governmental forms offered an occasion for humans to actively construct new (and better) forms. Hence, again like Hobbes, Harrington believed that through reason, he could articulate the principles for a science of politics, though in a Machiavellian turn, Harrington emphasized that the rational study of history could best reveal those principles. Indeed, Harrington’s preeminent achievement was perhaps to place the English Civil War in a broad historical context: “the collapse of the medieval political order and the emergence of the modern state.” Moreover, Harrington further followed in the Machiavellian tradition by articulating a civic republican political theory, and thus he strongly opposed Hobbes’s political vision of Leviathan. To Hobbes, rulers and citizens alike always pursue their self-preservation and self-interest, but to Harrington, a properly constructed commonwealth should encourage “participatory virtue” and pursuit of the common good. In fact, Pocock argues that Harrington’s Oceana, in conjunction with His Majesty’s Answer to the Nineteen Propositions of Both Houses of Parliament, was crucial to
the introduction and development of (Machiavellian) civic republican conceptions in Anglo-American political theory. Yet, unlike Machiavelli, Harrington lived in a time of Reformed Protestantism when eschatological millennialism was prevalent. Thus, whereas Machiavelli saw all republics as doomed to the shifting fortunes of secular time, Harrington argued that a properly constructed republic could last indefinitely. While Hobbes had understood the commonwealth or state as an intermediate point on the eschatological path to the eventual Kingdom of God, Harrington envisioned the republic as “Christ’s kingdom [already] returned.” Pocock captures this difference between Hobbes and Harrington: “Leviathan can only expect Christ’s kingdom at the end of time; Oceana may be that kingdom already come.”

Harrington began Oceana by distinguishing between two types of government. The first is “instituted and preserved upon the foundation of common right or interest [and is called] the empire of laws and not of men.” This type is the republic of Aristotle and Machiavelli. The second is ruled according to the private interests of one or a few men and is therefore called “the empire of men and not of laws.” Hobbes’s Leviathan is of this type. For Harrington, the republic is clearly the preferred form of government, but this recognition only raises a central question: how is such an empire or government to be created and preserved? Or, in other words, how can individuals be persuaded to seek the “common good or interest” instead of their own private interests?

Harrington responded imaginatively to this issue by distinguishing the foundation from the superstructures of an empire. The foundation consists of the distribution of property, and this distribution (or foundation) ultimately determines the superstructures—that is, the form of government. If there is but one owner of all the property, then the government will be a monarchy. If there are only a few owners—that is, a nobility—then there will be a “Gothic balance” or “mixed monarchy,” as England had before the Civil War. If the property is divided among all the people, then there will be a commonwealth or republic. Harrington developed this understanding of government by following the history of England. To Harrington, the gradual dispersal of property among the English people undergirded the transfer of political power from the monarchy and nobility to the gentry and commons. Throughout the later Middle Ages, the traditional mixed monarchy of England had been based on feudalism. Because Henry VII sat insecurely on the throne, however, he introduced anti-feudal measures in the hope of reducing baronial power, and then shortly afterward, Henry VIII seized and distributed the Catholic monasteries. In fact, Harrington
argued that by the time of Elizabeth I, the foundation for an English republic was in place, but the superstructure or governmental form lagged behind.\textsuperscript{150} Hence, in the next century, with the economic foundation of the monarchy already in ruin, Charles I was unable to build and maintain a standing army, and thus Civil War eventually resulted. As Harrington summarized: “[T]he dissolution of this government caused the war, not the war the dissolution of this government.”\textsuperscript{151}

