'Thinking with Hobbes': Political Thought in Ireland, c. 1660-c. 1730

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Abstract

The extent and character of political thought in Ireland in the period under consideration is not well understood. Much of the scholarship on the subject focusses on the 'patriot' discourse that developed in the century after the 'Glorious Revolution'. The distinctive contexts, forms and concerns of political thought in Restoration Ireland have been neglected, and the connexions between Restoration and eighteenth-century political thought have been overlooked. By tracing the reception in Ireland of the English philosopher Thomas Hobbes, this thesis addresses this unsatisfactory situation. The key characters in the reception of Hobbes in Ireland were Sir William Petty, John Vesey and Edward Synge, all of whom are subjects of historical research in their own right. This thesis offers new perspectives on these figures by reconstructing, for the first time, the specific political contexts in which they developed their political thought. In each case, the political context represented some sort of Hobbesian situation: it created a problem that could be understood in Hobbesian terms and resolved with Hobbesian resources. The thesis therefore reveals something about the nature of Ireland as a context of political discourse. Though readers of political thought in Ireland derived most of their materials from England, the processes of reading and using these materials were shaped by conditions peculiar to Ireland. Hobbes was reviled in England by Churchmen, lawyers and Parliamentarians because his arguments offended their institutions. In Ireland, where these institutions were weaker, Hobbes's arguments were especially applicable and comparatively well received, and the term 'thinking with Hobbes' has been coined for this thesis to capture the distinctive features of Hobbes's reception in Ireland. By reconstructing the political thought of Restoration Ireland, this thesis offers new perspectives on that of eighteenth-century Ireland. The conditions of political discourse

in Ireland that facilitated Hobbes's reception also restricted Irish engagements with Enlightenment.

Abbreviations and cue titles

Libraries, collections and resources

BL British Library, London

Bodl. Bodleian Library, Oxford

DIB *Dictionary of Irish Biography*, eds. James McGuire and James Quinn (Cambridge, 2009): dib.cambridge.org

NLI National Library of Ireland

ONDB Oxford Dictionary of National Biography: www.oxforddnb.com

SP State Papers

TCD The Library of Trinity College, Dublin

TNA The National Archives, London

The works of Thomas Hobbes

Behemoth *Behemoth, or, The Long Parliament*, ed. Paul Seaward (Oxford, 2010)

EW	*The English Works of Thomas Hobbes of Malmesbury*, ed. Sir William Molesworth (London, 1840), 11 vols.
Leviathan	*The Clarendon Edition of the Works of Thomas Hobbes, Vol. 4: Leviathan: The English and Latin Texts*, ed. Noel Malcolm (Oxford, 2012), 3 vols.
OTC	*On the Citizen*, eds. Richard Tuck and Michael Silverthorne (Cambridge, 1998)
WCL	*Thomas Hobbes: Writings of Common Law and Hereditary Right*, eds. Alan Cromartie and Quentin Skinner (Oxford, 2005)

Introduction

In 1725, Edward Synge, the philosophically minded son of Ireland's greatest clerical dynasty, decided to exorcise his private demons in public: a risky move for any politician. Synge told Ireland's political elite, assembled before him in St. Andrew's Cathedral, Dublin, that they, and by implication he, were 'Followers' of 'Mr. *Hobbes*'.[1] They relied on the arguments of the English philosopher Thomas Hobbes to justify the laws on which their ascendancy depended. Synge's claim about the 'Hobbian' character of Irish Anglican discourse stands as an unanswered challenge to assumptions held by both historians of Ireland and historians of Anglophone political thought. As we shall see, it has been considered seriously by neither. The former would be surprised by the suggestion that the political actions of anyone in early eighteenth-century Ireland, let alone its self-serving elite, were informed by political theory. Disheartened by Ireland's failure to produce any 'great texts' of philosophy, many remain doubtful about the extent and significance of political thought in Ireland.[2] The latter, if they could be persuaded to engage with Irish material at all, would be equally surprised that the political theory said to inspire Irish Anglicans was that of 'Mr. *Hobbes*'. Hobbes was the '*bête noire*' of English political thought in the seventeenth century: the term 'Hobbist' became a familiar term of abuse.[3] There had been times when it was dangerous even to criticise Hobbes for risk of catching the Hobbesian 'virus' while attempting to defeat it.[4] By the early

[1] Edward Synge, *The Case of Toleration consider'd with respect both to religion and civil government, in a sermon preach'd in St. Andrew's, Dublin, before the Honourable House of Commons, on Saturday, the 23rd of October, 1725* (Dublin, 1725), 11.
[2] Ian McBride, '*The case of Ireland* (1698) in context: William Molyneux and his critics', *Proceedings of the Royal Irish Academy*, 118C, (2018), 201-30.
[3] Jon Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England, 1640-1700* (Cambridge, 2007), 'Introduction', Samuel L. Mintz, *The Hunting of Leviathan: Seventeenth-century Reactions to the Materialism and Moral Philosophy of Thomas Hobbes* (Cambridge, 1962), vii.
[4] Parkin, *Taming*, 94.

eighteenth century, however, the moral scepticism and authoritarianism that Hobbes had exploited and helped to produce had been powerfully challenged by the Enlightenment. Hobbes continued to attract critical attention in England, but his critics lacked the urgency of their seventeenth-century predecessors. Synge's claim introduces the thought that Hobbes received a reception in Ireland which differed in crucial respects from his reception in England. This would suggest that political thought in Ireland was richer and the reception of Hobbes more varied geographically than either historians of Ireland or historians of political thought have appreciated, and it provides the point of departure for this thesis.

As this thesis will show, Synge lifted the lid on a sustained engagement with Hobbes in Ireland that developed throughout the Restoration. In 1660, Ireland was restored to its ambiguous status as a kingdom in a multiple monarchy. [5] At a glance, Ireland's polity seems to have been similar to England's: it had a Parliament, an Anglican Church by law established, and the English common law. But these institutions were not as stable in Ireland as they were in England. They derived their authority from a right of conquest which, as the rebellion of 1641 had shown, remained widely contested in Ireland along ethnic and confessional lines. Their relationships with equivalent institutions in England also remained contested. The instability of these institutions provides the crucial context for the reception of Hobbes in Ireland. Hobbes's political theory, with its thoroughgoing account of sovereignty, provided a template for thinking about political relationships that offered to resolve difficult questions of rights and obligations. As recent scholarship has revealed, Hobbes himself was concerned with questions of this nature related to multiple

[5] Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685* (London, 2005), 25-8.

monarchy.[6] In England, Hobbes's solutions were reviled for emasculating Parliament, the Church, and the common law; but in Ireland, where these institutions were weaker, Hobbes's solutions were both more applicable and easier to employ without censure. The absence of a sophisticated print culture in Ireland, capable of disciplining discourse in the way that it did in England, made it all the easier. In Ireland, Hobbes's readers also engaged with Hobbes on a wider range of subjects. England's constitutional institutions determined the priorities as well as the parameters of political thought in the country and concentrated Hobbes's readers on his relationship to these institutions. Ireland's political situation engaged Hobbes's readers with other aspects of his thought, and the more permissive intellectual culture it created gave them the space to explore them.

The key figures in the reception of Hobbes in Restoration Ireland were Sir William Petty and John Vesey, the Archbishop of Tuam. Both men also had associates who emulated their style of engagement with Hobbes. Petty's case illustrates the variety of the Irish engagement with Hobbes: he thought with Hobbes about a range of political, economic, and legal subjects upon which Hobbes had made pronouncements neglected by his contemporaries, and historians alike. Vesey, though he learnt his politics and approach to Hobbes from English Anglicans, also thought with Hobbes about several of these subjects. In identifying 'Followers' of 'Mr. *Hobbes*' within his community, Synge was responding to developments in political discourse in Ireland that Petty and Vesey had produced or inspired. All three men are subjects of historical research in their own right. While Vesey and Synge are known mainly to historians of Ireland, Petty has been widely studied by historians of economics, science and political thought. This thesis offers new

[6] Noel Malcolm ed., *Leviathan*, I, 24-35. Sarah Mortimer and David Scott, '"Leviathan" and the Wars of the Three Kingdoms', *Journal of the History of Ideas*, 76/2 (2015), 259-70.

perspectives on these men by reconstructing, for the first time, the specific political contexts in which they developed their political thought. In each case, the political context represented some sort of Hobbesian situation: it created a problem that could be understood in Hobbesian terms and resolved with Hobbesian resources. Whereas Petty employed Hobbesian resources with abandon, Vesey and Synge had a more complicated relationship with Hobbes. Both acknowledged that Hobbes had a peculiar appeal in their particular contexts and sought to repudiate him for this reason. In both cases, however, this acknowledgement prefigured and explained their own eventual recourse to Hobbesian resources. Up until now, Petty, Vesey and Synge have not been studied together. It is shown here that the political thought of all three was marked by an engagement with Hobbes that was suggested, shaped and accommodated by their Irish political context.

This introduction has three sections. The first two sections review the two bodies of scholarship with which the thesis as a whole intersects: that on the geography of Hobbes's reception, and that on the history of political thought in Ireland. The third section describes the two-part structure of the thesis and introduces the source material of Petty, Vesey and Synge. The scholarship on Vesey and Synge is reviewed in the second section with that on the history of political thought in Ireland in general. The fairly substantial scholarship on Petty and his relationship with Hobbes, most of which has not been produced within the context of Irish historiography, is reviewed separately at the beginning of the third section.

The geography of Hobbes's reception

J.G.A Pocock suggested in 1987 that those, such as himself, who practice the 'history of political thought' as the 'history of political discourse' needed to acquire

> ... a much better geography of political speech in early-modern Europe: a sense of the territories and boundaries within which certain languages were distributed and certain paradigms authoritative, so that the public discourse of one *pays*, state or province might entail a grammar, metaphysics and ideology like or more probably unlike that entailed by another.[7]

Pocock was acknowledging the fact that 'political culture was international as well as regional'; Hobbes was read in 'Leiden' as well as 'London', he said.[8] But he was also calling for historians to consider the differences between 'Leiden' and 'London' as contexts of discourse. Pocock surely chose the example of Hobbes advisedly, for geographical variations in Hobbes's reception had already been identified by historians.

In some respects, the geography of Hobbes's reception followed the patterns of that of his life and work. Born in 1588 in Malmesbury, Wiltshire, Hobbes was connected by family background, education and profession to some of the distinctive institutions of English life.[9] His father was a clergyman in the Church of England and the scion of a prominent family in the cloth trade, an important part of England's national identity as well as its economy in Hobbes's lifetime.[10] Following an undergraduate education at

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[7] J.G.A. Pocock, 'The concept of a language and the *métier d'historien*: some considerations on practice', in Anthony Pagden (ed.), *The Languages of Political Theory in Early-Modern Europe* (Cambridge, 1987), 37. The subsequent development of 'international' and 'global' histories has prompted similar suggestions: David Armitage, 'The International Turn in Intellectual History', in Darrin M. McMahon and Samuel Moyn (eds.), *Rethinking Modern European Intellectual History* (Oxford, 2014), 240-41; Samuel Moyn and Andrew Sartori, 'Approaches to Global Intellectual History', in Samuel Moyn and Andrew Sartori (eds.), *Global Intellectual History* (New York, 2015), 11.
[8] Pocock, 'The concept of a language', 37.
[9] The following biographical information is drawn from Noel Malcolm, *Aspects of Hobbes* (Oxford, 2002), ch. 1, and idem, 'Hobbes, Thomas (b. 1588)', *ONDB* (Oxford, September 2010).
[10] Roze Hentschell, *The Culture of Cloth in Early Modern England: Textual Constructions of a National Identity* (Aldershot, 2008).

Magdalen Hall in the University of Oxford, paid for by cloth money, Hobbes entered into the service of an English noble family: the Cavendish lords of Hardwick, later the earls of Devonshire. With only a few brief interludes, one spent in the service of the Clifton family, Hobbes remained as a tutor, secretary and companion to successive members of the Cavendish family until his death in 1679. William Cavendish, the third earl of Devonshire, even tried to get Hobbes elected to Parliament. What opportunities Hobbes had to travel beyond England, however, he also obtained through his connexions with nobility. Hobbes accompanied three young noblemen on tours of France and Italy, during which time he had formative encounters with continental philosophers, including Marin Mersenne. He renewed these connexions upon his return to Paris in 1640, where he remained for the duration of the English Civil War. Having been bored by the 'Aristotelity' of Oxford, Hobbes did not begin writing philosophy in earnest until the 1630s, and it was continental philosophers who supplied his inspiration and much of his early audience.[11] In Paris, Hobbes engaged in philosophical debate, either in print or in person, with Thomas White, René Descartes and John Bramhall, observed and participated in scientific experiments, and also found time for political theory. *De cive*, the political part of his tripartite philosophical system, was completed in Paris in 1642, distributed in manuscript form by Mersenne and first printed in Amsterdam in 1647 with the assistance of Samuel de Sorbière.[12] *Leviathan*, for which Hobbes is most famous, was also composed in Paris.[13] Both texts were published subsequently in London, but as Quentin Skinner noticed in 1966, their reception on the continent differed in crucial respects from the reception they received in England.

[11] Malcom, *Aspects*, 458; Quentin Skinner, *Visions of Politics: Volume 3, Hobbes and Civil Science* (Cambridge, 2002), 308.
[12] Richard Tuck and Michael Silverthorne eds. *OTC*, xiii-xiv; Parkin, *Taming*, 34.
[13] Malcolm ed., *Leviathan*, I, 1-12.

Skinner accepted what was then the standard view of Hobbes as an 'isolated' figure in Restoration England, shunned by its 'scientific societies' and loathed by its 'divines'.[14] Amongst the continental philosophers with whom Hobbes had associated in Paris, however, Skinner found that Hobbes received a more positive reception, including for his political theory, and enjoyed a more distinguished reputation as a philosopher. This marked an important development in the study of Hobbes's reception. For one thing, Skinner raised the possibility that Hobbes's continental network of 'disciples' had an outpost in 'England' in the figure of Petty.[15] However, the source material upon which Skinner based his study, namely private correspondence, can only get us so far in understanding the geography of Hobbes's reception. It provides us with an insight into Hobbes's reception in 'the republic of letters' in Europe and privileges the private views of an older generation of philosophers who were nostalgic for an earlier, more ambitious phase of the 'scientific revolution'.[16] Given both the private and cosmopolitan character of this material, it cannot reveal much about Hobbes's reception in the public discourse of particular places.

For more a comprehensive answer to this question, Hobbes's historians had to wait for several essays by Noel Malcolm. These essays significantly enlarged historical understanding of European responses to Hobbes's mathematics and physics,[17] his biblical criticism,[18] and his political and religious thought.[19] They also brought international scholarship on Hobbes's reception to the attention of English-speaking historians.[20]

[14] Skinner, *Visions, Vol. 3*, 308-09.
[15] Ibid., 318-20.
[16] Ibid., 309, 323.
[17] Malcolm, *Aspects*, ch. 6.
[18] Ibid., ch. 12
[19] Ibid., chs. 2, 14.
[20] See, for example, Malcolm's comments on the positive responses to Hobbes's absolutism that have been identified by Danish and Italian scholars in Scandinavia and Naples: ibid., 511-2.

Malcolm retained 'the European Republic of Letters' as his unit of analysis, but understood 'in its general sense' as 'the world of editors, journals, scholars, intellectuals, publicists, and their interested readers'.[21] He found that this 'world' continued to engage seriously with Hobbes into the eighteenth century, and that in places where the political and intellectual 'conditions' were ripe for its insights and 'favourable to free-thinking', there was also positive engagement with Hobbes's political theory.[22] The early Dutch republic, with its volatile combination of political 'uncertainty' and a 'flourishing book trade', was one such place.[23] Improving upon, as well as highlighting, an existing body of Dutch scholarship, Malcolm traced the engagements with Hobbes in the works of the brothers de la Court and Lambert van Velthuysen.[24] These engagements were positive but not straightforwardly so: Malcolm showed that the former converted Hobbes's concept of self-preservation into a case for republican government, while the latter converted it into an account of moral obligation that accommodated 'natural-law duties towards God' and 'fellow men'. Indeed, Malcolm's grasp of the flexibility and adaptability of Hobbes's theory also allowed him to offer new perspectives on the debt owed to Hobbes by Baruch Spinoza and the 'radical' tradition he inspired.[25] Following Malcolm, a new edition of van Velthuysen's defence of *De cive* by Malcolm de Mowbray situated the work within the context of the 'political tensions and intellectual controversies' of the early Dutch republic.[26] Malcolm's account of Hobbes's reception in Europe also inspired Jon Parkin to re-evaluate Hobbes's reception in England.[27]

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[21] Ibid., 537.
[22] Ibid., 40-1.
[23] Ibid.
[24] Ibid., 514-9. See also, Hans W. Blom, *Causality and Morality in Politics: The Rise of Naturalism in Dutch Seventeenth-Century Political Thought* (Rotterdam, 1995), chs. 4 and 6.
[25] Malcolm, *Aspects*, ch. 2; 535-7.
[26] Malcolm de Mowbray ed., Lambert van Velthuysen, *A Letter on the Principles of Justness and Decency, Containing a Defence of the Treatise of De Cive of the Learned Mr Hobbes* (Leiden, 2013), 5.
[27] Parkin, *Taming*, 8.

Parkin did not analyse Hobbes's English reception in isolation from his European reception: indeed, one of Parkin's central claims was that Englishmen, such as Richard Cumberland, responded to Hobbes from within a pan-European discourse of natural law.[28] Like other exponents of this discourse, including van Velthuysen, Cumberland 'tamed' Hobbes by incorporating his ideas into a more traditional account of natural law as an 'obligatory' framework for human society.[29] However, Parkin also delineated an engagement with Hobbes on a subject more peculiar to England: the ambiguous status of the Church of England as both an episcopal Church in the Catholic tradition and a Church by law established. Hobbes exploited this ambiguity to collapse ecclesiastical into civil authority, and Parkin found that the proximity of 'Anglican Erastians' to Hobbes on ecclesiological questions generated Hobbesian controversies throughout the Restoration.[30] It was once thought that Hobbes's critics repudiated him with the energy and urgency that they did because they viewed him as an outsider, threatening 'the solid institutions of England'.[31] Parkin showed that Hobbes exposed and exploited the instability of these 'institutions' and their unstable relationships with sovereign authority. Hobbes was viewed as dangerous because his heterodox arguments offered seductive solutions to familiar problems.[32] But Parkin's findings also leave one wondering. In the seventeenth century, England was the metropole of a multiple monarchy and a maritime

[28] Ibid. esp. ch. 5. See also, Jon Parkin, *Science, Religion and Politics in Restoration England: Richard Cumberland's De Legibus Naturae* (Woodbridge, 1999), esp. chs. 2 and 7. In this respect, Parkin was building on the work of: Richard Tuck, 'The 'modern' theory of natural law', in *The Languages of Political Theory in Early-Modern Europe*, 99-120; Mark Goldie, 'The reception of Hobbes', in J. H. Burns and Mark Goldie (eds.), *The Cambridge History of Political Thought, 1450-1700* (Cambridge, 1991), 589-615, and Noel Malcolm, 'Thomas Hobbes and Voluntarist Theology' (PhD thesis, Cambridge University, 1983), 240-64.
[29] Parkin, *Taming*, 281.
[30] Ibid., 210. In this respect, Parkin was building on the work of John Marshall, 'The Ecclesiology of the Latitude-men 1660-1689: Stillingfleet, Tillotson, and 'Hobbism'', *Journal of Ecclesiastical History*, 36/3 (1985), 407-27.
[31] John Bowle, *Hobbes and His Critics* (2nd edn. London, 1961), 13.
[32] Jon Parkin, 'The Reception of Hobbes's *Leviathan*', in Patricia Springborg (ed.), *The Cambridge Companion to Hobbes's Leviathan* (Cambridge, 2007), 442-4.

empire. In many cases, the constitutional institutions of other places in these systems, particularly the Church, were even more unstable than they were in England. Ireland was a case in point. Given what we now know about the reception of Hobbes in England, surely, we would expect to find an engagement with Hobbes in Ireland, one suggested, shaped and perhaps accommodated by the political conditions that prevailed in the country? This thesis delineates such an engagement. In doing so, it relates to and contributes to the history of political thought in Ireland.

The history of political thought in Ireland

It remains the case that the history of political thought in Ireland is written mainly in volumes of exploratory chapters, a reliable sign that a branch of historical research is still in its infancy. When the first of these volumes was published in 1993, its editors described their subject as 'largely unwritten'.[33] Only a handful of 'major figures' had been considered by historians, and they tended, like William Molyneux and Jonathan Swift, to belong to Irish 'patriot' discourse. Contributors to this and subsequent volumes identified a greater variety of discourses in a wider range of sources, including sources that emerged from the practice of politics, law and religion; the 'problems and possibilities' of the history of political thought in Ireland have now been established.[34] As Ian McBride has suggested recently, however, many historians of the subject remain preoccupied with 'evolving ideas of Irish nationhood'.[35] They either focus their efforts on reconstructing the 'patriot' discourse, or they characterise engagements with other discourses, such as

[33] David George Boyce *et al.* (eds.), 'Introduction', in David George Boyce *et al.* (eds.), *Political Thought in Ireland since the seventeenth century* (London, 1993), 1.
[34] S.J. Connolly, 'Introduction: Varieties of Irish political thought', in *Political Ideas in Eighteenth-Century Ireland* (Dublin, 2000), 12.
[35] McBride, '*The case of Ireland* (1698) in context', 201.

the ‘Enlightenment’, as evidence of the development of a single intellectual culture, coterminous with a self-identifying Irish nation. Naturally, given these preoccupations, they also focus on material produced during the century after the ‘Glorious Revolution’ when the development of these discourses was facilitated by an increase in printing.[36] This period is variously described as the ‘Golden Age of Irish philosophy’ and as ‘the period of greatest achievement in Irish intellectual history’.[37]

The subjects of this thesis have been decontextualized and thus misunderstood by a scholarship inhibited by these preoccupations. Petty and Vesey, who did most of their political thinking in the Restoration, have been annexed to histories of Irish political thought that concentrate on the eighteenth century and often on ideas of ‘nationhood’.[38] These histories tend to treat Petty as an isolated eccentric who developed his ideas outside the ‘world of practical politics’, and the intellectual biographies of Petty reviewed below have sustained this impression.[39] Vesey and other Irish Anglicans are said to have been convinced of ‘the inestimable value of English civilisation’, a characterisation that obscures their many attempts to address the distinctive problems of Irish politics and the

[36] Raymond Gillespie, *Reading Ireland: Print, Reading and Social Change in Early Modern Ireland* (Manchester, 2005), ch. 4.
[37] David Berman, *Berkeley and Irish philosophy* (London, 2005), 133; Daniel Carey, ‘Intellectual History’, in Richard Bourke and Ian McBride (eds.), *The Princeton History of Modern Ireland* (Princeton, 2016), 193.
[38] For Petty, see James Kelly, ‘Public and Political Opinion in Ireland and the Idea of an Anglo-Irish Union, 1650-1800’, in David George Boyce *et al.* (eds), *Political Discourse in Seventeenth- and Eighteenth-Century Ireland* (London, 2001), 112; David Hayton, ‘Ideas of Union in Anglo-Irish Political Discourse, 1692-1720: Meaning and Use’, in *Political Discourse in Seventeenth- and Eighteenth-Century Ireland*, 142; David Armitage, ‘The political economy of Britain and Ireland after the Glorious Revolution’, in Jane H. Ohlmeyer (ed.), *Political Thought in Seventeenth-Century Ireland: Kingdom or Colony* (Cambridge, 2000), 231-6. For Vesey, see Robert Eccleshall, ‘Anglican political thought in the century after the Revolution of 1688’, in *Political Thought in Ireland since the seventeenth century*, 50-1; Robert Eccleshall, ‘The Political Ideas of Anglican Ireland in the 1690s’, in *Political Discourse in Seventeenth- and Eighteenth-Century Ireland*, 66-8, 70; S.J. Connolly, ‘The Glorious Revolution in Irish Protestant Political Thinking’, in *Political Ideas in Eighteenth-Century Ireland*, 39-40..
[39] Hayton, ‘Ideas of Union’, 142. See also, Ian Campbell, ‘Irish Political Thought and Intellectual History, 1550-1730’, in Jane Ohlmeyer and Smith, Brendan (eds.), *The Cambridge History of Ireland* (Cambridge, 2018), 525.

deviation from Anglican orthodoxy and shift towards Hobbes that these attempts involved.[40] The case of Synge shows that the failure to understand political thought in Restoration Ireland inhibits our understanding of political thought in the eighteenth century. Synge's claim about the 'Hobbian' character of Irish discourse has eluded his several historians.

However, if certain historiographical tendencies have served to bury the political thought of Restoration Ireland, there are others that might help us to recover it. If we were to think of Restoration Ireland as a discreet and enclosed society then we might reasonably conclude that its political thought was as limited as its output of printed material. We might arrive at a very different conclusion, however, if we think of Ireland as part of a larger geo-political expression which also contained England, Scotland and Wales. In researching the reception of an English political philosopher in Ireland it has been helpful to consider the insights of the 'New British History', developed by Pocock in the early 1970s, and the substantial body of scholarship that has debated, adopted and adapted these insights as they relate to early-modern Ireland.[41] The 'New British History' is vulnerable to Nicholas Canny's charge that, in treating the 'British Isles' as a single unit of analysis, it 'ignores the fundamental diversities that made it so difficult for the several peoples on the two islands to live within a single polity'.[42] Generally speaking, says Canny, English history drives the narrative of the 'New British History'; Irish and Scottish histories are only invoked to reinforce this narrative.[43] The 'diversities' and difficulties described by

[40] Eccleshall, 'Anglican political thought', 38.
[41] For a review of this scholarship, see Jane Ohlmeyer, 'Seventeenth-Century Ireland and the New British and Atlantic Histories', *The American Historical Review,* 104/2 (1999), 446-62.
[42] Nicholas Canny, 'Irish, Scottish and Welsh responses to centralisation, c. 1530-c. 1640: A comparative perspective', in Alexander Grant and J.K. Stringer (eds.), *Uniting the Kingdom?: the making of British history* (London, 1995), 148.
[43] Idem, 'Writing Early Modern History: Ireland, Britain, and the Wider World', *The Historical Journal*, 46/3 (2003), 738.

Canny are key to explaining the geographical variations in Hobbes's reception identified in this thesis, and in this sense, this thesis is part of the reaction against the tendency to write British history from a narrowly English perspective. And yet precisely because it describes the reception of Hobbes in Ireland and shows that it was informed by engagements with political discourses that developed elsewhere in the British world, this thesis is also an exercise in the 'history of British political thought' of a certain kind. Oddly enough, it is a kind for which Canny, in one of his more sympathetic engagements with the 'New British History', has provided the model.

Of course, people referred casually to 'British history' long before Pocock issued his famous 'plea for a new subject' in his native New Zealand in 1975.[44] But Pocock's subject was 'new', to his mind at least, because it studied the history of Britain conceived as an a oceanic 'realm' or political community.[45] This community developed as a product of England's expansionist activities within the 'Atlantic archipelago', or the British Isles, and spread through a process of 'imperial' expansion to encompass other territories, often islands, in the Atlantic and Pacific. Pocock referred to a British 'culture' as well as a 'realm', but it was a culture based on a shared experience of citizenship or, as he has preferred to describe it more recently, a collective 'participation' in the 'sovereignty' of the British state.[46] Richard Bourke has since examined Pocock's concept of 'sovereignty' and its importance to his conception of the 'New British History'.[47] In doing so, he has put the lie to the idea that the project was the amorphous 'celebration of diversity' in the

[44] J.G.A. Pocock, *The Discovery of Islands: Essays in British History* (Cambridge, 2005), ch. 2.
[45] Ibid., 26.
[46] Idem, 'History and Sovereignty: The historiographical Response to Europeanization in Two British Cultures', *Journal of British Studies*, 31/4 (1992), 364.
[47] Richard Bourke, 'Pocock and the Presuppositions of the New British History', *The Historical Journal*, 53/3 (2010), 747-70.

British world that it is often taken to have been.[48] This being said, however, Pocock considered the most urgent threats to British identity and its history to reside not in Irish, Scottish, Welsh or colonial nationalisms, but in English nationalism and the ideology of 'Europeanization' in England with which, unexpectedly perhaps, it dovetailed. While English nationalists denied 'that the term 'Britain' had any meaning' or used it as a synonym for England,[49] adherents of 'Europeanization' abandoned their commitments to global Britons and deconstructed the concept of 'sovereignty' on which British identity depended.[50] The 'New British History' was Pocock's antidote to the metropolitan myopia that he observed in England in the early 1970s, and, as such, he conceived of it as a means of recovering the 'dialectic' interactions between the imperial English and the peoples they had encountered or engendered.[51] It may not have been concerned with 'diversity' for diversity's sake, but it was concerned to recover the roles, both constructive and deconstructive, that 'frontier' peoples played in the formation of the British 'realm'.[52]

Pocock is, above all, a historian of political thought, and his characterisation of Britain as a political community with a variegated, island geography raised the possibility that there was a tradition of political thought that conceptualised this community: a 'discourse of Britain'.[53] This thesis recovers evidence of this discourse that Pocock overlooks. Hobbes, says Pocock, 'was English enough to pay little attention to the nature of multiple monarchy'.[54] As mentioned above, recent scholarship has shown that this was not so, and

[48] Ibid., 748, 753.
[49] Pocock, *The Discovery of Islands*, 24.
[50] Idem, 'History and Sovereignty', 364; Idem, *The Discovery of Islands*, 261.
[51] Idem, 'British History: A Plea for a New Subject: Reply', *The Journal of Modern History*, 47/4 (1975), 627.
[52] Idem, *The Discovery of Islands*, 27. For a history of 'British political thought' conceived 'as political thought about the entity or entities which comprise the British Isles', see Colin Kidd, 'The Matter of Britain and the Contours of British Political Thought', in David Armitage (ed.), *British Political Thought in history, Literature and Theory, 1500-1800* (Cambridge, 2006), 47-66.
[53] Pocock, *The Discovery of Islands*, 62.
[54] Ibid., 98.

chapter 2 of this thesis shows that Petty thought with Hobbes to develop his argument for British union. However, the novelty and unpopularity of Petty's argument also reminds us that, properly speaking, 'Britain' did not exist in the early modern period as 'a self-perpetuating polity or culture'.[55] This being the case, Pocock has suggested that historians of 'British political thought' might also study the 'dialogue between the several national discourses'.[56]

Some attempts to write such a history have betrayed the English bias for which the 'New British History' has been criticised. Either Ireland or Scotland is described as a 'laboratory' or a 'testing ground' for ideas that were too controversial for England.[57] As if these nations were sterile intellectually before the arrival of English ideas and incapable of contaminating English discourse in the way that they were contaminated by it. Other attempts, however, have described a more reciprocal relationship between the discourses of the three nations. Canny argues that Irish political discourse was 'radically different' from 'British' discourse in the 'early-modern centuries'.[58] He shows that the discourse of Catholic Ireland was 'inspired by writing in Catholic Europe', and he reminds us of the debt owed by Protestants in Ireland, such as the Jacobean lawyer Sir John Davies, to the civil law concept of conquest.[59] Though Davies is considered by Pocock to be the exemplary exponent of the 'case for common law and custom',[60] he also relied heavily

[55] Ibid., 75.
[56] Ibid., 76.
[57] Tim Harris, 'In Search of a British History of Political Thought', in *British Political Thought*, 95; Frances Harris, 'Ireland as a laboratory: the archive of Sir William Petty', in Michael Hunter (ed.), *Archives of the scientific revolution: the formation and exchange of ideas in seventeenth-century Europe* (Woodbridge, 1998), 73-90; Alan Ford, 'That Bugbear Arminianism': Archbishop Laud and Trinity College, Dublin', in Ciaran Brady and Jane Ohlmeyer (eds.), *British Interventions in Early Modern Ireland* (Cambridge, 2005), 135-6.
[58] Nicholas Canny, 'The Intersections between Irish and British Political Thought of the Early-Modern Centuries', in *British political thought*, 86.
[59] Ibid., 86, 80.
[60] J.G.A. Pocock, *The ancient constitution and the feudal law: a study of English historical thought in the seventeenth century* (Cambridge, 1957), 32.

on the civil law in his writings and activities as Attorney General in Ireland.[61] His famous *Discoverie* of 1612 argued for the full extension of the English common law to Ireland as a means of consolidating the 'Soveraignetie' that the Crown had obtained by conquest and which Davies defined with reference to Jean Bodin.[62] Crucially, however, Canny also shows that Irish discourse effected changes in English discourse: certain 'opinions' about conquest and religion were only 'admissible' in England because of developments in Irish discourse.[63] Indeed, he concludes with the suggestive remark that Irish Protestants belonged to an intellectual lineage that resulted in Hobbes.[64] Canny does not trace the development of Protestant political discourse in Ireland into the Restoration; but his concluding remark points to how his approach to its study might be adjusted for the period. Though the discourse would remain distinct from English political discourse, one of the marks of its distinctiveness would be its positive reception of the English ideas that it had helped to inspire. After Hobbes, 'Irish' political discourse would become more 'British' and will need to be studied from the 'British' perspective described by Pocock. As the example of Davies indicates, however, adopting this perspective will destabilise Pocock's own assumptions about the character of 'British' discourse: one will observe the continental traditions of natural and civil law compete with 'common law and custom'. Pocock may yet pay the price for challenging the English monopoly on British history and identity by conceding the continental character of British political thought.

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[61] Hans Pawlisch, *Sir John Davies and the Conquest of Ireland: a study in legal imperialism* (Cambridge, 1985), esp. ch. 9.
[62] Sir John Davies, *A Discoverie of the True Causes why Ireland was never entirely Subdued, for bought under Obedience of the Crowne of England, until the Beginning of his Majesties happie Raigne* (London, 1612), esp. 13-4.
[63] Canny, 'Intersections', 83.
[64] Ibid., 73, 86.

The kind of 'history of British political thought' practised in this thesis, then, is a kind that studies the interactions between the political discourses of different places in the British world and appreciates that the conditions of public discourse varied between places. In the case of Ireland, intellectual currents from England were transformed in the vortex of Irish society and often returned to disturb their native waters. This process began with the transmission of English texts to Irish discourse. Hobbes's works were certainly available in Ireland in the period under consideration, and though little is known of Vesey's book collection, there is evidence to connect Petty and Synge to specific copies of these works. [65] An inscription on a copy of *Leviathan* in 'Marsh's Library', Dublin connects the copy to Petty;[66] and it can be assumed, given his education and family connexions, that Synge had access to the copy of *De Corpore Politico* in the 'Alexander Library' next to Trinity College, Dublin and to William King's edition of the Latin *Leviathan*.[67] All three men also had plenty of opportunities to read Hobbes and responses to Hobbes during their time in England. Indeed, the breadth and depth of the engagement with Hobbes identified in this thesis suggests the existence of an Anglo-Irish reading culture that was more expansive than the surviving records of book collections in Ireland would suggest. But though readers in Ireland derived most of their materials from England, the 'activity of reading' these materials in Ireland, and the application of their

[65] Vesey's library at Tuam was destroyed in the civil unrest of the 1680s. The sale catalogue of the book collection compiled subsequently by Vesey and his ancestors does not provide a reliable guide to Vesey's reading habits; but I am grateful to Sir David Davies for his permission to consult it at Abbeyleix House.
[66] An inscription at the front of the copy reads 'E Libris Guil Fitzgerald': Thomas Hobbes, *Leviathan: or, the matter, forme, & power of a Commonwealth ecclesiastical and civil* (London, 1651), Marsh's Library, Dublin, Marsh Stillingfleet Collection. It seems likely that this was the man of the same name who wrote a poem celebrating Petty's resuscitation of a hanged woman in 1650: *Newes from the dead* ed. Richard Watkins (Oxford, 1650), 7. It should also be noted, given Petty's preference for a British union, that Hobbes's endorsement of the union attempted by James I was underlined by a reader in this copy: Hobbes, *Leviathan*, Marsh Stillingfleet Collection, 101.
[67] 'A Catalogue of Sr Jerome Alexander's books, 1675', NLI, MUN/LIB/10/18, f. 7v; Robert Matheson, *A large private park: the collection of Archbishop William King, 1650-1729* (Cambridge, 2003), 2 vols. I, 490-1. It should also be noted that from 1704 the substantial collection of Hobbes's works and responses to Hobbes formerly owned by Edward Stillingfleet was available to the public in Marsh's Library: J.D. Newport White, *An Account of Archbishop Marsh's Library, Dublin* (Dublin, 1926), 8.

concepts to Irish politics, were shaped by conditions peculiar to Ireland.[68] In Hobbes, English discourse provided Irish discourse with one of its most compelling conceptual resources; but only Ireland's divergences from England, both political and cultural, can explain why Hobbes was so compelling in Ireland and why his concepts were employed in its discourse without the censorship to which they were subjected in England.

The term 'thinking with Hobbes' has been coined for this thesis, as an alternative to 'influence', to capture the distinctive features of Hobbes's reception in Ireland. It is sometimes thought that Skinner issued a 'ban' on using the term 'influence' in his famous article 'Meaning and Understanding in the History of Ideas' of 1969, but this is not quite so.[69] Skinner's discussion of 'influence' in this article developed that of an earlier article which was concerned with the protocols of 'historical explanation'. Here, Skinner focussed on the use of 'influence' by historians as an 'explanatory hypothesis': a concept used to explain the transmission and development of 'doctrines' in the history of ideas.[70] He noticed that its use was loose and its meaning imprecise, and in 'Meaning and Understanding' he suggested a 'set of conditions' that should be met before the concept was used.[71] In designing these conditions, Skinner's main concern was to ensure that 'influence' was used to describe an active engagement undertaken by one author with another. If this engagement could be proven then 'influence' retained an 'explanatory force', and Skinner himself used the term liberally in his account of Hobbes's reception in Europe. The term was probably appropriate to describe most of the engagements with Hobbes that Skinner considered. They were conducted by a small group of 'disciples'

[68] Lisa Jardine and Anthony Grafton, 'Studied for Action': How Gabriel Harvey Read His Livy', *Past and Present*, 129 (1990), 30.
[69] David Wootton, *Power, Pleasure, and Profit: Insatiable Appetites from Machiavelli to Madison* (Cambridge, Mass., 2016), 44.
[70] Quentin Skinner, 'The Limits of Historical Explanations', *Philosophy*, 41/157 (1966), 204.
[71] Idem, *Visions of Politics. Volume 1, Regarding method* (Cambridge, 2002), 75-6.

who valued Hobbes for the 'philosophy and truth' that they read in his works and which their intellectual abilities and institutional contexts, 'the scientific academies' of Paris, enabled them to appreciate.[72] However, the term is not appropriate, or least not sufficient, to describe Petty's engagement with Hobbes. Two facts of Petty's engagement distinguished it from the other engagements with which Skinner analysed it: the fact that Petty was concerned primarily with politics and that fact that these politics were Irish.

Hobbes was not above the political fray, but nor did he intervene straightforwardly in politics. Hobbes's arguments took the form of definitions or conceptual 'formulae', a function of his nominalist method of philosophy.[73] These formulae 'were curiously indeterminate': they were calibrated to comprehend multiple positions in political debate.[74] Hobbes's main objective was to 'advance the Civill Power' against many competing threats to it, and by making his formulae available to multiple positions he was able to fight these threats on multiple fronts.[75] This being the case, the concept of 'influence', even as refurbished by Skinner, is of limited value in tracing the reception of Hobbes in the context of political debate, and we would do better to consider how contributors to a debate 'thought with' Hobbes to develop their responses. Hobbes's concepts were peculiarly compelling at moments of civil unrest or political instability, but they were seldom employed without adjustment or modification. Hobbes's reputation created an additional reason for modifying his concepts and for concealing an engagement with them. By encompassing the range of ways in which Hobbes could be used as a conceptual resource, the term 'thinking with Hobbes' is especially helpful for describing

[72] Skinner, *Visions, Vol. 3*, 317, 323.
[73] Parkin, *Taming*, 14.
[74] Ibid. See also, Jon Parkin, 'Hobbes and the Reception of "Leviathan"', *Journal of the History of Ideas*, 76/2 (2015), 292.
[75] *Leviathan*, II, 4.

the distinctive reception that Hobbes received in Ireland. In Ireland, the impetus to modify Hobbes's arguments did not derive primarily from the fear of public opprobrium. Indeed, on some occasions, Ireland's instability elicited political responses that were so novel that Hobbes's concepts were employed in their defence without modification. Instead, modifications to Hobbes's concepts in Ireland should be understood in relation to the distinctive forms of political discourse in Ireland before the development of a sophisticated indigenous print culture.

Many of the engagements with Hobbes identified in this thesis are in manuscript sources. Most of these sources were written for public consumption, but they were publicised by means of circulation, scribal publication or public recitation. Both Petty and Vesey engaged with Hobbes in short manuscript tracts and manuscript sermons respectively. These forms did not facilitate the extensive discussions of Hobbes through which modified versions of his concepts were incorporated into English discourse. However, manuscript tracts and sermons contained their own mechanisms, peculiar to them, that allowed for Hobbes's concepts to be admitted into Irish discourse. In some ways, these forms were peculiarly well-suited to the formulaic style of Hobbes's political arguments. Both allowed for assertion without exposition, and they thereby enabled Petty and Vesey to experiment with Hobbes's conceptual formulae. Without a constant flow of printed pamphlet material to influence their engagements with Hobbes or to distract them from it, Petty and Vesey could also concentrate on those formulae that were most relevant to their political situations. Thus, one often finds the two men preoccupied with Hobbesian concepts that were largely overlooked in England. In experimenting with Hobbes's conceptual formulae, Petty and Vesey also modified them: just as their forms did not require them to expound upon the concepts they borrowed from Hobbes, nor did they

require them to render these concepts accurately or discuss them consistently. Writing in the forms they did, Petty and Vesey were exempt from the stylistic and intellectual standards of printed discourse. This being the case, moreover, they did not modify Hobbes's concepts to avoid opprobrium, but to make them more useful polemically. Petty often modified Hobbes's concepts by amalgamating them with others, and the resultant amalgamations were even more novel and perverse than their component concepts. When Petty and Vesey printed in London their texts revealed the relative laxness of Irish attitudes to Hobbes and were only received positively when English political conditions were particularly ripe for Hobbesian arguments. From the late 1680s onwards, Ireland began to experience the kind of pamphlet debates that were commonplace in England.[76] Hobbes featured in these debates, most notably in the debate about religious policy provoked by Synge. However, Irish responses to Hobbes retained the idiosyncratic yet sympathetic character they had acquired in the manuscript discourse of the Restoration. One mark of this was that accusations of 'Hobbism' were conspicuously absent from debates involving Hobbes; contributors preferred the less potent term 'Hobbian' to characterise their opponents.

Petty, Vesey and Synge

The first half of this thesis considers how Petty thought with Hobbes to respond to a series of problems and debates that were generated by politics in Ireland. Unlike Vesey and Synge, Petty knew Hobbes personally having made his acquaintance in Paris in 1645. Born in Hampshire in 1623, Petty had already spent several years on the continent by the

[76] This had to do with 'the fracturing from 1681 of the king's printer's monopoly': James Kelly, 'Regulating print: The state and the control of print in eighteenth-century Ireland', *Eighteenth-Century Ireland*, 23 (2008), 142.

time he arrived in Paris.[77] Following an accident at sea in 1637 while serving an apprenticeship aboard a merchant ship, Petty ended up in northern France where he enrolled at the Jesuit College at Caen. Though he returned to England after a year or so, he did not stay in his native land for long. In 1643, Petty left for the Netherlands where he studied medicine at the Universities of Utrecht, Leiden and Amsterdam. By the time he arrived in Leiden, Petty was in contact with the English mathematician John Pell, and the two men spent time together in Amsterdam where Pell was living.[78] At the time, Pell was preoccupied with the 'problem of squaring the circle', and in the autumn of 1645, he sent Petty to Paris to seek Hobbes's assistance in refuting a recent attempt by a Dutch mathematician to resolve the 'problem'.[79] As mentioned above, Hobbes was involved closely in 'Parisian intellectual life'; in 1645, his patrons Sir Charles Cavendish and William Cavendish, the duke of Newcastle, (cousins of the earl of Devonshire), also arrived in Paris.[80] Having made Hobbes's acquaintance, Petty ingratiated himself quickly with Hobbes's wider circle of associates: Petty had attracted the 'notice' of Sr Charles before Pell could 'commend' Petty to him.[81] Petty may well have read Hobbes's political philosophy during his time in the Netherlands and France; we do not know for sure. We do know that he studied anatomy with Hobbes and 'drew' the 'optical schemes' for Hobbes's English treatise on optics.[82] In 1646, Petty returned to England, spending most of his time in London and at Oxford University, which awarded him a medical degree in the early 1650s.[83] At this point, Petty was involved with the 'circle' of experimental scientists and 'Baconians' connected to Samuel Hartlib, and he continued to associate

[77] For the best account of Petty's early life, see Ted McCormick, *William Petty: And the Ambitions of Political Arithmetic* (Oxford, 2009), ch. 1.
[78] Ibid., 32. See also, Noel Malcolm and Jacqueline Stedall, *John Pell (1611-1685) and His Correspondence with Sir Charles Cavendish* (Oxford, 2004), 114.
[79] McCormick, *William Petty*, 31-6.
[80] Malcolm, 'Hobbes, Thomas'.
[81] John Pell to Sir Charles Cavendish, 15th/25th November 1645, in Malcolm and Stedall, *John Pell*, 441.
[82] John Aubrey, *Aubrey's 'Brief Lives'*, ed. Andrew Clark (London, 1898), 2 vols. II, 140.
[83] McCormick, *William Petty*, 41.

with this 'circle' while serving the Protectorate as a land surveyor in Ireland.[84] Though he may have been responsible for promoting Hobbes's treatise of optics amongst his Oxford associates,[85] there is no direct evidence of Petty engaging with Hobbes again until he wrote a commentary on *De cive* just before the Restoration.

At this point, Petty had yet to produce most of his political writings, and the politics in Ireland that occasioned their composition had yet to take shape. However, much of the scholarly discussion of these works takes place in 'intellectual biographies' of Petty; and for the intellectual biographer, such as Ted McCormick, these works are best understood in relation to Petty's 'intellectual development', or 'early intellectual make-up', and the 'sources, influences, and contexts that shaped' them.[86] The question of which of Petty's early 'influences' constituted the 'decisive intellectual influence' on his work has therefore preoccupied much of the scholarship on Petty and directed discussions of his engagement with Hobbes.[87] Such a question is only relevant to the study of Petty's later works if one assumes, as many do, that these works contributed to the development of a single conceptual scheme which can be explained in terms of its 'influences' or 'sources'. McCormick suggests that Petty was the 'inventor' of 'something he called 'political arithmetic'', which adopted a scientific approach to 'practical questions of economy, and society, and politics', informed by a certain conception of scientific method.[88] His study of Petty traces the use and development of this 'invention' in his various writings, and he concludes that Petty owed a greater debt to 'Baconianism' than to Hobbes on the basis of

[84] Ibid., chs. 2 and 3.
[85] Noel Malcolm ed., *The Clarendon Edition of the Works of Thomas Hobbes, Vol. 6: The Correspondence, Vol. 1: 1622-1659* (Oxford, 1994), 180, n. 2.
[86] McCormick, *William Petty*, 14, 44.
[87] Ibid., 43.
[88] Ibid., p .6.

the 'methodological' principles that he used or espoused.[89] Other historians who share McCormick's view of Petty as the inventor of a conceptual scheme, either 'political arithmetic' or 'political economy', also identify the 'intellectual sources' of the scheme in the 'methodological' principles that are said to have supplied its structure and coherence; and for many, Hobbes was a much more important 'source' for Petty in this respect than McCormick acknowledges.[90] However, as accounts of Petty's engagement with Hobbes, their studies are unsatisfactory; for, like McCormick, they detach Petty's political works from their political contexts.[91] When Petty's works are properly contextualised, it becomes difficult to identify the development of a single conceptual scheme throughout them all. This being the case, his engagement with Hobbes will not be apprehended by asking whether, at an early stage in his 'development', Petty constructed a conceptual apparatus under Hobbes's 'influence' that defined the subsequent development of his thought. We would do better to ask how he thought with Hobbes to pursue his polemical objectives in a range of political contexts.

The first three chapters of this thesis discuss three clusters of political writings that Petty produced in the early 1660s, the early 1670s, and the late 1670s and early 1680s. Chapter I discusses Petty's commentary on *De cive* and his *Treatise of Taxes and Contributions*, chapter II discusses his *Political Arithmetick* and *Political Anatomy of Ireland*, and chapter III discusses his writings on maritime law and government. These discussions draw extensively on Petty's manuscript papers and correspondence, most of which are in

[89] Ibid., 44, 37-8, 179.
[90] Peter Buck, 'Seventeenth-Century Political Arithmetic: Civil Strife and Vital Statistics.' *Isis*, 68/1 (1977), 67-84; Tony Aspromourgos, *On the Origins of Classical Economics: Distribution and Value from William Petty to Adam Smith* (London, 1996), 54-5, 67-72; James Ullmer, 'The scientific method of Sir William Petty', *Erasmus Journal for Philosophy and Economics*, 4/2 (2011), 10-11.
[91] Adam Fox emphasises the 'significance' of Petty's 'Irish background', but he does not reconstruct the specific political contexts of Petty's individual texts: 'Sir William Petty, Ireland, and the Making of a Political Economist, 1653-87', *The Economic History Review*, 62/2 (2009), 390.

the British Library.[92] Each cluster of political writings developed proposals for government policy in Ireland. Often, Petty approached Ireland as a member of the Stuart multiple monarchy or empire and his proposals therefore had implications for other parts of these systems. In the third cluster, Petty also justified policies that he had adopted himself as an officeholder and 'sceptical-Tory' in Ireland. Petty's intellectual biographers tend to interpret his policy proposals as expressions of whatever conceptual scheme that they credit him with inventing; bewildered by the novelty of these proposals, historians of political thought in Ireland tend to comply with these interpretations. This thesis shows that Petty developed his proposals as interventions in political debates in and about Ireland, and as a member of networks of political actors. By analysing it in relation to his political activities in Ireland, this thesis also transforms historical understanding of Petty's engagement with Hobbes.

It seems that the tendency among Petty's historians to concentrate on his 'methodological views' in their attempts to reconstruct his 'influences' is related to 'Foucauldian' interpretations of his 'political arithmetic' or 'political economy' as early configurations of 'governmentality'.[93] For Michel Foucault, the term 'governmentality' described the new techniques of government, 'outside the framework of sovereignty', that were developed by the discipline of political economy.[94] The development of 'governmentality' told of the decline of a concept of society, of which Foucault cited Hobbes as a proponent, as 'a collection of juridical subjects in an individual or collective

[92] Tony Aspromourgos, 'The Mind of the Oeconomist: An overview of the "Petty Papers" Archive', *History of Economic Ideas*, IX/1 (2001), 39-101.
[93] James Livesey, 'The Dublin Society in Eighteenth-Century Irish Political Thought', *The Historical Journal*, 47/3 (2004), 633; Ted McCormick, 'Governing Model Populations: Queries, Quantification, and William Petty's 'Scale of Salubrity', *History of Science*, 51/2 (2003), 179.
[94] Michel Foucault, *Security, Territory and Population. Lectures at the College de France, 1977-1978*, ed. Michel Senellart (Basingstoke, 2007), 104-8.

relationship with the sovereign will'.[95] In Restoration Ireland, however, this concept of society was not so much an orthodoxy to be refuted as an ideal yet to be realised; and when Petty's political activities in this context are identified and allowed to inform the interpretation of his political writings, it becomes clear that one of his central concerns was to stabilise the juridical relationships between Irish subjects and their sovereign. Petty was certainly concerned with economy: a significant proportion of his policy proposals related to tax and trade. But he developed these proposals within a 'framework of sovereignty' which he defined in terms of natural jurisprudence and with reference to Hobbes. For Petty, taxes were necessary for sovereignty, and sovereignty was necessary for trade. The justice of fiscal and commercial policies also consisted in their conformity to natural jurisprudential principles. Istvan Hont and John Robertson have reconstructed the relationship between natural jurisprudence and political economy.[96] In doing so, they have overcome the fashionable scepticism of connexions between natural rights theories and the development of market economies that has obtained amongst historians of political thought since the 1960s.[97] Both Hont and Robertson identify engagements with Hobbes amongst early political economists; but Hont, at least, portrays these engagements as being mainly negative. He describes Hobbes's political theory as 'uncommercial'.[98] The evidence of Petty, however, suggests that it was a more useful conceptual resource for addressing economic questions than is often appreciated.

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[95] Ibid., 74.
[96] Istvan Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, Mass., 2010), ch. 1; John Robertson, *The case for the Enlightenment: Scotland and Naples, 1680-1760* (Cambridge, 2005), ch. 1, esp. 30.
[97] This scepticism seems to have originated with Skinner's repudiation of C B. Macpherson, *The Political Theory of Possessive Individualism* in "Meaning and Understanding': *Visions. Vol. 3*, 70. It is reflected in J.G.A Pocock's account of political economy 'as a further chapter in the continuing history of civic humanism': *Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975), 426.
[98] Hont, *Jealousy*, 17.

The second half of this thesis considers how Vesey and Synge thought with Hobbes to respond to the problems and debates they encountered as Irish Anglican Churchmen. Vesey was born in 1638 to an Anglican clergyman in Armagh, educated at Westminster School and Trinity College, Dublin and was incorporated MA at the University of Cambridge.[99] He followed his father into the Church and died as Archbishop of Tuam in 1716. Synge was born in 1691. His father Edward was also a clergyman who became Archbishop of Tuam on Vesey's death. Like Vesey, Synge was educated at Trinity College, Dublin and followed his father into the Church. He died as Bishop of Elphin in 1762.[100]

Chapter IV introduces Vesey and the Anglican royalist discourse in which he encountered Hobbes: it discusses his early interactions with this discourse in a biography of Bramhall, his responses to Hobbes from within this discourse in his sizeable, and almost entirely neglected, collection of manuscript sermons in the National Library of Ireland,[101] and his use of what might be described as 'Hobbesian-style' natural law arguments in the early 1680s. These arguments had been incorporated into Anglican royalist discourse in the 1640s, at an early stage in its development, through direct engagements with Hobbes's 'voluntarist' ethics and theology and the account of civil authority that accompanied them. By minimising the ethical content and obligatory force of natural law, these arguments established the necessity of an absolute authority for civil peace and made civil peace the measure of religious policy. The first function appealed to royalists in the 1640s, the second function appealed to 'Latitudinarians' in early Restoration England, and both

[99] John Bergin, 'Vesey, John (b. 1638)', *DIB.*
[100] Marie-Louise Legg, 'Synge, Edward', (b. 1658), *DIB.* George Burtchaell and Thomas Sadleir, *Alumni Dublinenses* (Dublin, 1935), 798.
[101] A.P. Malcolmson, *The De Vesci papers* (Dublin, 2006). Eccleshall's reference to a sermon by Vesey on 1 Timothy 2:1-2 is the only reference in print to Vesey's manuscript sermons: 'The Political Ideas of Anglican Ireland', 70, n. 37.

functions appealed to Vesey in Ireland throughout the Restoration. Without an independent constituency in the Irish population, the established Church depended on the Crown for its safety and authority and was required to oscillate between accommodating and castigating non-conformists as civil peace required. The policies pursued in Ireland by James II exposed the vulnerability of the Church in Ireland. At first, Vesey reemployed 'Hobbesian-style' arguments to defend the civil and ecclesiastical rights of a Catholic King. Over the course of his reign, however, James used these rights to cripple the Church in Ireland, and chapter V traces Vesey's response. Vesey continued to think with Hobbes but in order to characterise and criticise James's policies in Ireland. Having fled to London in 1689 following the 'Revolution' of 1688, Vesey also positioned himself against Hobbes as he defended the 'Revolution' with providential theology. In the subsequent 'allegiance debate', however, Vesey resumed a more sympathetic engagement with Hobbes. His use of 'Hobbesian-style' natural law arguments to argue for allegiance to William and Mary and for the execution of penal laws against non-conformists helps to make sense of Synge's claim, considered in chapter VI, that Irish Anglicans depended on 'Hobbian' arguments to justify their ascendancy.

By locating Synge's claim within a longer history of thinking with Hobbes in Ireland, Chapter VI offers a wholly new perspective on the famous text in which Synge made the claim. In the early 1720s, Synge and his associates revived the natural law discourse in which Hobbes had been received in Ireland throughout the Restoration. The failure of historians of Ireland to recognise this reflects their preoccupation with 'nationhood' and 'patriot' discourse in particular. By recovering the natural law discourse of Restoration Ireland, this thesis challenges the exclusive position occupied by the 'patriot' discourse at the centre of the history of political thought in Ireland. Natural law discourse, especially

Hobbes's iteration of it, enabled a range of political actors to negotiate the political instability of Restoration Ireland. It was sometimes in opposition to this discourse that the canonical figures of the 'patriot' discourse developed their arguments. The case of Synge suggests that when 'patriot' discourse gathered momentum after the 'Glorious Revolution' it did not eclipse altogether its forgotten antecedent.

Chapter I: William Petty and the corporate commonwealth

In 1645, William Petty reflected on the revolutionary political system he had experienced during his two years in the Dutch republic and identified 'Equall representation' and 'Equall Tax' as two commendable features.[1] The same year Petty left Amsterdam for Paris, exchanging a republican for a royalist milieu. For the next decade or so he concentrated his intellectual energies on science and medicine, first under Hobbes's direction in Paris and later among 'Hartlibians' in London, Oxford and Ireland. He was drawn intermittently to comment on political affairs, and his comments reflected a continued interest in questions of political representation. In early 1649, he suggested that Parliament should allow 'fundamental' questions about the constitutional arrangements of the new republic to be determined by 'the People or every Individual Persson' in a series of referenda, though he expressed indifference as to the 'forme of *government*' they eventually chose.[2] It was not until his return to London in the late 1650s, however, that Petty concentrated on arguing for constitutional and fiscal reforms. Though he continued to invoke the Dutch example, he developed the theoretical content of his arguments by thinking with Hobbes.

This chapter discusses two texts composed by Petty just before and shortly after the Restoration of the Stuart monarchy. The first was a paper on 'systems of government', and the second was a *Treatise of Taxes and Contributions*. The two texts reveal the variety of Petty's intellectual interests and the flexibility of his political commitments, and they

[1] William Petty, *The Petty Papers: some unpublished writings of Sir William Petty*, ed. Marquess of Lansdowne (London, 1927), 2 vols. II, 185-6.
[2] *Ephemerides, Part 1, (January-April 1649)*, Sheffield, Hartlib Papers, 28/1/10A-10B. For the constitutional debates to which Petty was probably contributing, see Blair Worden, *The Rump Parliament, 1648-1653* (Cambridge, 1974), 170-85.

tend to be analysed separately. This chapter suggests that they are connected examples of a sustained engagement with Hobbes. Petty argued in the first text for a democratic form of government. This was not a preference that he shared with Hobbes, and he developed his argument in response to Hobbes's argument for monarchy. However, Hobbes did use 'democratic' concepts to develop his concept of the commonwealth as a corporation, a union established by a covenant among its members, and he became a familiar point of reference in democratic discourse. Petty incorporated the concept of a corporate commonwealth into his proposal for democratic government, even as he repudiated Hobbes's argument for monarchy. The Restoration rendered Petty's proposal redundant, and he adjusted quickly to the new regime. In 1662, he published the *Treatise* as an intervention in debates about Irish land and finance, arguing that the excise tax proposed by the Crown was naturally just. But though Petty was defending policies designed to guarantee the security of the newly restored monarchy, his defence involved his democratic conception of the commonwealth as a corporation. For Petty, excise was naturally just because it was an equal tax; and in a commonwealth conceived as a corporation, every subject had an equal share in the public peace. Petty's argument for excise belonged to a discourse about the rights and forms of taxation that emerged on the geographical and ideological peripheries of the British world. Hobbes had contributed to this discourse, and of all the contributors he was the most confident proponent of excise. An examination of Hobbes's argument for excise shows that Petty's use of Hobbes's concept of the commonwealth to argue for the tax was prefigured by Hobbes himself. Not for the last time, Irish politics both suggested and accommodated Petty's engagement with Hobbes.

The Protectorate Parliament and the 'Rota Club'

In 1659, Petty took up a seat in the Third Protectorate Parliament and began to associate with James Harrington's 'Rota Club' in London.[3] These were institutional contexts conducive to constitutional theorising. In circumstances which resembled those of 1649, when Petty had last engaged with constitutional politics, both addressed the questions raised by the death of a head of state which came to symbolise the death of a form of government**.** The principal division in the Protectorate Parliament was between supporters of the Protectorate and its old enemies the 'Commonwealthmen', but there were also ideological and personal divisions within the two parties.[4] As Henry Cromwell's secretary and land surveyor, Petty was a trusted ally of the Protectorate, but he was nevertheless subjected to charges of corruption and incompetence by Sir Hierome Sankey, an associate of Charles Fleetwood, another Protectorate magnate.[5] Sankey's case against Petty was one of the last items of business conducted by the Parliament. The Parliament was dissolved that month and following the dissolution of the Protectorate by the army in July, the government was assumed by the Rump Parliament, the smaller unicameral assembly that had previously sat from 1649 until 1653. As a combined government and legislature, the restored Rump was a constitutional novelty and its members debated 'the future form of government' as a matter of urgency.[6] Harrington and his associates saw a political opportunity in these debates, and their attempts to seize it led to the formation of the 'Rota Club'.[7]

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[3] Ted McCormick, *William Petty And the Ambitions of Political Arithmetic* (Oxford, 2009), 112; John Aubrey, *Aubrey's 'Brief Lives'*, ed. Andrew Clark (London, 1898), 2 vols. II, 148.
[4] Ronald Hutton, *The Restoration: A Political and Religious History of England and Wales, 1658-1667* (Oxford, 1986), ch. 2, esp. 28-41.
[5] McCormick, *William Petty*, 112-3; see also, Patrick Little and David Smith, *Parliaments and Politics during the Cromwellian Protectorate* (Cambridge, 2007), 29.
[6] Hutton, *The Restoration*, 42, 63-4.
[7] Aubrey, *'Brief Lives'*, II, 124-125. For accounts of the involvement of Harrington and his associates with the resorted Rump, see James Cotton, 'The Harringtonian 'Party' (1659-1660) and Harrington's

The political situation in 1659 was peculiarly amenable to a 'Harringtonian' analysis. The failure of the Rump in 1653 had provided the context for Harrington's famous *Oceana*, the most systematic statement of his republican ideology; and the restoration of the Rump via a military coup raised the old questions about constitutional 'balance' and the role of the army that *Oceana* had answered. But it was the 'extreme particularity' of *Oceana's* answer that made it especially relevant in 1659. Harrington had devoted a significant portion of the book to defining the constitutional procedures and social 'orders' by which his utopian commonwealth functioned.[8] The effectiveness of these rules consisted in their specificity; naturally prone to self-interest, men required rigorous discipline to become and remain obedient citizens.[9] There may have been a time for the 'orders' relating to agriculture and bell-ringing;[10] but it was the procedures relating to popular government, namely the election and 'Rotation' of public offices, that Harrington advocated in 1659. In the summer of that year, he printed a proposal for a bicameral legislature, composed of an elected 'Assembly of the People' and a rotating 'Senate' of former Assembly members, which was taken up by his allies in Parliament.[11] He also responded to Matthew Wren's attacks on *Oceana*, including his attack on 'Rotation'.[12] The majority of 'the

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Political Thought', *History of Political Thought*, 1/1 (1980), 51-67; J.G.A. Pocock, 'James Harrington and the Good Old Cause: A Study of the Ideological Context of his Writings', *Journal of British* Studies, 10/ 1 (1970), 39-48; Hutton, *The Restoration*, 63-4.

[8] James Harrington, *The Commonwealth of Oceana and A System of Politics*, ed. J.G.A. Pocock (Cambridge, 1992), 73-243. For a thorough description of *Oceana's* system of government, see J.G.A. Pocock, *The Machiavellian Moment Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975), 383-99.

[9] Johnathan Scott and Jon Parkin emphasise the disciplinary function of *Oceana's* constitution: 'The rapture of motion: James Harrington's republicanism', in N.T. Phillipson and Quentin Skinner (eds.), *Political Discourse in Early Modern Britain* (Cambridge, 1993), 149-50; *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England, 1640-1700* (Cambridge, 2007), 181-2. These are revisions of Pocock's reading of Harrington as the 'theorist of the commonwealth of participatory virtue': *The Machiavellian Moment*, 397.

[10] Scott, 'James Harrington's republicanism', 149-50.

[11] Hutton, *The Restoration*, 63.

[12] James Harrington, *The Political Works of James Harrington*, ed. J.G.A. Pocock (Cambridge, 1977), 599-704; 705-25.

Parliament-men perfectly hated' Harrington's 'designe' and rejected it in the autumn.[13] For several months afterwards, however, Harrington and his associates debated and practiced their 'aerie models' of government in the 'Rota Club'; an undated Latin manuscript on 'systems of government' was probably Petty's contribution.

Having been elected to the Protectorate Parliament as a client of the Cromwell family, Petty must have been the odd man out in the 'Rota'. The recollections of John Aubrey and diary of Samuel Pepys both suggest that Petty played an adversarial role in the club's proceedings;[14] and though his paper on 'systems of government' engaged with several 'Harringtonian' themes, it also suggests that an ideological distance obtained between Petty and the other 'members'. Titled 'Petty contra Hobbes' by its translators, the paper began with a critique of Hobbes's case for monarchy and concluded with a proposal for a democratic alternative. In *Oceana*, Harrington had also developed his case for democratic or 'popular' government in response to Hobbes's case for monarchy. Petty's concern with the resilience and longevity of the state, and his preoccupation with the procedures and practicalities of democratic government suggest further points of contact with Harrington.[15] In accordance with his concept of 'balance', however, Harrington had divided *Oceana's* citizenry into propertied and non-propertied classes and divided its legislature accordingly into the bicameral body that he and his associates later proposed as a replacement for the Rump. Petty did not divide his citizenry according to socioeconomic status: all citizens, that is all adult men, shared equally in their 'total

[13]Aubrey, *'Brief Lives'*, II, 125.
[14] Ibid., 148; Samuel Pepys, *The diary of Samuel Pepys*, ed. Henry B. Wheatley (London, 1904), 8 vols., I, 16.
[15] Frank Amati and Aspromourgos, eds. 'Petty contra Hobbes: a Previously Untranslated Manuscript', *Journal of the History of Ideas*, 46/1 (1985), 131-2.

authority over the state' and exercised their authority through a hierarchy of elected 'ministers'.[16]

In the most thorough analysis of the paper, Ted McCormick quite rightly makes the point that no concrete ideological commitments can be deduced from it.[17] It is better understood as an intellectual exercise, designed to stimulate discussion in the 'Rota', than as an intervention in the public debates to which Harrington and his associates contributed in print. The fact that the paper was written in poor quality Latin and structured as a series of questions underlines its experimental character and precludes a definitive interpretation of its arguments and proposals.[18] But McCormick strays from this point in his subsequent analysis of the paper. Having concluded that Petty was 'deeply engaged' with Harrington, he identifies other 'analogous' aspects of their thought, namely their 'Baconian' concepts of the relationship between natural and political philosophy.[19] This allows him to distance Petty from Hobbes at a 'critical time' in the former's intellectual development,[20] and thereby to reinforce his core claim that 'Baconianism' was Petty's 'decisive intellectual influence'.[21]

McCormick's analysis of Petty's paper underlines a particular problem associated with analysing Petty, or any other subject, in terms of his intellectual 'influences'. As an analytical concept, 'influence' focusses the historian on evidence of their subject's *positive* engagement with another thinker. In the case of Petty's paper, it privileges Petty's

[16] Petty, 'Petty contra Hobbes', 130-1.
[17] McCormick, *William Petty*, 130.
[18] For the translators' assessment of Petty's Latin, see Amati and Aspromourgos, eds., 'Petty contra Hobbes', 128.
[19] McCormick, *William Petty*, 130.
[20] Ibid., 130.
[21] Ibid., 43.

tentative but positive engagement with Harrington over his more substantial but critical engagement with Hobbes. A paper in which Hobbes was the principal point of reference and which deviated in crucial respects from Harrington, comes to be read as Petty's 'most 'Harringtonian' manuscript'.[22] Changing the terms of the question from whether Petty was *influenced by* Hobbes and Harrington to how he *thought with* them, furnishes an analysis that is more sensitive to the kind of exercise that Petty undertook in his paper. Hobbes favoured government by monarchy; Harrington favoured government by democracy. But as recent scholarship has demonstrated, Hobbes also engaged with classical democratic theory and borrowed its concepts to develop his own political theory. He subsequently became an important point of reference in Interregnum discussions of democracy, (including Harrington's), and Petty's paper explored this connexion.

Petty, Hobbes and democracy

Every version of Hobbes's mature political theory contained a chapter that compared monarchy favourably to aristocracy and democracy, the three classical forms of government: part 2, chapter 5 of *The Elements of Law*, chapter 10 of *De cive*, and chapter 19 of *Leviathan*. The monarchy Hobbes had in mind, moreover, was an absolutist monarchy with the capacity for unilateral judgement and action; with reference to Jean Bodin, *The Elements* described the dangers of dividing sovereignty in a 'mixed government'.[23] But to explain the conceptual error that gave rise to the idea of 'mixed government', Hobbes enlisted what Richard Tuck has identified as a concept from classical democratic theory: Aristotle's 'extreme democracy'. This was a form of

[22] Ibid., 129.
[23] *EW*, IV, 206.

government in which the 'people' ruled as a 'monarch, one composed of many';[24] and Hobbes was drawn to it, on Tuck's account, for the same reason that Aristotle recoiled from it: it represented a perfect 'union' of many men.[25] For Hobbes, all 'well-founded' commonwealths, whatever their form, embodied the 'union' that 'extreme democracy' implied.[26] They were 'a multitude of men, united as one person' by their own consent;[27] and it was the personality and singularity of will that attended a 'union' that distinguished commonwealths from looser kinds of association in which only 'concord' obtained.[28] 'The error concerning mixed government', then, proceeded from a failure to appreciate this distinction: though 'writers of politics' attributed a legal personality to 'subordinate corporations', they did not attribute a personality, and the associated characteristic of a single will, to the 'body politic' itself.[29]

To grasp Hobbes's 'relationship to democracy', it is necessary to disentangle his 'normative assessment' of democracy from his use of 'democratic' concepts as imaginative or polemical resources.[30] Tuck is not as sensitive to this distinction as he might be. Hobbes's account of the commonwealth as a voluntary association personated by a sovereign representative, which Tuck characterises as evidence of a genuine attempt to construct a 'new democratic theory', is perhaps more convincingly characterised by Kinch Hoekstra as an attempt to 'disable' the subversive tendencies in existing

[24] Richard Tuck, 'Hobbes and Democracy', in Annabel Brett and James Tully (eds.), *Rethinking the Foundations of Modern Political Thought*, (Cambridge, 2006), 176-83. I have used Sophie Smith's modified version of T.A. Sinclair's translation of Aristotle's *Politics*: 'Democracy and the Body Politic from Aristotle to Hobbes', *Political Theory*, 46/2 (2018), 173.
[25] Tuck, 'Hobbes and Democracy', 177.
[26] Ibid., 184.
[27] *EW*, IV, 122; *OTC*, 73.
[28] *EW*, IV, 207; *OTC*, 137.
[29] *EW*, IV, 207.
[30] Smith, 'Democracy and the Body Politic', 187-8.

democratic theory.[31] The implication of this account, clarified in chapter 12 of *De cive*, that 'in every Commonwealth, the *People* Reigns' was intended to rebuke rather than encourage the 'democratically inclined discontent'.[32] In chapter 7 of *De cive*, however, Hobbes developed his engagement with 'extreme democracy' from a more 'normative' perspective, and it is in this chapter that Tuck's case for a democratic Hobbes has its strongest evidence. Here, Hobbes suggested that democracy, in the form of a majoritarian 'convention' of all citizens, was the first form of government in newly instituted commonwealths; it was established by the 'very fact' of men meeting together and agreeing to be bound by the majority opinion.[33] He acknowledged that the 'people' would soon 'transfer' their 'right' to a monarch or an aristocracy, given the demanding schedule of meetings that this form of democracy required. But he also allowed for this transfer to be '*time-limited*'. Like a monarch who delegated to others while he was 'asleep', the 'people' would forgo the 'use' but not the '*Ownership*' of sovereign power.[34] If Hobbes's claim that the 'people' reigned in every commonwealth could sometimes sound like a facetious attempt to invert democratic discourse, the distinction he drew in chapter 7 of *De cive* between the 'ownership' and 'use' of sovereign power gave real substance to the claim.

Hobbes's political theory was not widely available to the English reading public until the publication of a second edition of *De cive* in 1647 and the publication of *The Elements* in two separate volumes, *Human Nature* and *De Corpore Politico*, in 1650.[35] An unauthorised English translation of *De cive* appeared as *The Philosophical Rudiments* in

[31] Tuck, 'Hobbes and Democracy', 190; Kinch Hoekstra, 'A lion in the house: Hobbes and democracy', in *Rethinking the Foundations*, 206.
[32] *OTC*, 137; Hoekstra, 'A lion in the house', 206.
[33] *OTC*, 94.
[34] Ibid., 94-100.
[35] Parkin, *Taming*, 54-61; 74-81.

