

# Roman *Imperium* and the Restoration Church

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*This article examines the late-seventeenth-century Church of England's understanding of rulers' ecclesiastical imperium through analysing a pamphlet debate about Julian the Apostate and Church-state relations in the fourth-century Roman empire. In 1682 an Anglican cleric, Samuel Johnson, printed an account of Julian's reign that argued that the primitive Christians had resisted the emperor's persecutory policies and that Johnson's contemporaries should adopt the same stance towards the Catholic heir presumptive, James, duke of York. Surveying the reaction to Johnson, this article probes the ability of Anglican royalists to map fourth-century Roman onto seventeenth-century English imperium, their assertions about how Christians should respond to an apostate monarch, and whether these authors fulfilled such claims when James came to the throne. It also considers their negotiation of the question of whether miracles existed in the fourth-century imperial Church. It concludes that, despite Rome's territorial dimensions, imperium remained a fundamentally legal-constitutional concept in this period, and that the debate over Julian highlights the fundamentally tense and ambivalent relationship between Church and empire.*

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'[God], who gave [power] to the Christian Constantine also gave it to the apostate Julian'

Augustine of Hippo, *The City of God* 5.21.

The Emperor Constantine's conversion to Christianity marked a seismic shift in the relationship between Church and empire. Whatever the ambiguities of his 'conversion',<sup>1</sup> down the centuries Constantine became the poster boy for Christian *imperium*. Nowhere was this image more apparent than in the intensely magisterial reformation

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<sup>1</sup> Raymond Van Dam, 'The Many Conversions of the Emperor Constantine', in Kenneth Mills and Anthony Grafton, eds, *Conversion in Late Antiquity and the Early Middle Ages* (Rochester, NY, 2003), 127–51.

begun by Henry VIII in the 1530s that made him and his successors supreme heads or governors of the English Church. Parliament's declaration that the realm of England was an 'empire' blended older understandings of this term as a sovereign and independent jurisdiction owning no superior under God with Henry's new claims to such supreme authority in ecclesiastical as well as temporal matters. The threefold meaning of *imperium* in Tudor England – sovereign independence, ecclesiastical supremacy and territorial extension – was well served by Constantine and his fourth-century Roman empire, references to which echoed in the visual, aural and textual propaganda of the Reformation Church of England.

Yet this long-established celebratory sense of the partnership of Church and empire was increasingly subverted in the later seventeenth century by an emerging discourse that identified the fourth century as the point where the two powers became entangled, and thereby corrupted. The poet Andrew Marvell complained that the 'unnatural Copulation of Ecclesiastical and Temporal' had introduced worldly ambition into the Church, giving bishops the unchristian power (and incentive) to persecute which they exercised to the full in Marvell's own day by vigorous prosecution of Protestant Dissenters.<sup>2</sup> Unlike their anticlerical successors of the early Enlightenment, men like Marvell did not complain about Constantine's Council of Nicaea (325) establishing the orthodox belief in the Trinity; their focus was rather on the ecclesiological consequences of an imperial and therefore imperious Church, which seemed to constitute an episcopal *imperium in imperio* – a state within a state. In the early 1680s, an anonymous author described how Christianity's establishment had subverted the Church's original apostolic democracy, spawning first bishops, then patriarchs, then popes.<sup>3</sup>

That this author referenced not only Constantine but also Julian the Apostate signalled a shift towards awareness of Constantine's fourth-century successors and their far from orthodox religious policies. This article analyses the 1680s controversy surrounding Julian, emperor from 361–3, an argument that at the time constituted a

<sup>2</sup> Andrew Marvell, *The Rehearsal Transpros'd and the Rehearsal Transpros'd the Second Part*, ed. D. I. B. Smith (Oxford, 1971), 238. On this tradition, see also William Poole, 'John Milton and the Beard-Hater: Encounters with Julian the Apostate', *Seventeenth Century* 31 (2016), 161–89.

<sup>3</sup> 'Philaretus Anthropopolita', *Some Seasonable Remarks upon the Deplorable Fall of the Emperour Julian* (London, 1681).

high-profile political and ecclesiastical debate, but which has been largely neglected by modern scholars.<sup>4</sup> Yet the Julian dispute highlights a number of important themes in the relationship between Church and empire. Complementing recent work on the learned patristic scholarship of the Restoration Church of England,<sup>5</sup> this article demonstrates anew how the history of Christian Rome provided a powerful weapon in political debate. An understanding of the quarrel highlights a relatively neglected aspect of 1680s succession politics and the way in which the campaign to exclude a Catholic heir to the throne was pursued and refuted through investigation of the interstices of law and religious politics in the later Roman empire. Most significantly for this volume, it uses the 1680s controversy to probe empire in a dual sense: both the Restoration's understanding of Christian Rome and the nature of *imperium* in the latter stages of England's 'long Reformation'. After a brief outline of the crucial events in Julian's life and of the Restoration quarrel, it will consider what empire meant to later Stuart authors and the difficulties they encountered in mapping fourth-century Roman onto seventeenth-century English *imperium*; the arguments over how the fourth-century Church had, and therefore how the seventeenth-century Church should, respond to apostate monarchs; the difficulties of putting this theory into practice; and, finally, how Protestant authors navigated accounts of miracles occurring in the era of an imperial Church. This will show the continuing strength of a legal-constitutional rather than territorial conception of empire and some of the inherent problems that empire posed for the Church.