To Harrington, then, the economic foundation for a republic existed before the Civil War, but two important tasks remained. First, England needed to construct the superstructures of republican government to fit the contemporary foundation. Harrington suggested that the overriding purpose of Oceana was the art of political prudence, “the skill of raising such superstructures of government as are natural to the known foundations.”\textsuperscript{152} Harrington even offered his model for republican government to Cromwell (then, when the Restoration arrived, Harrington was thrown into jail).\textsuperscript{153} Second, to preserve the republic and good government, the commonwealth needed structures that carefully delineated the daily operations of government. Harrington, like Hobbes (and Bodin), believed that an absolute sovereign was essential to maintain civil peace and order, but as already mentioned, Harrington insisted that the sovereign act for the common good. Consequently, the exercise of sovereign power had to be subject to constitutional limitations. Significantly, to Harrington, the structures and not the officials make good government: “Give us good men and they will make us good laws’ is the maxim of a demagogue, and . . . exceeding fallible. But ‘give us good orders, and they will make us good men’ is the maxim of a legislator and the most infallible in the politics.”\textsuperscript{154} Consequently, Harrington painstakingly detailed the elements for his republic of Oceana. For example, Harrington reasoned that “the senate [should be] debating and proposing, the people resolving, and [the] magistracy executing by an equal rotation through the suffrage of the people given by the ballot.”\textsuperscript{155} But, the most important factor for maintaining the commonwealth was a mechanism to ensure the proper distribution of property among the people: the so-called agrarian laws. In order to establish and preserve “the balance of dominion,” the agrarian laws would prohibit primogeniture, limit ownership to lands worth not more than £2000, and limit dowries to £1500. Of note, Harrington did not favor pure democracy, perhaps because of his focus on property. Rather, he assumed the supremacy of landowners; the gentry should rule over ordinary people. To Harrington, the “people”—meaning the gentry, merchants, and yeomanry—needed protection from the poor.\textsuperscript{156}
With regard to religion, Harrington echoed Hobbes and the Calvinist Reformed position, insisting that both freedom of conscience and a national religion must be present. Harrington wrote:

But as a government pretending unto liberty, and suppressing the liberty of conscience, which (because religion not according to a man’s conscience can as to him be none at all) is the main, must be a contradiction; so a man that, pleading for the liberty of private conscience, refuseth liberty unto the national conscience, must be absurd. A commonwealth is nothing else but the national conscience. And if the conviction of a man’s private conscience produce his private religion, the conviction of the national conscience must produce a national religion.\textsuperscript{157}

Hence, although Harrington was not a radical Puritan,\textsuperscript{158} he nonetheless followed the theological dictates of Reformed Protestantism. First, freedom of conscience was a theological necessity. It is worth recalling again the root of this Protestant freedom of conscience: the New Testament dogma holding that Jews cannot be forced to convert. Second, freedom of conscience and established religion were considered as being not only consistent but as intimately linked. As Harrington states, “the one cannot well consist without the other.” Indeed, according to Harrington, if the commonwealth of Oceana protects liberty of conscience, it becomes “the kingdom of Christ.”\textsuperscript{159}

Since freedom of conscience was a theological requirement, Harrington quite seriously recommended the creation of a governmental council of religion (among other councils) to enforce freedom of conscience.\textsuperscript{160} Harrington insisted, though, that the national religion should be taught and not coerced. After all, from the Reformed standpoint, regardless of governmental action, each individual’s faith in Christ was a matter of the internal faculty of conscience. Harrington then added that toleration should be extended to the various Christian congregations but not to Jews.

[T]his council [of religion], as to the protection of the liberty of conscience, shall suffer no coercive power in the matter of religion to be exercised in this nation; the teachers of the national religion being no other than such as voluntarily undertake that calling, and their auditors or hearers no other than are also voluntary. Nor shall any gathered congregation be molested or interrupted in their way of worship (being neither Jewish nor idolatrous) but vigilantly and vigorously protected and defended in the enjoyment, practice and profession of the same.\textsuperscript{161}

Rather remarkably, Harrington thought to expressly exclude Jews even though, at that time, Jews were not officially allowed in England. In part,
his thoroughness in this regard illustrates the lasting significance of the conceptual Jew of the New Testament. Furthermore, as discussed, the possibility of officially readmitting Jews was first raised during this time period; Harrington recommended that Jews settle in Ireland. Hence, even as Harrington argued for liberty of conscience grounded on the New Testament prohibition of coercing Jewish conversion, he ironically denied that very liberty to (non-existent) Jews. Finally, in a subsequent essay, A System of Politics, written around 1661 but published posthumously, Harrington argued to protect the “free exercise” of religion, which he equated with liberty of conscience. In this early formulation, then, the free exercise of religion—like freedom of conscience—must be understood as a theological commitment of Reformed Protestantism.