March 1651, and this was followed within months by *Leviathan*. The ideological divisions of the Civil War therefore conditioned Hobbes's reception in England, and his theory served the polemical purposes of royalists and republicans alike: it spoke partly to both and fully to neither.[36] Hobbes's treatment of democracy featured in the earliest republican responses to *De Corpore Politco*. The most extensive response came from Marchamont Nedham, who published extracts from the book in an appendix to the second edition of *The case of the Common-wealth of England*. In the main body of *The case*, however, Nedham had associated Aristotle's concept of 'extreme democracy', in which 'the People becomes a most pernicious Tyrant', with the Levellers; and the extracts he published from *De Corpore Politico* related exclusively to obligation.[37] Another republican pamphleteer, writing anonymously, had a similarly selective response to *De Corpore Politico*: in many respects, he said, Hobbes was 'a man of dangerous, and unsound principles'.[38] But among those he selected for approval was the principle that 'the power of Coertion' was 'transferred from the People to the Magistrate'.

In his *Observations* of 1652, Sir Robert Filmer, the famous proponent of 'patriarchal' politics, sought to limit the republican uses of Hobbes.[39] At this early stage in Hobbes's reception, the accusation of 'Hobbism' was not an adequate rebuke. Filmer had to show that Hobbes's texts could not sustain the democratic uses to which republicans put them, and this involved engaging with the concept of 'extreme democracy'. Filmer published *Observations* on Aristotle's *Politics* in the same year as his *Observations* on Hobbes, and the two texts worked in tandem. Both deduced the necessity of monarchy from the

[36] Ibid., 81.
[37] Marchamont Nedham, *The Case of the Common-wealth of England stated* (2nd edn, London, 1650),80, 103-11.
[38] Anon. 'E.P.', *An answer to the vindication of Doctor Hamond against the exceptions of Eutactus Philodemius* (London, 1650), 16.
[39] Parkin, *Taming*, 107-8.

'Incertainty, and Contraiety' of their subjects' political theories.[40] In Aristotle's account of 'extreme democracy', in which '*the People becometh a Monarch*', Filmer found confirmation of his thesis that all governments involved subjection to a single will or else they failed.[41] When it came to Hobbes, Filmer unpicked *Leviathan's* account of 'Democratie *by institution*' and exposed its inconsistencies.[42] But his main move was to argue that Hobbes's account of the commonwealth as a single person constituted an inadvertent acknowledgement 'that there is but one kind of Government, and that is Monarchy'.[43]

Jon Parkin has described the 'traps' that Hobbes laid in his political theory;[44] and Filmer's *Observations* demonstrates how Hobbes's treatment of democracy trapped participants in the constitutional debates of the Interregnum. Confronted with a contentious political question which threatened to disturb the civil peace, Hobbes's strategy was often to amalgamate concepts from each of the competing discourses so as to remove the sting from all of them. The resulting conglomerations compelled the attentions of participants across the debate and directed them towards a common conclusion. In Aristotle's 'extreme democracy' Hobbes found a ready-made conglomeration which allowed him to argue that every commonwealth was democratic in structure and monarchical in character: a 'trap' for monarchists and democrats alike. This 'trap' was mistaken for an inconsistency by Filmer; it was fallen into blindly by Harrington and Wren.

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[40] Sir Robert Filmer, *Observations upon Aristotle's Politiques, touching forms of government* (London, 1652), 14.
[41] Ibid., 16
[42] Sir Robert Filmer, *Observations concerning the originall of government, upon Mr. Hobs Leviathan: Mr Milton against Salmasius: Hugo Grotius De Jure Belli* (London, 1652), sig. A3v.
[43] Ibid., 7.
[44] Jon Parkin, 'The Reception of Hobbes's *Leviathan*', in Patricia Springborg (ed.), *The Cambridge Companion to Hobbes's Leviathan*, (Cambridge, 2007), 443,

Throughout their protracted debate, both men renounced Hobbes overtly, borrowed from him covertly and accused each other of 'Hobbism'.[45] The first of these accusations, levelled by Wren against Harrington, concerned the religious politics of *Oceana*.[46] But Wren's *Monarchy Asserted* of 1659 soon introduced Hobbes's characterisation of the commonwealth as a single person into the debate. Sovereigns were necessarily possessed of the 'strength' to maintain the commonwealth's security, said Wren; but this 'strength' consisted 'not in the personal strength of a *Monarch*, nor yet of a *Sovereign Assembly*', for neither were adequate.[47] Rather, in all polities 'the diffused strength of a Multitude is united in One Person, which in a *Monarchy* is a Naturall Person, in a *State* an Artificiall One procreated by a majority of Votes'. In *The art of law-giving*, completed in March 1659, Harrington identified this as a Hobbesian principle.[48] He also interpreted it as a concession of the democratic structure of the commonwealth, however; and the following month, in *Politicaster*, he cited Hobbes's acknowledgement in chapter 7 of *De cive* that democratic government was 'the first in order of time'.[49]

Harrington's reference to chapter 7 of *De cive* forms a crucial context for Petty's paper on 'systems of government', which was probably completed within months of the publication of *Politicaster*. Filmer and Wren responded to Hobbes during the 'storm' produced by *Leviathan*. They focussed on Hobbes's characterisation of the commonwealth as a single person, an idea expressed in every version of Hobbes's mature

[45] Idem, *Taming*, 180-5; 205-7.
[46] Matthew Wren, *Considerations on Mr. Harrington's Commonwealth of Oceana: Restrained to the first part of the Preliminaries* (London, 1657), 41.
[47] Idem, *Monarchy Asserted or the State of Monarchical and Popular Government in Vindication of the Considerations Upon Mr Harrington's Oceana* (Oxford, 1959), 97.
[48] Harrington, *Political Works*, 698.
[49] Ibid., 712, cited in Hoekstra, 'A lion in the house', 207.

political theory, including *Leviathan*.[50] This was Hobbes's rendition of Aristotle's concept of 'extreme democracy', and it scarcely represented a positive 'normative' engagement with the classical democratic tradition. Hobbes approached such an engagement in chapter 7 of *De cive*, however; and Harrington's reference to the chapter suggests that the constitutional reformers of 1659 found it to be a useful imaginative resource. Petty's paper confirms this supposition. Among the key terms in Hobbes's discussion of democracy in chapter 7 were *transfero* and *tempore*. The first was the key verb in Hobbes's description of the institution of majority-voting democracy. Each man was imagined by Hobbes to say: 'I *transfer* my right to the people for your benefit, on the condition that you transfer your right to the people for my benefit'.[51] The second featured alongside the first in Hobbes's description of the '*time-limited*' monarchy or assembly to whom the people 'transfer' their power for a specific '*period*'.[52] These terms and the concepts they expressed were central to Petty's paper. Petty made a case for democratic government in response to Hobbes's case for monarchy in chapter 10 of *De cive*; but to conceptualise the institution of democracy he thought with chapter 7.

Petty began the paper with a compendium of Hobbes's arguments for monarchy, summarised from the 'Comparison of the disadvantages of each of the three kinds of commonwealth' in chapter 10 of *De cive*. Petty focussed mainly on the points made by Hobbes in the latter half of the chapter, which he rendered somewhat obscurely in five questions. Hobbes 'eventually prefers monarchy to democracy', said Petty, 'because the democrats rule their forces (which is the business of the greatest of monarchs) by

[50] *Leviathan*, II, 261-262. *Pace* Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge, 2016), 107-8, and Quentin Skinner, *Visions of Politics. Volume 2, Renaissance virtues* (Cambridge, 2002), 402-4.
[51] Thomas Hobbes, *Elementa philosophica de cive* (Amsterdam, 1647), 127; trans., *OTC*, 95.
[52] Idem, *de cive*, 133; trans., *OTC*, 97.

appointing amongst the military a single leader to be in charge of the army'.[53] This clumsy reading of one of Hobbes's final claims for the 'superiority' of monarchy seems to have confused the paper's editors as to the sources Petty was using;[54] a tenuous comparison with Hobbes's 1679 autobiography is suggested.[55] Neither they nor subsequent commentators have recognised that Petty was commenting on chapter 10, and that his disagreement with Hobbes was confined to the arguments therein.

Having enumerated the constitutional questions to which Hobbes's answer was monarchy, Petty added eight of what he said were his own. The fourth, however, borrowed vocabulary and concepts from chapter 7 of *De cive*: 'Whether it is more pleasant to human nature for the many to transfer [*transferre*] their power forever into the hands of one single person... or whether it better to serve that very same person, but only appointing him to office... for a brief period [*tempus*]...'.[56] And the eighth, the question of what options are available to a polity if a 'stupid, crazy, licentious and silly boy' were to inherit the throne, tracked Hobbes's discussion of the same scenario in chapter 10. Here, Hobbes played down the consequences of choosing one form of government over another: '*Power* is equal in every kind of commonwealth'.[57] Commonwealths differed not in their 'capacity' for power, but in their use or implementation of it; and this did 'not depend upon him in whom the authority of the commonwealth resides, but upon the ministers of government'. If the ministers were 'competent to handle the business', a female or 'infant' monarch was thus 'no obstacle to the good government of a commonwealth'. It was not necessary under such circumstances for men to 'force their

[53] Petty, 'Petty contra Hobbes', 129.
[54] *OTC,* 126.
[55] Amati and Aspromourgos (eds.), 'Petty contra Hobbes', 129.
[56] Petty, 'Petty contra Hobbes', 130; Petty, 'systems of government', BL, Add. MS 72897, f. 89v
[57] *OTC,* 125.

way... into the public counsels' and administer the commonwealth '*Democratically*'. Subverting this analysis with the concepts he had absorbed from chapter 7, Petty cast the boy king as just such a minister of a sovereign right possessed by the people. This constitutional possibility, countenanced by chapter 7's concept of a time-limited monarch, allowed the people to replace the monarchy with a democracy.

Irish land and finance, and the *Treatise of Taxes and Contributions*

Petty's involvement in the government of Cromwellian Ireland and the republican activities of the 'Rota Club' left him exposed at the Restoration. Several royalists in London accused Petty of religious heterodoxy and wanted him 'sequestered in Ireland'.[58] Ironically, Petty's Irish connexions ensured that he was treated favourably by Charles II. Two related problems threatened the security of the newly restored Irish kingdom. Charles depended on the support of an army which had only reluctantly abandoned Henry Cromwell;[59] but to raise the taxes that were necessary to pay the wages of the army, Charles had to reassure the Irish Parliament that the Cromwellian land settlement would remain intact.[60] When the Irish rebellion of 1641 was finally subdued in 1652, Oliver Cromwell's administration fulfilled the promises of earlier legislation by agreeing to pay its mainly Protestant army in Ireland with land confiscated from Catholic rebels.[61] As the architect of the 'Down Survey' which apportioned land to adventurers, Petty was closely

[58] William Petty to John Petty, 27 March 1660/1, BL, Add. MS 72850, f. 41r.
[59] S.J. Connolly, 'The defence of Protestant Ireland', in Thomas Bartlett and Keith Jeffrey (eds.), *A Military History of Ireland* (Cambridge, 1996), 232-3.
[60] In July 1660, the Privy Council directed Sir Charles Cootes to focus the kingdom's limited financial resources on the 'necessary support of the Army', an 'absolute necessity for his Majesties service': TNA, Privy Council Registers, 2/54, Item 63, f. 80v.
[61] Karl S. Bottigheimer, *English Money and Irish Land: The 'Adventurers' in the Cromwellian Settlement of Ireland* (Oxford, 1971), ch. 5.

involved in this process and acquired 'sizeable estates' of his own.[62] When the Irish Parliament was summoned in 1661, Petty was elected to the Commons.[63] Charles and James Butler, the duke of Ormond and Lord Lieutenant of Ireland from 1661, sought to exploit Petty's expertise and influence in the politics of Irish land. Against the odds, Petty attained a 'state of grace' at Court:[64] he was asked by Charles to serve as a land commissioner in Ireland and knighted in April 1661.[65] Though Petty was out of favour in England, and would remain so for much of the Restoration, he continued to thrive in Ireland. Ireland presented Petty with all sorts of problems: he suffered personally from the instability of the law and government in Ireland. But these conditions also made for a roomier intellectual culture. The intellectual interests that Petty had developed in Cromwellian England, particularly his interest in Hobbes's political theory, continued to be accommodated in Ireland. In the early 1660s, Hobbes's political theory and the account of taxation associated with it suggested a solution to the intractable problems of Irish land and finance. Petty took it up in his *Treatise of Taxes and Contributions*, and it was accepted to a remarkable extent by the Irish political nation.

Negotiations between the Crown and the Irish Parliament began to gather pace when Ormond arrived in Ireland in July 1662. Following 'great tuggings in the two Houses',[66] Parliament agreed to customs and excise duties on 'all... commodities, merchandizes and manufactures, as well native as imported or foraign', for the specific purpose of maintaining the 'army'.[67] It also adopted hearth money, a new levy of two shillings raised

[62] Toby Barnard, 'Sir William Petty as Kerry Ironmaster', *Proceedings of the Royal Irish Academy*, 82C (1982), 1.
[63] William Petty to John Petty, 30th March 1661, BL, Add. MS 72850, f. 114v.
[64] Petty to John Petty, 19th February 1660/1, BL, Add. MS 72850, f. 29r.
[65] Ibid., f. 29r; Petty to John Petty, 13th April 1661: BL, Add. MS 72850, f. 118r.
[66] Archbishop of Armagh to Ormond, 22nd March 1661, Bodl., MS Carte 45, f. 87r.
[67] *The statutes at large, passed in the Parliaments held in Ireland* (Dublin: 1786-1804), 21 vols., II, 365-366,

on every hearth or chimney.[68] These were passed in exchange for a new Act of Settlement, which partially confirmed the Cromwellian land settlement, and the abolition of the Court of Wards.[69] Institutional reforms accompanied this legislation. An 'office of Excise' was established in Dublin,[70] and disloyal corporations were deprived of their rights to 'Petty Customs' and 'Toll money'.[71] The Act of Settlement was amended within months of its agreement and disputed throughout the Restoration.[72] The financial legislation, however, was more successful. Since customs, excise and hearth money were hereditary revenues, granted to 'his Majesty, his House and Successors yearly for ever', they allowed successive monarchs to govern without Parliament until 1692.[73]

In the summer of 1662, shortly before this legislation was passed, Petty published the *Treatise* anonymously in London.[74] At the time Petty was writing the *Treatise*, the English Parliament was also negotiating a financial settlement for the Crown. Customs and excise levies were reinstated, though only on ale, beer and liquor;[75] and hearth money

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[68] Ibid., II, 504.
[69] Neil Johnston, 'State formation in seventeenth-century Ireland: the Restoration financial settlement, 1660-62', *Parliaments, Estates and Representation*, 36/2 (2016), 119. Coleman Dennehy also suggests that the 'land settlement' was used as 'leverage' by the Crown to secure a 'permanent financial settlement': 'The Restoration Irish Parliament, 1661-6', in Coleman Dennehy (ed.), *Restoration Ireland, Always Settling and Never Settled* (Aldershot, 2008), 65.
[70] Johnston, 'State formation', 133.
[71] The King to Ormond, 12th July 1662, MS Carte 42, f. 658r.
[72] Johnston, 'State formation', 135.
[73] 'Votes of the House of Commons of Ireland, for the grant to the King of two shillings yearly for ever' MS Carte, 68, f. 552r; Ivar McGrath, *The Making of the Eighteenth-Century Irish Constitution: Government, Parliament and the revenue, 1692-1714* (Dublin, 2000), 24.
[74] The *Treatise* was probably published in May 1662: Sir William Petty, *The Economic Writings of Sir William Petty*, ed. Charles Henry Hull (Cambridge, 1899), 2 vols., I, 4. It has been speculated that the *Treatise* was a pitch for office: McCormick, *William Petty*, 135; William Ferguson, 'Scottish-Irish Inter-Governmental Relations, 1600-1690' (PhD thesis, Cambridge University, 2014), 114, and D'Marris Coffman, *Excise Taxation and the Origins of Public Debt* (Basingstoke, 2013), 198. According to Hull, Petty was reappointed Surveyor-General of Ireland by the King, though the post 'cannot have been more than nominal': *The Economic Writings*, I, xxiv.
[75] 'A general excise was not realistic in England': Coffman, *Excise*, 181-2; See also, William Ashworth, *Customs and Excise: Trade, Production, and Consumption in England 1640-1845* (Oxford, 2003), 103-4; William Kennedy, *English Taxation: 1640-1799: an essay on policy and opinion* (London, 1913), 55-6; Paul Seaward, *The Cavalier Parliament and the Reconstruction of the old Regime, 1661-1167* (Cambridge, 1988), ch. 5, esp. 108-11.

was also adopted, though at a lower rate than in Ireland.[76] But in the preface of the *Treatise*, Petty emphasised the Irish context of his intervention: 'about the time of the *Duke of Ormond's* going Lord Lieutenant into *Ireland*'.[77] Though the economic theories he advanced had been long in development, the debates about Irish land and finance motivated Petty to apply 'those Notions unto *Ireland*'.[78] Since Ireland depended on a 'great Army' to secure the country from 'future Rebellions', it 'should understand the nature and measure of Taxes and Contributions'.[79] In this respect, the *Treatise* can be read as a theoretical justification of the Crown's tax policy agenda, carefully timed for maximum political impact. But the issue of land complicated the text's relationship with Crown policy. As a consequence of Catholic lobbying in London, the Act of Settlement entitled a Catholic acquitted of involvement in the rebellion to the immediate recovery of his lands, whether or not the Protestant occupant had been compensated.[80] This left Petty in an ambiguous position. The Crown had rejected the 'several pretences made unto the lands' possessed by Petty, but it acknowledged that he may be 'evicted by virtue of the Bill of general Settlement'.[81]

Though it has gone unnoticed by his historians, Petty attempted to forestall this provision in the preface of the *Treatise*. He encouraged Ormond to 'frustrate the force of any

[76] Michael Braddick, *The nerves of state: taxation and the financing of the English state, 1588-1714* (Manchester, 1996), 102.
[77] Petty, *Economic Writings*, I, 5. The *Treatise* is seldom analysed within the context of Irish politics. Tony Aspromourgos reads it as a seminal contribution to classical economic theory: Tony Aspromourgos, *On the Origins of Classical Economics: Distribution and value from William Petty to Adam Smith* (London, 1996), 22. Ted McCormick, though more sensitive to the political context of the *Treatise*, concentrates on the extent to which the text contributed to the 'Baconian' project of 'Universal Reformation' that he takes to be Petty's life's work: McCormick, *William Petty*, 135-47. Others integrate the *Treatise* into their accounts of the development of the English fiscal state, and their Anglo-centric focuses obscure the text's original polemical purpose: Braddick, *The nerves of state*, 114-5; Coffman, *Excise*, 197-9; Ashworth, *Customs and Excise*, 55.
[78] Petty, *Economic Writings*, I, 9.
[79] Ibid., I,, 5.
[80] J.G. Simms, 'The Restoration, 1660-85', in T.W. Moody *et al.* (ed.), *A New History of Ireland. III, Early Modern Ireland, 1534-1691* (Oxford, 2009), 422-4.
[81] The King to the Lords Justices of Ireland, 1 February 1661/2, MS Carte 42, f. 492r.

subdulous whisperings in the Ears of His Majesty' and exact 'a single Subject Justice against a Confederate multitude': the collective punishment of Catholics by their mass dispossession.[82] Later, in the 1680s, Petty used his Hobbesian concept of the commonwealth to characterise the 1641 rebellion as an act of 'confederacon', whereby 'all the Roman Catholiques, set up a new Supreme Power'.[83] The Catholic Irish, so the argument went, were equally culpable for the crimes committed by their representatives and it was therefore legitimate to confiscate their land. In the *Treatise*, Petty imagined Ireland as a 'white paper' in which pre-existing claims of proprietorship had no bearing on the 'Settlement' that Ormond took 'in hand'.[84] Rather, the settlement was an 'opportunity, to pass into Positive Laws whatsoever is right reason and the Law of Nature'; and the law of nature accorded a conqueror a right to the property of the conquered.[85] The dense analysis and often opaque statistics in the main body of the *Treatise* can sometimes obscure the text's original strategic purpose. Addressing the fundamental division in Irish Parliamentary politics, Petty attempted to reconcile the financial interests of the Crown and the property interests of the Protestant community. Natural law suggested a way of bridging these rival interests. It not only warranted the confiscation of Catholic land; it could also perform the harder task of justifying the controversial excise and hearth money, described by Petty as an 'accumulative excise', on which Ireland's future security depended. As we shall see, Petty's naturalist argument for excise also involved his Hobbesian concept of the commonwealth.

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[82] Petty, *Economic Writings*, I, 8.
[83] Sir William Petty, 'An Answer to Twelve Queries', BL, Add. MS 72883, f. 57r-58r.
The preamble to the Act of Settlement made a similar argument, for which, see ch. 2, p. 118.
[84] Petty, *Economic Writings*, I, 8.
[85] 'If you are conquered, all is lost': ibid., I, 46. Elsewhere, Petty suggested that the conqueror had a right to the property of the conquered 'as wrecks of lost ships becomes the property of others': 'An Answer to Twelve Queries', BL, Add. MS 72883, f. 60r.

Petty's case for excise

Early on in the *Treatise*, Petty established his preference for financing the state through taxes rather than Crown estates. Taxing 'the very Land it self', by apportioning a quantity of land to the Crown, supplied the King with only a small and insecure source of revenue.[86] If taxes were to be raised on land at all, they should be levied in the form of 'Quit Rents', like those paid by 'Adventurers and Souldiers in *Ireland*'. Quit-rents were particularly suited to 'a new State', such as Ireland, because they could be 'agreed upon... before men had even the possession of any Land at all'.[87] In an established state, such as England, they would prejudice landlords 'whose Rents were settled, and determined for long times to come'. Even in Ireland, land taxes were problematic, however: 'frequent Rebellions' had left a legacy of depopulation, absenteeism and disputes over the rights of tenure, which made it difficult to estimate the value of land.[88]

Petty continued his analysis of a range of possible tax policies- customs, poll-money, lotteries, benevolences, tythes and monopolies- but he concluded with an argument for excise. The 'perfect' form of excise was a tax on the consumption of every commodity, calculated and levied 'just when it is ripe for Consumption'.[89] But since this was 'too laborious' a process, Petty settled for an 'accumulative excise', a single levy imposed on a 'Catalogue' of necessary commodities, which encompassed the labour and resources expended in turning the commodity into a consumable product.[90] The aggregated calculation of 'accumulative excise' distinguished it from an excise on a specific

[86] Petty, *Economic Writings*, I, 38-9.
[87] The reference to the 'new State' is to the state formed following the conquest of Ireland by the English Protectorate.
[88] Ibid., I, 46.
[89] Ibid., I, 91.
[90] Ibid., I, 92.

commodity, such as beer.[91] A man's consumption of beer, said Petty, bore no proportional relationship to his consumption of other commodities. Petty's favourite 'accumulative excise' was the hearth money: 'the easiest, and clearest, and fittest to ground a certain Revenue upon'. But administrative efficiency and political convenience were not Petty's only 'Reasons for Excize'. Most importantly, the tax satisfied a principle of 'Natural Justice' that 'men should contribute to the Publick Charge but according to the share and interest they have in the Publick Peace'.[92] A man's 'share' in the public peace was proportionate to his 'Riches', rather than his 'Estates'; and since richness was simply the capacity to purchase commodities, his contributions should be aligned to his consumption.

This was an unusual characterisation of natural justice and an uncommon case for excise. As Petty acknowledged, excise had an 'odious' reputation in England, and those responsible for formulating tax policy earlier in the century had been careful to avoid the term.[93] Excise was first imposed by Parliament in 1643 and was levied throughout the Commonwealth.[94] Having opposed indirect taxes on domestic commodities for centuries, Parliament justified the excise as a temporary inconvenience, necessary to cover the expenses of war.[95] As complaints were raised that excise placed a disproportionate burden on the poor,[96] this argument was embellished with claims that, in so far as the spendthrift paid more than the frugal, it was also equitable.[97] The exemptions from excise for certain

[91] Ibid., I, 94.
[92] Ibid., I, 91.
[93] Ibid., I, 93; Braddick, *The nerves of state*, 115.
[94] Coffman, *Excise*, ch. 2.
[95] Ibid., 30; Braddick notes that excise was only imposed 'for short periods of time': Michael Braddick, 'Popular Politics and Public Policy: The Excise Riot at Smithfield in February 1647 and its Aftermath', *The Historical Journal*, 34/ 3 (1991), 601.
[96] Kennedy, *English Taxation*, 14.
[97] Anon, *Reasons and grounds for the necessitie, equalitie, and expediencie of an excise, to be granted upon the particulars contained herein*. (Edinburgh, 1644), 3-4.

commodities made it easier to argue in this moralistic vein that excise was a tax on luxury and decadence. These arguments were of little use to Petty as he addressed the Irish situation in 1662. Though Oliver Cromwell had levied the excise 'indefinitely' following the dissolution of the Protectorate Parliament in 1656,[98] the Irish Parliament was the first to establish an excise on all domestic commodities as a hereditary grant.[99] This created the need for an argument for excise as just, as well as necessary, and there were not many arguments available to Petty that satisfied this criterion.

By the early seventeenth-century, indirect taxes on imported goods, or customs, had become a central feature of English public finance; but indirect taxes on domestic goods, or excise, were not imposed, and any attempts by the Crown to impose them faced widespread opposition. Elsewhere in Europe, excise taxes were adopted by governments and openly endorsed in print. In Holland, the financial backbone of the Dutch Republic, excise accounted for around 'two-thirds of all government revenues',[100] and Petty referred to the Dutch tax in the *Treatise*.[101] An excise tax, known as the 'alcabala', was also imposed in Hapsburg Spain and a case for indirect taxes developed around it. Nicole Reinhart has shown that in the moral-theological treatises of second scholasticism, the right of imposing emerged as 'the decisive category of sovereignty' and retained this position in Spanish 'Reason of State' discourse.[102] Francisco Suarez reclaimed civil and natural law as a combined basis for prerogative taxation in his *De Legibus* of 1612, and

[98] Coffman, *Excise*, 137.
[99] The English House of Commons prevented the excise on salt from becoming part of the hereditary grant to Charles II: Edward Hughes, *Studies in Administration and Finance, 1558-1825: with special reference the history of salt taxation in England* (Manchester, 1934), 136.
[100] Maarten Prak, *The Dutch Republic in the Seventeenth Century* (Cambridge, 2005), 77.
[101] Petty, *Economic Writings*, I, 59, 95.
[102] Nicole Reinhardt, *Voices of Conscience: Royal Confessors and Political Counsel in seventeenth-century Spain and France*, (Oxford, 2016), 123.

he refuted the claim made by an earlier generation of scholastic thinkers that taxes on consumption were unjust because they prejudiced the poor.[103]

In England, the case for indirect taxes as just developed in 'royal absolutist' discourse and resembled Suarez's case in its use of civil and natural law. The first sustained exposition of this case was *The Question concerning Impositions*, written by Sir John Davies in 1626 but not printed until 1656, which argued that customs could be imposed by royal prerogative and raised the possibility of taxes on domestic goods. Davies was a long-serving Crown servant and he seems to have inspired developments in the Crown's fiscal policy and influenced the terms in which these developments were justified. Following the failure of the 1625 and 1626 Parliaments to supply Charles I with adequate funds, government officials began to entertain the possibility of imposing an excise tax;[104] and in *Religion and Alegiance*, printed in 1627, Roger Maynwaring maintained the justice of taxing subjects according to their consumption of commodities with reference to Suarez.[105] In 1628, the Privy Council established a 'commission' to consider the imposition of excise. Although the exposure of the scheme in 1628 caused consternation in Parliament, excise had become a viable policy option and was considered by the Crown throughout the 'personal rule'. It was in this context that Hobbes argued in *The Elements* that excise was demanded by natural law, an argument he developed in *De cive* and *Leviathan*.

It was not Petty's style to engage directly with other literature; the format of the *Treatise*, with its clipped prose and dense statistics, did not accommodate that sort of engagement.

[103] Ibid., 130.
[104] An anonymous treatise was written in 1626, recommending an 'Excise' on the Dutch model, TNA, SP 26/43 I, ff 1-3v.
[105] Roger Maynwaring, *Religion and Alegiance* (London, 1627), 2 vols., II, 45.

To locate the precise discursive context of the *Treatise* and its argument for excise, then, we must reconstruct the argumentative options available to Petty at the time and draw on wider evidence of his contemporary intellectual interests. As we shall see in subsequent chapters, other texts by Petty require a similar treatment. Petty's argument that excise was just according to the principles of natural law certainly belonged to the 'royal absolutist' discourse about the rights and forms of taxation. When we revisit the *Treatise* in light of the discourse, we will see that Petty was thinking with Hobbes in particular and developed an engagement with Hobbes that began in his paper on 'systems of government'. Before we attend to Hobbes, however, we must first attend to Davies. Davies first developed his case for indirect taxes as a Crown official in Ireland: he was driven to the *avant-garde* periphery of English royalism by the challenges he faced on the Irish periphery. Elsewhere, Petty endorsed Davies's explanation of the historic failure of the English conquest in Ireland: his *Discoverie* of 1612.[106] The Irish context of Davies's case for indirect taxes clarifies why Hobbes's case for excise, a sharper and more compelling version of Davies's case, appealed to Petty when he came to write the *Treatise*.

Sir John Davies and the 'royal-absolutist' tax discourse

As the Attorney General in Ireland in the early years of the seventeenth century, Davies had 'waged a systematic campaign' against the privileges of incorporated port towns.[107] Since 1565, 'crown rights' had been transferred systemically to these towns as part of a 'successful campaign... to expand English influence beyond the narrow boundaries of the English Pale'.[108] These rights included the 'control of all customs appointments and of

[106] Petty, *Economic Writings*, I, 155.
[107] Hans Pawlisch, *Sir John Davies and the Conquest of Ireland: a study in legal imperialism* (Cambridge, 1985), 122.
[108] Ibid., 122-3.

customs revenue normally due to the crown'. By the turn of the century, however, the Crown wanted these powers restored to it, a shift in policy that was paralleled in Suarez's Spain where municipal taxes were increasingly regarded as 'dead wood that had to be cut away'.[109] In *quo warranto* proceedings against the recalcitrant Waterford corporation, Davies cited the law of nations, the law merchant, and *corpus juris* in support of the Crown's case. He argued that whereas common law had little to say about customs, these branches of the civil law decisively designated the levying of customs a prerogative right.[110] Davies prevailed, and Irish customs revenue became 'a pillar of government finance' during James's reign.[111] English customs revenue also increased following the introduction of new, extra-parliamentary levies.[112] The Parliament of 1624 challenged the lawfulness of these levies;[113] and in 1625, following the accession of Charles I, Parliament broke with tradition by refusing the king the right to levy tonnage and poundage for the duration of his reign.[114] The following year, Davies wrote *The Question concerning Impositions*, in which he returned to the civil law tradition to establish a prerogative right to levy customs.

Davies dealt with the lawfulness of customs within the first six chapters of *The Question*: merchandise was a distinctive category of goods and levies on their exchange had a unique historical and legal basis. Since merchandise was 'transported' from one 'dominion' to another, it was governed not by English common law, which was 'Native

[109] Reinhardt, *Voices of Conscience*, 124.
[110] Pawlisch, *Sir John Davies*, 131.
[111] Ibid., 131.
[112] Conrad Russell, *Parliaments and English Politics 1621-29*, (Oxford, 1979), 60; Frederick C. Dietz, *English Public Finance, 1558-1641* (New York, 1932), 194-5, 234., 177.
[113] Russell, *Parliaments and English Politics*, 60.
[114] Dietz, *English Public Finance*, 226.

and peculiar to our Nation only', but by the universal laws of nations and merchants.[115] Customs levies on merchandise were consistent with the 'common reason and equity' embodied in the law of nations; and they had been imposed by Kings according to this law before the development of positive laws.[116] The law of nations continued to govern merchandise through the law merchant, a 'branch' or 'part' of the law of nations; and it was according to the law merchant that present day Kings imposed customs levies.[117] The law merchant had been integrated into English law and its jurisdiction over merchandise was recognised by the common law. Whether or not 'Taxes and Tillages' on domestic goods required the consent of Parliament thus had no bearing, said Davies, on the King's prerogative right to levy customs.[118]

But had Davies concluded *The Question* there, it would have been a very different book. It would not have been as attractive to those who eventually printed it in 1656, when the Protectorate was scrambling to justify the imposition of excise by prerogative powers, nor would it have provoked as much debate among historians. But in chapter 7, Davies expanded his scope from the king's prerogative right to levy customs to 'the Kings Prerogatives in general', which he discussed with reference to the law of nature. Following the civil law authorities that he cited, Davies frequently spoke of the 'laws of nature and nations' as constituting a single corpus. In the opening passages of chapter 7 however, he distinguished the two in order to introduce his broader account of prerogative powers. 'By the Law of Nature all things were comon, and all persons equal, there was

[115] Sir John Davies, *The Question concerning impositions tonnage, poundage, prizage, custom, &c: fully stated and argued from reason, law, and policy: dedicated to King James in the latter end of his reign* (London, 1656), 2.
[116] Ibid., 7.
[117] Ibid., 10.
[118] Ibid., 18.

neither *Meum* nor *Tuum*'.[119] The law of nations 'brought in property'; and since the associated 'Contracts, Trade, and Traffiqye.... could not be ministred without a King or Magistrate', it also 'took away the equality of persons'. The idea that the law of nations had introduced property and social stratification to an original state of common ownership and equality was well-established in the civil law tradition.[120] But it had been politicised by Hugo Grotius in *Mare Liberum*, his 1609 case for free trade and navigation, and there are reasons to believe that Davies was responding to Grotius's formulation.

Grotius followed the civil lawyers in distinguishing between 'proper' ownership and original common ownership but suggested that even proper ownership was developed under nature's instruction.[121] Nature instructed men to occupy and cultivate land to meet their physical needs; and when property was first established in law, the law imitated nature by recognising occupancy as the basis of propriety. Since the sea could not be occupied by men, it could not be owned; and since the territories of the state consisted in the property of its subjects, the state could not claim dominion of the sea. But another implication of Grotius's theory was that the acquisition and exchange of property, the substance of commutative justice, were governed by natural rather than positive law.[122] As Grotius clarified in *De jure belli ac pacis*, published in 1625, this reduced the need for state regulation of trade, which could and must be freely conducted according to natural law.[123] 'Commerce' disseminated essential commodities to places where they would otherwise be unobtainable and no state had the right to hinder it by restricting the passage

[119] Ibid., 29.
[120] Christopher Pierson, *Just Property: A History in the Latin West. Volume One: Wealth, Virtue, and the Law* (Oxford, 2013), 126, for Suarez's contribution,162.
[121] Hugo Grotius, *The Free Sea (Hakluyt translation)*, ed. David Armitage (Indianapolis, 2004), ch. 5.
[122] Richard Tuck, *The rights of war and peace: political thought and the international order from Grotius to Kant* (Oxford, 1999), 88-9; Pierson, *Wealth, Virtue and the Law*, 165-70.
[123] Hugo Grotius, *The Rights of War and Peace*, ed. Jean Barbeyrac (Indianapolis, 2005), 3 vols. II, 443-5. For the necessity of free trade, see *The Free Sea*, ch. 8.

of ‘Merchants’ and ‘Merchandize’. States were entitled to impose customs duties on ‘foreign Commodities’ to ‘recompense’ for the costs of facilitating trade, but these duties could not be ‘higher than the Reason for exacting requires; for on that depends the Justice of Customs and Taxes’.

In the decade that followed the publication of *Mare Liberum*, the intensification of Anglo-Dutch rivalry encouraged James to reassert the Crown’s historic claim to dominion of the sea.[124] Grotius needed to be repudiated and William Welwood and John Selden attempted the task.[125] So too did Davies, albeit for reasons of domestic rather than international politics. The biographies of Davies and Grotius share some suggestive similarities. Davies had been taught civil law by Grotius’s ‘mentor’ Paul Merula, a jurist at Leiden University;[126] and towards the end of the first decade of the seventeenth-century, Davies also found himself grappling with the question of maritime dominion. In the case of the Bann fishery, Davies asserted the King’s dominion of the seas to settle his right to a riverine fishery in Ulster.[127] Davies argued that the King’s maritime dominions and the prerogative rights he exercised over them extended to tidal or ‘navigable’ rivers and the ‘ports and havens’ that adjoined them.[128] He repeated this claim in *The Question*, following his shift of focus in chapter 7 to ‘the Kings Prerogatives in general’.

[124] Tuck, *The rights of war and peace*, 114.
[125] For Welwood, see Thomas Wemyss Fulton, *The sovereignty of the sea: an historical account of the claims of England to the dominion of the British seas* (Edinburgh, 1911), 352-8. For Selden see, Tuck, *The rights of war and peace*, 113-20.
[126] Hans Pawlisch, ‘Communication. Sir John Davies, the Ancient Constitution and Civil Law’, *Historical* Journal, 23/ 3 (1980), 695. For Grotius and Merula, see W.S.M. Knight, ‘The Infancy and youth of Hugo Grotius’, *Transactions of the Grotius Society*, 7 (1921), 5, 12.
[127] For details of the case and Davies’s involvement, see: Pawlisch, *Sir John Davies*, ch. 5.
[128] John Davies, *A report of cases and matters in law, resolved and adjudged in the King’s courts in Ireland. Collected and digested by Sir John Davies, Knight, The King’s Attorney-General in that Kingdom* (Dublin, 1762), 152-3.

Chapter 7's formulation of the laws of nature and nations undermined Grotius's accounts of property and trade. Davies implied that property and Kings were established concomitantly, and he went on to describe the King as the 'Fountain' of both 'distributive' and 'commutative' justice.[129] To fulfil these functions, the King was awarded an 'absolute and unlimited power' by the law of nations, and Davies made special mention of the powers of 'stoping and imbarring' trade and collecting 'Tributes and Customes'.[130] The initial chapters of *The Question* had implied that of the King's fiscal powers, only the power to levy customs had survived the course of time; and Glenn Burgess is satisfied that Davies left domestic property under the jurisdiction of the common law.[131] But subsequent chapters suggested otherwise.[132] Not only did Davies's interpretation of the King's *'dominus maris*' extend the King's prerogative power to levy customs deep into the territorial domain of the common law. Davies also argued that the king had the right to impose a number of other taxes but had voluntarily decided not to exercise it. The 'King of *England*', said Davies, 'hath and ever had as absolute Prerogative.... to lay Impositions' as 'any other King, Prince, or State in the world'.[133] This included impositions on domestic goods, or excise taxes, and Davies gave the example of the Spanish '*Alcavala*'.[134]

In the later chapters of *The Question*, then, Davies demonstrated how natural law, configured in a certain way, could be used to think afresh about the rights and forms of

[129] Davies, *The Question concerning impositions*, 76-7.
[130] Ibid., 30, 85.
[131] Glenn Burgess, *Politics of the Ancient Constitution: an introduction to English political thought, 1603-1643* (Basingstoke, 1992), 147.
[132] J.P. Sommerville cites evidence from these chapters to refute Burgess's interpretation of *The Question*: *Royalists and Patriots: Politics and Ideology in England, 1603*-1640, (2nd edn. Harlow, 1999), 248-9. Ofir Haivry follows Sommerville's interpretation of *The Question*: *John Selden and the Western Political Tradition* (Cambridge, 2017), 152-6.
[133] Davies, *The Question concerning impositions*, 148.
[134] Ibid., 156.

taxation. An account of natural law that rendered property and commercial society dependent on the distributive and commutative functions of the state simplified the criteria according to which a tax was adjudged to be necessary and just. Above all, it warranted the imposition of indirect taxes on imported and domestic goods. But the problem with *The Question*, at least for subsequent supporters of excise, was that Davies had tried to balance natural and civil law with the common law, and the common law imposed constitutional and geographical limitations on the use of prerogative powers. As we have seen, this tension manifested in the structure of *The Question* and muddied Davies's position on excise. But if Davies's ambivalence towards excise reflected the views of other Crown officials, in time these views would change. As the financial condition of the Crown deteriorated further, excise began to be discussed as a viable policy option.

Thomas Hobbes and the 'royal absolutist' case for excise

In the early years of his reign, Charles I faced a 'near crisis' in his finances: a combined consequence of his expensive military ambitions and the refusal of Parliament to grant him sufficient subsidies or the permanent right to levy tonnage and poundage.[135] Following the dissolution of Parliament in 1626, Charles appealed directly to the taxpayer to supply him with 'benevolences', an ill-conceived policy which was soon supplanted by the 'Forced Loan'.[136] The Crown may have thought that loans would be more constitutionally acceptable than an extra-Parliamentary tax. But since those who refused to pay the loans were often imprisoned without due process and removed forcibly from

[135] Kevin Sharpe, *The Personal Rule of Charles I* (New Haven, 1992), for the Crown's finances, 105; for war finance under Charles, 9-23.
[136] Richard Cust, *The Forced Loan and English Politics: 1626-1628* (Oxford, 1987), 2-3.

London, the policy provoked angry opposition nonetheless.[137] In 1628, Parliament listed the 'Forced Loan' alongside 'arbitrary imprisonment' in its Petition of Right, to which Charles acceded in June.[138] Charles then began to consider his other policy options, and in February 1628, he issued an abortive writ for Ship Money, the infamous tax to which he would resort in the 1630s.[139] But he also considered levying an excise tax, and his establishment of a secret 'excise commission' provoked an impassioned but often overlooked debate in the Parliament of 1628.[140] Edward Coke revealed the contents of the commission in June 1628, just as the King was preparing to accept the Petition of Right.[141] Parliament's response to Coke's revelation stands as the most comprehensive record of public opposition to excise in Caroline England. The excise was considered so 'Obnoxious to the commonwealth' that men would be justified to resist it, 'even by force'.[142] However, George Villiers, the duke of Buckingham's response to Parliament also attests to the growing popularity of the 'royal absolutist' case for excise among Crown officials. Not long after Maywaring had cited Suarez in defence of consumption taxes in *Religion and Alegiance*, a citation for which he was condemned in Parliament,[143] Buckingham cited Suarez's discussion of the 'alcabala' to remind Parliament of the ubiquity of excise in mainland Europe.[144]

The 1628 Parliament did not deter the Crown from continuing to levy tonnage and poundage without Parliamentary sanction, or from considering the imposition of other

[137] Ibid., 58-62. See also, L.J. Reeve, *Charles I and the Road to Personal Rule* (Cambridge, 1989), 14-5.
[138] Russell, *Parliaments*, 44, 344.
[139] Sharpe, *Personal Rule*, 68, 14-5.
[140] The commission is mentioned briefly in Russell, *Parliaments*, 44, 338, Hughes, *Studies*, 13, 116-7, and Coffman, *Excise*, 12, 27.
[141] *Proceedings in Parliament, 1628: Commons Debates 1628, Volume IV: 28 May-26 June 1628*, eds. Mary Frear Keeler *et al.* (New Haven, 1978), 241.
[142] Ibid., 191.
[143] *Commons Debates 1628, Volume IV*, 108-9.
[144] *Proceedings in Parliament 1628: Lords Proceedings 1628, Volume V*, eds. Mary Frear Keeler *et al.* (New Haven, 1978), 648-9.

indirect taxes.[145] Excises on victuals and alcohol were considered by the Crown on several occasions in the early 1630s. In 1632, an 'excise' on ale and beer was proposed, the first recorded instance of the Crown using the word to describe a proposed levy;[146] and the Lord High Treasurer William Juxon imposed a similar duty on wines in 1638.[147] The Crown's tax policy was particularly radical in Ireland. From 1632, Lord Deputy Wentworth forced successive subsidy grants through Parliament and attempted ambitious reforms to the collection of customs.[148] Despite these developments, however, more conventional policy options continued to compete for the King's attention. He levied Ship Money from the mid-1630s and considered re-establishing the royal demesne or 'fisc'.[149] Hobbes's *Elements* of 1640 constituted, among other things, an intervention in these debates about state finance. As in *The Question*, the discussion of tax policy in *Elements* was preceded by a claim about the development of private property from an original condition in which there was neither 'meum' nor 'tuum'.[150] Without the equivocation exhibited by Davies, Hobbes maintained that all claims of 'propriety' depended on the prior establishment of sovereign power; and this included propriety over one's person and money.[151] The sovereign thus had the right to tax his subjects to cover the costs of maintaining the public peace: the reason for his institution. But since every subject had an equal share in this peace, the 'law of nature' required that 'the burthens, and charge of the commonwealth' were also shared equally.[152] Hobbes concluded that the 'most equal' and undemanding way of 'dividing the burden of the publick charge', was for 'every man'

[145] Sharpe, *Personal Rule*, above n 135, 105.
[146] *Calendar of State Papers Domestic Series, Charles I. 1631-1633*, ed. John Bruce (London, 1862), 506, cited in Hughes, *Studies*,117 n 455.
[147] Dietz, *English Public Finance*, 283, 286.
[148] Aiden Clarke, 'The Government of Wentworth, 1632-40', in *A New History of Ireland. III*, 243-69.
[149] For Ship Money, see Conrad Russell, *The Fall of the British Monarchies 1637-1642* (Oxford, 1991), ch 1. For the 'fisc' see, *Calendar of State Papers, Domestic Series, of the Reign of Charles I, 1635* ed. John Bruce (London, 1865), 515.
[150] *EW*, IV, 127.
[151] Ibid., IV, 163-5, 203.
[152] Ibid., IV, 216-7.

to ‘contribute according to what he spendeth, and not according to what he gets’. And he therefore endorsed a comprehensive excise tax on every purchase that subjects made for ‘their own provision’.

In *De cive*, Hobbes refined his case for excise and argued it more carefully. He repeated the claim that ‘sovereigns are obliged by natural law to impose the burdens of the commonwealth equally upon the subjects’.[153] He also claimed that doing so would propitiate disgruntled taxpayers, for it was unequal rather than heavy taxes that really vexed them. But he then proceeded to clarify that ‘Equality’ in relation to taxes ‘does not mean monetary equality, but equality of burden, i.e. proportionate equality between burdens and benefits. For although all men equally enjoy peace, the benefits of peace are not equal for all’.[154] A flat-rate levy like poll-money, though an equal tax, was therefore unacceptable to Hobbes because it did not account for the inequality of ‘benefits’. Of the two ways of measuring the ‘benefits’ that a subject accrued from the commonwealth, the value of his property or the size of his expenditure, the latter was the more equitable. Taxing what subjects already possessed disproportionately favoured those who were prone to ‘extravagant living’ and had wasted all they had owned. Taxing expenditure, on the other hand, more accurately accounted for the possessions that a subject had enjoyed ‘by virtue of the commonwealth’. These arguments were rehearsed in *Leviathan* alongside a swipe at the idea of re-establishing the royal demesne.[155]

[153] *OTC*, 147.
[154] Ibid., 147-8.
[155] *Leviathan*, II, 536-8. Hobbes warned that the ‘setting forth of Publique Land, or of any certaine Revenue for the Commonwealth’ risked the ‘dissolution of Government’, should an irresponsible person obtain the sovereign power: ibid., II, 390-2.

Hobbes was involved personally in the fiscal politics of Caroline England. He had assisted the Cavendish family in collecting the 'Forced Loan' in Derbyshire, and his association with the 'heavy-handed approach of the Cavendishes' to the collection of Ship Money seems to have scuppered his chances of a Parliamentary seat in 1640.[156] It has been suggested by J.P. Sommerville and Noah Dauber that Hobbes's support for excise is evidence of his 'sensitivity' to the unpopularity of Ship Money and particularly the complaint that Ship Money rates were calculated unfairly.[157] Dauber cites Hobbes's support for excise in *Elements* as supporting evidence for the claim that Hobbes was 'for a more participatory state', one equipped with mechanisms for adjusting policy in response to public opinion.[158] Considered in relation to the debates about taxation reconstructed in this chapter, however, these readings seem to soften Hobbes's argument for excise. They overlook the equivalent unpopularity of excise, the events of 1628 that solidified its reputation, and the subsequent incongruity of the claim that it was in accordance with natural law.

For this claim to be palatable, one must have already digested Hobbes's prior claims about natural law and its role in the creation of civil society: namely, that civil society was constituted by a covenant, under which men transferred their natural rights to a sovereign in agreement with the first law of nature: 'to seek peace'.[159] In *Elements*, Hobbes discussed tax in relation to 'the law of nature' in general, but in *De cive* he referred

[156] Noah Dauber, *State and Commonwealth: The Theory of the State in Early Modern England, 1549-1640* (Princeton, 2016), 201.
[157] J.P. Sommerville, *Thomas Hobbes: Political Ideas in Historical Context* (Basingstoke, 1992), 100; Dauber, *State and Commonwealth*, 222.
[158] Ibid., 222. Having made his case for excise as an equitable tax, Hobbes argued for a 'free and open way for the presenting of grievances to... the sovereign authority': *EW*, IV, 218. This passage forms the basis of the Dauber's claim, which seems to conflate the ventilation of a grievance with a more positive act of political participation.
[159] Ibid, 86-8; *OTC*, 34; *Leviathan*, II, 200.

specifically to '*Aequitas'*, 'fairness' or 'equity';[160] and when one examines Hobbes's concept of equity, one is lead back quickly to the first principles of his political theory.[161] Having been used as a synonym for 'distributive justice' in *Elements*, equity retained this meaning in *De cive*'s fifteenth law of nature and *Leviathan's* eleventh.[162] Equity was the observance in practice of the law of equality which instructed men to treat one another as natural equals.[163] Whosoever was entrusted to 'distribute *Right*' or arbitrate disputes should be 'fair to both sides'. But since equity and equality were constitutive of 'Justice', the third law of nature, which consisted in fidelity to the original covenant that established civil society, their meaning was determined by the principles and requirements of this covenant. Natural equality must be 'admitted', said *Leviathan*, so that men would agree to 'enter into conditions of Peace'.[164] Hobbes collapsed equity into justice and justice into self-preservation and the abnegation of natural right.[165] An equitable policy was one that observed men's equality as members of civil society; that is as participants in a covenant which secured their common and equal protection.

Hobbes's case for excise as an equitable and equal tax was thus remarkably *in*sensitive to contemporary ethical and political sensibilities, for his natural law theory reconfigured these concepts and distorted their conventional meaning. The connexion between tax and armies in Hobbes's theory, a connexion that had concerned opponents of excise in the 1628 Parliament, underlines this point.[166] Since an equitable policy was one that satisfied

[160] *OTC*, 148.
[161] Tom Sorell, 'Law and equity in Hobbes', *Critical Review of International Social and Political Philosophy*, 19/1 (2016), 35.
[162] *EW*, IV, 104; *OTC*, 50; *Leviathan*, 108. Johan Olsthoorn identifies subtle changes in 'the meaning and address of 'equity'' in Hobbes's theory: 'Hobbes's Account of Distributive Justice as Equity', *British Journal for the History of Philosophy*, 21/1 (2012), 20-1.
[163] *OTC*, 50.
[164] *Leviathan*, II, 234.
[165] Sorrell, 'Law and equity in Hobbes', 35.
[166] *Commons Debates 1628, Volume IV*, 147, 169, 191.

the principles of the covenant, and subjects entered into the covenant to preserve their lives from violent death, excise was all the more equitable for its capacity to sustain a permanent military force. *De cive* argued that the maintenance of such a force was one of the 'essential' duties of the sovereign. To guarantee its security from external threats, a state should be '*forearmed*', and this meant that 'money for war must be accumulated in time of peace'.[167] Taxes were simply 'the wages of those who keep watch under arms'. *Leviathan* repeated this description of taxes but also coined a definition of war which reinforced the necessity of a permanent military force and a regular tax to sustain it. War, said Hobbes, 'consisteth not in actuall fighting; but in the known disposition thereto', and he identified interstate relations as an example of such a condition.[168] He thereby elided the distinction between wartime and peacetime that Parliamentarians were apt to draw to dispute the need for prerogative or regular taxation.[169]

Hobbes had a heterodox political theory; but he also had a strategy to propagate this theory which involved seducing his readers 'with familiar or attractive positions'.[170] It is important to be aware of this when we read his case for excise. The case fell out of an account of natural law which suggested a wholly new formula for thinking about the rights and forms of taxation. Davies had also used natural law to challenge contemporary ways of thinking about tax, but his account of natural law coexisted uneasily with his account of positive law which tended to more conventional conclusions. There was no such tension in Hobbes's account. Tax could be discussed exclusively in terms of natural

[167] *OTC*, 146.
[168] *Leviathan*, II, 192.
[169] The main issues at stake in the Ship Money case were whether the tax was necessary to secure the safety of the realm and whom had the right to make that judgement: Peter Miller, *Defining the Common Good: Empire, Religion and Philosophy in Eighteenth-Century Britain* (Cambridge, 2004), 13.
[170] Jon Parkin, 'The Reception of Hobbes's *Leviathan*', in Patricia Springborg (ed.), *Cambridge Companion to Hobbes's Leviathan* (Cambridge, 2007), 444.

law for natural and positive law 'contain each other, are of equall extent'.[171] The first and second laws of nature instructed men to 'seek peace' and to do so by way of a covenant; and the remainder, including the laws of justice and equity, guided subjects and sovereigns alike as to how to maintain this covenant. This account of natural law empowered the sovereign to impose regular taxes and instructed him to tax the consumption of commodities. Hobbes thus allowed the Crown a right and form of taxation that it increasingly sought but was repeatedly denied.

The Treatise of Taxes revisited

By the time Parliament imposed the excise in 1643, a case for indirect taxes had already been developed by civil and natural lawyers on the *avant-garde* periphery of English royalism. In *The Elements*, Hobbes had produced the most theoretically sophisticated case for excise in Caroline England. Though the King imposed an excise in 1644, the tax soon became associated with the Parliamentary and Protectorate regimes. In the late 1640s, royalists even attempted to exploit popular opposition to the excise by denouncing the tax for its effects on the poor.[172] The case for the Parliamentary and Commonwealth excise taxes shared little with the 'royal absolutist' case, and it is telling that the latter only re-emerged when Cromwell levied the tax 'indefinitely' by prerogative powers. Perhaps the only exception was Henry Parker's *The Standard of Equality*, published under the alias Philo-Dicæus in 1647, as provincial opposition to the Parliamentary excise swelled into violent unrest.[173] Distinguished from other proponents of the Parliamentary excise by his support for establishing the tax on a permanent basis, Parker, an adept adaptor of 'royalist

[171] *Leviathan*, II, 418.
[172] Coffman, *Excise*, 54.
[173] Braddick, 'Popular Politics and Public Policy', 597-626.

idioms', engaged with the 'royal absolutist' argument for excise.[174] The tax, he argued, satisfied the principle that 'all Persons whatsoever, partaking of protection in the State, should share likewise equally in their payments, thereunto, according to their several proportions'.[175] And this, he said, was 'a rule of such undeniable Justice, that Nature it self might seeme to have dictated it'. Parliament did not have the time to test Parker's dubious prediction that the intrinsic equality of excise would eventually subdue the 'riots' that its imposition had provoked.[176] The policy was modified in response to the opposition, and the 'royal absolutist' case for excise did not recur in print until Petty published the *Treatise* as a contribution to debates about Irish land and finance in 1662.[177] In the context of these debates, Petty needed a formula for thinking about taxation that justified excise and for the purpose of maintaining an army, and this was to be found only in 'royal absolutist' discourse.

Petty acknowledged the royalist lineage of the political language he employed in the *Treatise*: he elaborated his conception of 'Sovereignty' within a coded rebuke of regicides and defence of Stuart authority.[178] The formulation of Petty's case for excise, however, suggests that he was thinking with Hobbes specifically. Petty's argument for the justice of excise, like Hobbes's, was wrapped up with an account of the origins and purpose of political society. His account was not as theoretically sophisticated as Hobbes's, but it did the same work of establishing the principles of equitable public policy. The *Treatise* re-described as a fiscal phenomenon the 'transfer' of power from people to sovereign that

[174] Michael Mendle, *Henry Parker and the English Civil War: The Political Thought of England's 'Privado'* (Cambridge, 1995), 70. It is possible that Parker had encountered Hobbes's case for excise: Hobbes's natural rights theory had been used to both criticise and characterise Parker's *Observations* of 1642: Parkin, *Taming*, 27-32.
[175] Philo-Dicaeus (Henry Parker), *The Standard of equality. In Subsidiary taxes & payments* (London, 1647), 7 (unpaginated: references refer to numbered points).
[176] Ibid., 27.
[177] Braddick, 'Popular Politics and Public Policy', 625.
[178] Petty, *Economic Writings*, I, 23.

Petty had described with reference to Hobbes in his paper on 'systems of government'. Tax was the medium by which a 'multitude of men' communicated their collective power to a sovereign to secure their 'Government and Protection'.[179] The 'Charge of the Militia', which secured the state's protection 'at home and aboard', was the often the 'greatest' expense of the State.[180] This transfer established the sovereign's right to impose taxes, and Petty asserted this right with reference to 'Ship-Money'.[181] But it also determined the form that taxation should take. Since taxes were the price that subjects paid for 'Publick Peace', they should 'contribute to the Publick Charge but according to the share and interest' they had in this peace, and that was proportionate to their general consumption.[182] The concept of the commonwealth as a corporation of all the subjects that Petty had read in Hobbes's *De cive* thus acquired a new purpose in relation to debates about the political-economic arrangements of the 'new state' in Ireland. Excise, as conceived by Petty, transposed this concept of the commonwealth into fiscal policy. It relied on an idea of 'justice' defined in relation to this concept; and by taxing anyone who participated in commercial exchange, pretty well the entire adult population of Ireland, it expanded participation in Ireland's fiscal system to reflect the equal juridical status that the concept accorded to every subject.

The *Treatise* not only considered the means by which public revenue should be raised; it also discussed the uses to which the revenue should be put. In the course of this discussion, Petty characterised the political relationships that constituted the 'State', and the concept of a corporate commonwealth was immanent in the relationships he described. As we have seen, 'royal absolutist' arguments for excise were associated with

[179] Ibid., I, 18, 38.
[180] Ibid., I, 18
[181] Ibid., I, 34.
[182] Ibid., I, 91.

legal discourses that expanded the sovereign's control over the economic activity and property of his subjects. In the Parliament of 1628, opponents of excise identified and exploited this association. Hobbes awarded the sovereign the most expansive authority in this regard, and in an important respect this move was facilitated by his concept of a corporate commonwealth. As Davies had recognised, civil corporations, particularly port towns, rivalled the fiscal authority of the King. Hobbes shared Davies's concerns about corporate privilege: *Leviathan* described incorporated towns 'as many lesser Common-wealths in the bowels of a greater, like wormes in the entrayles of a naturall man'.[183] By projecting the legal personality of corporations onto the commonwealth itself, however, Hobbes brought them under the control of the sovereign. The sovereign had an absolute power of representation and prescribed the power of the representative persons of other, lesser bodies.[184] By integrating corporations into the structures of the state, Hobbes inverted their conventional role as 'mediators' between rulers and their people and repudiated the attendant idea of a public realm beyond the domain of sovereign authority.[185]

In his *Reflections* of 1660, Petty had used Hobbes's metaphorical description of corporations to denounce the religious 'Sects and Factions' that flourished under Cromwell as 'worms and Magots in the Guts of a Commonwealth'.[186] In the *Treatise*, engaged at a deeper level with Hobbes's theory, Petty turned his sights on the original target of Hobbes's metaphor. He asserted the rights of the sovereign against the 'Free Ports';[187] he recommended taxes 'to prevent the growth of a City' such as London, 'such

[183] *Leviathan*, II, 516.
[184] Ibid., II, 348-50.
[185] Henry S. Turner, *The Corporate Commonwealth: Pluralism and Political Fictions in England*, 1516-1651 (Chicago, 2016), 88.
[186] William Petty, *Reflections upon some persons and things in Ireland* (London, 1660), 119.
[187] Idem, *Economic Writings*, I, 60-1.

excessive and overgrown Cities being dangerous to Monarchy';[188] he suggested that educational institutions, which are 'for the most but the Donations of particular men', become 'a publick Charge';[189] and he deflated the status of the Church within the commonwealth by allowing the sovereign to determine the form of public worship.[190] Petty also confronted the claims to privileged status made by others involved in government administration, namely officeholders. Like his critique of corporate privilege, moreover, Petty's critique of official privilege developed a theme of 'royal absolutist' discourse and consisted with his concept of a corporate commonwealth. For Hobbes, the commonwealth's capacity for unilateral action, a defining feature of a corporation, depended on the proper functioning of the political command structure presided over by the sovereign. Justice demanded that the law was enforced consistently, and to ensure that it was, public officers served subject to the sovereign's pleasure and faced penal sanctions if they failed to perform their duties.[191] Given that the '*People*' reigned in every commonwealth conceived as a corporation, Hobbes also repudiated the claims to official privilege sustained by the 'republican' conception of office-holding as a form of political participation.[192] In the *Treatise*, Petty challenged the idea that officeholders owned their offices: even when the 'burthen and uselessness of... an Office is taken notice of', he complained, 'tis nevertheless spared as a Subjects Freehold in favour of him that bought it'.[193] He called for the abolition of 'superfluous, supernumerary, and antiquated' offices and for the replacement of tax farming with a

[188] Ibid., I, 40.
[189] Ibid., 19-20.
[190] Ibid., 70.
[191] *EW*, IV, 217-8.
[192] Mark Goldie, 'The Unacknowledged Republic: Officeholding in Early Modern England', in Tim Harris (ed.), *The Politics of the Excluded, c. 1500-1850* (Basingstoke, 2001),153-94. See also, Conal Condren, *Argument and Authority in Early Modern England* (Cambridge, 2006), 308-13.
[193] Petty, *Economic Writings* I, 76.

regular system of tax collection;[194] and he suggested that clergymen, whom he regarded as public officers, be deprived of the tythes of the dissenters in their parishes.[195]

As well as consolidating political power in the sovereign, however, Hobbes's corporate conception of the commonwealth also regulated the way this power was exercised. In chapter 13 of *De cive,* Hobbes said that power should be exercised in accordance with an expansive concept of 'public safety'. Men incorporated themselves into commonwealths 'in order to be able to live as pleasantly as the human condition allows', not merely to survive, and Hobbes deduced the 'duties' of the sovereign from this premise.[196] A reader sensitive to Hobbes's rhetorical strategy might well have doubted his concern for the good life. He might have noticed that Hobbes characterised as 'duties' such hated policies as the raising of armies and the taxing of consumption.[197] But though his natural law theory reconfigured the concepts of equity and justice upon which they were based, Hobbes still recognised that subjects entered the commonwealth with expectations which policymakers would be well advised to meet. In Restoration Ireland, where the partial vindication of the Cromwellian land settlement and the 'expeditious rehabilitation' of episcopacy had shrunk the political nation, this was a disruptive way of thinking about politics.[198]

Petty, of course, justified the confiscation of rebel lands; indeed, he encouraged the Crown to go further than it had. But his concept of a corporate commonwealth and the

[194] Ibid., I, 25, 82-94.
[195] Ibid., I, 72-73.
[196] *OTC*, 143-4.
[197] Tom Sorell underappreciates the unconventional nature of the policies that Hobbes endorsed in chapter 13 of *De cive*: 'Hobbes, Public Safety and Political Economy', in Raia Prokhovnik and Gabriella Slomp (eds.), *International Political Theory after Hobbes. Analysis, Interpretation and Orientation* (Basingstoke, 2010), 42-55.
[198] Clare Jackson, 'The later Stuart church as "national church" in Scotland and Ireland', in Grant Tapsell (ed.), *The late Stuart church, 1660-1714*, (Manchester, 2012), 129.

excise tax that embodied it gave all Irish subjects a stake in the Irish state, whether they owned property or not, and this was reflected in his understanding of prudent public policy. He warned that it 'would be a great discommodity to the Prince' to overburden subjects with taxes or spend them insensibly.[199] And though he endorsed episcopacy as a 'sacred' institution, he concentrated all coercive power in the 'Civil Magistrate' and suggested that it only be deployed against non-conformists who threatened 'the indempnity of the State'.[200] This coercion, moreover, was to take the form of 'pecuniary mulcts' rather than corporal punishment; for by disabling its subjects 'the State not onely punisheth it self, but spreadeth the Pseudodoxies'.[201] Perhaps most importantly, however, Petty required the sovereign to facilitate trade by developing transport infrastructure and improving the health and education of his subjects. These policies, said Petty, would benefit Ireland and England alike, and he emphasised their advantages for Ireland's export trade in 'Cattle and Sheep'.[202] Petty's concern to develop the Irish economy, and his assumption of a common economic interest between England and Ireland, stand out in light of subsequent developments. Over the course of the 1660s, England began to treat Ireland as an economic rival and eventually prohibited Irish cattle exports. Restrictions on Irish trade were demanded by an imperial political economy that prioritised England's interests, and to oppose them, Petty adopted the empire as a whole as the unit of his analysis. Though he began to think on an imperial scale, however, he continued to think with Hobbes about the state and the political relationships that constituted it. It was the

[199] Petty, *Economic Writings*, I, 53.
[200] Ibid., I, 70. Petty distinguished the coercive authority of the 'Civil Magistrate' from the didactic authority of clergymen who provided 'patterns of holiness' that could be emulated by their congregation. Cf. *Leviathan*, III, 778-80. A combined commitment to episcopacy and prudential indulgence, determined by the requirements of civil peace, also characterised the religious policy of Ormond in the early 1660s: James McGuire, 'Ormond and Presbyterian Nonconformity, 1660-1663', in Kevin Herlihy (ed.), *The Politics of Irish Dissent, 1650-1800* (Dublin, 1997), 40-51.
[201] Petty, *Economic Writings*, I, 70. Cf. *Leviathan*, II, 488.
[202] Petty, *Economic Writings*, I, 31.

incorporative nature of Hobbes's state, moreover, that continued to serve his polemical objectives.

Chapter II: William Petty, the Cabal ministry and the government of empire

In the *Treatise*, Petty thought with Hobbes to establish foundations for the Restoration state in Ireland. His vision for the fiscal system in Ireland was realised in the legislation passed by the Irish Parliament, and for a while, the financial foundations of the state were secure. But Petty's vision for the land settlement in Ireland was not realised, and land ownership in Ireland remained unstable throughout the 1660s. The clause of the Act of Settlement that provided for the compensation of 'innocent' Catholics was responsible for much of this instability. From 1662 onwards, Catholics pursued their claims of innocence through a 'court of claims'.[1] The court heard only eight hundred of the many thousands of cases that were submitted to it;[2] and of those Catholics who were declared innocent, a number were prevented from returning to their estates by 'partisan Protestant officials' in the provinces.[3] Ormond tried to compensate for the failures of this process by unilaterally granting land to whoever he thought deserving.[4] Of course, the disorderly administration of the land settlement inconvenienced Protestant landowners as well as Catholic claimants. Petty found himself in a particularly awkward position when Ormond submitted his own claim to lands owned by Petty in Kerry which were already being contested in the court of claims by two Catholic gentlemen.[5] Administrative dysfunction was also responsible for another of Petty's setbacks around this time: a clerical error landed him with an 'alarming bill for arrears of quit-rent' which the Irish courts lacked the jurisdictional authority to resolve.[6] In 1667, Petty summarised the financial

[1] Danielle McCormack, *The Stuart restoration and the English in Ireland* (Martlesham, 2016), 111-21.
[2] Tim Harris, *Charles II and His Kingdoms 1660-1685* (London, 2006), 93.
[3] Toby Barnard, *Improving Ireland? Projectors, prophets and profiteers, 1641-1786* (Dublin, 2008), 49.
[4] McCormack, *The Stuart restoration*, 119-20.
[5] Toby Barnard, 'Sir William Petty, Irish Landowner', in Hugh Lloyd-Jones *et al.* (eds.), *History & Imagination: essays in honour of H. R. Trevor-Roper* (London, 1981), 206-7.
[6] Ibid., 209-10.

consequences of his recent misfortune: 'my houses and money are gone, and only so much of the land remains as is a continual fountain of vexations to me, for I have about thirty lawsuits'.[7] The project of the *Treatise* remained incomplete, and Ormond, to whom Petty had entrusted his project, had played a role in frustrating it. When court intrigue in England created an opportunity for regime change in Ireland, Petty seized it enthusiastically.

In 1667, Edward Hyde, the earl of Clarendon's ministry was replaced by the 'Cabal', an acronym for its five chief ministers: Thomas, lord Clifford; Henry Bennet, lord Arlington; George Villiers, duke of Buckingham, Anthony Ashley Cooper, lord Ashley; and John Maitland, duke of Lauderdale. Although he defended Clarendon during his impeachment, James, duke of York, effectively became 'the sixth member' of the ministry.[8] The new ministry was ill-disposed towards Ormond, an old ally of Clarendon's; and having survived several impeachment attempts, Ormond was eventually dismissed by the King in 1669.[9] Petty colluded in Ormond's dismissal;[10] indeed, Ormond considered Petty 'the most valuable and dangerous and withall the most ungratefull' of his enemies in Ireland.[11] For Petty, the formation of the Cabal represented an opportunity to address the structural problems in the Irish state that he had attempted to resolve in the *Treatise*. The ministry was characterised by infighting; this is axiomatic. But the policy agenda over which this infighting emerged nevertheless differed markedly from that which Clarendon's ministry had pursued. The ministry's policies reopened debate about the nature of political membership in the Stuart empire, and the status of non-English and non-Anglican

[7] Sir William Petty to Sir Robert Southwell, 21st January 1667, cited in Edmond Fitzmaurice, *The life of Sir William Petty, 1623-1687* (London, 1895), 151.
[8] F.C. Turner, *James II* (London, 1948), 90-1.
[9] James McGuire, 'Why was Ormond dismissed in 1669?', *Irish historical Studies*, 18/71 (1973), 304-6.
[10] The earl of Ossory to Ormond, 5th October 1667, Bodl. MS Carte 220, f. 290v.
[11] Ormond to Ossory, 15th October 1667, MS Carte 48, 221r.

subjects were especially contested. In *The Political Anatomy of Ireland* and *Political Arithmetick*, Petty attempted to settle the status of Ireland, including its large Catholic population, within the political and economic systems of the empire. For conceptual resources that were adequate to this task, Petty thought with Hobbes. Under the Cabal ministry, Hobbes received a respite from threats of royalist retribution, enjoyed a productive period of writing, and witnessed others use his theories in public debate. This is a well-told story. This chapter reveals its geographical dimension. The Cabal's policies created opportunities for influence for those on the ideological periphery of British politics. But these policies had pronounced and distinctive effects on the geographical periphery; and peripheral ideas were thus especially applicable and especially welcome in peripheral places.