Long held in suspicion (and nearly murdered) by Constantine's successor Constantius, Julian had a Christian upbringing and converted to paganism *c.*351, although he carefully concealed his new faith. Dispatched as Caesar to defend the empire in Gaul in 356, Julian was proclaimed Augustus by the army (perhaps with a little encouragement) in Paris in 360. Constantius's death the following year en route to fight his rival left Julian unopposed; overtly declaring his paganism, he returned in triumph to the East. As Restoration authors recognized, Julian's 'persecution' was of a subtle kind. He slandered the 'Galileans', prosecuted them for secular offences and

<sup>4</sup> It is mentioned briefly by Poole, 'Milton and the Beard-Hater', 172, see also 167–8; but otherwise the essential article is that by Melinda Zook (n. 9 below).

<sup>5</sup> Jean-Louis Quantin, *The Church of England and Christian Antiquity* (Oxford, 2009).

failed to punish mobs who attacked them, thus denying them martyrdom. To divide his Christian opponents, he declared toleration and invited back the Catholic bishops removed by Arians under Constantius. Exactly how the Christians had responded to this was examined through consideration of certain crucial episodes: Julian giving a donative to his army if they threw frankincense on the fire, money which they rejected with horror when they realized it had led them into pagan worship; the scorn showed to him by those who laughed at his beard, especially in Antioch, when the ascetic emperor refused to attend the theatres and chariot races.<sup>6</sup> Even more contentious were the fire that had thwarted Julian's attempt to rebuild the Jewish Temple in Jerusalem, whether the Christian soldier Valentinian had hit an officer when obliged to attend pagan worship, whether a bishop had kicked the emperor, and whether the javelin that killed Julian during his expedition against the Persians had been thrown by a Christian. Unlike the designer of an engraved frontispiece of 1619 (fig. 1), Restoration authors never cited the emperor's supposed dying remark that the 'Galilean' (Christ) had triumphed.<sup>7</sup> Although eschewing numismatic material, they were not confessionally narrow-minded, drawing on the pagan Ammianus Marcellinus as well as the Cappadocian Gregory of Nazianzus, on the pagan Zosimus as well as the Christians Socrates and Sozomen, and they were aware of Julian's response to the Antiochians, the *Misopogon*.<sup>8</sup>

In 1682, attention to Julian was galvanized by a book entitled *Julian the Apostate*, written by Samuel Johnson, vicar of Corringham in Essex. Johnson made two crucial claims. First, he drew a parallel between the pagan apostate emperor and the heir presumptive to the English throne, James, duke of York, who had converted to Catholicism. James, Johnson suggested, had dissembled his faith, and could not be trusted to tolerate Protestants, for all Catholic monarchs were obliged to extirpate heretics on pain of deposition. Such fears of a Catholic successor – another Mary Tudor – had resulted in attempts between 1679 and 1681 to exclude James from

<sup>6</sup> G. W. Bowersock, *Julian the Apostate* (London, 1978); Maud W. Gleason, 'Festive Satire: Julian's *Misopogon* and the New Year at Antioch', *JRS* 76 (1986), 106–19.

<sup>7</sup> It is a later addition to Theodoret's ecclesiastical history: *ODCC*, s.n. 'Julian the Apostate'.

<sup>8</sup> On the plentiful sources for the reign, see Bowersock, *Julian*, ch. 1; on the early modern tradition, see Poole, 'Milton and the Beard-Hater'. John Bennet, *Constantius the Apostate* (London, 1683), included a list of sources.



**Figure 1.** (Colour online) The Emperors Constantine and Julian, representing faith and apostasy. Engraved title page of William Gouge, *The Whole-Armour of God* (London, 1619), Cambridge University Library, shelfmark Syn.7.61.110. Reproduced by kind permission of the Syndics of Cambridge University Library.

the line of succession. Second, Johnson argued that the primitive Christians had not quietly submitted to Julian, but slandered him, and mocked his beard so much that he wished he had never come to power. They were entirely justified in defying him, because (unlike Christians in earlier persecutions) they had the laws of the empire on their side. Johnson conceded that they had not attacked his person, but that was simply because they lacked strength and arms for physical resistance. In Johnson's eyes, that mysterious javelin

was undoubtedly thrown by a Christian.<sup>9</sup> This was the model of behaviour Johnson intimated that his contemporaries should follow under a popish successor, suggestions for which he was tried for seditious libel, fined five hundred marks, had his book burned by Oxford University and was denounced in sermons by leading clerics at Oxford. The royalist antiquarian Anthony Wood decried Johnson's 'Fanatical piece' for offering 'plausible pleas to justifie, & specious persuasions to encourage people to rebellion & resistance & ... with the utmost strength of arms to vigorously oppose' any Catholic king.<sup>10</sup> A barrage of Anglican royalist criticism attacked Johnson's account of the primitive Christians.