John Locke wrote later during the seventeenth century and thus in a substantially different political context. By the late 1670s in Restoration England, two opposed political groups had emerged: the Tories and the Whigs. The definitive statement of the Tory (or Court) position was by Sir Robert Filmer in his Patriarcha, which was published posthumously in 1680. Filmer argued that all monarchs have inherited from (the biblical) Adam a divine right to absolute power. To Filmer, “[m]en are not born free, and therefore could never have the liberty to choose either Governors, or Forms of Government.” The Whig (or Country) viewpoint, meanwhile, represented an effort to inject a type of neo-Harringtonian republicanism into the political reality of Restoration England. Briefly, the Whigs rejected Filmer’s absolutism and instead sought effective constitutional controls over the monarch. With the Glorious Revolution of 1688, these Whig principles triumphed as Parliament asserted the power to replace James II with William and Mary.

Locke wrote in this Whig tradition. In 1689 he published his Letter Concerning Toleration, and in 1690 he published the Two Treatises of Government. According to Locke’s Preface to the Two Treatises, he intended “to establish the Throne of our Great Restorer, Our present King William; to make good his Title, in the Consent of the People, which being the only one of all lawful Governments, he has more fully and clearly than any Prince in Christendom.” Consequently, most of Locke’s readers assumed that he had written the Two Treatises to defend the already completed Glorious Revolution. Nonetheless, recent scholarship has revealed that Locke began this work as early as 1679 and definitely no later than 1681. Despite the Preface, then, Locke apparently wrote most of the Two Treatises to justify a right of resistance against an unjust monarch, James II; even before James became king in 1685, Locke and others dreaded his
expected attempt to reestablish Catholicism. Moreover, while many scholars have assumed that Locke wrote against Hobbes, Locke instead focused his attack primarily on Filmer—although many of Locke’s ideas are in tension with Hobbesian political theory.169

In the First Treatise, Locke argued largely from Scripture against Filmer. In particular, Locke maintained that God gave Adam dominion over all non-human creatures “in common with the rest of Mankind.”170 Adam, that is, represented “all human beings,”171 who then shared an equal right to rule over all other creatures. Hence, contrary to Filmer, all people are born equal; monarchs do not inherit from Adam a divine right to absolute power. Since all are one in Adam, Locke’s task in the Second Treatise was to move from this (supposed) fact to the justification of constitutional government and private property.172

Locke began the Second Treatise by following Hobbes in positing a state of nature, but Locke and Hobbes differed in their conceptualizations of this state. Like Hobbes, Locke saw the state of nature as marked by individualistic equality: each individual enjoys “perfect freedom,” an “uncontrollable liberty to dispose of his person or possessions.” Whereas Hobbes, though, postulated humans to be naturally violent and aggressive, Locke wrote that “though this be a state of liberty, yet it is not a state of license.”173 Filmer had argued that adults are like children and must therefore be subject to patriarchal governmental control; Filmer denied that each individual can develop the faculty of reason.174 Locke, in the Second Treatise, argued to the contrary: God grants all adults the ability to reason. Thus, all humans are subject to reason as the law of nature.175 The Second Treatise, then, focused on reason as the means to “search out the laws of God as they operate in a world without visible signs of grace.”176