Petty's political context, 1667-1673

The Cabal ministry was not agreed on alternatives to the policies pursued by Clarendon's ministry, and it is often complained that its acronym suggests a misleading degree of cohesion.[12] But it was agreed on the need for alternatives. Mark Goldie's characterisation of the ministry as 'half Oliverian and half-papistical' captures both the divisions within the ministry and its common opposition to the constitutional and religious settlements that had been agreed under Clarendon and the Cavalier Parliament.[13] Between 1667 and 1673, the Cabal attempted a series of policy realignments and the divisions that emerged within the ministry concerned the nature of these realignments. In religion, the Crown shifted from the maintenance of Anglican conformity under the 'Clarendon Code' to the

[12] John Kenyon, *The Stuarts: a study in English kingship* (London, 1958), 130.
[13] Mark Goldie, 'Danby, the Bishops and the Whigs', in Tim Harris *et al.* (eds.), *The Politics of Religion in Restoration England* (Oxford, 1990), 76.

toleration of Protestant nonconformists and Roman Catholics.[14] Following failed negotiations for the 'comprehension' of nonconformists within the established Church, the Declaration of Indulgence was issued in 1672, and the *regium donum*, a pension for Presbyterian ministers, was instituted in Ireland in 1673.[15] Charles himself agreed to convert to Catholicism under a secret clause of the Treaty of Dover, agreed with France in 1670.[16] By committing Charles to breaking his alliance with the Dutch and providing military support to the French, the Treaty of Dover also represented a significant diplomatic realignment.[17] But perhaps the most overlooked of the policy realignments under the Cabal related to the government of the Crown's non-English dominions. The ministry responded to a long-running debate about the advantages of maintaining an overseas empire by centralising the government of colonies and plantations and pursuing a commercial, and later a parliamentary, union between England and Scotland.[18]

The Cabal's Irish policy illustrates both the novelty of its policy agenda and the internal divisions that it created. As secretary of state, Arlington provided a degree of continuity in Irish policy between Clarendon's ministry and the Cabal. Arlington had attempted to negotiate Ormond's survival in government and abetted Ormond and his associates, including Petty, in their opposition to the Cattle Acts which restricted and eventually

[14] John Spurr, *The Restoration Church of England, 1646-1689* (New Haven, 1991), ch. 2.
[15] Clement E. Pike, 'The Origin of the Regium Donum', *Transactions of the Royal Historical Society*, 3, (1909), 225-69.
[16] R. Hutton, 'The Making of the Secret Treaty of Dover, 1668-1670', *The Historical Journal*, 29/ 2 (1986), 297-318. For an account of the Treaty that emphasises the perspectives and objectives of the King's Catholic counsellors, see Gabriel Glickman, 'Christian Reunion, the Anglo-French Alliance and the English Catholic Imagination, 1660-72', *The English Historical Review*, 28/531 (2013), 263-91.
[17] James Miller emphasises the diplomatic motivations and implications of the Treaty of Dover: *Popery and Politics in England, 1660-1688* (Cambridge, 1973), ch. 6.
[18] For the 'seventeenth-century political controversy surrounding England's colonization of America', see Barbara Arneil, 'Trade, Plantations, and Property: John Locke and the Economic Defense of Colonialism', *Journal of the History of Ideas*, 55/4 (1994), 591-609. For the Anglo-Scottish union negotiations, see below, 116.

prohibited the export of Irish cattle to England.[19] Buckingham and Ashley, rivals of Arlington within the Cabal, adopted divergent positions on Irish policy.[20] Both men had played leading roles in securing Ormond's dismissal and the passage of the Cattle Acts;[21] and Ashley was an architect of a navigation system that restricted Ireland's trade with England and the empire.[22] The Staple Act, passed in 1663 when Ashley was Chancellor of the Exchequer, removed Ireland from the list of places through which certain goods from the plantations had to pass before they entered domestic or foreign markets.[23] Though the Act contained a loophole that enabled direct trade between the plantations and Ireland to continue, it was closed by Parliament in 1671, provoking a furious reaction from the earl of Essex, the Lord Lieutenant of Ireland and a close associate of Arlington.[24]

Arlington had also acquired a forfeited estate in Ireland which gave him an interest in the restoration land settlement;[25] and from 1670 onwards, his rivals in the Cabal became bent on overhauling this settlement. This particular policy realignment had to do with the ascendance in Ormond's absence of Richard Talbot, an Irish Catholic gentleman and former officer in the royalist army. Throughout the early 1660s, Talbot had attempted to subvert Ormond and the land settlement and was responsible for the restoration of a

[19] For Arlington and Ormond, see McGuire, 'Why was Ormond dismissed?', 299; Anne Creighton, 'Grace and favour': The Cabal Ministry and Irish Catholic Politics, 1667-73', in Coleman A. Dennehy (ed.), *Restoration Ireland: Always Settling and Never Settled* (Aldershot, 2008), 143. For Arlington and the Cattle Acts, see Carolyn A. Edie, 'The Irish Cattle Bills: A Study in Restoration Politics', *Transactions of the American Philosophical Society*, 60/2 (1970), 5-66. Violet Barbour notes Arlington's opposition to the Cattle Acts but also the rumour that Arlington had advised 'the King to yield' to the bills to guarantee a supply from the Commons: *Henry Bennet, Earl of Arlington, secretary of state to Charles II* (Washington, 1914), 104, 96 n.68.
[20] Ibid., 176.
[21] McGuire, 'Why Was Ormond Dismissed', 295-312; Edie, 'The Irish Cattle Bills', 26-7
[22] Kenneth Haley, *The First Earl of Shaftesbury* (Oxford, 1968), ch. 12, esp. 237, 255.
[23] Thomas M. Truxes, *Irish American Trade, 1660-1783* (Cambridge, 1988), 9.
[24] Essex blamed the 'generall decay' of Irish trade on Parliament's decision: Essex to Arlington, 26 October 1672, in *Essex Papers, Vol. 1, 1672-1679*, ed. Osmund Airy (London, 1890), 36, cited in Truxes, *Irish American Trade*,10. For the relationship between Arlington and Essex, see Richard L. Greaves, 'Capel, Arthur, first earl of Essex (b. 1632), *ONDB* (Oxford, September 2004).
[25] Barbour, *Arlington*, 101.

number of forfeited estates.[26] Along with his brother Peter, the Catholic archbishop of Dublin, Talbot had also led a clericalist faction of Irish Catholics who refused to subscribe to the 'Remonstrance' of 1661 which gave them the opportunity to proclaim their loyalty to the King by renouncing the 'papal deposing power'.[27] Despite this, Charles remained sympathetic to Talbot's faction; and when it agreed to respect the autonomy of temporal authority in 1670, Charles worked with Rome to elevate priests from among its number to Catholic bishoprics.[28] He also established a commission to review the land settlement.[29] The Cabal was split over the commission. Whereas Arlington opposed its establishment, Buckingham, Ashley and Lauderdale were all appointed to it.[30] In 1671, the commission was placed under Prince Rupert and given 'greater powers of investigation'.[31] It was disbanded at Parliament's insistence in 1673 before its recommendations could be properly considered.[32]

Petty anticipated a favourable reception from Cabal ministers and given the desperate condition of the Crown's finances in the early 1670s, they were inclined to afford him one. In September 1671, he was instructed by the King to submit proposals to Arlington for the levying of taxes 'equally and proportionably.... upon all Persons and Things'.[33] Petty's method for calculating a subject's tax liability took account of his 'commodities'

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[26] Piers Wauchope, 'Talbot, Richard, first earl of Tyrconnell and Jacobite duke of Tyrconnell', *ONDB* (Oxford, September 2004).
[27] Anthony Brown, 'Anglo-Irish Gallicanism, c. 1635-c.1685' (PhD thesis, Cambridge University, 2004), 184, 223. For the Remonstrance, see Anne Creighton, 'The Remonstrance of December 1661 and Catholic Politics in restoration Ireland', *Irish Historical Studies*, 34/133 (2004), 16-41.
[28] Idem, 'The Cabal Ministry', 148.; J. G., Simms, 'Restoration', in T.W. Moody *et al.* (eds.), *A New History of Ireland: Early Modern Ireland, 1534-1691* (Oxford, 2009), 430.
[29] Creighton, 'The Cabal Ministry', 155-6.
[30] Ibid., 155. Lauderdale had long sympathised with dispossessed Catholics in Ireland: William Ferguson, 'Scottish-Irish Inter-Governmental Relations, 1600-1690' (PhD thesis, Cambridge University, 2014), 136, 139.
[31] John Cunningham, *Conquest and Land in Ireland: the Transplantation to Connacht, 1649-1680* (Woodbridge, 2011), 135.
[32] Simms, 'Restoration', 426.
[33] Petty, 'Proposal for a proportionate taxation made by order of Charles II', BL, Add. MS, 72865, f. 24r.

and ‘merchandise’ as well as his estates; and a general excise of the kind he endorsed in the *Treatise of Taxes* was thus one component of the tax system he envisaged. Though the English Parliament remained opposed to such a tax, the prospect of a sufficient revenue, ‘not only for the present... but also for the future’, was clearly attractive to the Crown. Under the Cabal, the Crown bribed and bullied Parliament into agreeing to significant increases in existing excise duties; and following the ‘stop of the Exchequer’ in early 1672, it radically reformed the collection and administration of excise.[34] Administrative reform was also central to Petty’s proposals. He suggested that an ‘exact accompt ought to be taken of the whole people’ according to the ‘circumstances & qualifications whereby they improve or impaire the publique wealth’.[35] This information would ensure the ‘ease certainty & equality’ of taxes, but it would also assist the Crown in determining ‘The advantages & disadvantages of foraign plantations’; and Petty’s emphasis on imperial government indicates his new preoccupation with a subject he would address in two related treatises: *Political Anatomy* and *Political Arithmetick.*

Political Anatomy and *Political Arithmetic* are Petty’s most famous works and contain his most notorious proposals. Some have characterised them as ‘hopelessly chimerical’,[36] divorced from ‘the world of practical politics’.[37] Others have read them as exercises in novel methods of political analysis in terms of ‘number, weight and measure’.[38] But an inadequate appreciation of their polemical relationship with the Cabal ministry is the

[34] William Ashworth, *Customs and Excise: trade, production and consumption in England, 1640-1845* (Oxford, 2003), 108.
[35] Petty, ‘Proposal for a proportionate taxation’, ff. 24v.26r.
[36] James Kelly, ‘The Origins of the Act of Union: An Examination of Unionist Opinion in Britain and Ireland 1650-1800’, *Irish Historical Studies*, 25/99 (1987), 240.
[37] David Hayton, ‘Ideas of Union of Anglo-Irish Political Discourse, 1692-1720: Meaning and Use’, in D. George Boyce *et al.* (eds.), *Political Discourse in Seventeenth- and Eighteenth-Century Ireland* (Basingstoke, 2001), 124. See also, M. Perceval-Maxwell, ‘Ireland and the Monarchy in the Early Stuart Multiple Kingdom’, *The Historical Journal*, 34/ 2 (1991), 295.
[38] Ted McCormick *Sir William Petty and the Ambitions of Political Arithmetic* (Oxford, 2009), esp. 37-8.

common theme. The suggestion that their analyses and proposals were developed through interactions between Petty and Cabal ministers is supported by further evidence. During a brief visit to London in April 1671, Petty met with Edward Chamberlayne, the author of the *Present State of England*. Correspondence between Chamberlayne and Joseph Williamson, Arlington's secretary, tells that Williamson 'desired' an 'Account in print of the State of Ireland' and that Chamberlayne approached Petty about working together to produce it during their meeting.[39] Chamberlayne reported that Petty was 'very able to promote the Designe' and asked Williamson to facilitate their collaboration. The opportunity for collaboration appears to have passed, but within eighteen months Petty had begun work on *Political Anatomy*.[40] In December 1672, Petty told Arthur Annesley, the earl of Anglesey that he was working on 'Political Arithemtick [and] The Political Anatomy of Ireland whereupon I thinke depends the Politcall Medicine of the Country'.[41]

Though he had a been powerful supporter of Ormond's land and finance policies, Anglesey had accommodated himself to the Cabal and initially led the ministry's review of the land settlement.[42] Although *Political Anatomy* and *Political Arithmetic* were not printed in Petty's lifetime, Petty's connexions to politicians like Anglesey ensured that their manuscripts were widely circulated.[43] If Petty's relationship with Arlington and his

[39] Edwin [sic] Chamberlayne to Joseph Williamson, April 1671, TNA, SP 29/289, f. 272r.
[40] A book entitled *The present state of Ireland* was published anonymously in London in 1673.
[41] Petty to the earl of Anglesey, 17th December 1672, BL, Add. MS 72858, f.73. It is not possible to date *Political Arithmetic* and *Political Anatomy* precisely. Charles Henry Hull's suggestion that *Political Arithmetic* was not completed earlier than 1676 is based on inconclusive internal evidence from manuscript versions: Sir William Petty, *The Economic Writings of Sir William Petty*, ed. Charles Henry Hull (Cambridge, 1899), 2 vols., I, 235. As Hull acknowledges, one of these manuscripts is dated 1671, and Petty dated both *Political Arithmetic* and *Political* Anatomy to 1671 in a list of his works, though it is not clear whether this refers to date the texts were started or completed: Petty, 'List by Petty of his works and writings since 1636', BL, Add. MS 72857, f., 77v. It seems most likely that both texts were written between 1671 and 1672. Petty's letter to Anglesey suggests a later date within this timeframe, as does a reference to 'Political Arithemtick' in Petty's correspondence: Petty to Southwell, 7th December 1672: BL, Add. MS 72858, f. 58v.
[42] M. Perceval-Maxwell, 'Annesley, Arthur, first earl of Anglesey (b. 1614)', *ONDB* (Oxford, September 2004); Creighton, 'The Cabal Ministry', 155-6.
[43] For a discussion of the 'scribal publication' of Petty's writings see, McCormick, *William Petty*, ch.7.

office was a context for the development of these texts, his relationship with Essex, Arlington's most powerful ally in Ireland, was a key context for their publicization. In March 1673, Essex received a 'Report from the Council of Trade in Ireland' that Petty had composed, and which summarised the analyses and recommendations of *Political Anatomy*.[44] It seems that Essex soon tired of Petty's attempts to make the most of this opportunity for political influence. He declared in May 'that in all his majesties three kingdoms, there lives not a more grating man than Sr Wm Petty'.[45] Essex still submitted the 'Report' to Arlington, however; [46] and Robert Wood, a well-connected scientist in Dublin with whom Petty maintained a regular correspondence, ensured that the document received a wider readership.[47] The initial reaction to the 'Report' disappointed Petty: 'it so much exploded & thought criminall by some'.[48] By the following year, however, copies could be found in 'every great mans archives', including a commonplace book of John Locke, a close associate of Ashley and secretary of the council of trade and plantations from 1673.[49] Locke's copy of the 'Report' has been misidentified and subsequently overlooked by historians.[50] As we shall see, however, Locke may well have contributed to the hostile response it received, and his possession of the document implicates Petty and his political-economic writings of the early 1670s in the factional politics of the Cabal ministry.

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[44] For Essex's involvement in the 'Report', see Hull ed., *Economic Writings*, I, 212.
[45] The earl of Essex to the earl of Shaftesbury, 4th May 1673, in *Essex Papers, Vol. 1*, 83.
[46] For Arlington's copy, see TNA, SP 9/2/2, RSL MS Classified Papers XVII, item 18.
[47] Wood discussed the distribution of the 'Report' and 'Polit. Arithm.' in a letter to Petty dated 25th August 1673, BL, Add. MS 72850, f. 200v. Earlier in the month, Wood also discussed Petty's plans to commission a second series of transcriptions of *Political Anatomy*: Wood to Petty, 16th August 1673, BL, Add. MS 72850, f. 198r. Wood showed a treatise by Petty on naval philosophy to a Lord Lieutenant of Ireland under the Cabal, but due to difficulties dating the letter it is not possible to ascertain which one: McCormick, *William Petty*, 268-9.
[48] Petty to Robert Wood, 10th April 1675, BL, Add. MS 72858, f. 211.
[49] 'Consideration relating to the improvement of Ireland, The State of Ireland in reference to Trade', 25th March 1673, Bodl., MS Film 77, 'John Locke's 1661 Notebook', ff. 220-231.
[50] Thomas Leng remarks that Benjamin Worsley was 'presumably mainly responsible for drafting' the report: *Benjamin Worsley (1618-1677): trade, interest and the spirit in Revolutionary England* (Woodbridge, 2008), 169.

Petty's ideological context, 1667-1673

As well as promoting and circulating Petty's work, Wood also advised Petty on matters of financial and household management, and a letter he wrote to Petty concerning the latter introduces us to Petty's ideological context during this period. Wood addressed the problem of how to store Petty's money securely in Ireland while he was resident in England. He toyed with the idea of telling one man about the location of the safe and giving another the key but quipped that 'methinks I heare Mr Hobs his wheelbarrow rumble there'.[51] This reference to Hobbes's characterisation of divided sovereignty in chapter 25 of *Leviathan* is not an example of serious textual interpretation. But it does suggest the immediate availability of Hobbesian language to Petty and his associates and the variety of circumstances in which it suggested itself. Hobbes's philosophy could be appraised by its readers on an intellectual level, but it was also intended, with its powerful imagery and metaphors, to embed itself covertly in their daily discourse.[52] Wood's correspondence records this strategy at work and gestures to the revival of positive interest in Hobbes's works amongst those associated with the Cabal ministry.

The question of Hobbes's reception under the Cabal must be distinguished from the question of Hobbes's own relationship with the ministry. Though we are principally concerned with the first question, the second has provoked the most debate. Hobbes's most powerful connexion in the Restoration court was Arlington. As we shall see, the two men were occasional allies in the factional politics of the exiled Stuart court, and Arlington was probably responsible for securing the annual Crown pension that Hobbes

[51] Wood to Petty, 9th April 1671, BL, Add. MS 72850, f.190r.
[52] Jon Parkin, 'The reception of Hobbes's *Leviathan*', in Patricia Spingborg (ed.), *The Cambridge Companion to Hobbes's Leviathan* (Cambridge, 2007), 444.

enjoyed from the early 1660s.[53] Debate obtains, however, about nature of their relationship following the formation of the Cabal. Richard Tuck reads Hobbes's references to Arlington's 'favour' in correspondence with Williamson and the dedications of *De principiis* and *Behemoth*, as evidence that Arlington 'intervened' to protect Hobbes against a Parliamentary investigation into atheism and profanity in 1667.[54] He then argues that the impressive collection of writings on religious law and history that Hobbes produced between 1667 and 1672, were written with the intention of advising Arlington to support toleration.[55] Leaning on Tuck's account of the relationship between Arlington and Hobbes, Jeffrey Collins has subsequently described the 'tolerationist' agenda that Hobbes pursued under the Cabal.[56]

Tuck's claims have not survived Philip Milton's close inspection of the evidence.[57] They also serve an interpretation of Hobbes's religious arguments which is similarly unconvincing. But we do not need to ascertain Hobbes's political connexions with the precision attempted by Tuck. Whatever his own position on the Cabal's religious policies, the ministry's attempt to broaden the Restoration ecclesiastical settlement by means of the royal prerogative opened up space for strains of royalist ideology that had been side-lined under Clarendon, including, it seems, a Hobbesian one.[58] Jon Parkin has shown that

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[53] Philip Milton, 'Hobbes, Heresy and Lord Arlington', *History of Political Thought*, 14/4 (1993), 525-8.
[54] Richard Tuck, 'Hobbes and Locke on Toleration', in Mary G. Dietz (ed.), *Thomas Hobbes and political theory*, (Lawrence, Kansas, 1990), 157-9; idem, *Philosophy and Government, 1572-1651* (Cambridge, 1993), 341.
[55] Tuck, 'Locke and Hobbes on Toleration', 167. Arlington ended up supporting the Declaration of Indulgence, but not with the enthusiasm of others in the Cabal. Unlike Ashley, for instance, Arlington advised Charles to withdraw the Declaration 'when the whole design began to go awry in 1673': Alan Marshall, 'Bennet, Henry, first earl of Arlington (b. 1618)', *ONDB* (Oxford, September 2004); Jacqueline Rose, 'Royal ecclesiastical supremacy and the Restoration church', *Historical Research*, 80/209 (2007), 328.
[56] Jeffrey Collins, *In the Shadow of Leviathan: John Locke and the Politics of Conscience* (Cambridge, 2020), ch. 2.
[57] Milton, 'Hobbes, Heresy, and Lord Arlington', 527-8;
[58] Jon Parkin, *Taming the Leviathan: the reception of the political and religious ideas of Thomas Hobbes in England, 1640-1700* (Cambridge, 2007), 238-9.

'Hobbesian-style arguments', sometimes accompanied by direct references to Hobbes's texts, were deployed in support of the comprehension and toleration pursued successively by the Cabal.[59] He has also shed light on the support that Arlington and Williamson lent to the Cambridge scholar Daniel Scargill after he was accused of 'Hobbism' and deposed from his fellowship in 1669.[60] Collins, convinced of the equivalence of congregationalist and Hobbesian ecclesiology, has also detected Hobbesian influences in the congregationalist writings of Shaftesbury's associates.[61]

It is characteristic of the scholarship on Hobbes and his reception, however, that discussion of the connexions between Hobbes, 'Hobbism' and the Cabal ministry has focussed on the politics of religion in England. More evidence of this nexus comes into view when we consider a wider range of political subjects in a wider range of geographical contexts. Scargill's deposition in 1669 had been preceded a year earlier by the lesser-known case of Robert Hamilton of St. Andrews University. Hamilton was a client of Lauderdale, one of Scotland's most powerful magnates and the King's chief advisor on Scottish policy within the Cabal. Despite this patronage, Hamilton was forced from St. Andrews in 1668 following the completion of a set of undergraduate theses, dedicated to Lauderdale, in which he engaged positively, if selectively, with Hobbes's scientific, political and religious ideas.[62] He travelled thence to Leiden University where he wrote a doctoral thesis on the rights of taxation in which he continued to engage positively with Hobbes.[63] When Hamilton reached the end of his university career in the

[59] Ibid., 242-44.
[60] Jon Parkin, 'Hobbism in the later 1660s: Daniel Scargill and Samuel Parker', *The Historical Journal*, 42/1 (1999), 93, n.31.
[61] Collins, *Locke*, 199.
[62] Clare Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas* (Woodbridge, 2007), 67; Clare Jackson and Jon Parkin, 'Hobbism in Scotland and the Netherlands: the turbulent career of Robert Hamilton', (Durham Early Modern Conference, July 2001, University of Durham), 'part I'.
[63] Jackson, *Restoration Scotland*, 68; Jackson and Parkin, 'Hobbism in Scotland and the Netherlands', part II.

early 1670s, a place was found for him in the Irish service. He was knighted,[64] appointed secretary and registrar to Rupert's land commission,[65] and charged with the implementation of the *regium donum*.[66] His defence of the *regium donum* as means of ensuring the 'dutie & allegiance' of the Presbyterian community,[67] belonged to a '*politique*' tradition of argument in which Hobbes was a key point of reference.[68]

The Crown's non-English dominions not only provided hospitable environments for 'Hobbists'; the debate about their government also elicited Hobbesian responses. This debate reached a high pitch in 1671 when Roger Coke published *A Treatise wherein it is demonstrated, that the Church and State of England, are in Equal Danger*. Coke had made his name in 1660 with *Justice Vindicated,* an attempt to conduct an Anglican royalist critique of the natural law theories of Hobbes, Hugo Grotius and Thomas White. Coke argued that that all three undermined justice by assuming that men were naturally equal, and he also objected to the degree of ethical and ecclesiastical authority that Hobbes allowed the sovereign.[69] The ideological identity that these criticisms expressed account for Coke's hostility to the Cabal. In *Church and State*, he criticised the ministry's religious policies implicitly by defending the spiritual authority and discipline of the Church of England, and he argued that the ministry's colonial policy was draining England's human and financial resources.[70] Coke combined his criticism of both policies

[64] William Cobbett, *Cobbett's Parliamentary History of England* (London, 1808), 36 vols. IV, 685.
[65] Henry Coventry to Charles II, 24th June 1674, TNA, Signet Office, 1/9, ff. 66r-67r.
[66] Hamilton to the duke of Lauderdale, 9th May 1672, in *The Lauderdale Papers*, ed. Osmund Airy (London, 1884), 229-30.
[67] Ibid., 229.
[68] Arash Abizadeh, 'Publicity, Privacy, and Religious Toleration in Hobbes's *Leviathan*', *Modern Intellectual History*, 10/2 (2013), 263.
[69] Roger Coke *Justice Vindicated from the false focus put upon it, by Thomas White gent., Mr Thomas Hobbes, and Hugo Grotius* (London, 1660). sig. D4v-E1r; 29-30.
[70] Roger Coke, *A Treatise wherein it is demonstrated, that the Church and State of England, are in Equal Danger* (London, 1671), 12-28. Slingsby Bethel criticised the ministry's colonial policy in similar terms the same year: *The present interest of England stated* (London, 1671), 32.

in his account of the lapses of religious discipline in America, the 'Inhabitants' of which were 'little better than Heathens'.[71] He singled out Jamaica for particular criticism;[72] and it was from a Jamaican perspective that the anonymous author of *Pax et obedientia* developed a Hobbesian response to the debate.

Pax is a mysterious work. Only the hand-written presentation copy survives, and the copy is sometimes difficult to decipher and interpret: its expansive but inchoate design for a frontispiece prefigured the style as well as the subjects of its 21 chapters. *Pax* was probably written in 1672 or 1673 by Sir Henry Slingsby, who served the Cabal as the secretary of the council of foreign plantations from 1670 until 1672 and a member of the combined council of trade and plantations from 1672 until 1674.[73] Slingsby dedicated *Pax* to Arlington, and there is some evidence that Arlington commissioned the work: Slingsby refers to Arlington as his 'Tutelary Angell' and to the treatise as an 'officious Imppoiment'.[74] It was certainly written with the intention of defending the 'present Government': Slingsby compared his role to that of a quartermaster in an 'Army', equipping his readers with conceptual 'Ammunition' for them 'to make use of' to this end.[75] *Pax* is remarkable for its uncompromising defence of Hobbes and 'Hobbists' and for the use of arguments which, at least as far as Slingsby was concerned, were derived from Hobbes's texts. In Hobbes, said Slingsby, 'there is not a more obedient subject to the Kinge, not a more conformable son to the church; and he lamented the fact that a man 'that maintaines an opinion out of Mr Hobbs His book in His disputations' is 'turndout

[71] Coke *A Treatise*, 25.
[72] Ibid., 25.
[73] Jacqueline Rose and Matthew Ward, 'Mis-reading Hobbes in the British Atlantic World', (Reformation and Early Modern Seminar, 26th February 2019, St. Andrews University). The account of *Pax* in this thesis owes much to my collaboration with Dr Rose. A jointly written article is forthcoming.
[74] Sir Henry Slingsby, *Pax et obedientia*, New Haven, Beinecke Library, MS Osborn fb234, xxiii.
[75] Ibid.

of his university'.[76] This probably referred to Scargill but could equally apply to Hamilton.

Slingsby thought with Hobbes about the full range of the Cabal's economic and religious policies, including its expansion of England's plantation trade which he defended against Coke's 'painefull discourse'.[77] As a member of the Cabal's plantation councils, Slingsby became familiar with the natural history, politics and economy of Jamaica, and he defended the plantation trade with reference to the island.[78] To demonstrate the foolishness of increasing colonial populations, Coke had discussed the harmful consequences to England of the 're-peopling' of Ireland after the civil wars, and as we shall see, *Pax* also addressed the Irish situation.[79] The main response to Coke from an Irish perspective, however, was developed by Petty in *Political Arithmetick* and *Political Anatomy*. In *Political Arithmetick*, Petty set out to 'examin' a series of popular misconceptions or 'Perswasions' which were clearly summarised from Coke's treatise.[80] Petty recognised the problems associated with the division of England's empire 'into many several *Islands* and Countries', each with their individual 'Governments'.[81] But in both his texts he developed policies for the incorporation of these dominions, and their various religious communities, into a single political and economic system. These policies needed concepts of the state and the political relationships that constituted it, and for these, like Slingsby, Petty thought with Hobbes.

[76] Ibid., 164.
[77] Ibid., 309.
[78] For example, see 'Journal of the Council for Foreign Plantations', Library of Congress, Washington, D.C. Phillipps No. 8539, I, 41.
[79] Coke, *A Treatise*, 26.
[80] Petty, *Economic Writings*, I, 241-2.
[81] Ibid., I, 298.

Petty: plantations and trade

Throughout the 1660s, the debate about the advantages of colonisation had generated new forms of economic argument and analysis.[82] Petty used and refined these tools to respond to Coke. The central economic insight of Petty's writings in the early 1670s was that a country's wealth depended neither on the size of its territories nor the natural resources they contained, but on the nature of the relationship between land and labour.[83] Even the most barren and unpromising tract of land could be improved when the right number of men, employing the appropriate techniques of husbandry, were set to work upon it. As Holland demonstrated by its success and France by its failure the all-important 'difference in Land and People' was determined by 'Situation, Trade and Policy'.[84] If Ireland was a burden to England, it was because it was under-peopled, not over-peopled.[85] Due to the natural abundance and fertility of Irish land, a subsistence existence could be maintained by a little labour on a small amount of land. Much of Ireland therefore remained thinly populated and under cultivated; its inhabitants could live 'without the use of Gold or Silver Money' and so the trade that was necessary to increase the population was prevented from developing.[86]

The same principles applied to the King's growing collection of overseas possessions: '*Newfoundland*, *New-England*, *New-Netherland*, *Virginia*, *Mary-Land*, *Carolina*, *Jamaica*, *Burmodas*, *Baradodoes*, and all the rest of the *Carribby* Islands, with what the King hath in *Asia* and *Africa*'.[87] When colonies were 'improved from a *Desart* condition'

[82] Arneil, 'Trade, Plantations, and Property', 592.
[83] Petty, *Economic Writings*, I, 249-67.
[84] Ibid., I, 250.
[85] Ibid., I, 217, 272-3.
[86] Ibid., I, 273.
[87] Ibid., I, 285.

into thriving plantations and trading outposts they were an agreeable home for their settlers and an advantage to England.[88] But when they acquired 'more Land, than will suffice' to produce commodities for export, 'they do therein, but distract, and confound, the effect of their own Indeavours'.[89] An essay by Petty, restating in dialogic form the methods and conclusions of *Political Arithmetic*, clarified that the primary purpose of plantations was to produce commodities, such as tobacco, sugar and cacao, 'None of all which do grow very well at home'.[90] Petty preferred the commercial to the possible religious justifications of colonisation: 'to plant the Gospell in those dark corners of the world' or escape European 'Popery'; and he distanced himself and his case from the heterodox settlers of New England who conceptualised their activities in these providential terms.[91]

Petty's economic case for colonisation and his formula for its successful implementation chimed with the policy objectives of the Cabal ministry. Ashley is the minister most closely associated with the Cabal's colonial policy. As Chancellor of the Exchequer, he was excited by the potential of plantations to generate revenue and sponsored projects to establish or consolidate colonies in America.[92] Ashley was assisted in these endeavours by a 'small group of experts and associates', the 'most important' of whom was Petty's old rival Benjamin Worsley.[93] Worsley was in no doubt about the importance of the 'plantation trade' to England.[94] Plantations, he advised Ashley in 1668, 'doe not more if

[88] Ibid., I, 302.
[89] Ibid., I, 300.
[90] Sir William Petty, 'A Dialogue on Political Arithmetic &c.', printed in Shichiro Matsukawa, 'Sir William Petty: an unpublished manuscript', *Hitotsubashi Journal of Economics*, 17/2 (1977), 40
[91] Ibid., 39-40.
[92] K.H.D. Haley, *The First Earl of Shaftesbury*, (Oxford, 1968), ch. 12.
[93] John Locke, *Locke on Money*, ed. Patrick Kelly (Oxford, 1991), 2 vols., I, 6. Petty and Worsley developed their rivalry in Cromwellian Ireland: McCormick, *William Petty*, 95-6.
[94] Benjamin Worsley, 'The peculiar advantages which this Nacon hath by the trade of our Plantations above any other', Bodl. MS Rawlinson, A478, ff. 65r-72r. The memorandum was written in August 1688 and addressed to Ashley: Leng, *Benjamin Worsley*, 151.

so much depend upon the Interest of England, as the interest of England doth now depend on them'.[95] Worsley acknowledged that plantations had their 'defects', but he argued that 'they have wholly risen from the want of such an authority to whom all plantacons should in their customess, & government be subject unto'.[96] If the full potential of the plantation trade was to be realised, it would need to be coordinated by a single metropolitan 'councell'.[97] The centralisation of colonial government advocated by Worsley came to characterise the Crown's policy under the Cabal. In July 1670, Charles commissioned a council of plantations to advise him on the business of colonial government, with Slingsby as its secretary.[98] The council was instructed to examine the 'state and condition' of the Crown's colonies and to correct 'any neglect, or miscarriage' they might discover.[99] It was empowered to resolve disputes about colonial charters and challenge the iniquitous laws or governors that 'oppressed' the King's 'Loving Subjects' in the colonies.[100] After two productive years, the council merged with the council of trade.[101] The combined council of trade and foreign plantations carried on the work of its predecessor until it was disbanded in 1674.

But the centralising objectives of the Cabal's colonial policies would seem to have concealed a debate within the ministry about what a centralised empire should look like.[102] This debate was continuous with an older debate about the government and

[95] Worsley, 'The peculiar advantages', f. 66r.
[96] Ibid., f. 70v.
[97] Ibid., ff. 70v-71r.
[98] Charles McLean Andrews, *British committees, commissions, and councils of trade and plantations, 1622-1675* (Baltimore, 1908), Appendix II, 117-24. Slingsby was not the only 'Hobbist' on the council for foreign plantations. Another was Edmund Waller, a relative by marriage of Petty, who had offered to translate *De cive* in 1645: Parkin, *Taming*, 36.
[99] Andrews, *British committees*, 117.
[100] Ibid., 122.
[101] Ralph Paul Bieber suggests that the council of plantations met at least 145 times: 'The British Plantation Councils of 1670-4', *The English Historical Review*, 40/157 (1925), 94.
[102] Historians of colonial administration have noticed the 'movement for centralization' throughout the Restoration: Phillip Haffenden, 'The Crown and the Colonial Charters, 1675-1688: Part II', *The William*

organisation of the 'empire' of the three 'British' kingdoms.[103] The development of colonial trade in the Atlantic expanded the opportunities for competition and cooperation between the three kingdoms;[104] and the Cabal debate hinged upon the relationship that Scotland and Ireland would enjoy with an overseas empire acquired mainly by England. Ashley and his associates envisaged the empire as a centripetal system with England at the centre. They argued that plantations ought to be for the 'exclusive' benefit of England and supported navigation legislation which redirected colonial trade via English ports and deprived Ireland and Scotland of a share in it.[105] Ashley was responsible for convincing Charles to combine the councils of trade and plantations in 1672 and his influence over the direction of colonial policy increased thereafter.[106] Now the earl of Shaftesbury, Ashley replaced the earl of Sandwich as the president of the council and appointed Worsley secretary.[107] When Worsley refused to conform to the Test Act in 1673, he was replaced by Locke, Ashley's secretary and a member of his household since the mid-1660s.[108] Locke seems to have shared his patron's concerns about the harmful consequences for England of its commercial rivalry with Ireland. His 1691 response to a

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and Mary Quarterly, 15/4 (1958), 460; Nuala Zahedieh, *The Capital and the Colonies: London and the Atlantic Economy, 1660-1700* (Cambridge, 2010), 27-54. However, the debate about the nature of this centralisation has been overlooked, including by historians of the political thought of empire. This might be related to the assumption that 'most British theorists of empire' had a settled concept of the empire as a community of 'semi-independent' entities: Anthony Pagden, *Lords of all the World: Ideologies of Empire in Spain, Britain and France, c.1500-c.1800* (New Haven, 1995), ch. 5.

[103] For attempts to connect 'British' and 'imperial' history, see David Armitage, *The Ideological Origins of the British Empire* (Cambridge, 2000), ch. 1; Nicholas Canny, 'The Origins of Empire: An Introduction', in Nicholas Canny (ed.), *The Oxford history of the British Empire. Volume 1: The Origins of Empire* (Oxford, 1998), 1-33.

[104] J.H. Elliott, 'A Europe of Composite Monarchies', *Past & Present*, 137 (1992), 59; R.A. Mason, 'Debating Britain in Seventeenth-Century Scotland: Multiple Monarchy and Scottish Sovereignty', *Journal of Scottish Historical Studies*, 35 (2015), 18-9; Clare Jackson, 'The Anglo-Scottish union negotiations of 1670', in Tony Claydon and Thomas N. Cornes (eds.), *Religion, Culture and National Community in the 1670s* (Cardiff, 2011), 39-42.

[105] Worsley, 'The peculiar advantages', f. 65v. See also, E.E. Rich, 'The First Earl of Shaftesbury's Colonial Policy', *Transactions of the Royal Historical Society*, 7 (1957), 66-7.

[106] Andrews, *British committees*, 106-7; Bieber, 'The British Plantation Councils of 1670-4', 100.

[107] 'Journal of the Lords of the Committee for Trade and Foreign Plantations', Phillipps No. 8539, vol. II, 1-3.

[108] Ibid., 45-46. For Locke's involvement in the government of colonial America, see Mark Goldie, 'Locke and America', in Matthew Stuart (ed.), *A Companion to Locke* (Oxford, 2016), 67-9.

prolonged debate about interest rates, which incorporated a manuscript written in 1668, alluded to the advantages of the Cattle Acts.[109] He also campaigned for the prohibition of Irish woollen exports as a member of the board of trade in the late 1690s, a policy that was considered but abandoned by the council of trade and foreign plantations when he was secretary.[110]

Locke's interest in Irish policy explains the presence in his commonplace book of Petty's 'Report from the Council of Trade', but his possession of the 'Report' should not be taken as evidence that he endorsed its proposals. Indeed, given the involvement of Arlington and Essex in its production, the 'Report' is clear evidence of a division within the Cabal over colonial and Irish trade. The 'Report' appealed to England to 'restore' Ireland's plantation and cattle trades;[111] and in *Political Arithmetic* and *Political Anatomy*, Petty summarised the 'absurd' and 'inconvenient' consequences of a navigation system that redirected Irish trade via English ports.[112] Although Ireland 'lieth Commodioulsy for the Trade of the new *American* world' and produced the victuals demanded by southern markets, its 'Foreign Trade' had little more than doubled since 1657. Since the prohibition on the export of Irish victuals had made food and labour 'dearer in *England*' and 'forced' Ireland to trade with England's continental rivals, restrictions on Irish trade also damaged England.

[109] Locke, *Locke on Money*, I, 289.
[110] Patrick Kelly, 'The Irish Woollen Export Prohibition Act of 1699: Kearney re-visited', *Irish Economic and Social History*, 7 (1980), 24, 27-8. For the discussion about prohibiting 'the Importation of Woollen yarne out of Ireland', see 'Journal of the Lords of the Committee for Trade and Foreign Plantations', 56. In a 1673 essay, sometimes compared to Petty's writings at this time, Sir William Temple acknowledged the dangers to England of Ireland's woollen manufacturing industry: *An essay upon the advancement of trade in Ireland* (Dublin, 1673), 10-11.
[111] Petty, *Economic Writings*, I, 221.
[112] Ibid., I, 166; ibid., I, 299.

By the eighteenth century, the almost reflexive response of some Irish lawyers to England's iniquitous treatment of their country was to claim that Ireland was separate but replica kingdom, annexed to the English Crown, but free from the legislative authority of the English Parliament. The most famous exposition of this claim was William Molyneux's *The Case of Ireland Stated* of 1698, but Molyneux's principal source was William Domville's 'Disquisition'.[113] Domville had been appointed Attorney General for Ireland at the Restoration and composed the 'Disquisition' as legal advice for Ormond shortly before the Irish Parliament was summoned in 1661.[114] The Parliament was dissolved in 1666 and the English Parliament restricted Ireland's participation in England's trade without claiming a legislative authority over it. The assumption that Ireland was and ought to be treated as a separate kingdom nevertheless informed Coke's complaint that the Navigation and Cattle Acts 'endangered the Peace and Friendship between the kingdoms of *England* and *Ireland*'.[115] As an associate of Arlington, however, Petty needed an argument against restrictions on Irish and colonial trade that cohered with the Cabal's attempt to centralise control over the Crown's non-English dominions. Rather than asserting the autonomy of these dominions, then, he argued for their incorporation into a single polity, and he found in Hobbes a way of thinking about this incorporation that extended to their subjects the privileges as well as the obligations of subjecthood.

[113] Patrick Kelly ed., *William Molyneux's The Case of Ireland's Being Bound by Acts of Parliament in England, Stated* (Dublin, 2018), 53-4.
[114] Patrick Kelly ed., 'Sir William Domville: A Disquisition Touching the Great Question Whether an Act of Parliament Made in England Shall Bind the Kingdom and People of Ireland without Their Allowance and Acceptance of Such Act in the Kingdom of Ireland', *Analecta Hibernica*, 40 (2007), 23.
[115] Coke, *A Treatise*, 67.

Hobbes: conquest and colonisation

Recent scholarship on Hobbes's treatment of conquest and colonisation has revealed the extent to which Hobbes was concerned with the problem of 'political membership' in states that comprised multiple nations or separate territories.[116] Neither conquest nor colonisation had formed prominent themes in Hobbes's earlier works, but the context in which he wrote *Leviathan* suggested them as unstable concepts that needed to be brought under control. Noel Malcolm has demonstrated that the crucial political context for *Leviathan's* discussion of conquest was provided by debates within the exiled Stuart court about royalist military strategy.[117] Sarah Mortimer and David Scott have subsequently examined the contours and stakes of these debates and it is striking how they prefigured the ideological divisions within the Restoration court.[118] Hyde and Ormond argued for the reinvasion of England with the mainly English army in Ireland, then under Ormond's command.[119] This would not constitute a 'conquest' but the 'recovery' of the King's dominion over his 'Naturall Subjects'.[120] Bennet and Buckingham, however, supported Lord Jermyn's strategy of a 'thoroughgoing military conquest' of England from Scotland in alliance with the Covenanters.[121] Hobbes was a client of Jermyn and sections of *Leviathan* can be read as supportive of his strategy.

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[116] Arash Abizadeh, 'Sovereign Jurisdiction, Territorial Rights, and Membership in Hobbes', in Al P. Martinich and Kinch Hoekstra (eds.), *The Oxford Handbook of Hobbes* (Oxford, 2016), 398.
[117] Malcolm ed., *Leviathan*, I, 24-35.
[118] Sarah Mortimer and David Scott, '"Leviathan" and the Wars of the Three Kingdoms', *Journal of the History of Ideas*, 76/2 (2015), 259-70.
[119] Ibid., 265.
[120] Sir Edward Hyde to Sir Edward Nicholas, 30th September 1649, in *The Nicholas Papers. Correspondence of Sir Edward Nicholas, Secretary of State*, ed. George F. Warner (London, 1886), 4 vols., I, 140, cited in Malcolm ed., *Leviathan*, I, 32.
[121] Mortimer and Scott, 'Wars of the Three Kingdoms', 265.

Hobbes had been wary of 'military activity' in his earlier works and remained so in *Leviathan*:[122] chapter 29 reproached rulers who, like bulimics, enlarged their dominions beyond what they had the capacity to contain.[123] But he also defended the rights of a sovereign who acquired his dominion by 'force'; and in keeping with his wider strategy, he did this by way of a redefinition. *Leviathan* shifted the moment of conquest from the subjugation of a person, to the 'Acquisition... of a Right' over him by his consent.[124] Conquest described the incorporation of subjects into the state according to procedures established by natural law. The coercive conditions of conquest did not invalidate the subject's submission to the conqueror, but nor did they entail a diminution in his status following his submission.[125] A 'Monarch of divers Nations' could be assured of his right over those he had conquered,[126] and he was under no obligation to respect their legal 'Customes'.[127] But to 'demand of one Nation more than of the other, from the title of Conquest' suggested an 'ignorance of the Rights of Soveraignty': whether sovereignty was acquired or instituted, the 'Right and Consequences' were the same. Hobbes endorsed the Roman practice of extending 'not only the Privileges, but also the Name of Romans' to those they had conquered, and he approved of James I's attempt to emulate this practice 'in endeavouring the Union' of England and Scotland.[128] These arguments had two implications in the context of the debates about royalist military strategy, both of which served Hobbes's polemical intentions. English subjects would not endure an

[122] *OTC*, 150. Hobbes's edition of Thucydides was produced with the purpose of preventing conflict with Spain: see Kinh Hoekstra, 'Hobbes's Thucydides', in *The Oxford Handbook of Hobbes*, 558-59.
[123] *Leviathan*, II, 518.
[124] Ibid., III, 1134, II, 311.
[125] The emphasis on the facilities of 'compleasance' and 'pardon' in Hobbes's extended list of natural lwas, complemented the idea that a commonwealth could fully assimilate its former adversaries: ibid., II, 232.
[126] Ibid., II, 314.
[127] Ibid., II, 420. Hobbes discussed the situation in the which a sovereign, having subdued 'a people', continued to 'govern them by the same Lawes, by which they were governed before'. In such a case, the laws derived 'their Force', not from 'Length of Time', but from the authority of the sovereign: Ibid., II, 417-418.
[128] Ibid., II, 304.

inferior status in the commonwealth following their conquest;[129] but nor would the King be obliged to restore their antebellum constitutional and ecclesiastical arrangements. Conquest opened the opportunity for the 'wholesale remodelling' of both.[130]

Arash Abizadeh has analysed the relationship between 'political membership' and 'territoriality' in Hobbes with reference to another context: Atlantic colonisation.[131] Hobbes understood the political-economic case for transplanting the idle poor 'into Countries not sufficiently inhabited';[132] as a younger man he had been a shareholder in the Virginia and Somer Islands Companies.[133] He also had advice for colonists as to how they should behave. They were 'not to exterminate' the indigenous populations they encountered, but to 'constrain them to inhabit closer together'; and rather than 'range a great deal of ground', they were to concentrate on cultivating small plots 'with art and labour'.[134] However, this advice only addressed the ethical and practical problems associated with colonisation; at least at first glance, it seems that Hobbes struggled more with the political problems. Hobbes's discussion of colonisation in *Leviathan* introduced terminology that clashed with the nomenclature of his wider political theory. In *The Elements*, Hobbes defined the word 'people' in strictly juridical terms.[135] Though it was improperly used to describe 'a number of men, distinguished by the place of their habitation', it properly signified 'a person civil, that is to say, either one man, or one council, in the will whereof is included and involved the will of every one in particular'.

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[129] Malcolm ed., *Leviathan*, I, 33.
[130] Mortimer and Scott, 'Wars of the Three Kingdoms', 265.
[131] Abizadeh, 'Sovereign Jurisdiction', 411-27.
[132] *Leviathan*, II, 540.
[133] Noel Malcolm, *Aspects of Hobbes* (Oxford, 2004), 54-5.
[134] *Leviathan*, II, p, 540. The claim in *The Elements of Law* that the relationship between 'master and servant' was established by 'consent', rather than 'a difference of nature', was relevant here: there was no racial hierarchy that prevented indigenous and colonial peoples from living peaceably together: *EW*, IV, 103.
[135] Ibid., 145-7. See also, *OTC*, 137.

The ‘people’ was ‘virtually contained in the body of the commonwealth’ and was thus coterminous with it. But when, in chapter 19 of *Leviathan*, Hobbes considered the status of Judea in the Roman Empire, he seemed to describe two peoples with their own forms of government.[136] Then there was the terminology of territory and spatial distance. In what Abizadeh describes as the ‘official’ version of Hobbes’s political theory, the relationship between the subject and his sovereign was established without reference to ‘place’.[137] A sovereign’s jurisdiction was over the ‘person’ of the subject; as long as the mutual obligations of obedience and protection could be fulfilled, the geographical location of either was irrelevant. But in chapter 22 of *Leviathan*, where Hobbes first addressed the problem of colonial government, he suggested that subjects ‘farre distant in place’ constituted distinct ‘Provinces’.[138] Due to their physical distance from the sovereign, they were to be governed by ‘bodies politique’ with a monarchical form of government suited to their peripheral location.[139]

There is no need for us to resolve these tensions in Hobbes’s theory on his behalf. We are concerned with the conceptual resources that Hobbes offered his readers, and in the context of contemporary theory and practice, his account of colonial government remained a radically incorporative one. Since the sixteenth century, the Crown had established colonies as corporate entities or bodies politic ‘with many of the legal rights that had traditionally defined the nature of sovereignty’.[140] Although Hobbes retained the

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[136] *Leviathan*, II, 298.
[137] Abizadeh, ‘Sovereign Jurisdiction’, 399.
[138] *Leviathan*, II, 358.
[139] Ibid., II, 358-360.
[140] Henry S. Turner, ‘Corporations’, in Philip J. Stern and Carl Wennerlind (eds..), *Mercantilism Reimagined: Political Economy in Early Modern Britain and Its Empire* (Oxford, 2013), 167. See also, Ken MacMillan, *Sovereignty and Possession in the English New World: the Legal Foundations of Empire, 1576-1640* (Cambridge, 2006), ch. 3, and Jack Greene, *Peripheries and center: constitutional development in the extended polities of the British Empire and the United States, 1607-1788* (New York, 1986), 10.

category of the 'body politique' as a unit of government in chapter 22, he did so having subverted its conventional meaning and brought it under the control of sovereign authority. Hobbes returned to the status of colonies in chapter 24 and, in accordance with his broader treatment of 'bodies politique', he re-described their familiar features to emphasise their 'subjection' to the sovereign. 'The Right of Colonies', said Hobbes, 'dependeth wholly on their Licence, or Letters, by which their Soveraign authorised them to Plant': they were either entirely severed from, or remained 'parts' of the commonwealth.[141]

Though there had been a royalist context to their development, *Leviathan's* account of conquest ended up serving the polemical purposes of the republican regime and its account of colonial policy was overlooked by Charles when he next had the opportunity to implement one.[142] Under Clarendon's ministry in the 1660s, a traditional notion of corporate autonomy governed the Crown's treatment of its colonies.[143] Given that some of its ministers had supported the Scottish alliance, in defence of which Hobbes had developed his account of conquest, it is not perhaps surprising that the Cabal should return to Hobbes's ideas as it developed new ways of governing the empire. But 'factionalism' at court was as 'vital' a context for the reception of these ideas as it had been for their formation;[144] and it was the vision of a centralised empire developed by Arlington and his associates that they served. Hobbes told his readers that their duty of obligation to the sovereign was not affected by the circumstances under which it was established or their

[141] *Leviathan*, II, 396.
[142] Noel Malcolm ed., *Leviathan*, I, 65-82.
[143] Robert M. Bliss, *Revolution and empire: English politics and the American colonies in the seventeenth century* (Manchester, 1990), 125-6.
[144] Mortimer and Scott, 'War of the Three Kingdoms', 267.

geographical distance from a 'metropolitan' centre. But neither, Arlington's associates noticed, were their rights to protection and equitable treatment.

Of course, Hobbes himself was associated with Arlington, and in *Behemoth*, his history of the Civil Wars, he returned to *Leviathan's* account of conquest from, as it were, a 'peripheral' perspective. As he had in *Leviathan*, Hobbes endorsed the Roman practice of conquest which created 'one People' out of 'divers Nations'.[145] To 'oblige them the more to obey the edicts and laws sent unto them', the Romans granted their conquered subjects all the 'privileges' of Roman citizenship, a policy Hobbes described as 'naturalization'.[146] Turning to the British context, Hobbes spoke approvingly of James's failed attempt to unite 'the Scotch and English... into one People' after the Union of the Crowns; and he regretted that the English had continued to treat the Scots as 'forraigners'.[147] He discussed Sir Edward Coke's judgement in Calvin's Case of 1608, a definitive statement on political membership in the Stuart multiple monarchy, which established that a child born in Scotland after but not before the 1603 Union was an English subject.[148] Unsettled by the ambiguity of the judgement, Hobbes remarked that there was 'little Equity in this that those Nations that are bound to equal Obedience to the same King, should not have Equal Privileges'.[149]

Behemoth was probably completed during the first two years of the Cabal ministry and the manuscript was dedicated to Arlington.[150] It thus coincided with, and may be read as supportive of, the negotiations for Anglo-Scottish union that began in 1667 and to which

[145] *Behemoth*, 150-1.
[146] Ibid., 150-152.
[147] Ibid., 151-152.
[148] Paul Seaward ed., *Behemoth*, 49-50.
[149] *Behemoth*, 152.
[150] Seaward ed., *Behemoth*, 10.

Arlington was especially committed.[151] *Behemoth* did not address the constitutional statuses of Ireland and the colonies. Given his emphasis on their geographical proximity and linguistic similarities, Hobbes might have considered Scotland and England to be especially suited for union.[152] But Anglo-Scottish union was not exceptional within the context of the Cabal's policy agenda; it was one of a cluster of policies aimed at centralising the government of the Crown's non-English dominions. And when debates developed within the Cabal about what a centralised empire should look like, Arlington's associates in, or with connexions to, these dominions thought with Hobbes to respond. The most overtly Hobbesian response was developed from a Jamaican perspective in *Pax*; and the example of *Pax* brings into relief the Hobbesian features of Petty's response. Both Jamaica and Ireland endured an ambiguous status within the empire and suffered political and economic instability as a result. The Cabal's attempt to centralise the government of the empire therefore appealed to both Slingsby and Petty. However, to ensure that the privileges as well as the obligations of imperial subjecthood would be extended to their islands, they characterised and constructed this policy in Hobbesian terms.

Pax et obedientia: Hobbes and imperial government

Jamaica was at the centre of the two connected debates about empire that this chapter has identified in the early 1670s: the debate between the Cabal ministry and its opponents about the advantages of an overseas empire and the debate within the Cabal, prompted

[151] For Arlington's views on Anglo-Scottish union, see Maurice Lee Jr., *The Cabal*, (Urbana, 1965), 56. The fact that Arlington and Hobbes both supported the Scottish alliance during the Civil War substantiates *Behemoth's* apparent support for Anglo-Scottish union: *Behemoth* contained a disparaging account of Ormond's conduct in Ireland and the 'League' that he entered into with the Irish confederates: *Behemoth*, 327-8; and Interlocutor B introduced the subject of Scottish and English nationality in response to Interlocuter A's suggestion that many English royalists during the Civil War regarded the 'Scotch' as a 'forraigne nation': Ibid., 150.
[152] Ibid., 150.

by the degree of English opposition to empire, about imperial government and trade. Since the Restoration, Jamaica had inspired the imperial ambitions of the Crown, and the Crown had pursued policies to encourage its 'Trade and Commerce'.[153] However, from 1664, Jamaica had a governor in Sir Thomas Modyford who sponsored privateering at the expense of trade in order to defend the island from Spanish invasion.[154] In 1667, Arlington agreed a treaty of 'peace, alliance and commerce' with Spain, the provisions of which were confirmed and enlarged in the Treaty of Madrid of 1670.[155] Despite this, Modyford continued to sponsor aggression against Spain in the Caribbean and famously engineered the destruction of Panama in 1671.[156] For this, Modyford was recalled from Jamaica and imprisoned in the Tower of London until 1674.[157] Modyford's dismissal certainly exposed the vulnerabilities of colonies and the inadequacies of their government; as mentioned above, Coke invoked the social and political disorder of Jamaica to attack the Cabal's colonial policy. But as those involved with the Cabal were quick to realise, it also presented an opportunity to revitalise Jamaica's plantation economy. Anticipating regime change in Jamaica in the late 1660s, Worsley had suggested a programme of reforms which, by increasing the population and therefore the trade of the island, would convert privateers to planting.[158] As we have seen, Worsley was in favour of a navigation system which regulated colonial trade to England's advantage, and his proposals for Jamaica reflected this position. They made use of a

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[153] Charles R. *A Proclamation for the encouraging of Planters in His Majesties Island of Jamaica in the West-Indies* (London, 1661). Jamaica had been 'wantonly filchd' from Spain during the Interregnum: A.P. Thornton, *West-India policy under the Restoration* (Oxford, 1956), 67.
[154] Abigail L. Swingen, *Competing Visions of Empire: Labor, Slavery and the Origins of the British Atlantic Empire* (New Haven, 2015), 74-81.
[155] *European treatises bearing on the History of the United States and its Dependencies*, ed. Frances Gardiner Davenport (Washington D.C., 1929), 4 vols., II, iv.
[156] Stephen Saunders Webb, *The Governors-General: The English Amy and the Definition of the Empire, 1569-1681* (Chapel Hill, 1979), 245-9.
[157] Swingen, *Competing Visions*, 91-3.
[158] Worsley referred to the importance of a prudent and eminent Governor: Worsley to Buckingham, 'Discourse of the Privateers of Jamaica', 24th February 1669, BL, Add. MS 11410, 623-74.

variety of mercantilist mechanisms to impel Jamaican planters to produce cocoa and indigo and to prohibit other English colonies from competing with them.[159] Arlington's associates, however, regarded the navigation system as the 'greatest obstruction' to Jamaican trade.[160] This included Sir Thomas Lynch, who replaced Modyford as *de facto* governor in 1671,[161] and Sir Henry Slingsby, the secretary of the council of foreign plantations. In *Pax,* Slingsby defended the plantation trade with reference to Jamaica,[162] and he also thought with Hobbes develop an alternative vision of empire to that presented by Worsley.

Slingsby's engagement with Hobbes was peculiar. To avoid accusations of 'Hobbism', those who employed Hobbes's concepts in English political debate typically employed them in a modified form and in conjunction with more conventional concepts. Though Slingsby employed Hobbes's concepts in a similar way, he was not concerned to disguise his engagement with Hobbes. Despite deviating from Hobbes in crucial respects, he still maintained that 'the hypothesis of Mr Hobbs should be true in all the parts of it'.[163] Slingsby certainly made use of Hobbes's characterisation of the 'naturall Condition of mankind' as a war of all against all to underline the necessity of submitting to a 'common power', but he began to deviate from Hobbes when it came to the formation of civil society. Generally speaking, he did not share Hobbes's confidence in a natural jurisprudential account of political obligation He collapsed 'self-preservation', which

[159] Worsley, 'Discourse of the Privateers', 671.
[160] Anon to Arlington, 29th November 1671, BL, Add. MS 11410, 429.
[161] Sir Thomas Lynch to Arlington, undated, BL, Add. MS 11410, 371-80. For Lynch's connexion to Arlington see, Webb, *The Governors-General*, 232. And for the expansion of plantations under Lynch's governorship, see Richard S. Dunn, *Sugar and Slaves: The rise of the planter class in the English West Indies, 1624-1713* (Chapel Hill, 1972), 156-157, 168-169. Lynch had been appointed lieutenant governor in the autumn of 1670: 'Journal of the Council of Foreign Plantations', 10, 19.
[162] Slingsby, *Pax*, 310. Slingsby also developed elaborate proposals for the expansion of cocoa planting in Jamaica: Ibid., ch. 17.
[163] Ibid., 161.

Hobbes defined in strictly natural jurisprudential terms, into 'self-interest';[164] and although he cited Hobbes's 'generall Rule of Reason that every Man ought to endeavour peace as fare as he has Hopes of obtainge it', when he finally committed to an account of the formation of civil society in chapter 10, 'natural Reason' had little role to play.[165] Earlier in *Pax*, troubled by the non-obligatory status of natural law, Slingsby had consoled himself with the thought that 'divine law' had introduced 'a new... frame of order and discipline into the world'; and he returned to this thought in chapter 10 to establish the basis of political obligation.[166] He also toyed with an alternative account of political obligation in terms of popular consent, but he thought with Grotius rather than Hobbes to develop it.[167]

Having accounted for the origins of the commonwealth, Slingsby turned in chapter 15 to the problem of its government. Here, despite his earlier deviations from Hobbes, he described the commonwealth without reservation as the 'great Leviathan'.[168] The perennial problem of 'Holdinge the commonwealth together' had been complicated, he said, by the steady expansion of its trade which was now as 'boundlesse as the Sea'. The 'great Leviathan' had been rendered increasingly dependent on international and colonial trade and its territorial extent had expanded with the addition of several diffuse dominions. It might seem surprising that Slingsby should return to Hobbes's theory in a discussion about trade. Hobbes's political theory has a reputation as 'uncommercial': its claim that the commonwealth was the exclusive site of human sociability was belied by

[164] Ibid., 210.
[165] Ibid., 186.
[166] Ibid., 206.
[167] Ibid., 204.
[168] Ibid., 288.

the experience of 'commercial society' and repudiated by political economy.[169] For Slingsby, however, international trade and 'Correspondence' depended on the prior establishment of an 'Imperial Jurisdiction' by which 'our Lives are made sociable'.[170] He thought with Hobbes to critique the monopolistic practices of trading corporations and to subject them to the authority of the 'magistrate';[171] and he also thought with Hobbes about political membership in an expanding island empire. Within 'the great Leviathan', the geographical location of colonial subjects had no bearing on their duty of 'obedience' to the sovereign; and the development of new modes of colonial government had allowed the sovereign 'to bring' these subjects 'into order & discipline'. In *Pax's* idealised account of Jamaica's government, the metropolitan 'Soveraign' closely supervised the government of the island, holding a 'daily Audience of All persons concerned in any things Relating to foreigne plantations' and issuing directions to his colonial 'governors'.[172] The Crown's policy had 'settled the Western plantations with strength and safety', encouraged planting, and established an 'Ecclesiasticall Settlement' which integrated them into the 'Diocese of London'.[173] It had aimed to ensure that 'men when they are most remote, may continue both good subjects & good Christians'.

This characterisation of a centralised empire would have pleased officials responsible for imperial policy in the Cabal, those associated with Arlington as well as Ashley. In the English Caribbean, as in the British Isles, the Crown's dominions had responded to their ambiguous statuses within the empire by asserting various degrees of legislative

[169] Istvan Hont, *Jealousy of Trade: International competition and the nation-state in historical perspective* (Cambridge, 2005), esp. 17-21 and 182-4.
[170] Slingsby, *Pax*, 134.
[171] Ibid., 294, 121, 342.
[172] Ibid., 335.
[173] Ibid., 334.

autonomy.[174] Following his arrival in Jamaica, Lynch complained to Arlington that 'the people look on it as their Magna Charta' that they be governed by the 'municipal laws' of their colonial assembly, as well as the laws of England.[175] Arlington's associates, like Ashley's, wanted to reassert metropolitan authority over these dominions. But their vision of a centralised empire extended the privileges as well as the obligations of metropolitan subjecthood to the colonial periphery, and they were particularly concerned with the privileges of trade. As a metaphor for empire, 'the great Leviathan' implied both the absolute subjection and full incorporation of colonial subjects, and this principle inflected *Pax's* discussion of imperial government. Slingsby contrasted the Dutch, a 'united and incorporated' empire, with the British, who 'cavil, clash, & justle one Another'.[176] And though he praised the 'Commissioners for Foreigne plantations' for consolidating the government of the empire, he also emphasised that 'freedome of Trade, & Commerce' was one of their founding objectives.[177]

Slingsby discussed the 'Injurious' consequences of restrictions on Caribbean trade with reference to the navigation system imposed by Cromwell; and only by implication did he also criticise the restored monarchy for re-imposing and strengthening this system throughout the 1660s.[178] The same went for his criticism of restrictions on Anglo-Scottish trade. When it came to restrictions on Irish trade, however, Slingsby was rather more forthright in expressing his views. He referred briefly to the proposals to restrict the Irish woollen trade but focussed on the Cattle Acts.[179] Though he was concerned in part with

[174] Greene, *Peripheries and center*, chs. 2- 3, esp., 19-20; A. Berriedale Keith, *Constitutional History of the First British Empire* (Oxford, 1930), 127-31.
[175] Sir Thomas Lynch to Arlington, 20th August 1671, in *Calendar of State Papers Colonial, America and West Indies: Volume 7, 1669-1674*, ed. Noel Sainsbury (London, 1889), 249.
[176] Slingsby, *Pax*, 289.
[177] Ibid., 121.
[178] Ibid., 308.
[179] Ibid., 308-9.

the financial losses of the English landlords who had 'fattened' Irish cattle before they were sold in London, his central argument against the Cattle Acts concerned the principles of political membership and employed juridical concepts derived directly from Hobbes. Whatever its history of rebellion, Ireland was 'not now guilty of traitorous practices', he said; and the principles of justice, equity and gratitude, which he had earlier defined with reference to Hobbes's 'secondary Lawes of nature',[180] instructed the Crown to lift the restrictions on Irish trade.[181] Preventing English 'Adventurers' in Ireland from trading their livestock with England was an 'unkind Requitall After all their Services'; although they had subdued Ireland for the Protectorate, 'the Law itselfe Hath made [them] Innocent' and they were entitled to all the privileges of subjecthood. Indeed, for Slingsby, it made sense to talk of a 'people of great Brittaine' who could and should be embodied in a single British polity. Slingsby endorsed Anglo-Scottish union and called for a 'Treble League' between the 'three kingdoms' to secure their protection and prosperity.[182]

Petty: Hobbes, empire and Ireland

In an essay on maritime dominion dating from the early 1680s, Petty, like Slingsby, explicitly modelled his concepts of 'Soveraignty & Empire' on the 'Leviathan' of 'Mr Hobbs'.[183] His intention in this essay and associated writings was to establish that a *Dominus Maris*, the King of England in this case, had the same 'Right and Power' over his maritime dominions, and 'the Lives, Libertties & fortunes of all that Live within the same', as that which he had over his 'dry' dominions. These arguments and their contexts

[180] Ibid., 108.
[181] Ibid., 309.
[182] Ibid., 120-1.
[183] Sir William Petty, 'Essay on the King's right to the dominion of the seas', BL, Add. MS 72865, f. 119r.

will be discussed in the next chapter, but they are relevant to our purposes here for the concept of imperial sovereignty they implied. In *Leviathan,* Petty found a way of thinking about sovereignty that was suited to an expanding and variegated empire; the rights and obligations that it signified were not diluted by distances of time and place. Slingsby had used Hobbes's concept of sovereignty in a similar way in his intervention in the debates about the Cabal's colonial policy. Petty shared political and institutional contexts with Slingsby in the early 1670s; and though *Political Anatomy* and *Political Arithmetic* lacked direct references to Hobbes, these contextual connexions reinforce the textual evidence that Petty also thought with Hobbes to respond to these debates. In the 1680s, Petty was primarily concerned with the rights of sovereign power. But the Hobbesian response that he shared with *Pax* also emphasised the privileges of subjecthood.

Earlier in the chapter we identified Hobbes's idea that the 'people' was coterminous with the body politic and its sovereign representative. This idea had begun to unravel in *Leviathan's* discussion of colonial government, but Hobbes had returned to it in his discussion of Anglo-Scottish relations in *Behemoth* to suggest that the incorporation of the two nations into 'one People' was the proper consequence of the Union of the Crowns.[184] Paul Seaward is 'unclear as to why' *Behemoth* 'emphasised so strongly the point about nationality', given that that it was not addressed in the negotiations for commercial union of 1668.[185] But the significance of the 'people' in Hobbes's theoretical vocabulary explains his preoccupation with the theme: the unequal distribution of 'privileges' within the Stuart multiple monarchy undermined the integrity of the civil union. As it turned out, Hobbes's focus on 'nationality', (perhaps better termed 'political

[184] *Behemoth,* 150-152.
[185] Seaward ed., *Behemoth,* 49.

membership', given that the 'people' was a purely juridical concept for Hobbes), predicted the development of discussions about British multiple monarchy under the Cabal. The insistence of the English that 'none could have the privilege of trading into their plantations, save those only who were English or naturaliz'd', convinced Charles to initiate negotiations for a parliamentary union in 1669.[186] And in the early 1670s, Petty made his case for multilateral imperial trade by charactising the 'whole Empire' as a single people and polity.[187]

Petty shared the concerns of Ashley and his associates that due to their 'small divided remote Governments', the Crown's 'smaller Kingdoms and Dominions' were unable to defend themselves without England's assistance.[188] If they were presently 'Diminutions', they would become 'Additions' if their government was improved; and Petty also shared the Cabal's enthusiasm for the government of plantations by council. But the councils for plantations proposed by Worsley and established under the Cabal were composed of Crown servants with expertise or interests in colonial policy. This was also how they were characterised in *Pax*.[189] The two 'Grand Councils' that Petty proposed in *Political Arithmetic* were the representative institutions of an imperial 'People': one was appointed by popular election, the other by the King. Petty implied that the jurisdiction of these councils would extend to England, Scotland and Ireland, as well as the colonies and plantations;[190] but he also recommended a union which would give the 'people of the 3

[186] Sir George Mackenzie, *Memoirs of the affairs of Scotland from the Restoration of King Charles II* (Edinburgh, 1821), 137; Jackson, 'The Anglo-Scottish union negotiations of 1670', 42.
[187] Petty, *Economic Writings*, I, 298.
[188] Ibid.
[189] Ibid.
[190] The councils would 'equally represent the whole Empire': Petty, *Economic Writings*, I, 298.

kingdoms' the institutional apparatus that the 'Grand Councils' gave the empire as a whole.[191]

Petty's vision of British and imperial peoples with coterminous political institutions agreed with Hobbes's concept of a 'people', and his alignment with Hobbes in this connexion complicates a standard historiographical narrative about his treatment of the Crown's 'smaller Kingdoms and Dominions'. It is often characterised as Anglo-centric, concerned with consolidating England's imperial authority;[192] and the description of the union he proposed as an 'incorporating union' is consistent with this characterisation.[193] In contemporary usage, the term 'incorporating union' was associated with the idea that England was a body politic under an imperial Crown: it referred to the 'incorporation' of the Crown's other dominions into that body politic.[194] As we have seen, Hobbes's approach to multiple monarchy and colonial government was radically incorporative. But it could not be said in Hobbes's language that one nation 'incorporated' another: sovereign right was established over individual subjects and all the subjects of a sovereign were incorporated into a single polity and, for they were coterminous, a single people. As Hobbes had hinted in *Behemoth,* this idea of incorporation had the potential to undergird a fully British polity and Petty made this link explicit. Rather than absorbing Ireland and Scotland into the English polity, the union that Petty envisaged made a single polity of all three. Petty detailed the institutional arrangements of union in a memorandum of 1672.

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[191] Sir William Petty, 'An Expedient in order to an Union of England, Ireland, Scotland', 4th March 1672, BL Add. MS 72879, f. 34r; idem, *Economic Writings*, I, 158-162, 220, 302.
[192] McCormick, *William Petty*, chs. 5-6; Adam Fox, 'Sir William Petty, Ireland, and the Making of a Political Economist, 1653-87', *The Economic History Review*, 62/2 (2009), 398.
[193] Clare Jackson, 'Restoration to Revolution, 1660-1690', in Glenn Burgess (ed.), *The New British History: Founding a Modern State, 1603-1715* (London, 1999), 107.
[194] John Robertson, 'Empire and Union: Two Concepts of the Early Modern European Political Order', in John Robertson (ed.), *A Union for Empire: Political Thought and the British Union of 1707* (Cambridge, 1995), 8-10. For 'incorporating union' in a European context, see Elliott, 'A Europe of Composite Monarchies', 53.

The Parliaments of the three kingdoms were to be superseded by a new representative institution, a 'generall Assembly'.[195] And since 'the people of the 3 kingdoms' constituted a single political entity, it was 'just' that each kingdom's share of the seats in the assembly would be proportionate to the size of their populations.[196]

If Petty's union proposal told of his engagement with Hobbes, this engagement was facilitated by his Irish political context. Though some of its lawyers did their best to impersonate it, Ireland lacked the constitutional self-confidence of England and Scotland. As a conquered kingdom with an uncertain relationship with its conqueror, the type and degree of incorporation that Petty proposed was more viable, and perhaps more popular, in Ireland than in the other two kingdoms.[197] The outcome of the Anglo-Scottish union negotiations attests to this. By 1670, two obstacles stood in the way of the negotiations, one erected by its opponents in the Scottish Parliament, the other by its proponents on the commission. The first took the form of two 'concomitant' legal objections: that Parliament did not have the right to dissolve itself and that to do so would require the 'unanimous consent' of its members.[198] With an eye to conciliating Parliament, the Scottish negotiators then insisted that the number of Scottish seats in a union Parliament shall not 'be lesse then now it is in the Parliament of Scotland'.[199] The negotiations did not recover from the resulting impasse; and Petty later developed his proposal for British union with a conspicuous disregard for the statuses of existing constitutional institutions.

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[195] Petty, 'An Expedient', f. 34r.
[196] Ibid. See also, Petty, *Economic Writings*, I, 221.
[197] For discussion of how Ireland's 'dependent' constitutional status affected its relationships with Scotland and England in the Restoration, see Toby Barnard, 'Scotland and Ireland in the later Stewart monarchy', in Steven G. Ellis and Sarah Barber (eds.), *Conquest and Union. Fashioning a British State, 1485-1725* (London, 1995), 250-75.
[198] Jackson, 'The Anglo-Scottish union negotiations', 55.
[199] Charles Terry, *Cromwellian Union; Papers Relating to the Negotiations for an Incorporating Union Between England and Scotland, 1651-1652 with an appendix of papers relating to the negotiations in 1670* (Edinburgh, 1902), 206.

Given its diminutive population, Scotland was to have the fewest number of seats in Petty's assembly: 60 to Ireland's 90 and England's 450.[200] In the 'Report', Petty also suggested that a union could be established 'without any new Law to be made' by the Irish Parliament.[201]

The importance of Ireland's conquered status in facilitating the development of Petty's union proposal was reflected in his own reliance on a concept of conquest to make the case for union. The connexion between conquest and union in Irish discourse was demonstrated inversely by arguments for Ireland's legislative independence. Domville claimed in the *Disquisition* that the Irish Crown had been annexed to the English Crown under Henry II, not by a forcible conquest, but by the 'Voluntary and Absolute Submission' of the Irish political nation.[202] Domville continued to use the term 'conquest' to describe the annexation of Ireland, but he argued that Coke's judgement in Calvin's Case established that a King who inherited a conquered dominion given 'new Laws' by his predecessor, could not 'Alter, or Change those Laws' without the consent of that kingdom's Parliament.[203] Though Coke's judgement did indeed establish this principle, it also established that Ireland could 'be bound by Act of the Parliament of England' because it had been conquered, and it therefore exposed the instability of the concept of conquest as defined by common law and applied to Ireland..[204] Hobbes had attempted to stabilise the concept in *Leviathan*. In *Behemoth* he described, with reference to Calvin's Case, the unhappy consequences for Anglo-Scottish relations of its continued instability. Given Ireland's history, however, the instability of the concept had greater implications

[200] Petty, 'An Expedient', f. 34r.
[201] Ferguson, 'Scottish-Irish Inter-Governmental Relations ', 45.
[202] Domville, 'A Disquisition', 44.
[203] Ibid., 57-8.
[204] Sir Edward Coke, *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard (Indianapolis, 2003), 3 vols. I, 207.

for Anglo-Irish relations and Hobbes's concept of conquest thus had greater polemical potential in an Anglo-Irish context.

Petty insisted that Ireland was a conquered country, but he acknowledged that its conquest had remained incomplete until it was re-conquered by Cromwell in 1652. In his *Reflections* of 1660, Petty had described this conquest as the 'first that ever totally subdued *Ireland*';[205] and in *Political Anatomy,* he endorsed Sir John's Davies's account of why earlier generations of settlers had struggled to reduce the country to '*English Government*'.[206] Having begun in earnest in 'Queen *Elizabeths* Reign', the conquest of Ireland had culminated in 1652 with the creation of a new 'Political Animal'; Ireland, Petty said, was 'scarce Twenty years old'.[207] The perfection of the conquest of 1652 reflected the universal nature of the rebellion it supressed. *Political Anatomy* referred to the preamble of the Act of Settlement of 1662 which had characterised the rebellion of 1641 as 'almost national' and the Confederacy the rebels established as a 'soveraign authoritie'.[208] For the authors of the preamble, these characterisations established the legitimacy of the land settlement imposed by Cromwell and upheld, albeit with some alteration, in the main body of the Act. Though the conquest of Confederate Ireland had also resulted in a *de facto* British union, however, this arrangement that had neither been formalised in law by the Protectorate nor maintained after the Restoration. Under the leadership of Roger Boyle, the lord Broghill and later the earl of Orrery, Irish Members of the Protectorate Parliaments had attempted unsuccessfully to pass two 'union bills'.[209]

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[205] William Petty, *Reflections upon some persons and things in Ireland* (London, 1660), 12.
[206] Petty, *Economic Writings*, I, 155.
[207] Ibid., I, 129.
[208] Ibid., I, 155; *The statutes at large, passed in the Parliaments held in Ireland* (Dublin, 1786), 21 vols., II, 239.
[209] Patrick Little, 'The First Unionists? Irish Protestant Attitudes to Union with England, 1653-9', *Irish Historical Studies*, 32/125 (2000), 44-58. See also, idem, *Lord Broghill and the Cromwellian Union with Ireland and* Scotland (Woodbridge, 2004), 86-7, 130-6.