It is important to recognize just how subversive Johnson's account was of a crucial facet of the Restoration Church of England's identity. That church turned to the first centuries of Christianity in claiming to recover pure Christian doctrine from corrupt Romish accretions, to demonstrate an early church government that was episcopal, not presbyterian or papal, and, with Constantine, to evidence the royal supremacy. The primitive Christian political theology of passive obedience (not obeying a sinful order, but submitting to the punishment incurred thereby) was also cited by the Anglican Church to separate herself from Presbyterian and Catholic resistance theory. Thus, while Johnson accused the Church of England of popery in supporting a Catholic successor, he was himself frequently indicted for propagating popish resistance theory. A flourishing Restoration line of argument held that popes had been the first Christians who rebelled against emperors and that denial of passive obedience was therefore popish. Had not Cardinal Bellarmine held the primitive Christians to be too weak to resist? Johnson's *Julian* attacked a sermon that was preached on the fast day for the martyr king, Charles I, by George Hickee, an expert exponent of such histories of seditious

<sup>9</sup> Samuel Johnson, *Julian the Apostate* (London, 1682). Johnson's career is surveyed in Melinda Zook, 'Early Whig Ideology, Ancient Constitutionalism, and the Reverend Samuel Johnson', *JBS* 32 (1993), 139–65; but beyond listing the responses and correctly identifying George Hickee's *Jovian* (London, 1683) as pre-eminent, she does not discuss the debate in detail.

<sup>10</sup> Oxford, Bodl., MS Wood F.47, fol. 407<sup>r</sup> (the note 'AA34' referred to in Anthony Wood, *Life and Times*, ed. Andrew Clark, 5 vols [Oxford, 1891–1900], 3: 18–19); see also MS Wood F.47, fol. 629<sup>r</sup>; *ibid.*, fol. 627<sup>v</sup> is the note 'FF43' referred to in Wood's *Life*.

ideas.<sup>11</sup> That an Anglican clergyman had denounced passive obedience in a book about an apostate emperor led to an obvious response: who was the greater apostate?<sup>12</sup> One of the first notices of *Julian*, by the Tory poet Nahum Tate in May 1682, called on its readers to ‘See how th’apostate plies his trait’rous text, / The Gospel wrack’d, and church-historians vex’d’.<sup>13</sup>

Beneath the invective, there was nonetheless a serious engagement with the nature of *imperium* in both Rome and England, and discussion of the extent to which laws of inheritance, political authority and royal ecclesiastical power were the same in both polities. Anglican royalists had to tread a fine line between endorsing English monarchs’ *imperium* and distinguishing it from that of Rome. England, Hickes insisted, was a ‘perfect Sovereignty or Empire’ and the king a ‘Compleat, Imperial, and Independent Sovereign’, citing in support of this Reformation statutes such as the Henrician Act in Restraint of Appeals and the Elizabethan Act of Supremacy. Imperial power was subject only to divine and natural law, although it could be restricted in its exercise by human law, that is, by self-limitation, in the same way that an omnipotent God governed by truth and justice. English kings were therefore the fount of all jurisdiction, the only wielders of the sword, accountable solely to God, and to be obeyed by these ‘Laws Imperial’ even when they violated the ‘Political Laws’ that protected the liberties and property of their subjects. Despite conflating passive obedience and non-resistance, and arguing that English kings were only morally bound to govern well, Hickes insisted that they did not exercise tyranny, which ‘differs almost as much from an absolute Civil Monarchy, as an absolute Civil Monarchy doth from a limited Civil Monarchy’.<sup>14</sup> The Catholic Edward Meredith outlined how

<sup>11</sup> Edward Pelling, *The Apostate Protestant* (London, 1685), 42; Hickes, *Jovian*, 238; idem, *A Sermon Preached ... at Bow Church on the 30th of January* (London, 1682); see Jacqueline Rose, ‘Robert Brady’s Intellectual History and Royalist Antipopy in Restoration England’, *EHR* 122 (2007), 1287–1317.

<sup>12</sup> Hickes, *Jovian*, 83, 208; John Northleigh, *The Triumph of our Monarchy* (London, 1685), 15; Anon., *The Life of Boetius Recommended to the Author of the Life of Julian* (London, 1683), 31–2; Thomas Long, *A Vindication of the Primitive Christians* (London, 1683), sig. B3<sup>r</sup>, p. 386; John Dryden and Nahum Tate, *The Second Part of Absalom and Achitophel*, in George deForest Lord, ed., *Poems on Affairs of State*, 7 vols (New Haven, CT, 1963–75), 3: ll. 352–99.