[Reason] teaches all mankind who will but consult it that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possession; for men being all the workmanship of one omnipotent and infinitely wise Maker—all the servants of one sovereign master, sent into the world by his order, and about his business—they are his property whose workmanship they are, made to last during his, not one another’s, pleasure; and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us that may authorize us to destroy another, as if we were made for one another’s uses as the inferior ranks of creatures are for ours.177

Hence, Locke argued, while God gave the earth to all humankind to share in common, God also gave humankind the ability to reason, enabling each individual “to make use of [the earth] to the best advantage of life and
convenience." Moreover, each person has a right to the "labor of his body and the work of his hands." When any individual takes an object from nature and mixes it with his or her labor, then that object or the resulting product becomes the "property of the laborer." Locke gave the following example: "He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his." If an individual's labor takes an object "out of the hands of nature where it was common and belonged equally to all her children," then the individual has "appropriated" the object for him or herself. According to Locke, God effectively commanded that individuals have "private possessions."178

For Locke, then, the state of nature is not a state of war, but it nonetheless entails fear and uncertainty.179 Each person's possessions remain "constantly exposed to the invasion of others [and] very unsafe, very unsecure." Moreover, according to Locke, "every one has the executive power of the law of nature." Each person, that is, can punish transgressions of his or her own rights, yet as "men [are] judges in their own cases [it is apparent that] self-love will make men partial to themselves and their friends, and ... ill-nature, passion, and revenge will carry them too far in punishing others." Individuals therefore enter a social contract: they consent to join political or civil society for the "mutual preservation of their lives, liberties, and estates, which [Locke calls] by the general name 'property.'" Indeed, the "great and chief end" for political society is to protect each individual's property, including accumulated possessions. In addition, Locke maintained that "the first and fundamental natural law" of political society is "the preservation of society." To that end, each individual relinquishes his or her power to punish transgressors to the state, which settles disputes by rules or laws applied indifferently to all.180

Locke insisted, however, that the political power of the state was necessarily limited. Contrary to Hobbes, Locke argued that absolute sovereign power was inconsistent with self-preservation:

Absolute arbitrary power or governing without settled standing laws can neither of them consist with the ends of society and government which men would not quit the freedom of the state of nature for, and tie themselves up under, were it not to preserve their lives, liberties, and fortunes, and by stated rules of right and property to secure their peace and quiet.181

Consequently, Locke recommended various mechanisms to ensure that governmental power remain limited. In the "well-ordered commonwealth," Locke argued that there should be a separation of powers. The legislative
power is to make the laws, while the executive power is to enforce the law. Significantly, Locke added that the holders of the legislative power must themselves be “subject to the laws they have made.” To Locke, this requirement was necessary for the rule of law, and the rule of law was the prerequisite for maintaining freedom. Moreover, Locke maintained that the legislative and executive powers should be exercised in pursuit of the “public good” or “common good.” Any ruler who seeks to satisfy his or her “private ends” fails to act for the public good, and such a ruler has “deserted the way of ‘reason’” and has therefore separated him or herself from the political society. In these circumstances, the people have a “right of resisting” the tyrannical governmental ruler—the ruler who has failed to act for the public good, the preservation of society. Locke, it should be noted, extended the radical Calvinist position of the French Huguenots, articulated in the previous century. The Huguenots had developed a political theory of resistance: magistrates supposedly had a right to resist any ruler who failed to pursue the welfare of the people. Locke, too, asserted a political theory of resistance—the right to resist arises because of the rights and welfare of the people, not because of religious duties—but Locke accentuated the individualism inherent in Calvinist theology. For Locke, the right of resistance rests with each individual, not only with magistrates.

To be sure, however, while Locke declared that the “people shall be judge” of when resistance is necessary, he carefully circumscribed this right to resist. As mentioned, Locke intended to justify resistance to James II, who Locke perceived as an unjust and tyrannical monarch, but Locke readily accepted William and Mary as the new monarchs—subject to constitutional limitations. Locke, in short, was not a revolutionary egalitarian dissatisfied with anything short of democracy. Hence, Locke wrote: “[S]uch revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty will be born by the people without mutiny or murmur.”