Boyle's unionist agenda also informed his similarly unsuccessful scheme to offer the Crown to Cromwell in 1657.[210] The appointment of Ormond as Lord Lieutenant following the Restoration represented a further blow to Boyle's unionist agenda and signalled a decline in his influence over Irish policy. For this reason, however, Boyle, now Orrery, seems to have welcomed the formation of the Cabal ministry, and he conspired with its members to secure Ormond's dismissal in 1669.[211] The formation of the Cabal reopened the question of Ireland's constitutional status and stimulated the unionist agenda. Though he did not obtain senior office under the Cabal, Orrery remained an Irish privy counsellor and received in this capacity a version of Petty's proposal for union in the early 1670s.[212] Petty's proposal promised to complete the unionist project that Orrery had initiated following the conquest of 1652. To explain the relationship between conquest and union, however, Petty employed the Hobbesian resources of which the Cabal was peculiarly accommodating.

As we have seen, *Leviathan* redefined 'conquest' to describe the incorporation of subjugated persons into the commonwealth. Domville's distinction between forced and voluntary submission contradicted this definition; nor was it satisfied by the Protectorate's treatment of Ireland following the conquest of 1652. But to make the case for union and the concomitant extension of commercial privileges to the Irish, Petty made precisely Hobbes's connexion between conquest and incorporation. Given that Ireland was a 'Conquered Country', argued *Political Arithmetic*, it was proper that a 'union' should be made between it and its conquerors.[213] Petty was partly concerned about the

[210] Ibid., 145-6.
[211] Ibid., 183; McGuire, 'Why was Ormond Dismissed', 297-8.
[212] Sir William Petty, 'Questions to be put to MPs who were also Irish Privy Councillors concerning the state of Ireland', BL, Add. MS 72879, ff. 64r-68v.
[213] Petty, *Economic Writings*, I, 300.

maintenance of political order in Ireland and the prevention of future rebellion. *Political Anatomy* described it as 'absurd' that while Ireland retained its own legislature, its highest judicial and ecclesiastical authorities were located in England: 'the Inhabitants of *Ireland*, naturally and necessarily bound to obey their Sovereign' were not 'permitted to know who, or what the same is'.[214] But equal privileges were a necessary corollary of equal obligations, and the Crown's sovereignty would not be consolidated in Ireland until this principle was observed. As it stood, even those who had participated in the conquest of Ireland were treated as 'Aliens, Foreigners, and also Enemies' by the English. As he had before, Petty elucidated a principle of political right with reference to tax policy. None of 'King's Subjects should pay Customs as Aliens' in any of the 'Kings Territories': the Irish Sea was no more natural a customs border than the '*Trent*'.[215]

One Hobbesian concept suggested another; and having thought with Hobbes about conquest and union, Petty continued to think with him as he prescribed the political and economic arrangements of a post-union Ireland. As we have seen, Petty developed his innovative methods of economic analysis within a framework of concepts about sovereignty. His manuscript glossary of economic terminology emphasised the dependence of 'Trade' on the 'Sovereign', who disposed of 'the persons of all Men & Consequently their Commodities';[216] and a similar relationship was suggested in *Political Anatomy* and *Political Arithmetic*. Though Petty retained the corporation as a unit of economic organisation, he imposed strict parameters on its activities: 'the Corporations of *Ireland*, may be obliged to engage no Manufactures, but according to their Primitive Instructions; which was to carry on such great works, as exceeded the strength of single

[214] Ibid., I, 159.
[215] Ibid., I, 160-1.
[216] Petty, 'Explication of Trade', BL, Add. MS 72865, f. 102r.

Persons'.[217] He also suggested that surplus produce should be redistributed by the 'Sovereign' for 'the common good' of the people he 'represented'.[218] Elsewhere, the relationship between sovereignty and trade was expressed in negative terms. A number of pernicious 'trades' had thrived in Ireland's jurisdictional grey zones, from 'the Gains made by the... badness of Coins', to official nepotism and corruption.[219] Perhaps the most damaging, however, was the 'trade' of disputing the land settlement by finding 'Flaws and Defects' in grants and titles.[220] Petty acknowledged that there were many to be found but argued that, due to successive upheavals in land ownership, history was not a stable source of claims to Irish land. In the early 1670s, the Crown was beset once again with Catholic claims of historic ownership, but Petty's concepts of conquest and sovereignty permitted the Crown to refuse them. They also offered Ireland, in a union with England, access to proper and more profitable trades.

Petty argued in a natural philosophical as well as a political theoretical language, and it was in the former that he articulated his most notorious policy proposal. In both *Political Arithmetic* and *Political Anatomy*, Petty recommended that reciprocal transplantations of populations between Ireland and England accompany the constitutional union. *Political Arithmetic* proposed 'Transplantations' and a 'proportionable mixture' of the Irish and English, and *Political Anatomy* elaborated the proposal.[221] Ireland would exchange 200,000 '*Papists*' for 'the like number of *British*', alongside an additional 20,000 'unmarried marriageable Women' from each nation, 'disposed of one to each Parish'.[222] These population exchanges would facilitate the 'natural Transmutation' of the Irish into

[217] Idem, *Economic Writings*, I, 222.
[218] Ibid., I, 275.
[219] Ibid., I, 196.
[220] Ibid., I, 194-5.
[221] Ibid., I, 300.
[222] Ibid., I, 157-158.

a population which, as far as language, manners and practices of household 'oeconomy' were concerned, would be '*English*'.[223] In alchemical science, 'transmutation' described the process by which one substance was changed into another, and Ted McCormick analyses Petty's proposal in relation to the development in the Royal Society of 'a mechanical account of alchemy'.[224] Though this seems plausible enough, McCormick perhaps underappreciates the extent to which Petty's proposal also relied on his political-theoretical concepts.

The proposed transplantations completed the process of incorporation demanded by Petty's concept of conquest; and given that they were enforced by the state, the proposal also had a use for his concept of sovereign power as the power 'to dispose of the persons of all Men'.[225] On the previous occasion when 'transmutation' was used as a metaphor for the social reform of the Irish, moreover, it concurred with similar ideas about the nature of political authority. In 1659, as the Protectorate Parliament debated the status of Ireland and Scotland in the *de facto* union, Michael Hawke published *The history of the union*.[226] Hawke classified the constitutional relationships that had obtained historically in the British Isles according to a typology of unions. Union 'by conquest' was the 'most general and more durable', not only because it established an unequivocal political right, but because, by doing so, it laid a foundation for a 'sociable union'.[227] The establishment of a political right by conquest evoked the doctrine of '*Mr*. Hobbs', characterised by Hawke in an earlier text of 1655, that 'sure and irresistible power conferreth the right of

[223] Ibid., I, 158.
[224] McCormick, *William Petty*, 203.
[225] Petty, 'Explication of Trade', f. 102r.
[226] Little, 'The First Unionists?', 54; *History of the Union* was published anonymously under the initials 'M. H.', and Jim Smyth has identified Michael Hawke as the author: 'Empire-Building: The English Republic, Scotland and Ireland', in David Finnegan (ed.), *Varieties of Seventeenth- and Early Eighteenth-Century English Radicalism* (Farnham, 2011), pp .141-142.
[227] M.H. (Michael Hawke), *The history of the union of the four famous kingdoms of England, Wales, Scotland and Ireland* (London, 1660), 16, 20.

dominion'.[228] When he turned to historical examples of union by conquest, Hawke also drew on Sir Francis Bacon and Jean Bodin. But the formation of a 'sociable union' was analogous to alchemy: the 'transmutation of names', alongside the 'imposition of laws', incorporated the conquered 'into one moral and civil body' with their conquerors.[229] To think with Hobbes was to use his concepts as imaginative resources for thinking through a problem. The most pressing and intractable problems were most amenable to Hobbes's concepts, and Hobbes had intended that this should be so. He had a keen sense for the problems that most troubled his contemporaries, multiple monarchy included. The urgency of the problem of multiple monarchy encouraged Hawke and Petty alike to think with Hobbes to address it; it also explains why they amalgamated Hobbesian concepts with concepts from natural philosophy.

Petty: Hobbes, Ireland and religious policy

The realignment in the Crown's relationship with its non-English dominions under the Cabal was paralleled by a realignment in its relationship with non-Anglican subjects. Given that confessional conflict within and between the three kingdoms had obstructed their political integration, the two realignments were closely connected. Opposition to the idea of 'Britain' as both a cultural and constitutional entity had a significant confessional dimension in Scotland as well as Ireland.[230] But as the union proposals negotiated in 1670

[228] Idem, *The Right of Dominion, Property of Liberty, Whether Natural, Civil, or Religious* (London, 1655), 50. For further discussion, see David Armitage, 'The Cromwellian Protectorate and the Languages of Empire', *The Historical Journal*, 35/3 (1992), 545-6.
[229] M. H., *The history of the union*, 44, 6.
[230] James VI and I's vision for British union included religious as well as political union and faced stiff opposition from Scottish Presbyterians: Jenny Wormald, 'James VI, James I and the Identity of Britain', in Brendan Bradshaw and John Morrill (eds.), *The British Problem, c. 1534-1707, State Formation in the Atlantic Archipelago* (Basingstoke, 1996), 151; Jenny Wormald, 'The union of 1603', in Roger Mason (ed.), *Scots and Britons: Scottish political thought and the union of 1603* (Cambridge, 1994), 27-30. An ironical combination of Scottish fear of English ecclesiastical imperialism and the court's reluctance to pursue an imperial ecclesiastical policy ensured that James's vision was not realised under Charles I

and agreed in 1707 demonstrate, the Protestant identity that England and Scotland shared, however thin or contested, allowed for the possibility of a parliamentary without an ecclesiastical union.[231] The Anglican and Presbyterian communities in Ireland also participated in a shared Protestant identity, but they did not constitute a majority of the population.[232] The majority, over seventy percent according to Petty, were Roman Catholic; and the Roman Catholic Church challenged both the 'Spiritual Jurisdiction' of the established Church and the 'Temporal Power' of the Crown.[233] Buoyed by scholastic philosophy and the doctrine of papal supremacy, it functioned as 'the Internal and Mystical Government' of the majority of Ireland's population. In any union that included Ireland then, ecclesiastical would need to attend political incorporation; but given the historic failure of the Reformation in Ireland and the more lenient approach to non-conformity adopted by the Cabal, conversion and coercion were not available to Petty as means to achieve it. The fully British Church that would accompany a fully British union would have to accommodate a signification proportion of Ireland's Catholic community. This challenged widely held assumptions about the nature of a Reformed Church and its relationship with the state; and to address these ecclesiological questions, Petty thought with Hobbes.

Petty's use of Hobbes to think about ecclesiastical membership reintroduces the vexed question of Hobbes's religious politics. As we have seen, the case for reading Hobbes as

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either: Mason, 'Debating Britain in seventeenth-century Scotland', 13-4; John Morrill, 'A British patriarchy? Ecclesiastical imperialism under the early Stuarts', in Patrick Collinson (ed.), *Religion, culture and Society in Early Modern Britain: Essays in Honour of Patrick Collinson* (Cambridge, 1994), 209-37. And in advance of the 1707 union, Scottish Presbyterians feared that a union would absorb the 'Presbyterian Kirk' into a 'pan-Britannic Episcopalian Church': Colin Kidd, 'Religious Realignment between the Restoration and Union', in *A Union for Empire*, 145.

[231] The union negotiated in 1670 preserved each kingdom's 'Laws Civil and Ecclesiastical': Terry, *The Cromwellian Union*, 197.

[232] Toby Barnard, 'Crises of Identity Among the Protestants 1641-1685', *Past & Present*, 127 (1990), 49.

[233] Petty, *Economic Writings*, I, 164-5.

a ‘tolerationist’ often involves some rather tenuous claims about his participation in the religious politics of the late 1660s and early 1670s. Though proponents of the case sustain these claims with reference to Hobbes’s writings in this period, they tend to identify the theoretical foundation of his ‘tolerationism’ in *Leviathan*. Following the violent eradication of episcopacy and the political defeat of Presbyterianism, *Leviathan* intimated support for a less coercive and uniform public religion. It openly, if somewhat equivocally, endorsed ‘the Independency of the primitive Christians’.[234] And although it retained *De cive’s* argument that men had a duty to worship God publicly and to do so when united in a body politic in a ‘Uniforme’ fashion,[235] it loosened the definition of ‘private worship’ to facilitate the sort of ‘Congregationalist ecclesiology’ that Independency implied.[236] Neither Tuck nor Collins, leading proponents of a ‘tolerationist’ reading of *Leviathan,* rest their case solely on *Leviathan’s* endorsement of ‘Independency’, however. Given that the endorsement was absent from the Latin edition of *Leviathan,* published in Amsterdam in 1668, just as Hobbes is said to have accelerated his ‘tolerationist’ agenda, it could not sustain it anyway.[237] Instead, Collins emphasises the tolerant implications of *Leviathan’s* discussion of ‘conscience’.[238] And Tuck deduces a ‘defense of toleration’ from *Leviathan’s* ‘fundamental theory’: if the sovereign was established to preserve the lives of his subjects, and he alone had the right to determine public religious doctrine, then ‘he would have no right to impose doctrines on his citizens unless he sincerely believed that doing so would preserve them’.[239]

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[234] *Leviathan*, III, 1114-1116. Hobbes’s endorsement of Independency followed a brief history of the Reformation which dissolved the three ‘knots’ of papal supremacy, divine right episcopacy and Presbyterianism.
[235] Ibid., II, 570. Cf. *OTC*, 181. For further discussion, see Jeremy Waldron, ‘Hobbes on Public Worship’, Melissa Williams and Jeremy Waldron (eds.), *Toleration and its Limits: Nomos 48* (New York, 2008), 31-3.
[236] Abizadeh, ‘Publicity, Privacy, and Religious Toleration’, 284. Cf. *Leviathan*, II, 564.
[237] Malcolm ed., *Leviathan*, I, 61-5.
[238] Jeffrey Collins, *The Allegiance of Thomas Hobbes*, (Oxford, 2005), 123-5.
[239] Tuck, ‘Hobbes and Locke’, 165.

Tuck's argument illustrates particularly vividly the tendency of 'tolerationist' readings of Hobbes to conflate the possible implications of his theory with his original intentions. Hobbes's primary intention in *Leviathan* was to 'advance the Civill Power', and he disciplined any discourse that threatened it.[240] He sided with neither the ecclesiastical establishment nor the non-conformists, but redefined religious terminology in such a way as to repudiate the politically dangerous claims made by both. One consequence of this strategy was that on different occasions he sounded both tolerant and authoritarian, but we should be careful before interpreting these strains as endorsements of contemporary policy proposals.[241] Take his treatment of conscience. Hobbes collapsed 'conscience' into 'judgement' or 'opinion'. This made the conscience 'free', in that, like any other mental faculty, it could not be affected by coercive power; but it also divested it of supernatural qualities. It would be improper for the sovereign to extend 'the power of the Law, which is the Rule of Actions onely, to the very Thoughts, and Consciences of men';[242] *Behemoth* implied that it would also be imprudent.[243] However, it would be equally illegitimate for a subject to complain that it was a 'sin' to contradict his conscience when required by the sovereign to speak or behave in a certain way.[244]

Of course, Hobbes's most infamous redefinition of religious terminology was that of the Church itself. For Hobbes, a Church was *'A company of men, professing Christian Religion, united in the person of one sovereign*'.[245] Since sovereignty was indivisible, the

[240] *Leviathan*, II, 4.
[241] Jon Parkin, 'Hobbes and the Future of Religion', in Lauren van Apeldoorn and Robin Douglass (eds.), *Hobbes on Politics and Religion* (Oxford, 2018),199-200.
[242] *Leviathan*, III, 1096.
[243] *Behemoth*, 188.
[244] *Leviathan*, II, 502.
[245] Ibid., III, 732. Cf. *OTC*, 246.

sovereign of the Church was necessarily the same person as the sovereign of the commonwealth. The Church was thus the 'same thing with a Civil Common-wealth consisting of Christian men'.[246] Hobbes's initial inference from this premise was, as it were, an authoritarian one: no congregation could assemble 'without warrant from the Civil Soveraign'. But a Church defined as the state was also inherently inclusive. Every Christian, that is anyone who recognised that Jesus is Christ, was a member of the Church.[247] Hobbes developed his religious politics along a different conceptual axis to that along which contemporary religious policy was developed. For Hobbes, it made no sense to talk about multiple churches competing for rights within the body politic, and he thus had little to say about 'toleration' *per se*. But he certainly extended ecclesiastical membership to Christians who had been excluded from the Church of England, and, most significantly for Petty's purposes, this included Catholics. In the 1660s, Hobbes began to use *Leviathan's* ecclesiological formulae to re-describe the history of the Catholic Church. In the history of heresy annexed to the Latin *Leviathan*, he distinguished the 'Catholic Faith', which was simply the doctrines agreed at Nicaea, from the Churches that adopted it.[248] Since 'in Christian commonwealths, the kingdom and the Church are the same people', there were 'as many Catholic Churches' as there were 'Christian kingdoms and republics'.[249] It was not that Catholic subjects *could* be members of Hobbes's Church: they were by definition. Provided they respected the sovereign's ecclesiastical right, moreover, he could accommodate their liturgical preferences.[250]

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[246] *Leviathan*, III, 732.
[247] Ibid., III, 936-8.
[248] Ibid., III, 1194-6
[249] Ibid., III, 1196. See also Hobbes's suggestion that Catholic canon law had been authorised by the English state: *WCL*, '*Dialogue*', 26. Noel Malcolm suggests that Hobbes may have developed his 'anti-papalist' arguments by reading Marco Antonio de Dominis's critique of Robert Bellarmine. De Dominis was an anti-papal Catholic who converted to Anglicanism. His works were held in the Cavendish library at Chatsworth: *De Dominis (1560-1624): Venetian, Anglican, Ecumenist and Relapsed Heretic* (London, 1984), 82.
[250] *Leviathan*, III, 882. For further discussion of *Leviathan's* treatment of Roman Catholicism, see Malcolm ed, *Leviathan*, I, 42-3, and Malcolm, *Aspects*, 39.

Some on the margins of Anglo-Irish Catholicism were immediately attracted to *Leviathan*. Thomas White and John Austin, members of the 'Blackloist' faction, found useful conceptual resources in the book as they conspired with the Independents against both Rome and the King and negotiated for Catholic toleration.[251] The 'Blackloists' shared ecclesiological principles with the 'Gallican' Church in that they rejected the papacy's claim to jurisdiction over 'national' Churches and upheld the rights of civil authority.[252] Gallican principles did not proceed necessarily to a policy of toleration; but for Austin, Hobbes's doctrine of the freedom of the conscience facilitated the transition.[253] Hugh Cressy, developed this genre of recusant argument in the early 1670s. Throughout the previous decade, Cressy had refuted the Anglican characterisation of Catholicism by disputing the papacy's claims to temporal power and arguing that even its spiritual power was qualified by 'General Councils'.[254] The prospect of a royal 'indulgence' under the Cabal concentrated Cressy on the other side of the equation: the rights of civil authority.[255] Cressy maintained that Charles had a 'Supreme Civill Power over all persons and in all Causes, both Ecclesiastical and Temporall'.[256] Since no coercive power had been exercised by the primitive Church, heresy and dissent should be punished exclusively by the civil magistrate and only in so far as they threatened civil

[251] Jeffrey Collins, 'Thomas Hobbes and the Blackloist Conspiracy of 1649', *The Historical Journal* 45/2 (2002), 305-31.
[252] Ibid., 311. For Gallicanism and its reception in England, see: J.H.M. Salmon, *Renaissance and Revolt: Essays in the intellectual and social history of early modern France* (Cambridge, 1987), ch. 7.
[253] Collins, 'Thomas Hobbes and the Blackloist Conspiracy of 1649', 330, n. 150.
[254] Brown, 'Anglo-Irish Gallicanism', 114-9, esp. 115. For Cressy's views on General Councils, see Hugh Cressy, *Roman Catholick Doctrines No Novelties or An Answer to Dr. Pierce's Court Sermon, Mis-call'd The Primitive Rule of Reformation*, (np. 1663), 44-5.
[255] Cressy was closely associated with Lord Clifford, one of a handful of Crown servants who were privy to the secret Treaty of Dover, under which Charles committed to convert to a Gallican style Catholicism and pursue a 'reunion' of Christianity: Glickman, 'Christian Reunion', 263-91.
[256] Hugh Cressy, 'Form of an oath', BL, Add. MS 65139, f. 7r.

peace.[257] Cressy then made the same transition as Austin. Having identified 'Civil Unity and Peace' as the proper object of religious policy, he argued that a 'general liberty of conscience' was the best means of achieving it.[258]

Unlike Austin, Cressy did not develop these arguments with reference to Hobbes, and neither adopted the fully Hobbesian definition of the Church as the commonwealth. In accordance with the logic of' 'indulgence' in England, Cressy took 'liberty of conscience' to imply a freedom for dissenters outside the established Church. Indeed, the 'Hobbesian-style arguments' deployed in the debates about the Cabal's religious policy in England were not, generally speaking, of an ecclesiological character. Those deployed in favour of toleration tended to emphasise the mutual relation between protection and obedience, while those deployed in favour of comprehension or conformity emphasised the mutual relation between religious disunity and political discord.[259] *Pax* developed a version of the latter argument, while recognising a distinction between civil and ecclesiastical authority.[260] But though the character of the Cabal's religious policy in England diminished the value of Hobbesian ecclesiology in the public debates about it, this was not the case in Ireland. The realignment of religious policy under the Cabal had distinctive effects in Ireland: the Crown's interference in Catholic episcopal appointments and the institution of the *regium donum* actually expanded the state's control of religion. These policies raised questions about ecclesiastical membership specifically, and their proponents needed ecclesiological concepts that extended membership to non-Anglican subjects. Petty endorsed these policies as adjuncts to his union proposal, and he turned to

[257] Idem, 'Concerning the present disturbances in England about Religion And the most Means of composing them', 11th April 1671, BL Add MS 65139, ff. 17r-18r.
[258] Ibid., ff. 18r-18v.
[259] Parkin, *Taming*, 242-44.
[260] Slingsby, *Pax*, 44.

Hobbes for the ecclesiological concepts they required. Petty was a talented mimic. He offended Ormond with his impressions of 'Princes and Governors', and he delighted Evelyn with his parodies of various clerical clichés.[261] When he exercised this 'faculty' freely in religious discourse, Petty either gave the impression of heterodoxy or of atheistic flippancy, and his rivals accused him of both. He once complained that he was 'accompted sometimes a Jesuit, sometimes a Socinian, and sometimes an Atheist'.[262] As these accusations might suggest, Catholicism exercised a particular hold over Petty's imagination; and under James II, Petty surveyed Catholic doctrines with a 'moderate', even sympathetic, eye, to reassure himself and others that they were compatible with political obedience.[263] He adopted a number of personae in a multitude of papers, but one of the most regular members of the cast was the 'Hobbesian' persona that he adopted repeatedly to define the Church. He rendered this definition most succinctly as 'The Subjects of any Soveraign assembled by his hand... to Consult of Spiritual matters'.[264]

The realignment of religious policy that occasioned this exercise under James II had been attempted by the Cabal in the 1670s, and it seems that Petty developed his Hobbesian definition of the Church in this context. John Graunt, Petty's friend and collaborator, converted to Catholicism in 1672, and it was probably around this time that Petty received a letter 'exhorting' him to do the same.[265] Only Petty's draft response survives and it took the form of a series of axioms, most of which were variations on the Hobbesian themes that 'a church is a State or commonwealth or corporation of Men' worshipping 'under the

[261] John Evelyn, *The Diary of John Evelyn*, ed. William Bray (London, 1901), 2 vols. II, 101.
[262] Petty, *Reflections*, 137.
[263] Sir William Petty, 'Moderate thoughts concerning popery', 1686, BL, Add. MS 72888, ff. 46r-47v. See also, idem, 'The Catholiq, Apostoliq and Roman Religion & Worshp of God', BL, Add. MS 72888, ff. 30e-41v, and idem, 'Popery', BL, Add. MS 72888, ff. 44r.-45v.
[264] Sir William Petty, 'A dialogue on the Liberty of Conscience', MS Rawlinson, A 171. See also, Petty, 'Of the Church of England', BL, Add. MS 72888, f. 86r.
[265] Petty regretted Graunt's decision: Petty to Sir Henry Ford, 23rd August 1673, in BL, Add. MS. 72858, f.111r; Petty to John Graunt, 18th January 1672/3, BL, Add. MS. 72858, f. 86r-86v.

same discipline of their Representatives or Governors', and that Christianity could be distilled to the belief 'That Jesus of Nazareth is the Son of God'.[266] Rather than responding directly to his correspondent's exhortation then, Petty used Hobbes's ecclesiological formulae to change the terms of their conversation. These formulae confounded contemporary ideological categories, and it was this in them that appealed to Petty at moments of heightened confessional tension. In 1686, he encouraged Robert Southwell to 'quit all those gibberish denominations' and proceed instead on the basis of a 'clear and sensible explanation' of religious terminology.[267] Hobbes's definition of the Church repudiated the papacy's claim of a universal ecclesiastical jurisdiction, while accommodating Catholics who were prepared to disavow this claim; and in the early 1670s, Petty had political as well as personal uses for this unusual conglomeration.

Petty's discussion of religious policy, perhaps more than any other subject, exposes the different political perspectives of *Political Arithmetic* and *Political Anatomy*. *Political Arithmetic* was framed as a contribution to the debate about '*the Welfare of* England'.[268] It addressed ecclesiological questions indirectly in an obscure complaint about the 'differences' that were popularly drawn between 'Civil and Ecclesiastical Jurisdictions', and in a description of the '*Hollanders*' as a 'Church'; but its discussion of religious policy focussed on 'Liberty of Conscience'.[269] It recommended an 'Indulgence... in matters of Opinion', but the restraint by force of 'licentious actings'; and it repeated a

[266] Sir William Petty, 'To your letter exhorting mee not bee longer out of the Church', BL, Add. MS 72888, ff. 2r-3v.
[267] Petty to Southwell, 1st April 1686, in *The Petty-Southwell Correspondence 1676-1687*, ed. Marquis of Lansdowne (New York, 1967), 186-7.
[268] Petty, *Economic Writings*, I, 241.
[269] Ibid., I, 300, 263.

familiar trope of the debate to which it was contributing that 'Trade is most vigorously carried on, in every State and Government, by the heterodox part of the same'.[270]

Political Anatomy and the 'Report' addressed an Irish political context and discussed the politics of religion in ecclesiological terms. The former undertook what might now be described as an 'ethnographic' survey of Ireland, and Petty employed his skills of imitation to characterise the various religious beliefs of the Irish population. Though he considered most Irish priests to be incapable of grasping it, Petty acknowledged that some Catholics 'talk of a difference between the Interest of the Court of *Rome*, and the Doctrine of the Church'; and he described 'the better sort' of Irish Catholic who 'think less of the Pope's Power in Temporals... and begin to say, that the Supremacy, even in Spirituals, lies rather in the Church diffusive, and in qualified General-Councils, than in the Pope alone'.[271] Petty's characterisation of Irish Protestantism retained an ecclesiological theme: 'The Legal Protestants hold the Power of the Church to be in the King, and that the Bishops and Arch-Bishops, with their Clerks, are the best way of adjusting that Power under him'.[272] 'Presbyterians' and 'Independents' preferred ecclesiastical power to be exercised by 'Presbyters' and 'Congregations' respectively.

A concern to repudiate ecclesiastical challenges to civil authority can be inferred from all of these characterisations; Petty selected for characterisation the Christian traditions that shared this concern. But in the 'Report', where he shifted from surveying Ireland to remedying the 'defects and impediments' he had identified, Petty spoke, as he did in his private letters, as if the Church was the same thing with the commonwealth.[273] Assuming

[270] Ibid., I, 263-264. Cf. Bethel, The present interest of England, 16-27.
[271] Petty, *Economic Writings*, I, 199-200.
[272] Ibid., I, 200.
[273] Ibid., I, 221-4.

for the Crown an ecclesiastical authority over all its subjects, whatever their Christian tradition, Petty recommended radical reforms to Catholic ecclesiastical structures in Ireland. He suggested that the number of Catholic priests be reduced to five-hundred and that the number of bishops, 'if any at all may be necessary', be limited to two.[274] Given that the 'Report was a memorandum submitted to Crown servants, it can be safely assumed that Petty intended for the Crown to make these clerical appointments. His contempt for the 'old *Irish Gentry'* who then dominated the Catholic clergy suggests that he also intended for the appointments to be English.[275]

By facilitating the incorporation of Irish Catholics into a British political community, Petty's proposal served the argument for union with which it concurred in the 'Report'. In so far as it reformulated the Crown's policy of interfering in Catholic episcopal appointments to disadvantage the clericalist faction then preferred by the Crown, it also served a more immediate polemical purpose for Essex and Arlington, rivals of this faction and recipients of the 'Report'. We do not know how Essex and Arlington received the 'Report'. If they were not as outraged as some of its recipients, they surely appreciated the novelty of its proposals. That they entertained them at all, however, suggests the considerable degree of ideological flexibility that was accommodated, and perhaps demanded, by the political environment that Petty inhabited in the early 1670s. This environment was formed by the collision between the Cabal ministry's policy agenda and the distinctive political and intellectual conditions that prevailed in Ireland. Political variegation within the empire was both a problem addressed by the Cabal and an important factor in determining how its policies were implemented and debated. Petty

[274] Ibid., I, 218.
[275] Ibid., I, pp 198-199.

was a particularly forceful proponent of incorporating the Crown's dominions, and their various religious communities, into a single political and economic system. The problems of government in Ireland underlined, for him, the urgency of this objective. It is a pleasing paradox, however, that Ireland's unstable political conditions also allowed Petty the freedom to develop solutions that were adequate to these problems.

Chapter III: William Petty, the 'sceptical-Tories' and the government of the sea

The last chapter ended with the 'paradox' that Ireland's political instability both created the problems that preoccupied Petty in the early 1670s and afforded him the intellectual freedom to respond to them adequately. These problems related in part to Ireland's distance from metropolitan government, and for as long as Petty enjoyed influence with the Cabal ministry, he attempted to address them. The Cabal ministry collapsed in 1673, and Petty returned to London. Political conditions in the metropolis were not favourable to Petty. Under Thomas Osborne, the earl of Danby's ministry, the policy realignments that had inspired Petty to write *Political Arithetick* and *Political Anatomy* and opened up space for the Hobbesian concepts he employed in these texts were promptly reversed. The Anglo-Scottish union negotiations were abandoned, the council of trade and plantations was disbanded, and the Crown adopted a rigidly conformist religious policy.[1] This shift in English politics provides the point of departure for this chapter. Petty did not stay long in London. Though he concentrated his efforts on science rather than politics, even his scientific theories were rather too *avant-garde* for metropolitan tastes, and he returned to Ireland in 1676. Ireland accommodated Petty's scientific theories, but it also gave him opportunities for political influence. The Test Act, passed as part of the backlash against the Cabal's religious policies, did not apply in Ireland. James, the Catholic heir, who forfeited his offices in England, remained Lord High Admiral in Ireland and appointed Petty to the judgeship of the Irish admiralty court. Under these circumstances, while he profited from Ireland's divergence from metropolitan politics, the relationship between Petty's political thought and his Irish political context was not so paradoxical.

[1] For Danby's ministry, particularity its religious policies, see Mark Goldie, 'Danby, the Bishops and the Whigs', in Tim Harris *et al.* (eds.), *The Politics of Religion in Restoration England*, (Oxford, 1990), 74-105.

Under the Cabal ministry, Petty had sought to standardise the law across the Stuart empire. Political variegation within the empire was the subject of this exercise; it also allowed him to think with Hobbes as he performed it. As an admiralty judge and client of James, however, Petty's subject was the government of the sea. Admiralty jurisdiction in the three Stuart kingdoms shrank throughout the Restoration; as Petty had noticed in *Political Anatomy,* due to the kingdom's ambiguous constitutional status, it was particularly contested in Ireland.[2] The politics surrounding James and his Catholicism added a new dimension to these jurisdictional debates, and in this context, Petty saw an opportunity in the legal ambiguities he had previously sought to resolve. The instability of the Irish admiralty exposed it to challenges from without, but it also allowed Petty to make extraordinary claims about the extent of its jurisdiction. From one pocket of contested political space, Ireland, Petty constructed another, the sea, as the privileged domain of James and his admiralty officials. On one level, Petty now relished the political variegation of a composite empire. Free from the conventions that constrained metropolitan political and legal discourse, he thought with Hobbes to deconstruct the law at sea: a prerequisite of his outrageous jurisdictional claims. In 1685, James acceded to the throne. As Petty and his faction struggled to hold their own against powerful rivals at court, Petty returned to Hobbes to reconstruct the law at sea and thereby offer James a coveted political prize: a permanent peace with France.

[2] Sir William Petty, *The Economic Writings of Sir William Petty*, ed. Charles Henry Hull (Cambridge, 1899), 2 vols. I, 160.

Petty, Ireland and 'sceptical-Toryism'

By 1673, the Cabal ministry was in trouble: weakened by its internal divisions, it was struggling to withstand the public opposition to its foreign and religious policies. Later in the year, Parliament punished the King and his ministers for their alliance with France and their tolerant religious policy. It demanded that the King withdraw his Declaration of Indulgence and passed the Test Act which imposed the oaths of supremacy and allegiance on civil and military officers in England.[3] Forced to address publicly their private Catholicism, James and Clifford resigned their offices in June.[4] Clifford left the government at the same time and promptly converted to Catholicism. Ashley was forced from office in November and was followed by Arlington the following autumn.[5] Lauderdale and Essex both retained their positions in government but conformed to the intolerant religious policy adopted by Danby's ministry.[6] Essex was eventually replaced by Ormond as Lord Lieutenant in 1677. On the periphery of the empire, however, there survived a rump of the old regime. Since the Test Act only applied to offices in the English state, James remained Lord High Admiral in Ireland and the colonies. He consolidated his authority by awarding admiralty positions to members of his 'entourage'.[7] Having made James's acquaintance in the early days of the Royal Society,[8] Petty was appointed judge of the Irish admiralty court in July 1676.[9] Throughout the 1670s and into the 1680s Petty associated with a particular faction in James's court. James's relationship with this faction has not received as much scholarly attention as his

[3] John Spurr, *The Restoration Church of England* (New Haven, 1991), 66-6. See also, John Spurr, *England in the 1670s: this masquerading age* (Oxford, 2000), ch. 2.
[4] Maurice Lee Jr., *The Cabal* (Urbana, 1963), 224-6.
[5] Ibid., 237-8, 250.
[6] William Ferguson, 'Scottish-Irish Inter-Governmental Relations, 1600-1690' (PhD thesis, Cambridge University, 2014), ch. 6.
[7] Kevin Costello, *The Court of Admiralty of Ireland, 1575-1893* (Dublin, 2011), 60.
[8] Lord Lansdowne, *The Double Bottom or Twin-Hulled Ship of Sir William Petty* (Oxford, 1931), 63-8
[9] For a summary of Petty's career, see Costello, *The Court of Admiralty*, 50-4.

relationship with the 'Tory Anglican Royalists' who granted him their support during the exclusion crisis and later withdrew it following his Declarations of Indulgence as King.[10] Mark Goldie's concept of 'sceptical Toryism', however, has brought it into view.

Coined to describe the mixture of Hobbesian anti-clericalism and religious toleration in Sir Peter Pett's *happy future state of England* of 1680, 'sceptical Toryism' suggests a promising alternative to the ideological categories into which supporters and opponents of James are conventionally placed.[11] Kate Loveman has since applied the category to Samuel Pepys and reconstructed the 'network of intellectual and manuscript exchanges' through which he and likeminded supporters of James, including Petty, developed their politics in the 1680s.[12] Petty's manuscripts on religion and ecclesiology, discussed in the last chapter, were contributions to these exchanges, and Loveman has identified within them the 'influence' of Hobbes.[13] Vincent Geoghegan has also applied the category to Thomas Sheridan, the polemicist and Crown servant, and to 'Petty's circle' in Ireland.[14] Loveman finds 'little evidence' that 'Pepys, Petty and Pett' and their 'various contacts' advanced 'a specific political programme' within James's court.[15] But they nevertheless shared certain characteristics that distinguished them from the Tory supporters of James more familiar to historians. Their powerbases were in neither the English Church nor

[10] Alan Marshall, *The Age of Faction: Court Politics, 1660-1702* (Manchester, 1999), 135. John Miller has recognised the ideological differences between James and the Anglican Tory constituency. He also noted notes that James maintained relationships with proponents of toleration, including Petty. But Miller only considers these relationships to be relevant politically after the Declaration of Indulgence of 1687: John Miller, 'James II and Toleration', in Eveline Cruickshanks (ed.), *By Force or by Default? The Revolution of 1688-1689* (Edinburgh, 1989), 8-8; idem, *James II* (New Haven, 2000), 166-7.
[11] Mark Goldie, 'Sir Peter Pett, Sceptical Toryism and the Science of Toleration in the 1680s', in W.J. Sheils (ed.), *Studies in Church History: Persecution and Toleration* (Oxford, 1984), 247-73, esp. 259-60.
[12] Kate Loveman, 'Samuel Pepys and 'Discourses Touching Religion', *English Historical Review*, CXXVII/524, (2012), 47, 54.
[13] Ibid., 70.
[14] Vincent Geoghegan, 'Thomas Sheridan: Toleration and Royalism', in D. George Boyce *et al.* (eds.), *Political Discourse in Seventeenth- and Eighteenth-Century Ireland* (London, 2001), 37.
[15] Loveman, 'Samuel Pepys', 74.

Parliament but in other, more marginal institutions, which in the case of the navy and the admiralty were under James's direct control; they often shared a further institutional context in the Royal Society; and they developed their political arguments along an ideological axis on which Hobbes was a notable coordinate.

A further characteristic of the 'sceptical-Tories', related to their political arguments, is more difficult to put simply. First and fore foremost, the 'sceptical-Tories' were clients of James; without James's patronage, they had little chance of obtaining office or influence. As such, their political arguments were exercises in defending James's position and policies. Neither were easy to defend, however, and this was reflected in the form and character of the arguments. They often consisted of a series of related propositions or assertions, which, though pregnant with conceptual content, were not developed in a theoretically satisfactory way. As we shall see, this was true of the lengthy treatises published by Pett and Sheridan, as well as the short manuscript tracts of Pepys and Petty. The point was to develop catchy conceptual formulae that would countenance the unconventional consequences of James's accession and policy agenda. Naturally, the conceptual resources best suited to this exercise were those that captured the imagination with their novelty. This helps to explain why 'sceptical-Tories' thought with Hobbes. It also explains why they amalgamated Hobbes's political concepts with similarly novel ideas derived from the 'latest scientific theories'.[16] Ironically, the urgently polemical purpose of 'sceptical-Tory' discourse resulted in it having a strangely unworldly quality which, as we shall see, was particularly pronounced in Petty's writings.

[16] Ibid., 46.

Petty's case highlights the geographical dimension of 'sceptical Toryism' and stretches its temporal parameters. Following James's accession in 1683, Richard Talbot and his faction came to dominate the Irish administration; they subsequently dominate historical accounts of James's relationship with Ireland.[17] Throughout the previous decade, however, Talbot had been living in exile, having felt the backlash against Charles's pro-Catholic policy particularly keenly. When he visited Ireland in 1678 he was arrested under warrants issued in response to the 'Popish Plot' and imprisoned briefly in Dublin Castle.[18] The patronage that James continued to wield in Ireland by virtue of its exemption from the Test Act had to be lavished on clients of a different ideological hue. Goldie notes in passing that Pett and several of his closest associates shared 'a career in the Irish service';[19] but Petty's case permits a more comprehensive statement of the relationship between Ireland and the development of 'sceptical Toryism'. Petty's appointment as Irish admiralty judge in 1676 is some of the earliest evidence we have of James using his patronage to cultivate the 'sceptical-Tory' network. Around the same time, James also 'helped secure' Ormond's reappointment as Lord Lieutenant, and James and Ormond together promoted Sheridan's career in the Irish service.[20] Sheridan took Petty's place in the Irish revenue farm when Petty became admiralty judge.[21] On his return to Ireland Petty acquired an ideological influence that he had failed to acquire in London. He enjoyed a leading role in the development of natural philosophy in Ireland, and he directed the development of 'sceptical-Tory' ideology in an Irish context. The instability of Irish institutions exposed them to infiltration by 'sceptical-Tories'; it also rendered

[17] See ch. 5.
[18] Piers Wauchope, 'Talbot, Richard', *ONBD*.
[19] Goldie, 'Sir Peter Pett', 267-8.
[20] John Miller, 'Thomas Sheridan (1646-1712) and His 'Narrative', *Irish Historical Studies*, 20/78 (1976), 108-9.
[21] Ibid., 108.

them more permissive of the peripheral ideologies that were used by 'sceptical-Tories' to defend James's position and policies.

Hobbes and natural philosophy in England and Ireland

On his arrival in London in 1673, Petty renewed his involvement with the Royal Society. Since its establishment a decade earlier, the Society had fallen into decline. Not only had attendance and fee-payments collapsed; its reputation had been discredited by its association with frivolous experimentalism on the one hand, and a radical continental tradition of natural philosophy, with which Hobbes was associated, on the other.[22] Petty resolved to reinvigorate the Society, both financially and intellectually. He nominated new members and attempted to flush out inactive members with plans for a 'legally-obliging bond' to guarantee subscriptions.[23] He also published a *Discourse... concerning the use of Duplicate Proportion*. Published under the Society's imprimatur shortly after its presentation in November 1674, *Duplicate Proportion* was advertised as a work of mathematics, concerned with the *'Several Instances, wherein the consideration of Duplicate & Subduplicate proportion... is of use in humane affairs'*.[24] By demonstrating that an abstract mathematical concept could be applied to everyday activities, the book was intended as a reply to those who had 'censured' the Society for 'spending too much time in matters not directly tending to profit and palpable Advantages (as the Weighing of Air and the like)'.[25]

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[22] Michael Hunter, *Establishing the new science: the experience of the early Royal Society* (Woodbridge, 1989), 188-91; Jon Parkin, *Science, Religion and Politics in Restoration England: Richard Cumberland's De legibus naturae* (Woodbridge, 1999), ch. 4, esp. 120.
[23] Hunter, *Establishing the New Science*, 190-1.
[24] Sir William Petty, *The discourse made before the Royal Society of the 26. of November 1674. concerning the use of duplicate proportion in sundry important particulars* (London, 1674), 6.
[25] Ibid., 1.

If Petty resolved one of the Royal Society's reputational problems, however, he significantly aggravated another. He dedicated *Duplicate Proportion* to William Cavendish, the Duke of Newcastle, and celebrated the group of philosophers with whom they had both associated in Paris and whose connection to the 'new science' had subsequently damaged the Society: '*Mersennus, Gassendy, Mr Hobs,* Monsieur *De Cartes,* Monsieur *Roberval,* Monsieur *Mydorge,* and other famous men'. It was already ill-advised of Petty to have invoked Hobbes's authority in a work of mathematics presented to the Society of John Wallis and Seth Ward. These two mathematicians had waged a 'war' with Hobbes since he had claimed to have 'squared the circle' in *De corpore*.[26] The most recent skirmish had taken place in 1671 when Hobbes attacked Wallis in three papers presented to the Royal Society.[27] But by equating *'Political Arithmetic*' with the cultivation of a '*Geometrical Justice*' in the world, evoking Hobbes's application of geometry to politics, Petty took a further step towards a public declaration of his 'Hobbism'. Hobbes knew an ally when he saw one and praised the book fulsomely in a letter to John Aubrey the following year.[28] Having assimilated *Duplication Proportion* into Petty's wider 'Baconian programme', McCormick struggles to account for Petty's obeisance to Hobbes and Hobbes's subsequent endorsement of Petty.[29] Both become clearer, however, when the politics of the Royal Society are taken into account.

[26] Douglas M. Jesseph, *Squaring the Circle: The War between Hobbes and Wallis* (Chicago, 1999), 6. See also, Parkin, *Taming the Leviathan: the reception of the political and religious ideas of Thomas Hobbes in England, 1640-1700* (Cambridge, 2007), 150-2, and Quentin Skinner, *Visions of Politics: Volume Three, Hobbes and Civil Science* (Cambridge, 2002), 328-9.
[27] Jesseph, *Squaring,* 273-88. For Hobbes's paper, see *EW*, VII, 431-42.
[28] Thomas Hobbes to John Aubrey, 24th February 1675, in *The Clarendon Edition of the Works of Thomas Hobbes, Vol. 6: The Correspondence, Vol. 2: 1660-1679*, ed. Noel Malcolm (Oxford, 1994), 751-2.
[29] McCormick, *William Petty*, 177.

If Hobbes had a different 'conception of scientific enquiry' from most of the Fellows of the Royal Society, the difference concerned experiments.[30] Hobbes recognised the value of experiments: in the 1640s, while living in Paris, he had conducted anatomical experiments with Petty.[31] But he insisted that they be subordinated to the 'higher' purpose of generating '*scientia*, or demonstrable knowledge'.[32] Experience was transformed into knowledge by philosophical 'method', by 'ratiocination', and this, in his view, was lacking from the experimental science pursued in the Royal Society.[33] This did not constitute a serious ideological conflict; both approaches, after all, shared a debt to Francis Bacon.[34] More than any other factor, Hobbes's personal rivalry with Wallis, Ward and Robert Boyle, the leading lights of the early Society, explains why he was never elected to a fellowship.[35] But in the context of the Society's decline in the early 1670s, Hobbes's scepticism about experiments dovetailed with concerns in some sections of the Society about its public reputation. Petty never thought as systematically as Hobbes about scientific method and had a greater interest in conducting experiments. But he recognised that Hobbes was a key point of reference in the more ambitious and theoretically sophisticated version of the new science that he wanted to publicise in *Duplicate Proportion,* and he was not alone in reaching this conclusion. In 1675, Robert Hooke, who combined a commitment to the Society's intellectual renewal with strong personal

[30] Skinner, *Visions. Vol. 3*, 335.
[31] Noel Malcolm, *Aspects of Hobbes* (Oxford, 2002), 194-5, 320-5.
[32] Rhodri Lewis, 'Francis Bacon and Ingenuity', *Renaissance Quarterly*, 64//1 (2014), 152.
[33] Ibid., 152. Lewis cites Hobbes's critique of the 'ingenuity' celebrated in the Royal Society in his *Dialogus physicus* of 1661. For a translation, see Simon Schaffer and Steven Shapin, *Leviathan and the air-pump: Hobbes, Boyle, and the experimental life* (Princeton, 1985), 'Appendix: Hobbes's *Physical Dialogue*', 346-7. Schaffer and Shapin interpret Hobbes's approach to experimentalism in a similar way to Lewis: ibid., ch. 3, esp. 101. It should be noted, however, that Hobbes had a slightly different view on the roles of 'ratiocination' and 'experience' in moral and civil philosophy: Thomas Hobbes, *The Elements of Philosophy, the first section, concerning Body* (London, 1656), ch. 6, esp. 54; *OYC,* 10.
[34] Lewis, 'Francis Bacon and Ingenuity', 113-163.
[35] Skinner, *Visions. Vol. 3*, 330.

dislike of Wallis, offered to publish Hobbes's scientific and mathematical papers under the Society's imprimatur.[36]

In his attempt to advertise the breadth of interests and talents in the Royal Society, Petty published *Duplicate Proportion* with 'An Appendix *of Elasticity*', the quality that allows an object to resume its original 'Positure' after an '*External Force*' has been exerted upon it.[37] Petty explained elasticity with reference to a theory of atoms, inspired by Pierre Gassendi and peppered with idiosyncratic claims about the nature of atoms, including their gender.[38] Though Hobbes was suspicious of both the classical and modern variants of atomism due to their association with theories of 'voids' and 'vacuums',[39] he was convinced by Petty's account of elasticity and was sure it would 'goe a great way'.[40] Hobbes did not say why he was persuaded but, again, the politics of the Royal Society provides an instructive context.

For clerical scientists in the early Restoration, Petty's atomism belonged with Hobbes's materialism to a pernicious 'neo-Epicurean' configuration of the new science.[41] Hobbes's claim that human knowledge was confined to matter in motion,[42] and Petty's claim that

[36] Malcolm, *Aspects*, 318. For Hooke's ambitions for Royal Society science, see Lewis, 'Francis Bacon and Ingenuity', 151.
[37] Petty, *Duplicate Proportion*, 122.
[38] Ibid., 130.
[39] Hobbes, *The Elements of Philosophy*, 310. For Hobbes's opposition to theories of voids and vacuums, see Scahffer and Shapin, *Leviathan and the air-pump*, ch. 3; and for the association of atomism and the idea of an 'incorporeal' void, see Margaret J. Osler, *Divine Will and the Mechanical Philosophy: Gassendi and Descartes on contingency and necessity in the created world* (Cambridge, 1994), 182-5.
[40] Hobbes to Aubrey, 24th February 1675, *The Correspondence: Vol. 2*, 751.
[41] Parkin, *Science, Religion and Politics*, 141-51.
[42] This claim was central to Hobbes's natural philosophy and expressed throughout his works: Malcolm, *Aspects*, 147. It was illustrated most controversially in Hobbes's repudiation of the idea of a 'Substance Incoporeall': *Leviathan*, III, 610. Hobbes argued that since the '*Universe*' is an 'Aggregate of all Bodies, there is no reall part thereof that is not also *Body*'. The strong implication of this was that God, at least as conceived by the human mind, must be corporeal; and Hobbes owned this implication in his *Answer to Bishop Bramhall*: *EW*, IV, 305.

atoms, like tiny Earths, had a capacity for '*Innate* Motion',[43] both tended to Epicurus's conclusion that the Universe could function without providential supervision.[44] The definition of 'Place' in *Duplicate Proportion* as 'the Image or Fancy of Matter', might be said to have reinforced this association.[45] In his response to *Duplicate Proportion*, Thomas Barlow, the Provost of The Queen's College, Oxford, identified the 'Atheistical' implications of Petty's arguments.[46] Responding to Sir John Birkenhead, who had sent him a copy of the text, Barlow focussed on Petty's claim '*That ALL the FIRST matter of the world are Atoms*', which compounded with each other to form larger, visible objects by virtue of '*their owne INNATE Motion*'. He asked his correspondent to judge 'How well this agrees with *Moses, Gen.* 1', and left little doubt as to his view on the matter. Petty, he said, accorded '*more truth* and *credit*' to '*Epicurus* (a Pagan Philosopher)' than he did to '*Divine History*'.[47] The incompatibility of these rival systems of natural philosophy was underlined by Epicurus's claim, which Barlow also took to be Petty's, that atoms were 'Eternal'. If atoms were eternal then they must be 'so many *Deities*, or *Gods*; (for *nothing but God* can be *Eternal and Infinite*)'.[48] Barlow concluded by characterising the wider trend of '*Scepticism*' that had spread throughout 'this *miserable Nation*' and of which *Duplicate Proportion* was one example. He would turn his attention to another example the following year in his 'Animadversions' on Hobbes's *Historical Narration concerning Heresy*.[49]

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[43] Petty, *Duplicate Proportion*, 18-9.
[44] Parkin, *Science, Religion and Politics*, 141-51. For the relationship between the gods and nature in Epicurus, see Osler, *Divine Will*, 38.
[45] Petty, *Duplicate Proportion*, 15. Ted McCormick acknowledges that this definition has a 'Hobbesian ring': *William Petty*, 217.
[46] Thomas Barlow to Sir John Birkenhead, 26th November 1674, in Peter Pett (ed.), *The Genuine Remains of that Learned Prelate Dr. Thomas Barlow, late bishop of Lincoln* (London, 1693), 151.
[47] Ibid., 153.
[48] Ibid., 154.
[49] Ibid., 155. Rhodri Lewis notes that 'Barlow's censure of Petty has much the same shape as this attack on Hobbes': Sir William Petty, *William Petty on the order of nature: an unpublished manuscript treatise*, ed. Rhodri Lewis (Temple, Arizona, 2012), 5.

Having been passed a copy of Barlow's letter by Anglesey, Petty defended himself on the charge of atheism. His theory of atoms, he said, was perfectly compatible with the 'Doctrine of Moses Gen: 1:1', for it elucidated the mathematical order of God's Creation.[50] Far from obscuring or removing God, the theory added positive attributes to 'the usual Negative description of God by his Eternity, Infinity and Incomprehensiblity'. Revealing the complexity and 'Power' of each individual atom had allowed Petty to make a 'positive Declaration' of God's 'imense Power'. An apparent allusion to Hobbes in this passage might explain its apologetic tone. Hobbes's materialist theory of knowledge entailed a radically 'voluntarist' theology.[51] *Leviathan* argued that the only qualities that men were 'warranted by natural Reason' to attribute to God were the 'Negative Attributes' of 'Infinite, Eternall, Incomprehensible', and even these were not so much statements about his nature as expressions of admiration and honour.[52] Hobbes attracted accusations of atheism for this claim;[53] and by reworking Hobbes's language into a 'positive' statement about God's nature, Petty may have intended to avoid a similar accusation.[54] Petty distributed his response to Barlow and other Fellows of the Royal Society, but most remained unconvinced by *Duplicate Proportion*. Even Robert Wood, usually a reliable supporter, was slow to respond to the book and sparing with his praise.[55] Wounded by this reception, Petty refrained from commenting publicly on natural philosophy until he returned to Dublin as admiralty judge in 1676.

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[50] Petty to the earl of Anglesey, 3rd April 1675. Bodl. MS Rawlinson, A185, f. 219r-220v.
[51] The best account of Hobbes's 'voluntarism' is Noel Malcolm, 'Thomas Hobbes and Voluntarist Theology' (PhD thesis, Cambridge University, 1983).
[52] *Leviathan*, II, 566.
[53] Parkin, *Taming*, 326.
[54] Of course, attributing 'imense Power' to God would probably not have satisfied traditional, scholastic conceptions of God, for which see Stephen Hampton, *Anti-Arminians: The Anglican Reformed Tradition from Charles II to George I* (Oxford, 2008), ch. 6.
[55] Lewis, *order of nature*, 8-10.

The ‘comparative freedom of Dublin society’ has been suggested by Rhodri Lewis as a crucial context for the *Scale of Creatures,* in which Petty returned, uninhibited, to the problem of divine nature.[56] Subverting a genre that conventionally emphasised the intelligibility of God and his Creation, Petty committed to a fully ‘voluntaristic theology’.[57] The claim in *Leviathan* that Petty had reformulated in his response to Barlow was repeated in the *Scale* without modification. The adjectives applied to God in the Scriptures, said Petty, i.e. ‘Infinite, Etenerall, Incomprehensible &c.’, were not accurate descriptions of God’s nature, but metaphors, suited to man’s limited intellectual ‘capacity’. They were thus ‘not fit for Ratiocination but for adoration only’.[58] That Petty approached the problem of divine nature as a problem of language and argued that human knowledge was limited to sensible words, suggests that he shared the ‘nominalist’ assumptions that attended Hobbes’s ‘voluntarist’ theology.[59] There is further evidence to support this supposition.[60] For our purposes, however, *The Scale’s* significance lies in what it suggests about Ireland as a hospitable environment for *avant-garde* philosophy.

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[56] Ibid., 10.
[57] Ibid., 40.
[58] Petty, *order of nature,* 100. Cf. *Leviathan,* II, 566.
[59] Hobbes’s ‘nominalism’ consisted in his clam that our knowledge is of the words we give to physical bodies, or, more specifically, to the mental images of these bodies that we obtain through our senses; not of the bodies themselves. For Hobbes, the physical world was available to men through their senses, but it was organised and ‘known’ through language. ‘Universals’, thought by Aristotelians to inhere in physical bodies, are ‘but Names’; by the same token, ‘True and False are attributes of Speech, not of things’: *Leviathan*, II, ch. 4. Hobbes’s nominalism served his ‘voluntarist’ claim that one could not have an idea of God; the conventional descriptions of God’s attributes were terms of ‘honour’ only: ibid., 564-566. Noel Malcolm has shown, however, that, properly understood, Hobbes’s ‘voluntarism’ was a condition of his ‘nominalism’: ‘Thomas Hobbes and Voluntarist Theology’ 50.
[60] The evidence is mainly in Petty’s manuscript papers and falls into two groups. Firstly, there is evidence of Petty ascribing to Hobbesian-nominalist doctrines. In one paper, he defined ‘Speech’, ‘Reason’, ‘Memory’ and ‘Truth’ in the language of *Leviathan*. He defined the latter, for instance, as ‘the agreement of things with the words which agreed to Signify & Represent them’: Sir William Petty, ‘A Dialogue between A & B’, BL, Add. MS 72898, ff.121v.-123v. Petty’s characterisation of the relationship between knowledge and language explains the prevalence in his papers of dictionaries of definitions: the second group of evidence. For Hobbes, the fact that ‘Truth consisteth in the right ordering of names in our affirmations’, meant that to generate true and certain knowledge, a man must begin by ‘settling the signification’ of his words: *Leviathan*, II, 56. In his dictionaries of definitions, Petty attempted to stabilise the meanings of the key terms of a contentious discourse. See, for example, ‘The peaceable understanding of several words in Religion’, BL, Add. MS 72888, f. 28r, and ‘The Explication of 12 Theological words’, BL, Add. MS 72898, ff. 128r-131v.

Hobbes himself seems to have noticed this. Writing to Ormond on the eve of his return to Dublin as Lord Lieutenant in 1677, Hobbes enclosed a 'Demonstration of what proportion the Circumference of a Circle hath to its Semidiameter', a diagram later included in his *Decameron physiologicum*.[61] Frustrated by the reluctance of the 'masters of the Presse' to publish his geometry, Hobbes hoped for a fairer hearing in Ireland.[62] He asked Ormond to show his work to George Tollet, whom, despite his adherence to 'the absurd Principles of Dr. Wallis', was considered by Hobbes to be 'a very ingenious man'.[63] Tollet combined the political and intellectual connexions associated with 'sceptical Toryism'. He was member of the Dublin Philosophical Society, founded in 1683 under Petty's presidency, and he later served with Pepys in the navy offices in London.[64] We do not know whether Ormond communicated Hobbes's message to Tollet, but Hobbes's expectation of sympathy from Ormond may not have been unfounded. Noel Malcolm notes that having 'extended his patronage' to Hobbes in 1651, Ormond was accused of being 'very slow in signifying the K.'s Command to Hobbes to forbear coming to Court' following the publication of *Leviathan*.[65] Though they were associated with rival factions in the politics of the late 1660s, they may have rekindled their relationship during Ormond's regular visits to the Cavendish family in the 1670s, which would account for the familiar tone of Hobbes's letter.[66]

Given Petty's and Tollet's interests, it should not come as a surprise that Hobbes's mathematics was on the agenda of the initial meetings of the Dublin Philosophical

[61] Hobbes to the duke of Ormond, 14th August 1677, in *The Correspondence, Vol. 2*, 756-8.
[62] Ibid., II, 756.
[63] Ibid.
[64] Michael Londry, 'Tollet, George (d. 1719)', *ONDB* (Oxford, September 2004).
[65] Malcolm ed., *The Correspondence, Vol. 2*, 200.
[66] Ibid., II, 800-1.

Society. The Society's approach to Hobbes was critical but respectful. William Molyneux addressed the problem of the magnitude of the sun and the 'solutions' developed by Descartes, Gassendi and Hobbes.[67] Though Molyneux 'found fault' with all them, it is significant that Hobbes's mathematics, by now largely ignored in England, was still discussed in Dublin and as part of a continental tradition that the 'experimentalists' in the Royal Society had discredited.[68] At another meeting, Richard Acton, a Fellow of Trinity College, Dublin, offered his 'animadversions on Hob's *De cive*', and Edward Walkington defended the algebraic 'way of proceeding demonstrations mathematical' against Hobbes's 'objections'.[69] St George Ashe later presented a paper on the squaring of the circle. Though he concluded that Hobbes had been in error, he did not ridicule him as Wallis had. Rather, he excused him as one of many 'accurate men and of the best sense [who] have suffered themselves to be deluded with paralogisms'.[70] Debate over the 'origins' of the Dublin Philosophical Society has been preoccupied with the extent to which it emerged from an indigenous scientific tradition.[71] The reception of Hobbes's science in Ireland provides a new perspective on this question. In this case, Ireland provided a distinctive intellectual ecosystem where a beast that had been hunted to extinction in England could survive and evolve in a new direction.

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[67] *Papers of the Dublin Philosophical Society, 1683-1709*, ed. Theodore Hoppen (Dublin, 2008), 2 vols. I, 9. See also, Molyneux's references to *De corpore* in Molyneux to John Locke, 18th April 1693, in *The Correspondence of John Locke*, ed. Esmond Samuel De Beer (Oxford, 1976), 8 vols. IV, 668.
[68] Skinner, *Visions, Vol. 3*, esp. 158.
[69] *Papers of the Dublin Philosophical Society*, I, 13.
[70] Ibid., I, 140.
[71] Theodore Hoppen claims that the Dublin Society 'was not... based on any important or lengthy scientific tradition': *The common scientist in the seventeenth century: a study of the Dublin Philosophical Society, 1683-1708* (Charlottesville, 1970), 11. Toby Barnard rejects this claim in 'The Hartlib Circle and the Origins of the Dublin Philosophy Society', *Irish Historical Studies*, 19/17 (1974), 63.

Thomas Sheridan and 'sceptical-Tory' ideology

When Petty came to address the complex issue of admiralty jurisdiction in Ireland, then, he could feel confident in using novel philosophical concepts to advance his arguments; and he certainly required a lot of confidence to make the arguments he made. The positive reception of his own works around this time surely also helped in this regard. In the late 1670s, the Crown faced the daunting task of meeting the spiralling costs of national defence with a revenue depleted by a succession of foreign wars. Though the English Parliament agreed reluctantly to a land tax and additional excise levies,[72] 'excise revenue receipts actually fell' from 1677,[73] and Charles struggled to raise loans from private financiers to compensate for the loss.[74] The dysfunctional system of revenue farming in Ireland added to the Crown's economic woes; the inefficiency and corruption inherent in the system generated controversy within the government throughout the 1670s.[75] 'Sceptical-Tories' sought to exploit this situation by reprinting and reproducing Petty's political-economic arguments. Pett hatched a plan, eventually realised in 1679, to publish a third edition of Petty's *Treatise of Taxes and Contributions*;[76] and Sheridan made extensive use of several of Petty's works in *A Discourse of the Rise & Power of Parliaments* of 1678. Following Petty, Sheridan argued for the justice of excise and for

[72] Spurr, *England in the* 1670s, 243.
[73] D'Maris Coffman, *Excise Taxation and the Origins of Public Debt* (London, 2013), 206.
[74] Glenn O. Nichols, 'English Government Borrowing, 1660-1668', *Journal of British Studies*, 10/2 (1971), 90-1.
[75] A revenue commission had been established in 1662, but 'farming remained the norm until 1682': Charles Ivar McGrath, 'The Irish Experience of the Financial Revolution', in Charles Ivar McGrath and Christopher Fauske (eds.), *Money, Power, and Print: Interdisciplinary Studies on the Financial Revolution in the British Isles* (Newark, 2008), 160. For evidence of, and rival contributions to, this debate, see 'A Statement of the present position of the Farm of his Majesty's Revenue, in Ireland, 20th July 1676, Bodl., MS Carte 52, ff, 570-571, and 'Observations on Duties of Excise and Customs, and on the levying thereof by the Farmers of his Majesty's Revenue in Ireland', undated, Bodl., MS Carte 69, ff. 395-396. The latter suggests conflict between the officers of the revenue commission and the farmers.
[76] Petty to Sir Robert Southwell, 5th October 1678, in *The Petty-Southwell correspondence, 1676-1687*, ed. Marquis of Lansdowne (New York, 1967), 61.

reforms to tax collection, commented on the commercial and constitutional relationship between Ireland and England, and suggested a form of religious toleration. There is evidence in the *Discourse* of an independent engagement with Hobbes; but it must be said that Sheridan thought with Hobbes in a distinctively 'Pettian' way. The *Discourse* is evidence, therefore, of both the Hobbesian character of 'sceptical-Tory' ideology and the influence that Petty exercised over the development of the ideology. This helps us to appreciate something important about Petty's arguments as admiralty judge. Petty used Hobbes's concepts freely and without inhibition; but he also modified them in a way that reflected both his unusual imagination and his 'sceptical-Tory' objectives. Like his scientific concepts, Hobbes's political concepts evolved in a new direction in Ireland, one which Petty greatly influenced.

Sheridan soon abandoned the historical account of the 'rise of parliaments' promised in his title: successive 'Revolutions and Changes' made it 'morally impossible' to trace 'the Beginnings' of England's constitution.[77] Instead, he told a story about the '*Origin of Government*' in general and with reference to natural law.[78] Sheridan's story shared several elements of Hobbes's account of the origins of political society, but arranged them in a different sequence. 'We may suppose', said Sheridan, that government was 'introduc'd by the general consent and agreement of as many Families, as upon the encrease of Mankind, joyned in one common Society, divided the Earth into particular proportions, and distinguished between *Meum* and *Tuum*'. In doing so, they expressed their natural sociability, their 'Love' rather than their 'Fear'. The eventual creation of 'mutual Compacts, Articles, or Laws' was indeed a response to a 'state of Misery' or

[77] Thomas Sheridan, *A Discourse of the Rise & Power of Parliaments* (London, 1677), 11.
[78] Ibid., 13.

'War'. But this state was a contingent consequence of unsociable behaviour, namely competition over women and resources, and not, as Hobbes had suggested, the 'naturall condition' of mankind.[79] It was not self-preservation that motivated men to submit to laws, moreover, but a recognition that the state of war was repugnant to the 'great and fundamental Law of Nature, riveted into their Beings, *To do as they wou'd be done unto*'.[80]

The precedence of natural over positive law in Sheridan's story curtailed the powers of political authority. Initially, political authority simply promulgated an authoritative interpretation of the existing 'Laws' of the community;[81] and at no stage did it ever obtain 'The power of *Life* and *Death*'.[82] But this primitive form of political authority swelled into something like the modern state when subjects, 'promising Obedience', vested it with 'the Power of making War and Peace'.[83] Crucially, this coercive power entailed a fiscal power: the 'Prince' was allocated 'a certain *Excisum*, or Proportion of every Man's Labor, answerable to the Occasions of the Public; and to the particular State and Grandeur, necessary for the Support and Maintenance of his Authority and Reputation'.[84] The annual surplus of this grant was reserved in 'a kind of public Bank'.[85] As this 'common treasure' increased, so did the competencies of government: the government could 'do good to the poorer sort of Labourers and Trades-men' and support the 'Impotent' and 'aged'.[86] The right to raise taxes was thus the defining feature of sovereignty, for Sheridan, and the form they should take was a central subject of his *Discourse*. To address

[79] *Leviathan*, II, 192.
[80] Sheridan, *A Discourse*, 14.
[81] Ibid., 14.
[82] Ibid., 22.
[83] Ibid., 15.
[84] Ibid., 16.
[85] Ibid.
[86] Ibid., 17.

it, Sheridan seems to have engaged closely with Petty's *Treatise*, reproducing its argument for excise; in doing so he also reproduced a characteristically Hobbesian argument.

Sheridan's first move was to establish that an 'equal *Tax*' instituted on a perpetual basis was the 'most easy for the People, and most convenient for Public ends'; by creating a permanent '*fond*', it precluded the need for 'new *Taxes* for any future Emergencies'.[87] Like Hobbes and Petty, Sheridan also discussed the principle of equal taxation in relation to every subject's 'equal' share in the security and prosperity of the commonwealth.[88] Having established this point, he proceeded to argue that the 'most equal Tax' was a '*general Excise*', collected regularly 'by proper Officers'. 'Farming', he said, was 'of evil Consequence.... both to the State and People'.[89] Sheridan differed from Petty on some details of policy: he objected to 'accumulated' excise levies, such as '*Hearth-Mony*', and argued that impositions should be levied on the consumption of every domestic and imported commodity. But his case for excise contained the most distinctive and controversial elements of the 'royal absolutist' tax discourse that Petty had developed in the *Treatise*; and this included the connexion between excise and armies. As it had for Petty in 1662, moreover, the problem of maintaining an adequate army in Ireland established the need for the permanent revenue that excise supplied. Sheridan relayed rumours that Charles was planning to increase 'his Army in that Kingdom, beyond what now it is, and to appoint a considerable Squadron of *Ships* to guard and defend its Coasts from any *Attempts* of Invasion'.[90] Over the 'last forty Years', said Sheridan, from 'Ship

[87] Ibid., 151.
[88] Ibid., 198.
[89] Sheridan sold his share in the farm c.1677: Miller, 'Thomas Sheridan', 107.
[90] Sheridan, *A Discourse*, 142. Louis Cullen describes the impact of the Third Anglo-Dutch on the Irish economy: during the war 'Dutch privateers were exceptionally active, preying even on traffic at the mouth of Dublin Bay': *An Economic History of Ireland Since 1660* (2nd edn. London, 1987), 14, 21.

Money' to the present impositions, fiscal policy had developed in response to threats to national security, particularly from the sea.[91]

When Sheridan turned from military to commercial competition, the political-economic arguments of *Political Anatomy* and *Political Arithmetick* were more suited to his purposes. Sheridan shared Petty's concerns that the current restrictions on Scottish and Irish trade disadvantaged England. For Sheridan, 'that part of the Act of Navigation' which required 'three fourths of the Mariners to be *English*', to the exclusion of '*Scots*' and '*Irish*' underlined the foolishness of the restrictions: England's economy needed 'People', he said; we 'ought to invite more, not restrain any'.[92] But a thought about political membership also informed Sheridan's objections: 'the three Kingdoms' shared a common interest because they were united in subjection to a single monarch.[93] Sheridan found that the economic consequences of the Cattle Acts had not been as serious for Ireland as their opponents, like Petty, had feared.[94] But he acknowledged that the restoration of 'equal Privileges in Trade' would be one way of reconciling the Irish and the English. Another would be union. Sheridan did not make the case for union as forcefully as Petty, but he seemed convinced that union would result in a convergence of 'interests' between the two kingdoms.[95]

It seems that Sheridan continued to engage with Petty in his discussion of religious policy. Sheridan argued for religious toleration; and in one of the only accounts of the *Discourse*, Geoghegan analyses the argument with reference to John Locke's then non-existent

[91] Sheridan, *A Discourse*, 160-3.
[92] Ibid., 217.
[93] Ibid., 218.
[94] Ibid., 144-5.
[95] Ibid., 143.

Letter concerning toleration.[96] But much of the work in Sheridan's argument was done by a concept of the Church that was quite different to that which Locke would later develop, and which, if a more contextually appropriate comparison were to be drawn, had more in common with Petty's Hobbesian one. Sheridan accounted for the origins of the Church in his story about the development of political society; and the assimilation of ecclesiastical into civil history is instructive. To mitigate the morally corrupting consequences of trade, a 'sufficient number' of 'Elders' were appointed to remind subjects of their 'their Duty to God, their Parents, and their Country' under divine and human law.[97] The status of these men as 'public Officers' was confirmed by their reliance on the public revenue for their 'Salaries'. It soon became apparent that Sheridan had the Hebrew commonwealth in mind and was recommending its ecclesiastical arrangements for contemporary Christian society. Priests had a didactic rather than a sacerdotal function, and the law they imparted was that contained in the 'two Tables' received by Moses and 'comprised' in the simple moral instruction to do as you would be done unto.[98]

The 'Hebrew revival' of the early seventeenth century was one of the many discourses that Hobbes spoilt for subsequent generations, and Sheridan's suggestion of continuity between Mosaic religion and Christianity recalled one of that ways that he had done this. For some Anglicans, particularly those with whom Hobbes was connected in the 1640s, the advent of Christ had profound theological and ecclesiological implications.[99] Christ introduced both a new moral dispensation and a new spiritual power which were

[96] Geoghegan, 'Thomas Sheridan', 32.
[97] Sheridan, *A Discourse*, 19-20.
[98] Ibid., 20.
[99] Sarah Mortimer, 'Christianity and Civil Religion in Hobbes's *Leviathan*', in Al. Martinich and Kinch Hoekstra (eds.), *The Oxford Handbook of Hobbes* (Oxford, 2016), 509-15; idem, *Reason and religion in the English revolution: the challenge of Socinianism* (Cambridge, 2010), ch. 5; J.G.A. Pocock, *Politics, Language and Time. Essays on political thought and history* (2nd edn. London, 1972), 172-3.

interpreted and exercised by the Apostles and their episcopal successors. One of the ways in which Hobbes had repudiated these claims was by reformulating the relationship between Moses and Christ.[100] Christ's purpose on Earth had been to promise mankind that the Mosaic covenant with God would one day be renewed and extended to all those who believed in him. The kingdom of God, like the Hebrew commonwealth it restored, was a kingdom in the literal sense: a political community constituted by a covenant between subjects and a sovereign.[101] It did not exist alongside or within existing kingdoms but would come to replace them at a future time. By redefining the kingdom of God as both a temporal and a future kingdom, Hobbes abolished the spiritual realm over which Anglican clergy claimed an exclusive jurisdiction.[102] And by limiting Christ's purpose to the renewal of the Mosaic covenant, he denied that Christ had 'given us new Laws'.[103] Christ had simply preached the 'Laws of Nature', and in doing so, had restored to the sovereign the ecclesiastical authority that Moses had enjoyed.