<sup>13</sup> Nahum Tate, ‘Old England’, in Lord, ed., *Poems*, 3: ll. 21–2.

<sup>14</sup> Hickes, *Jovian*, 204–17, 239–40, 243–4, 269, 193.

despotic power (to which submission was owed) was softened by the addition of law into the authority to which obedience was due.<sup>15</sup>

Yet this model of *imperium*, which often echoed that of Roman law, had for Hickes to be qualitatively different from the power of fourth-century rulers to change the empire's religion. The Christians under Julian had not been illegally persecuted, he argued, for they were condemned by a despotic emperor whose power was *unlike* that of a self-limiting English imperial monarch. In Rome, the pleasure of the emperor was an unwritten law, and that pleasure ran against Christians in Julian's time. Constantine could not have changed the imperial religion to Christianity if he did not have such power. Julian could therefore, unfortunately, change it back again.<sup>16</sup> By contrast, John Dowell argued that the maxim *quod principi placuit, legis habet vigorem* (the will of the prince has the force of law) did not apply in England, where monarchs could not change the established religion without parliamentary consent. How could one use 'an example of *Julian*, whose power was absolute and arbitrary, to justify any thing in *England*, where the Power is limited and divided?'<sup>17</sup> Thus, while Dowell and Hickes both sought to protect the English Church from magisterial whim, they inadvertently described royal power quite differently. Thomas Long solved the problem another way, explaining that an absolute and arbitrary power was necessary for Constantine to have created a Christian empire, but not exploring what that meant for England.<sup>18</sup>

The Anglican royalist arguments about fourth-century temporal and ecclesiastical *imperium* thus each worked well on their own terms, but caused problems when their proponents tried to apply both simultaneously. The difficulties of upholding a strongly royalist account of temporal power while denying that this would allow James to change the Church meant it was safer to fall back on asserting that James would find it impossible to re-establish Catholicism in England, even if he was legally empowered so to do.<sup>19</sup> Johnson and his supporters mocked their opponents' contradictions, treating Hickes's division of the imperial and political laws and his assertion of

<sup>15</sup> Edward Meredith, *Some Remarques upon a Late Popular Piece of Nonsense* (London, 1682), 4.

<sup>16</sup> Hickes, *Jovian*, 85–6, 90–1; Bennet, *Constantius*, 40–2.

<sup>17</sup> John Dowell, *The Triumph of Christianity* (London, 1683), 159–61, 164–5, 176.

<sup>18</sup> Long, *Vindication*, 173, 296–8.

<sup>19</sup> Meredith, *Remarques*, 27–32; Northleigh, *Triumph*, 456–8, 450.



imperial law limited in its exercise as absurd. Quoting the fifteenth-century lawyer Sir John Fortescue's description of England as a 'regal and political' dominion, Johnson rejected absolute, arbitrary, boundless power as a form of Turkish slavery.<sup>20</sup> However, even when arguing that English kings, governing by law, were more powerful than those with five times their lands, Johnson said little about the territorial dimensions of the Roman empire. Instead, he and his supporters parsed the Henrician statutes that declared an English 'empire' to show that they asserted one free from *foreign* interference. The Act of Appeals' claims about an imperial crown and the 'plenary, whole, and Entire' power of the king excluded *papal* meddling; the Act for Exoneration from Exactions paid to the See of Rome declared the realm's freedom from subjection but denied the authority of human laws not made by 'THE PEOPLE OF THIS YOUR REALM ... BY THEIR OWN CONSENT' in parliament. That both sides cited Reformation statutes exposed the contradiction at the heart of the Henrician legislation between an imperial crown / realm and a monarchical emperor.<sup>21</sup>

Having dissected the imperial power of the ruler, writers then turned to their second theme, the Church's reaction to an *imperium* abused by a pagan or apostate emperor. All agreed that the first- and second-century Christians had suffered persecution without actively resisting, exemplified by the Theban Legion, who had refused to sacrifice and had been slaughtered, despite clearly having the ability to resist. As is well known, the early modern Church of England presented herself as staunchly maintaining passive obedience. Her clergy constantly cited Romans 13, the Pauline injunction to obey earthly powers, praised the passive obedience of their primitive Christian counterparts who 'outdid themselves' in submitting to their monarchs: 'their Passive Obedience was their glory, and their Blood watered the Church of Christ',<sup>22</sup> and reasserted that 'prayers and tears' were the proper response to tyranny and persecution. Yet

<sup>20</sup> Johnson, *Julian's Arts*, 170, iii, 84, 164–5, 170–86; Robert Howard, *A Letter to Mr Samuel Johnson* (London, 1692), 4.

<sup>21</sup> Johnson, *Julian's Arts*, 188–90, 197; Anon., *Letter of Remarkes*, 9–11; the latter was attributed to William Atwood by William Hopkins, *Animadversions on Mr Johnson's Answer to Jovian* (London, 1681), sigs a2<sup>r</sup>–<sup>v</sup>, and to the Earl of Anglesey by Anthony A. Wood, *Athenae Oxonienses: An Exact History of all the Writers and Bishops who have had their Education in the University of Oxford*, ed. Philip Bliss, 4 vols, 3rd edn (London, 1813–20), 4: col. 185.