Locke’s political quietism—his advocacy of only a narrow right of resistance in the people—highlights the significance of Calvinist theology to Locke’s political thought. In fact, although Locke was more Anglican than radical Calvinist or Puritan, Lockean political theory has been called “political Calvinism.” It is worth recalling that Locke’s more rational or philosophical argument in the Second Treatise was grounded in his more Scriptural argument and conclusion of the First Treatise. One of Locke’s tasks was to justify moving from the universal “equality of humankind in Adam”—a conclusion of the First Treatise—to the protection in political
society of disparate property possession—a conclusion of the Second Treatise. In this matter, Locke undoubtedly sought not only to support the emergence of capitalism in seventeenth-century England but also to bolster the Calvinist concept of the calling and the Protestant work ethic. Indeed, Locke masterfully reconciled the emergent capitalist and scientific (rationalistic) attitudes with the dominant Puritan theology. Rational economics and politics harmonized with Christian religion: as John Dunn observes, Locke was concerned with protecting “those freedoms which are necessary for executing the responsibilities of the calling.” Dunn adds: “Locke saw man’s general political duty as simply one of conscientious subservience [because of] its aptness for the fulfilment of God’s purposes for man.” To Locke, in political society, a Puritan-flavored religious liberty and toleration coexisted with economic inequality and hence social differentiation.

Locke’s political theory reflected his Calvinist theology in many other ways. For example, Locke wrote to justify resistance to James II primarily because James attempted to force Roman Catholicism back on the English people. Furthermore, like Hobbes, Locke retained a belief in the eschatological progress of humankind. Again, like Hobbes, he thought that a primary means of progress was for individuals to enter into the social contract, which reflected the Calvinist emphases on the individual and the covenanting community (and the modernist belief in human power to reorder society). The significance of Locke’s theological convictions, however, emerged most clearly in his writings that expressly focused on religion and freedom of conscience.

For example, in Locke’s Letter Concerning Toleration, his conception of a church was distinctly Calvinistic. He wrote that a church is a “free and voluntary society,” or in other words, a congregation of the faithful. Most important, Locke derived his views both on religious toleration and on political society from the strict Calvinist disjunction between the spiritual and the temporal—which was grounded on the New Testament opposition between the carnal world of the Jews and the spiritual world of the Christians. Echoing central themes of the Second Treatise, Locke argued in the Letter that although humans have immortal souls, they must live their temporal lives on this earth. Thus, to provide for the protection of their possessions, individuals consent to enter into political society. The legislative power ought therefore “to be directed [to] the temporal good and outward prosperity of the society.”

With regard to eternal salvation, Locke emphatically subscribed to the Calvinist stress on the individual’s inner faculty of conscience as enabling one to receive the truth of Jesus. According to Locke, “[a]ll the life and
power of true religion consist in the inward and full persuasion of the mind; and faith is not faith without believing." Because salvation is purely a private concern of each individual's conscience, Locke reasoned that "no body ought to be compelled in matters of religion either by law or force." Despite the "outward force" that the government exercises over temporal affairs, the government cannot alter an individual's "inward persuasion of the mind." Although Locke allowed that civil magistrates, like all Christians, can attempt to persuade individuals to convert, he insisted that each person must retain complete religious liberty—freedom of conscience. "[E]very one should do what he in his conscience is persuaded to be acceptable to the Almighty." Locke's conception of freedom of conscience mirrored the New Testament doctrine regarding Jews and Christian evangelizing: Christians should seek to persuade but not coerce Jewish conversion. In fact, Locke expressly tied religious toleration and freedom of conscience to this New Testament doctrine:

Now if we acknowledge that such an injury [baptism] may not be done unto a Jew, as to compel him against his own opinion, to practise in his religion a thing that is in its nature indifferent; how can we maintain that any thing of this kind may be done to a Christian?\(^{199}\)

For Locke, then, the commitment to toleration and freedom of conscience in political society extended the New Testament toleration of the Jews writ large.