Sheridan approached Mosaic religion and the question of its relationship to Christianity from a different polemical perspective to Hobbes; but his claim of continuity between them tended to similar conclusions about the content of Christian law and the status of priests in the body politic, both of which supported his case for toleration. Sheridan argued that 'the sum' of Christ's teaching was contained in the 'pleasing' and 'natural' injunction '*To love one another*': a principle compatible with the thrust of Mosaic law.[104] Since the purpose of divine law was 'the Happiness of al Mankind', any doctrine that begat 'Disputes' and persecution should be assumed to be unnecessary. As a way of

[100] Mortimer, 'Christianity and Civil Religion', 508-9; Joshua Mitchell, *Not by reason alone: religion, history, and identity in early modern political thought* (Chicago, 1993), 30.
[101] *Leviathan*, III, ch. 35, esp. 634.
[102] Pocock, *Politics, Language and Time*, 186-7.
[103] *Leviathan*, III, 932.
[104] Sheridan, *A Discourse*, 76-7.

arguing for a minimalist and inclusive Christianity, however, assimilating Christian into Mosaic teaching had one particular limitation: the laws contained in first table of the Decalogue related to the public worship of God and were subject to criminal punishment.[105] Hobbes had dealt with this problem by emphasising the distinctive nature of the Hebrew Commonwealth as a theocracy in which God was the sovereign: the laws of the first table were thus political rather than religious and unique to the Hebrew people.[106] In his discussion of the death penalty, Sheridan used a similar exegetical tactic to distinguish the particular from the universal features of Mosaic law.[107] It will not 'serve to say' that the use of capital punishment 'in the *Iewish* Commonwealth' justified its use in the present.[108] 'That was God's own peculiar Province', he said; 'And unless Human Laws might as immediately be call'd His, and that every Magistrat were a *Moses*, I could not believe it lawful for them to follow that Example'. Sheridan underlined the point with a wry comment on contemporary morals: 'Atheism and Irreligion', both capital crimes in the Hebrew Commonwealth, 'doe not only go free, but the Professors of those admirable good Qualities, pass for Wits and *Virtuoso's*'.[109]

Sheridan's account of Christ and his teaching explains why the ecclesiastical arrangements of the Hebrew commonwealth were suitable for the Christian commonwealth: no new laws or powers had been introduced in the intervening period for the Church to interpret or exercise. All religious 'Ceremonies' remained 'in themselves

[105] Eric Nelson has traced the responses to this problem in the 'Hebrew revival': *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge, 2010), ch. 3.
[106] Ibid, 128.Cf. *Leviathan*, II, 528.
[107] Sheridan apparently used another Hobbesian argument to oppose capital punishment. He argued that the natural equality between men in the 'state of nature', including between a 'Father' and his 'Children', invalidated any claim by any man to have the right to take another's life: Sheridan, *A Discourse*, 51. Cf. *Leviathan*, II, 308.
[108] Sheridan, *A Discourse*, 53.
[109] Ibid., 54.

indifferent, but when commanded' by lawful authority, and no priest was '*jure divino*'.[110] This concept of the Church challenged the Anglican monopoly of legal worship and empowered the 'State' to pursue the religious policies that it considered to be consistent with the common good. One of these was 'Toleration' for non-conformists, provided they 'preach no Sedition' and allowed their congregations to be inspected by state officials.[111] But Sheridan developed this proposal alongside other proposals for reforming the financial and administrative structures of the Church and bringing it under closer civil control.[112] Perhaps most significantly, the power to punish non-conformity was to be transferred from the 'Ecclesiastical Courts', which were 'a kind of *imperium in imperio*', to the 'ordinary Courts'.[113] Like Petty, then, Sheridan developed his case for toleration by developing a concept of the Church. Petty developed his concept of the Church by thinking with Hobbes, and so too, it seems, did Sheridan. In the struggles over religious policy in the Restoration, a Hobbesian concept of the Church neutralised the clerical opponents of toleration by repudiating their claims to privileged status. By restoring ecclesiastical authority to the state, it allowed the state to grant religious toleration, but also to restrict toleration to peaceable non-conformists. As we have seen, and will see again, this was an especially useful way of thinking about toleration in an Irish context, and it surely counts as the most compelling of Petty's several adaptations of Hobbesian concepts. This being the case, it is not all that surprising to find it reproduced in the *Discourse* at a time when the 'sceptical-Tories' were defending James's position and policies in the Irish context in which alone James retained political influence in the British Isles. Petty would continue to adapt Hobbes's concepts to suit the objectives of the 'sceptical-Tories' in Ireland as judge of the Irish admiralty court.

[110] Ibid, 78; 101.
[111] Ibid., 94
[112] Ibid., 99-101.
[113] Ibid., 105.

Petty, Hobbes and the law of the sea

It is sometimes assumed that Petty only accepted the judgeship of the Irish admiralty court because he 'naively imagined' that it was a prestigious office.[114] His request to be appointed to the Irish Privy Council 'as the Chief Judges of all other Courts are' is taken as a mark of his naivety.[115] The political context of Petty's appointment, however, accounts for the exaggerated claims he made about the status and authority of his office, which, as we shall see, were many. James's exclusion from public office in England exaggerated the importance of admiralty appointments in Ireland. The Irish admiralty was one of only a handful of institutions in which James and his associates could continue to pursue their political interests. Petty's appointment attested to the ascendency of the 'sceptical-Tory' faction amongst James's associates. It gave Petty the opportunity to consolidate the faction's ascendant position and his own position within the faction, and these objectives dictated his conduct from the outset. Having assumed for himself the inflated title of James's 'Deputy & Commissionary... in all maritime matters',[116] he used the position 'to help' his political 'friends',[117] and he conspired with Pepys and Pett to pursue his agenda.[118] The imperative of establishing a distinct jurisdictional domain for James and the 'sceptical-Tories' became increasingly urgent throughout Petty's tenure.[119] His behaviour as judge became increasingly boisterous under these circumstances, and he was required to develop unorthodox interpretations of admiralty law to justify it.

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[114] Costello, *The Court of the Admiralty of Ireland*, 50.
[115] Petty to George Gamble, 1st August 1676, Montreal, McGill University Library, MS Osler, 7612, II, 199.
[116] Petty to Sir Allen Apsley, MS Osler, 7612, II, 209.
[117] Petty to 'Mr Heald', 29th July 1676. MS Osler, 7612, 2 vols. II, 197.
[118] Petty to Gamble, 1st August 1676, MS Osler, 7612, II, 199; Petty to Sir Peter Pett, 1st August 1676, MS Osler, 7612, II, 200.
[119] After 1676, James became 'completely committed to the Catholic faith'; hee stopped attending Anglican services and had his marriage to Mary of Modena approved by the Pope. W.A. Speck, 'James II and VII (b. 1633)', *ONDB* (Oxford, October 2009). The exclusion campaign gathered pace thereafter, for which see Maurice Ashley, *James II* (London, 1977), ch. 9.

Though this introduced him to new conceptual problems, he turned to a familiar resource to think them through. Under the Cabal ministry, Petty had taken Hobbes to Britain's island empire; following his appointment as admiralty judge, he took him to the seas in between.

One of the texts in which Petty did this has caught the attention of historians. Undated and untitled, it opens with the striking claim that 'The Words Soveraignty & Empire doe signify as Large a Power as Mr Hobbs attributes to his Leviathan'.[120] The essay bookends David Armitage's story of England's claim to an 'empire of the seas', a story structured around the concepts of *mare liberum* and *mare clausum* as developed by Hugo Grotius and John Selden respectively.[121] In his brief account of Petty's 'theory', Armitage suggests that it reconstituted Selden's *mare clausum* with concepts of '*dominium* and *imperium*' derived from Hobbes. This is not an inaccurate account, but it is a partial one. Dating the treatise without supporting evidence to 1687, Armitage analyses it in isolation from Petty's discussions of admiralty law in the late 1670s.[122] Although the evidence suggests that the text was indeed composed in the late 1680s, it developed the themes of these earlier discussions.[123] *Mare Liberum* and *Mare Clausum* constituted claims about

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[120] Sir William Petty, 'Essay on the King's right to the dominion of the seas', BL, Add. MS 72865, f. 119r.
[121] David Armitage, *The Ideological Origins of the British Empire* (Cambridge, 2000), ch. 4, esp. 122-4, and ch. 6, esp. 165.
[122] Ibid, 123.
[123] The catalogue of the 'Petty papers' suggests that the treatise dates from 1674, but no explanation is given: 'Correspondence and papers of Sir William Petty (1623-1687) (1646-1698) (Add MS 72850-72908)', British Library, 31. One piece of evidence supports this dating. In chapter 3, Petty mentioned the provision in 'the last Treaty with the Hollanders' that the King of England 'hath good pretences to the flat from the northward Cape, to Cap van Staten': Petty, 'Essay', f. 129r. The 'Cap van Staten' refers to Staten Land or Stadlandet in Norway, mentioned in the Treaty of Westminster of 1674. Though this was the last Treaty that the Stuart Crown signed with the Dutch, Petty later deferred to the Treaty of Nijmegen of 1678-1679 between the French and the Dutch: Petty to Southwell, 19th March 1677/8, in *Petty*-Southwell Correspondence, 50. This may suggest that Petty wrote the essay in between the Treaties of Westminster and Nijmegen. Other, stronger, evidence suggests a later date. As we shall see, the proposals in the treatise presupposed a favourable diplomatic relationship with France and Denmark; and in the mid- 1680s Petty began to argue for an alliance with France and Denmark, including a 'marine alliance', and to use the term 'mare clausum' in connexion with these proposals. Finally, a reference to the

property or *dominium*. As an admiralty judge, Petty was interested primarily in questions of law and jurisdiction, and only in this connexion did he comment on *dominium*: a sequence that accounts for his rejection of both Grotius and Selden and his resort instead to Hobbes. Hobbes and his readers are eclipsed in an intellectual history of empire framed in terms of territorial dominion.[124] The recent jurisdictional turn in imperial history has helped to bring them into view.[125]

Admiralty law is often used as synonym for maritime law more generally, but in a British context it is properly understood as the maritime law which, through some ancient process, came under the jurisdiction of the Lord High Admiral.[126] The law was a branch of Roman or civil law, Europe's many antique systems of maritime law and custom having first been codified in Renaissance civil law treatises.[127] As such, common lawyers regarded admiralty law as an unwelcome foreign intrusion into English legal tradition, and from the mid-sixteenth century onwards, sought to curb admiralty jurisdiction by limiting its geographical extent and issuing 'prohibitions' against its courts to invalidate their rulings.[128] A series of Henrician statutes that had defined admiralty law and jurisdiction provided the legal bases for many of these suits.[129] Sir Edward Coke launched a particularly audacious attempt to undermine admiralty jurisdiction, eliciting a series of responses from civil lawyers. Coke and his interlocutors concentrated on the extent to

'Admiralty Court of the Lords', suggests that Petty was writing after James's accession, when admiralties of England and Ireland were reunited: Petty, 'Essay', f. 127r.

[124] Consider the treatment of Hobbes in Andrew Fitzmaurice's intellectual history of empire as a history of the 'law of occupation': *Sovereignty, Property and Empire, 1500-2000* (Cambridge, 2014), 102-5.

[125] Lauren Benton summarises and consolidates this turn in *Law and colonial Cultures: Legal regimes in World History, 1400-1900* (Cambridge, 2002), esp. 12-15.

[126] Grant Gilmore and Charles L. Black, *The Law of Admiralty* (Mineola, New York, 1957), 9; Admiralty law often came into conflict with other systems of maritime law: Joanne Mathiasen, 'Some Problems of Admiralty Jurisdiction in the 17th Century', *American Journal of Legal History*, 2/3, (1958), 230-1.

[127] Gilmore and Black, *The Law of Admiralty*, 7-8.

[128] M.J. Pritchard and D.E.C. Yale, *Hale and Fleetwood on Admiralty Jurisdiction* (London, 1993), xlviii-l.

[129] Ibid., l.

which admiralty jurisdiction extended, by virtue of the 'arms of the sea', i.e. navigable rivers and estuaries, into England's counties, and whether admiralty or common law regulated activities pertaining to the sea but conducted on land.[130]

In their attempts to reassert admiralty jurisdiction, civil lawyers developed different accounts of the history, authority and advantages of admiralty law. The Oxford civilian Richard Zouch assimilated admiralty law into the ancient Law Merchant, a truly international law, established by the earliest seafarers and integrated into the 'general Lawes of Nature and Nations'.[131] Sir John Davies, cited favourably by Zouch, defined and defended the 'Law Merchant' in similar terms: it was the 'peculiar and proper Law' of the 'Common-wealth of Merchants', and as a 'branch of the Law of Nations', it was of 'equal force in all Kingdoms'.[132] But other English civilians, particularly those practicing and adjudicating admiralty law, were keen to insert sovereign right into the story. In 1661, John Godolphin, a former admiralty judge and King's Advocate, described maritime law as a familiar composite of ancient laws and customs, but implied that it only derived its authority from 'the King as Supreme'.[133]

A similar formulation of admiralty law can be found in Hobbes's *Dialogue... of the Common Laws of England*. It is somewhat surprising to find Hobbes engaged with a discussion among civil lawyers. Hobbes had indicated his ambivalence towards the civil law by folding the 'law of nations' into the 'law of nature' in every version of his mature

[130] Ibid., clxxi; Mathiasen, 'Some problems of Admiralty Jurisdiction', 223-37.
[131] Richard Zouch, *The Jurisdiction of the Admiralty of England Asserted*. (London, 1663), 9.
[132] Sir John Davies, *The Question concerning impositions tonnage, poundage, prizage, custom, &c: fully stated and argued from reason, law, and policy: dedicated to King Hames in the latter end of his reign* (London, 1656), 10, 4.
[133] John Godolphin, *A view of the admiral jurisdiction* (London, 1661), 40-1.

political theory.[134] With a single move, Hobbes collapsed an entire corpus of the civil law, and Armitage has shown that it was noticed and 'resisted' by Zouch.[135] When Hobbes came to write the *Dialogue*, however, admiralty law discourse suggested a way of countering the claims of Coke and the common lawyers, his primary intention in the book.[136] In his chapter on 'Courts', Hobbes recognised the advantages of settling maritime disputes between England and its neighbours according to laws to which they had once all been subject.[137] But he maintained that the present sovereign alone gave 'force' to these laws and determined their geographical extent within his realm.[138] Acknowledging the difficulties of determining the boundaries between rivers and the sea, Hobbes left it to 'the King himself' to decide 'whose Jurisdiction' a body of water was in, but implied that it was often indicated 'in the Lord Admirals Letters Patents'. When one interlocutor suggested that 'the Justices of the Common-Law may send a Prohibition' to the Admiral's court if it was granted an extensive jurisdiction, the other replied 'that That should be against the Right of the Crown', which, contrary to 'that Argument of Sir *Edw Coke's*', had not been alienated by the King.[139] 'If a Court of Common-Law should chance to Incroach upon the Jurisdiction of the Admiral', the admiral was empowered by the King to issue his own 'Prohibition to the Court of Common Law'.

[134] *EW*, IV, 228; *OTC*, 156; *Leviathan*, II, 552.
[135] David Armitage, *Foundations of modern international thought* (Cambridge, 2013), 68. For further discussion of Hobbes's treatment of the 'law of nations' and its reception, see David Boucher, *Appropriating Hobbes: Legacies in Political, Legal and International Thought* (Oxford, 2018), chs. 4-.6.
[136] Daniel Lee has suggested that Hobbes's engagement with civil law was more complex and positive than is often appreciated, but he does not consider Hobbes's discussion of admiralty law: 'Hobbes and the civil law: the use of Roman law in Hobbes's civil science', in David Dyzenhaus and Thomas Poole (eds.), *Hobbes and the Law* (Cambridge, 2012), 210-35.
[137] *WCL*, '*Dialogue*', 55.
[138] Ibid., 55-6.
[139] Ibid., 56.

By the time Hobbes made this intervention, English admiralty jurisdiction had begun to 'decay'.[140] There is reason to believe that Hobbes finished the *Dialogue* in the early 1670s.[141] If so, the completion of the *Dialogue* coincided with the 'Wool Stealers' Case' of 1672, a 'landmark' moment in the erosion of English admiralty jurisdiction.[142] Sir Leoline Jenkins, the judge of the English admiralty court, insisted on his right to try two men who had been arrested in the Thames Estuary for exporting wool illegally. He was challenged by the common lawyers whose suit succeeded in permanently depriving the English admiralty of 'riverine' jurisdiction.[143] However, Hobbes's intervention also coincided with the expansion of admiralty jurisdiction outside England: a key component of the Crown's attempt to consolidate its 'disordered' island empire and challenge the commercial supremacy of the Dutch.[144] As Lord High Admiral, James 'incorporated' the handful of admiralty courts operating autonomously in the colonies into a single 'colonial admiralty system'.[145] In Jamaica, admiralty jurisdiction swelled with the proliferation of piracy, and the court acquired an extensive criminal as well as civil jurisdiction.[146] Following the Test Act of 1673, 'the Irish and colonial administrations were merged into one';[147] but, as Petty found, the Irish court struggled to exercise a jurisdiction equivalent to that of its Jamaican counterpart.

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[140] Pritchard and Yale, *Hale and Fleetwood*, clxxvi.
[141] Cromartie and Skinner eds., *WCL*, 'General Introduction': *Dialogue*, xvii.
[142] Gregory Durston, *The Admiralty Sessions, 1536-1834: Maritime Crime and the Silver Oar* (Newcastle upon Tyne, 2017), 58.
[143] Ibid., 59.
[144] Helen J. Crump, *Colonial Admiralty Jurisdiction in the Seventeenth Century* (PhD thesis, University of London, 1931), 91.
[145] Ibid., 104.
[146] Ibid., 115. For further discussion of the politics of colonial admiralty jurisdiction, see Lauren Benton, *A Search for Sovereignty: law and geography in European empires, 1400-1900* (Cambridge, 2010), 146-47.
[147] Crump, *Colonial Admiralty Jurisdiction*, 150.

The status of the Irish admiralty court reflected the peculiar problems of government in Ireland and the kingdom's ambiguous constitutional relationship with England. We saw in chapter I that incorporated port towns in Ireland claimed the right to collect customs. They also claimed the rights of admiralty jurisdiction, including the rights to shoreline flotsam and to 'adjudicate prize captures'.[148] In the *Treatise*, Petty had challenged the corporate privileges of Irish port towns by thinking with Hobbes. Hobbes's concept of a corporate commonwealth, which Petty developed in the *Treatise*, curtailed the autonomy of subordinate corporations. Hobbes had also devised a memorable description of corporations as metaphorical 'wormes in the entrayles' of the commonwealth which had stuck in Petty's mind and which his experiences as admiralty judge evoked.[149] Shortly after assuming the judgeship, Petty complained 'that many Corporacons in Ireland doe soe far pretend to Admiralty Jurisdiction that they Eat up the main Body'.[150] The jurisdiction of the Irish admiralty court was also challenged by its English counterpart. The court had always been 'the constitutional subordinate' of the English court, and reforms in 1635, retained at the Restoration, cemented its subordinate status.[151] Most frustratingly for Petty, the Irish court remained 'subject to appeal' to the English court.[152] The division of the admiralty in 1673 undermined the constitutional basis for this practice, and Petty responded to a succession of appeals against his rulings by arguing that two new admiralty jurisdictions had been created in 1673, each autonomous from the other.[153] Until the King 'expressly' annexed the Irish to the English court, he said, the latter should not interfere in the operations of the former.[154]

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[148] Costello, *The Court of the Admiralty of Ireland*, ch. 1, esp. 28.
[149] *Leviathan*, II, 516.
[150] Petty to Gamble, 1st August 1676, MS Osler, 7612, II, 199.
[151] Costello, *The Court of the Admiralty of Ireland*, 11, 17.
[152] Ibid., 102.
[153] Petty to Southwell, 4th January 1678/9, in *Petty-Southwell Correspondence*, 66.
[154] Sir William Petty, 'A Paper of Sr Wm Pettys upon the generall Subject of the Admiralty Court, and Dr Trumball's Animadversions hereon', March 1677/8, MS Rawlinson, A191, f. 176r.

The increasingly boisterous behaviour that drew Petty into conflict with the admiralty court in England was motivated by his factional allegiance to the 'sceptical-Tories'. Petty's inaugural speech to the court emphasised James's personal right to 'the Title & Dignity of High Admiral' and the majesty that he bestowed upon the office.[155] Before we consider Petty's claims in this and a subsequent speech about the jurisdiction of his court and the law that it adjudicated, we must first acknowledge that they were developed from a distinctly partisan perspective. Petty had an irreverent, even sardonic, relationship with admiralty law discourse; he wrested its concepts from the small group of specialists who usually expounded it and inverted them and pushed them to absurd extremes. Hobbes had a similar relationship with admiralty law discourse, though he lacked Petty's partisan motivations; and Petty thought with Hobbes as he developed this relationship. In thinking with Hobbes to expand his jurisdiction as judge, Petty was turning the contested status of his court to his own advantage. The ambiguity that surrounded the court's jurisdiction allowed Petty to define that jurisdiction in a way that suited his own partisan objectives as a 'sceptical-Tory'. This exercise was also facilitated by the aesthetic context provided by the Irish admiralty court. The court did not have a permanent address: while Petty was judge, it often met in his private house in Dublin.[156] Petty's second speech seems to have been delivered to the 'jurors' of the court in a dining room at Ringsend port in Dublin. This setting was rendered all the more louche by the heavy drinking that preceded Petty's speech and about which he joked in his speech, and it manifested aesthetically the beleaguered status of the court in Ireland.[157] In such surroundings it was surely easier than

[155] Sir William Petty, 'Sr Wm Pettys Speech at the first Sitting [as] Judge of the Admiralty upon the 2nd day of October 1676', BL, MS Lansdowne 1288, ff. 39r-39v.
[156] Costello, *The Court of the Admiralty of Ireland*, 62.
[157] Sir William Petty, 'The Judge of the High Court of Admiralty his Speech at Ringsend the 1st October 1677', MS Lansdowne 1288, f. 47r.

it might have been for Petty to use Hobbes's disreputable resources to develop his unorthodox interpretations of admiralty law.

Petty's inaugural speech involved what might be described as an exercise in political geography. It began by characterising Britain's as a maritime empire; its trade and defence were conducted at sea by men 'whose Labours & Hazards are the principall Beamses in the fabric of the Common-wealth'.[158] Petty celebrated the establishment of a Royal Fishery under James's governorship, an accolade reserved only for the most important industries;[159] and he considered how technological advancements in shipbuilding had facilitated and determined the empire's maritime orientation. 'A ship', said Petty, was a 'Comon Bridge between us & all the parts of the world'.[160] Given its position 'between the Old & the New World', Ireland was the 'nose in the face' of the maritime empire imagined by Petty, and he situated Ireland at the centre of its trading routes.[161] Since the 'Medium' distance between 'the Lands of Ireland' and the sea was only '12 miles', and since 'carriage' by water was easier than carriage by land, Ireland was 'a neere Neighbour to all the Countryes of the World'. Petty conceded at the outset of his speech that he was not 'practised in makeing speeches'.[162] His experience of writing memoranda and policy proposals had not prepared him for the rhetorical demands of the genre, and his exercise in political geography illustrates his shortcomings as an orator. In so far as it achieved a coherent effect, however, it was to reconfigure imperial space to emphasise the significance to the Stuart empire of the sea and the people and places most closely connected to it. This maritime configuration of empire consisted not in dominion

[158] Idem, 'Speech at the first Sitting', f. 38r.
[159] For which see Thomas Wemyss Fulton, *The sovereignty of the sea: an historical account of the claims of England to the dominion of the British seas* (Edinburgh, 1911), 448.
[160] Petty, 'Speech at the first Sitting', ff. 41v-42r.
[161] Ibid., f. 40v.
[162] Ibid., f. 38r.

over particular territories, but in networks of trade and travel, which due to the limitless nature of the sea extended across the globe.

A further exercise in legal theory translated this rhetoric into a claim about admiralty jurisdiction. Petty was not trained in civil or any other kind of law and lacked easy access to the resources necessary to educate himself.[163] By 1678, he seems to have become familiar with Francis Clerke's *Practice and Jurisdiction of the Court of Admiralty* and fluent in the language in which admiralty lawyers described the history of their law and complained about restrictions on their courts.[164] This conventional history distinguished the law of nations from the law of nature, and Petty was prepared to acknowledge this distinction to maintain his credibility with English civil lawyers.[165] In his inaugural speech, however, Petty omitted the law of nations from his characterisation of 'the Lawes of the Admiralty'. Admiralty law was 'founded upon universall & comon reason' and was therefore assimilable to the 'Laws of Nature'.[166] This characterisation recalled Hobbes's assimilation of international into natural law, a move which admiralty lawyers had interpreted as a threat to their tradition. For Petty, however, the association between admiralty and natural law expanded the admiralty's jurisdiction. Though Petty did not describe the content of natural law, he implied that it was thin, and its thinness was associated with a universality which rendered it commensurate to the global scale of a maritime empire. Conventional accounts of 'the limits & bounds of the Sea & Sea Rights' were meaningless to Petty. He claimed an extensive jurisdiction over water within Ireland, assuming for the admiralty the right to 'incourage and regulate' the kingdoms's

[163] Petty to Pett, 1st August 1676, MS Osler, 7612, II, 200.
[164] Petty, 'A Paper of Sr Wm Pettys upon the generall Subject of the Admiralty Court', f. 174r.
[165] Ibid., ff. 174v-175v.
[166] Idem, 'Speech at the first Sitting', ff. 38v, 43v.

trade and navigation;[167] and he argued 'that neither Selden or Grotius have speaken intelligibly' about maritime relations between states.[168] The admiralty jurisdiction exercised by James and his officials was potentially as limitless as the sea.

As Petty demonstrated by his subsequent conduct, this interpretation of admiralty law was not conducive to international peace. On two occasions between the winter of 1676 and the summer of 1677, Petty claimed what amounted to an 'international prize jurisdiction'.[169] On the first occasion, he asserted his jurisdiction over the case of a Danish ship, captured by an Irish privateer under a Swedish letter of marque, but did not issue a ruling.[170] He exhibited no such inhibitions on the second occasion. In July 1677, a 'French Privateer' captured a Dutch whaling ship called the *Golden Salmon* and brought it into the port of Youghall.[171] Petty pursued the case in the admiralty court and condemned the ship to the French privateers.[172] France was at war with the Dutch but England was not. The English and the Dutch had made peace in 1674 and agreed to respect the Treaty of Breda of 1667, under which England was forbidden to pursue or assist in piracy against Dutch vessels.[173] English admiralty officials agreed with Dutch diplomats that Petty had violated this provision and that the ship should be returned to the Dutch. Even Thomas Bedford, a prominent English civilian who supported the French claim to the vessel, agreed that Petty had no right to 'adjudge a prize to the French, wch none can do but such as are impowered by the French King'.[174] Bedford concluded that Petty was not 'versed

[167] Ibid., ff. 41v, 43v-45v.
[168] Ibid., f. 38v.
[169] Costello, *The Court of Admiralty of Ireland*, 88.
[170] Ibid., 86-7.
[171] Sir Leoline Jenkins, 'Report about the Dutch Ship being called the Salmon', 27th November 1679, BL, Add. MS 18206, f. 127r.
[172] Ibid., f. 127v.
[173] Costello, *The Court of Admiralty of Ireland*, 87-8.
[174] Thomas Bedford to Robert Southwell, 11th April 1678. BL, Add. MS 72852, f. 152r.

in the practical part of Admiralty',[175] and Petty seemed to admit as much in his private correspondence.[176]

In October 1677, while the Dutch and English negotiated a resolution to the *Golden Salmon* case, Petty opened a new session of his court with an emphatic assertion of its international jurisdiction. He introduced his account with a natural-philosophical claim about the primacy of water before land in the order of creation.[177] Although much of the earth's surface was now covered by land, 'far the greater part' remained water and it was 'probable' that there was water in 'the belly of the Earths Globe' and 'above the firmament'.[178] Petty borrowed these ideas from a developing debate amongst English scientists about the biblical deluge;[179] but he pressed them into the service of a claim that admiralty jurisdiction 'extends it self over all the Waters of the World'.[180] Since there was 'comunication' between these waters, moreover, a claim to jurisdiction over one body of water constituted a claim to jurisdiction over all. This substantiated two claims that Petty had made a little more tentatively in his first speech and repeated in his second: 'That Mr Seldens Mare Clausum in not an Intelligible Thing', and that admiralty jurisdiction extended over 'Navigable Rivers' and even to the 'Rivers and Springs issueing out of the Bowells of the Earth'.[181] In the context of the *Golden Salmon* case, Petty concentrated on developing the first claim: 'whosoever is Soveraigne of any Seas (as our King is) is Soveraigne of all Waters whatsoever, and whoever that Soveraigne

[175] Ibid.
[176] Petty to Southwell, 10th November 1677, in *Petty-Southwell Correspondence*, 38-9.
[177] Petty, 'Speech at Ringsend', f. 47r-47v.
[178] Ibid., f. 47v.
[179] The debate concerned the extent of the deluge and the origins of its water, in which Sir Robert Southwell was particularly interested: Hunter, *Establishing*, ch. 9; Lewis ed., *order of nature*, 20. Petty discussed these subjects with Southwell in the spring of 1677: Petty to Southwell, 10th March 1676/7, in *Petty-Southwell Correspondence*, 20-2.
[180] Petty, 'Speech at Ringsend', ff. 47r-47v.
[181] Ibid., f. 47v.

makes Admirall, Is Admirall of the Univers'.[182] The Admiral's court was thus 'the Court of the whole world' and its judge exercised a 'proportionable extent of Jurisdiction'.[183]

Though these were extraordinary claims, the extent of admiralty jurisdiction over foreign seas had never been settled by civil lawyers. The Henrician statutes left the admiralty 'to work out its own principles' on the matter, and a convention developed over time that jurisdiction would be limited to 'acts done on English (and subsequently British) ships whether they were done by subjects or by foreigners': the so-called 'Law of the Flag'.[184] Since English admiralty law referred to the sea in general and not to any 'particular seas', this included actions performed in foreign ports.[185] Petty asserted a fully global jurisdiction for his court by making admiralty law subject to the interpretation and imposition of individual states. Petty's second speech repeated the claim 'that the Lawes of the Sea, were the Lawes of God and Nature' with the additional cryptic observation that they were 'such as no lesse power, then the consent of Nations could impose'.[186] For civilians, such as Davies, the laws of the sea were the laws of an international 'Common-wealth of Merchants'; they were upheld by individual states but did not derive their authority from them.[187] On Petty's account, individual states were the only units of international law and, in the absence of a common authority, a universal admiralty jurisdiction was annexed to each that claimed sovereignty of the seas. 'Marinars' remained the peculiar subjects of admiralty jurisdiction, but rather than constituting a separate 'Commonwealth', they simply extended the 'Leviathan' from the land to the

[182] Ibid., ff. 47v-48r.
[183] Ibid., f. 48r.
[184] Pritchard and Yale, *Fleetwood and Hale*, Cxcviii.
[185] Ibid, ccv.
[186] Petty, 'Speech at Ringsend', f. 46v. Elsewhere Petty defined the Law of Nations as 'What all sovereign powers do agree in and declare themselves bound by': idem, 'Dialogue between A and B', BL, Add. MS 72898, f. 125v.
[187] Davies, *The Question*, 10.

sea.[188] The Stuart empire was 'the great Leviathan of Navall Power' and Ireland, for the reasons given in the first speech, was its 'Saddle'.[189]

Petty soon tired of the admiralty court and was removed from the judgeship in 1683 following a long period of inactivity.[190] In 1685, when James acceded to the throne, Petty took up permanent residence in London. No longer reliant on peripheral jurisdictions for political advancement, he sought to influence Crown policy at the centre. Unfortunately for Petty, he was not alone in this ambition. Having finally returned to Ireland in 1683, Talbot also had an agenda for James's reign and James proved willing to indulge him. In 1686, Talbot was created earl of Tyrconnell and given control of the army in Ireland. He was promoted to Lord Deputy the following year and pursued radical reforms to Irish government and society, including the land settlement.[191] At first, the 'sceptical-Tories' were reluctant to abandon Irish policy to Tyrconnell and his faction. Sheridan held on as first commissioner of the revenue and an insubordinate secretary to Tyrconnell until 1687.[192] He was joined in the revenue by Sir Robert Hamilton, whom we encountered in chapter II and who, like Sheridan and Petty, had thought with Hobbes about taxation.[193] Pett also retained an interest in Irish policy and drew on Petty's work to comment on the subject in *The happy future state of England*.[194] Though he no longer occupied an office, Petty was in regular contact with the King and counselled him against Tyrconnell's

[188] Petty, 'Speech at Ringsend', f. 49r.
[189] Ibid., f. 46v.
[190] Costello, *The Court of Admiralty of Ireland*, 52-3.
[191] See ch. 5, 226-227, 253.
[192] If his own account is to be believed, Sheridan was initially appointed by James to ensure that Tyrconnell did not purge Irish Protestants from their '*employment, civil or military, on account of religion*': *Calendar of the Stuart papers belonging to His Majesty the king, preserved at Windsor castle*, ed. F.H. Blackburne Daniell (London, 1902), 7 vols., I, 16.
[193] For Hamilton's appointment to the revenue: The earl of Clarendon to the earl of Rochester, 22nd January 1686/7, in *The correspondence of Henry Hyde, Earl of Clarendon, and his brother Laurence Hyde, Earl of Rochester*, ed. Samuel Weller Singer (London, 1828), 2 vols. II, 138. For Sheridan's and Hamilton's rivalry with Tyrconnell, see ibid., I, 442; II, 138.
[194] Sir Peter Pett, *The Happy Future State of England* (London, 1680), 165.

agenda.[195] Tyrconnell soon prevailed against his critics at court, however, and under these circumstances, Petty looked to influence another area of Crown policy: its relationship with France.

In 1686, the year before he died, Petty prepared a cluster of papers relating to an Anglo-French 'alliance'. The precise nature of the relationship that James sought and developed with France throughout his reign remains contested. Steve Pincus argues that James was deeply committed to an alliance with Louis XIV, for ideological as well as strategic reasons, and Petty's papers form a central component of his case.[196] Evidence of James's relationship with Louis is scarce and ambiguous, and the evidence of Petty's papers is not strong enough to sustain Pincus's characterisation of it.[197] It does permit the more modest conclusion, however, that an Anglo-French alliance was sought by some of James's courtiers and that Petty was one of its architects. The provisions of the alliance designed by Petty related to the maritime and colonial aspects of Anglo-French relations. England would agree 'To build no more ships of warre', assist the French in obtaining access 'to all ports from Copenhagen to Dunkirk', and allow them their 'American fisheryes'. [198] In return, the French would allow the English all the maritime trade 'imaginable'.

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[195] Petty to Southwell, 30th September 1686, in *Petty-Southwell Correspondence*, 234; Sir William Petty, 'Transactions at Windsor', 19th September 1686, BL, Add. MS 72882, ff. 77r-81v; idem, 'Papers delivered to the King by Sir W. Petty', November 1686, BL, Add. MS 72866, ff. 23r-64v; idem, 'Intimations to the King', BL, Add. MS 72866, ff. 57t-60v.

[196] Steve Pincus, *1688; The First Modern Revolution* (New Haven, 2009), ch. 11, esp. 319. For a more nuanced assessment of James's relationship with Louis, see, Jeremy Black, 'British foreign policy and international affairs during Sir William Trumbull's career', *British Library Journal*, (1993), 203-7.

[197] Pincus mischaracterises the evidence of Petty's papers: *The First Modern Revolution*, 319. He uses Petty's description of his 'private and ample conference' with the King about Irish policy to suggest that two men had regular 'conference*s*' about an alliance with France: Petty to Southwell, 30th September 1686, in *Petty-Southwell Correspondence*, 234. His subsequent suggestion that James endorsed Petty's vision of the alliance is therefore unfounded.

[198] Sir William Petty, 'For an alliance with the French', BL, Add. MS 72867, f. 32r.

Petty's concessions to the French were many and generous, but he was driving a harder bargain than it might appear. As far as Petty was concerned, France's concession to England of maritime trade implied the further concession that England was 'Soverein of a Reall Mare Clausum'.[199] Before his appointment as admiralty judge, Petty had ascribed to the conventional view that England was 'Soveraigne of the narrow Seas': the seas between France and the Netherlands.[200] He developed his 'double-bottomed' ship in the early 1660s, the first of his projects to catch James's attention, with the purpose of reinforcing this claim against the Dutch.[201] As an admiralty judge, Petty reasserted England's sovereignty of the seas, but without reference to a specific domain. To arrogate to his court a universal jurisdiction, he argued that the King of England was sovereign of all the world's waters. This claim was untenable in the context of an Anglo-French alliance, but Petty's experience as an admiralty judge had shaken his confidence in conventional concepts of maritime sovereignty and dominion. To develop his proposal for an Anglo-French alliance, then, Petty had to develop an alternative account of these concepts; and this is what he was up to in his enigmatic essay on the dominion of the seas.

Petty began the essay by measuring the maritime jurisdiction presently exercised by England against what he took to be Hobbes's definition of 'Empire' as a 'Right and Power over the lives, Liberties & fortunes of all that live within' a given a territory.[202] Although foreign ships struck their sails and lowered their flags in English waters, they did not acknowledge that 'the Owner of that Flag, to whom they thus submit, hath the Imperium & Dominus Maris abovemencioned'.[203] There were no 'Rules in Nature' that determined

[199] Idem, 'England's Ten advantages', 1687, BL, Add. MS 72866, f. 98r.
[200] Idem, 'A Treatise of Naval Philosophy in Three Parts', BL, Add. MS 72854, f. 103v.
[201] Petty to Lord Brouncker, Dublin, 29th October 1662, in Lansdowne, *The Double Bottom*, 31-2.
[202] Petty, 'Essay', f. 119r.
[203] Ibid., f. 119v.

the boundaries between one body of water and another; and there were no 'Records' of certain areas of sea being allocated to certain states, by 'the Consent of Nations & Princes'.[204] At least in relation to 'Sea affaires', individual states were 'in the State of Nature, and there is bellum omnium contra omnes, between them and their respective subjects'.[205]

Though Hobbes did not engage as directly as Petty with the question of dominion of the seas, his theory was well suited to a critique of the concept. Hobbes had translated the discussion of the concept in Thucydides and rehearsed England's claim to 'Dominion in the narrow Seas' in *Behemoth*.[206] Richard Tuck makes much of the fact that Hobbes also spoke approvingly of Selden's *Mare Clausum* following its publication in 1635.[207] Tuck argues that Hobbes's claim that natural man had 'a right to all things' was consistent with Selden's claim that 'all men originally were co-owners of the whole world': a claim which established 'at least the theoretical possibility of owning the sea in the same way as land'.[208] However, Tuck's argument relies on the assumption that the natural right described by Hobbes could sustain claims to a 'minimal level of private property', and there are good reasons to reject this assumption.[209] As Petty seems to have understood, the defining feature of 'propriety' on Hobbes's account was that others were obligated to respect the proprietor's exclusive right to a thing.[210] Since a natural right to everything precluded this possibility, property was only possible in the 'Commonwealth' and

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[204] Ibid., f. 120v-121r.
[205] Ibid., f. 127v.
[206] Thucydides, *Eight books of the Peloponnesian Warre written by Thucydides the sonne of Olorus. Interpreted with faith and diligence immediately out of the Greeke by Thomas Hobbes secretary to the late Earle of Devonshire* (London, 1629), 78; *Behemoth*, 347-8.
[207] Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius and Kant* (Oxford, 2001), 128.
[208] Ibid., 117-29.
[209] Richard Tuck, *Hobbes* (Oxford, 1989), 70.
[210] *Leviathan*, II, 388-90. For further discussion, see Johan Olsthoorn, 'Hobbes on Justice and Property Rights and Self-Ownership', *History of Political Thought*, 36/3 (2015), 494-5.

consisted 'in the Lawes' of the sovereign. Selden's assumption of original collective ownership implied that property rights could be agreed outside the commonwealth, and he was thus satisfied that 'historical evidence' of Britain's maritime dominion was sufficient to prove its title.[211] Petty, however, assessed the title according to Hobbesian criteria and found it wanting: until maritime jurisdiction was settled, claims to maritime dominion would remain contested.

Petty's analogy between 'Sea affaires' and the state of nature was countenanced by a famous passage in *Leviathan*. Having folded the 'law of nations' into the 'law of nature', Hobbes suggested a parallel between international relations and the 'condition of warre' that characterised the state of nature; 'in all times, Kings, and persons of Soveraigne authority, because of their Independency, are in continuall jealousies, and in the state and posture of Gladiators'.[212] Petty's inference from this analogy, however, was not countenanced by Hobbes. For Hobbes, natural law did not apply to the artificial persons of states in the same way that it applied to natural persons in the state of nature.[213] Natural law instructed natural men to form civil unions, and their natural right of self-preservation was fulfilled within the context of these unions. It was the role of states to maintain these civil unions, and this duty determined their proper conduct in relation to other states.[214] The laws of nature, described in *The Elements*, '*That men allow commerce and traffic indifferently to one another*' and '*That all messengers of peace... may safely come and go*' were especially relevant to international relations.[215] But natural law did not require

[211] Monica Brito Viera, 'Mare Liberum vs. Mare Clausum: Grotius, Freitas, and Selden's Debate on Dominion over the Seas', *Journal of the History of Ideas* 64/3 (2003), 378. For Selden's account of how common property becomes private property, see John Selden, *Mare clausum; the right and dominion of the sea in two books*, trans. James Howell (London, 1663), ch. 4.
[212] *Leviathan*, II, 194-6.
[213] Malcolm. *Aspects*, 446-8.
[214] *Leviathan*, II, 530.
[215] *EW*, IV, 101-2.

commonwealths to form a union of their own, a 'super-state', to guarantee peace between them;[216] and Hobbes conceded that in the absence of such a union, international conflict was inevitable.[217]

Petty was not prepared to accept this possibility. From the premise that 'the preservation of mans Life, Goods & property seems to bee the very end of all Lawes & of the whole second Table of Gods own Decalogue', he inferred an obligation on the states of the north Atlantic to seek 'peace' with one another, and to do so via the procedures established by Hobbes for obtaining peace in the state of nature.[218] States were to 'transfer their Rights, unto some One of their Number' who would exercise the 'Right of Jurisdiction' over a new '*mare clausum'*.[219] Petty imagined that a string of ships, permanently anchored at sea, would enclose an area of the north Atlantic extending from France to Norway, via Ireland, the Hebrides and Denmark.[220] The idea that ships extended the territorial extent of their port nation was well established in admiralty law discourse.[221] Petty pushed it to an absurd extreme, however, and did so, in 'sceptical-Tory' style, by invoking ideas from science. Petty asserted that waters observable with the assistance of a telescope could reasonably be said to belong to the sovereign of the land from which they were observed.[222] If ships were anchored permanently at sea, then the waters in between the ships belonged permanently to the sovereign, so long as adjacent ships could be observed from each other by a telescope. The question still remained as to who would the govern this '*mare clausum*', and Petty argued that custom and circumstance suggested the King

[216] Malcolm: *Aspects,* 448.
[217] *WCL,* 'Dialogue', 12.
[218] Petty, 'Essay', ff. 123r-123v.
[219] Ibid., f. 128r.
[220] Ibid., ff. 125r-125v.
[221] Benton, *Search for Sovereignty*, 128.
[222] Petty, 'Essay', ff. 124r-125r.

of England as the most qualified candidate for the role.[223] It might be tempting, therefore, to read Petty's proposal as an elaborate apology for England's historic claim to maritime sovereignty. However, the jurisdiction that England would exercise was quite different for having been reconstituted upon Hobbesian principles. As sovereign of the '*mare clausum*', the King of England would be required to 'protect the Navigation and Trade of all those who dwell upon' its 'Coasts' and from whose 'consent' he would derive his authority.[224] Interactions 'between the Subjects of different Nations', moreover, would be governed not by English common law but by international admiralty law; for following the establishment of a 'Common Dominus Maris', the law would be adjudicated impartially.[225]

This proposal was certainly outlandish; the essay was 'sceptical-Tory' discourse at its most unworldly. But was it any more outlandish than Petty's novel proposal for British union? Both lead one to ponder his sincerity, if not his sanity. In so far as they can be explained historically, the explanation lies in the variegated political geography of the Stuart empire. Political variegation within the empire formed the subjects of these proposals, but it also facilitated their development. In Ireland, Petty inhabited an unstable political space in which the parameters of political possibility and acceptable political argument were considerably wider than those in England. It might be thought that Petty's outlandish proposals and his use of Hobbes to develop them were indulged as the habits of a marginal eccentric: that he was too singular to form the basis of a judgement about Ireland as a context of discourse. However, the first three chapters of this thesis have shown that Petty was involved in networks of political actors in Ireland and that he

[223] Ibid., f. 129r.
[224] Ibid., f. 128r.
[225] Ibid., ff. 127r, 129r.

developed his proposals in the context of these networks. His proposal for excise, outlandish by the standards of English political argument, was developed with Ormond's support and readily adopted by the Irish Parliament. His proposal for British union chimed with the objectives of the Cabal ministry and its ministers in Ireland and developed a Hobbesian response to the problem of imperial government that also had exponents in, or with connexions to, other peripheral places. Paradoxically, this response attempted to address the political conditions that made its development possible; and as admiralty judge, Petty took advantage of Ireland's permissive intellectual culture to exaggerate, rather than address, the ambiguities of maritime jurisdiction within the empire. More now, perhaps, than ever, Petty was supported in his activities and arguments by a network of political actors: James and the 'sceptical-Tories'; and other members of this network emulated Petty's style of engagement with Hobbes. Petty may have had a strange and singular imagination, but his engagement with Hobbes was both suggested and accommodated by his Irish context. The final three chapters of this thesis will show that members of the Anglican Church in Ireland, who seem at first to have been distant from Petty, both politically and ideologically, experienced a similar compulsion to think with Hobbes.

Chapter IV: John Vesey and Anglican royalist discourse in Ireland

Many of the Irish Anglicans discussed in this and subsequent chapters have not received the scholarly attention afforded to Petty and his associates. Anglican political thought in Ireland remains an understudied subject. In the few studies that have been made of it, however, John Vesey has emerged as a central character. Vesey has attracted scholarly attention, moreover, for the 'Hobbesian' character of his arguments.[1] Vesey printed three sermons in London and Dublin and a wrote a biography of Bishop John Bramhall, *Athanasius Hibernicus*, which was published in *The Works* of Bramhall in 1676. He also left behind a substantial collection of correspondence and manuscript sermons. This chapter begins with *Athanasius*, discusses a selection of Vesey's manuscript sermons, and ends with a sermon that Vesey delivered at Windsor in 1684 and printed in London. Vesey thought with Hobbes in all of this material; and at first glance, it might seem that his engagement with Hobbes followed the pattern identified by Jon Parkin in the writings of Anglicans in England. Though Vesey denounced Hobbes as a pariah from mainstream political and religious discourse, he also adopted distinctively Hobbesian positions, particularly when he was concerned about the maintenance of civil peace. Having set out to 'hunt' Hobbes, Vesey ended up 'taming' him.[2] This is not the whole story of Vesey's engagement with Hobbes, however, and the role that Vesey's Irish context played in facilitating and shaping this engagement forms the missing piece.

[1] Robert Eccleshall, 'Anglican political thought in the century after the 1688 revolution', in D. George Boyce *et al.* (eds.), *Political Thought in Ireland Since the Seventeenth Century* (London, 1993), 51.
[2] Jon Parkin, *Taming the Leviathan: the reception of the political and religious ideas of Thomas Hobbes in England, 1640-1700* (Cambridge, 2007), 14-7.

Vesey encountered Hobbes in an Anglican royalist discourse that Hobbes had infiltrated and corrupted. This discourse was developed by English Anglicans in the context of the Civil War, and the wartime experiences of its exponents were betrayed in their concerns to settle the Church's relationships with civil authority on the one hand and Presbyterians on the other. Hobbes, of course, shared these concerns. His solutions involved concepts of the Church and the nature of ecclesiastical authority that deeply offended Anglicans; but because he developed them by infiltrating Anglican royalist discourse and corrupting its concepts, Anglicans had a complex and not altogether negative relationship with his work. They would either find themselves drawn to Hobbes for concepts adequate to the challenges they faced, or they would adopt, almost despite themselves, distinctively Hobbesian positions. In both cases, they attracted accusations of 'Hobbism', at least in England. Traces of Hobbes can be found in Anglican royalist accounts of the divine nature and natural law, and in their associated accounts of the origins of civil authority. Dudley Digges, Henry Hammond and Jeremy Taylor accounted for the origins of civil authority in terms of a transfer of natural rights; they engaged with Hobbes and Hobbes engaged with them. Following the Restoration, Anglican royalist discourse was developed by the so-called 'Latitudinarians'. Men like Edward Stillingfleet, Simon Patrick, John Tillotson and Samuel Parker used its natural jurisprudential arguments to address debates about Church government. They were joined for a time by John Locke. This chapter connects these two phases of Anglican royalist discourse, and Vesey's writings are shown to evince the connexion. Suggestive biographical evidence connects Vesey to the principal exponents of the discourse;[3] but Vesey's engagement with it was

[3] Vesey probably knew Taylor personally. Vesey's father Thomas enjoyed Taylor's patronage and was awarded a living in Taylor's diocese after the Restoration: Jeremy Taylor to John Bramhall, 27th September 1661, Maine Historical Society, Brown Research Library, Coll. 420, vol. 6. I am grateful to Colin Armstrong for a copy of this letter. John also had an appointment in Ulster in the early 1660s, serving for a year as archdeacon of Armagh from 1662: James Leslie, *Armagh clergy and parishes* (Dundalk, 1911), 166. Vesey's schooling at Westminster and his relationship with Cambridge University

prompted by the challenges he faced as an Anglican in Ireland. As we have seen already, the Church's relationships with civil authority and non-conformists in Ireland were necessarily different to what they were in England, but they were countenanced by Hobbes and the features of Anglican royalist discourse that Hobbes had inspired.

Athanasius Hibernicus: Hobbes and Anglican royalism

Throughout the Restoration, episcopal hagiography became a fashionable mode of intervention in Ireland's religious politics.[4] The example of John Bramhall served the case for a strong episcopal Church of Ireland, committed to aligning its doctrine and discipline with the Church of England and asserting itself against non-conformists, Presbyterians as well as Roman Catholics. Appointed to the see of Derry in 1631, Bramhall had worked with Lord Deputy Wentworth and Archbishop William Laud to, as they saw it, complete the English Reformation in Ireland.[5] Up until then, under Archbishop James Ussher, Calvinism had flourished within the Church and non-conformity without.[6] Following the Cabal's experiment with 'mutual Indulgence', a policy which, had it continued, would have 'crucified' the Church of England between 'Herod and Pilate', Vesey drew confidence from Bramhall's example of resilient

suggest further connexions to Locke, Stillingfleet and the 'Latitudinarians'. Locke also attended Westminster, and though Vesey was several years younger, he may have encountered Locke's work through the Westminster network to which he remained connected through Richard Busby: see ch. 5, 244. Vesey and Locke shared a further connexion in their common patronage of the Huguenot sculptor David Le Marchand. I am grateful to Thomas, Lord de Vesci, for permission to consult Le Marchand's 1702 ivory bust of Vesey. Though it was unclear which college Vesey joined at Cambridge in 1664, it was the tradition of his family to join St. John's, where Stillingfleet had been a Fellow: John Venn, *Alumni cantabrigienese* (Cambridge, 1883), 300.

[4] John McCafferty. 'Irish bishops, their biographers and the experience of revolution, 1656-1686', in Michael J. Braddick and David Smith (eds.), *The Experience of Revolution in Stuart Britain and Ireland* (Cambridge, 2011), 253.

[5] Idem, *The Reconstruction of the Church of Ireland: Bishop Bramhall and the Laudian Reforms, 1633-1641* (Cambridge, 2007), ch. 3.

[6] Nicholas Tyacke *The Rise of English Arminianism, c. 1590-1640* (Oxford, 1990), 230.

Churchmanship.[7] It reassured him that there is not 'any period of time, wherein the Providence of Almighty God afford not some persons with extraordinary parts, to oppose the popular and growing Errours of the Age'.[8] Vesey dwelt upon Bramhall's confrontation with the 'sowre and Calvinistical' tendencies in the Irish Church, and claimed, with some hyperbole, that Ireland's adoption at Bramhall's behest of England's Thirty-Nine Articles and a new set of canons had created a lasting 'union' between the two churches.[9] More importantly for our purposes, however, Vesey also discussed Bramhall's confrontation with 'Mr Hobbs'.[10]

Aware of the admiration that Ussher's memory continued to inspire in the Irish Church, Vesey treated the primate with respect; indeed, he emphasised the personal amity between Ussher and Bramhall and ended his work with the conciliatory conclusion that 'The memory of both these worthy Prelats will never dy'.[11] Vesey afforded no such courtesy to Hobbes, however. A considerable degree of personal enmity developed between Bramhall and Hobbes throughout their long association, and Vesey attacked Hobbes with exaggerated contempt.[12] Whereas 'Other Philosophers made it their business to reform men', Hobbes had set out 'to corrupt philosophy it self, and instead of correcting the obliquity of mens manners, to make the Rule crooked'.[13] Following a rather ineffective pun about Hobbes and 'his great fish' the 'Leviathan', Vesey returned to 'wait further on the Bishop'.[14] But a historian familiar with the Anglican reception of Hobbes, might question whether Vesey had expelled him altogether from his discourse. One of the most

[7] John Vesey, *The Works of the Most Reverend Father in God, John Bramhall*. (Dublin, 1676), sig. C1r.
[8] Ibid.
[9] Ibid., sig. E1r-E1v.
[10] Ibid., sig. F4v.
[11] Ibid., sig. H2v.
[12] Nicholas Jackson, *Hobbes, Bramhall and the politics of Liberty and Necessity: A Quarrel of the Civil Wars and Interregnum* (Cambridge, 2007), 19-20.
[13] Vesey, *Works*, sig. F4v.
[14] Ibid.

striking things about *Athanasius* is that it discussed Bramhall's approach to Church government in a language developed by a younger generation of Restoration divines which differed markedly from Bramhall's own. Having been educated and ordained during the Civil War and Interregnum, these divines allowed their preferences in relation to Church government to be determined by the requirements of civil peace; and on occasions, this involved concessions to Presbyterians. This language became associated with Hobbes, and with good reason: it had its origins in a tradition of Anglican discourse that Hobbes had successfully infiltrated. Vesey was clearly sensitive to Hobbes's strategy of infiltrating and corrupting discourses. It is the central claim of this chapter, however, that he also fell victim to it.

This was not the first time that Bramhall had been defended in the language that Vesey employed in *Athanasius*. Jeremy Taylor, the Bishop of Down and Connor, had delivered and printed Bramhall's funeral sermon in 1663, and Samuel Parker, a priest and polemicist, had written a 'vindication' of Bramhall in 1673. Vesey celebrated Taylor in *Athanasius* as the 'late excellent Bishop of Down', and both Taylor and Parker made important contributions in these and other texts to the language that Vesey employed.[15] Taylor, born in 1613, was older than Parker and Vesey; having begun his clerical career before the Civil War and under the patronage of Laud, he bridged Bramhall's generation with the divines who would preserve and curate the memory of Caroline Churchmen throughout the Restoration. Taylor's role as a conduit between these two generations is significant for our purposes; for he had thought with Hobbes to develop his political and religious thought in the Interregnum. Along with a handful of other Anglicans, he had incorporated modified versions of Hobbes's ideas into Anglican royalist discourse,

[15] Ibiid., sig. F4r.

including ideas that were singled out for criticism by Bramhall. Taylor is therefore crucial to explaining the presence of 'Hobbesian-style' arguments alongside emphatic condemnations of Hobbes in Vesey's *Athanasius* and other writings.

In his *Ductor Dubitantium,* of 1660, Taylor committed himself to what is usually described as the 'voluntarist' doctrine that 'God cannot doe an unjust thing; because whatsoever he wills or does is therefore just because he wills and does it'.[16] According to this doctrine, the moral and physical order of the Universe was a function of God's will and he was free to change it as he pleased.[17] Hobbes took voluntarism to 'its extreme conclusion';[18] and the last chapter identified the minimalist account of the divine nature in *Leviathan* that his voluntarism entailed. The most sustained exposition of Hobbes's voluntarism, however, is to be found in his exchanges with Bramhall on the subject of necessity. Hobbes's doctrine of necessity presents historians with an interpretative problem. It had little basis in the Calvinist doctrines of predestination and providence that Hobbes invoked in its support, and he surely knew this;[19] and it was incongruent with his emphasis on 'voluntary acts' in his political theory and account of justification.[20] Hobbes's voluntarism, however, helps to explain why he defended the doctrine so consistently: it was the ultimate demonstration of his claim that 'the power of God alone... is sufficient justification of any action he does'.[21] It was not for God's subjects to measure

[16] Jeremy Taylor, *Ductor Dubitantium, or The rule of conscience in all her generall measures* (London, 1660), 2 vols. I, 243
[17] Noel Malcolm defines voluntarism and justifies its use in 'Thomas Hobbes and Voluntarist Theology' (PhD thesis, Cambridge University, 1983), 27-8.
[18] Ibid., 62.
[19] Ibid., 202-5. Alan Cromartie, 'Hobbes, Calvinism, and Determinism', in Laurens van Apeldoorn and Robin Douglass (eds.), *Hobbes on Politics and Religion* (Oxford, 2018), 98.
[20] Patrick Riley, *Will and political legitimacy: a critical exposition of social contract theory in Hobbes, Locke, Rousseau, Kant, and Hegel* (Cambridge, Mass, 1982), ch. 2. Cromartie, 'Hobbes, Calvinism, and Determination', 96.
[21] Thomas Hobbes, *Hobbes and Bramhall on Liberty and Necessity*, ed. Vere Chappell (Cambridge, 1999), 22.

his actions and motivations;[22] their proper response to his omnipotence was wonder in their minds and honour in their worship.[23] The associated implications of the doctrine that all acts are 'necessary', though men's 'wills' remain free, and that all acts, including those which are sinful or evil, are therefore caused by God, may have struck contemporaries as paradoxical or perverse.[24] In so far as these responses encouraged wonder and honour, however, they reinforced rather than undermined Hobbes's voluntarist theology.[25]

Bramhall's response to Hobbes exploited the superficial similarities between Hobbes's theology and Calvinism: he took the opportunity to restate the scholastic idea, challenged by Calvinism as well as Hobbes, that God and his subjects participated in a single moral order and shared an 'immutable' concept of justice.[26] But he also saw that Hobbes's voluntarist theology was at the 'heart' of his philosophical system and traced its consequences for politics.[27] It was Taylor's partial acceptance of these consequences that brought his writing and the Anglican discourse to which he contributed into closer proximity to Hobbes. Bramhall's criticism of Hobbes shifted from theology to politics 'almost imperceptibly'.[28] For Mark Goldie, the connexion lay in the analogy that obtained naturally in a Christian society between divine and human government.[29] Noel Malcolm has shown, however, that Hobbes's voluntarist theology was also linked to his politics at a deeper, theoretical level by the account of natural law that accompanied his theology.

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[22] Ibid.
[23] *Leviathan*, II, 560.
[24] Cromartie, 'Hobbes, Calvinism, and Determinism', 115.
[25] Jon Parkin, 'Hobbes and Paradox', in Al. P. Martinich and Kinch Hoekstra (eds.), *The Oxford Handbook of Hobbes* (Oxford, 2016), 629-30.
[26] Malcolm, 'Thomas Hobbes and Voluntarist Theology', 204.
[27] John Bramhall, *Works*, 871.
[28] Jackson, *The Politics of Liberty and Necessity*, 117.
[29] Mark Goldie, 'The reception of Hobbes', in J. H. Burns (ed.), *The Cambridge History of Political Thought 1450-1700* (Cambridge, 1991), 594.

For the voluntarist, God's laws introduced rights and obligations into a moral vacuum, and men retained a 'permissive right' to act as they pleased where God remained silent.[30] These morally indifferent acts were often described in Stoic language as *adiaphora*. Hobbes's claims about the instability of revelation in the absence of authoritative interpretation expanded the realm of 'permissive rights'.[31] Before the institution of the commonwealth, self-preservation, the 'Right of Nature', was the only rule of human judgement and behaviour.[32] As we saw in chapter I, Hobbes constructed an account of natural law around this natural right; and these laws, 'found out by Reason', sounded a little like the natural laws described by jurists like Hugo Grotius.[33] Grotius had argued that natural laws were comprehended fully by reason, informed men of the inherent moral quality of an act, and therefore imposed obligations upon them.[34] For Grotius, the 'Law of Nature' told of a moral order 'so unalterable, that God himself cannot change it'.[35] As the implicit anti-voluntarism of this statement suggests, however, Hobbes's account of natural law differed from Grotius's in crucial respects. For Hobbes, a natural law was a mere 'Precept, or generall Rule', necessary for self-preservation.[36] The 'first, and Fundamentall Law of Nature' was to 'seek Peace'; but if this was unobtainable, men were to use all the '*advantages of Warre'* to preserve themselves.[37] Peace was obtained by the formation of commonwealths, and the secondary laws of nature were dependent on, and served to reinforce, the covenants by which commonwealths were formed. The implication that the laws of nature derived their obligatory force from the sovereign offended both the Grotian and traditional scholastic accounts of natural law. It seemed to

[30] Malcolm, 'Thomas Hobbes and Voluntarist Theology', 149-50.
[31] Ibid., 159.
[32] *Leviathan*, II, 198.
[33] Ibid.
[34] Hugo Grotius, *The Rights of War and Peace*, ed. Jean Barbeyrac (Indianapolis, 2005), 3 vols. I, 147-57.
[35] Ibid., I, 155.
[36] *Leviathan*, II, 198.
[37] Ibid., II, 200.

Bramhall, an exponent of the latter, that Hobbes had made the 'immutable lawes of God and nature... depend upon the mutable lawes of mortal men', as if the sun was controlled by the authority of the clock.[38]

Like Vesey after him, Bramhall viewed Hobbes as an insurgent within established discourses attempting to corrupt them.[39] Hobbes's inversion of the relationship between natural and human law was one example of this. Though Bramhall denounced Hobbes's insurgent activities, however, he also acknowledged their success. He referred not only to Hobbes but to Hobbes's converts, the 'Hobbians';[40] and in the mid-1640s, when he first identified the dangers of Hobbes's theory, the Anglican royalist discourse to which he contributed was already developing some 'Hobbian' tendencies.[41] The Anglican response to Hobbes's ecclesiology was consistently critical, though it became more forceful after *Leviathan* was published.[42] Hobbes's definition of the Church as the commonwealth was unconscionable to Anglicans, and he coined the definition in *De cive*.[43] At least two Anglican royalists, however, Dudley Digges and Henry Hammond, responded more positively to Hobbes's account of natural law and used it to think about the origins of civil society. Paradoxically, it was their unusually strict demarcation of civil and religious society that created space for this account in their thought.

In the 1630s, Digges and Hammond had been connected to a 'circle' of men who met regularly at Great Tew in Oxfordshire to discuss theology and politics. Hobbes knew

[38] Bramhall, *Works*, 881.
[39] Ibid., 869.
[40] Ibid., 877.
[41] For Bramhall's first response to Hobbes, see Parkin, *Taming*, 40-2.
[42] Parkin, *Taming*, p 34.
[43] *OTC*, 221.

several of its members and they were among the earliest readers of his political theory.[44] Though they shared Hobbes's interests in natural law discourse, many members of the circle rejected Hobbes's absolutism.[45] Following the outbreak of Civil War, however, others developed a more sympathetic reading of Hobbes's political theory, and Digges and Hammond were among the first. Both men shared an interest in Socinianism, and the distinctions they drew between nature and civil society, Christianity and the Church, betrayed this interest. As Hammond expressed it, the Christian Church had 'no foundation in the *Law of Nature*':[46] its ethical teaching and episcopal form of government had been dispensed by Christ in historical time.[47] This distinction served both the Anglican case for episcopacy and the royalist case for absolute monarchy. No longer reliant on nature as a source of ethics, royalists could embrace an account of politics in terms of natural rights. In *The unlawfulness of subjects taking up arms* of 1643, Digges argued that nature only supplied men with permissive rights; properly considered, there were no natural laws at all.[48] These rights permitted men to preserve themselves, but their unrestrained use resulted in conflict.[49] To ensure their preservation, then, men transferred their rights 'into the hands' of a single representative who, like Hobbes's sovereign, was 'legally the whole people'.[50] God was not wholly removed from the formation of civil society, however; for

[44] Perez Zagorin, 'Clarendon and Hobbes', *The Journal of Modern History*, 57/4 (1985), 593-616; Johan P. Sommerville, *Thomas Hobbes: Political Ideas in Historical Context* (Basingstoke, 1991), esp. 10-11; Parkin, *Taming*, ch. 1.
[45] For the Great Tew circle's engagement with natural law discourse, see Richard Tuck, *Natural Rights Theories: Their origin and development* (Cambridge, 1979), ch. 5.
[46] Henry Hammond, *Of the power of the keyes: or, Of binding and loosing* (London, 1647), 1.
[47] Sarah Mortimer, *Reason and religion in the English revolution: the challenge of Socinianism* (Cambridge: 2010), esp. 124-7.
[48] Dudley Digges, *The unlawfulness of subjects taking up arms against their soveraigne, in what case soever* (2nd edn. London, 1662), 15-6.
[49] Ibid., 3-4.
[50] Ibid., 38.

he alone could bestow upon the sovereign the right to take life. Digges died in 1643, but Hammond rehearsed these arguments later in the decade.[51]

The natural rights theories of Digges and Hammond attest to Hobbes's infiltration of Anglican royalist discourse. Digges developed his theory through a close engagement with *The Elements of Law*; and though Hammond had Digges's theory to work from, we also know that he read *De cive*.[52] Sarah Mortimer has shown that Hammond and other members of the Tew circle often accessed Socinian ideas through Grotius.[53] The way that Hammond and Digges used the Socinian distinction between nature and Christianity, however, offended Grotius's anti-voluntarist account of natural law, for it minimised its ethical content. The voluntarist implications of Socinian theology were identified later by Edward Stillingfleet, who took John Crell to task for making God's right of punishment depend upon his 'dominion'.[54] For Stillingfleet, 'the reason of punishments is Justice and Government'; and God and his subjects shared a concept of justice, accessible to reason. Throughout the 1640s, Hobbes responded to the developments he had inspired in Anglican discourse. In *Leviathan*, he rewrote the distinction between rights and laws 'in what we might call a Diggesian fashion';[55] and he reengineered the new Anglican conception of the relationship between nature and Christianity.[56] Exploiting the concessions made by Anglicans to a naturalist account of politics, Hobbes collapsed the historical revelations of Christ into the timeless precepts of nature, leaving the civil laws to play the role played by Christ's revelation in Hammond's account. In a final,

[51] Henry Hammond, The *works of the reverend and learned Henry Hammond*, ed. William Fulman (London, 1684), 4 vols. I, 333, 342.
[52] Parkin, *Taming*, 28-32, 64.
[53] Mortimer, *Reason and Religion*, 125-6; idem, 'Christianity and Civil Religion in Hobbes's Leviathan', in *The Oxford Handbook of Hobbes*, 510-12.
[54] Edward Stillingfleet, *Six sermons: with a discourse annexed, concerning the true of reason of the sufferings of Christ* (London, 1669), 277-8.
[55] Parkin, *Taming*, 31.
[56] Mortimer, 'Christianity and Civil Religion', 509-15.

mischievous move, Hobbes appropriated the doctrine of justification, as defined by Hammond and Taylor, for his own theology. Justification consisted in the performance, or rather the intention to perform, one's ethical duties.[57] It was simply that, for Hobbes, these duties boiled down to obedience to the sovereign.

By the late 1640s, an account of politics in terms of natural rights had become rather fashionable among Anglican royalists, but not all of them shared Hammond's belief in the necessity of conformity to an episcopal Church. Faced with the steady rise of Presbyterianism, others used the distinction between civil and religious society to argue instead for toleration.[58] Indeed, it was to argue for toleration and other ideas that offended Hammond that Taylor, another member of the Tew circle, ventured into print in this period.[59] Hobbes did not leave this tendency of Anglican royalist discourse unmolested, and there is some evidence that he borrowed from Taylor to develop his religious ideas in *Leviathan*.[60] With the restoration of the Stuart monarchy, however, came the return of Anglican uniformity. Taylor supported these developments and sought to establish a theoretical basis for conformity to the Anglican Church in *Ductor*. To do so, Taylor recovered the naturalist discourse of Digges and Hamond, but with Hobbes's corruptions baked into it.

Taylor made his voluntarist claim that God's actions were justified by his power within an account of natural law. It can sometimes seem that Taylor was running two conflicting

[57] *Leviathan*, III, 950. Malcolm draws the comparison with Taylor and Hammond: 'Thomas Hobbes', 249.
[58] Glenn Burgess, 'Royalism and Liberty of Conscience in the English Revolution', in John Morrow and Jonathan Scott (eds.), *Liberty, Authority, Formality: Political Ideas and Culture, 1600-1900* (Exeter, 2008), 40-8.
[59] Jeremy Taylor, *A discourse of the liberty of prophesying* (London, 1647).
[60] Takuya Okada, 'Religious Liberty and Authority: Hobbes's Use of the Bible in Leviathan in the Context of the English Civil War' (MPhil thesis, University College London, 2015), 66-87.

accounts of natural law alongside each other, one of which consisted with his voluntarism, one of which did not. In a single sentence Taylor could claim that 'Justice is natural, as all virtues are, that is, reasonable and perfective of our nature', but that 'nature alone hath not injoy'nd it originally'.[61] Though he insisted on the presence and primacy of natural law, he also claimed that 'nothing is just or unjust of it self, until some Law of God or man does supervene'. Because of his scepticism about natural law, Taylor ended up with account of politics that closely resembled that of Digges and Hammond:

> Nature having permitted every man to defend himself as well as he can against violence, did by an early experience quickly perceive that few men had power enough to doe it against every man; and therefore they drew into societies, gather'd their strength, and it was put into the hands of them who by a joyn'd strength could, and by promise and interest and duty would doe it: and by this means the societies had peace, and might live quietly.[62]

But because he remained committed to describing this process as a fulfilment of natural and divine law, Taylor's account sounded more properly 'Hobbesian' than that of Digges and Hammond.[63] The latter could not explain the legitimacy of capital punishment without reference to divine right; and there were moments in *Ductor* where Taylor also accepted the idea that the power to take life must be bestowed by God.[64] But the aspect of Taylor's theory that collapsed divine law into natural law, and natural law into self-preservation and the transfer of rights for security, also allowed him to explain capital punishment with reference to the sovereign's duty to preserve peace and the 'absolute' powers this entailed.[65]

Hobbes had reinforced his similar account of natural law by making divine revelation depend on human laws for its obligatory status, but Taylor did not follow suit. Indeed, for

[61] Taylor, *Ductor*, I, 222.
[62] Ibid., II, 156.
[63] Ibid., II, 155.
[64] Ibid., II, 7.
[65] Ibid., II, 58-9; 131.

Taylor, divine revelation and not the state had given obligatory force to natural laws; the state only created new obligations in relation to matters indifferent.[66] Christian revelation stood, independent of the civil laws, as a 'perfect' promulgation of the laws of nature, and the Church had the authority to teach it.[67] Taylor observed the tension between religious and civil authority that Hobbes had feared would result from such a distinction, and he sought to temper it with a twofold strategy. He maintained that Christ had established episcopal government in the Church and appointed certain 'rites', such as the sacrament, which the Apostles had codified in obligatory 'Canons'.[68] 'But where the Apostles did not interpose', said Taylor, 'Churches have their liberty'.[69] Since 'Order' and 'decency' were 'relative' terms, they constituted matters 'indifferent' which every Church had a 'liberty' to determine.