<sup>22</sup> Samuel Parker, *Religion and Loyalty*, 2 vols (London, 1684–5), 1: 142–3 (§19); Dowell, *Triumph*, 163.

prayers in particular proved contentious. What the debate over Johnson's *Julian* demonstrated – more than many other occasions on which the church emphasized her loyalty – was a detailed discussion of what actually constituted passive obedience versus active resistance. Were certain deeds – kicking the emperor, striking his officer – resistance? Above all, were words resistance?

That Julian's Christian subjects had forcefully asserted his error, and defiantly prayed and sung psalms about idolaters, was not in question. Johnson and his supporters argued that such invective amounted to resistance: 'active Tongue-Assault'.<sup>23</sup> Anglican royalists had three answers. First, they argued that the words of a tiny minority, even if they did go too far, did not outweigh the obedience of the vast majority, particularly that of the army.<sup>24</sup> Second, they toned down any slanders by reinterpreting the words used: thus they argued that 'confound' in Psalm 71 did not mean 'destroy', and that Gregory of Nazianzus's invective was not a plain representation of historical fact but full of amplifications (rhetorical devices used to exaggerate crimes).<sup>25</sup> Likewise, they claimed that the governor of Berea who had rebuked his son in front of the emperor for turning pagan had done so respectfully, while Marius, bishop of Chalcedon, 'reflected not on his *Person*, but his *Paganism*'.<sup>26</sup> Such language was therefore no more violent than the critiques of the Arian Constantius, who was a worse persecutor than Julian had been, and was still obeyed.<sup>27</sup> Similar strategies were used to refute the idea that Gregory (or his father) had kicked Julian. Hickes denied that 'kicking' could be the correct translation – could an aged and infirm bishop really have managed it? Even if so, it was but 'one Eccentrick Example in 360 years'.<sup>28</sup>

<sup>23</sup> Sir Robert Howard, *The History of the Reigns of Edward and Richard II* (London, 1690), preface, xi; Anon., *The Account of the Life of Julian the Apostate Vindicated* (London, 1682), 32.

<sup>24</sup> Bennet, *Constantius*, 15–17; Long, *Vindication*, ch. 3. On the army, see Hickes, *Jovian*, 170–2; Pelling, *Apostate Protestant*, 42–3; Parker, *Religion and Loyalty*, 2: 2.

<sup>25</sup> Hopkins, *Animadversions*, 16; Hickes, *Jovian*, 127; Bennet, *Constantius*, sig. [A6]<sup>r</sup>; Long, *Vindication*, 8, 63.

<sup>26</sup> Long, *Vindication*, 74. Hickes dismissed Marius as an Arian: *Jovian*, 107–9.

<sup>27</sup> Bennet, *Constantius*; Long, *Vindication*, sig. B3<sup>v</sup>; Dowell, *Triumph*, 167; Hickes, *Jovian*, 162.

<sup>28</sup> Hickes, *Jovian*, 115–21, sig. A8<sup>v</sup>; Hopkins, *Animadversions*, 107–9; Long, *Vindication*, 78–81; cf. Bennet, *Constantius*, 24.

Third, after diminishing the invective, it was redescribed as the necessary duty of Christians to an erring ruler: that is, as admonition or counsel. Passive obedience should not constitute silent acceptance of error but was compatible with fulsome critiques of paganism (or popery). A civil resolution to defend one's faith might be appreciated, not punished.<sup>29</sup> Hickee said his fellow clergy thought it their 'Duty ... to tell not only a Popish Prince, but a Popish King to his Face, did he openly profess the Popish Religion, that he was an *Idolater*, a *Bread-worshipper*, a *Goddess-worshipper*, a *Creature-worshipper*, an *Image-worshipper*, a *Wafer-worshipper*'. Hickee labelled this freedom of rebuke '*Confessorian Parrhesia*', *parrhesia* being the classical figure of freedom of speech that introduced advisory discourses. This 'Liberty of Speech', of which there were 'Examples ... in most Persecutions', stretched back to opposition to Nebuchadnezzar, establishing an admonitory tradition of those who, 'inspired with Zeal and Courage, used ordinarily to shew it in *the Freedom of their Speech* before Kings, and Governours'.<sup>30</sup> Such zealous linguistic admonition – preaching *memento mori*, threatening divine wrath – was martyr-like courting of persecution, but not physical resistance; criticizing imperial sins, not kicking the emperor's shins.