To Locke, "liberty of conscience is every man's natural right."\(^{200}\) Hence, good government goes hand in hand with religious liberty: a ruler or magistrate who properly pursues the public good should not infringe on the freedom of conscience. If a ruler did not follow the public good, Locke explicitly declared that the individual's (Christian) religious conscience took priority over the laws of the political society:

But some may ask: 'What if the magistrate should enjoin any thing 'by his authority, that appears unlawful to the conscience of a private 'person?' I answer: That if government be faithfully administered, and the counsels of the magistrate be indeed directed to the publick good, this will seldom happen. But if perhaps it do so fall out, I say, that such a private person is to abstain from the action that he judges unlawful; and he is to undergo the punishment, which it is not unlawful for him to bear.\(^{201}\)

Significantly, Locke differed from his predecessors (in English political theory) by not linking freedom of conscience with the establishment of a national church. To the contrary, Locke wrote: "I affirm that the magis-
trate’s power extends not to the establishing of any articles of faith, or forms of worship, by the force of his laws.” In fact, Locke expressly and forcefully distinguished “between the church and state”:

[T]he church itself is a thing absolutely separate and distinct from the commonwealth. The boundaries on both sides are fixed and immovable. He jumbles heaven and earth together, the things most remote and opposite, who mixes these societies; which are in their original, end, business, and in every thing, perfectly distinct, and infinitely different from each other.202

Locke’s imagery is boundary oriented: church and state belong in separate and bounded spheres (which obviously parallel the spiritual world of Christians and the carnal world of Jews).203 Locke argued, then, that no one but an atheist or an individual pledging allegiance to a foreign ruler should suffer civil disabilities because of religion.204 Even Jews are tolerated: “[N]either Pagan nor Mahometan, nor Jew, ought to be excluded from the civil rights of the commonwealth, because of his religion. The Gospel commands no such thing.”205 Locke added, moreover, that the government should not restrict actions in religious rites, such as the killing of animals, that are otherwise permissible. But, he noted, generally applicable laws can restrict religious conduct: “Those things that are prejudicial to the commonweal of a people in their ordinary use, and are therefore forbidden by laws, those things ought not to be permitted to churches in their sacred rites.”206 More important, as Michael McConnell notes, Locke accepted “government financial support of state religion and never condemned the English system of supporting the church with taxes; indeed, he served as secretary to the Lord Chancellor for the presentation of benefices—that is, the dispensing of religious patronage.”207 Hence, in the end, Locke advocated only a partial disestablishment of religion: the state should not enforce any particular creeds or liturgies, but it can support a church financially.

Locke’s Letter preceded the religion clauses of the U.S. Constitution by more than a century, yet his linkage of freedom of conscience with (an albeit partial) disestablishment closely foreshadowed the first amendment. For that reason, it is most important to recognize that despite Locke’s willingness to tolerate Jews and other religious outgroups, he did so with the explicit assumption that the society nonetheless would remain Christian.

Shall we suffer a Pagan to deal and trade with us, and shall we not suffer him to pray unto and worship God? If we allow the Jews to have private houses and dwellings amongst us, why should we not allow them to have synagogues? Is their doctrine more false, their worship more abominable, or is
the civil peace more endangered, by their meeting in public than in their private houses? But if these things may be granted to Jews and Pagans, surely the condition of any Christians ought not to be worse than theirs, in a Christian commonwealth. 208