The question of who exercised this power in the Church remained open, however; and Taylor answered elsewhere in *Ductor* that it was the prince and not the bishops. In this section of his treatise, Taylor described religion as 'the great instrument of political happinessse', an 'instrument' at the prince's disposal.[70] He repeated his distinction between necessary and indifferent matters in religion, but said that those 'things' that are 'directly under no Commandment of God, are under the supreme power of Christians Princes'.[71] Taylor's 'Hobbesian-style' account of natural law then kicked in to reinforce the ecclesiastical authority of the prince. The moral necessity of preserving the commonwealth, according to which Taylor defined the Christian concept of 'charity',

[66] Ibid., I, 233-4.
[67] Ibid., I, 237.
[68] Ibid., II, 163; 269.
[69] Ibid., II, 269-85, esp., 270.
[70] Ibid., II, 164.
[71] Ibid., II, 174.

came 'before the service of God in the virtue of external religion'.[72] It also meant that human laws 'obliged the conscience'.[73]

Taylor was living in Ireland when he completed *Ductor* and became Bishop of Down and Connor in the 'mass consecration of bishops' by Bramhall in 1661.[74] The rehabilitation of episcopacy and Laudian ceremony in Ireland could be justified by *Ductor*. The problem, at least from the perspective of an Anglican like Bramhall, was that it could also be used to justify other ecclesiastical settlements more conciliatory to Presbyterians. It was not at all clear at the outset of the Restoration that England would be granted the sort of ecclesiastical settlement granted to Ireland.[75] Some younger Anglicans in the Church and universities, 'whose fortune it was to be born so late' as to be educated in the Interregnum, argued for an inclusive settlement which would contain and temper religious difference.[76] They are often described, unsatisfactorily, as 'Latitudinarians' or 'moderates', and include Edward Stillingfleet, Simon Patrick, John Tillotson and, for a time, John Locke.[77] The natural jurisprudential arguments that Taylor used in *Ductor* to stabilise the relationship between religious and civil authority, were developed by these men to stabilise the relationship between Anglicans and Presbyterians. In the heightened

[72] Ibid., II, 182.
[73] Ibid., II, 7. For discussion of this claim in the context of seventeenth-century casuistry, see Keith Thomas, 'Cases of Conscience in Seventeenth-Century England', in J.S. Morrill *et al.* (eds.), *Public Duty and Private Conscience in Seventeenth-Century England: Essays Presented to G.E. Aylmer* (Oxford, 1993), 42-3.
[74] John Spurr, 'Taylor, Jeremy (b. 1613)', *ONDB* (Oxford, September 2004); McCafferty, *The Reconstruction*, 112.
[75] John Spurr, *The Restoration Church of England, 1646-1689* (New Haven, 1991), 30-6.
[76] Simon Patrick, *A brief account of the new sect of latitude-men together with some reflections upon the new philosophy* (Oxford: 1662), 5.
[77] The term 'latitude-men' or Latitudinarian was, as Patrick suggests, a term of abuse, and its usefulness as category of historical analysis has been questioned by John Spurr, 'Latitudinarianism' and the Restoration Church, *Historical Journal*, 31/1 (1988), 61-82.

political context that occasioned their intervention, however, they were promptly denounced as 'Hobbists'.[78]

In his *Irenicum* of 1660, Stillingfleet arrived at a proposal for an inclusive established Church by 'theorising on authority'.[79] As we have seen, Stillingfleet was concerned about the ethical implications of voluntarist theology, and in his famous *Origines Sacrae*, he helped to develop the inelegant Anglican alternative that God chooses, as 'a most free and Independent Agent', to behave in a way 'agreeable to his Nature'.[80] Stillingfleet's anti-voluntarism informed his account of natural law in *Ireniucm*. He suggested that men were positively instructed by nature to form civil and religious societies by parting with some of their rights; they did not do so only to preserve themselves.[81] But what concerned other Anglicans about *Irenicum* and provoked accusations of 'Hobbism', was its suggestion that men had a natural 'permissive' right to determine their manner of worship and that they alienated this right to the civil authority.[82] The Church had a 'double Foundation, *the Dictates of the Law of Nature, and Divine Positive Laws*', but neither pronounced decisively on its government or ceremonies.[83] These were matters 'indifferent' which ought to be determined by the civil authority.[84] The civil authority could create an obligation where none existed before; but Stillingfleet thought it conducive to civil peace that no obligations were imposed on 'things granted unnecessary by all, and suspected by many, and judged unlawful by some'.[85] It was prudent policy to

[78] Parkin, *Taming*, esp. 204-11, 238-58; Jon Parkin, *Science, Religion and Politics in Restoration England: Richard Cumberland's De legibus naturae* (London, 1999), 23-5; John Marshall, 'The Ecclesiology of the Latitude-men 1660-1689: Stillingfleet, Tillotson and 'Hobbism', *Journal of Ecclesiastical History*, 36/3 (1985), 407-27, esp. 409-11.
[79] Ibid., 411.
[80] Edward Stillingfleet, *Origines Sacrae* (London, 1662), 438.
[81] Idem, *Irenicum: A weapon-salve for the Churches Wounds* (London, 1661), 32-3.
[82] Ibid., 86-7. Parkin, *Science, Religion and Politics*, 21-2.
[83] Stillingfleet, *Irenicum*, 72.
[84] Ibid., 153.
[85] Ibid., 121.

accommodate the widest range of Christian opinion within the established Church, a principle that informed proposals for religious 'comprehension' throughout the Restoration.

Stillingfleet's arguments were hardly any more satisfactory from a Presbyterian perspective, however. Obedience and conformity were due to the civil authority and established Church whatever their impositions on *adiaphora*: the Presbyterian could only trust that prudence would prevail and the impositions would be minimal.[86] Obedience and conformity were central themes of two tracts circulated by John Locke in the early 1660s in response to the non-conformist Edward Bagshaw.[87] Locke did not deny that 'outward' or 'public' worship was 'indifferent'; more, perhaps, than most Anglicans, he viewed it as entirely customary.[88] But by invoking the voluntarist thought, rejected by Stillingfleet, that without 'law there would be no moral good or evil', he reinforced the right of civil authority to determine it and the obligation of the subject to obey.[89] Following the re-establishment of the Anglican Church, *status quo ante*, establishment polemicists like Parker exploited the authoritarian potential of natural jurisprudence. In his *Discourse of ecclesiastical politie* of 1669, Parker attempted to ward off accusations of 'Hobbism' with an anti-voluntarist account of natural law. Parker had previously developed Stillingfleet's criticism of the voluntarist doctrine of 'Calvin, and Mr Hobs' that 'Divine Dominion' rested 'upon the irresistibleness of [God's] Power';[90] and he argued in the *Discourse* that

[86] Ethan Shagan argues on this basis for a sceptical approach to 'Latitudinarian' claims of 'moderation': *The Rule of Moderation: Violence, Religion and the Politics of Restraint in Early Modern England* (Cambridge, 2011), 312.
[87] Jacqueline Rose, 'John Locke, 'matters indifferent', and the Restoration of the Church of England', *The Historical Journal*, 48/3 (2005), 601-21.
[88] John Locke, *Locke: Political Essays*, ed. Mark Goldie (Cambridge, 1997), 58-9.
[89] Ibid., 10.
[90] Samuel Parker, *An Account of the Nature and Extent of the Divine Dominion* (Oxford, 1666), 20-4.

'the Laws of Nature and Revelation' provided a blueprint for human 'happiness'.[91] Parker went on to concede, however, that these laws could not deliver the happiness they promised without a civil authority to 'Act and Determine in both, according to all Accidents and Emergencies of Affairs'.[92] This authority 'must of necessity be universal, absolute and uncontroulable', and in religious affairs as much as civil.[93] Parker, like Stillingfleet and Taylor, continued to distinguish between religious and civil society;[94] but he had done enough to be convicted of 'Hobbism' by his tolerant opponents.[95]

When Vesey came to write *Athanasius,* Parker's was the proximate rendition of the Anglican royalist discourse that Hobbes had infiltrated. In 1673, Parker had escalated an ongoing dispute with the Independent John Owen by defending Bramhall against Owen's accusation of popery. His *vindication* of Bramhall, like his *Discourse,* revealed his ambiguous relationship with Hobbes. Parker rehearsed his contempt for Hobbes and attempted to pin Hobbes's philosophy to men like Owen who demanded religious toleration as a condition of obedience. He also avoided the natural jurisprudential arguments that had got him into trouble in the *Discourse*. The problem was that he then defended episcopacy in a language associated with these arguments and with Hobbes in particular. Even if we concede, he said, that 'Religion were nothing else but… the Belief of Tales publickly allowed', clergymen would remain 'necessary Instruments in the State to awe the common People into Fear and Obedience'.[96] Parker's similar justification of

[91] Idem, *A Discourse of Ecclesiastical Politie: Wherein the Authority of the Civil Magistrate over the Consciences of the Subjects in Matters of Religion is Asserted* (London, 1670), 26, 80-1. Parker's later attack on Hobbes's account of the 'State of Nature' confirms that he constructed his account of natural law with Hobbes in mind: *Discourse*, 123-32.
[92] Ibid., 81.
[93] Ibid., 27.
[94] This is emphasised by Jacqueline Rose in 'The Ecclesiastical Polity of Samuel Parker', *The Seventeenth Century* 25/2 (2010), 354-58.
[95] Parkin, 'Hobbism in the later 1660s: Daniel Scargill and Samuel Parker', *The Historical Journal* 42/1 (1999), 100-1.
[96] Samuel Parker, *A Discourse in vindication of Bp Bramhall* (London, 1673), 42.

episcopacy in the *Discourse* was one of several 'Principles' in that book said by Andrew Marvell to 'confine upon the *Territories* of *Malmsbury*'.[97] By the early 1670s, debate over Bramhall and his legacy had become a proxy for wider debates between Anglicans and Presbyterians about religious policy. Bramhall stood for a Church that lacked a stable sense of identity; indeed, his example was invoked to stabilise this identity. Parker's defence of Bramhall in the *vindication* revealed the variety of languages in which Anglicans constructed an identity for their Church and the extent to which they had been corrupted by Hobbes. The same was true of Vesey's *Athanasius*.

Vesey used his biography of Bramhall to advance a specific agenda within the religious politics of the mid-1670s. From the late 1660s, Vesey owed his advancement in the Church of Ireland to the patronage of Roger Boyle, the earl of Orrery and a powerful magnate in Munster. By the late 1660s, Vesey was chaplain to Orrery and held several other appointments in the diocese of Limerick.[98] We saw in chapter II that Orrery was associated with the Cabal ministry and a longstanding supporter of the constitutional policies pursued by the ministry. He can also be identified with the ministry's religious policies. Though he was virulently opposed to Catholic toleration, Orrery's fear of a Catholic uprising in Ireland disposed him to an ecumenical view of Protestant non-conformists.[99] It seems that Vesey took advantage of his patron's connexions with the Cabal, for it was Arlington who secured his appointment as Bishop of Limerick in 1673.[100] The same year that Vesey became a bishop, an opportunity arose for Orrery to

[97] Idem, *Ecclesiastical Politie*, 166; Andrew Marvell, *The Rehearsal Transpros'd* (2nd edn. London, 1672), 60.
[98] Bergin, 'Vesey, John (b. 1638), *DIB*; Leslie, *Armagh Clergy*, 51.
[99] Little, *Lord Broghill and the Cromwellian Union with Ireland and* Scotland (Woodbridge, 2004), ch. 9; Richard L. Greaves, *God's Other Children: Protestant Nonconformists and the Emergence of Denominational Churches in Ireland, 1660-1700* (Stanford, 1997), 57.
[100] The earl of Arlington to the earl of Essex, 5th December 1672, BL, MS Stowe 200, f. 414v.

accomplish his ambition of Protestant union. In February 1673, while staying in London, Orrery met with John Owen and Richard Baxter, another Presbyterian and adversary of Bramhall, to negotiate the terms under which Anglicans and non-conformists could 'unite... against Popery'.[101] Indulgence having failed, comprehension was back on the agenda. Throughout the negotiations, Stillingfleet and Tillotson served as mediators between Baxter and the Anglican establishment, and Orrery used their language to explain his proposal:[102] ministers should not 'be debar'd from Preaching Christ, Repentance and a holy Life, for scrupling an indifferent thing'.[103] Not for the first time, the case of Ireland clarified the urgency of, and provided a precedent for, a more inclusive ecclesiastical settlement. Baxter suggested a settlement modelled on 'Arch-bishop *Usher*'s Reduction', and he noted the enthusiasm among Irish non-conformists for an agreement with the establishment.[104] In the end, however, the establishment expected obedience on a wider range of matters than were considered 'indifferent' by non-conformists, and the negotiations failed.[105] In Ireland, the Crown began to respond to non-conformity with military force; but it took care to clarify that it acted to supress a threat to civil peace, not to impose confessional uniformity.[106]

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[101] Richard Baxter, *Reliquiae Baxterianae: Or, Mr. Richard Baxter's Narrative of The most Memorable Passages of his Life and Times* (London, 1696), 'Part III', 9. For further discussion of these negotiations see, Graves, *God's Other Children*, 110. For a summary of the dispute between Baxter and Bramhall see, Jackson, *Hobbes, Bramhall*, 250, n.4.

[102] Baxter, *Reliquiae Baxterianae*, 'Part III', 121. John Marshall notes that Stillingfleet and Tillotson pursued 'plans or comprehension' throughout the 1670s and 1680s: 'Locke and latitudinarianism', in Richard Kroll *et al.* (eds.), *Philosophy Science, and Religion in England 1640-1700* (Cambridge, 1992), 258.

[103] Greaves, *God's Other Children*, 110, n. 59.

[104] Baxter, *Reliquiae Baxterianae*, 'Part III', 110, 120. In the *Reduction*, James Ussher had attempted to reconcile episcopalian and presbyterian models of church government: William M. Abbott, 'James Ussher and "Ussherian" Episcopacy, 1640-1656: The Primate and His Reduction Manuscript', *Albion*, 22/2 (1990), 237-59. The *Reduction* was cited by Sir Peter Pett in his case for comprehension: *A discourse concerning liberty of conscience* (London, 1661), 72-3.

[105] Baxter, *Reliquiae Baxterianae*, 'Part III', 120.

[106] William Ferguson, 'Scottish-Irish Inter-Governmental Relations, 1600-1690' (PhD thesis, Cambridge University, 2014), 204.

As we have seen, Vesey portrayed Bramhall in *Athanasius* as striking a steady course through 'the seas of Controversey' between the three poles of Rome, Geneva and Hobbes.[107] Like the Early Church Fathers with whom the title compared him, Bramhall had given his Church a stable foundation. But as the examples of Bramhall's own associates suggest, the Church's relationships with these poles were far from stable.[108] Due to its confessional demography, they were particularly unstable in Ireland. Hobbes had exploited the instability of these relationships to infiltrate Anglican royalist discourse; and Anglicans often found themselves thinking with Hobbes when they attempted to stabilise them. In the context of Orrery's negotiations for comprehension, Vesey's account of Bramhall followed the same pattern. Vesey was concerned with the maintenance of civil peace in Ireland. He suggested that non-conformists should not be 'Preach't and disputed' but 'governed into virtue & piety, peace & unity'.[109] He claimed that this was Bramhall's 'Policy' and expounded it with reference to Bramhall's record as a bishop. The language in which he did so, however, belonged not to Bramhall but to Bramhall's Anglican associates who had discussed ecclesiastical policy in terms of natural jurisprudence. By 1676, this language was associated ineluctably with Hobbes.

Vesey did not have a stable concept of the Church; he experimented with different ecclesiological languages in response to changing circumstances. He focussed in *Athanasius*, like Stillingfleet in *Irenicum*, on the juridical status of the Church as a 'corporation endowed with temporal advantages'.[110] Vesey rehearsed the standard

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[107] Vesey, *Works*, sig. C3r.
[108] J.G.A. Pocock, 'Within the margins: the definitions of Orthodoxy', in Roger D. Lund (ed), *The Margins of Orthodoxy: Heterodox Writing and Cultural Response, 1660-1750* (Cambridge, 1995), 33-53. Jean-Louis Quantin shows that Church Fathers like Athanasius were often invoked by Anglicans to stabilise the Church's identity: *The Church of England and Christian Antiquity: The Construction of a Confessional Identity in the 17th Century* (Oxford, 2009), 17-8.
[109] Vesey, *Works*, sig. D1v.
[110] Ibid., sig. D2r. C.f. Stillingfleet, *Irenicum*, 133.

Anglican view, also held by Bramhall, that the Church derived a 'spiritual power from Christ' which was 'made significant by civil punishment'.[111] Most Anglicans, including Bramhall, argued further that this power was to be exercised by bishops, for episcopacy was by divine right; but Vesey did not rehearse this argument so assuredly.[112] As he indicated in his 'Epistle Dedicatory', Vesey's main concern in discussing the Church was to establish its 'usefulness to the Civil Magistrate', and he concentrated on its function as an instrument of government.[113] Since 'Interest and Lust' had a tendency to triumph over 'Religion and reason', firm 'Ecclesiastical discipline' was necessary to maintain civil peace.[114] Without it, said Vesey, 'no society' could 'long subsist'.[115] It was for this reason that Vesey objected to non-conformists, for they loosened 'the Yoke of obedience on the necks of the people' and exempted 'the Clergie in many cases for the authority of the Magistrate'.[116] Given his priorities, Vesey was not about to spend his time asserting the rights of bishops, and as the latter remark suggests, he often seemed to diminish them.

Consider Vesey's account of Bramhall's approach to those who had been ordained without bishops in the Interregnum. At the Restoration, Bramhall had insisted that these clergymen be re-ordained, but only to supply 'what was wanting according to the Canons of the Church of England'.[117] Under pressure from Presbyterians, he agreed that bishops would not be involved. Bramhall agreed to this concession out of necessity; around the same time, he responded to Baxter with an emphatic assertion of divine right episcopacy and the episcopal power of ordination.[118] In so far as there was an established Anglican

[111] Vesey, *Works,* sig. D1v.
[112] Jackson, *Hobbes, Bramhall,* 2-12.
[113] Vesey, *Works*, sig. B1r.
[114] Ibid, sig. A3r.
[115] Ibid., sig. F3v.
[116] Ibid., sig. A3v.
[117] Daniel Neal, *The History of the Puritans* (London, 1822), 4 vols. IV, 314-15.
[118] Bramhall, *Works*, 619-20.

justification for his concession, it consisted in the claim that the power of ordination was by convention and not divine right.[119] Vesey, however, explained both the policy of reordination and the concession with reference to the ecclesiastical right of the civil authority. He left it open as to whether episcopacy 'be of *Divine,* or *Apostolical*, or of by Early *Ecclesiastical* Institution' and suggested that it was for the civil laws to 'prescribe about *Ordination*'.[120] Since the Aaronic line of priestly succession had been broken, the 'Tirshatha', or civil governor, determined who could minister religion.[121] The implication was that the arrival of Christ in the intervening period was wholly irrelevant to matters of Church government.

Vesey's relationship with Orrery might help to explain his position on this matter. Under the abortive comprehension proposal negotiated by John Wilkins in 1668, Presbyterian ministers 'would not have had to be re-ordained in order to minister in the Church of England',[122] and Baxter insisted upon the same provision in the 1673 negotiations.[123] These negotiations had, of course, collapsed. But the great advantage of the Anglican royalist language with which Vesey engaged was that it justified concessions to Presbyterians on matters indifferent when there was an appetite for agreement, and justified impositions on matters indifferent when there was not. Vesey's emphasis on the 'sweet and mercifull' character of the Anglican Church indicates his frustration at the refusal of Presbyterians to compromise;[124] and he used the same language to rebuke them for their recalcitrance that Orrery used to argue for their comprehension. Vesey accused

[119] Spurr, *The Restoration Church*, 141.
[120] Vesey, *Works*, sig. G2v.
[121] Ibid.
[122] Marshall, 'John Locke and latitudinarianism', 257; Walter G. Simon, 'Comprehension in the Age of Charles II', *Church History*, 31/ 4 (1962), 442.
[123] Baxter, *Reliquiae Baxterianae*, 'Part III', 117.
[124] Vesey, *Works*, sig. E3v.

'separatists' of 'injustice to our Christian liberty, which has left every Church to its indifferency' to 'choose' its form of worship and 'to chastise such as refuse to acknowledge her authority in these matters'.[125] Taylor had spoken of a similar liberty, but by limiting it to those matters on which the Apostles remained silent he maintained the necessity of episcopacy. Vesey made no such qualifications and allowed for a 'variety' of 'external forms of worship'.[126] This claim could serve a case for comprehension, and Vesey recommended a form of worship that accommodated a broad 'latitude' of opinion. But it also served a case for conformity. Given that 'external worship' was a matter indifferent, there were no grounds for withholding conformity out of 'fondness' for a particular form.[127]

Throughout this discussion, Vesey continued to invoke Bramhall's example. His claims about the 'indifferency' of external worship were countenanced, he said, by Bramhall's distinction between 'Articles of faith' and 'Articles of peace'.[128] In so far as Bramhall's distinction constituted an acknowledgement that the Church of England had a temporal identity as a state institution under the authority of the Crown, Vesey had a point. After all, the '*adiaphorist*' language that he employed in *Athanasius* had been developed in response to the 'complex and ambivalent Reformation legacy' with which all Anglicans had to grapple.[129] But Vesey's language remained different from Bramhall's, and the difference told of Vesey's particular polemical intention in *Athanasius*. Vesey's intention, and the intentions of those who had developed his language, was to stabilise the Church's relationships with both civil authority and non-conformists so as to secure the civil peace.

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[125] Ibid., sig. E1r.
[126] Ibid.
[127] Ibid.
[128] Ibid.
[129] Jacqueline Rose, *Godly Kingship in Restoration England: the politics of the royal supremacy, 1660-1668* (Cambridge, 2011), 283.

Hobbes had set 'traps' in his theory for those who harboured these intentions and Vesey was not the first Anglican royalist to fall into them. In *Athanasius*, Vesey's cursory condemnation of Hobbes provided cover for his use of language associated with him. In his many unprinted sermons, however, the genre in which he wrote most about theology and politics, Vesey dealt more directly with Hobbes and his points of interaction with Anglican royalist discourse. These sermons provide a window onto the hinterland from which Vesey's printed sermons emerged in the 1680s and 1690s.

Preaching with Hobbes: Vesey's manuscript sermons

Historians of English sermons are encouraged to read their sources as the product of 'a two-way relationship between the preacher and his audience'; to consider how the preferences of a congregation informed and disciplined the discourse of its clergy.[130] Vesey's sermons present a challenge to this approach which tells of crucial differences between the English and Irish Churches as contexts of discourse. Many of Vesey's sermons, though identifiable by their language and references as contributions to certain trends of discourse, provide no indication of the dates they were written or the places they were delivered. It can be safely assumed, however, that most were delivered in county Galway, where Vesey lived from 1679 as Archbishop of Tuam. Irish Anglicans were conditioned by a collective memory of the 1641 rebellion, reinforced by several commemorative 'festivals' in the liturgical calendar, to fear the political consequences of confessional conflict.[131] This fear was particularly acute in Galway. In 1680, Vesey wrote

[130] Arnold Hunt, *The Art of Hearing: English Preachers and their Audiences 1590-1640* (Cambridge, 2010), 5.
[131] John Gibney, *Ireland and the Popish Plot* (Basingstoke, 2009), 50-2; Toby Barnard, 'The Uses of 23 October 1641 and Irish Protestant Celebrations', *The English Historical Review*, 106/421, (1991), 889-920; S.J. Connolly, 'The Church of Ireland and the Royal Martyr: Regicide and Revolution in Anglican Political Thought c. 1660-c. 1745', *Journal of Ecclesiastical History*, 54/3, (2003), 484-506.

to Ormond requesting military support for his 'desolate part of the country', fearing a repeat of the 'late rebellion'.[132] Hobbes spoke to this situation, and Vesey returned to him time and again in his manuscript sermons. Life in provincial Ireland seems to have shaken Vesey's belief in a natural moral order in which both men and God participated, and, naturally enough, he thought with Hobbes as he dealt with this. Vesey was reluctant to accept Hobbes's accounts of the divine nature and natural law and his associated account of politics: his treatment of Hobbes was consistently critical. In the course of criticising Hobbes, however, he seems to have absorbed Hobbes's insights. As he himself demonstrated by returning to Hobbes repeatedly, these insights were especially compelling in an Irish context. Somewhat ironically, the atrophy of the Irish Church facilitated this process. Isolated by distance and illiteracy from the religious controversies that motivated congregational activism, Vesey's congregations were more passive than they might have been in England.[133] Unconstrained by their preferences, Vesey was free to think with Hobbes, to do so expansively and inconsistently, and without fear of reproach.

Though it was rather more thorough in his sermons than in *Athanasius*, Vesey's treatment of Hobbes was consistent in emphasising his corrupting influence on ethics. In a sermon on Luke 12:32, 'Do not be afraid...', Vesey characterised this influence with reference to the role of fear in Hobbes's theory:

> Fear was extant in the Politicks, & Principle in the Religion of a late popular Philosopher among us, who has been thought by others to speak on this subject more from his complexion, than his Reason. But with him, Fear only made Gods,

[132] John Vesey to the duke of Ormond, 17th December 1680, in *Calendar of the Manuscripts of the Marquess of Ormonde, K.P., preserved at Kilkenny* (London, 1906), 8 vols. IV-V, 526. For sectarianism in Galway see: Greaves, *God's other children*, 25-6, 65, and J.C. Beckett, *Protestant Dissent in Ireland, 1687-1780* (London, 1948), 35.

[133] Raymond Gillespie notes the illiteracy of the Irish laity: 'The religion of the Irish Protestants: a view from the laity, 1580-1700', in Alan Ford *et al.* (eds.), *As by Law Established: The Church of Ireland since the Reformation* (Dublin, 1995), 90.

> both in the Church & State. It is of fear only, that men have the natural, for the civil and social life & Religion is a Fear of an invisible power, feigned by the mind, from tales publicly allowed. That was the Polity, and this, the Theology of Leviathan… Fear has ruined more Churches & cities, than it has built. Fears ungrounded, & not governed, or exceeding their cause, in civil things [develops] into Rebellion in the Subject & and into Tyranny in the Princes. Fear in Religion not well directed in the object and matter of worship, degenerates into Superstition and Idolatry. Fear not restrained by Faith in Gods Providence, & Promises, for our being, our comfortable subsistence here, makes men covetous & hypocritical & time servers, sometimes to the dissembling of their Religion, & sometimes to the utter Apostasy from the Faith, or turbulent and seditious zealots in the use of unlawful means to defend it: so that betraying all the succours of Reason and Religion, it debauches the minds…[134]

The first thing to address in this passage is Vesey's suggestion that Hobbes was 'popular'. As well as the widespread concern that Hobbes had successfully infiltrated public discourse, this may have also betrayed a concern, shared by Parker, that Hobbes was especially attractive to 'the ignorant and unlearned among our selves'.[135] Though it is hardly likely that Vesey's parishioners were avidly reading Hobbes, it may be that Vesey considered the fearful conditions of life in Galway to be conducive of ethical scepticism. Perhaps the most striking feature of this passage, however, is the central role it accords to 'Theology' in its account of Hobbes's philosophy. Though the connexions are a little oblique, Vesey seemed to be suggesting that Hobbes's sceptical ethics and tyrannical politics were associated with his account of the divine nature and God's relationship with his subjects. All ethics and politics were corrupted by the failure to trust in God's 'Providence & Promises', for it raised the fearsome prospect that God's will and acts were arbitrary.

As we have seen, the divine nature was a central theme of Anglican royalist responses to Hobbes, and it was a recurring theme of Vesey's sermons. Vesey was keen to establish

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[134] John Vesey, 'Sermon on St Luke. 12:32', NLI, MS 38816, ff. 2r-2v.
[135] Samuel Parker, *A demonstration of the divine authority of the law of nature and of the Christian religion in two parts* (London, 1681), i.

that ‘we are made Partakers of the divine nature’,[136] and that ‘Mercy and Justice’ were attributes of this nature.[137] He maintained that both attributes were consistent with the temporal affliction of innocent people, and he suggested that ‘Mercy’ was the ‘darling attribute of God’ and the ‘most perceptible’ and ‘visible’ of all his attributes.[138] Sometimes, Vesey spoke as if God and his subjects shared a concept of ‘justice’ which regulated their relationships: ‘we are bound unto God in many obligations & titles, of justice & Religion & of gratitude of justice’, and God was ‘bound by justice’ to relieve the penitent.[139] ‘Obedience’ to God’s commandments was due not on the basis of his power alone, but on the ‘inherent righteousness’ of these commandments, and ought to be accompanied by genuine ‘righteousness’ in the subject: hence the distinction between ‘formal’ and ‘merely ceremonial’ obedience..[140] As Vesey rephrased it elsewhere, ‘Our Obedience, when flowing from a sense of God’s Goodness & Mercy, flows from a principle most genuine’; obedience on the basis of ‘Fear’, however, was a ‘degenerate Principle’.[141]

At other moments in his sermons, however, Vesey implied that God’s actions were justified by his power, and that it was for his ‘infinite Power which created all things out of nothing’ that we ‘adore him’.[142] Vesey invoked this slightly different account of the divine nature when he explained the relationship between works and salvation. For Vesey, ‘The free and unbounded will of God was the remote and distant cause’ why God chose

[136] John Vesey, ‘Sermon on the folly and stupidity of man’, NLI, MS 38816, ff. 13v-14r.
[137] Idem, ‘Sermon on Isaiah 36:4’, NLI., MS 38 816, f. 5r.
[138] Idem, ‘Sermon on Psalm 103’, NLI, MS 38 816, f. 19r. The distinction between more or less ‘visible’ attributes of God and the suggestion that his mercy is most ‘visible’ recalls the ‘novel hierarchy within religious language’ that Stephen Hampton identifies in John Tillotson’s theology: *Anti-Arminians: The Anglican Reformed Tradition from Charles II to George I* (Oxford, 2008), 214-5.
[139] John Vesey, ‘Sermon on John 13:17’, NLI, MS 38816, f. 2v.
[140] Ibid., f. 5v.
[141] Idem, ‘Sermon on Psalm 145’, NLI, MS 38816, f., 3r.
[142] Idem, ‘Sermon on Psalm 103’, f. 19r

to offer salvation to the world and in the manner that he did; he was not motived by a 'view of merit in us', nor was he 'prompted by any obligation due to his Rebel Creature'.[143] God 'justified' fallen men at least partly in response to their 'works': 'Good works are required... to bring us into a state of favour & justification', to 'continue in that Estate', and to 'consumate & compleat our justification'.[144] It could not be said, however, that men merited their justification. Given that 'our free will... is principium vulneratum at the best', the credit for our works is due to 'God' as their 'Author'.[145] Viewed this way, salvation was not a just reward for conformity to a natural moral order, but the free gift of a God whose will remained 'ineffable' and 'incomprehensible'.[146]

This account of the divine nature resembled the voluntarist position that Vesey had condemned in Hobbes; and in several sermons, he reappraised the associated ideas that justice depended on God's dominion and that fear was therefore the motivating principle of religious obedience. Vesey modified these ideas to distance himself from Hobbes, but he still ended up closer to Hobbes than his emphatic condemnation of him might have suggested. For Vesey, Ecclesiastes 8:11, 'Because sentence against an evil work is not executed speedily', drew attention to the disjuncture between God and man and their concepts of justice; and he explained this disjuncture in a sermon on the passage with reference to God's dominion:

> God does thus & therefore it is wise & just & good, it is an easier & more convincing argument than to labour in the notions of justice & goodness, & then confine God to act according to our models & shallow measures of understanding, since his thoughts are not our thoughts, nor our wayes his wayes Isa. 55.8.[147]

[143] Ibid., f. 17r.
[144] Idem, 'Sermon on John 13:7', f. 3v.
[145] Ibid., f. 2v.
[146] Idem, 'Sermon on Psalm 103', f. 17r.
[147] Idem, 'Sermon on Ecclesiastes 8:11', NLI, MS 38816, f. 6r.

According to this voluntarist doctrine, 'God may do wt he pleases';[148] and Vesey accepted that when 'Men reflect inwardly' on this fact 'they wlll find some fears and jealousies at the bottom; something which chills the blood and renders the mind... sanguine'.[149] Vesey also acknowledged the political implications of this doctrine and attempted in part to mitigate them. He insisted that though 'God being unaccomptable may dispose with his Lawes', the 'supreme Magistrate' can only dispose with his 'positive laws': he remained 'accomptable to God for the morall & natural & the divine positive ones'.[150] The problem was that Vesey had already cast doubt on the capacity of these laws to sustain civil societies without the authoritative interpretation of the magistrate.[151] As Hobbes had in *De cive*, Vesey cited Judges 21:25 to reinforce this point: 'When there was no King in Israel, every one did that, which was right in his own eyes, but the law once enacted, we must not be permitted to follow the light within'.[152]

This was not Vesey's final word on moral and natural law, however; and his account of them resembled his bifurcated account of the divine nature. Like Taylor, Vesey seemed to run two accounts of natural law alongside each other, one of which agreed with voluntarism, one of which did not. There are places in Vesey's sermons when he tried to sustain an anti-voluntarist account of natural law like the one developed by Bramhall in his response to Hobbes. Just as an image of God's nature was 'imprinted on the Mind', so the 'precepts of moral honesty, justice and Truth' were 'imprinted' on the 'heart'.[153] Given that these 'precepts' were naturally accessible to men, they did not require, as

[148] Ibid.
[149] Idem, 'Sermon on Psalm 103', f. 19v.
[150] Idem, 'Sermon on Ecclesiastes 8:11', f. 6r.
[151] Ibid., f. 5v.
[152] ibid., f. 5v. Cf. *OTC*, 128.
[153] Vesey, 'Sermon on Christian duty', NLI, MS 38 816, f.2r. For further discussion of this idea, see Isabel Rivers, *Reason, grace, and sentiment: a study of the language of religion and ethics in England, 1660-1780* (Cambridge, 1991) 2 vols. I, 60-1.

Bramhall put it, any further 'promulgation'.[154] On this account, Christ had not introduced any new moral precepts: all his precepts were 'rationall & agreeable to our own principles, nothing being of positive institution in the body of Xianity but the two sacraments'.[155] Justice was 'antecedent to any superinduced Law'.[156]

Elsewhere, however, Vesey seemed to argue as he did in his sermon on Ecclesiastes that nature did not equip men adequately with moral knowledge. He developed two slightly different versions of this argument. According to the first, men had 'came forth from the hands of his Maker' resembling their 'Creator',[157] and their 'ungovernable' and 'unsociable' tendencies had developed over time as consequences of their sin.[158] According to the second, these tendencies belonged to men's 'naturall frame and constitution' but had been reinforced by sin.[159] The implication common to both, however, was that at the present point in time, positive law, either divine or civil, was necessary to promulgate the laws of nature. Vesey was clearly thinking with Hobbes as he grappled with these questions: he suggested that when a man is overcome by unsociable tendencies, his 'heart' becomes 'like that of Leviathan'.[160] The suggestion in his sermon on Ecclesiastes that civil laws were the difference between an unsociable and sociable condition suggests that he also entertained Hobbesian answers. In most of his sermons, however, Vesey argued with Taylor that divine law played this role. Finding that men had forgotten his precepts, God had intervened through Christ with a 'more particular promulgation... thereby obliging our consciences more immediately to a strict

[154] Bramhall, *Works*, 872.
[155] Vesey, 'Sermon on faith and obedience', f. 3r.
[156] Ibid.
[157] Idem, 'Sermon on Psalm 145', NLI, MS 38816, f. 10r.
[158] Idem, 'Sermon on Christian duty', f. 1r.
[159] Idem, 'Sermon on Psalm 95', NLI, MS 38816, f. 4v.
[160] Ibid., f. 3v.

observance of his Laws'. In one sermon, Vesey went further than Taylor and approximated the arguments of Digges and Hammond. Here, he suggested that Christ's revelations had significantly 'enlarged' the 'narrow Compass of Human Knowledge'.[161] The knowledge revealed in the Gospel had been 'hidden from the eyes of former times',[162] and this included knowledge of eternal life.[163]

A cluster of Vesey's sermons used the concept of 'self-preservation' to characterise the moral condition of man unenlightened by revelation. Aware of the Hobbesian connotations of the concept, he modified it with reference to the relationship between nature and revelation. This was an unusual way of performing a common exercise. By the Restoration, Anglican divines had begun to describe 'self-preservation' as a fundamental principle of ethics, but claimed, not always convincingly, that their concept of 'self-preservation' differed from Hobbes's.[164] In his *De Legibus Naturae* of 1672, Richard Cumberland rejected the idea that a natural right of 'self-preservation' proceeded necessarily to 'Hobbes's Ethicks and Politicks'.[165] Recovering the 'Ciceronian' meaning of the concept, Cumberland argued that a dense set of ethical duties could in fact be deduced from such a right, for one could only survive by cooperating with others.[166] The concept of a 'common good' arose naturally for Cumberland; it preceded civil societies and guided their formation.[167] In places, Vesey seemed to discuss 'self-preservation' in similar terms to Cumberland: 'Self love is imprinted in us by the author of Nature for

[161] Idem, 'Sermon on the necessity of revelation', NLI, MS 38816, f. 1v.
[162] Ibid., f. 1r.
[163] Idem, Sermon on Psalm 145, f. 3v; See also, idem, 'Sermon on 1 Timothy 1.15', NLI, MS 38 816, f. 10r. For further discussion of the idea that knowledge of eternal life was revealed by Christ, see, Mortimer, *Reason and Religion*, 123.
[164] Malcolm, 'Thomas Hobbes and Voluntarist Theology', 252-64. Parkin, *Science, Religion and Politics*, 97-105.
[165] Richard Cumberland, *A Treatise of the Laws of Nature*, trans. John Maxwell, ed. Jon Parkin (Indianapolis, 2005), 532-33; 319.
[166] Parkin, *Science, Religion and Politics*, 92-102.
[167] Ibid., 102-5.

general great ends and purposes; it is the bond of civil society and commerce and when confined in its proper limits is a mighty instrument of good to mankind'.[168] Consistent with this was his further claim that 'all men have naturally an idea of order' which consisted with their 'selfe interest',[169] and his condemnation of 'a certain author', Hobbes, for promoting 'our abomination in civil matters, we bit and devour and consume one another'.[170] But this account of 'self-perseveration' was in tension with Vesey's sceptical assessment of natural law and his emphasis on the necessity of revelation; and in other sermons, he modified the concept in way that that agreed with both.

The disapproval of naturalist philosophy that Vesey expressed repeatedly in his sermons provides an instructive context here. For Cumberland, the study of physical nature confirmed that morality was inherent in nature; a structure of rewards and punishments was embedded in nature which encouraged the performance of moral obligations.[171] Vesey associated with natural philosophers: he was a member of the Dublin Philosophical Society and was appointed by Robert Boyle to execute his will.[172] But his sermons dismissed 'moralists' as 'opiate' eaters and proclaimed the futility of natural science. The 'secrecys of nature' like the 'intricacys of providence' were unknowable to men.[173] Despite their best efforts, natural philosophers were forced to admit 'the scant conclusion' of David: 'fearfully & wondrously am I made'.[174] This was Vesey's voluntarism talking and it precluded Cumberland's account of 'self-preservation'. Rather than challenging Hobbes's definition of 'self-preservation', then, Vesey altered its implications for ethics

[168] John Vesey, 'Sermon on Psalm 109', NLI, MS 38816, ff. 1r-1v.
[169] Idem, 'Sermon on the folly and stupidity of man', f. 2v.
[170] Idem, Sermon on Isaiah 55, NLI, MS 38816, f. 17r.
[171] Parkin, *Science, Religion and Politics*, 105-13.
[172] *Papers of the Dublin Philosophical Society, 1683-1709*, ed. Theodore Hoppen (Dublin, 2008), 2 vols. II, 901; 'Abstract of the will of the Hon. Robert Boyle', NLI, MS 38746/8.
[173] John Vesey, 'Sermon on Matthew 25:34', NLI, MS 38816, f. 2r.
[174] Idem, 'Sermon on John 5:28', NLI, MS 38816, f. 2r.

and politics by inserting it into a Christian timeframe of past revelation and future judgment. Revealed rather than civil laws had introduced moral obligations, and given that the rewards and punishments attached to it were eternal, it was against 'self-preservation', the 'law of our own natures', to disobey them.[175] 'Temporal' affliction, even at the hands of the civil laws, was always preferable to 'eternal' punishment.

In chapter 38 of *Leviathan*, Hobbes acknowledged the potential for tension between the temporal judgement of the civil sovereign and the eternal judgement of God. He had already resolved this tension by collapsing revealed into natural law, and in chapter 38 he gave a complementary account of eternity.[176] Hobbes characterised the eternal kingdom of God as a literal kingdom on earth like any other, established at some future point in time according to the procedures of natural law. There was no qualitative difference between divine and political government, and so the principle applied that one sovereign was obeyed until another acquired the sovereign right. Vesey read this account as a denial of eternal judgement. For Vesey, the very fact that men had the intellectual capacity to comprehend immortality demonstrated the explanatory limits of materialist philosophy: 'Men hath a Principle within him far exceeding the Laws of Matter and Motion in its operations and actions'.[177] The highly heterodox claims that Hobbes had to make to reconcile Christian eschatology to his materialism affirmed Vesey in this view, and he dismissed Hobbes's denial of eternal hellfire in chapter 38 as the elaborate contortion of a guilty conscience.[178] In another sermon, Vesey tried to collapse Hobbes's distinction between the present kingdoms of men and the future kingdom of God: 'Leviathan', cannot 'govern a Presumptuous sinner whose heart like his, is firm as the rock'; only 'he that

[175] Idem, 'Sermon on Psalm 95', ff. 7v-8r.
[176] *Leviathan*, III, 704-8.
[177] John Vesey, 'Sermon on 24th Chapter of the Holy Acts of the Apostles' NLI, MS 38816, f. 5r.
[178] Ibid., f13r-14r. Cf. *Leviathan*, III, 710.

made him can make his word approach unto him: Tis his prerogative to soften the hearts of Men, and still that madness of the people'.[179] Hobbes's account of the kingdom of God as a future kingdom had left the 'Leviathan' to redeem the sin of pride that Vesey referred to here: a role which most Christians attributed to Christ.[180] This had reinforced the ecclesiastical authority of the 'Leviathan', and Vesey's emphasis on the limits of civil government indicates his concern with the ecclesiological implications of Hobbes's theology.

Vesey's sermons reveal a consistent engagement with Hobbes and the strands of Anglican royalist discourse that Hobbes had infiltrated and corrupted. The genre of the orally delivered sermon and the setting of provincial Ireland gave Vesey the space to experiment with different theological positions and allowed him the luxury of inconsistency. Though he consistently treated Hobbes as his adversary, the positions that he argued changed from sermon to sermon, and he would often argue a position in one sermon that he had associated with Hobbes in another. There is no evidence that his congregations noticed Vesey's inconsistencies, let alone reproached him for them. Nor did his tendency to fall into Hobbesian 'traps' or adopt unusual positions to avoid them frustrate his advancement in the Irish Church. In 1684, Vesey was appointed to the Irish privy council and invited to preach at Windsor.[181] His sermon was published subsequently in London. This was an important stage at a sensitive political moment, and Vesey rose to the occasion with an ambitious account of the origins and rights of civil and ecclesiastical authority. Vesey's ongoing engagement with Hobbes was apparent in the sermon, and he criticised Hobbes's accounts of the subjects he discussed. So too, however, was the instability of this

[179] John Vesey, 'Sermon on Job, 28:25', NLI, MS 38816, f.6r.
[180] Joshua Mitchell, *Not by Reason Alone: Religion, History, and Identity in Early Modern Political Thought* (Chicago, 1993), 57-60.
[181] Bergin, 'John Vesey'.

engagement. Vesey employed natural jurisprudential arguments that closely resembled Hobbes's own and which were reliably denounced as 'Hobbism' when they were employed in England. In is instructive, then, that Vesey was called to England to employ these arguments and did so without reproach. In the early 1680s, the Anglican establishment in England was shaken by a revival of non-conformist violence, but it was restricted in its ability to respond by its allegiance to James, the duke of York, whose conversion to Catholicism had provoked this violence. For a brief moment, it experienced some of the insecurity that the Anglican establishment in Ireland endured constantly, and it accommodated the Hobbesian arguments that Vesey employed routinely.

Hobbes and the Restoration crisis: Vesey's *sermon preached at Windsor*, 1684

Between the publication of *Athanasius* and Vesey's *sermon preached at Windsor*, the three kingdoms endured 'the triple crises of the popish plot, Scottish rebellion and the Rye House plot'.[182] At least from the Crown's perspective, each of the crises evinced the association between religious dissent and political discord. The Crown's response to them was complicated, however, by the presence at court of James, the Catholic heir; for the campaign to exclude him from the succession, which ran from 1679 until 1681, had exploited the same association. Peace and obedience had to be restored, but it could not be argued straightforwardly that a stricter enforcement of religious conformity was the appropriate way to do this.[183] As Lord Lieutenant of Ireland from 1677, Ormond seems to have grasped this point. Appointed at James's instigation, Ormond had a complicated

[182] Raymond Gillespie, 'The Religion of the first Duke of Ormond', in Toby Barnard and Jane Felon (eds.), *The Dukes of Ormonde, 1610-1745* (Basingstoke, 2000), 112.
[183] For the complexities of Tory attitudes to Catholicism during the exclusion crisis, see Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685* (London, 2005), 249; John Miller, *Popery and Politics in England, 1660-1688* (Cambridge, 1973), ch. 9.

relationship with Irish Catholics.[184] Though always concerned to maintain loyalty to the Crown, he recognised that Ireland's confessional demography prevented the state from punishing every instance of religious non-conformity.[185] It had to concentrate its limited resources on supressing those non-conformists that posed the greatest threat to civil peace. Ormond had a 'challenging task disaggregating apparent from real threats' during his third term in office, but he seems to have regarded Protestant non-conformity as the greatest threat.[186] Though Ormond always remained sceptical about the extent of Irish involvement in the popish plot,[187] he feared the spread of Covenanter ideology from Scotland to Ulster and was convinced of Irish involvement in the Rye House plot.[188]

His influence over Irish policy having declined with Ormond's appointment as Lord Lieutenant, Orrery died in 1679. Vesey's appointment as Archbishop of Tuam the same year and his invitation to Windsor in 1684 suggests that he quickly curried favour with Ormond. His star on the rise, Vesey began to develop his own network of patronage, and it would seem from the sermons of two his clients, Richard Tenison and Rev. John Vesey, that he cultivated within it a common ideological identity. Born and educated in Ireland, Tenison served as chaplain to the earl of Essex in the 1670s and was appointed Bishop of Killala and Achrony in the province of Tuam in 1682.[189] Tenison and Vesey formed a close association: they both fled Jacobite Ireland for London, and following William III's conquest of Ireland, they conspired unsuccessfully to convince Thomas Tenison, the future archbishop of Canterbury and Richard's cousin, to accept the archbishopric of

[184] John Miller, 'Thomas Sheridan (1646-1712) and His 'Narrative', *Irish Historical Studies* 20/78 (1976), 108
[185] Gibney, *Popish Plot*, 26-7.
[186] Ferguson, 'Scottish-Irish Inter-Governmental relations', 198.
[187] Gibney, *Popish Plot*, 28-7.
[188] Clare Jackson, 'The later Stuart church as 'national church' in Scotland and Ireland', in Grant Tapsell (ed.), *The later Stuart Church, 1660-1714* (Manchester, 2012), 132; Greaves, *God's other children*, 128-9.
[189] John Bergin, 'Tenison, Richard (1642)', *DIB.*

Dublin.[190] Less is known of Rev. Vesey. He was minister of Abbeyleix in Queen's County, where Archbishop Vesey's wife's family had substantial landholdings, and one of his sermons survives among Vesey's papers.[191] In the period between 1679 and 1684, both men printed sermons that resembled Vesey's in their engagement with Hobbes and the Anglican royalist discourse that Hobbes had infiltrated.

Tenison's engagement with Hobbes is suggested by the presence of 'A map of the.... Lands of Killala' in an early copy of *Behemoth*, now in Trinity College Dublin;[192] it is confirmed in a sermon he printed in 1679. The sermon had been preached at Drogheda, where Tenison had a living, at the visitation of Michael Boyle, the Archbishop of Armagh. The province of Armagh, which encompassed Ulster, was the focus of sectarian activism and state repression in this period,[193] and Tenison treated the 'Plots and Conspiracies' of the '*Roman* Bishop, and the Presbyterian Kirk' as related threats to civil peace.[194] Both the Roman Catholic clergy and the Presbyters invaded 'the Rights of Kings' by claiming an ecclesiastical authority above them.[195] Tenison established the Christian 'duty' to 'honour the King, be he good or evil', with reference to Scripture and the practices of 'primitive Christians'.[196] But he also discussed it in terms of natural jurisprudence: political societies 'in all parts of the world' could be understood according

[190] Vesey to Thomas Tenison, 6th April 1694, London, Lambeth Palace Library, Gibson Papers, MS 942, ff. 1r-2v.
[191] Rev. John Vesey, 'Sermon on Psalm 124', NLI, MS 38816. The sermon is not in Archbishop Vesey's hand and is marked 'Abbyleix 9 September: 83'. Rev. Vesey was in all likelihood a kinsman of Archbishop Vesey and the man recorded in the Trinity College register of students as having been born to James Vesey in Scotland and graduated MA in July 1676: George Burtchaell and Thomas Sadleir, *Alumni Dublinenses* (Dublin, 1935), 839.
[192] Thomas Hobbes, *Behemoth, or an Epitome of the Warrs in England*, TCD, MS 875, f. 64r. Though date of the map is not clear, the date 1702 is inscribed on the previous folio page.
[193] Ferguson, 'Scottish-Irish Inter-Governmental Relations', 206.
[194] Richard Tenison, *A sermon preached at the primary visitation of the Most Reverend Father in God Michael Lord Arch-Bishop of Armagh* (Dublin, 1679), 7.
[195] Ibid.
[196] Ibid, 9, 18.

to the 'Law of Nature', which 'God has not altered and abrogated' over time.[197] Tenison seems to have been aware that he was straying into 'Hobbesian' territory here. He followed a characterisation of man's non-political condition as one of 'Anarchy and Confusion', in which 'Controversies' are determined by the 'Strongest Arm' and men 'devour one another', with the incongruous claim that 'Men are rational and sociable Creatures'.[198] However, given that he also accounted for the formation of political societies in terms of the transfer of natural rights, including the right to determine 'indifferent' matters of worship for oneself, it is difficult to read this claim as anything other than window dressing.[199] It gave him cover to employ the most robust arguments available for civil obedience.

By the autumn of 1683, when Rev. Vesey ventured into print, Hobbes figured centrally in Anglican responses to the political crises of the Restoration.[200] Following the discovery of Rye House plot in June 1683, Oxford University issued a definitive register of dangerous doctrines in its *Judgement and Decree*. Printed in Dublin as well as London, the *Judgement* proscribed the Hobbesian doctrines that 'Self-preservation is the fundamental law of nature' and that the natural condition is a 'state of war' in which 'right and wrong' does not obtain.[201] As Parkin explains, however, the 'official condemnation' of Hobbes by the Anglican establishment 'was also paralleled by the frequent positive use of distinctively Hobbesian positions'.[202] Though it characterised it in condemnatory terms, Oxford advertised Hobbes's theory at time when it was most compelling. In

[197] Ibid, 10.
[198] Ibid, 9-10.
[199] Ibid, 10, 15-6.
[200] Parkin, *Taming*, 371-5.
[201] University of Oxford, *The judgment and decree of the University of Oxford* (Oxford, 1683), 3. An edition was also printed in Dublin in 1683.
[202] Parkin, *Taming*, 375.

England, Jonathan Clapham followed Hobbes and Vesey in using the example of a kingless Israel to describe the 'Anarchy and Confusion' that obtained in the absence of civil authority.[203] And in Ireland, Edward Wetenhall, the bishop of Cork and Ross, thought it better to recruit Hobbes for the case for obedience than to condemn him as seditious: 'Those great *Rationalists* who scarce will admit any other *Law of Nature*, allow *Self-preservation* to be such. I say, even this obliged us to pray for Kings, and that most ardently; 'tis an act in our own defence and for our own advantage'.[204] Preaching at the assizes at Tipperary, an occasion which even under normal circumstances elicited emphatic injunctions to obedience, Rev. Vesey employed both these strategies.[205]

In another sermon preached into response to Rye House plot, Rev. Vesey, like Tenison, had emphasised the common character and effects of Roman and Protestant non-conformity and suggested occasions when one had served the other.[206] Given the political context, however, he focussed on the threat posed by Protestant non-conformists and rebuked 'Mr Baxter' for encouraging them with unfounded claims of persecution.[207] If Rev. Vesey thought that dissenters got off lightly, the arguments he developed in his assizes sermon warranted their more rigorous repression. When the Psalmist said, 'pray for the peace of Jerusalem', he said, he meant 'pray' for 'the good of Church and State'.[208] Obedience to temporal authorities, both civil and ecclesiastical, was clearly commanded by God and would be rewarded by him. However, Rev. Vesey did not argue for obedience only within a Christian framework of revealed law and eternal punishment. Elsewhere,

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[203] Jonathan Clapham, *Obedience to magistrates recommended* (London, 1683), 9-11.
[204] Edward Wetenhall, *Hexapla Jacobeaea: a specimen of loyalty towards his present Majesty James the II* (Dublin, 1686), 27.
[205] Hugh Adlington, 'Restoration, Religion, and Law: *Assize Sermons*, 1660-1685', in Peter McCullough (ed.), *The Oxford Handbook of the Early Modern Sermon* (Oxford, 2011), 425.
[206] Rev. Vesey, 'Sermon on Psalm 24', ff. 2v-3r.
[207] Ibid. f. 5r.
[208] Rev. John Vesey, *A sermon preached at Clonmell, on Sunday the sixteenth of September, 1683 at the assizes held for the county palatine of Tipperary*, (Dublin, 1683), 19.

he developed the argument within a naturalist framework of the 'Laws of Self-preservation' and natural punishments.[209] Here, the argument acquired Hobbesian connotations. Rev. Vesey described the 'Miseries' of life outside political society with reference to both the description in Judges of a kingless Israel and recent civil wars. This account was rendered particularly redolent of Hobbes's by its use of the ocular language of Judges to emphasise the psychological 'Confusion' of a non-political condition.[210] It also did the same work as Hobbes's account of establishing the basis of political obligation. Like Wetenhall, Rev. Vesey acknowledged natural laws and punishments as sufficient grounds for obedience to civil authority: 'If there were no other Punishment for resisting the supream Power, after this Life; yet the Calamities I have mention'd may be sufficient to terrifie any one from it'.[211]

By the time Vesey preached at Windsor, then, Hobbesian responses to civil unrest were a commonplace of Anglican royalist discourse. This was particularly so in Ireland and among Vesey's associates. Vesey's sermon at Windsor, printed in London, continued this trend, and a comparison between the printed and manuscript versions suggests that he was acutely aware of the 'Hobbesian' connotations of his arguments. These differences record the adjustments that a native of Irish intellectual culture had to make when he printed in England; they suggest the comparatively ill-disciplined conditions of that culture and its tendency to accommodate Hobbesian arguments. Introduced by Psalm 82, 'I have said you are gods... but you shall die like men', Vesey's sermon began with a case for the 'divine Original of Government'.[212] Sir Robert Filmer's political theory was

[209] Ibid. 12.
[210] Ibid, 8, 16.
[211] Rev. Vesey, *A sermon*, 18.
[212] John Vesey, *A sermon preached at Windsor before his Majesty, the second Sunday after Easter, 1684* (London, 1684), 10

published in bulk by the King's bookseller that year, and Vesey followed Filmer in defending the *'Scripture tradition'* that 'Government was originally in the *Parents and Heads of Families*'.[213] 'Power' had 'descended' from Adam 'to the first-born by the Privilege of natural Succession..., and as the family spread, so did the Empire'.[214] Consistent with his invocation of Filmer was his condemnation of Hobbes: 'We could never yet find where that *Utopia* lies, where men lived without natural dependencies.... and yet on such precarious Poetick Fables, some have chosen to found their Commonwealths'.[215] Vesey recognised that the transfer of power by 'Rebellion' or 'Conquest' presented a problem for divine rights theory, but he resolved it by appealing to the mysteries of 'Gods general providence.... which suffers many irregularities in the World'.[216] Though this was hardly a satisfactory resolution, it allowed Vesey to maintain that 'there is no shadow of an Authority derived from the People'.[217]

Vesey soon complicated things for himself, however; and the differences between the manuscript and printed versions of the sermon show how he agonised over the direction of his argument. His proximity to Hobbes was responsible for his agony. Having completed his description of the 'Order of Nature', Vesey returned to the problem that the Adamic succession had been interrupted over time. On this occasion, however, his resolution was more tortuous. As populations multiplied 'their mutuall Relations, & naturall Obligations grew weaker'.[218] Their 'Passions let loose', men used 'force or fraud' to subordinate others to their wills. Though it seems to have occurred in historical time,

[213] Ibid.
[214] Ibid, 11.
[215] Ibid, 10-11.
[216] Ibid, 9.
[217] Ibid, 11.
[218] John Vesey, 'Sermon on Psalm 82', NLI, MS 38816, f. 4v. Cf. idem, *A sermon preached at Windsor*, 12.

Vesey referred to this condition in the manuscript as 'the state of nature', and in print as the 'State (or Notion rather) of Nature'.[219] In both versions of the sermon, Vesey described the deterioration of society into this state as 'greatest Evil' or 'mischief' that could befall men, though he clarified in his printed sermon that this was only the case 'in our lapsed State'.[220]

The ambiguous interplay between nature and sacred history continued as Vesey accounted for the subsequent reconstruction of political authority. In the case of the Israelites, God had intervened directly and 'conferred a Title' upon a King, 'or sent a Prophet to anoint them: 'So *Moses, Joshua* and the Judges, and several Kings were set up by God'[221]. In most cases, however, political authority had been reconstructed by a 'Compact' or the 'voluntary submission' of a people to a conqueror; and these processes were governed by the 'Law of Nature'.[222] In the case of a 'Compact', the people 'chuse such a Person as they judge best qualified for the ends of Government and invest him with all the Powers and Liberties, of which they were possessed by the Law of Nature'. If Filmer was the source of Vesey's patriarchal account of political authority, then Digges and Hammond, both of whom were republished in this period, seemed to have informed his natural jurisprudential account.[223] Like Digges and Hammond, Vesey argued that the 'Prince' derived the right to impose 'Capital punishment' from God rather than his subjects; for 'no man hath a right to dispose of his own life... and if he have not this right

[219] Idem, 'Sermon on Psalm 82', f. 5v; idem, *A sermon preached at Windsor*, 15.
[220] Idem, 'Sermon on Psalm 82', f. 4v; idem, *A sermon preached at Windsor*, 14. For further discussion of the way that an account of the state of nature could be reconfigured as an account of fallen man, see Helen Thornton, *State of Nature or Eden? Thomas Hobbes and His Contemporaries on the Natural Condition of Human Beings* (Rochester, New York, 2005), 43.
[221] Ibid., 13.
[222] Ibid., 13-4.
[223] Digges's *The unlawfulness* was printed in 1679, and two editions of *The works* of Henry Hammond were printed in 1684.

in himself over himself, neither can he transfer it to another'.[224] There was thus a distinction between 'Government' and 'Sovereignty': the first was a 'Human Ordinance' whereas latter was 'infused from above' by God.[225]

It may well be asked why Vesey tangled with natural jurisprudence at all; it only confused his patriarchal account of political authority. The context of the exclusion crisis, and his polemical purposes within this context, might explain why he took the risk. Having described the origins of political authority in the language of natural jurisprudence, Vesey explained its '*absolute and injusticiable*' character in the associated language of adiaphora.[226] In nature, men had a 'liberty' of action in relation to matters 'indifferent'; that is anything that was 'not forbidden by any Law of God, Moral, or Positive'. When they 'entered into Society, either Civil or Religious', however, they submitted themselves 'to the determination of the Communion, whereof they become members'. In both civil and religious society, the prince's commands in relation to matters different 'creates an obligation in Conscience to conformity and obedience'. The advantage of this language was that it entrenched the absolute authority of the monarch without invading what Vesey described as the 'liberty of Christians'.[227] The prince's command did not 'take away the natural indifferency of the thing' he commanded, and Christians remained 'free to judge of the natural indifferency'. This distinction between outward conformity and inward freedom was often employed by 'Latitudinarians' to encourage non-conformists to submit to the established Church;[228] but Vesey saw that it could also be applied to the situation with James. Specifically, it foreclosed the need for toleration in the event of

[224] Vesey, *A sermon preached at Windsor*, 15-6.
[225] Ibid., 17.
[226] Ibid., 18-9.
[227] Ibid., 19.
[228] Parkin, 'Hobbism in the later 1660s', 99.

James's accession: the 'Prince' could 'be of any Religion, as to his private Faith' while his subjects remained in 'the established Church of *England*'.[229] Vesey seemed to concede that Catholics would not conform to the Church, but he was reassured by the 'sound and healthy' loyalty of the 'many' Catholics who repudiated the Pope's deposing power.[230] For Vesey, the greatest threat to civil peace came from the Presbyterians who refused to adjust their own religion to the requirements of civil peace and assumed that James would be similarly incapable.

The distinction between outward conformity and inward liberty had been appropriated by Hobbes, along with the wider discourse to which it belonged, to argue that the subject should conform to every command of a 'lawfull Prince', even to deny Christ.[231] As the examples of the 'Latitudinarians' warned, moreover, one did not need to go as far as this to be accused of 'Hobbism' on this account.[232] Vesey's use of Hobbesian arguments seems to have passed without censure, however, and it may be that his audience were quietly sympathetic to them. Long before he preached at Windsor, Vesey had begun to think with Hobbes about the conditions of civil peace in Ireland. Though they were an established feature of Anglican royalist discourse, 'Hobbesian-style' natural law arguments had a peculiar appeal in a kingdom where Christianity could not provide a reliable foundation for a peaceful common life. They established the necessity of civil obedience independently of Christian doctrine, and they made civil peace the measure of religious policy. To meet the challenges of governing a population that contained substantial Catholic and Presbyterian communities, the Crown in Ireland was often required to adopt peculiar policy positions. 'Hobbesian-style' natural law arguments were

[229] Vesey, *A sermon preached at Windsor*, 29.
[230] Ibid., 31.
[231] *Leviathan*, III, 784-6.
[232] Parkin, 'Hobbism in the later 1660s', 99.

peculiarly suited to explaining these positions: they supplied the Crown with the authority both to punish and accommodate non-conformists as civil peace required. The 'triple crises' of the late 1670s, combined with the subsequent exclusion crisis, exposed the fragility of civil peace in Ireland; with the 'Hobbesian-style' arguments of Vesey and his associates to support him, Ormond dealt with these crises by subordinating his religious policy to the requirements of civil peace. In England, these crises played out in such a way as to render the Anglican establishment receptive to a similar way of thinking about religious policy, and Vesey's sermon at Windsor suggests that it also accommodated the Hobbesian arguments that attended it.

Vesey offered an effective response to an urgent problem, and while Charles remained on the throne, Anglicans could feel assured that the extensive ecclesiastical authority that Vesey assigned to the Crown would be exercised in the interests of the established Church. This, after all, was the deal. Following his succession in 1685, James stuck to this deal, at least for a while. When he broke it in 1687 and used his ecclesiastical authority to invade the privileges of the established Church, he did so with the full support of the 'Hobbesian-style' argument that Vesey and other Anglicans had developed in the Restoration. Under these circumstances, Vesey's political and religious discourse changed dramatically: he continued to think with Hobbes but in order to characterise and criticise James's policies in Ireland. Vesey did not forget the power of 'Hobbesian-style' arguments to justify the peculiar positions that the Crown was required to adopt in Ireland; this was demonstrated, of course, by James's regime. Under William III, moreover, when he enjoyed once more a mutually supportive relationship with the Crown, Vesey returned to these arguments himself. As we shall see, Vesey ended his polemical career in the 1690s by arguing the Hobbesian position in the most important debate of the time.

Chapter V: John Vesey and the 'Revolution' of 1688

Following the death of his elder brother, the duke of York was crowned James II in April 1685. James defended his right to practice Roman Catholicism and faced two Protestant-led rebellions during his first summer as King.[1] Initially, however, James did not extend the freedom of worship to other Catholics in the realm.[2] For a while, it seemed that James would continue to respect the Anglican monopoly on legal worship provided that Anglicans respected his special right to practice Catholicism: the arrangement that Vesey had envisaged in his sermon at Windsor in 1684. But this arrangement did not obtain for long in any of James's kingdoms. James soon began to invade the privileges of the established Churches and adopted 'Indulgence' as his official policy from 1687.[3] In England, James was met with robust opposition from a boisterous episcopate which maintained 'a high degree of political cohesion and moral self-confidence'.[4] The 'Seven Bishops' who petitioned against James's Declaration of Indulgence in 1688 and were tried for seditious libel were vindicated in court and enjoyed widespread popular support.[5] James faced fewer constraints in Ireland, however. Try though it did, the Irish Church was unable to defend its privileged status, and James and his ministers successfully 'Catholicised' much of the Irish state. James's Irish policy was dominated by Richard Talbot, earl of Tyrconnell who served as commander in chief of the Irish army from 1685 until 1687 and as Lord Deputy thereafter. Exploiting the absence of a Test Act in Ireland,

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[1] Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London, 2007), 46.
[2] Ibid.
[3] Though James did not issue a Declaration of Indulgence in Ireland, 'he nevertheless extended liberty of conscience to his western kingdom': ibid., 129.
[4] Mark Goldie, 'The Political Thought of the Anglican Revolution', in Robert Beddard (ed.) *The Revolutions of 1688* (Oxford, 1991), 110.
[5] Harris, *Revolution*, 264-9.

Tyrconnell oversaw the transformation of the Irish army into a Catholic stronghold, turned over civic corporations to Catholics, and appointed Catholics to the judiciary.[6] Vesey's correspondence with William King, then the chancellor of St. Patrick's, Dublin, records the effects of these changes on life in provincial Ireland. Protestants, said Vesey, confronted a 'daly' threat, either from the 'rabble or an unwelcome garrison'.[7] When William and Mary of Orange deposed James in the 'Revolution' of November 1688, the English acquiesced peacefully to their invaders. Ireland, however, remained a Stuart redoubt until it was subdued by force in 1691. Having fled to London in 1689, Vesey returned to Ireland in 1692.

Between 1685 and 1692, Vesey responded frequently and publicly to the political situation around him. His responses reflected the instability of the politics they addressed, and he engaged with varied and competing strains of contemporary Anglican discourse. While he remained in Galway, Vesey drew on the 'Anglo-Catholic' discourse of the kind developed by King to defend the rights of his Church against civil authorities. During his exile in London, Vesey engaged with the providential discourse developed by Gilbert Burnet to explain and justify the 'Revolution' of 1688. Anglican discourse in London also supplied Vesey with his response to the allegiance debate, which he adopted from William Sherlock. In one way or another, Vesey accentuated the 'Hobbesian' dimensions of every discourse he engaged with. Though his responses changed with the political situation, he thought with Hobbes consistently to develop them. Under James, when Vesey endured an adversarial relationship with civil authority, he thought with Hobbes by thinking against him. He used Hobbes to characterise and criticise the ecclesiastical

[6] John Miller, 'The Earl of Tyrconnel and James II's Irish Policy', *The Historical Journal*, 20/4 (1977), 817-9; Harris, *Revolution*, 115-7. Even the army chaplaincy was placed under Catholic control: J.G. Simms, *Jacobite Ireland, 1685-91* (London, 1969), 33.
[7] John Vesey to William King, 17th January 1688, TCD, MS Lyons, no. 66.

and corporation policies that James pursued in Ireland. Following William's conquest of Ireland, when he enjoyed a mutually supportive relationship with civil authority, Vesey thought with Hobbes by thinking like him. This chapter shows that the 'Hobbesian' case for swearing allegiance to William that historians have identified in England depended on the Irish experience of the 'Revolution', had an enthusiastic proponent in Vesey, and was accepted in Ireland without censure.[8]

Irish Anglicans in the reign of James II

The Church was not as vulnerable as other institutions in Ireland to the threat of Catholic infiltration, and James dismissed calls for its disestablishment throughout his reign.[9] Two decisions that he made in 1686, however, combined with reports of sporadic violence against Anglicans to generate considerable uncertainty over the future of the Church.[10] The first was to permit a synod of the Catholic Church in Ireland, while refusing one of the established Church.[11] The second was to grant a royal dispensation to Peter Manby to allow him to remain the dean of Derry following his conversion to Catholicism in 1687.[12] Manby published an apologia for his conversion which elicited a famous response from William King. Historians have long turned to the debate between Manby and King for a record of ecclesiastical responses to James's reign in Ireland, and they have

[8] Jon Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England 1640-1700* (Cambridge, 2007), 382-8.
[9] Robert Armstrong, 'The Wars of the Three Kingdoms, 1688-1691', in Alvin Jackson (ed.), *The Oxford Handbook of Modern Irish History* (Oxford, 2014), 378.
[10] Toby Barnard, 'Ireland, 1688-91', in Tim Harris and Stephen Taylor (eds.), *The Final Crisis of the Stuart Monarchy: The Revolutions of 1688-91 in their British, Atlantic and European Contexts* (Woodbridge, 2013), 174-5.
[11] Clare Jackson, 'The later Stuart church as 'national church' in Scotland and Ireland', in Grant Tapsell (ed.), *The Later Stuart Church, 1660-1714* (Manchester, 2012), 134.
[12] Ibid., 134-5.

conventionally read it in relation to a specific discursive context: ecclesiastical history.[13] King's contribution in particular appears quite staid on these readings: he is shown to have replied to Manby's historical arguments with a confident set of responses, based on an established tradition of Anglican scholarship. But King also drew from natural jurisprudential discourse to respond to Manby, and this engagement rather destabilised his response. It would appear that the peculiar pressures on the Irish Church under James drove its members towards the more unorthodox corners of Anglican royalism to which Vesey had been driven earlier in the Restoration. As Vesey himself had found, Anglicans shared these spaces with Hobbes.

Both Manby and King believed in 'one holy Catholic and Apostolic Church', but they gave different accounts of its manifestation in history. For Manby, the Catholic Church was the Roman Church: the only 'visible' Church that existed in England before the reign of Edward VI.[14] The Reformation had created a new Church, severed from Catholic tradition and shaped only by the secular ambitions of politicians. The recent publication of an infamous manuscript by Archbishop Cranmer, formerly in Edward Stillingfleet's possession, facilitated Manby's characterisation of the Reformation and permitted his striking claim that Cranmer had embodied '*the spirit of* Hobbs *of* Malsmbury'.[15] According to this manuscript, the 'Administration of God's Word' in Christian kingdoms

[13] F.R. Bolton assimilates King's response into the 'Caroline tradition' of Irish Churchmanship, a tradition defined by the historical scholarship of Archbishop Ussher: *The Caroline tradition of the Church of Ireland, with particular reference to Jeremy Taylor* (London, 1958), 42-3. Justin Champion also describes the 'historical' orientation of Manby's apologia and King's reply: *The pillars of priestcraft shaken: the Church of England and its enemies, 1660-1730* (Cambridge, 1992), 84-6. Champion's account is endorsed in Joseph Richardson, 'William King (1650-1729): 'Church Tory and State Whig?', *Eighteenth-Century Ireland,* 5 (2000), 58-9.

[14] Peter Manby, *The considerations which obliged Peter Manby Dean of Derry to embrace the Catholique religion* (Dublin, 1687), sig. A2r, 8-9.

[15] Ibid., sig. A4v.

was the responsibility of the Crown; priests, therefore, were 'Civil Ministers'.[16] No priest, 'subject to a Christian Prince', could 'use any manner of Jurisdiction... without Commission from the King'.[17] This included the right to excommunicate, the subject of 'Erastian' controversy throughout the late sixteenth and seventeenth centuries. In conceding this right to the Crown, said Manby, Cranmer had alienated all 'Authority' over their church to the 'Laws of the Countrey'.[18] In so far as the new Church practiced older traditions of government and worship, it merely imitated the Roman Church that preceded it. Crucially, Manby argued that there was no tradition of episcopacy in England independent of the Roman Church.[19]

King replied to Manby with an alternative history of the Catholic tradition and the place of the Reformed Church within it. This history refuted Manby's characterisation of the relationship between the Reformed Church and the Crown and also allowed King to cast Manby, who remained in post only by virtue of a royal dispensation, as the real 'Erastian'. According to true 'Catholic Tradition', which predated Roman claims to papal supremacy, each 'National Church' had the right to order its 'Government and Polity' and determine its 'Rites, Ceremonies, and Liturgies'.[20] The Church of England had exercised these rights when it reformed itself in the sixteenth century. In James II's Ireland, then, it was King's Reformed Church, and not Manby's Roman Church, that embodied the ecclesiological principles of Catholic tradition. Manby's contention that the Reformed Churches were new Churches because they were not 'visible... before Edward

[16] Gilbert Burnet, *The History of the Reformation of the Church of England, The first part*. (London, 1679), 'Appendix 22', 220. For discussion of the manuscript and its reception, see Jacqueline Rose, *Godly Kingship in Restoration England: The Politics of the Royal Supremacy* (Cambridge, 2011), 222-8.
[17] Burnet, *The History of the Reformation. The first part*, 'Appendix 22', 220.
[18] Manby, *The considerations*, sig. A4v
[19] ibid., 12.
[20] William King, *An Answer to the Considerations* (London, 1687), 31.

the sixth' highlighted his distance from Catholic tradition.'[21] Manby, said King, had conflated visibility with legal establishment, and a true Catholic would know that the latter 'is accidental altogether to a Church, and a Church may be visible long before it is so established'.

This did not conclude King's response to Manby, however; and the remainder of the response did not rely exclusively on ecclesiastical history. Much later in the response, to better define the rights of Church, King attempted to define rights of the commonwealth. This he did by conceptualising both as corporate bodies. Just as the 'Ecclesiastical Body' had the power to 'Interpret and Teach her Subjects, all things relating to Faith and Discipline', so the 'civil Body' had the 'full power to Interpret and Enact all things relating to the Law of Nature'.[22] Given the political context, it is easy to see why King chose to separate Christianity from natural law. It had the salutary effect of maintaining the autonomy of the Church even under the most hostile regime. But the recent history of Anglican royalism warned of the risks that also attended this strategy. By making the same move, Digges, Hammond and the 'Latitudinarians' had ended up with 'Hobbesian-style' accounts of politics in which the absolute authority of the magistrate, prescribed by natural law, often encroached upon the ecclesiastical authority of the Church.

Contemporary manuscript evidence confirms King's engagement with this tradition of Anglican royalism and records its unorthodox effects. In 'Principles of church government', written under James, King described the Church and the commonwealth as separate corporations with their own charters of law.[23] Though the Church presently

[21] Ibid., 9.
[22] Ibid., 80.
[23] William King, 'Principles of church government', TCD, MS 865, f. 271v. The folio numbers run in reverse order.

enjoyed a 'union' with the commonwealth, King argued that it would survive as an autonomous society and the sole deposit of spiritual authority should this 'union' fail. On this basis, 'Principles' has been described by Mark Goldie as an 'astonishingly outspoken' example of 'Anglo-Catholicism';[24] but it was not as secure in this identity as it might appear. Though it has gone unnoticed by his historians, King cited Stillingfleet's *Discourse concerning the power of excommunication* as the source of his concepts of the Church and the commonwealth.[25] Stillingfleet had published the *Discourse* as an appendix to the second edition of *Irenicum*, having exposed himself to charges of 'Hobbism' and 'Erastianism 'in the first.[26] In the *Discourse*, Stillingfleet distinguished ecclesiastical from civil society more assiduously than in *Irenicum*, but this did not solve all his problems. As the example of Digges and Hammond warned, this distinction made one all the more reliant on a naturalist account of politics. The *Discourse* not only retained *Irenicum's* account of the transfer of natural rights from subjects to a sovereign; unlike *Irenicum*, it identified individual 'preservation' as the sole motivation for this transfer.[27] This account lay behind the more unorthodox elements of *Ireniucm* that we identified in the last chapter: the Church's subordinate relationship to the civil magistrate and an inclusive religious policy. Both of these elements featured in King's writings of the late 1680s.