Vigorous counsel thus seemed to be the way to blend deference to imperial authority and royal supremacy with an upright defence of the Church. In arguing that two independent civil and ecclesiastical powers could coexist, Samuel Parker stated that passive obedience made Christians the best subjects, while a Christian emperor, governing rightly, would not meddle with but protect the Church.<sup>31</sup> Parker contrasted the bold and brave, yet civil, admonitions of orthodox bishops with the flattery of the Arian clergy who monopolized access to Constantius and misled him. There was an implicit hope here that an apostate emperor (read: Catholic monarch) might be nudged back into good behaviour by counsel, obviating the need for resistance. This bears an ironic relationship to a classical tradition in which Julian's actions were held to have been mitigated by the good counsel of *pagan* philosophers.<sup>32</sup>

<sup>29</sup> Parker, *Religion and Loyalty*, 2: 29.

<sup>30</sup> Hickee, *Jovian*, 96, 106–7 (the reference to opposition to Nebuchadnezzar is to Dan. 3: 16–18); David Colclough, *Freedom of Speech in Early Stuart England* (Cambridge, 2005), ch. 1.

<sup>31</sup> Parker, *Religion and Loyalty*, especially vol. 1, pt I.

<sup>32</sup> Peter Brown, *Power and Persuasion in Late Antiquity* (Madison, WI, 1992), 67–8.

What made these late Restoration writers so sensitive to the question of whether words constituted rebellion? First, they were highly sensitive to the effectiveness of preaching. Anglican royalists frequently denounced the Civil War Presbyterians and Independents who had incited rebellion and regicide. Long even compared primitive Christian orations on passive obedience to a mock speech, drawn from Johnson's *Julian*, encouraging the army to resist.<sup>33</sup> Meanwhile, those on Johnson's side crossly denounced the power of the pulpit in fostering obedience. Second, the fears and jealousies aroused by the rhetoric of Charles I as a popish king, which had done so much to contribute to distrust and civil war, seemed to be revived by the wild rumours of the Popish Plot and Exclusion Crisis. While an early Restoration statute had banned calling the king a papist,<sup>34</sup> in late 1683, renewed judicial endorsement was given to the equation of words and resistance, when Lord Chief Justice Jeffreys used Algernon Sidney's republican *Discourses* as the second witness needed to convict him of treason, for '*scribere est agere*': to write is to act.

The British Julian's accession to the throne in 1685 tested assertions about practising passive obedience. James II ironically proved to out-Julian Julian, not overtly attacking the Church of England or forcing conversions, but instead undermining its privileged position by offering toleration to Dissenters and Catholics and prosecuting its criticisms of his co-religionists. Even his attack on Anglicans' monopoly of university positions could be equated to Julian's suppression of Christian tutoring.<sup>35</sup> Under James, Johnson carried his theory of resistance into practice, circulating seditious material within the army, for which he was fined, pilloried and defrocked.<sup>36</sup> By contrast, John Northleigh's attack on Johnson and those who 'Burlesque the very Bible, traduce the Doctrines of all Primitive Christianity' was dedicated to James II.<sup>37</sup> Indeed, as late as February 1688 Northleigh was offering support for James's policies in a pamphlet, twenty thousand copies of which were printed with royal

<sup>33</sup> Long, *Vindication*, 158–64.

<sup>34</sup> 13 Car. II c.1.

<sup>35</sup> In the 1650s, John Evelyn stated that Oliver Cromwell 'imitated the *Apostate Julian*' when the Protector banned Anglicans from teaching: John Evelyn, *Diary*, ed. Esmond S. de Beer, 6 vols (Oxford, 1955), 3: 163.

<sup>36</sup> Ri. Morley Registratus and J. Wickham Legg, 'The Degradation in 1686 of the Rev. Samuel Johnson', *EHR* 29 (1914), 723–42.

<sup>37</sup> Northleigh, *Triumph*, sig. C3<sup>r</sup>.

financial support.<sup>38</sup> Samuel Parker would also demonstrate complicity in royal policies, taking up the mastership of Magdalen College, Oxford (where the Catholic Meredith was appointed to a fellowship) after a battle between James and the fellows over the king's Catholic nominee.

But the usual Anglican response was rather more complicated. Most refused to support active resistance to James, but many churchmen vehemently criticized royal policies and refused to cooperate with them.<sup>39</sup> Hickes is again the most prominent example. He attended James's coronation, although he failed to obtain a pardon for his brother's involvement in the Monmouth rebellion. He preached against royal policies, printed a substantial critique of Catholicism in 1687, and proclaimed that if the bishop of Worcester died, then as dean (a position to which he was appointed in August 1683, clearly as a reward for *Jovian*) he would not summon the chapter, thus preventing the king from forcing any Catholic bishop on them.<sup>40</sup> Yet Hickes was soon to be reminded of the dangers that adherence to passive obedience might pose to his church. In April 1688, Daniel Kenrick, a local minister, used an assize sermon on Romans 13 in Worcester Cathedral to defend the royal policy of a 'lasting Indulgence' (statutory toleration of Dissenters and Catholics) by arguing for absolute obedience on the model of Christ, the apostles and the primitive Christians. This was more than coincidental. While not attacking his dean by name, his target was clearly evident in his claim that passive obedience was not practised by those who criticized the king and prayed against him with 'bitter Words ... as disobedient, as ... a Javelin' and his insistence that none were to use 'Confessorian Boldness' to call the king an idolater or 'impiously' describe him as a 'Wafer-worshipper'.<sup>41</sup> Hickes nevertheless had good reasons to think his conduct a perfect example of passive obedience: criticizing James's religion, but refusing to swear the oath of allegiance to William and Mary in 1689, and even refusing to leave his deanery when deposed

<sup>38</sup> Andrew M. Coleby, 'Northleigh, John (1656/7–1705)', *ODNB*, online edn (2004), at: <<http://www.oxforddnb.com/view/article/20331>>, accessed 26 May 2016.