To be clear, then, tolerance did not mean respect and full equality for religious outgroups. Locke reasoned that if even Jews are allowed, then surely different Christian sects also must be tolerated. In fact, in Locke’s later essay The Reasonableness of Christianity, published in 1695, he repeated many of the standard antisemitic accusations of the New Testament. For example, Locke argued that all of humanity, including Jews and Gentiles, is stained by original sin. Judaism could not justify or save individuals because Jewish law was impossible to follow. 209 Hence, before the coming of Jesus, “no one then could have eternal life and bliss.” After Jesus, justification could be gained only by obeying the “law of faith” of the New Testament, which “is opposed to the ‘law of works’” of the Old Testament. 210 Moreover, according to Locke, Jewish law prepared for the coming of Jesus as Christ and the law of faith. Yet, the Jews failed to understand their own Scripture concerning the Messiah, and hence they stubbornly refused to accept Jesus. Jesus therefore “sharply rebuke[d] their hypocrisy, vanity, pride, malice, covetousness, and ignorance.” 211 The Jews then tried desperately to destroy Jesus and ultimately were responsible for his death, crying “Crucify him.” 212

If Locke did not respect the religious views and practices of outgroups, why did he advocate disestablishment when others had not? After all, previous writers had similarly grounded freedom of conscience on the New Testament insistence that Jews must confess their error and guilt and thus convert without being coerced, yet those other writers found no inconsistency between freedom of conscience and an established church. Locke differed from his predecessors in at least one important way: his historical self-understanding and experiences. 213 Harrington previously had opened the possibility of understanding English political developments in a historical manner; for Harrington, a rational scientific attitude required attention to history. Locke thus could readily draw upon such a historical attitude, but compared with Harrington (and Hobbes too), Locke had thirty years more of significant historical experience. And based largely on that historical experience, Locke advocated (at least partial) disestablishment as a matter of political expediency: experience had revealed that a full religious establishment caused civil strife. Locke observed: “It is not the diversity of opinions, which cannot be avoided, but the refusal of toleration to those
that are of different opinions, which might have been granted, that has produced all the bustles and wars, that have been in the Christian world, upon account of religion." Disestablishment as a component of toleration was forced upon the Christian sects as a matter of political survival. Moreover, Locke suggested that any toleration of outgroup religions was merely incidental to the primary end of protecting Christianity. In the very first sentence of Locke's Letter, he declared that he would address the "mutual Toleration of Christians in their different professions of religion." Once again, then, for Locke, toleration did not mean respect and full equality for non-Christian religions.

**Church and State at the End of the Seventeenth Century**

The sixteenth and seventeenth centuries significantly transformed the institutions of church and state. During the Middle Ages in western Europe, the Roman Catholic Church had emerged as a hierarchical institution, like a state, competing with secular rulers for political and social power. During this period, the concept of separation of church and state could be understood readily as reflecting the differentiated (yet overlapping) spheres of power of the respective social institutions—church and state. But with the coming of the Reformation, the church in Protestant countries no longer was comparable to a state. In Protestantism, the church no longer stood as a government-like social institution competing with states for temporal power. Instead, the church became the congregation of the faithful, spreading throughout the social body. In the Protestant era (including today) in western society, the concept of separation of church and state became somewhat problematic: church and state no longer clearly existed as comparable and competing societal (and temporal) institutions with separable spheres of power. Indeed, in many instances, as in England, the ruler of the state became the official leader of the church.

Yet, the conception of separate spheres of power for church and state did not totally disappear; rather, it metamorphosed. Whereas the notion of separate societal (and temporal) institutions no longer seemed as apropos, greater stress was placed on a distinction between the temporal and spiritual spheres—with this distinction arising from the New Testament anti-Semitic opposition between Jewish carnality and Christian spirituality. Indeed, in Calvinist theology, the two spheres became completely disjointed. So, in the temporal sphere, the state could regulate conduct and could even impose a national church. Yet, in the spiritual sphere, freedom
of conscience had to be protected—as a Protestant theological necessity—in order to ensure the possibility of true Christian faith. Like the distinction between the temporal and spiritual spheres, this conceptualization of freedom of conscience arose from New Testament doctrinal antisemitism—the mandate that Jews should be persuaded but cannot be compelled to convert. By the end of the seventeenth century, many conceived of salvation as Locke did, as a purely private concern; the state might attend to social and political progress, but salvation was solely for the individual. Finally, while freedom of conscience (as a theological requirement) initially appeared to go hand in hand with an established church, the eventual political strife between the various Christian sects led to the proposal of disestablishment. Since the official establishment of a single Christian creed had led inevitably to resistance and turmoil, then as a matter of political expediency, official governmental disestablishment and toleration of multiple sects became imaginable—especially in a society nonetheless dominated by Christians.