Though it guaranteed the Church an independent existence, King's strict demarcation of civil and religious society in the 'Principles' also deprived it of any 'temporall' authority not granted to it by the 'civil magistrate'.[28] The Church had the right to enforce its law,

[24] Goldie, 'The Political Thought of the Anglican Revolution', 131.
[25] King, 'Principles of church government', f. 271v.
[26] Parkin, *Taming*, 208.
[27] Edward Stillingfleet, *A Discourse Concerning the Power of Excommunication in a Christian Church* (London, 1662), 8.
[28] King, 'Principles', f. 266v.

but the 'Rewards & Punishments' that it imposed 'must be only spiritual because Christs kingdome is not of this world'.[29] Though the Church possessed an exclusive right to admit and excommunicate its members, excommunication only acquired 'temporall' significance by virtue of the magistrate, and he was not obliged by the charter of civil society to enforce the Church's decisions.[30] The 'temporal' status of ecclesiastical officers was also determined by the magistrate. If the magistrate violated the terms of his 'union' with the Church and refused to appoint new bishops, the Church could and should assume this right.[31] Bishops appointed without the magistrate's permission, however, 'would not be temporall Lords nor have a legal title to the place in parliament or to their other temporall privileges'. King even entertained the possibility, made vivid by the Manby affair, that the civil magistrate might 'drive away and destroy' the legal bishops of the Church and replace them with 'heretical Bishops' whom, if they commanded the confidence of other members of the Church, would obtain a '*de facto*' authority.[32] Though the Church would survive under a 'heretick or apostate' magistrate, then, it would be a meek and demoralised institution; and King insisted that it should continue to obey 'such a prince', if only passively, for his 'temporall right' had an independent basis in natural law.[33]

James's reign exposed and exaggerated the vulnerability of the Anglican Church in Ireland, and the 'Principles' was King's hasty attempt to stabilise its relationship with the Crown. In 'The present state of the church', another manuscript written by King in the late 1680s, he attempted to stabilise its relationship with Presbyterians. King's core policy

[29] Ibid., f. 270r.
[30] Ibid., f. 265r.
[31] Ibid., f. 265v.
[32] Ibid., f. 264r.
[33] Ibid., f. 266r.

proposal in ‘The present state’ was to integrate presbyteries into the established Church in Ireland, a proposal, based on ‘Archbishop Usshers model’, that entailed a significant dilution of episcopal power.[34] King ‘hoped that a great many sober men of the nation will come into the church upon these terms’ but agreed that those who refused should be granted ‘a legal toleration by the state’, provided they were not ‘dangerous to the public’.[35] Andrew Carpenter reads ‘The state’ in juxtaposition to the ‘Principles’ as King’s preparation for a ‘Williamite victory’.[36] But the problem King addressed, that of the Church’s relationship with a Presbyterian community of a similar size to itself, was not a problem peculiar to that scenario; it had faced the Church in Ireland throughout the century. Since the Presbyterian community was, by virtue of its size, an ‘active competitor.... for the official recognition of the government’, the problem of the Church’s relationship with Presbyterians intersected with the problem of its relationship with the Crown.[37] Throughout the Restoration, the natural jurisprudential tradition of Anglican royalism had offered King’s predecessors in the Church, especially Vesey, strategies for stabilising these relationships; and the arguments employed in ‘The state’ and ‘Principles’ both belonged to this tradition.

Vesey, Hobbes and corporate privilege

The disquiet amongst Anglicans under James, implicit in King’s writings, was articulated clearly by Vesey: ‘we are taking care of our churches’, he told the dowager countess of

[34] William King, ‘The present state of the church’, MS Lyons, no. 69 A, f. 7v.
[35] Ibid., f. 14r.
[36] Andrew Carpenter, ‘William King and the threats to the Church of Ireland during the reign of James II’, *Irish Historical Studies*, 18/69 (1972), 23.
[37] Norman Sykes, *William Wake, Archbishop of Canterbury, 1657-1737* (Cambridge, 1957), 2 vols. II, 223.

Orrery in 1687, 'God knows how long we may keep them'.[38] While he remained in Ireland, Vesey's response to James's reign shared the instability of King's. In one sermon delivered under James, Vesey elected to preach on a text that addressed directly the Anglican predicament. The instruction in 1. Timothy 2: 1-2. to pray 'For Kings & for all, that are in Authority that we may lead a quiet & a peaceable life in all Godliness & Honesty', confirmed the duty of obedience to the 'Civil Government'.[39] As the account in Judges of a kingless Israel established, 'This state of Life much depends on the Civil Government': without it, every man does 'wt. is right in their own eye'.[40] Vesey rebuked 'the Commonwealthsmen' for their conditional loyalty to the Crown and followed a Tory trend in recalling 'Absaloms Rebellion' to warn against dissension.[41] But Vesey also addressed the uncertainty within the Church about the posture it should adopt towards a Catholic king. The king's ecclesiastical authority, he said, could be inferred from the Hebrew commonwealth where a king had been a 'Keeper' and a 'Guardian' of 'both the first & the second table'.[42] Since 'Our Saviour made no change in the civil affairs of the world, gave no power to his Apostles', it should be assumed that this still obtained; and Vesey cited Cranmer in support of this position.[43] But Vesey's confident presentation in this sermon belied a more anguished response to James's reign in Ireland. By the time Vesey fled for London, his relationship with the Crown had deteriorated altogether, and his parting act in Ireland was to defend the privileges of the Church against the Crown.

[38] Vesey to the dowager Countess of Orrery, 9th July 1687, cited in Barnard, 'Ireland, 1688-91', 173.
[39] Vesey, 'Sermon on 1. Timothy 2:2', NLI, MS 38816, f .4r. Though undated, the sermon began with prayers for James and his family: ibid., f. 3v.
[40] Ibid., ff. .7v-8v.
[41] Ibid., ff. 6r, f.8r. Mark Goldie, 'The Damning of King Monmouth: Pulpit Toryism in the Reign of James II', in *The Final Crisis of the Stuart Monarchy*, 40-1.
[42] Vesey, 'Sermon on 1. Timothy 2:2', f. 8v.
[43] Ibid., f. 8v.

The greatest challenge that Vesey endured to the privileges of the Church in his province arose as an indirect consequence of the Crown's approach to urban corporations. Under Tyrconnell's regime, the Crown systematically issued *quo warranto* writs to force corporations to surrender their charters to legal inspection.[44] The new charters issued by the Crown guaranteed Catholic majorities in the corporations and also, therefore, in future parliaments. At James's insistence, Tyrconnell and his successors were even granted the power to 'remove and appoint' corporation members.[45] The contested status of corporations in Ireland has been a recurring theme of this thesis. Their history, and the history of the attempts to stabilise their status, has revealed the instability of Irish politics and the discourses it sustained. The Crown's policy towards corporations swung wildly from one pole to another. Having granted them extraordinary privileges in the process of colonisation, the Crown supressed them in the seventeenth century as rivals to its authority. Among the 'aggressive and ambitious' corporation policies that Paul Halliday identifies in Ireland, the 'most remarkable was the unimplemented proposal that all Irish corporations surrender their charters':[46] a precursor of the policy that James pursued in Ireland. Under the Cabal ministry, the example of Ireland inspired the development of a more authoritarian corporation policy in England;[47] and from the early 1680s, the Crown began to make effective use of *quo warranto* proceedings to bring recalcitrant corporations to heal.

The relationship between Ireland and England in the development of corporation policy also obtained at the level of discourse. As we have seen, Ireland formed an important

[44] Harris, *Revolution*, 135. See also, Simms, *Jacobite Ireland*, 35.
[45] Harris, *Revolution*, 136.
[46] Paul. D. Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650-1730* (Cambridge, 1998), 172.
[47] Ibid., 174-7, 197.

context for the development of 'royal absolutist' discourse across the Stuart dominions, in which civil and natural law were used to deflate the status of corporate rivals to sovereign authority. Distilled by Hobbes, this discourse returned to Ireland with Petty. Authoritarian corporation policy continued to be associated with Hobbes in the Restoration. In *Behemoth*, where he repackaged his political theory as history, Hobbes accused the City of London of fostering the religious heterodoxy that had fuelled civil war in the 1640s,[48] and he attacked the universities for exploiting their corporate privileges to teach a subversive curriculum.[49] Debates about corporation charters in the Restoration could also be approached through Hobbes. His definition of 'charters' in *Leviathan* consisted with his general approach to corporations. Keen to disentangle '*Lawes* and *Charters*', Hobbes defined the latter as revocable exemptions from the former.[50] Charters were understood as gifts of the sovereign, communicated in the language of donation: '*Dedi, Concessi, I have Given, I have Granted*'.

The developments in corporation policy in the later Restoration represented a victory for Hobbes and 'royal absolutist' discourse; and this relationship is key to understanding Vesey's response to James's reign. These developments were driven by a partisan politics in which the status of the Church was a central issue. Under Charles II, corporation policy was used to promote the 'Church Party' against the Whigs who destabilised his reign in the early 1680s.[51] The most significant confrontation between 'royal absolutist' and other concepts of corporate rights took place during the *quo warranto* proceedings that Charles

[48] *Behemoth*, 108.
[49] Ibid., 182. Hobbes also discussed the relationship between the legal status and curricula of universities in his proposal for a 'new and lay-university': *EW*, VII, 345. Jon Parkin discusses the significance of *Behemoth's* treatment of universities following Clarendon's resignation in 1669: 'Bating the Bear: the Anglican attack on Hobbes in the later 1660s', *History of Political Thought*, 34/3 (2013), 443-4.
[50] *Leviathan*, II, 450.
[51] Halliday, *Dismembering*, 240, 196-236.

successfully pursued against the whiggish corporation of London in the early 1680s.[52] As we shall see, Charles also strengthened the Church at the expense of urban corporations in Vesey's province. Throughout his reign, Charles was supported in these policies by James.[53] It was as a client of James that Petty made full use of 'Hobbesian' resources to challenge corporate rivals to his admiralty jurisdiction. As King, James initially abandoned Charles's corporation policies, but only because he had abandoned the 'Church Party'.[54] He later revived them to weaken municipal Tories in England and break the Anglican monopoly on political power in Ireland. There was a paradox in the corporation policy that James pursued in Ireland. Though the systematic recall of charters represented an extraordinary assertion of central over local authority, the reissued charters often expanded the privileges of urban corporations. In Vesey's province, corporations were granted privileges previously possessed by the Church. Now the victim of authoritarian corporation policy, Vesey turned his fire on the Crown and its particular variety of 'royal absolutism'. Like King during the Manby affair, he characterised 'Catholicisation' in Ireland as the rather 'un-Catholic' policy of an overbearing civil authority with an impudent disregard for the Church. Manby had accused the Irish Church of embodying '*the spirit of* Hobbs *of* Malmsbury'; Vesey turned this accusation on the Crown.

Between the winter of 1687 and the spring of 1688, three urban corporations in Vesey's province were granted charters that infringed upon the rights of the Church: Athenry, Tuam and Galway. Vesey was affronted by all three charters but particularly by

[52] Gary S. de Krey, 'The London Whigs and the Exclusions Crisis reconsidered', in A.L. Beier (ed.), *The First Modern Society: essays in English history in honour of Lawrence Stone* (Cambridge, 1989), 469-75.
[53] Jennifer Levin, *The Charter Controversy in the City of London, 1660-1688, and its Consequences* (London, 1969), 10-11.
[54] Halliday, *Dismembering*, ch. 7.

Galway's. In Galway, the Crown's corporation policy reignited an ancient debate about the status of the Collegiate Church of St. Nicholas which exercised a 'quasi-episcopal jurisdiction' in the town.[55] St. Nicholas's had been established in the fifteenth century to protect the interests of the Anglo-Norman colonists in Galway against the See of Tuam which was historically the possession of the native Irish.[56] From the Reformation onwards, Galway's Protestant corporation retained the property of the Church and the right to appoint its lawful warden.[57] A clandestine Catholic corporation continued to elect their own, however. Neither the Protestant nor the Catholic warden enjoyed a congenial relationship with their respective Archbishops. In 1684, Charles annexed the wardenship to the Anglican Archbishopric.[58] Vesey, by then in possession of the See, was allocated the '*quarta episcopalis pars*' attached to the wardenship, depriving the vicars of St. Nicholas of an income they had shared since the Restoration. This arrangement was 'never deemed valid' by Galway Protestants; but relations between the town and the Archbishop, already tense, were to worsen dramatically with the accession of a Catholic king.[59]

In September 1685, when Vesey wrote to Clarendon to explain 'faithfully the state of the case', the dispute over the wardenship lacked the ideological significance it would later acquire. [60] Vesey was primarily concerned with the financial implications of the case and saw an opportunity for his own advancement in a compromise. In March of 1688, however, the Catholic corporation was 'legalized in Galway'.[61] A new charter, brought

[55] Richard J. Kelly, 'The Wardenship of Galway', *Journal of the Galway Archaeological and Historical Society*, 6/1 (1909), 33.
[56] Ibid., 27-8; Martin Coen, *The wardenship of Galway* (Galway, 1984), 6.
[57] 'Richard J. Kelly, 'The Wardenship of Galway (Continued)', *Journal of the Galway Archaeological and Historical Society* 6/2 (1909), 115-7; Coen, *The wardenship of Galway*, 11-14.
[58] Kelly, 'The Wardenship of Galway (Continued)', 119; Coen, *The wardenship of Galway*, 20.
[59] Kelly, 'The Wardenship of Galway (Continued)', 119.
[60] John Vesey to the earl of Clarendon, 27th September 1685, NLI, MS 38822/1, f. 1r.
[61] Kelly, 'The Wardenship of Galway (Continued)', 119.

into the town in a mounted procession,[62] 'granted unto them the Election and appointment of a warden and Eight Viccars Corralls of the Collegiat Church of St. Nicholas'.[63] This cannot have come as a surprise to Vesey. The previous year, emboldened by Tyrconnell's appointment as lord deputy, the corporation had urged Vesey to relinquish 'the possession of the Colledge & other Rights & Revenues of the Wardenship'.[64] He had refused then and continued to refuse even after the new charter had been received. On the 23rd March, Vesey was warned by an ally on the corporation that some 'giddy' members were planning to 'take possession of the Coll.' and 'sequester the Revenue' within a matter of days.[65] The following day, Vesey received a report from his 'tenant' in the College that such an attempt had indeed been made by the mayor's sheriff, [66] and he promptly complained to Denis Daly, the judge tasked with overseeing the case.[67] Daly denied that the corporation had attempted to seize the properties of St. Nicholas or intended to do so in the future. He maintained, however, that the corporation had a right to 'the liveings of the Collegial Church of Galway' and would 'advise therein with their council' as to how to obtain them.[68] Over the summer, while Vesey awaited a legal hearing on the case, the corporation made its move: 'Dr. Harry Brown, pretending to be warden… disposed of Tithes, & other Rights belonging to the College'.[69] Vesey pursued the case at Chancery throughout the autumn but was 'deny'd any relief' by the Lord Chancellor, Alexander Fitton.[70]

[62] 'The Reception of the Charter by the maior of Galway on Wednesday the 21st March 1688', NLI MS 38822/1, ff. 1r-2r.
[63] Robert Shaw to Vesey, 30th March 1688, NLI MS 38822/2, f. 1r.
[64] Anthony Huddleston to Robert Shaw, 2nd April 1687, NLI MS 38822/2, f. 1r.
[65] Edward Fillingshawe to Vesey, 23rd March 1687/8, NLI, MS 38822/2, f. 1r.
[66] Sam Sprawl to Vesey, 24th March 1687/8, NLI MS 38822/1, f. 1r.
[67] Vesey to Denis Daly, 24th March 1687/8, NLI MS 38822/2, f. 1r.
[68] Daly to Vesey, 25th March 1688, NLI MS 38822/2, f. 1r.
[69] Vesey to the earl of Tyrconnell, 3rd August 1688, NLI MS 38822/2, f., 1r.
[70] Vesey, 'Journal', NLI, MS 38820, 8.

There was a tension in Vesey's response to the charter controversy. Reviewing the dispute over Galway's charter, Vesey complained that 'Tyrconnell... had illegally & arbitrarily taken from my Archbishoprick of Tuam the Collegiate Church of Galway'.[71] Vesey's claim to St. Nicholas, however, rested solely upon the 'precedent Patent' that Charles II had granted his Archbishopric as part of his aggressive corporation policy.[72] James had deprived the Archbishopric of St. Nicholas by exercising the same prerogative powers and as part of a similarly aggressive corporation policy. By invoking Charles's patent in his dealings with judiciary, then, Vesey effectively conceded James's right to dispose of St. Nicholas as he pleased. He had no further recourse when Fitton ruled that his 'Patent was already judged void'.[73] Vesey's reliance on Charles's patent clarifies something about the Church's dependent relationship with the Crown in Ireland. In Ireland, the Church's status as a corporate body was akin to that of a civil corporation. Without an independent constituency in the Irish population, it depended for its status upon the revocable rights that it was granted by the Crown, and it was thus exposed to the effects of an aggressive corporation policy. Galway's corporation played upon the Church's dependent status in its dealings with Vesey. Having demanded that he relinquish the College, it informed him that his use of St. Nicholas thereafter would be at 'the pleasure of the Government'.[74]

King's 'Anglo-Catholic' ecclesiology suggested a way of maintaining the autonomy and privileges of the Church. Though King compared the structure of the Church to that of a 'Citty corporation', he argued that its 'charter' was bestowed by Christ rather than the

[71] Ibid., 7-8.
[72] Vesey to Daly, f. 1r; Vesey to Tyrconnell, f. 1r.
[73] Ibid.
[74] Shaw to Vesey, f. 1r.

'civil magistrate'.[75] The Church was a corporation without, rather than within, the state. King's ecclesiology was not without its drawbacks. He paid the price of the Church's autonomy by relinquishing all temporal authority to the 'civil magistrate', a fearsome prospect under James's reign in Ireland. As Vesey's chance of redress through judicial procedures became increasingly remote, however, he resorted to similar ecclesiological arguments. By May 1688 it was clear to Vesey that the Crown was against him in his dispute with Galway and he decided to assert his episcopal privileges. To Tyrconnell's consternation, he 'summoned the warden and his priests of the Collegiate of Galway' to a 'Dicoesian Synod', under pain of [his] indignation and at their peril if they did not appear'.[76] Vesey carried on in this way throughout the summer. When the Galway corporation appointed eight vicars of St. Nicholas along with a new warden, he complained to Tyrconnell that none of them were 'qualify'd by law to hold any Ecclesiastical benefice'.[77] Ecclesiological arguments had characterised Vesey's response to other new charters from the outset of the controversy. He objected to the new charter for Tuam on the grounds that it would 'incorporate' the Church into the city 'without her consent', and he suggested amendments that would protect 'the Rights, Customs, Privileges & Possessions of the Church'.[78] In his dispute with Athenry over 'severall Impropriations', he even criticised the Reformers for 'alienating the Estates of the Church'.[79]

[75] King, 'Principles', f. 260r. This distinction was also recognised by those of an earlier generation of Anglicans who compared the Church to a civil corporation: Rose, *Godly Kingship*, 149.
[76] Patrick Fleming to Vesey, 5th May 1688, in Edward MacLysaght and H.F. Berry, 'No. 14, Report on Documents relating to the Wardenship of Galway', *Analecta Hibernica* (1944), 36.
[77] Vesey to Tyrconnell, f. 1r.
[78] John Vesey, 'Clauses desired to be inserted into the Charter', NLI MS 38,822/1, f. 1r-1v.
[79] Idem, 'The Humble Petition of John Archbishop of Tuam, & Replication of the Answer of the Corporation of Athenry', NLI, MS 38822/2, f. 1r.

By the winter of 1688, Vesey was in a vulnerable position. His stubborn defence of the Church's privileges had made him many enemies, and he was 'advised out of the county of Mayo' for his own safety.[80] Early in 1689, Vesey followed this advice and fled for London, but he did not take the decision lightly. The prospect of leaving behind his home, livelihood and 'six small children' explains in part his reluctance to leave.[81] But like many Irish Anglicans, he was also detained by his conscience. By December 1688, it was clear that James had been deposed in England. In Ireland, however, his reign remained secure, and the logic of the 'Anglican revolution' continued to obtain.[82] If Ireland was a 'separate constitutional entity', William's invasion of England did not invalidate James's claim to the Irish throne and 'passive obedience' therefore remained an appropriate framework for resistance.[83] Writing to King with his 'reasons for withdrawing', Vesey admitted that he could not think of a course of action that would 'agree' with the principles of 'Loyalty' and the 'Protestant religion'.[84] In the end, it was a matter of self-preservation: the 'desperate' conditions of Protestant life led inescapably to the conclusion that 'this province [was] no place for us'.

When Vesey arrived in London, he joined a cohesive community of Irish migrants in the city.[85] Having cultivated relationships in the English Church throughout the Restoration, he secured a lectureship at St. Mary Aldermary in Cheapside.[86] Free from his archiepiscopal duties, he used his time to lobby the political establishment on behalf of the dispossessed Irish clergy. One beneficiary of Vesey's efforts was Rowland Davies,

[80] John Vesey to William King, 24th December 1688, MS Lyons, no. 63.
[81] Vesey, 'Journal', 8.
[82] Goldie, 'The Political Thought of the Anglican Revolution', 102-36.
[83] Raymond Gillespie, 'The Irish Protestants & James II', *Irish historical studies*, 28/110 (1992), 125.
[84] John Vesey to William King, 17th January 1688/9, MS Lyons, no. 66.
[85] Toby Barnard, 'The Irish in London, and "The London Irish"', *Eighteenth-century Life*, 39/1 (2015), 14-40.
[86] John Bergin, 'Vesey, John (b. 1638)', *DIB*.

the dean of Ross, for whom Vesey secured a lectureship in Great Yarmouth. Davies's journal, a valuable insight into the activities of Irish migrants, records Vesey's interactions with the political establishment. Though it can be deduced from the journal that Vesey had lodgings in the east of the City, he socialised frequently in Westminster and received his clients at the Court of Requests.[87] In March 1690, he even 'viewed a house' with the intention of moving to Westminster, perhaps anticipating that his exile would be permanent. Vesey's scheming was remarkably successful. He secured generous donations from Thomas Tenison, William Lloyd, Simon Patrick, and John Tillotson.[88] His old school master Richard Busby also pitched in. William Wake, then a canon at Christ Church, Oxford, even sponsored his son's education at the college.[89] Vesey's campaign culminated in November 1689. Having been elected to a committee to 'address the King in Parliament', he procured a lump sum of 'five thousand pounds for the Irish clergy'.[90]

London's print culture offered further opportunities to publicise the plight of Irish migrants and campaign for their relief.[91] A series of pamphlets emerged from 1689, reproducing for English consumption the memories and myths of Jacobite atrocities that circulated amongst the migrant community. Richard Tenison, the Bishop of Killala, whom we encountered in the last chapter, described the unavenged murder of a friend in one contribution;[92] Vesey's experiences in Galway were recounted in another. *A short view of the methods made use of in Ireland for the subversion and destruction of the*

[87] Rowland Davies, *Journal of the Very Rev. Rowland Davies, LL.D. Dean of Ross*, ed. Richard Caulfield (London, 1857), 17, 19.
[88] Vesey, 'Journal', 11-3.
[89] Ibid., 15.
[90] Davies, *Journal*, 60, 66.
[91] Patrick Kelly, 'Ireland and the Glorious Revolution', in Robert Beddard (ed.) *The Revolutions of 1688* (Oxford, 1991), 177.
[92] Richard Tenison, *A lamentable and doleful letter from Mr. R. Tennison* (London, 1689).

Protestant religion that kingdom was printed in 1689 by a 'Clergy-man lately escaped from thence' with a dedication to Gilbert Burnet, the recently appointed Bishop of Salisbury. Though the identity of its author is unknown, its focus on events in Connaught, including the Galway charter controversy, and its detailed and sympathetic account of Vesey's conduct, suggest that Vesey was involved in its composition.

A short view described an Irish polity corrupted and endangered by abuses of civil power. Initial abuses, the mass appointment of 'Papists' to military and judicial offices, had facilitated subsequent abuses: the recall of 'All Charters', which were then 'condemn'd right or wrong', and the invasion of the Church's privileges.[93] Under Tyrconnell, said the author, the Crown had 'publickly invaded the Rights and Patrimony of the Church', and he cited the case 'of the Wardenship of the Town of *Galway*' as 'the great and principal instance'.[94] Though he described elsewhere the 'Jesuitical' ideology of Catholics under James, the author denounced the Crown's behaviour in the wardenship case with reference to a different ideology. Crown officials were compared to Hobbes and via a speech delivered by Vesey in the Court of Chancery.[95] As the nature of the wardenship case dictated, *A short view* discussed the Crown's ecclesiastical policy under James in relation to its corporation policy. To justify the removal of the wardenship from the Church, the Crown had invoked its 'Dispensing Power'.[96] This approach to corporations was associated with a particularly farouche variety of 'royal absolutism' and the author exploited this association. He punned that the Crown had 'communicated' this power 'through the whole kingdom' to 'dispence both with Law and Reason'. It was the

[93] Anon. *A Short View of the methods made use of in Ireland for the subversion and destruction of the Protestant religion and interest in that kingdom* (London, 1698), 3-4.
[94] Ibid., 6-7.
[95] Ibid., 8.
[96] Ibid., 9.

extension of this power over the Church, as if it was a civil corporation, that provoked Vesey's comparison with Hobbes.

One way to apprehend the novelty of Hobbes's Church is to consider its similarity with a civil corporation. Hobbes's discussion of civil corporations, or 'Bodies Politique', in chapter 22 of *Leviathan* touched upon the subject of ecclesiastical government and supplied the terms in which he described the formation and structure of the Church in chapter 39. For Hobbes, Churches were founded by Christians, not by Christ. Christ had left behind a 'multitude of Christian men' who had incorporated themselves into discreet associations, or 'Churches', so as to govern their affairs as 'one Person'.[97] A Church was not a special 'spiritual' corporation, as Anglicans were apt to claim, but a 'temporal' corporation like any other. There was one notable difference between a Church and a civil corporation. Unlike the latter, a Church could not exist as a 'subordinate' corporation within the commonwealth. Though it raised unresolved questions about the possibility of a Christian 'Church' in a pagan commonwealth, Hobbes's insistence upon sovereignty as a defining feature of a Church dictated the conclusion that a Church was the 'same thing' as a commonwealth of Christians.[98] Properly speaking, the limitations that Hobbes imposed upon 'the power of the Representative' of a corporation did not apply to the Church because its 'Representative' was the sovereign himself.[99] They did apply, however, to the governing apparatus of the Church; and in chapter 22 of *Leviathan*, Hobbes suggested an equivalence between 'an Assembly for the Government of a Town' and an 'Assembly' for the government of 'a Church'.[100] Both assembled and disbanded

[97] *Leviathan*, III, 730-2.
[98] Ibid., III, 732.
[99] Ibid., II, 350.
[100] Ibid., II, 360.

at the sovereign's command and exercised a limited authority determined by the sovereign.

There was much in this to offend an Anglican. For Stillingfleet and King, the Church was more than just an association of Christians: the episcopal government instituted by Christ formed an essential component of the Church.[101] But treating the governing apparatus of the Church as a civil corporation not only deprived it of a divinely appointed form. It also affected the nature and extent of the power it exercised. This is crucial to understanding why Vesey introduced Hobbes into his speech in the Court of Chancery. Vesey referred to Hobbes in a section of his speech that 'happened to mention' excommunication.[102] For Stillingfleet and King, excommunication described the power to 'exclude' those who breached 'the *rules* and *orders*' of the Church 'from participating of Communion with others in the Ordinances and Sacraments of the Gospel'.[103] This power, like the right to perform the sacrament, had been communicated to bishops by Christ and was 'seconded with the Civil Sword' under the terms of the 'union' between civil society and the Church.[104] In Hobbes's entirely 'temporal' Church, however, excommunication had a different meaning. It was merely a piece of advice, issued by priests in their capacity as teachers, 'not to keep company' with a moral reprobate.[105] Since the sovereign had a right to keep the company of all his subjects and enjoyed 'Dominion' over all places, 'whether profane or holy', he could not be subject to excommunication. A subject 'that obeyeth the laws' of the sovereign was also exempt, for obedience to the law was the only legitimate measure of moral decency.

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[101] King, 'Principles', f. 265v. Stillingfleet, *Discourse*, 3-4.
[102] *A short view*, 8.
[103] Stillingfleet, *Discourse*, 22-3.
[104] King, 'Principles', f. 268r.
[105] *Leviathan*, III, 804.

Excommunication was a recurring subject of *A short view*. The author described the Crown's attempt to frustrate the process of excommunication as part of its broader attempt to incapacitate the Church. In Ireland under James, the author complained, excommunication ceased to be enforced by civil authority. Lord chancellor Fitton refused to grant the 'Writs *de Excommunicato Capiendo*' that translated the judgement of a bishop into a penal punishment;[106] and when Vesey raised the matter of excommunication in his speech in the Court of Chancery, Fitton 'abruptly told him, That he had no power of *Excommunication* but what he derived from the King'.[107] Though it is not clear exactly how Vesey got onto the subject of excommunication, Fitton's response evinced the association between the Crown's corporation and ecclesiastical policies. Fitton treated all corporations, both civil and ecclesiastical, as equally dependent on the civil authority for their rights of dominion and jurisdiction. As far as Vesey was concerned, Fitton could not be described as a 'Roman Catholick' at all, for his concept of the Church was that of '*Erastas* and *Hobs*'.[108]

A short View contains the only evidence of Vesey's speech in the Court of Chancery, a further reason to believe that Vesey was involved in the text's production. This being the case, the text is most valuable for what it reveals about choices of accent and argument that were made when Protestant experiences of Ireland under James were printed in London for polemical purposes. It is not all that surprising that the author emphasised the wardenship case: given London's recent experiences, an appetite for the story could reasonably have been expected. A victim of Charles's aggressive corporation policy, the

[106] *A short view*, 6
[107] Ibid., 8.
[108] Ibid.

city's corporation remained dormant until October 1688 when James reluctantly restored its charter.[109] That the author told the story with reference to Hobbes is perhaps a little more surprising. Steve Pincus suggests that both supporters and opponents of James's policies, including his corporation policies, saw them as expressions of a 'Gallican Catholic' ideology.[110] Politically, this ideology was 'absolutist' to a degree that many 'High Churchmen' found distasteful.[111] However, a similarly stringent absolutism, equally reviled by many Churchmen, was also to be found in Hobbes; and Samuel Parker, whom Pincus cites in his account of 'Gallican' ideology, was one supporter of James who had developed his absolutism by thinking with Hobbes.[112] As we have seen, Petty also thought with Hobbes to conceptualise an absolutist state that was accommodating of Catholics and governed by a Catholic King. *A short view* is evidence that opponents of James characterised his policies as Hobbesian and that his policies in Ireland were particularly susceptible to this characterisation. The unstable status of corporate bodies in Ireland, both civil and ecclesiastical, allowed the Crown to impose its authority over them: a characteristic ambition of Hobbesian absolutism. Though Vesey was attracted intermittently to this ideology throughout the Restoration, he defined his politics against it under James.

Vesey, providence and 'Hobbian principles'

From all we have seen so far, it is clear that the experience of James's reign in Ireland forced Anglicans to reconsider the identity of their Church: what did the Anglican Church in Ireland look like as an institution independent of civil authority? King's concept of the

[109] Levin, *The Charter Controversy*, 57.
[110] Steve Pincus, *The First Modern Revolution* (New Haven, 2009), 131-5.
[111] Ibid., 132.
[112] Ibid., 133.

Church as a 'spiritual' corporation, wholly distinct from the 'temporal' commonwealth, suggested an elegant way of responding to this question. Vesey used a similar concept to respond to the infringement of the Church's privileges by urban corporations in his province and reemployed it when he recounted his experiences in London. Hobbes's concept of the Church served as a point of juxtaposition for Vesey, enabling him to clarify his own. With its emphasis on ecclesiastical hierarchy and episcopal government, King's was the 'Anglo-Catholic' or 'High Church' response to the Anglican predicament in Ireland. For King, it was the Church's 'charter' bestowed to it by Christ that guaranteed its survival under a Catholic King. The 'Protestant' or 'Low Church' response involved the slippery concept of 'providence'. The fate of the Church was said to depend upon God's direct intervention in human affairs. This response was most readily available to those Irish Anglicans that had fled to London, for its principal exponents resided in the city. Burnet, to whom *A short view* was dedicated, developed the most compelling concept of providence, and as chaplain to William, he integrated providence into the ideology of the new regime.[113] Having settled in London, Vesey latched onto this providential trend in Anglican discourse and seems to have engaged directly with Burnet. This engagement marked a shift in the way Vesey characterised his Church, its enemies and its relationship with civil authority; it was also accompanied by associated shifts in his approach to Church government and religious policy. As he developed a new response to his situation, however, Vesey continued to orient himself in relation to Hobbes.

For Burnet, providence described a cyclical process of affliction and deliverance.[114] King's response to James's reign was concerned with enduring affliction. Burnet's

[113] Tony Claydon, *William III and the Godly Revolution* (Cambridge, 1996), 28-52.
[114] Idem, 'Latitudinarianism and Apocalyptic History in the Worldview of Gilbert Burnet, 1643-1715', *The Historical Journal*, 51/3 (2008), 585.

response came into its own following William's invasion of England, for only then was there a deliverance to celebrate. Burnet's providential interpretation of the 'Revolution' developed his providential interpretation of the Reformation. For Burnet, the Reformation was characterised by a popular theological movement across Europe as well as an ecclesiological revolution in England.[115] Often hindered by civil and ecclesiastical authorities,[116] this movement was sustained instead by providence.[117] Behind the jurisdictional struggles between particular national Churches and the Roman Church raged an 'apocalyptic struggle' across the continent between 'true' and 'false' religion.[118] Burnet assimilated the 'Revolution' into this providential scheme in a sermon preached before William in December 1688. In recent years, he said, 'the Protestant Religion' had faced destruction 'all *Europe* over' at the hands of the papacy, 'the great Supporter of Persecution' and the 'Head of that Mystical *Babylon*'.[119] God was not an 'unconcerned spectator of Human Affairs', however, and had 'conspired to hatch and bring forth' the 'Revolution'. So dramatic was the 'Change of the whole face of Affairs, both with relation to Religion, and the Peace of *Europe*', that Burnet suspected that it might presage the arrival of '*a new Heavens, and a new Earth*'.[120] This providential account of the 'Revolution' certainly suggested a solution to the ecclesiastical identity crisis facing Vesey and other Anglicans. The special concern of providence, the Anglican Church under William could lead 'the whole Protestant Side' in Europe.[121] But a Church defined in this way would differ in crucial respects from the Restoration Church. It would have to comprehend a wide spectrum of Protestant belief in Europe; and it would have to put

[115] Ibid, *Europe and the Making of England, 1660-1760* (Cambridge, 2007), 72-4
[116] Burnet, *The History of the Reformation. The first part*, 252-4.
[117] Idem, *The History of the Reformation of the Church of England. The second part* (London, 1681), 214.
[118] Claydon, 'Latitudinarianism', 588.
[119] Gilbert Burnet, *A sermon preached in the chappel of St. James's, before His Highness the Prince of Orange, the 23d of December, 1688* (London, 1689), 4, 13.
[120] Ibid., 21.
[121] Ibid., 17.

less store by hierarchy and wealth, for these attributes were associated with 'Popery'. Vesey acceded to these changes as he engaged with Burnet, a transition eased by the 'Latitudinarian' approach to Church government that he had developed throughout the Restoration. But he also managed the development of a new ecclesiastical identity by defining it against a familiar enemy. In a sermon on Psalm 42, Vesey suggested that religious persecution and the denial of providence were associated expressions of 'Hobbian principles'.[122]

We will return to this sermon shortly; first, we must attend to the most substantial exposition of Vesey's new Protestant identity. On the 23rd October 1689, Vesey delivered a sermon to '*the Protestants of Ireland, in about the city of London*' which was subsequently printed in the city.[123] The circumstances of the sermon reveal much about the new political and religious alliances that Vesey developed in London. Preached at St. Mary le Bow in the City of London, the printed sermon was dedicated to Sir Thomas Pilkington, the non-conformist Lord Mayor of the City and one of the 'implacable Whigs' who had led the corporation in its dispute with the Crown in the early 1680s.[124] Vesey expressed his gratitude to London for welcoming his 'poor Country-men, and Fellow-sufferers', and he used their experiences to contribute to the development of Protestant identity in the city. He had chosen an apposite occasion on which to do this. The 23rd October featured in the Irish liturgical calendar as a festival commemorating the massacre of Protestants during the Catholic uprising of 1641.[125] Also observed by Protestant non-

[122] John Vesey, 'Sermon on Psalm 42', NLI, MS 38816, f. 6r. The sermon's discussion of religions policy suggests that it was written around the time of Vesey's departure to London: see below, 257.
[123] Idem, *A sermon peach'd to the Protestants of Ireland, in about the city of London, at St. Mary le Bow in Cheapside* (London, 1689).
[124] Ibid., sig. A3.r-A3v; Levin, *The Charter Controversy*, 18.
[125] Toby Barnard, 'The uses of October 23 1641 and Irish Protestant Celebrations', *English Historical Review*, 106/421 (1991), 890.

conformists in Ireland, the festival sustained a perception of Catholicism as 'dangerous, unreasonable and uncivilised' and came to be resented by the civil authorities for its tendency to cause social unrest.[126] The festival was particularly significant in 1689. Earlier in the year, James had summoned a Parliament in Dublin which had repealed the land settlement and passed an infamous Act of Attainder, condemning William's Irish allies, including Vesey, as traitors.[127] It also 'repealed the Act for keeping the 23rd October'.[128] There were obvious polemical points to be scored from connecting the sectarian violence of 1641 with James's regime in Ireland. For one thing, it blunted the claim that Catholics were the victims of persecutory policies rectified by James. The abolition of the festival of the 23rd October allowed for this connexion to be made, and Vesey seized the opportunity in his sermon. Those who abolished the festival, he said, clearly 'approv'd' of the persecution it commemorated and intended to repeat it under James.[129] The fact that Irish Protestants had survived both episodes, however, showed that they were favoured by 'Gods Providence'.[130] Echoing Burnet, Vesey reassured his congregation that God was not 'an unconcern'd Spectator' of their plight.

Vesey's providential account of Irish Protestantism involved a new concept of the nature and structure of the Church. The special concern of a 'wise and overruling Providence', the Church was necessarily different from other 'Unions and Combinations'.[131] Whereas 'all other Societies are but *Corporations*', said Vesey, the Church 'is a *Confederation of Souls*'. The juxtaposition of the Church and a corporation recalled Vesey's earlier

[126] Ibid., 889-901.
[127] J.G. Simms, *War and Politics in Ireland, 1649-1730*, eds., D.W. Hayton and Gerard O'Brien (London, 1986), 71-6.; William King, *The state of the Protestants of Ireland under the late King James's* government (London, 1691), 'Appendix', 265.
[128] Barnard, 'The uses of October 23', 894.
[129] Vesey, *A sermon preach'd*, 9.
[130] Ibid., 9-10.
[131] Ibid., 23.

response to the infringement of the Church's privileges under James. Following King, Vesey had distinguished the Church from a civil corporation and associated those who denied the distinction with Hobbes. To maintain the privileges and episcopal hierarchy of the Church, however, King had continued to characterise it as a 'corporation' established by Christ. Rejecting the corporate model altogether, Vesey characterised the Church without reference to a specific set of rights or form of government. Indeed, a '*Confederation of Souls*', an expansive association of lay Christians, had egalitarian associations which were reinforced by Vesey's emphasis on mutual 'Friendship' within the Church. The Church's relationship with providence also dictated a non-hierarchical ecclesiastical structure. Within the providential scheme that Vesey adopted from Burnet, 'Affliction' in the form of 'persecution' was a precondition of 'Deliverance', and this meant that for much of its history, the Church was required to endure 'a low and calamitous Condition'.[132] 'Outward Splendor, and worldly Pomp' were attributes of the '*Roman*', not the Protestant Church. In the course of explaining the 'sanative' effects of 'suffering', Vesey appeared to satirise the episcopalian claim, maintained by Anglicans as well as Catholics, that priests were '*Successors*' of the Apostles.[133] A priest who claimed such a status would not be immune from punishment for their sins; indeed, their claim would 'aggravate both the sin and punishment'. The providential discourse of 'Revolutionary' London may have offered Vesey a solution to his ecclesiastical identity crisis, but it demanded a substantial shift of his ecclesiological position.

Vesey's new concept of the Church was particularly suited to the internationalist dimension of this discourse. King's concept of the Church as a corporation, a discreet

[132] Ibid., 12.
[133] Ibid., 12-3.

legal entity, consisted with conventional Anglican claims about the autonomy of 'national Churches'. Vesey's '*Confederation*', however, did not have a corporate structure to restrict its geographical scope, and Vesey dwelt on Scriptural descriptions of the 'Gentile Church' that emphasised its universal extent and common destiny.[134] He noted that the 'General Promises' of providential protection for the Church, recorded in Isaiah 54, were 'said to every part of the Church on the same Terms'; and he described the Reformation, the latest episode of this providential scheme, as a single international movement. The 'Murthers' of Irish Protestants in 1641 were placed alongside the *'Paris Massacre*' and the '*Gunpowder Conspiracy*'.[135] In other sermons from the time, Vesey developed this internationalist theme by berating the 'Jews' for their 'niggardly & national' religion; they 'had no pitty for the... dark corners of the earth'.[136] Christ's 'Gospel', by contrast, was 'of universal dissemination, being a Catholiq Charity to the whole world'. This argument gave a new polemical relevance to Vesey's earlier discussion of the relationship between Christ's revelation and previous dispensations. Without the hesitation he had previously exhibited, Vesey insisted that Christ's revelation had replaced altogether the laws of the Jews.[137]

As Vesey adjusted his discourse to his new surroundings, however, he continued to think with Hobbes. By keeping a steady distance from the Hobbesian pole, he attempted to navigate a turbulent period. In his sermon on Psalm 42, Vesey exploited the widespread perception of Hobbes as persecutory to cast him as the representative of 'false' religion.[138] He used Hobbes in a similar way in a brief apocalyptic history of the Catholic Church.

[134] Ibid., 25.
[135] Ibid., 16.
[136] Idem, 'Sermon on 1. Timothy 2:2', f. 4v.
[137] Idem, 'Sermon on Matthew 1. 21.and Timothy 1.15', NLI, MS 38816, f.3v.
[138] Idem, 'Sermon on Psalm 42', f. 6r.

Within an elaborate description of Catholic crimes, Pope Boniface was described as 'a Leviathan in the church; the King over all the children of Pride'.[139] However, Vesey also associated Hobbes with those who denied the existence of providence, and this was a more unusual identification. Providence was a ubiquitous and contested concept.[140] Though it was casually invoked in vulgar discourse to explain personal and political events, it also raised challenging theological questions about the divine nature.[141] Forced to explain injustice in a world governed by providence, Reformed theologians appealed to the voluntarist idea that justice was a function of God's will, an idea that came to be associated with Hobbes.[142] Of course, Vesey himself had identified Hobbes with voluntarist theology, and he was careful to soften his depiction of God in his 23rd October sermon. Though he acknowledged that God's '*Immensity, Omnipotence, Power and Justice*, are full of Smoak and Fire, too big to be conceived', he insisted upon the 'Mercifulness of the Divine Nature'.[143] He also argued that providence was consistent with our 'Liberty' as 'Moral Agents'.[144] In his sermon on Psalm 42, Vesey severed any connexion between 'Hobbian principles' and providence by marking a clear distinction between 'vain Philosophy' and religion.[145] Philosophy, which for Vesey was concerned exclusively with 'nature', encouraged men to indulge their 'sinfull habits' and offered only 'halcyon' promises of a better life.[146] Religion offered men 'true 'salvation' in the eternal 'kingdom of Heaven' but required them first to undergo 'affliction & tribulation'.[147] While he enjoyed the protection of civil authority, Vesey had found useful

[139] Idem, 'Of the Reigne of Anti-Christ', NLI, MS 38816, f. 8v.
[140] Alex Walsham, *Providence and Early Modern England* (Oxford, 2001), ch. 1, esp. 20-32. For providential religion in Ireland, see Raymond Gillespie, *Devoted People: Belief and Religion in Early Modern Ireland* (Manchester, 1997), ch. 3.
[141] Ibid., 16-9.
[142] Ibid., 18.
[143] Vesey, *A sermon preach'd*, 19.
[144] Ibid., 23. Vesey's was a version of a common argument: Walsham, *Providence*, 15.
[145] Vesey, 'Sermon on Psalm 42', ff. 6r, 7r.
[146] Ibid., ff. 3v-4r.
[147] Ibid., f. 4v.

conceptual resources in naturalist philosophy, including Hobbes. Having lost this protection under James, however, he came to view it as corrosive of the providential theology from which he sought relief.

One way that Vesey used naturalist philosophy in the Restoration was to address questions of religious policy. His discussion of religious policy in his 23rd October sermon told of his recent rejection of naturalist philosophy. The last sermon that Vesey had printed in London, in 1684, had argued for the continuation of Anglican uniformity under James. By the autumn of 1689, this 'old Tory ideal' was all but dead and William had dealt the fatal blow.[148] Led by both domestic and foreign policy considerations, he had engineered the passage of the Toleration Act in May and appointed 'Latitudinarians', including Burnet, Tillotson and Patrick, to key episcopal positions.[149] Having used their language in the Restoration and associated with them in London, Vesey adopted a 'Latitudinarian' approach to religious policy in his 23rd October sermon. Though he accepted the reality of religious 'Indulgence' under William, he remained committed to Protestant 'Unity' and was prepared to compromise on the 'Circumstances of Worship' to accommodate a wide spectrum of Protestant opinion within the Church.[150] As he put it in his sermon on Psalm 42, the Church should practice a 'rationall plain instructive form of worship' that satisfied 'persons of Different persuasions', all of whom may participate 'without doing violence to their private opinions'.[151] Appealing to the 'puritan'

[148] Claydon, *Godly Revolution*, 151,
[149] Jonathan Israel, 'William III and Toleration', in Ole Peter Grell *et al.* (eds.), *From Persecution to Toleration: The Glorious Revolution and Religion in England* (Oxford, 1991), 151-2, 163-4.
[150] Vesey, *A sermon preach'd*, 14-5.
[151] Idem, 'Sermon on Psalm 42', f 10r.

preferences of non-conformists, Vesey also followed other 'Latitudinarians' in acknowledging the need for a 'Reformation of our Morals'.[152]

Though Vesey had argued before for an inclusive religious policy, his present argument was distinguished from previous arguments by the conceptual apparatus that underlay it. Like those of the 'Latitudinarians', his previous arguments had involved the concept that men had a natural liberty to determine 'indifferent' matters of worship which they transferred to civil authority to secure their common protection. Both the use of natural law to address questions of religious policy and the subsequent characterisation of religious policy as an instrument of civil peace were associated with Hobbes. Vesey's argument in his 23rd October sermon, however, involved the concept of providence. For Vesey, providence contrived to create a single Protestant Church. 'Affliction in the same common Cause' fostered 'mutual Compassions' between Protestants; and Protestants were appointed 'by the *Lot of Providence*' to 'unite all that agree in the *Common Faith*'.[153] By framing it in this way, Vesey cleansed his argument for an inclusive religious policy of the Hobbesian odour that had clung to it previously. The Church should widen its membership not to assist the process of civil government but to complete the scheme of providence.

[152] Idem, *A sermon preach'd*, 13. For 'Latitudinarian' involvement in the campaign for moral reform, see John Spurr, 'The Church, the societies and the moral revolution of 1688', in John Walsh *et al.* (eds.), *The Church of England c. 1689-c. 1833: From Toleration to Tractarianism* (Cambridge, 1993), 127-31. St. Mary le Bow, the venue for Vesey's sermon, was at the centre of this campaign: Jennifer Farooq, 'Early Eighteenth Century Reforming Societies at St Mary Le Bow', in Michael Byrne *et al.* (eds.), *St Mary-le-Bow: a history* (Barnsley, 2007), 169-94.
[153] Vesey, *A sermon preach'd*, 14.

Vesey and the Hobbesian response to the allegiance debate

When Vesey delivered his 23rd October sermon, James's administration in Ireland remained secure and would only be removed by force. Though William launched a military campaign in the following summer that forced James to flee to France, Tyrconnell fought on with French assistance until his army was eventually defeated in September 1691.[154] The Treaty of Limerick was agreed in October as the terms of Tyrconnell's surrender.[155] John Bergin speculates that Vesey left London in 'early 1691';[156] but the parish records for St. Mary Aldermary show that he conducted a marriage in October, and a cryptic remark in his journal suggests that he may have left as late as March 1692.[157] By this point, celebrations of Protestant deliverance had given way to an invidious debate about the duty of allegiance owed to William. Those who refused to swear an oath of allegiance to the new monarch when required to do so by law, the so called 'non-jurors', constituted a small minority in England;[158] in Ireland, all but one bishop took the oath.[159] This did not mean, however, that jurors were confident in the case for allegiance. Radical Whigs were intellectually prepared for transferring their allegiance from James to William; they had developed their theories of obligation during the exclusion crisis with just such a scenario in mind.[160] Anglican jurors, however, had a more difficult task explaining their behaviour, for it contradicted the Church's doctrine on the sinfulness of rebellion and contravened their oaths to James.[161] From 1689 until

[154] Simms, *Jacobite Ireland*, chs. 8-15.
[155] Ibid., 15.
[156] Bergin, 'John Vesey'.
[157] *The parish registers of St. Mary Aldermary, London, containing the marriages, baptisms and burials from 1558-1754*, ed. Joseph Lemuel Chester (London, 1881), 34; Vesey, 'Journal', 23.
[158] G.V. Bennett, *The Tory crisis in church and state, 1688-1730: the career of Francis Atterbury, Bishop of Rochester* (Oxford, 1975), 10.
[159] J.L. McGuire, 'The Church of Ireland and the 'Glorious Revolution' of 1688', in R. Dudley Edwards (ed.), *Studies in Irish History Presented to R. Dudley Edwards* (Dublin, 1979), 147-9.
[160] Peter Laslett ed., *John Locke: The Two Treatise of Government* (2nd edn. Cambridge, 1970), 54-66.
[161] Bennett, *The Tory crisis*, 10.

1694, clergymen exorcised their 'private anguish' in print, 'arguing theories of obligation' in a substantial body of allegiance literature.[162] Vesey's prolonged stay in London ensured that he was exposed to much of this material. Eager to capitalise on his political achievements in the city, Vesey propagated a case for allegiance that developed the providential theme of his 23rd October sermon. In all the turmoil of 'Revolutionary' London, however, 'previously heterodox arguments suddenly became a commonplace', and Vesey ended up developing this theme in a decidedly Hobbesian direction.[163]

By the end of 1691, the several argumentative options available to Anglican jurors had been established and Irish renditions of these arguments had been formulated. In his *State of the Protestants of Ireland*, printed in London in October 1691, King adopted a whiggish argument from the allegiance literature to make the case that the degree of dispossession and persecution experienced by Irish Protestants allowed them 'to dispense' with their 'Allegiance' to James.[164] Governments were established, said King, to 'preserve' the 'Property of the Subject'; 'every Law in these Kingdoms is really a Compact between the King and People' which only held if it protected the people and their property.[165] A government such as James's, which sponsored the murder of Irish Protestants and the theft of their property, effectively 'dissolves it self'.[166] Edward Wetenhall made a similar case by adopting a 'divine right of providence' theory from the allegiance literature.[167] In *The case of the Irish Protestants*, also printed in London in 1691, Wetenhall pointed to the extent of the suffering experienced by Irish Protestants under James as proof that they

[162] Mark Goldie, 'The Revolution of 1689 and the Structure of Political Argument', *Bulletin of Research in the Humanities*, 83, (1980), 474.
[163] Ibid., 490.
[164] King, *The state of the Protestants of Ireland*, 68. For further discussion, see McGuire, 'The Church of Ireland', 144.
[165] King, *The state of the Protestants of Ireland*, 97, 67-8.
[166] Ibid., 97.
[167] Gerald Straka, 'The Final Phase of Divine Right Theory in England, 1688-1702', *The English historical Review*, 77/305 (1962), 639.

were participants in a providential scheme which William's conquest had completed.[168] The claim that William possessed a right by conquest, another feature of the allegiance literature until it was 'proscribed' by the Whigs, was also developed from an Irish perspective.[169] In a sermon preached on the 23rd October 1690 and printed in London, Richard Tenison invoked Ireland's history of conquest by England, which he described with reference to Hugo Grotius, to support the case for allegiance on these grounds.[170] In doing so, Tenison also allowed Irishmen the option of evading the allegiance problem altogether: however contested his right to the English Crown, since Ireland had been annexed to that Crown by conquest, William was entitled to its allegiance.

Though King, Wetenhall and Tenison drew from and contributed to the allegiance debate in London, then, they treated Ireland as a peculiar case where distinctive historical experiences contextualised and excused submission to William. Vesey also developed an argument from London's allegiance literature from an Irish perspective, but it was one which justified allegiance with reference to universal principles of political right and obligation. This argument was a variation of what became known as the '*de facto*' argument for allegiance. According to the stranded variation, William was owed a 'qualified and limited allegiance' as a *de facto* king but did not enjoy the legal rights of a *de jure* king like James.[171] In September 1690, before his case for allegiance was fully developed, Vesey employed this distinction in support of the idea that Ireland was a peculiar case, bound to obey whoever occupied the English throne. In a letter to Sir Robert

[168] Edward Wetenhall, *The case of the Irish Protestants in relation to recognising, or swearing allegiance, to and praying for King William and Queen Mary, stated and resolved* (London, 1691), esp. 4-6.
[169] Mark Goldie, 'Edmund Bohun and "*Jus Gentium*" in the Revolution Debate, 1689-1693', *The Historical Journal*, 20/3 (1977), 580.
[170] Richard Tenison, *A sermon preach'd to the Protestants of Ireland in the city of London at St. Helens, Octob. 23, 1690* (London, 1691), 15.
[171] J.P. Kenyon, *Revolution Principles: the politics of party, 1689-1720* (Cambridge, 1977), 32.

Southwell, Vesey argued that a 'king even *de facto*' in England is a king '*de jure*' in Ireland.[172] Richard Cox argued in a similar vein that Ireland's subordinate relationship to England determined the allegiance of its people; the distinction between *de facto* and *de jure* was only relevant in England.[173] However, Cox's simultaneous suggestion that, even in England, these were 'but terms of Art... to signifie an Imaginary Notion' gestured to the alternative variation of the *de facto* argument that Vesey would later employ. This variation was developed by William Sherlock in his *Case of the Allegiance due to Soveraign Powers*, printed in London in 1690. It has been suggested that Sherlock abolished 'any distinction between a *de facto* and a *de jure* ruler', and this effectively is what he did.[174] Though there was a 'distinction... between a King *de jure* and a King *de facto*', it 'relates only to Human Laws'.[175] With reference to John Overall's *Convocation Book*, a collection of canons proposed unsuccessfully to the Jacobean Church, Sherlock argued that all kings were maintained by 'Divine Providence' and were 'equally rightful with respect to God'. It was the 'doctrine of the Church of England', he said, that if a king was removed by 'irregular' means, the divine right of his 'settled' replacement should be assumed.[176] Sherlock thought with Hobbes to develop this case and was accused of 'Hobbism' by non-jurors.[177] In England at least, 'the doctrine of Providence was irretrievably damaged' as a result.[178]

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[172] Vesey to Robert Southwell, 13th September 1690, inlaid in Gilbert Burnet, *History of his Own Time* (London, 1809), 6 vols. III, 100. Washington, Folger Shakespeare Library, Vb. 267. I am grateful to Ian McBride for his copy of this letter.
[173] Richard Cox, *Hibernia Anglicana; or the History of Ireland from the Conquest thereof by the English to this present time* (London, 1689), 2 vols. I, 298.
[174] Kenyon, *Revolution Principles*, 27.
[175] William Sherlock, *The Case of the Allegiance due to the Soveraign Powers stated and resolved according to Scripture and reason and the principles of the Church of England* (3rd edn. London, 1691), 14.
[176] Ibid., 4-5.
[177] Parkin, *Taming*, 384-7.
[178] Kenyon, *Revolution Principles*, 29.

Of course, Sherlock was not the sole 'proponent of William's divine right through providential election'; he was joined, most notably, by Burnet.[179] The voluntarist terms in which Sherlock made the case, however, exposed him to the accusation of 'Hobbism'. For Burnet, providence worked through particular schemes, traceable in history: it was not all pervasive. It constituted a special intervention in the natural course of things, and the threshold for proving it was high.[180] The Reformation was one such providential scheme, and the 'Revolution' of 1688 was a part of it. This was also how Vesey and Wetenhall conceived of providence in their 23rd October sermon and *The case of the Irish Protestants* respectively. For Sherlock, however, providence was responsible for 'all Events', including every successful revolution or rebellion; it was both more universal than Burnet imagined and, as a consequence, more inscrutable.[181] Whereas the specific objectives pursued by Burnet's providence were intelligible to the human observer, the activities of Sherlock's providence appeared to be arbitrary. Often in contravention of the 'Laws' that God 'prefereth others to observe', God's providential interventions were justified by his power.[182] As 'Supreme Lord of the World', God had 'the sole Right to Govern his Creatures': he could dispose of this right as he pleased, and no governmental power was exercised on earth that did not derive from him.[183] Sherlock feared, with good reason, that he would be read as endorsing the doctrine of 'Mr. Hobbs' that 'Power' gives 'Right to Dominion', and he attempted to distance himself from it.[184] It was Hobbes's view, said Sherlock, 'That God himself is the Natural Lord and Govenour of the World, not because he made it; but because he is Omnipotent; but I say, That Government is founded in Right, and the God Is the Natural Lord of the World, because he made it'. As

[179] Straka, 'The Final Phase of Divine Right', 642.
[180] Burnet, *A sermon preached in the chappel of St. James's*, 2-4.
[181] Sherlock, *The Case*, 12.
[182] Ibid., 6.
[183] Ibid., 10.
[184] Ibid., 15.

Jeremy Collier observed, however, this tenuous distinction did not effectively challenge Hobbes's doctrine.[185] Sherlock continued to conflate power and right and within the context of an account of providence that bore 'hard upon the Attributes of God'.[186]

For most non-jurors, including Collier, Sherlock's claim that every successful usurper was legitimate was both the most offensive and weakest aspect of *The Case*, and they dramatized its implications with reference to the Interregnum.[187] But Sherlock could be cast as an apologist of rebellion as well as unjust power. As John Kettlewell argued, the conflation of power and right gave subjects permission to 'catch what they can' by force.[188] 'Mr. *Hobbs's Notion of Power*', he said, did not provide a stable foundation for political obligation. *The Case* contained a response to Kettlewell's objection in its insistence that only the power exercised by 'settled' governments was derived from God.[189] To establish the conditions of 'settled' government, however, Sherlock continued to think with Hobbes. The 'submission of the people', he said, 'is sufficient to settle a Government'; and the motivation for submission was to avoid 'Mr Hobbs's state of nature'.[190] 'The necessity of Government to preserve Human Societies', the conclusion that Sherlock deduced from Hobbes's account of the 'state of nature', served to reinforce Sherlock's broader claim that all civil power was by divine right.

Sherlock's suggestion that popular 'submission' had a role to play in the creation of political right represented an additional dimension of his engagement with Hobbes.

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[185] Jeremy Collier, *Dr. Sherlock's Case of Allegiance considered with some remarks upon his Vindication* (London, 1691), 73-4.
[186] Ibid., 74, 115-6.
[187] Ibid., 71. See also, Henry Downes, *An examination of the arguments drawn from scripture and reason in Dr. Sherlock's Case of Allegiance and his Vindication of it* (London, 1691), 7.
[188] John Kettlewell, *The duty of allegiance settled upon its true grounds* (London, 1691), 53.
[189] Sherlock, *The Case*, 5.
[190] Ibid., 9, 38.

Though Hobbes's theology conflated power and right, his politics did not. Whereas most '*de facto*' theorists distinguished a right derived from power from a right derived from law, Hobbes argued that all sovereign right was established by the same procedure.[191] In the 'Review and Conclusion' of *Leviathan*, Hobbes described 'conquest' as a recapitulation of the process by which commonwealths were originally instituted: it was not the act of the subjugation, but the 'Acquisition' of a sovereign right over the subjugated by their consent.[192] For Hobbes, the acceptance of protection constituted a sign of consent, and he sounded, therefore, like many *de facto* theorists.[193] By locating the right of a conqueror in the consent of the conquered, however, Hobbes eliminated the ambiguity that surrounded the rights of conquest in other *de facto* theories.[194] A sovereign right acquired by conquest was no different to one established by institution. In *The Case*, Sherlock's emphasis on providence curtailed the role of 'submission' in the creation of political right: 'submission' signalled a divine right; it did not generate a right itself. In a subsequent 'vindication' of *The Case*, however, Sherlock accorded 'submission' a more significant role. 'All Civil Government', he said, 'is founded in submission': a conquered man only became a 'subject' of his conqueror by his 'own consent'.[195] It is curious, though hardly inexplicable, that Sherlock made his most Hobbesian arguments in a work purporting to disavow 'the principles of Mr. Hobbs'.[196]

Though Vesey remained in London long enough to see the backlash against Sherlock, when he came to develop his own response to the allegiance debate it was to Sherlock's

[191] Kinch Hoekstra, 'Hobbes's de-facto Turn in Hobbes's Political Philosophy', in Tom Sorell and Luc Foisneau (eds.), *Leviathan after 350 Years* (Oxford, 2004), 48-64.
[192] *Leviathan*, III, 1134. For further discussion, see Hoekstra, 'Hobbes's de facto Turn', 67.
[193] *Leviathan*, III, 1135; Hoekstra, 'Hobbes's de facto Turn', 67.
[194] Ibid., 53-4.
[195] William Sherlock, *Their present Majesties government proved to be thoroughly settled, and that we may submit to it, without asserting the principles of Mr/ Hobbs* (London, 1691), 6.
[196] For discussion of this point, see Parkin, *Taming*, 387-8.

that he turned for inspiration. Vesey developed his response in two manuscript sermons addressed to congregations in Ireland and a sermon delivered in October 1692 to the Lord Lieutenant of Ireland, lord Sydney, and the Irish Parliament. The latter was printed in Dublin and London, and its printer in London was Robert Clavel who also printed Sherlock's *Case*. All three used Sherlock's arguments and materials, including Overal's *Convocation Book*, to make the case for allegiance. The two manuscript sermons, however, shared certain features, including their biblical text, with a particular sermon that Sherlock had preached on 1 Timothy 2: 1-2 in May 1692 and printed in London. This would suggest that they were written after this date, around the time that Vesey addressed the Lord Lieutenant and Parliament in Ireland. Vesey's decision to model his case for allegiance on Sherlock's might have perplexed an English audience: by this point, Sherlock's case had been dogged by 'Hobbist' scandal for the better part of two years. However, the Irish context of Vesey's intervention, and his political agenda within that context, make sense of his decision. For Sherlock's arguments, and his Hobbesian arguments especially, encompassed and addressed Ireland's experience of the 'Revolution'.

Sherlock interpreted the meaning of 'settled' government in a fully 'British' context: only after James's defeat at the Boyne in July 1690 did he transfer his allegiance to William.[197] When Ireland's experiences were taken into account, the problem of allegiance became amenable to solutions that were otherwise unavailable. Ireland's uniquely violent experience of the 'Revolution' lent empirical credibility to Sherlock's claim that submission to William was necessary to avoid 'Mr. *Hobbs's* state of Nature'; and once this claim had been established, William could be cast as a Hobbesian conqueror with an

[197] William E. Burns, 'Sherlock, William (b. 1639/40)', *ONDB* (Oxford, September 2004).

unequivocal right derived from the consent of his subjects. With the establishment of this right, Sherlock exhausted his use for the Hobbesian solutions that Ireland's experience allowed him. Vesey, however, had further uses for them. It might be recalled from chapter II that Hobbes had developed his account of conquest in *Leviathan* with an eye to overhauling the constitutional and ecclesiastical arrangements of the three kingdoms.[198] Precisely because the sovereign right established by conquest was unequivocal, the conquered were fully incorporated into the conquering commonwealth and subjected to laws determined by the sovereign. For the same reason, however, conquered subjects were entitled to all the privileges enjoyed by other subjects; and as we have seen, this principle informed Petty's argument for incorporating all the Crown's dominions, conquered and not conquered, into a single political and economic system. In 1692, in the immediate aftermath of William's conquest of Ireland, Vesey embraced both implications of a Hobbesian account of conquest as consent.

Following Sherlock's 1692 sermon, Vesey constructed his *de facto* argument for allegiance around St. Paul's exhortation in 1 Timothy 2:1-2 to pray 'For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty'.[199] Paul's exhortation offered an attractively simple formula for dealing with complicated questions of political obligation. As we have seen, Vesey appealed to it early in James's reign to affirm the king's civil and ecclesiastical rights. Having lost the protection of civil authority under James, Vesey developed his political and religious thought with reference to other biblical texts. With James's defeat by William, however, Vesey returned to Timothy in two related sermons. Vesey inferred two principles from

[198] Sarah Mortimer and David Scott, '"Leviathan" and the Wars of the Three Kingdoms', *Journal of the History of Ideas*, 76/2 (2015), 265.
[199] For convenience, Vesey's two related sermons on 1 Timothy 2: 1-2, NLI, MS 38,816, will be referred to hereafter as 'Sermon on 1 Timothy 2;1-2 #1' and 'Sermon on 1 Timothy 2;1-2 #2'.

Paul's exhortation: that all civil authority was by divine right and maintained by providence, and that civil authority was necessary for human happiness and society. Like Sherlock, he developed Hobbesian-sounding expositions of both principles, though he referred directly to neither Sherlock nor Hobbes.

Vesey's exposition of the first principle involved a concept of providence as an expression of God's omnipotence. According to Vesey, God 'supported the pillars' of all civil authority and oversaw all changes in government.[200] Christian subjects were therefore obliged to submit to whoever 'God's Providence placed over them'.[201] Vesey insisted that 'there is no difference between the King *de facto*, & *de jure* in reference to our prayers & our obedience to their Laws... for Kings *de facto* are Kings, & we are to pray for Kings'.[202] Citing 'Bp Overals Convocation book', he claimed that it was the settled belief of 'the Church of England' that 'when a government is altered by invasion the people ought to own Gods Authority in the change'.[203] If the people were to 'pray only for such Kings, as had an unquestionable Right, antecedent to their acquisition of Power', the majority of Kings would not have the prayers of their peoples; for 'the succession of most Crowns' has been 'disturbed & broken'.[204] For the avoidance of doubt, Vesey clarified that 'prayer' in this context was a synonym for allegiance: 'if we ought to pray for them, as our Sovereigns, being in possession by the title they hold by we may lawfully swear to them as such'.[205] An almost identical argument in *The Case* was accompanied by the unconvincing disclaimer that Sherlock did not subscribe to Hobbes's

[200] Idem, 'Sermon on 1 Timothy 2;1-2 #1', f. 8r. See also, idem, 'Sermon on 1 Timothy 2;1-2 #2', 16. This sermon is paginated; references refer to the given page numbers.
[201] Idem, 'Sermon on 1 Timothy 2;1-2 #1', f. 6r.
[202] Ibid., f. 8v.
[203] Ibid., f. 9r.
[204] Ibid., f. 6r.
[205] Ibid., f. 8v.

view that God's power gave right to his dominion. Vesey, however, was not so concerned to distance himself from this position. In his treatise *Of Liberty and Necessity*, Hobbes had developed his claim that 'the power of God alone... is sufficient justification of any action he does' with reference to Romans 9:21: 'Hath not the Potter power over the clay'.[206] The fact that Hobbes, in citing this passage, explained God's justifying power as a function of his role as creator belied Sherlock's claim that his own adoption of this explanation distinguished him from Hobbes. In a sermon written in the aftermath of the 'Revolution', Vesey cited the same passage from Romans to support the claim that God's providence was 'in no way's... accountable' to human standards of justice.[207] Just as the potter wielded an absolute power over his clay creation, so God had an 'absolute dominion' over men by virtue of having 'created' them.[208]

Prayers 'for 'Kings, and for all that are in authority' were, naturally, 'public' prayers; and the necessity and nature of 'public prayer' was a central theme of Vesey's sermons on Timothy. In both sermons, Vesey's discussion of 'public prayer' introduced accounts of the necessity and nature of civil authority. In his 1692 sermon on 1 Timothy 2:1-2, Sherlock presented public prayer as a means of ensuring the strength of the 'Nation': since all civil governors were maintained by 'Providence', it was 'necessary to pray heartily to God for them'; for 'if we make God our Friend, he will bless, and direct, and counsel our Prince'.[209] Vesey agreed. At the beginning of one of his sermons on Timothy, Vesey announced that 'Publick Prayer is not a thing of that indifferency, that it should be

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[206] Thomas Hobbes, *Hobbes and Bramhall on Liberty and Necessity*, ed. Vere Chappell (Cambridge, 1999), 22.
[207] John Vesey, 'Sermon on Isaiah 36: 4', NLI, MS 38816, f, 3r. That the sermon was written after the 'Revolution' is suggested by Vesey's lament that the Protestant religion in his country 'should stand in need of foreign aid': ibid., f. 9r.
[208] Ibid., f. 3r.
[209] William Sherlock, *A sermon preached at the Temple-Church, May 29. 1692* (London, 1692), 22-23. For prayers for the 'nation', see Richard J. Ginn, *The Politics of Prayer in Early Modern Britain: Church and State in Seventeenth-century England* (New York, 2007), 68-72.

left to man's liberty, to use or omit'.[210] Rather, it was a 'duty' we discharged to ensure our collective safety.[211] If public prayer was to serve this purpose, however, it had to be authentic. its form must be 'plain & intelligible' and composed in a 'language vulgarly understood'.[212] Both Protestant non-conformists and Roman Catholics 'offend these wholesome rules of public worship', said Vesey: the first, 'by their crude and extempore effusions'; the second, by conducting 'services in an unknown tongue'.[213] But the personal commitment to public prayer that Vesey advocated and encouraged the Church to facilitate not only ensured the providential protection of the nation; it also enabled the subject to recognise and promote 'the Generall Interest of the Church and State wherein he lives'.[214] This 'public spirit' did not come naturally to post-lapsarian man.[215] Ever since 'falling from our first Love', men have been 'narrow & selfish... they are divided & schismaticall in their prayers, partiall & carnall in their desires'. Public prayer, then, was an exercise in sociability as well as devotion. Addressing directly his Irish audience, Vesey said that 'the miseries of the war you now groan under', namely 'the death of your friends and the loss of your Estates', illustrated the necessity of the civil authority that public prayer maintained.[216]

As it had for Sherlock, the idea that obedience to civil authority was necessary to prevent a condition of war, an idea borne out by Ireland's recent experience of the 'Revolution', provided Vesey with a perspective on the allegiance debate that was different from, but complementary with, the perspective provided by providence. Vesey could cast

[210] Vesey, 'Sermon on 1 Timothy 2;1-2 #2', 3.
[211] Idem, 'Sermon on 1 Timothy 2;1-2 #1', f. 8r.
[212] Ibid., f. 1v. It is worth noting that Vesey was previously involved in a project to translate the Bible into Irish: John Vesey to Anthony Dopping, 2nd October 1682, Armagh, The Robinson Library, Dopping Papers, 2 vols. I, no. 32.
[213] Ibid., f. 1v.
[214] Vesey, 'Sermon on 1 Timothy 2;1-2 #2', 10.
[215] Ibid., 10.
[216] Idem, 'Sermon on 1 Timothy 2;1-2 #1', f. 6v.

William's acquisition of the throne in Hobbesian terms as a 'conquest' completed by popular 'submission'. In one of his sermons on Timothy, Vesey evaded the question of how kings acquired their rights: 'There is no need of grounding their Titles to our allegiance and our Prayers either on Conquest, Descent, or submission singly and apart from each other. For they have interest in all these'.[217] In his other sermon on Timothy, however, Vesey committed to an answer: 'conquest... with the submission of the people, erects a title'.[218] He then reinforced the connexion between conquest and submission by decoupling conquest from subjugation: not only were 'resistance and blood and violence' incidental to a conquest, a conquest was 'better' and 'more a conquest' if it did not involve them at all.[219] Vesey's prevarication over the origins of sovereign right in one sermon may have betrayed an uneasiness about the Hobbesian connotations of the account to which he committed in the other. If so, he had overcome any such inhibition by the time he addressed the Irish Parliament in October 1692.