<sup>39</sup> Mark Goldie, 'The Political Thought of the Anglican Revolution', in R. A. Beddard, ed., *The Revolutions of 1688* (Oxford, 1991), 102–36.

<sup>40</sup> Theodor Harmsen, 'Hickes, George (1642–1715)', *ODNB*, online edn (January 2008), at: <<http://www.oxforddnb.com/view/article/13203>>, accessed 26 May 2016; George Hickes, *An Apologetical Vindication of the Church of England* (London, 1687).

<sup>41</sup> Daniel Kenrick, *A Sermon Preached at the Cathedral-Church of Worcester at the Lent-Assize, April 7th 1688* (London, 1688), 9, [20–1], 29.

as a nonjuror, pinning up a proclamation of his rights, for which he was outlawed in 1691.<sup>42</sup>

The *Julian* debate had a post-revolutionary coda. The events of James II's reign proved, for Johnson and his supporters, how dangerous a Catholic king might be; and, for their opponents, how effective the practice of passive obedience was. In 1689 Johnson therefore printed a renewed attack on imperial sovereignty, timely in the wake of a deposition that, try as it might, could not quite deny that it had removed a king, while Sir Robert Howard praised Johnson, 'one of the greatest Persons of the Nation', both in parliament and in print.<sup>43</sup> Howard pointed out the contradictory behaviour of the Church under James, using Hickes's conduct to impugn Anglican loyalty. This was criticized by a correspondent of Hickes in 1691, who argued that passive obedience had thwarted James; Howard responded the following year, asserting that passive obedience would never have saved the country from James's tyranny.<sup>44</sup>

While the utility of Julian for discussions of *imperium* and obedience seemed to be exhausted by 1692, one further dimension of his reign deserves notice as an example of how fourth-century Rome was used by the Church of England in her confessional battles. The Anglican claim that the age of miracles had ceased was tested by the accounts in their sources of visions and, above all, by the events that thwarted the endeavour to refound the Temple: fireballs from the ground, an earthquake and a 'miraculous Light in the Heavens, which appeared in the form of a Cross, and powdered the Garments not only of Christians, but Pagans, with Crosses'.<sup>45</sup> While Johnson had mentioned the episode to demonstrate that divine intervention was necessary because Christians lacked the strength to resist the emperor, most of his opponents did not interrogate it. Long cited it briefly, although he did not explicitly refute it in the way in which he denied visions of Julian's death.<sup>46</sup> But one author, John Dowell, did unambiguously endorse both the story of the Temple and the accounts of miracles and signs. Sometimes he described events as

<sup>42</sup> 'Hickes', *ODNB*.

<sup>43</sup> Johnson, *Julian's Arts* (printed in 1683 but hidden from the government: see *CSPD*, Jan.-Aug. 1683, 336); Anchtell Grey, *Debates of the Honourable House of Commons*, 10 vols (London, 1763), 9: 288–9; Howard, *History*, preface.

<sup>44</sup> Hopkins, *Animadversions*, 6–7, 77, 101; Howard, *Letter*.

<sup>45</sup> Dowell, *Triumph*, 66.

<sup>46</sup> Long, *Vindication*, 365, 112.

providentially determined: God misleading emperors into making bad decisions, treatments well within the realm of Calvinist orthodoxy.<sup>47</sup> He recounted the sticky ends of Julian's evil pagan counsellors, especially that of his uncle and namesake, another apostate, whose blood and excrement spouted from his mouth; but even this was not so very different from Protestant martyrologists' descriptions of the deaths of persecutors.<sup>48</sup> Yet Dowell went further, describing the young man who appeared to wipe Theodorus's brow when he was racked.<sup>49</sup> He defended the 'Revelations' and 'Visions' that geographically distant Christians had had of Julian's death. This went beyond the extraordinary and preternatural operations of Providence that signalled God's judgement and slipped into the realm of *miracula*. For Dowell, although miracles were 'not so frequent as they were in Apostolical times, yet they never ceased in the Church of God'. He saw in Julian's reign a chance not only to refute the political theology of the apostate Johnson, but also to fight a wider campaign against the philosophers like Thomas Hobbes and Benedict Spinoza who denied miracles. Perhaps not coincidentally, his book was printed in the same year as Charles Blount's epitome of these radical philosophers in his *Miracles no Violations of the Laws of Nature* (London, 1683). Tellingly, Dowell condemned the bad Christians who denied their faith under Julian as Hobbist Nicodemites.<sup>50</sup>

Comparing Dowell's discussion to that of William Warburton seventy years later demonstrates the changing ways in which Anglicans defended the possibility of miracles in the fourth century. Warburton's work exemplifies the shift towards what Jane Shaw has called evidentialist cases for miracles that eschewed both Catholic and Dissenting credulity about their frequency while avoiding the critical stance about post-biblical *miracula* that had opened a door to free-

<sup>47</sup> Dowell, *Triumph*, 25, 98, 90–6; cf. Augustine, *City of God* 5.21.