Meanwhile, by the end of the seventeenth century, the modern sovereign state—a supreme and centralized political authority subject to constitutional limitations—had clearly emerged. In terms of political reality, perhaps the most important factor in the development of the state was the collapse of the Roman Catholic Church’s hegemonic hold over western Christendom. With the Reformation, the secular ruler (especially in Protestant countries) no longer, as a practical matter, shared political power with the Catholic Church hierarchy. Furthermore, driven by an economic expansionism that was fueled largely by the imperialistic appropriation of the Americas, absolutist states in continental Europe—particularly France and Spain—arose and solidified their power during the sixteenth and seventeenth centuries. Finally, in England, the long traditions of parliamentarianism and common law combined with the eventual exhaustion of all sides in the long-running chaos of the seventeenth century to produce a political and religious compromise: a sovereign state consisting of a monarch chosen by the people and subject to clear constitutional limitations. A degree of religious liberty and toleration was granted as a political measure.

In terms of political theory, various writers added different elements to the conception of the state until, finally, the idea of the modern sovereign state was fully formed. Bodin, for example, proposed the existence of an absolute monarch with unshared power in order to ensure civil peace and order. Hobbes likewise posited an absolute sovereign, but his sovereign was a state formed by the people through a social contract. To Hobbes, the people and the rulers all acted in their own interests; the notion of a common or public good was rejected as nonsensical. Yet Harrington, writing at
around the same time as Hobbes, recommended the creation of an absolute sovereign with governmental structures that would ensure the pursuit of the public good, not the private interests of the rulers. Finally, Locke conceived of the people, through a social contract, creating a sovereign state devoted to the public good—the protection and preservation of the people’s lives, liberties, and possessions. Not only was Locke’s sovereign state subject to constitutional limitations, but each individual subject also retained the right to resist the rulers if they became corrupt or tyrannical. Whereas Harrington had merged the pursuit of the public or common good with a conception of the subject as virtuously participating in government, Locke combined a conception of the public good with the calvinistic individualism that had appeared clearly in Hobbesian theory. To a great extent, for Locke, the public good amounted to the mutual protection of a Calvinist freedom of conscience and a capitalist economic system. Consequently, with their disparate conceptions of the common good, Harrington and Locke also understood property and its importance in different ways. Harrington stressed a wide distribution of property to promote a civic republican government, while Locke emphasized the private production and possession of property.²¹⁹

Finally, it is worth highlighting how the theological and theoretical developments of Protestantism and the sovereign state reinforced each other. With the collapse of the Catholic Church’s hegemony, the Church no longer remained as an equal and viable competitor against the state for political power. In light of this reality, the turn of Protestantism to the spiritual sphere as its own unique domain was strategically beneficial to the aggrandizement of Christian social power. In effect, Protestantism conceded a lost cause—the competition for temporal and political power—to the state and hence helped to reinforce the state’s claim to absolute power in the secular sphere. The state, for its part, was more than willing to impose certain Christian creeds so long as doing so did not seriously undermine political stability. At the same time, by emphasizing spiritual salvation, the Protestant churches increased their own social power by spreading throughout the social body and developing as a new type of social institution: a congregation of the faithful. Without relying heavily on a church hierarchy imposing its power from above, the Protestant churches illustrated that a more populist symbolic imagery could generate an enormous ideological hold over a society.