Vesey's sermon addressed a familiar passage from Judges: 'In those Days, there was no King in Israel; but every Man did that which was Right in his Eyes'.[220] The kingless period referred to was that between the conquest of Canann by Joshua and the establishment of a kingdom under Samuel. That 'every Man did that which was Right in his Eyes' during this period was first suggested at Judges 17:6 and repeated at 21:25. As Hobbes observed in *De cive*, the passage 'could be used to prove the superiority of kingship to all other forms'.[221] Hobbes himself, however, took the word 'King' to refer to 'sovereign power' in general and interpreted the passage as sacred-historical evidence

[217] Idem, 'Sermon on 1 Timothy 2;1-2 #2', 18.
[218] Idem, 'Sermon on 1 Timothy 2;1-2 #1', f. 9v.
[219] Ibid., f. 10r.
[220] John Vesey, *A sermon preached before His Excellency, the Lord Lieutenant and the two Houses of Parliament in Christ's-Church, Dublin* (Dublin, 1692), 1.
[221] *OTC*, 128.

of his account of the natural condition: 'in the absence of sovereign and absolute power... anyone may do what he pleases, or whatever seems right to him'. This state of affairs, said Hobbes, was 'inconsistent with the survival of the human race, which is why in every commonwealth is understood to exist somewhere by the law of nature'. As we saw in chapter IV, Vesey and his kinsman Rev. Vesey used the same passage in a similar way; and Vesey used it again in a sermon on 1 Timothy 2:12 in the early years of James's reign. In his sermon to the Irish Parliament, Vesey returned to the passage in order to characterise the 'Revolutionary' period as a 'State of *Anarchy*': the most 'miserable Condition' in which man can be.[222] All the king's dominions experienced this condition, but the Irish experience was particularly violent.[223] Like Hobbes, then, Vesey interpreted the Judges passage as a description of life in the absence of 'Civil Government in general';[224] and his subsequent suggestion that men had both a 'Duty and Interest' to re-establish civil authority under these circumstances clarifies his polemical purpose for doing so. 'If the want of Civil Government be so great an Evil', then men must 'immediately to apply the proper Remedy, by filling the Vacant throne', either 'by a Free Election' or by 'Peaceable Submission' to a viable claimant.[225] For Vesey, William had acquired his sovereign right in accordance with a universally applicable procedure: his subjects had renounced the 'Liberties' they enjoyed 'by the Charter of Nature' in return for his protection.[226]

By October 1692, William was the only viable claimant to the thrones of the three kingdoms, including Ireland. But his decision to call a Parliament in Ireland and his

[222] Vesey, *A sermon preached before His Excellency*, 8.
[223] Ibid., 13.
[224] Ibid., 3.
[225] Ibid., 12.
[226] Ibid., 10-12.

subsequent conflict with that Parliament points to the considerable degree of uncertainty that remained about Ireland's future political arrangements. William's relationship with the Protestant political nation had been uneasy since the Treaty of Limerick was agreed in September 1691. Though it was accepted by William and his privy counsellors, the Treaty was widely reviled by Irish Protestants for providing for a limited 'toleration' for Catholics and for allowing members of James's army to retain their property if they swore allegiance to the King.[227] It was both to underline his commitment to his Treaty obligations and obtain Protestant support for his policies that William summoned the Parliament of 1692.[228] Poynings' Law 'restricted the Irish Parliament to rejecting or accepting without amendment bills already prepared for it by the Irish and English Privy Councils', and when it was presented with bills to enact some of the Treaty's provisions it felt compelled to reject them.[229] The Bill relating to land ownership, 'an Act confirming the Acts of Settlement and Explanation', aroused particular opposition in Parliament: it was later reported that 'not one word' was 'offer'd in defence' of it.[230] Poynings' Law was itself the cause of further grievance. There seems to have been a general feeling in the Parliament that the King's subjects should be treated equally by the law, whether they lived in England or Ireland; Parliament rejected the Mutiny Bill because it was different from, and more punitive than, the English equivalent.[231] As we saw in chapter II, there were two argumentative options available to the Irishman who wished to maintain this principle: one was to argue for Anglo-Irish union; the other was to argue that Ireland and England were separate but replica kingdoms with Parliaments of equivalent right and

[227] Simms, *Jacobite Ireland*, 252-3.
[228] James I. McGuire, 'The Parliament of 1692', in Thomas Bartlett and David Hayton (eds.), *Penal Era and Golden Age" Essays in Irish History, 1690-1800* (Belfast, 1979), 3.
[229] Ibid., 2, 16-9. See also, James Kelly, *Poynings' Law and the Making of Law in Ireland, 1660-1800* (Dublin, 2007), 47-63.
[230] Anon. *An Account of the sessions of Parliament in Ireland, 1692* (London, 1693), 12.
[231] Ibid., 24.

stature. The 1692 Parliament opted for the latter. Rejecting the crucial Money Bill, Parliament claimed that 'even since *Poynings' Act*' the Irish House of Commons had the 'sole and undoubted right' to initiate financial legislation.[232] 'Troubled' by this claim, the Lord Lieutenant prorogued the Parliament on the 3rd November.[233]

Vesey took to the pulpit on Sunday 16th October, in the midst of Parliament's revolt against Crown policy, with the challenging task of addressing the preferences of both the Crown officials and Parliamentarians in his audience. The Hobbesian account of conquest as consent with which he had established William's right, however, suggested a way of doing this. According to this account, William's conquest had retuned political relationships to the law of nature's pitch. By negating what Sherlock described as 'dark Labyrinths of Law and History', the account offered to reduce the problem of Ireland's post-conquest political arrangements to simple formulae.[234] 'When they enter Society', said Vesey, men agree to walk 'by the Light of *Authority*'; and it was thus 'the first End of Law and Government to bound and limit' the 'Liberties' that men enjoyed to their detriment in a non-political condition.[235] Towards the end of his sermon, Vesey applied this principle directly to the political situation in Ireland. William was, by 'absolute necessity', the single source of civil authority in the kingdom.[236] Parliamentarians must be willing to 'serve' William 'in our *Legislative* capacities', for it was him 'by whom our old Laws are Restor'd to us, and we to the Authority of making new Ones'.[237] To challenge the King's '*Dispensing Power*', as Vesey himself had done under James, would

[232] Ibid., 14; *The Journals of the House of Commons of the Kingdom of Ireland* (Dublin, 1796). 21 vols. II, 28.
[233] Ibid., II, 35.
[234] Sherlock, *The Case*, 2.
[235] Vesey, *A sermon preached before His Excellency*, 11-2.
[236] Ibid., 10.
[237] Ibid., 15.

be to 'render' this authority 'useless'.[238] If Parliamentarians were offended by this, they might have been cheered to learn that the same principle also permitted the 'due Execution of Penal Laws' against religious non-conformists.[239] Vesey's authoritarianism was softened, however, by his emphasis on moderation in the use of civil power: a second principle derived from his account of conquest. Since they had submitted to William to secure their protection, he should not 'Abridge the Liberties of Men.... beyond what is necessary for the Peace or Good Order of the Community', and Vesey referred here to 'Christian' as well as natural 'Liberties'.[240] Throughout the remainder of his life, Vesey's commitment to the Anglican establishment was tempered by his involvement with the conversion of Catholic noblemen, evangelical activism and ecclesiastical reform.[241] Vesey's associate Richard Tenison even boasted of his own 'easy and indulgent temper' under William.[242] This second principle also seems to have informed Vesey's constitutional politics. In the context of negotiations for Anglo-Scottish union and the concurrent revival of Petty's distinctive case for Anglo-Irish union, Vesey expressed his hope that he would soon be able to speak of a single 'British' polity.[243]

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[238] It is relevant in this connexion that Vesey also readopted the position that 'Mayors of Corporations hold their Authority of the King' in his 'Sermon on 1 Timothy 2:1-2 #1', f. 10r.
[239] Idem, *A sermon preached before His Excellency*, 10. On the whole, Parliament supported the introduction of tighter restrictions on Catholics, but these were obstructed by the Crown: S.J. Connolly, *Religion, law and power: the making of Protestant Ireland* (Oxford, 1992), 266-7.
[240] Ibid., 12.
[241] Vesey was involved in the conversion of the earl of Clanricarde: NLI, MS 38821-2; he was involved in the Society for the Propagation of the Gospel and used its secretary in London as his book buyer: Secretary of the SPG to Vesey, 25th September 1707, London, Lambeth Palace Library, SPG VIII, 20, and he supported King's attempts at ecclesiastical reform: Vesey to William King, 11th January 1704/5, MS Lyons, no. 1128.
[242] Richard Tenison to Thomas Tenison, 14th September 1696, Lambeth Palace Library, MS 1029, f. 1r.
[243] John Vesey, 'Incomplete sermon beginning 'the more hard he grew of fear', NLI, MS 38816, 7v-8r. The Irish Parliament issued a request for union to the King in 1703: Allan Macinnes, 'Union failed, union accomplished: the Irish union of 1703 and the Scottish union of 1707', in Daire Keogh and Kevin Whelan (eds.), *Acts of Union: The Causes, Contexts and Consequences of the Act of Union* (Dublin, 2001), 67. The same year, Henry Maxwell argued, like Petty, for an incorporating British union and the abolition of restrictions on Anglo-Irish trade: Henry Maxwell, *An Essay upon an Union of Ireland and England* (London, 1703).

Sherlock's career never recovered from the 'Hobbist' scandal created by *The Case*; once a promising young clergyman, he died in 1707 in the same junior office he had occupied in 1691.[244] Despite its similarities with *The Case*, Vesey's 1692 sermon did not create a 'Hobbist' scandal in Ireland, and his career went from strength to strength. By the time he died in 1716, he had enjoyed the offices of Lord Justice and Vice Chancellor of the University of Dublin.[245] The contrasting fates of Sherlock and Vesey speak to the differences between England and Ireland as contexts of political discourse. In Ireland, a Hobbesian account of conquest as consent not only established William's right; the formulae it suggested for thinking about politics in the aftermath of a conquest addressed the issues and priorities of the Protestant political nation. This was so particularly in the area of religious policy. Vesey's characterisation of 'Penal Laws' as restrictions on men's natural liberties, necessary to secure the peace that men enter society to create, consisted with the character of the first phase of penal legislation passed by the Irish Parliament in 1695. The Acts for the confiscation of Catholic arms and the restraint of 'foreign education' focussed on the political consequences of religious non-conformity; they were not concerned with supressing Catholic worship.[246] However, Vesey's characterisation of the penal laws also predicted the terms in which they would be opposed. In 1725, Edward Synge, the son of one of Ireland's greatest clerical dynasties, presented a case for 'toleration' alongside a characterisation of the penal laws as 'Hobbian'.[247] Synge made the compelling argument that members of the political and ecclesiastical establishments relied on Hobbes to address the '*Peculiar*' problems of government in Ireland.[248] This

[244] Kenyon, *Revolution Principles*, 29.
[245] Bergin, 'John Vesey'.
[246] Connolly, *Religion, law and power*, 267-8.
[247] Edward Synge, *The Case of Toleration consider'd with respect both to religion and civil government, in a sermon preach'd in St. Andrew's, Dublin, before the Honourable House of Commons, on Saturday, the 23rd of October, 1725* (Dublin, 1725), 11-8.
[248] Ibid, 1.

claim was not successfully confuted by Synge's Anglican respondent; and yet Synge's own arguments, developed in several works, supplied its surest testament. Synge's case for toleration appeared to rely on the very concepts that he had characterised as 'Hobbian', and he eventually yielded to a characteristically Hobbesian argument for the penal laws. His is the story of our final chapter.

Chapter VI: Edward Synge and 'Hobbian' discourse in early eighteenth-century Ireland

By examining the reception of Hobbes in Ireland and the politics that conditioned this reception, this thesis has recovered and connected texts that have either been ignored altogether or analysed in isolation from the political and discursive contexts that are key to understanding them. The key text of this chapter has certainly not been ignored by historians. For many, Edward Synge's *The Case of Toleration, considered with Respect both to Religion and Civil Government* of 1725 and texts associated with it belonged to a 'Golden Age of Irish philosophy', characterised by 'Enlightenment', that began at the turn of the eighteenth century.[1] It is disappointing, then, that accounts of these texts that are written under this assumption are either misleading or incomplete. What their authors fail to see is that the problems addressed in the *Case* were not new to the eighteenth century: they were the same problems that had faced Petty and Vesey. As this thesis has shown, a rich political discourse developed in response to these problems. Petty and Vesey were key contributors, and they thought with Hobbes to develop their contributions. Now that this discourse has been reconstructed, a more complete account of *The Case* can be written.

Synge composed *The Case* as a sermon, delivered to members of the House of Commons on 23rd October 1725, the anniversary of the Catholic uprising of 1641. Rather than castigating the enemies of the Irish Church and state as was customary on these occasions, Synge turned his sights inward and questioned the philosophical and scriptural arguments for using force against them. Synge addressed Luke 24:23: Christ's parable of the

[1] David Berman, *Berkeley and Irish philosophy* (London, 2005), 133.

unpopular host and his reluctant dinner guests. On hearing that his guests had made their excuses, the host instructed his servants to 'Go out into the highways and hedges, and compel them to come in, that my house may be filled'. This passage had supplied Augustine and his readers with a scriptural warrant for coercing heretics, and Synge set out to refute their interpretations.[2] The word '*compel*', he said, did not imply 'Force and Corporal Punishment', but '*strong* and *vehement Persuasion* and other Endeavours, which operating in a moral Way, might incline Men... to embrace and profess the Christian Religion'.[3] Neither the Church nor the magistrate had the right to use force to impose their religion on others.[4] In a religiously plural society in which only one Church was legally established, other Churches and assemblies had a 'Right to a *Toleration*'.[5] A limited toleration had already been granted to Protestant non-conformists in Ireland, and in the latter half of *The Case* Synge developed a proposal for Catholic toleration.[6] Perhaps the greater efforts of reading and rhetoric, however, were expended in the first half, where Synge characterised the case for coercion. Those who favoured 'the use Force in Matters of Religion', said Synge, were aligned ineluctably with either the Roman Catholic Church or 'Mr Hobbes and his Followers'.[7] The penal laws conformed to 'Hobbian principles': they were imposed by civil authority to secure civil peace.[8]

The Case and the debate it provoked has offered rich pickings to historians of political thought in Ireland. As one of these historians has acknowledged, however, a satisfactory

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[2] Mark Goldie, 'The Theory of Religious Intolerance in Restoration England', in Ole Peter Grell *et al.* (eds.), *From Persecution to Toleration: The Glorious Revolution in England* (Oxford, 1991), 338.
[3] Edward Synge, *The Case of Toleration consider'd with respect both to religion and civil government, in a sermon preach'd in St. Andrew's, Dublin, before the Honourable House of Commons, on Saturday, the 23rd of October, 1725* (Dublin, 1725), 26.
[4] Ibid., 22.
[5] Ibid., 30.
[6] Ibid., 47.
[7] Ibid., 4-18.
[8] Ibid., 18.

history of this 'fascinating encounter' has yet to be written.[9] This might be due to the preoccupation of these historians with Enlightenment discourse. Michael Brown adduces *The Case* as evidence of a distinctively 'Irish' Enlightenment, 'characterised by a concern for the issue of confession'.[10] For Brown, *The Case* was one example a 'rationalistic' method of argument that was used to defuse Ireland's confessional tensions.[11] By treating *The Case* as a contribution to a larger conceptual scheme, the 'Irish Enlightenment', Brown allows himself the use of other contributions to characterise its arguments. George Berkeley's commentary on Hobbes in *Alciphron*, published in 1732, informs Brown's account of Synge's engagement with Hobbes in *The Case*, published seven years earlier. Though Synge focussed exclusively on Hobbes's case for religious coercion, Brown suggests that Synge shared Berkeley's concerns about Hobbes's 'free-thinking'. The grand narrative of Brown's book is served by this interpretation; our understanding of *The Case* is not. Other historians, less committed to the idea of a national Enlightenment in Ireland, have focussed on *The Case's* references and resemblances to Enlightenment thought in other countries. The text has been interpreted with reference to both Pierre Bayle's *Philosophical Commentary* on Luke 24:23 and John Locke's *Letter Concerning Toleration.*[12] Certainly, these historians are on surer ground than Brown. Bayle's *Philosophical Commentary* was well known to Synge's associates in Ireland, and its interpretation of Luke closely resembled Synge's.[13] Locke's *Letter Concerning Toleration* was cited directly by Synge, though only in his *vindication* of *The Case.*[14]

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[9] Ian McBride, *Eighteenth Century Ireland: The Isle of Slaves* (Dublin, 2009), 94.
[10] Michael Brown, *The Irish Enlightenment* (Cambridge, Mass., 2016), 11.
[11] Ibid., 85-8. See also, idem, *Francis Hutcheson in Dublin, 1719-30: The Crucible of his Thought* (Dublin, 2002), 60-2.
[12] McBride, *Eighteenth Century Ireland*, 94, 209-10. Marie-Louise Legg, 'The Synge family and the limits of toleration', in Christopher Fauske (ed.), *Archbishop William King and the Anglican Irish Context, 1688-1729* (Dublin, 2003), 175-6.
[13] Ibid., 173, 175.
[14] Edward Synge, *A vindication of a sermon preach'd before the Honourable House of Commons of Ireland on Saturday the 23d of October, 1725* (Dublin, 1726), 34. Patrick Kelly describes the general lack of interest in Locke's political and religious thought in early eighteenth-century Ireland, and notes that

Given their preoccupation with Enlightenment discourse, however, these historians have focussed disproportionately on Synge's proposal for toleration and the ideas that positively influenced it. The rest of *The Case* and its discursive context has been neglected, and no adequate account has yet been given of what Synge was doing with Hobbes. Historical understanding of *The Case*, including its proposal for toleration, remains incomplete as a result.

The history of Hobbes's reception in Ireland reconstructed in this thesis offers a resolution to this unsatisfactory situation. Throughout the seventeenth century, Hobbes became an unignorable point of reference in the public discourse of communities that faced the imminent collapse of civil authority or the task of reconstructing it. English Anglicans faced these problems intermittently, but Irish Anglicans faced them constantly, and they persisted in Ireland into the eighteenth century. Though Irish Anglicans disapproved of much of what they read in Hobbes, they thought with him routinely about the problems they faced. In thinking with Hobbes, they often absorbed Hobbes's insights, and they were indulged by their community as they did so. Synge identified this phenomenon in *The Case*, but he also participated in it. His unsuccessful attempts to develop an alternative to a 'Hobbian' religious policy in Ireland showed just how stubbornly Hobbesian was the Irish situation. So long as differences of religion were such that they threatened civil peace, and the maintenance of civil peace was thus the priority of religious policy, religious policy would appear Hobbesian whatever form it took. That was the genius of Hobbes's project; it was also the tragedy of the Irish Anglicans.

Synge was far more interested in Hobbes: 'Perceptions of Locke in Eighteenth-Century Ireland', *Proceedings of the Royal Irish Academy*, vol. 89C (1989), 25, n.55.

As the son of the Archbishop of Tuam, who was also named also Edward, Synge was firmly embedded within the establishment he criticised in *The Case*. Synge the elder owed his advancement through the Irish Church to the influence of William King, who had been appointed Archbishop of Dublin in 1703. 1703 was a good year for King, for it was also the year that the Crown agreed to his demands for a Convocation of the Irish Church.[15] In 1705, King installed Synge the elder as the chancellor of St. Patricks and vicar of St. Werburgh's in Dublin. By virtue of this position, Synge represented King's chapter in the lower house of Convocation; it would be fair to say that he also did King's bidding.[16] The activities of King and Synge in the Convocation complicate further the perception of King as the 'classic example' of a 'Church Tory'.[17] The two men emerged from the Convocation smeared by associations with an overbearing civil authority and Whiggish anticlericalism. Synge attempted to rehabilitate King's reputation as a 'Wise and Tender Father of our Church',[18] and King's historians have repeated this attempt.[19] There is a reluctance to accept that King and Synge compromised this reputation by their actions in the Convocation, or to acknowledge Synge's anguished attempt in subsequent texts to restore their Anglican credentials. Their proximity to Hobbes in taking the side of civil authority against the Church explained and intensified Synge's anguish, and Synge felt the need to distance himself from Hobbes as he pursued this attempt. He was

[15] David Hayton, *Ruling Ireland: 1685-1742: Politics, Politicians and Parties* (Woodbridge, 2006),133.
[16] Legg, 'The Synge family', 164.
[17] Richardson, 'Archbishop William King', 55.
[18] Edward Synge the elder, *Dr. Synge's defence of himself, against The unjust Aspersions Thrown upon Him in a Late pamphlet, entitled, A Reply to a Vindication of the Letter Published in a Pamphlet, call'd Partially detected* (Dublin, 1711), 32.
[19] Philip O'Regan, *Archbishop William King of Dublin (1650-1729) and the constitution in Church and State* (Dublin, 2000), 169-72.

not wholly successful, however, and his failure prefigured his own and his son's failure to distance themselves from Hobbes in their discussions of religious policy.

In 1708, King and Synge threw their support behind the Whig Lord Lieutenant Thomas Wharton in his dispute with the High Church party of the Irish Convocation. This dispute had its origins earlier in the decade in the partisan politics of the English Convocation. Faced with a Whiggish episcopate, Francis Atterbury, a leading Tory in the lower house of the English Convocation, had insisted upon the right of his house to adjourn itself. Under a Whig administration , he could not trust that the upper house, which claimed the right to adjourn the lower house, was truly committed to episcopacy.[20] William Perceval and Francis Higgins, members of the Irish lower house, were enlisted by Atterbury in 1705 to provide a supportive account of the practices of the Irish Convocation.[21] The right of the lower house to adjourn itself was no more settled in Ireland than it was in England, however, and Perceval and Higgins were rebuked for their intervention by Ralph Lambert, a fellow member of their house. When Wharton was appointed Lord Lieutenant in 1708 the account of Perceval and Higgins was printed in Dublin.[22] The same year, Wharton appointed Lambert as his chaplain who then responded to Perceval and Higgins in an anonymous letter printed in a pamphlet in London.[23] Lambert denied that Perceval and Higgins had the authority to speak for the Irish Convocation: their claims had neither the records of past convocations nor the 'Consent' of the present convocation to support them.[24] But for Perceval, who responded to Lambert, these were merely superficial

[20] Francis Atterbury, *The power of the Lower House of Convocation to adjourn it self, vindicated from the misrepresentations of a later paper* (London, 1701), 6.
[21] O'Regan, *William King*, 169.
[22] Francis Atterbury, *Some proceedings in the Convocation, A. D. 1705* (Dublin, 1708), 26-9.
[23] O'Regan, *William King*, 169. The letter was 'easily attributable' to Lambert: Hayton, *Ruling Ireland*, 137.
[24] Anon. *Partiality detected: or, a reply to a late pamphlet, entitled, Some proceedings in the Convocation, A.D. 1705* (London, 1708), 69-70.

objections intended to disguise the ugly anticlericalism, like that of 'a *Tyndal*, or a *Toland*', that motivated Lambert's intervention.[25] The lower house established a committee to investigate Lambert, but Wharton and King managed to thwart its investigation by corrupting its chairman, Peter Browne. All the while, Synge served as Lambeth's 'most strenuous Advocate' in the lower house.[26] When Browne's corruption was exposed, the lower house turned its fire on him, leaving Wharton with little choice but to prorogue the convocation.[27]

In the aftermath of the dispute, Synge gave the sermon at Browne's consecration as Bishop of Cork and Ross, apparently Browne's reward for dropping his investigation into Lambert. The sermon was printed in Dublin and London in 1710 as the *Divine Authority of Church-Government and episcopacy*. Synge preached on 1 Timothy 5:17: 'Let the Elders that Rule well be counted worthy of double Honour; especially they who labour in the Word and Doctrine'.[28] Though there were those who denied it, Synge considered Timothy to be a *'Bishop*' and interpreted the passage with this in mind. It should be assumed, he said, that St. Paul was advising Timothy as to how he should exercise his episcopal 'Jurisdiction'.[29] Synge. used the term 'Jurisdiction' advisedly, for it was the central claim of his sermon that the Church, as an 'incorporated Society', was defined by the '*Order* and *Government*' that its founder established.[30] For Synge, the Church was founded by Christ and the episcopal government that Christ established was 'essential to

[25] Anon. [William Perceval], *Remarks upon a letter printed in a pamphlet entitled, Partiality Detected: Relating to the Convocation of Ireland* (Dublin, 1709), 8.
[26] Anon. [idem], *A reply to a Vindication of the letter published in a pamphlet called Partiality detected* (Dublin, 1710), 96.
[27] Hayton, *Ruling Ireland*, 138.
[28] Edward Synge the elder, *The Divine Authority of Church-Government and episcopacy stated and asserted upon principles common to all Christians* (Dublin, 1710), 3.
[29] Ibid., 4-5.
[30] Ibid., 7.

the very nature' of the Church. This concept of the Church, strikingly similar to that which King developed under James, served a dual purpose for Synge in the context of the Convocation dispute: it addressed both the substance of the dispute and the accusations that had been levelled against him and King in the context of the dispute. Bishops, and not the 'Body of *Presbyters*', possessed authority within the Church;[31] and this authority was entirely '*independent*' of the 'Temporal Authority' possessed by the civil magistrate.[32]

As we have seen, however, a juridical concept of the Church often entailed a natural jurisprudential account of politics, and this account often curtailed the rights of the Church. This was certainly the case in *The Divine Authority*. Synge arrogated to the Church the 'Moral Law' that Christ 'confirmed' and the 'positive Laws' that he 'enacted'.[33] These laws defined the Church as a corporate entity and were followed by men within the context of the Church. This left only the '*Law of Nature* and Self-preservation' to provide a basis for the commonwealth and this, in turn, had authoritarian implications for politics.[34] According to natural law, '*Civil Power*' had a 'Dominion, upon Earth uncontroluable, over the *Lives, Liberties,* and *Properties* of its Subjects'.[35] So seriously did Synge take this principle that it threatened to derail the central ecclesiological 'Doctrine' of his sermon.[36] It formed the basis of a 'plausible Objection against this Doctrine', the most compelling exponent of which was 'Mr. Hobbes [*Leviath.* c. 29]':

> .... that it is a thing of very dangerous consequences to allow of any *Government* that is no way dependent on the *Civil Power*: For this would be to *divide a*

[31] Ibid., 4. See also, 21-2.
[32] Ibid., 15.
[33] Ibid., 9.
[34] Ibid., 17.
[35] Ibid., 17.
[36] Ibid., 15.

> *Kingdom against it self*; to obliged a Man at one time to *serve two Masters*; both which things our blessed Saviour himself represents as great Absurdities; [*Matth*. 12. 25. and c. 6. 24.] and indeed to erect *Imperium in Imperio*, a Kingdom within a Kingdom, which is contrary to the Rules of all sound Politicks.

Synge acknowledged the 'force of this Objection', and he conceded that a Church that claimed a 'Power of *deposing Princes and absolving Subjects from their Allegiance*' would indeed threaten the 'Peace of the *State*'.[37] An episcopal Church of the kind he imagined, however, need not be in '*any way dangerous to the Peace or Security*' of the '*Commonwealth*', so long as its 'Bounds and Limits' were clearly defined. Synge defined these 'Limits' by distinguishing between the origins and the use of episcopal 'power'.[38] The 'Commission' to exercise this 'power' derived from Christ, but the manner in which it was exercised was a matter for the civil magistrate, who may legislate to 'compel' the 'Governors of the Church to the faith and diligent performance of their Several Duties'.[39]

The Divine Authority demonstrates the extent to which the fear of civil disorder continued to restrict the discourse of Irish Anglicans in the eighteenth century. As they saw it, the religious divisions in the kingdom represented a constant threat to civil peace. In the context of the convocation dispute, Synge grappled with the uncomfortable implications of this situation for his relationship with civil authority. In the years following the dispute, he grappled with the equally uncomfortable implications for his relationship with non-conformists. Throughout the early eighteenth century, King and Synge shared a distinctive position on the penal laws gradually amassed by the Irish Parliament. They opposed measures that seemed to persecute non-conformists for their private beliefs;[40] but they supported measures, such as the sacramental test, that maintained the Anglican

[37] Ibid., 15-6.
[38] Ibid., 15, 18.
[39] Ibid., 18.
[40] O'Regan, *Archbishop King*, 93-6.

monopoly on government in Ireland.[41] This position confounded the partisan distinctions of English politics and rendered King and Synge particularly ill-disposed towards the religious policies of Whig administrations. In 1709, Wharton proposed legislation to disable Catholics further while attempting to appease Presbyterians by repealing the test.[42] Though King and Synge the elder supported Wharton in the convocation dispute of the same year, they ardently opposed his religious policies. Wharton had planned to repeal the test with an amendment attached to his 'anti-Popery' Bill.[43] King and his allies thwarted the amendment but failed to defeat the Bill. A decade later, King and Synge emerged as the leading opponents of a more successful attempt by the Crown to lift restrictions on Presbyterians, this time with a general toleration.[44] The toleration granted to Protestant non-conformists in 1719 was limited; indeed, the Act that granted it was Parliament's alternative to a more radical Bill proposed by the Crown.[45] Though it coincided with 'Acts of Indemnity for officers in paid civil employment who had not taken the sacramental test', the test itself remained in place.[46]

Only a small minority opposed the Toleration Bill in Parliament, and King and Synge were widely condemned for the position they took.[47] The great opponents of 'persecution' against Catholics needed to explain their opposition to even the most modest relief for Protestant non-conformists. For both men, it came down to the fact that 'Differences in Religion' represented a fundamental threat to civil peace, particularly in parts of the

[41] The sacramental test was provided for in the Irish Popery Act of 1704 and was opposed by Presbyterians throughout the eighteenth century: Hayton, *Ruling Ireland*, ch. 6; Connolly, *Religion, law, and power*, 163-4. For King's justification of the test see, *The state of the Protestants of Ireland*, 38.
[42] O'Regan, *Archbishop King*, 166-7.
[43] Ibid., 167.
[44] Connolly, *Religion, law, and power*, 162-6; Legg, 'The Synge family', 168-9.
[45] Connolly, *Religion, law, and power*, 165-6.
[46] Ibid., 166.
[47] Legg, 'The Synge family', 170.

British Isles where they remained many and varied.[48] 'If Circumstances be consider'd', King told Wake, religious uniformity 'is more necessary here [i.e. Ireland] than in England'.[49] Not only were Protestants a minority of the Irish population; within the Protestant community, there was a high proportion of 'Infidels' to Anglicans.[50] Though King and Synge agreed that conformity to the Church 'as by Law established' was the surest way of securing civil peace, they did not rule out toleration altogether.[51] As Synge argued, however, toleration would only be appropriate in an Irish context as a means of containing 'Differences in Religion' and addressing their 'evil Consequences'.[52] For this reason, said Synge, the 'Dutch model' of toleration was more suitable for Ireland than the English; and he addressed Parliament with William Temple's 1673 *Observations upon the United Provinces* 'in my hand'. In the United Provinces, licenses for non-conformist congregations were issued by the 'Magistrate' rather than clergymen, and only the magistrate had the coercive authority to 'put a Stop to' unlicensed congregations. Synge's opposition to the harsher of the penal laws against Catholics, though it made him vulnerable to accusations of hypocrisy, was also informed by a concern for civil peace. He recommended the relaxation of the penal laws as way of ensuring Catholic 'allegiance' to the King; and he devised an oath of allegiance for Catholics that acknowledged the King's sovereignty over 'the lives liberties and properties' of his subjects.[53] The commemoration of the 1641 rebellion in 1721 provided Synge with an

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[48] Edward Synge the elder, 'The Lord Arch-Bishop of Tuam's Speech on the Toleration Bill, before the Lords Committee of the Whole House to whom the Same was Committed', BL, Add. MS 6117, f. 144r.
[49] William King to William Wake, 1st December 1719, BL, Add. MS 6117, f. 63r-63v.
[50] King to Wake, 5th March 1719, BL Add. MS 6117, f. 64v.
[51] Synge, 'Speech on the Toleration Bill', f. 145v. Though it is often overlooked in accounts of the episode, King proposed an alternative 'Bill for the Toleration of Dissenters' which 'agreed' with the English version of toleration so far 'as our Circumstances wou'd allow': Edward Synge the elder to William Wake, 19th November 1719, BL, Add MS 6117, f. 143r.
[52] Synge, 'Speech on the Toleration Bill', ff. 144r-144v.
[53] Synge the elder to Wake, 27th June 1722, Christ Church, Oxford, Wake papers, vol. XIV, ff. 24r-26r. For further discussion of this project see, Ian McBride, 'Catholic Politics in the Penal Era: Father Sylvester Lloyd and the Devlin Address of 1727', in John Bergin (ed.) *New Perspectives on the Penal Laws, Eighteenth-Century Ireland Special Issue no. 1* (Dublin, 2011), 121-2.

opportunity to reflect again on the relationship between religious policy and civil peace. In a sermon preached and printed in Dublin, he denied the civil authority the right to punish non-conformists on the basis of their beliefs alone: this was 'persecution'.[54] Given that it was established 'to do everything for the Preservation and Peace of the Community', however, the civil authority did have the right to 'restrain the Professors' of a 'Rebellious or Seditious' religion.[55] Penal laws that were instituted for this purpose, which on the whole were those, such as the sacramental test, that penalised Protestant as well as Catholic non-conformists, were wholly legitimate.

Though Synge the elder was clearly uncomfortable with the use of force in matters of religion, he could only address his discomfort conceptually within the narrow intellectual space that his political circumstances allowed him. The fragility of civil peace in Ireland thus restricted and qualified his several attempts. Synge shared this intellectual space with Hobbes, whose company made it all the more uncomfortable. In *The Divine Authority*, Synge qualified his concept of the Irish Church in response to Hobbes's characterisation of the problem of civil peace. In *The Case*, Synge the younger would claim that Hobbes also corrupted Anglican discussions of religious policy in Ireland; and he would cite the Anglican argument for the penal laws as necessary to secure civil peace, an argument developed by his father, as evidence for this claim. The problem for Synge was that he inhabited the same intellectual space as his father; indeed, he developed intellectually under his father's supervision. This gave him a particularly clear insight into the conditions and structure of Irish Anglican discourse and allowed him to perceive its Hobbesian tendencies. Perhaps it also condemned him to repeat them.

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[54] Edward Synge the elder, *A sermon against persecution on account of religion: Preached before His Grace Charles Duke of Grafton, Lord Lieutenant* (Dublin, 1721), 12.
[55] Ibid., 12, 9.

Synge and Hobbesian discourse in Carteret's Dublin

Synge enjoyed several years as a Fellow of Trinity College, Dublin, before he took a position in the Irish Church.[56] The influence of King and Synge the elder however, ensured that his first positions were distinguished ones.[57] Synge was appointed Treasurer of St. Patrick's Cathedral, Dublin, in 1719 and Chancellor in 1727.[58] He was promoted directly to the episcopate from these prebendary positions. In 1723, closely advised by his father, Synge sought to make his name in London with *The Constitution of our Establish'd Church, as founded on law divine, and humae, consider'd*, a version of a sermon he had delivered in 1722 at the consecration of Theophilus Bolton as Bishop of Clonfert. Synge the elder seems to have managed the production and dissemination of *The Constitution*: having received a draft copy from Synge the elder, Wake suggested amendments which were incorporated into the final version.[59] *The Constitution* worked through the familiar Anglican anxiety, especially acute in Ireland, about the relationship between the 'temporal' and 'spiritual' authority in the Church.[60] Given the occasion, Synge discussed this relationship with particular reference to the nomination and consecration of bishops. Though it was widely accepted that the '*Nomination* of Persons to all Bishopricks is in the *King* himself*'*, there were those, said Synge, for whom 'even the actual Consecration itself... is by a Power soley deriv'd' from the King.[61] According to this view, 'Bishops are only *Ministerial Officers*'. Though Synge acknowledged the

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[56] George Burtchaell and Thomas Sadleir, *Alumni Dublinenses* (Dublin, 1935), 798.
[57] For an example of King promoting Synge, see King to Wake, 28th August 1717, BL, Add. MS 6117, ff. 39r-40r.
[58] *Fasti ecclesiae hibernicae: the succession of the prelates and members of the cathedral bodies in Ireland*, ed. Henry Cotton (Dublin, 1848), 5 vols. II, 119, 143. Cotton's entries for Synge contradict Marie-Louise Legg's suggestion that Synge was the 'incumbent of St Werburgh's, Dunlin', the living annexed to the chancellorship, when he printed *The Case* in 1725: 'The Synge family', 175.
[59] Synge the elder to Wake, March 1723, Christ Church, Oxford, Wake papers, vol. XIV, f. 59r-59v.
[60] Edward Synge, *The Constitution of our Establish'd Church, as founded on Law Divine, and Humane, consider'd*. (London, 1723), 19-20.
[61] Ibid., 23.

ambiguity of the Tudor legislation that covered the matter, he argued that to ascribe to this view would be to agree with 'Mr. *Hobbs*' that 'the Christian Law owes its binding Force and Obligation *only* to the Appointment of the Civil Magistrate'.[62] If this principle were admitted, said Synge, then Christians would have an obligation to 'renounce their Christian Profession' if required to do so by a heathen magistrate. Synge suggested an alternative way of thinking about the powers of nomination and consecration which involved a distinction, similar to one that his father had drawn, between the '*Exercise*' of 'spiritual' and 'temporal' powers, and their '*Originals*'.[63] While a 'Union' obtained between ecclesiastical and civil societies, the governors of one society could '*Exercise*' powers that belonged to the other.[64] However, each society would retain their powers if this 'Union' were to fail.

The Constitution seems to have succeeded in advancing Synge's reputation. When Lord John Carteret was sent to Ireland to replace the Duke of Grafton as Lord Lieutenant, he appointed Synge as one of his chaplains. Synge's next foray into print was with a sermon delivered to Carteret on the 5th November 1724, shortly after Carteret's arrival in Ireland.[65] On this occasion, however, the political context concentrated Synge's attention on the origins and attributes of civil rather than ecclesiastical authority. A hapless attempt by the Crown to prevent an economic crisis in Ireland had resulted in a grave political crisis. In 1722, William Wood, an ironmaster, procured a patent for coining a significant sum of copper halfpennies and farthings which were to be circulated in Ireland where

[62] Ibid., 26.
[63] Ibid., 25.
[64] Ibid., 25, 27.
[65] Basil Williams, *Carteret and Newcastle: A Contrast in Contemporaries* (London, 1943), 71.

there was a dire shortage of ready specie.[66] Given that the King's mistress was the original recipient of the patent, many suspected that it was also issued for more scandalous reasons. The revelation that Wood's specie had a significantly lower proportion of copper than equivalent coins in England certainly raised doubts about the Crown's commitment to improving Ireland's economy. In ecclesiastical circles, anger about the Crown's treatment of Ireland during the 'halfpence' affair dovetailed with anger about the preferment of Englishmen to vacant Irish bishoprics.[67] Churchmen, namely King and his 'Dublin Faction on the bench', emerged as the leading opponents of Crown policy in this period.[68] So serious was the rift between the Crown and the Irish political nation that the lords justices who governed Ireland in between Grafton's dismissal and Carteret's arrival simply refused to obey the King's instructions to continue with the 'halfpence' policy.[69] Carteret was sent to Ireland to solve the crisis, and his rivals hoped and expected that he would fail.[70] They were disappointed. Carteret took personal responsibility for managing the Irish Parliament and pursued a policy agenda that placated its members.[71] Having embarked upon a series of ambitious economic reforms, he oversaw the withdrawal of Wood's patent.[72] On the advice of Jonathan Swift, the Dean of St. Patrick's and a vocal opponent of the 'halfpence', he also appointed men who were born and educated in Ireland as his chaplains.[73] Synge was one of them.[74]

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[66] Patrick McNally, 'Wood's Halfpence, Carteret, and the Government of Ireland, 1723-6, *Irish Historical Studies*, 30/11 (1997), 356; W. Baring Pemberton, *Carteret: The Brilliant Failure of the Eighteenth Century* (London, 1936), 91-2.
[67] Patrick McNally, 'William King, Patriotism and the National Question', in *Archbishop William King and the Anglican Irish Context*, 60-2, 70.
[68] Archbishop Boulter to the Duke of Newcastle, 3rd November 1624, BL Add. MS 24137, ff. 7r-9r.
[69] McNally, 'Wood's Halfpence', 359.
[70] Ibid., 358.; Pemberton, *Carteret*, 90.
[71] McNally, 'Wood's Halfpence', 363-5.
[72] Williams, *Carteret and Newcastle*, 73; McNally, 'Wood's Halfpence', 362-3.
[73] Jonathan Swift to Lord John Carteret, 3rd July 1725, in *Correspondence of Jonathan Swift*, ed. Harold Williams (Oxford, 1963), 5 vols., III, 70-2.
[74] Swift suggested Syne expressly: ibid., III, 71.

Synge's sermon on the 5th November 1724 was the first of a series of three sermons preached and printed in Dublin by Carteret's chaplains. Against a backdrop of political crisis, each sermon established a duty of obedience to civil authority with resources derived from natural jurisprudence. Though the chaplains used resources from several and competing traditions of natural jurisprudence, they all used the concept of a 'state of nature' in a characteristically Hobbesian way. In *De cive*, Hobbes described '*the state of pure nature*' as a 'war of every man against every man', and he expanded upon the description in *Leviathan*.[75] Chapter 13 of *Leviathan* began with the claim that 'Nature hath made men so equall, in the faculties of body, and mind', that differences between men with respect to these faculties could not prevent conflict between them.[76] Whatever our particular talents, we could always maintain a reasonable 'hope of attaining our Ends' by force or wile.[77] This made the natural condition particularly violent; it also established the necessity of forming civil unions. Towards the beginning of his 5th November sermon, Synge characterised the 'State of Nature' in similar terms: 'in a 'State of Nature the only Opposition to unjust Force, arises from the single Strength of the injur'd Person, which is no more than equal to that of the Aggressor'.[78] Like Hobbes, Synge also concluded that, given the dangers of the 'State of Nature', it is 'obviously necessary to their Welfare and Happiness' that men 'enter into Society'.[79] 'In Society', he said, 'the Natural Strength and powers of great Numbers are united, an Insult offer'd to any one, draws on the Offender the Power of the whole'.[80] In *The Constitution*, Synge had criticised Hobbes for suggesting that moral obligation was a function of civil law.[81] However, as a client of the

[75] *OTC*, 69.
[76] *Leviathan*, II, 188.
[77] Ibid., II, 190.
[78] Edward Synge, *A sermon preach'd in Christ's-Church, Dublin, before His Excellency the Lord Carteret; on Thursday, Nov. 5. 1724* (Dublin, 1724), 8-9.
[79] Ibid., 8.
[80] Ibid., 9.
[81] Idem, *The Constitution*, 26.

Crown in a highly unstable political context, Synge seemed to invoke a similar idea to encourage obedience to civil authority.[82]

Synge was undertaking an urgent polemical task in his 5th November sermon; though he borrowed their concepts, he did not engage explicitly or consistently with the more systematic contributions to natural jurisprudential discourse. Indeed, there were unresolved tensions in his use of these concepts which reflected the intellectual restrictions imposed upon him by his Irish political context. The 5th November was the anniversary of the both the 'discovery of the gunpowder plot' and the 'happy arrival of the late King William in Great Britain', and Synge commemorated both. Carteret represented a defiantly Whiggish administration in London, and his chaplain discussed the 'Revolution' in suitably Whiggish terms. William had delivered 'Britain' from arbitrary power and installed a 'Civil Constitution' in which 'there is such a well-temper'd equal Distribution of Power in the several Parts of the Society, that no one can easily oppress or destroy another'.[83] This Whiggish strain in Synge's sermon involved what has been described as a 'Lockean' modification of his concept of the 'State of Nature'.[84] In his *Second Treatise of Government*, Locke described a 'State of Nature' with the intention of showing that natural law could regulate human affairs in the absence of civil authority.[85] The 'inconveniences' of the 'State of Nature' arose from men's tendency to judge natural law in their own favour, but the law itself remained both accessible and obligatory. Before submitting to a government, then, it was legitimate to

[82] As we have seen, Hobbes's views on moral obligation were closely associated with his voluntarist theology. It is worth noting, then, that Synge's similar views on moral obligation concurred with the voluntarist claim that the 'Laws of Nature' were 'subject' to the 'Power' of God and could be suspended by him: Synge, *A sermon preach'd in Christ's-Church, Dublin*, 7.
[83] Ibid., 11-2.
[84] Robert Eccleshall, 'Anglican political thought after the 1688 revolution', in D. George Boyce *et al.* (eds.), *Political Thought in Ireland Since the Seventeenth Century* (London, 1993), 59.
[85] John Locke, *Locke: Two Treatise of Government*, ed. Peter Laslett (2nd edn. Cambridge, 1970), 275-6.

inquire 'how much better it is than the State of Nature'. In his 5th November sermon, Synge mooted the similar idea that some 'Forms of Civil Government' are so repugnant to the 'general End of their Institution' that it is 'worse to live under [them] than in a State of Nature'.[86] Hobbes constructed his account of the natural condition to preclude this sort of reasoning, and it may be that Synge was indeed engaged with Locke. If so, however, the engagement was restricted by Synge's Irish political context. Synge's objective within this context was to establish the necessity of obedience to civil authority; in this sense, his intentions were the reverse of Locke's. Though Synge preferred certain forms of government to others, he continued to characterise the 'State of Nature' as one of 'Anarchy and Confusion'.[87] The account of natural law that distinguished Locke's 'State of Nature' from Hobbes's and made it preferable to arbitrary government was entirely absent from Synge's sermon: it could not be transposed easily into an Irish context.

James Ward was the next of Carteret's chaplains to address the political crisis in Ireland. On the 30th January 1725, the anniversary of the execution of Charles I, Ward preached a sermon on 1 Peter 2: 13-14: 'Submit your selves to every Ordinance of Man for the Lord's sake, whether it be to the King as Supreme, or unto Governours'.[88] Ward's interpretation of this passage and his use of a concept of the 'state of Nature' to support it complicates the 'Whig' identity that has been attributed to his sermon.[89] Ward's priority was to establish a duty of obedience to civil authority and his use of political and theoretical languages was shaped by this priority. Before turning to '*Scripture*', Ward demonstrated

[86] Synge, *A sermon preach'd in Christ's-Church, Dublin*, 9.
[87] Ibid., 23.
[88] James Ward, *A sermon preach'd in Christ Church, Dublin: Before his Excellency John, Lord Carteret, Lord Lieutenant General, and General Governour of Ireland* (Dublin, 1724/5), 1.
[89] Ibid., 4. For Ward as a 'Whig', see S.J. Connolly, 'The Church of Ireland and the Royal Martyr: Regicide and Revolution in Anglican Political Thought c. 1660-c. 1745', *Journal of Ecclesiastical History*, 54/ 3 (2003), 497.

that 'Our *Obligations* to submit to Government are founded as deep as the very *Nature* and *Reason* of Things'.[90] Though men were 'born for the social Life', the 'state of Nature' was characterised by 'Violence and Rapine'. While men remained 'equal, and independent', they existed only as a 'confused Multitude, without Order'; and they were thus required by the 'Law of Nature' to form and obey a sovereign authority.[91] Like Synge's, then, Ward's account of the 'state of Nature' was a rather clumsy synthesis of other, more systematic accounts. Though its sources remained obscure, however, certain features of Ward's account suggest an engagement with the Anglican natural jurisprudence of the late 1660s and early 1670s. Ward's insistence upon natural sociability while he established the necessity of civil authority recalled the way that Samuel Parker and Richard Cumberland had sought to distance themselves from Hobbes.[92] In truth, however, Ward remained much closer to Hobbes than either Parker or Cumberland, both of whom, despite their efforts, had been accused of 'Hobbism'. For Parker and Cumberland, man's natural sociability was revealed in his concern for the 'common good'.[93] It was this concern that made the 'state of nature' more peaceful than Hobbes had suggested and motivated the establishment of civil societies. Having continued to emphasise the 'Violence' of the 'state of Nature', Ward explained the formation of the '*Supreme Power*' in characteristically Hobbesian terms.[94] Each man 'consented' to government for 'his own Interest'; explicit consent was not required, for the acceptance of 'Protection' creates 'an equivalent Obligation'. By the summer of 1725,

[90] Ward, *A sermon preach'd in Christ Church, Dublin*, 4.
[91] Ibid., 5.
[92] Parkin, *Science, Religion and Politics: Richard Cumberland's De Legibus Naturae* (Woodbridge, 1999), 43-55.
[93] Richard Cumberland, *A Treatise of the Laws of Nature*, trans. John Maxwell, ed. Jon Parkin (Indianapolis, 2005), 399-400. Samuel Parker, *A Discourse of Ecclesiastical Politie: Wherein the Authority of the Civil Magistrate over the Consciences of the Subjects in Matters of Religion is Asserted* (London, 1670), 120-122.
[94] Ward, *A sermon preach'd in Christ Church, Dublin*, 5.

Carteret's chaplains had become remarkably uninhibited in their use of Hobbesian arguments. William Burscough, an English priest who rose quickly through Irish Church under Carteret, used the August anniversary of the King's accession to defend the proposition that 'the State of Nature be a State of War'.[95]

It is well established that the 1720s was an exciting time intellectually in Ireland; but the scholarship that has established this point has been overly concerned with certain types of intellectual activity to the exclusion of others. The problem seems to have originated with David Berman. Berman suggested that there were 'two main tendencies in Irish philosophy' in the eighteenth century: a 'liberal' or 'Enlightenment' tendency, inspired by Locke, and a 'traditional', 'reactionary' or 'Counter-Enlightenment' tendency.[96] Subsequent scholarship on the 1720s has developed within the restrictive parameters of Berman's 'schema'. Studies begin and often end with Francis Hutcheson, Robert Molesworth and the 'circle' of associates that Molesworth cultivated in Dublin's salons. 'Moral philosophy', 'commonwealth' politics and 'tolerant' religion therefore dominate accounts of Irish intellectual life in this period.[97] It is true that Swift has also received attention; but on the whole, he is studied for his relationship with his more progressive contemporaries.[98] A reactionary in religion,[99] he redeemed himself with the 'patriotic'

[95] William Burscough, *A sermon preach'd in the Christ's Church, Dublin: before His Excellency John. Lord Carteret, lord lieutenant general, and general governour of Ireland* (Dublin, 1625), 12-3.
[96] David Berman, 'Enlightenment and Counter-Enlightenment in Irish Philosophy', *Archiv für Geschichte der Philosophie*, 64/2 (1982), 150, 161. This thesis was repeated and developed in, David Berman and Patricia O'Riodan eds, *The Irish Enlightenment and Counter-Enlightenment* (Bristol, 2002), 6 vols. I, vii-ix.
[97] Ian McBride, 'The school of virtue: Francis Hutcheson, Irish Presbyterians and the Scottish Enlightenment', in *Political Thought in Ireland Since the Seventeenth Century*, 79-84; idem, *Eighteenth-Century Ireland*, 54, 82-6. Brown, *Francis Hutcheson*, chs. 1-2 and 4-5; Richard Holmes, 'James Arbuckle: a Whig critic of the Penal Laws', in *New Perspectives on the Penal Laws*, 93-112.
[98] Michael Brown, 'The Biter Bitten: Ireland and the Rude Enlightenment', *Eighteenth-Century Studies*, 45/3 (2012), 395.
[99] Ibid., 395; Daniel Carey, 'Swift among the Freethinkers', *Eighteenth-century Ireland*, 12 (1997), 99.

satire of *Drapier's Letters*.[100] The role that Carteret played in facilitating intellectual activity in Dublin has been recognised in the scholarship; indeed, he has a reputation as something of a philosopher viceroy.[101] But this reputation is based mainly on his relationship with Hutcheson, whom he entertained at learned *soirées* at Dublin Castle. As we have seen, the intellectual activities of Carteret's chaplains are either ignored altogether or found to be 'Lockean' after all. The overall impression is of a confident, even self-satisfied intellectual culture: one that had left behind the moral scepticism and authoritarianism of the previous century. It would seem that the Enlightenment had firmly taken hold in Ireland and was determining the subjects and priorities of intellectual activity.

This picture seems implausible if only for the fact that Irish politics were so unstable in the 1720s; and when the sermons of Carteret's chaplains are read in the context of these politics the picture does indeed change considerably. It is not that Synge, Ward and Burscough have been located erroneously within Berman's 'schema' of 'Enlightenment' and 'Counter-Enlightenment'; they were not concerned with Enlightenment at all. As Irish Anglicans they were stuck with the imminent prospect of civil unrest, the conceptual problems that arose from this predicament, and the conceptual resources that addressed these problems. In the context of a political crisis, they thought with Hobbes and his Anglican respondents in the seventeenth century. 'Latitudinarian' responses from the late 1660s and early 1670s remained particularly relevant to the Irish Anglican situation. They appreciated Hobbes's appeal in the context of civil unrest, and they incorporated his insights into a naturalist political theory that acknowledged man's natural sociability.

[100] Ian McBride emphasises Swift's use of the language of 'slavery' and 'consent' and suggests a debt to William Molyneux: *Eighteenth-Century Ireland*, 274-5.
[101] William Robert Scott, *Francis Hutcheson: his life, teaching and position in the history of philosophy* (Cambridge, 1900), ch. 3; Pemberton, *Carteret*, 105-10; Brown, *Francis Hutcheson*, ch. 5.

Some might wish to assimilate Carteret's chaplains into a 'conservative' or 'clerical' Enlightenment, and it would be for them to explain the interpretative value of doing so;[102] but they would be well warned of the dangers of stretching the 'Enlightenment' to encompass 'all but the most reactionary intellectual activity'.[103]

The anachronistic preoccupations of Irish Anglicans did not dampen the intellectual excitement of the 1720s; indeed, they may well be key to explaining it. The Hobbesian accounts of the 'state of nature' developed by Carteret's chaplains certainly suggest a new context for reading Hutcheson's *Inquiry* of 1726, which used Cumberland to repudiate Hobbes's claim that 'a universal War.... would really have been our natural State'.[104] The previous year, Hutcheson had contributed to a broad attack of Hobbes's view of human nature in the *Dublin Journal* orchestrated by James Arbuckle, a close associate of Molesworth.[105] The Hobbesian trend in Irish Anglican discourse also provides a new and crucial explanation for why John Maxwell, another of Carteret's chaplains, published the first English translation of Cumberland's *De Legibus Naturae* in 1727. Maxwell advertised the edition as an antidote to '*the Poison, which Mr. Hobbes and other Writers of his Stamp, have spread far and wide*'.[106] Unlike Hutcheson, however, Maxwell did not share Cumberland's confidence in 'the light and Law of Nature' as a foundation for ethics, and he therefore emphasised the importance of 'Revelation' as a 'super natural

[102] J.G.A. Pocock, 'Conservative Enlightenment and Democratic Revolutions: The American and French Cases in British Perspective', *Government and Opposition*, 24/1 (1989), 91.
[103] John Robertson, 'The Enlightenment above National Context: Political Economy in Eighteenth-Century Scotland and Naples', *The Historical Journal*, 40/ 3 (1997), 671.
[104] Francis Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue in Two Treatise*, ed. Wolfgang Leidhold (Indianapolis, 2004), 2 vols. II, 303. Hutcheson continued this line of criticism against Hobbes in *An Essay on the Nature and Conduct of the Passions and Affections, with Illustrations on the Moral Sense*, ed. Aaron Garret (Indianapolis, 2002), 151.
[105] Hutcheson focussed on Hobbes's cynical theory of laughter in a letter to the *Dublin Journal*, first published on the 5th June 1725: *A collection of letters and essays on several subjects, lately publish'd in the Dublin Journal*, ed. James Arbuckle (Dublin, 1729), 2 vols. I, 78. For similar attacks on Hobbes elsewhere in the Journal, see Ibid, I, 49, 135, 312; II, 146.
[106] Maxwell trans., *A Treatise of the Laws of Nature*, 5.

Help' to 'Reason'.[107] Maxwell's edition was published by subscription, and both Synge and Ward were subscribers.[108] However, the anxiety amongst Irish Anglicans about the Hobbesian character of their discourse was expressed most clearly in Synge's very own *Case* of 1725. With astonishing naivety, itself a reflection of the laxness of Irish Anglican discourse, Synge acknowledged the 'Hobbian' problems facing his community and attempted to resolve them without 'Hobbian' arguments. Needless to say, he failed.

Synge, Hobbes and the *Case of Toleration*

Perhaps inevitably, Anglican concerns about the fragility of civil peace in Ireland, revived by the political crisis of the early 1720s, coincided with attempts to impose further restrictions on Catholics. In 1723, the Irish House of Commons drafted the 'heads' of a 'viscous' anti-Popery Bill, which had it been sanctioned by the Privy Council in England would have made regular clergy guilty of high treason, a crime punishable by death.[109] Though he shared these concerns about civil peace, Synge, along with King and his father, was disturbed by the violence of this measure.[110] Further restrictions were proposed in the Parliamentary session of 1725, and Synge sought to curb this surge of anti-Catholic feeling in his sermon on the 23rd of October.[111] His sermon contained a proposal for Catholic toleration which was emphasised in the title under which it was printed: *The Case of Toleration*. The primary function of the sermon, however, was a negative one: to abate the persecutory tendencies of Parliamentarians. 'I hop'd that they might possibly be prevail'd on to stop, & not to goe [to] grater lengths', Synge told Wake; he did not

[107] Ibid., 228.
[108] Parkin ed., *A Treatise of the Law of Nature*, 20-1.
[109] Connolly, *Religion, Law and Power*, 283.
[110] Ibid., 282-287; McBride, 'Catholics Politics in the Penal Era', 121-2.
[111] *The Journals of the House of Commons, of the Kingdom of Ireland* (2nd edn. 1763), 23 vols. V, 289-90.

expect that Parliamentarians 'would suddenly be influenced to grant any such Toleration to Papists as I propose'.[112] Not at all the confident expression of Enlightenment values that it is often taken to have been, *The Case* was a rather introspective and conflicted work. It dealt with longstanding anxieties within the Irish Anglican community about its reliance on coercive power for protection, and its reliance on 'Hobbian' arguments to justify this situation.

Enlightenment discourse was characterised by its 'cosmopolitanism': both the concerns and practices of its exponents crossed 'linguistic, cultural and confessional boundaries'.[113] The opening passages of *The Case* exempted Ireland from any such discourse. Ireland was stuck, said Synge, with a problem 'almost peculiar to it', which arose as a consequence of its religious demographics and 'contributed not a little to make the public Peace of the Society, at all Time uncertain and precarious':

> For whereas in other Kingdoms, all the Members of the Community, or at least a vast Majority of them, however they differ in Matters of less Moment, are, in the main, united in their Civil Interests... in this Kingdom, great Numbers of those, who have enjoy'd the Protection of the Government, have yet been Enemies to it, and have shewn themselves ready on any favourable Juncture, to exert their utmost Force and Power to overthrow it.[114]

By 'Enemies', Synge referred to the Roman Catholics of Ireland, whose rebellion of 1641 he was tasked with commemorating. Under these 'peculiar' conditions, Irish Anglicans had been unable to participate in another aspect of Enlightenment discourse: its rejection of Hobbes's claims that the civil union was the exclusive site of human sociability,[115] and

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[112] Synge to Wake, 7th April 1726, Christ Church, Oxford, Wake papers, vol. XIV, f..251v.
[113] Robertson, 'The Enlightenment above national context', 672.
[114] Synge, *The Case*, 1.
[115] *OTC*, ch. 13; *Leviathan*, II, ch. 13. Samuel von Pufendorf led 'enlightened' responses to Hobbes's claims about human sociability: Istvan Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, 2010), ch. 1; T.J. Hochstrasser, `*Natural law theories in the early Enlightenment* (Cambridge, 2000), chs. 2-3.

that civil power must therefore possess the right to enforce religious uniformity.[116] The history of Catholic rebellion, as characterised by Synge, sustained the first claim, and Synge's characterisation of the penal laws sustained the second. In framing laws to restrict 'the Popish Party', the Irish Parliament had acted 'agreeably to the great Law of Self-Preservation, and to the Fundamental Principle of Society which does and must vest the supreme Power in every Nation, with a Right to secure the whole Body' from dangers within and without [117] Having subsequently objected to these laws on the grounds of liberty of conscience, Synge characterised the 'Hobbian' case in their favour in these terms precisely.

The 'one plausible Objection' that Synge acknowledged to the penal laws was that it was 'impossible' to restrict religious worship by law 'without *forcing Mens Consciences* and invading that Liberty which all Persons ought to be allow'd of following *their* Dictates, in order to their own Eternal Salvation'.[118] Synge was convinced by this objection, and to demonstrate its force, he identified two arguments for the 'use of Force in matters of Religion', neither of which an Anglican would want to be associated with.[119] The first was the argument of Robert Bellarmine and the Roman Catholic Church that the Church had 'the Right of punishing Corporally' to defend and uphold its doctrine.[120] This argument was associated with Augustine's interpretation of 'the Words of the Text, *Compel them to come in*'.[121] The second was the argument of 'Mr. Hobbes and his

[116] *OTC*, 181-4; *Leviathan*, II, 604-8. Having repudiated Hobbes's claims about human sociability, Pufendorf denied that 'Differences' in Religion 'dispose Subjects to raise Disturbance, and Dissention in the State': Samuel von Pufendorf, *Of the Nature and Qualification of Religion, in Reference to Civil Society*, ed. Simone Zurbuchen (Indianapolis, 2002), 20.
[117] Synge, *The Case*, 2.
[118] Ibid., 3.
[119] Ibid., 4.
[120] Ibid., 7-9.
[121] Ibid., 9.

Followers'.[122] For Hobbes, said Synge, 'the *Supreme Power* in every Community' not only determined the 'civil laws'. It had, according to the 'Law of Nature', a '*Universal* and *absolute*' power to determine the 'Rules of *good* and *evil*, *just* and *unjust*, *honest* and *dishonest*, of prescribing what *Doctrines* shall be *professed* and *Practices* in Religion *follow'd* by all Members of the Society'.[123] Without this power, men would follow 'their own private Judgement' in matters of religion, as they do in the 'State of Nature', and many 'Inconveniences... would follow to the State'.[124] Synge summarised Hobbes's position from 'de Cive. Cap 12 & seq. usq. ad sinem Libri'; he did not refer at any point to *Leviathan*.[125] This appears to have been a strategic move on Synge's part. As Synge put it, *De cive* did not allow 'the Magistrate' of a 'Christian Commonwealth' to 'forbid the Belief in *Jesus Christ* as the *Messiah*'.[126] This concession to orthodoxy, which Hobbes did not make in *Leviathan*, made Synge's next claim seem all the more tenable: that the Irish Anglican case for the penal laws was based on 'Hobbian principles'.[127] Irish Anglicans did not 'extend the Power of the Magistrate to as many Cases' as Hobbes, but when they did the power was 'equally absolute' and founded 'in a suppose'd Necessity of perfect Unity in Men's religious Professions and Actions, in order to the publick Peace'.[128]

By the time Synge developed his proposal for toleration, then, he had addressed the conceptual issues associated with religious policy in Ireland by thinking with Hobbes. Synge's engagement with Hobbes was complex, and the tensions it contained were

[122] Ibid., 11.
[123] Ibid., 11-2.
[124] Ibid., 13.
[125] Ibid., 11.
[126] Ibid., 12. Cf. *OTC*, 245.
[127] Synge, *The Case*, 18
[128] Ibid., 17.

reflected in the proposal he eventually developed. Synge had begun *The Case* by establishing that the civil authority had an unequivocal right to restrict the religious worship of its subjects to secure civil peace. He had suggested subsequently that this right, deduced from natural law, conflicted with the Christian principle of liberty of conscience and could only be sustained with 'Hobbian' arguments; but he had not resolved this tension. This was an invidious position from which to argue for toleration. If Synge limited toleration to any degree out of a concern for civil peace, he would, according to his own rigid schema, be arguing from 'Hobbian principles'. Alas, Synge imposed such limitations from the outset. Only those 'whose Religious Principles do not hurt the Publick have a Right to Toleration', he said.[129] Catholics who upheld the Pope's deposing and dispensing powers, for instance, would not be tolerated.[130] Synge was prepared to justify the use of force to restrict dangerous 'Religious Principles'; the problem was that he had already denounced his justification as a 'Hobbian' deceit. Earlier in *The Case*, Synge had noticed that Hobbes's distinction 'between Men's *inward Opinions*, and their *outward Professions and Actions*' allowed him the specious but seductive argument that a subject's conscience was always free.[131] This distinction, said Synge, had become a familiar feature of Anglican discourse, and he identified it in '*Parkers Ecclesiastical Polity*'.[132] Synge used precisely this distinction to explain the limitations of his toleration proposal: the civil magistrate could punish 'evil' actions without concerning himself with the inward beliefs 'from whence they proceed'.[133] That which was required by natural law continued to infringe upon Christian liberties. At one point, Synge suggested diffidently that men had a 'Right' by nature, as well as Christianity, 'to worship God

[129] Ibid., 30.
[130] Ibid., 42-51.
[131] Ibid., 12-3; 30-1. Cf. *OTC*, 236-47, and *Leviathan*, III, 738.
[132] Synge, *The Case*, 17.
[133] Ibid., 33.

according to his Conscience'; but this suggestion was incongruous with the general argument of *The Case* and did not resolve his problems.[134]

Synge's Irish context allowed him no escape from his original premise that civil peace depended on civil control of religion. Indeed, by the end of *The Case*, Synge had resorted to arguing for toleration as a means of extending this control. The policy would place elements of the population that had hitherto operated outside of the law 'under the Inspection of the Civil Magistrate'.[135] The magistrate could then 'regulate them in the best Manner to prevent Inconveniences'; he could deprive them of their property, which 'must be at all events subject to the Supreme Power', withdraw their right to assemble, and influence the education of their children.[136] Synge's framing of toleration in these terms presents a particular problem for those who interpret *The Case* with reference to Locke and his *Letter concerning Toleration*. Locke's *Letter* was the culmination of a philosophical project that 'conceptually abstracted the commonwealth away from Christianity'.[137] For Locke, the principle of toleration regulated interactions between men *qua* Christians: it was 'none of the civil magistrate's business'.[138] In his *vindication* of *The Case*, Synge did indeed compare his views 'about the *Toleration* of *Mahometans* or *Heathens*' to those expressed by 'Mr. *Locke* in his first Letter concerning Toleration'.[139] In *The Case* itself, however, Synge developed his argument for toleration by thinking with Hobbes: Hobbes characterised the problem that Synge responded to and dictated the terms in which he responded. Hobbes seldom discussed toleration directly. As we saw in

[134] Ibid., 35.
[135] Ibid., 36.
[136] Ibid., 38, 49.
[137] Timothy Stanton, 'Natural Law, Nonconformity, and Toleration: Two Stages on Locke's Way', in Jon Parkin and Timothy Stanton (eds.), *Natural Law and Toleration in the Early Enlightenment* (Oxford, 2013), 48.
[138] Ibid., 55.
[139] Synge, *A vindication*, 34.

chapter 2, however, his theory countenanced the incorporation of Catholics and their ecclesiastical structures into the commonwealth. Naturally, Gallican Catholics were particularly amenable to this policy; some also thought with Hobbes to make the case for it. Having developed relationships with Irish Gallicans while he worked on his oath of allegiance project, Synge the elder developed a version of this policy, proposing a licensing scheme for secular clergy.[140] Synge the younger elaborated this proposal in his *vindication*. He suggested that 500 secular clergy should be licensed to 'perform Divine Offices among the *Papists* under the constant immediate Direction and Inspection of the Civil Magistrate'.[141] In its final formulation, then, Synge's case for toleration extended rather than diminished civil control of religion in Ireland and undermined the privileged status of the Anglican Church in the process. Synge had diagnosed the Hobbesian virus in other Irish Anglicans but infected himself in the process.

Stephen Radcliffe, an Anglican priest in Kildare who wrote three separate replies to Synge, made a similar point with a different metaphor. Synge, he said, had introduced a Hobbesian 'Poison' into Irish Anglican discourse without an 'Antidote' to remedy it, and had ended up imbibing the poison himself.[142] Synge conceded that civil authority must have the 'Power of *Regulation* and *Restriction*' in religion,[143] and he invoked Hobbes's distinction between '*Inward Opinions and outward Professions*' to justify this power.[144] It was legitimate to ask, said Radcliffe, 'wherein Mr S.'s Principles differ from those advanced [by] Mr. *Hobbes,* unless it be, that he carries the Matter further than Mr. *Hobbes*

[140] McBride, Catholic Politics in the Penal Era', 121-4.
[141] Synge, *Vindication*, 73
[142] Stephen Radcliffe, *A reply to the Reverend Mr. Edward Synge, Prebendary of St. Patrick's, Dublin...* (Dublin, 1726), 201. In his first reply to Synge, Radcliffe affected to be unfamiliar with 'Mr. Hobbes... For till this hour, I never met with his Name in any Sermon, or Book of Divinity': *A Letter to the Revered Mr. Edward Synge*, Prebendary of *St. Patrick's* (Dublin, 1725), 5.
[143] Idem, *A reply*, 81. See also, idem, *A letter*, 13.
[144] Idem, *A reply*, 20.

thought proper to do, and therefore is more unreasonable and absurd'.[145] In a sense, however, Radcliffe faced the same problem as Synge: he had shown that his opponent was Hobbesian, but he had yet to show that he was not. Indeed, the aspects of Synge's argument that Radcliffe considered to be Hobbesian were also those that most resembled his own. If Synge's argument became Hobbesian when he conceded the need for civil control of religion, then surely Radcliffe's argument was Hobbesian all along; for his central claim throughout his three replies was that the magistrate must be able to use force in matters of religion to 'secure Peace': 'the end of all Government'.[146] Radcliffe's rambling attempt to sustain this claim reads like a compendium of all the features of Anglican discourse that had come to be associated with Hobbes. He used Parker's *Ecclesiastical Polity* to describe the 'Supremacy' of civil authority 'in all Maters, *Ecclesiastical*, as well as Civil',[147] and he used the description in Judges of a kingless Israel to describe the '*Anarchy* and *Confusion*' of life without an authority so established.[148]

Radcliffe was ridiculed by Synge's modish friends in Dublin, but his was the argument that carried the day.[149] Synge failed to dissuade the Irish Parliament from imposing further restrictions on Catholics; in 1727, the Parliament disenfranchised Catholics in both municipal and general elections. Following his defeat, Synge himself lost confidence in the case for toleration. In a 23rd October sermon in 1731, he accused Irish Catholics of repeatedly violating the 'mutual contract' between subjects and the 'Government' and the

[145] Ibid., 20-1.
[146] Ibid, 30.
[147] Ibid., 27, 71.
[148] Ibid., 52. See also, idem, *A serious and humble enquiry* (Dublin, 1727), 15-6.
[149] For example, Anon. *A letter to the Rev. Mr. Stephen Radcliffe, M.A.* vicar *of Nass, on the subject of his Letter and reply to Mr. Synge's sermon and vindication* (Dublin, 1727), 6.

'*reciprocal Obligations of Protection and Allegiance*' it imposed.[150] They were influenced to rebel, said Synge, by 'the false and bloody Principles' of their religion;[151] and the Irish political nation was therefore empowered by the 'Great Law of Self-Preservation' to restrict their religion by force.[152] From the opening passages of *The Case*, then, Synge had come full circle. He had tried to sustain the thought that the coercive power exercised by civil authority should not concern itself with religion in a religiously plural society. He eventually conceded what he seems to have suspected all along: that the deep connexions between religious and political allegiance in Ireland denied him this distinction. In Ireland, even toleration involved and expanded the power of civil authority. These were not favourable conditions for the development of Enlightened religious thought; well into the eighteenth century, Hobbes and his Anglican respondents supplied Irish Anglicans with their most compelling set of conceptual resources. In the end, Synge accepted this fact. So should his historians.

[150] Edward Synge, *A sermon preach'd at Christ-Church, Dublin. On Saturday, the 23d. of October 1731 Being the Anniversary of the Irish Rebellion* (Dublin, 1731), 6.
[151] Ibid., 10.
[152] Ibid., 18.

Conclusion

This thesis has addressed two historiographical lacunae: the geography of Hobbes's reception and political thought in Restoration Ireland. Hobbes's political theory was well suited to traverse geographical boundaries. For one thing, it made pronouncements on a remarkably wide range of political issues. This thesis has discussed several pronouncements, such as those on taxation, admiralty jurisdiction, and the status of subordinate corporations, that remain neglected by historians despite the industrial scale of scholarship on Hobbes. For another, Hobbes integrated his discussion of these issues into a thoroughgoing account of sovereignty that promised to stabilise political relationships in unstable political situations. The fact that the conceptual foundation of this account was supplied by natural law discourse made it especially versatile geographically. Natural law discourse was a pan-European discourse, typically conducted in Latin, a pan-European language; it also made universal claims about moral and political obligation. The political conditions of Restoration Ireland rendered those involved in its government especially receptive to natural law discourse. As Sir John Davies had recognised at the outset of the seventeenth century, its inhabitants did not share a particular tradition of law that could inform and adjudicate claims of political right. Following the Restoration, in the aftermath of yet another English conquest of Ireland, a political discourse that analysed the political relationship in its universal aspect had a powerful appeal. Hobbes's iteration of natural law discourse was especially appealing because, as Davies had also recognised, political instability in Ireland stemmed from the failure of the Crown in Ireland to consolidate its sovereignty.

Petty, Vesey, Synge and the other figures in Ireland discussed in this thesis thought with Hobbes about the wide range of political issues that he addressed. They did so on the whole, however, because Hobbes's pronouncements on these issues neutralised the threats to sovereignty that the discourses around them contained. These figures were concerned with different aspects of the problem of sovereignty in Ireland: they experienced the problem in the instability of the various constitutional institutions with which they were involved. However, most of them recognised that the instability of these institutions was related to Ireland's liminal position in the British multiple monarchy and empire. In Ireland, an Anglophone political community based on Reformed Christianity struggled to acquire legitimacy amongst a majority Catholic population. It is often thought that members of this community had neither the inclination nor the opportunities to use the resources of political thought to address this situation. In fact, as this thesis has shown, this situation invited and accommodated an expansive and sympathetic engagement with Hobbes. Aspects of Hobbes's account of sovereignty that offended metropolitan sensibilities were too useful to ignore in Ireland. By the eighteenth century, other places in the British world began to engage with Enlightened theories of natural law that curtailed the powers of sovereign authority. As the case of Synge shows, however, the Irish situation remained unfavourable to these theories. If these theories were to take hold, this situation would have to change so that Ireland would no longer be on the periphery of the British world but at the centre of its own.

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