<sup>48</sup> Dowell, *Triumph*, 47–9.

<sup>49</sup> Ibid. 43–4; compare his earlier critical stance in *The Clergies Honour* (London, 1681), 60–1. Ironically, the episode had been cited by Johnson (*Julian*, 47–8) and his supporters (Anon., *Account of the Life*, 29); cf. Meredith, *Remarques*, 23. It comes from Tyrannius Rufinus's continuation of Eusebius's *Ecclesiastical History*, 1.36: Tyrannii Rufini, *Opera Omnia*, PL 21, col. 504.

<sup>50</sup> Dowell, *Triumph*, 101–17, 122–3; see also his *The Leviathan Heretical* (Oxford, 1683). By defending, in *Leviathan*, ch. 42, Naaman's concealing his true belief and bowing to the idol in the house of Rimmon (2 Kings 5: 17–19), Hobbes endorsed the idea that one could legitimately hide one's faith. Nicodemus was the disciple who came to Jesus in the night (John 3: 2); Nicodemism, a timid or hidden Christianity.

thinkers and sceptics.<sup>51</sup> Where Dowell cited the Fathers, Warburton rejected Conyers Middleton's attack on post-apostolic miracles by comparing different sources, admitting that patristic narratives took liberties with chronology, and separating the phenomena God had caused from their natural effects. Thus Warburton claimed the fire that erupted from the ground could not have occurred naturally where the Temple was located, but that the crosses on people's clothes derived from the phosphate thrown up settling on the warp and weft of linen. The idea that miracles must have ceased in the fourth century because God would not have approved of (by intervening to defend) a Church corrupted by imperial power and popery had, by this period, become more important than showing that the primitive Christians had obeyed Julian.<sup>52</sup>

The Christian Roman empire thus proved a fruitful, if also highly problematic, source for early modern English Protestants. The nature of the Church-state relationship lay at the heart of the debate over Johnson's *Julian*, and it stimulated discussion not merely of Constantine but of a whole range of fourth-century emperors and events. These figures and occurrences could be invoked by defenders of the Restoration Church and monarchy, but they also needed to be controlled, for elements of them were always liable to be appropriated by the opponents of Anglican royalism. As late as the 1680s, therefore, the correct interpretation of the early Christian empire was vital to establish in order to defend a particular view about the identity of the Church of England.

In one sense, the timing of the *Julian* debate made it one of the last episodes in the history of a particular interpretation of *imperium*. Although the 1680s were an age of expansion, the territorial dimensions of the fourth-century empire went almost unnoticed. Sovereignty, civil and ecclesiastical, was the primary focus of the argument and the foremost meaning of empire; yet within a few decades empire's principal import would be a territorial one. The transition between these two meanings of empire, legal-constitutional and territorial, requires further study. But in another sense the Restoration debate highlights

<sup>51</sup> Jane Shaw, *Miracles in Enlightenment England* (New Haven, CT, 2006), 2–3, chs. 2, 7; see also Alexandra Walsham, 'Miracles in Post-Reformation England', in Kate Cooper and Jeremy Gregory, eds, *Signs, Wonders, Miracles: Representations of Divine Power in the Life of the Church*, SCH 41 (Woodbridge, 2005), 273–306, especially 286–7.

<sup>52</sup> William Warburton, *Julian, or a Discourse concerning the Earthquake and Firey Eruption*, 2nd edn (London, 1751).



a more transhistorical phenomenon: the inherently tense relationship between Church and empire. It provoked some of the most fulsome defences of and sharpest thoughts about passive obedience produced by the Restoration Church of England, but also hinted at the ways in which her clergy would respond critically to an apostate king who (in their eyes) abused his ecclesiastical *imperium*. When, in 1686, an Anglican preacher celebrated the first anniversary of James II's coronation by declaring that his Catholic king was 'not a Nero, but a Constantine the Great to us',<sup>53</sup> he tactfully avoided any mention of Julian. Some of his congregation may not have felt quite so sanguine, as they braced themselves to implement the passive obedience that would eventually destroy the British Julian's *imperium*.

<sup>53</sup> Thomas Cartwright, *A Sermon Preached upon the Anniversary Solemnity of the Happy Inauguration of our Dread Sovereign Lord King James II: In the Collegiate Church of Ripon, February the 6th. 1685/6* (London, 1686), 15.